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The politics of the visible/invisible border: Canada's responses and (in)actions towards refugee claimants' protection

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THE POLITICS OF THE VISIBLE/INVISIBLE BORDER: CANADA'S

RESPONSES AND (IN)ACTIONS TOWARDS REFUGEE CLAIMANTS'

PROTECTION

by

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Abstract

This thesis explores Canadian responses towards unexpected arrivals of asylum seekers at their borders. Grounded in critical and feminist geopolitics, it aims to unveil hidden and concealed policies that are implemented behind a narrative of humanitarianism. In particular, it takes the land border crossings from the US to Canada that occurred after the implementation of restrictive asylum policies in the US in 2017 and following years. Although migratory movements can be attributed to several factors, this displacement was triggered by Trump's anti-immigrant narratives and policies aimed to decrease refugee and immigrant arrivals to their territory.

The dissertation's central argument is that Canada's bordering practices rely on an invisible/visible dichotomy to restrict asylum seekers arrivals at territorial limits. This thesis explores how Canada's border restrictions and policy often act through means that *invisibilize* the border, through tactics of (un)provision, neglect, and selectivity. I argue that these factors restrict in important ways refugee claimants' experiences and identities, and human mobility in general. I also explore how these dynamics temporarily shift in times of crisis when the Canadian government *visibilizes* the border as a way to maintain the state narrative of protecting its integrity. I argue that these particular responses are directed to a specific audience: the electorate and the Parliament.

In service of this central argument, I use and expand the concept of reverberations in two manners: to trace back the impacts of harsher US immigration policies in the Canadian refugee system and to make Canadian border policing visible in local spaces. Using the concept of reverberations proves crucial to understand policy impacts at different scales. Throughout this project, I jump scales to demonstrate how the invisible border is particularly found in localized spaces, like refugee centers. In particular, I offer insights into how local organizations adapted the

ways in which they offered services to refugee claimants, after Canada's government provided an insufficient response towards refugee protection and settlement needs. I also explore how invisible Canadian bordering practices play out in more personal and intimate spaces: refugee claimants' identities. I discuss this by analyzing Canadian categorization practices based on colonial perceptions of refugees. Particularly, I focus on differences in rights and access to services between refugee claimants and resettled refugees. I argue that the border is often concealed through practices of selectivity and humanitarian exclusion, which are determined by hierarchies of membership that lie at the core of Canada's refugee system.

This dissertation contributes to literature on migration, border practices and humanitarianism. This research produced empirical and comprehensive examination on how different scales intertwine in asylum policy. It particularly pays attention to issues related to refugee identity and experience. Its most constructive contribution comes with exploration of the "invisible" border policing dynamics and its consequences in the intimate spaces of refugee claimants, including their own perception of *refugeeness*.

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CHAPTER 1

Introduction

Where and what exactly is the border? Is it this line in the dirt, stretching for 3,000 kilometres? Is the border more accurately described as a zone which includes the towns of El Paso and Ciudad Juarez? Or is the border the whole country, the continent? Where does the US end and Canada begin? Does the US end at the 49th parallel or does the US only end at your living room when you switch on the CBC? After all, as Carlos Fuentes reminds us, a border is more than just the division between two countries; it is also the divisions between two cultures and two memories- Guillermo Verdecchia, 1993, from his play Fronteras Americanas

After a long bus ride to Fort Erie, a border city between the United States (US) and Canada, I was received enthusiastically by one of the service providers whose center offered protection to refugee claimants. Her refugee center was hosting three families at the time. I had already met her a few months ago when I interviewed the only family living at her centre at the time. The place seemed spacious enough but, as she mentioned, it became rapidly crowded as people arrived with large families of their own. I was sitting in a small room while I waited for the first family to interview, looking out the window where a small group of children were playing outside, speaking to each other in Spanish. The first family arrived, sat down and immediately asked me if I was their lawyer. They seemed confused after I explained that I was a researcher and the purpose of my study. While they still agreed to participate in the study, they felt disappointed that they had not met their lawyer yet. They told me that they have been waiting weeks to meet her and to continue with their asylum applications. They had come to Ontario from British Columbia where they crossed, as they believed having access to a lawyer and other services was much easier here,

in Ontario. Unfortunately, a few weeks before they arrived in Fort Erie, the legal aid cuts were implemented in the province, making it more difficult to secure representation for their refugee cases. As they had not talked to their lawyer, they were unaware of how much money they would have to pay for her services after this change.

The following family who entered the room was the one who I had previously interviewed the first time I was at this center. The grandfather of the family –and only adult male– lived in the US as undocumented for twelve years, but decided to cross to Canada with his partner, his kids and his grandchildren. I decided to make this a follow up interview and they agreed to tell me what had improved in the last few months. Unfortunately, their situation had not changed much. He was still waiting for his job permit, they still relied on welfare, and they had not found affordable housing for his large family. He was doing small jobs, like repairing cars or driving people to places. Four months after their arrival, they were still living in this center because the houses that they looked were either too expensive or not suitable for their large family.

These two families, whose journeys and migratory histories are similar, seemed that they were abandoned, neglected by institutions; waiting in the dark to get the answers and resources to have their basic needs fulfilled. This trip to Fort Erie, particularly, made me ask how refugee claimants were facing such difficulties in Canada. They left the US with hopes of protection in Canada; however, they still faced important –concealed– barriers in the refugee determination process. I constantly questioned how was it possible that such hardship was experienced in Canada? Was Canada a safe haven for all? And, how were these "concealed" experiences as wounding as other more "theatrical" border policies?

This type of experience was lived across Ontario after the influx of asylum seekers arriving from United States in recent years. People crossed irregularly and by official means to Canada

after harsher immigration policies in the US were implemented by the Trump administration in 2017. Asylum seekers believed they could access protection in Canada, nonetheless they also faced lengthy backlogs in the refugee determination system, inefficient management of their cases, provincial cuts and an unaffordable housing market in some provinces. These mechanisms had relevant impacts not only in asylum seekers experiences, but also in human mobility in North America.

In an era marked by capitalist expansion and globalization, states' desire to control border-crossings, human mobility and displacement has caused a "re-bordering" of the world through new technologies and discourses (Bigo, 2002; Anderson, 2006). Although prized by its welcoming attitudes to immigrants, Canada has not been the exception to this reality. Framed in post 9/11 anti-terrorism language, Canada has implemented its own security apparatus to stop unwanted arrivals in its territory. Given Canada's geographical position, surrounded by sea borders and the shared border with the US, the share of displaced people they receive is significantly low compared to other peer countries. Since 1980, Canada has welcomed 1,088,015 refugees; however, the number of displaced people (including 26.4 million refugees, 48 internally displaced people, and 4.1 asylum seekers) ascended to 80 million in 2020 (UNHCR, 2020b).

Historically, Canada has established immigration policies that control its borders, while also maintaining a humanitarian reputation in the international arena. However, their borders are not the exception of "immigration crisis" episodes, like the one that occurred in 2017. After former President Trump entered office, Canada recorded the highest number of refugee claims on record for a single year with 47,425 petitions in 2017 compared to 23,350 in the previous year (IRB, 2017). After that, Canada provided a strong response to manage the growing numbers of irregular and regular arrivals at their borders and implemented a resource-intensive plan to manage the

backlogs in the Immigration Refugee Board (IRB). It is relevant to note that the 2020 pandemic halted the number of crossings after Canada and US closed their border on March 2020 as COVID-19 was first spiking. Nonetheless, the backlog of petitions in 2020 was still alarming with more than 90,000 claims in March of that year (IRB, 2020a).

It is clear that Canada has often felt secure in its ability to select migrants and types of refugees from abroad. Compared to its southern neighbour, irregular immigration is not a recurrent event at their boundaries. Moreover, episodes where Canadians "lost control"[1] of their borders have been fewer or shorter. Although these episodes are limited, they have had an important impact in domestic policy and are key to implementing more border regulations and immigration control. This project revolves around three main questions. First, what are the dynamics of Canadian responses towards influx of unexpected asylum seekers at their borders? Second, how is the border (re) asserted through their responses? And third, how do bordering mechanisms impact intimate and personal experiences of refugee claimants?

The overarching argument of this thesis is that Canada's bordering practices rely on an invisible/visible border dichotomy to restrict asylum seekers arrivals at their territory. I develop this argument in the following ways. One the one hand, Canada's border restrictions and policies often act through means that *invisibilize* their border, concealing the forms of control that the government imposes on refugee claimants. Contrary to other nations that rely on theatrical border measures, Canada deflects its harsher policies and intertwines them in other elements of refugee claimants' experiences and every-day lives. For example, restricting their rights to get medical attention or reducing their opportunities to get adequate housing for their families. Thus, bordering

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[1] I use the phrase "lost control" as an expression that follows the current immigration and border reality, in which states perceive that they have control when they have an "organized" migration system and border crossings, according to their standards. In a neo-liberal world, having lost control means mass arrivals of irregular migration and chaotic petitions of asylum at the border.

policies end up having relevant impacts at local and personal scales. Although Canada maintains a humanitarian narrative to frame refugee resettlement policies, the Canadian invisible border is reproduced through practices of selectivity, (un)provision and neglect. In particular, I show that there is a selective exclusion among types of refugees which impacts their access to settlement services. This selective exclusion is practiced through categorizations that are based on colonial constructions of refugeeness. Canada's critical strategy of labelling, which impose disparities between refugees, allows the government to protect in more clear ways one type of refugee while excluding others deemed as threats and undeserving (i.e., refugee claimants).

To make this form of border police visible, I shift scales to trace the outcome of Canadian bordering dynamics in refugee centers and into refugee claimants' experiences. I analyze how Canadian border policing impacted in relevant ways those organizations aimed to ensure the protection of refugee claimants. As a result of (un)provision and lack of real solutions from the government, refugee centers had to implement new mechanisms to offer services to everyone arriving at their doors. In addition, I study the impact of Canadian policies in refugee claimants' lives and identities by using categorizations. Through categorization practices, Canada is not only limiting access to primordial services to refugee claimants, but also the formation and expression of their own identity.

While this is a recurrent dynamic, this changes in times of crisis when the Canadian border needs to become visible as a way to maintain the state narrative of protecting the integrity of its borders. This study shows how the impacts of US harsher immigration policies reverberate in Canadian territory making their border more evident, as Canada often has to react *visibly* towards asylum seekers' flows as a way to promote an image of security. Therefore, Canada imposes stricter and harsher responses to limit irregular border crossings from the US, but most importantly,

to demonstrate that everything is under the control of the state. I take Hiemstra's (2012) concept of reverberations as it highlights the transnational dimension of border policing. She uses geopolitical research on borders to demonstrate that US detention and deportation practices reverberate to immigrants' places of origin. Her work is informative as it illustrates how immigration enforcement has become disengaged from territorial borders.

Nevertheless, these reverberations expand and become equally intertwined in invisible mechanisms of border policing. For example, the rapid increase of asylum petitions' backlog in Canada was a direct consequence of US implementing harsher immigration policies in their territory. However, other less visible elements, like administrative inefficiencies, created impending restrictions for those already in Canada asking for asylum. Therefore, the backlog, heightened by Canada's institutional neglect and inefficacy, became part of the Canadian border policing apparatus. On the other hand the changes made by Canadian politicians to adapt to the surge of new arrivals from the US, were not enough to eliminate the constrains for refugee case processing. Years of institutional neglect hindered effective solutions for offering protection to those arriving at their borders after 2017.

This thesis aims to demonstrate that the invisible border causes as much damage as a border wall or the growing presence of border patrol agents. For example, by not increasing and officialising refugee claimants' support, by neglecting institutions that facilitate resettlement, by cutting legal aid, and by dismissing refugee claimants' experiences, the state is constraining human mobility as much as any visible border policing practice. I show that the invisible border in Canada can be seen at different scales. At the regional scale, Canada fails to cover a humanitarian need in the region looking away from Central Americans refugee crises; at the local scale, Canada neglects institutions and fail to improve basic resources refugee claimants need for a positive settlement

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experience (e.g. shelter and housing). At the level of the body, Canada invisibilizes and re-asserts their border, by using selective practices that differentiate between deserving and undeserving refugees. The following sections of this introductory chapter will discuss in depth the latest episode of border crossings from US to Canada, the methodological approaches used for this study and the dissertation outline.

Canada's place in North America: Asylum seekers' crossings after 2017

The latest episode of mass influx of asylum seekers from the US to Canada is of particular relevance as it demonstrated that Canada is not ready to receive unexpectedly large amounts of asylum seekers at one or multiple entry points. The year Trump entered into office (2017), more than 20,000 people crossed irregularly to Canada in search of protection (Government of Canada, 2020a). The refugee claimants crossing the border are comprised of people who had a visitor visa and only transited in the US for a short period with the intention of claiming asylum in Canada as well as people who stayed in the US for a number of years with pending or denied asylum claims or in risk of being deported due to their policies (UNHCR, 2019a).

The causes in the surge of arrivals are the result of a few factors; however, empirical research has demonstrated that US policy change during Trump's administration is one of the main factors driving an increase in border crossings (see Smith, 2019; UNHCR, 2019a). President Trump's administration was built upon anti-immigrant rhetoric which was translated into proposed policies like eliminating Temporary Protected Status (TPS) programs, giving more power to the Department of Homeland Security (DHS) agents to arrest undocumented migrants, increase interior enforcement, and barring the entry of asylum seekers using a public health statue during the COVID-19 pandemic.

Some of the refugee claimants, who used the US as a transit country, were part of the so-called "extra continental migrants" who hoped to traverse the American continent to seek asylum in United States or Canada. Routes previously used almost exclusively by Central Americans are used now by people coming from countries such as Eritrea, Congo, Burkina Faso, India, Pakistan and Nepal (Lawal, 2019). Most of them escaped conflict, repression and lack of economic opportunities. These extra continental migrants enter the Western Hemisphere through legal means, particularly to countries with lax visa requirements, like Ecuador, Brazil and Guyana (Yates, 2019). From there, they start their dangerous, arduous, and expensive journey north to reach either the US or Canada. Figure 1 shows the potential routes used for asylum seekers who transited through Latin America and US to reach Canadian land. However, some of them abandon their quest and remain in South America whether by choice or as a result of tough migration policies in US; for example, as a result of the "Remain in Mexico" policy which mandates that people who start a refugee claim in the US should wait in Mexico until their cases are processed (Chishti and Bolter, 2019).

Figure 1.

Potential migratory routes from asylum seekers coming from Africa and Asia

This demographic change is particularly helpful to situate Canada in the global context at that time. Throughout 2018, traditional destinations and transit countries in Europe were implementing more restrictive immigration policies which significantly changed patterns and routes taken by asylum seekers (UNHCR, 2018a). For example, in 2018, Italy made the decision to no longer allow refugees, who were rescued off the coast of Libya through the Libyan Search and Rescue operations, to disembark in their territory. Particularly, in June of that year, Italy closed ports to all rescued refugees, leaving Aquarius, a search and rescue vessel, stranded at sea for eight days. The vessel had 630 vulnerable men, women and children on board until they were allowed to disembark in Valencia, Spain (Medecins sans Frontiers, 2018). In that year, the Libyan Coast Guard Search and Rescue operation, a program backed by the European Union, stepped up its operations. Most of those intercepted and returned to Libya faced detention in appalling conditions, torture, exploitation and abuse. In the aftermath of these events, European governments failed to reach a solution to share responsibility for refugees arriving at Europe's' shores. This has caused shifting migratory routes; for example, a key movement trend in 2018 was that Cyprus had a sharp increase in migrant arrivals. More migrants tend to arrive to the Greek- administered Cypriot south as a way to reach European Union sovereignty and access protection (Hauswedell, 2021).

The migratory restrictions in 2018 were not exclusive to the European continent. In North America, Trump's administration was also implementing its "zero-tolerance policy" to prosecute anyone crossing the border. This policy ended up affecting hundreds of asylum seekers, particularly those coming from the Northern Triangle (El Salvador, Honduras and Guatemala). The policies established by United States are explored in more detail in Chapter 3.

Asylum applications in other countries by citizens of the Northern Triangle increased more than elevenfold from 2011 to 2017 (Mathema, 2018). This region is considered one of the most dangerous regions in Latin America for diverse groups of people. People flee from the region due to circumstances like gang-violence, cartels, domestic violence, human trafficking and sexual and gender-based violence (KIND, n.d.). Women, children, and LGBTQ people are often more recognized by states as a protected category; however, the level of vulnerability and risk varies among populations. Historically, the main destination for these people has been United States; however, after Trump's administration policies they looked into other options to seek protection, like using Caravans or extending their journeys to Canada. It is key to understand how asylum seekers aiming to reach Canada are situated in a larger geopolitical context.

These changes in migratory routes in North America and Europe during 2018, and subsequent years, is relevant because it demonstrates asylum seekers active search for other countries where they can access protection when facing harsh immigration policies in traditional destination countries. Therefore, asylum seekers were diversifying routes and operations, while also starting to consider other places as destination countries. This thesis demonstrates that Canada contributes to this phenomenon as it started to be considered as a country of first asylum for people who traditionally looked for refuge in the United States. By implementing harsher immigration policies, the US was pushing asylum seekers out and away, and redirecting them to the next geographically proxime country where they could access asylum. This work shows the nuances and implications of these movements.

In the case of Canada, the influx of arrivals in 2017 consisted of irregular asylum seekers and those who started asylum petitions at official ports of entry. While irregular arrivals represented the major share of arrivals; petitions at officials ports of entry also increased from

people whose cases fell under one of the Safe Third Country exceptions. The demographics of asylum seekers also changed overtime. The nationalities of people shifted from Haitian to Nigerian in the beginning to people coming from Central and Latin America. At the beginning, the geographies of crossing were focused on Manitoba, Quebec and Ontario. The geographies of each region determined the types of crossings, while Quebec received the major share of irregular arrivals, Ontario welcomed people asking asylum in a regular manner in official ports of entry. Figure 2 shows the number of Royal Canadian Mounted Police (RCMP) interceptions at the US-Canada border in Ontario, Quebec and British Columbia from 2017-2020. The RCMP interceptions refers to asylum seekers apprehended between ports of entry, i.e. irregular arrivals. Ontario is excluded from this table as its geography does not allow for land border crossing between ports of entry. Note that 2020 numbers are low due to the closure of the US-Canada border during the pandemic.

Figure 2.

RCMP interceptions at the US-Canada border from 2017 to 2020

The spike of asylum claimants in 2017 impacted considerably the capability of the Immigration Refugee Board to resolve petitions on a timely manner. Figure 3 shows the increase on the total number of asylum claims in Canada received by the Refugee Protection Division from 2016 to 2020, including irregular and regular arrivals at any port of entry. One year before the pandemic, the petitions filed at the IRB were at its highest with 58,378. Moreover, the increase of irregular arrivals to Quebec and of regular arrivals to Ontario caused important challenges in local settlement systems. People who crossed to Canada and made their petition also confronted issues like the lack of affordable housing, provincial cuts and a more polarized society and politics in asylum policy.

Figure 3.

Number of Claims in Canada referred to the Refugee Protection Division from 2016 to 2020
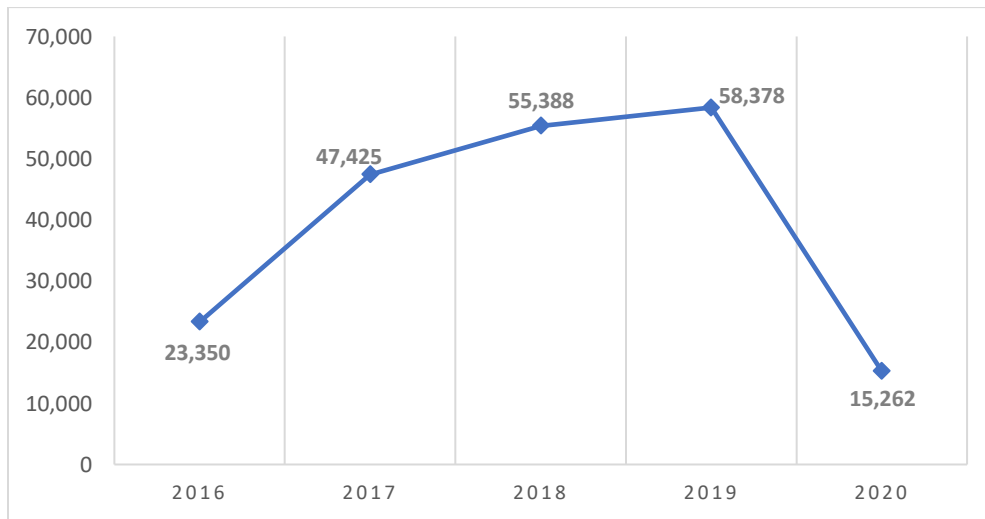
Note: Reproduced with statistics published by the Immigration and Refugee Board (2013-2020)

Canada's humanitarian responses are often focused on the resettlement of refugees from distant crises around the world. Government-assisted refugees and private sponsorship remain one

of the major streams of resettlement in Canada (Reynolds and Hyndman, 2014). The vast majority of resettled refugees come from a few regions; for example, in 2017, Canada admitted 26,925 refugees through both streams (GARs and private sponsorships) from which 17,340 came from Middle East and 8,490 from Africa; only 380 came from the Americas (UNHCR, 2018b). Canada's involvement in the ongoing migration crisis in Central America has been sparce and, therefore, their encounters with irregular migration have been limited. However, the 2017 surge in arrivals to their borders made evident that more people are considering Canada as their first option of asylum as the US was no longer considered safe for the purposes of seeking asylum. During the Trump administration, the US was perceived as less hospitable for immigrants, refugees and asylum seekers, leading to a "border rush", particularly after the announcement of some of harsher immigration policies.

The status quo in North America has been informed by the role of the US as the country that receives the largest share of irregular migration and spontaneous arrivals from Central and South America. Canada, comparatively, receives refugees from major displacement crises in the world (i.e. Syria and Iraq) but with less involvement and provision of protection in the Northern Triangle. During my research, I was expecting to find interviewees that came from countries whose nationals were the targets of Trump's policies (Haitians, Nigerians)[2]; however, the majority were from Latin America. This shows that the US is not necessarily the primary choice of refuge from asylum seekers coming from Central and the rest of Latin America.

Although Canada's geographical position is closer to Central America than the crises in the Middle East, their position in the last years has been to look away from what has been occurring in Central America. In recent years, the UNHCR has made appeals to the Canadian government

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[2] Haitians were in risk of losing their TPS and Nigerians were included in the list of countries whose citizens would be restricted from entering the United States.

for further support of Central American refugees. Canadian financial and technical help is needed in the region to train refugee adjudicators, provide psycho-legal assistance to vulnerable populations (LGBTQ and unaccompanied minors), and keep shelters safe and open for children and adolescents (Beuze, 2017). Moreover, in 2017, the UNHCR asked Canada for $37 million but only 20% of that amount was provided at the end of that year (Heilman, 2018). To make matters worse, the Safe Third Country Agreement makes it almost impossible for Central Americans to claim asylum in Canada as the majority of them have no way to get to Canada without first entering the United States.

Methodology and site selection

The methodological approach of this project is informed by a feminist scholarship. This study was designed to critically understand the impact of policies at different scales and they are organized as such in the chapters of this thesis. At the national and regional scale, I explore Canadian responses towards refugees and how US policy reverberated in the Canadian refugee and settlement system. At this level, I aim to show how Canada increases the visibility of their border to ensure the discursive narrative of protecting their land against outside threats. At a local scale, I study the effects of Canadian responses in refugee centers and its capabilities to offer adequate services; and considering the scale of the body, I assess the embodiment of categorization practices and policies of selective exclusion in refugee claimants. Thus, I show the Canadian tactic of invisibilizing their border as a form of policing and restriction.

The research design of this project started in 2018 when I began to explore methodologies that could unravel the complexity of the migratory dynamics in North America. While previously having studied the US-Mexico border through interviews in both sides of the wall, I realized that

I had to use methods that allowed me to go deeper, as the governance of asylum in the US-Canada border was not as evident as in the case of the US southern border. For example, there were no evident walls or many border agents patrolling the border. During the Summer of 2018, Canadian media began to massively portray the arrival of thousands of asylum seekers coming to their borders after changes in US policy; however, in contrast with the US southern border, they were portrayed as crossing in an organized manner and welcomed by Canadian officials. Although media was framing these crossings as a migratory crisis, the Canadian government was still shown as altruistic yet with problems to manage these inflows.

After critical review of media and news, I decided to interview both people who were implementing and following policies, but also those who were on the receiving end. Thus, I attempted to be comprehensive and conduct interviews with as many people involved in the reception and crossing of asylum seekers. In addition, I included policy research as a way to understand the US-Canada relationship and the institutionalization of their security cooperation complex. I reviewed specifically policies that showed the development of the security apparatus at the border, such as the Safe Third Country Agreement and the Smart Border Declaration; and those policies that represented significant shifts in refugees' rights, such as the Immigration Refugee Protection Act 2002 and its amendments in 2010. Locally, I reviewed Ontario's Immigration Strategy and the Toronto Newcomer Strategy. Policy research also involved exploration and analysis of current responses towards the immigration flows after 2017; such as media releases of the Ad Hoc Task Force on irregular migration, established in 2018, and announcements on other important changes like the creation of the Minister of Border Security and Organized Crime Reduction and changes in processing times in refugee hearings. I also

explored the municipal reports that discussed the development of refugee capacity plans after 2017.

Moreover, I added participant observation in my research design as I considered it was key in obtaining data to support my investigation. Participant observation was valuable because it provided me the opportunity to engage actively with the participants of the study. I used ethnographic methods as a way to understand individuals' performance and behaviours in their everyday lives (Sanchez-Jankowski, 2018). These also helped me to investigate participants' perception and attitudes and to "construct a representation of the worlds in which they [the participants] exists and interact, beyond the scope of quantitative research paradigms" (Jaimangal-Jones, 2014:40).

To start field research, access to potential research networks is crucial particularly when you are not a member of those networks. As Warren and Karner (2010) suggest, I started where I was and began the recruitment of participants in my local community centre in Kitchener, Ontario. This opened up a cycle of interviews with refugee center workers and, subsequently, with refugee claimants who were clients of these centers. Case workers distributed to potential interviewees a recruitment flyer, written in Spanish and English, that stated my affiliation and the objectives of the research (see Appendix A). On the other hand, the concept of membership and access became clearer once I started volunteering in two refugee serving centers and connections with potential interviewees became more fluid and engaging.

Choosing the Province of Ontario to carry out this research was part of a critical analysis on the data obtained during the time I was preparing my research proposal. Although Ontario did not record any irregular land border crossing in 2017 and onwards, they faced an important sharp increase in the number of refugee claimants seeking shelter and other services, triggering a human

service response starting in 2017 (City of Toronto, 2018). While a relationship between these two phenomena has not been proved empirically, the rise in refugee claimants in migrant shelters in Toronto during the same period of time suggests that refugee claimants were looking for opportunities in other cities and embarked on secondary migration. Moreover, previous scholarship has shown that cities like Toronto have historically received immigrants through secondary migration, particularly those coming from Quebec (Simich et. al. 2003).

Quebec was receiving the larger share of irregular arrivals with 18,518 RCMP interceptions in 2018 (Government of Canada, 2020b); nonetheless the effects of these new immigration dynamics were felt in cities of Ontario, particularly in Toronto. The City of Toronto reported that since 2016, the proportion of refugee claimants using the shelter system had increased significantly which, consequently, caused the City to incur in additional $64.5 million in direct costs related to providing shelter to refugee claimants (City of Toronto, 2018). Initially I aimed to explore the relationship between the irregular land border crossings in Quebec and the strain in services in Ontario. Nonetheless, as my research developed, I understood that there was a more comprehensive explanation, which included a combination of both, petitions for asylum at border crossings in Ontario, and the arrival of refugee claimants to Toronto as secondary migrants.

I chose to focus on Ontario because it illustrates two relevant situations in Canada: 1) the capacity building process and management of refugee claimant arrivals in one of the primary destination Provinces for immigrants in Canada 2) the struggles and experiences of claimants when encountering an already burdened refugee and settlement system. This project also aims to show that although Quebec was an important entry point to Canada for asylum seekers, many go on to other provinces, making this a matter of relevance for the federal, provincial, and municipal governments.

Interviews, confidentiality and other emerging challenges

Semi-structured interviews were conducted with 29 participants in Ontario, from January to September 2019. Specifically, I conducted interviews in 4 different regions of the Province, including Toronto, Kitchener-Waterloo, Fort Erie and London. Participants included 11 refugee claimants, 14 directors and case workers of refugee centers and 4 members of the government (see Appendix B for a detailed chart of the different groups interviewed). While interviews with refugee center workers were relatively easy to obtain, contact with members of the Canadian government and with refugee claimants were particularly challenging. However, I insisted on getting at least a few interviews with these groups of people because it was important to understand the different viewpoints of the impacts of Canadian policy in an institutional level and a local scale as well. For example, interviews with members of the provincial government gave me insights to understand how the state is not one entity that covers all levels of policy but that there are discrepancies between institutions and federal, provincial, and municipal governments.

Refugee center directors and case workers, as well as members of the provincial government were largely contacted through e-mail and cold calling; however, claimants' interviews were scheduled using a specific procedure. The caseworker made the initial contact with them explaining the aim of the interview and, if they were interested, they contacted me. This represented a significant challenge as I could not explain my project in detail and clarify why their participation was important. The interviews lasted around 45 minutes each and were conducted in a variety of settings: refugee centers, homes, offices, and coffee shops. With the consent of the participants, the interviews were recorded, transcribed, and analyzed through open coding. The purpose of the interviews was different with each of these groups of participants.

The purpose for the interviews with members of the government was to elicit information about the relationship between the provincial government and federal decisions, and how that translated into local policies in relation with municipal- funded refugee centers (see Appendix C for the list of questions). I conducted interviews in the City of Toronto Newcomer's Office, in the Emergency Shelter, Housing Support in Toronto and the Local Immigration Partnership-Waterloo. They offered an ample understanding on the institutional limitations they encountered to increase their financial support to agencies serving refugee claimants. On the other hand, interviews with directors and case workers of refugee centers were central as they act as mediators between refugee claimants and government policies. Moreover, they recognized the needs that this population have and often advocate for more support at high-policy levels (see Appendix D for list of questions).

In regard to interviews with refugee claimants, the questions posed elicited information on their a) decision to ask for refuge in Canada and the US policy role in this choice b) their perceptions of the Canadian refugee system c) their experiences as refugee claimants d) their interactions with refugee settlement services (see Appendix E for list of questions). The criteria for this group of interviewees included those refugee claimants:

- Who have arrived to Canada, and Ontario specifically, during the last three years and made inland claims

- Who have lived or stopped at the US prior to crossing to Canada

- Who have used refugee settlement services in Ontario

Interviews are often seen as conversations by social scientists as they entail a social interaction between the researcher and the participant (Warren and Karner, 2010; Warren 2012). During the interviews, I ensured the participants were provided with informed consent forms and were recorded only if they approved it. Nonetheless, there we inevitable challenges that came from

interviewing people with precarious status. First, as previously mentioned access was an important issue as I had to build relations with refugee centers as they would make the connections between myself and potential participants. Once I scheduled a few interviews, the next challenge was to create trust and rapport with the participants. People with precarious status also tend to have fear of their claims to be denied and of subsequent deportation if they say something wrong or inadequate, even after I explained that these interviews would not impact their refugee process. Moreover, Bernhard and Young (2009) explain that "people would be hesitant to participate or reluctant to answer the questions when the immediate benefit to themselves was unclear" (180). To reduce this hesitation, I informed them of the benefits of this research and how it could inform future policy. I also provided them with a feedback research sheet after data collection and analysis of data stages ended.

Other issues were considered, like the effects of recounting difficult personal experiences. In order to address this challenge, I designed the interview questions to avoid any potential psychological and emotional effects when telling their stories. I also designed the interview protocol as to provide constant negotiation of what participants wanted to share. These difficulties are closely linked to the researcher positionality and the relations of power encountered in academic investigation. Being a Canadian citizen and a researcher from a University posed their own challenges that would be addressed in the following section.

Research positionality and the co-production of knowledge

Scholars have studied the asymmetries created in the field which often favour the interviewer. Social research is at risk of creating depersonalizing, exploitative and patronizing relationships (Limerick et. Al., 1996). Feminist scholars, as critics of this power imbalance are

particularly eager to dismantle these relations of power that exists between the researcher and the researched. While the participant should have agency and concerns such as closeness, reciprocity and collaboration should be fulfilled; the researcher should acknowledge the power of their positionality. Issues of positionality and reflexivity were incorporated into my research methodology and findings in order to reduce these challenges.

Throughout the entire field research, I was cognizant of my own role and position of power, particularly, when engaging with highly vulnerable population. My own positionality as a Canadian woman, student in a University afforded me a certain degree of access to refugee centers, which in turn, allowed me to secure potential interviews with refugee claimants. Although, accessing and scheduling interviews with claimants was a difficult process, most of them spoke to me about their experiences willingly and in a highly cooperatively manner. My ethnic and cultural background as a Latin woman whose first language is Spanish also played an important role in establishing trust with my participants. These two factors, speaking Spanish and a Latino background, made them felt that I could possibly understand better what was happening in their home countries as most of them came from Colombia, El Salvador, and Honduras. Moreover, due to my status as a newly arrived person in Canada, they felt understood when talking about daily experiences of immigrant life, for example, leaving their family or finding difficult to navigate the Canadian health system. On the other hand, talking about their life experiences in their mother tongue (Spanish) made them felt more comfortable as, some of the participants mentioned, lots of their life experiences get lost in translation.

Although these elements worked productively to gain access to my participants and establish relationships of trust; I had a heightened consciousness of my position and understand that the struggles and traumas that refugee claimants can have are different from my own

positionality as a Canadian citizen. Accepting these privileges allowed me to look and establish methods that addressed these issues.

First, I always attempted to situate refugee claimants at the center of the analysis, understanding their agency and the ways they challenge state policy. Secondly, I aimed to comprehend refugee claimants' narratives as an ongoing dialogue avoiding flattening their stories into abstract generalities. As I used semi-structured interviews, participants were the guiders of the interviews and they were in power of the production of knowledge and narratives. While the researcher often has the power of interpretation, it is impossible to embark this process without the input of the participants. Thus, this becomes a process of co-production of knowledge and research material. In this regard, some people decided to not share particularities of their journeys like how they arrived to the US, what they told to immigration officials or how their life was in the US as undocumented persons. On the other hand, it is at this stage when the positionality of the researcher can change as I was dependent on that participants' willingness not only to take part on the study but also to share their experiences and thoughts. Raheim et.al. (2016) work explain that participants often determine the narrative as they talk about what they felt most strongly, including experiences more or less relevant to the study. I aimed to have a constructive qualitative encounter by having an empathetic listening but also encouraging reflection on what was particularly relevant for this study.

Finally, I engaged with methods that are flexible instead of static, like open-ended interviews and participant observation. This approach is better suited to accessing subjugated knowledge and the voices of the marginalized as it does not presume that the researcher knows what it is important in the participants' daily experience and enable them to contextualize and represent themselves as much as possible (Johnson, 2013).

On the other hand, volunteering was key for this study for two reasons: 1) to access the community 2) to understand the local dynamics in refugee centers. The decision of volunteering was also to made to give back to the organizations and the community which was being studied by my research. This role allowed for some reciprocity in the research relationship (O'Connor and Baker, 2017). Moreover, in some ways, volunteering decreased the hierarchies of power as I could build relationships with people and the participants felt more comfortable with me as a researcher as I was perceived as an insider which shared the organizations' ideals. By implementing this ethnographic method, I was able to gain new insights on day-to-day activities, experiences, motivations and challenges from refugee center workers but also from refugee claimants who accessed their services.

Dissertation outline

In this chapter I have introduced key conceptual and methodological elements of this project. The ensuing chapters frame and discuss the context and research analysis by following a coherent structure. While Chapter 2 and 3 provide the theoretical framework and contextualization, the following chapters (Chapters 4, 5 and 6) present my findings focusing on a different scale of analysis. Each findings chapter was written to answer my research questions using a separate conceptual framework related to the specific issue addressed in each section. Thus, I draw on critical and feminist border studies for the overarching project; however, I take a distinct theoretical endeavour in each chapter. From the impacts of state policy, border policing and *reverberations* (Chapter 4) to the local turn in social services and the invisible border (Chapter 5) and categorizations' impact in refugee identity construction (Chapter 6). I aim to integrate these different conceptual approaches with the findings presented in each chapter.

This thesis continues in Chapter 2 by explaining the epistemological framework that guides my approach to study Canada's bordering practices. This framework grounded on critical and feminist geopolitics gives attention to exploring immigration enforcement policy at different scales and unveiling power structures often hidden in policy implementation. Chapter 2 explores theoretical frameworks on four of the most relevant concepts of the study: the invisible border, humanitarianism, selective exclusion, and refugee identity.

In Chapter 3, I explain the contextual and historical overview of the project. By engaging in a historical-geographical study of the area, I aim to demonstrate the particularities that the US-Canada relationship holds, and which makes it worth of scholarly attention. I focus on exploring the US-Canada special geopolitical relations and contextualizing border dynamics before and after the 9/11. This historical perspective is key as to critically demonstrate how US politics has played an important role on the development of the current Canada's asylum system and border enforcement. I show this by discussing the "border rush" of Central Americans during the 1980s and 1990s, and Canadian responses to this event.

Moreover, in this chapter I discuss the changes in security control, particularly after the terrorist attacks as this is when border control became a high priority at the US-Canada border which, consequently, guided the process of border crossings in the following years. More importantly, I show that securitization not only stays at the border but also have important implications in the Canadian refugee protection system. The following section of this chapter discuss refugee policy in Canada. I explore restrictive refugee policy, like IRPA 2002 and 2010, and the establishment of the Safe Third Country Agreement, to demonstrate how Canada considers seeking asylum as a security issue rather one of protection. More importantly, I show how the present-day refugee determination structure and hierarchies are based on categorizations which

determine the access to services and supports for different types of refugees. This chapter ends contextualizing the events at the border after 2017 and explaining the difficulties of seeking asylum in North America after Trump's administration came into power.

Chapter 4 focuses on the national and regional scale to discuss how Canadian responses harshened after receiving asylum seekers at their borders. I argue that the US acted as a catalyst of changes in Canadian refugee and settlement systems. I follow Hiemstra's (2012) approach in her work on transnationalism and what she calls reverberations of policies. This chapter aims to expand this concept, by demonstrating that policies not only reverberate to people's everyday lives but also to the systems controlling them. To understand these reverberations across borders at a national level, it is relevant to explore the US-Canada geopolitical relations. In this chapter, I argue that US and Canada share a parallel position in border security matters which creates an important dialectic relationship in matters of asylum control at their borders.

Central to this chapter is the discussion on the Canadian management of the border as a visible (in times of crisis) and invisible entity whose provisions are concealed and intertwined in neglecting and failing to adapt to a humanitarian need. By engaging in a meticulous mapping of Canada's responses towards this flow of asylum seekers, I trace the Canadian domestic position, particularly by exploring the implementation and changes of bills and legislation after 2017 in immigration matters. This chapter first discuss the responses through which Canadian politicians attempted to make the border visible and stop irregular claimants to enter their territory. Although these policies were seemingly aimed to deter refugee claimants for arriving to Canada, these changes were implemented to deter the image of Canada's refugee determination system as chaotic and underprepared.

While these policies had important repercussions in refugees' mobility and access to asylum in North America, I show that the invisible and concealed Canadian bordering practices cause more damage to those already in their territory. Therefore, in the last sections of Chapter 4, I engage with a discussion on particular Canadian responses and (in)actions that aimed to invisibilize and re-assert their border at the same time. I show this through three particular situations: the ineffectiveness of the Immigration Refugee Board to process asylum claims, the resistance of Canada to cover a humanitarian need in Central America and the lack of intentions to modify or eliminate the Safe Third Country Agreement (STCA).

Chapter 5 enters into the local space through the examination of refugee centers' responses and their day-to-day challenges after receiving more than the regular number of claimants at their doors. By "jumping scales" in my research, I demonstrate that the invisible border is particularly found in localized spaces, like refugee centers. My findings in this chapter aim to trace the implications of the Canadian invisible border as a consequence of neglecting to adequately provide settlement services to refugee claimants. In particular, this chapter draws upon research completed at the provincial and municipal level and addresses the role of these organizations in supporting refugees and refugee claimants.

Interviews with case workers and directors of refugee centers revealed the ways in which they were forced to shift some of their practices to keep serving to most of the people who asked for their services. The refugee centers' experiences offer important insights into how resources towards refugee claimants have been disregarded. Particularly, I demonstrate this with an in-depth discussion of shelter and housing access for this group of people. Thus, the invisible border can be traced into the lack of settlement support. Analysis in this particular issue takes most of the second

section of this chapter as it was clearly highlighted as the main problem faced by refugee claimants in their settlement process.

Chapter 6 draws on feminist theories of embodiment and demonstrates that refugee policy sets deep in refugee claimants' lives, even in the identity-formation and/or identity-shifting process. It revisits the idea of the state power over people's mobility and access to services by stigmatizing and classifying types of immigrants. Focusing on the experiences and stories of refugee claimants allowed me to fill in the blanks and understand the underlying implications of Canadian border policing in refugee claimants' lives. I argue that the border is concealed through practices of selectivity based on refugee status and neglect on settlement services aimed to cover the needs of refugee claimants. Thus, Canada's humanitarian practices are determined by hierarchies and categories of membership that lie at the core of their refugee system.

By taking the categorization of resettled refugee versus refugee claimant, I show how Canada determines their level of refugeeness depending on where their cases fall under this classification. Thus, they are imposing the invisible border in one of the deepest and more personal elements of an individual: their identity. These categorizations represent an advanced form of dismissing refugees' experiences, by stigmatizing identities and classifying refugee claimants as undesirable groups.

Moreover, this chapter shows how, this type of policing, through categorization practices, is relevant not only because these labels determine access to welfare services but also because it makes claimants more vulnerable to changes in policy that leaves them in a more precarious situation. Therefore, because they do not have status, they are not entitled to full rights in Canadian soil leaving them unprotected to policy changes. For example, with the 2019 Provincial cuts in

legal aid or changes in the Federal Interim Health Program in 2012 that restricted the access to essential health coverage to refugee claimants.

Lastly, in the last chapter I offer concluding thoughts on how Canada's position in the region should change to provide resources to those fleeing violence, regardless of how decided, or were forced, to make a claim. By having more involvement in the continent, by acknowledging a shared responsibility of spontaneous arrivals in North America and domestically implement more resources for inland claimants, Canada's humanitarian tradition and generosity can be sustained. I also reflect on the empirical and conceptual contributions of this project to the field of political geography. Finally, due to the changing global and regional circumstances that impacted asylum and human mobility in the region –the COVID-19 pandemic and the election of President Biden in US–, I included a postscript to offer some thoughts on potential change in geographies of mobility in North America.

CHAPTER 2

Frameworks to study the invisible dimension of the Canadian border

In presenting the overarching arguments I suggest that border policing has changed from physical outcomes to more abstract and concealed practices. Borders were perceived at first as only physical and visible elements to then be considered as capable of being invisible and dispersed throughout national territory. This has been an important point of departure as it changes how territoriality and sovereignty is understood. Central to these shifts is understating how the power of state is used and legitimated by this bordering work. Although contemporary scholarly approaches have demonstrated that not all forms of governance are captured by the figure of the state (Walters, 2006), it is relevant to explore how state power in border policing becomes more complex, yet less visible and disguised at the same time.

Border studies have also shown that the new type of bordering practices (externalization, de/territorialization, etc.) are not less hard than any other "traditional" border mechanism (Johnson, et. al., 2011). I aim to contribute empirically to this discussion as I argue that the invisible border imposed through selectivity, negligence and (in)action is as functional and damaging as other traditional mechanism. This chapter will examine some of the theoretical and conceptual foundations that guide this dissertation. While discussing these theoretical frameworks, I will explain how the Canadian experience fit into these concepts. I will start by discussing the dynamics of the US-Canada unmilitarized border as a way to recognize concealed mechanism implemented to manage migration. Then, I will shift my focus to engage in a theoretical discussion on Canadian practices of immigration control, including selective exclusion and exclusive humanitarianism. Finally, as this thesis employs critical and feminist geopolitics, I discuss the importance of shifting geopolitical scales by highlighting the embodied dimension of immigration policies. This will

provide an important theoretical context to comprehend the effects of policy in refugees' identities. It will also provide an entry point in examining how the figure of refugee has been incorporated in humanitarian discourses.

Theoretical approaches to changes in border policing

Over more than twenty years after the fall of the Berlin Wall, countries around the world kept building massive fences on their borders. Even though some scholars have showed that the traditional military significance of borders fences declined as they became strategies that mainly marked distinctions of sovereignty between states in the post-Westphalian world (Brown, 2010; Jones and Rosiére, 2012; Vallet, 2014). Although the end of the Cold War represented to many the end of an era –including the end of borders, the victory of Western democracy and the start of a global world– this idea is yet to be accomplished. Rather than seeing a decrease, borders are proliferating and embedding themselves in our daily lives. Not all borders are physical or territorial. Undoubtedly, we can say that nowadays many border practices are based on non-visible, soft and virtual strategies. The "borders are everywhere" (Balibar, 2002; Bigo, 2002; Agnew, 2008; Rumford, 2012) thesis in political science talks about the proliferation of states' initiatives to protect their territory beyond the edge of their boundaries.

Borders have become part of human life. In the last decades, scholars have advocated to leave behind theorizations of territory and borders as fixated, and to expand our horizons to understand territory as a flexible construct that carry social and political power (see Paasi, 2009; Newman, 2010; Johnson et. al., 2011). As borders are no longer encountered at the edge of the state, borders have become invisible entities situated everywhere and nowhere (Khosravi, 2007). Several scholars have used the dichotomy of invisible/visible border to explore how the

contemporary border regime works (Newman, 2010; Rumford, 2012; Khosravi, 2007). While borders have become heavily militarized through growing use of technologies and surveillance (Amoore, 2006), new forms of governance have been used to control territories and mobility (Paasi, 2009). For example, Krishna (1996), exposes how invisible borders are often hidden within geographical texts and literature, including maps. These new mechanisms entail abstract, intangible and scattered strategies to police the border and manage human mobility. Thus, border policing has moved beyond the limited dimensions of physical and finite spaces.

In my work, I draw on Andreas' thesis of border games (2009), which situates heavy border policing as an element of the state implemented to seemingly deter irregular migrants, but whose main purpose is to recraft the image of the border and symbolically reaffirming the states' territorial authority. Thus, for him, this type of policing includes a theatrical escalation of border enforcement which becomes a symbolic representation of state authority. This performative action is driven by domestic entities to satisfy certain audiences, like politicians and the electorate, and seeks to justify their own funding and expansion. In this respect, Andreas (2009) argues that the escalation of state enforcement, through control intensification, major surveillance, and bloated US Customs and Border Patrol budgets does not precisely prevent the smuggling of people and drugs, but highlights the narrative of having control of the border and legitimizes enforcement implementation.

On the other hand, Brown (2010) also makes an important point about the implications of visibilizing the border. She argues that border walls (visible elements of border enforcement) say more about states' erosion of power and their unsettled sovereignty than of states' actual capabilities to control. Thus, states aim to show an image of security rather than strictly having it. While these frameworks develop the politics of the *visible* border and its implications, I aim to

understand what it is situated at the other end of the spectrum: the *invisibility* of bordering practices.

In my work, I also take Rumford's (2012) analysis on the multiperspectival study of the border to demonstrate that a border should not always be visible in order to function. For him, the location of borders remains invisible to many as they do not feel the impacts of bordering practices. However, the border become palpable for those who attempt to cross them. In this sense, borders are selective "and work so as to render them invisible to the majority of the population, who do not recognise the border as a border, or for whom no such border is deemed to exist" (Rumford, 2012: 892). In my work, I expand this argument as in Canada the border is rendered invisible not only domestically but internationally as well, as they aim to maintain a humanitarian reputation to the refugee cause.

In the case of Canada, I demonstrate that in times of crisis, the state attempts to give signs of a visible border; however, Canada more often uses less visible resources to expand border policing. Instead of theatrically expanding their borders, Canada aims to make their border policing invisible. Canada's commitment to protect refugees and offer them a fair consideration of their cases is proudly displayed in IRPA as a key expression of Canada's humanitarianism (Arbel and Efrat, 2013). To maintain this humanitarian position, their border should be concealed and hidden in other practices that make the border less recognizable but never disappearing.

On the other hand, the concept of externalization is key to understand practices of securitization beyond borders. Originally, externalization was used a way to describe the extension of the border enforcement beyond "receiving nations" and into neighbouring countries or sending states. For some, the power of externalization practices relies on their application towards migration management in a third country, which in turn, results in immobilizing migrants in their

countries of origin or transit countries, and only those who are deemed adequate for further mobility are selected (Frelick et. Al., 2016). However, scholarly research has also emphasized the question of "extra-territoriality" as a way to study multiplicity of spaces where the border can act and impose its effects (Ryan, 2010; Casas-Cortes, 2016).

Currently existing literature has studied how migration enforcement is either pushed into the interior of the state, through the strengthening of controls and increased detentions and deportations, or pushed beyond its national borders with assistance of third countries (Menjivar, 2014). For example, Hyndman and Mountz (2008) explore how border enforcement is moved offshore reducing the capacity of asylum seekers to make refugee claims in sovereign territory, while Coleman (2009) studies the devolution of US immigration enforcement to the interior of the state. Throughout this thesis, I consider externalization as practices carried out inwards and outwards of the edge of the state, as it is through this that the border is located *externally* to the territorial location. As Stock et.al. (2019) argues, it is difficult to theorize where borders start and the effects these practices uphold at different levels. Thus, rendering it difficult to identify inside versus outside distinctions and effects of borders.

The research on extra-territoriality and externalization show how borders proliferate and expand its power in several ways. Borders proliferate even where border agents, barbed wires or unmanned drones are not so noticeable. The un-militarized borders also have security measures in place, even when people cannot see them. This is the case of the US-Canada border. This thesis aims to offer relevant insights on why studying non-militarized borders is important for geopolitical scholarly research. Even when it is not considered a chaotic border, it is a contentious site for people seeking asylum in Canada. The US-Canada border also contributes empirically to the disruption of the "territorial trap", a term developed by John Agnew (1994) to question

traditional political understandings in which the state has clear and defined state limits. Also, by tracing the invisible, unmilitarized Canadian border through (in)action, (un)provision and negligence, I also elucidate invisible processes happening at visible, militarized borders around the world. The next section discusses in more depth the politics of the US-Canada –unmilitarized– border.

A note in the invisible/visible border dichotomy

My main argument explores how the invisible/visible border is used by Canadian authorities to implement practices that restrict human mobility. While I aim to demonstrate that Canada invisibilizes borders and intertwines them in other elements of the refugee experience, I also show that making the border visible is key for Canada to preserve a narrative of security. These movements between visibility and invisibility, sometimes happening simultaneously, demonstrate the complex dimensions of these practices. This dichotomy is not either/or as it is part of a more intricate duplicity in which the border is constantly changing along a spectrum of concealment/discernibility.

In her work on the Guatemalan war and duplicity of the State, Nelson (2009) mentions that there is often "a sense that the world available to our senses hides another face behind it" (2009: XV). Following Nelson's idea, I aim to demonstrate that bordering practices are charged with particular meanings that determine when and how it will be invisibilized, in order to "hide another face behind it". Thus, for example, the Canadian government invisibilizes the border not only to use a different approach of border security, but to maintain a narrative of humanitarianism towards the refugee cause. Nonetheless, this does not mean that Canada will invisibilize all their practices as deterring unwelcomed immigrants and protecting the integrity of their refugee protection

division are also objectives of the national government. Thus, this thesis shows that the border will constantly move through invisibility levels directed to particular audiences, which will also conceal other key elements of border enforcement, like criminalization or irregularization of migrants (Connoy, 2018).

Moreover, the complexity of the invisible/visible border dichotomy conveys a series of elements that will also determine how the border comes into view. This invisible/visible border is related to concealment and distancing, which in turn, impacts immigrants' and refugees' relation with border enforcement. For example, bordering practices implemented to complicate settlement experiences of irregular arrivals will only appear at times, for example at the moment of trying to access certain services. On the other hand, these specific practices will remain unknown or invisible towards people arriving through Official Ports of Entry or by resettlement programs. Thus, this dichotomy works to explain how the visibility of the border is determined by authorities for their own purposes; however, as the border is intertwined in other elements of the refugee experience, the border will be revealed differently to refugees depending on their own characteristics, status and level of vulnerability.

While bordering practices that shift through the invisibility/visibility spectrum are complex and convey a series of meanings, this work aims to open a discussion on how invisibility is also acting through inaction and neglect. Therefore, invisibilizing the border through inaction is also a way of legitimizing the border without any policy change. The importance of exploring the transparency of the border is that it can also be transposed to other migratory policies and immigrants' experiences. Those who look to settle outside their home countries will often navigate a complex set of invisible/visible bordering practices that will determine their arrival and

settlement experiences. The following section will focus on the US-Canada border and the implications of being an "undefended" space.

The political anatomy of an unmilitarized border

In matters of immigration and asylum the US-Canada border also has walls, yet not visible nor tangible as people often assume. The US-Canada border has been an important symbol for Canadians as it is considered a site of defence for Canadian identity against US hegemony, but also holds the mythology and history of the longest undefended border in the world. However, this border also provides a prism at which broader and relevant questions of political, economic and cultural questions in the region come into focus (Roberts and Stirrup, 2014). The developments in border security in the last decades and the level of transnational cooperation in this matter demonstrate that these nations no longer have the "world's longest undefended border" (Nicol, 2015). In this section I refer to the political anatomy of the US-Canada border, as I aim to scrutinize the structural elements that build and guide functions at this space. I also take the concept of anatomy from biological sciences as it is concerned with the description and identification of structures in living things. In this sense, I aim to move away from the territorial thinking related to borders (Agnew, 2008) and conceptualize the border as a living entity, which is never static but constantly transforming, evolving, and expanding.

During the 21st Century, the US-Canada border evolved following trends in global border-making which involved changes in ways of governing and perceptions of territory and identity to accommodate globalization (Nicol, 2015). As many other borders around the world, it moved its management to new locations, not precisely on the territorial boundary itself. Technologies and externalization practices became key to a new era in which borders proliferated "crossing people"

rather than people crossing them. The security perimeter established by the US-Canada Smart Border declaration (2001) and reinforced through the Beyond the Border initiative (2011) resulted in heavy surveillance and onerous documentation standards for some cross-border travellers. However, most importantly, it meant more challenges and obstacles for asylum seekers to reach sovereign territory. Even when there is not a physical wall like the one located at the US-Mexico border, the border manifest itself playing an important role in the development of security for some and insecurity for others.

The process of US-Canada border management integration began in the late 1990s and continued throughout the 2000s (Nicol, 2015). This deeper integration was suggested by policy makers, politicians, and academics, which used the discourses of inevitability to push various proposals of integration between both nations (see Gilbert, 2005). The following table shows three of the key agreements between the US and Canada that demonstrate increased border cooperation:

Table 1.

Key agreements between the US and Canada in immigration and security matters

Year	Agreement	Main focus	Relevant provisions
1995	Shared Border Accord	Efficiency of the border	Promoting international trade, facilitating movement of people, protection against illicit activities, reducing costs to both governments
2001	Smart Border Declaration	Security of the border and particular emphasis in immigration control	Implement biometrics identifiers, share and exchange information on immigration-related issues, Safe Third Country Agreement, deploy immigration officers overseas

2011	Beyond the Border Initiative: A Shared Vision for Perimeter Security and Economic Competitiveness	Security at and beyond the border (perimeter initiative)	Address threats early, coordinating security systems, support effective identification of people who pose a threat, trade facilitation across border, cooperate on national security and transnational criminal investigations, enhance cross-border critical infrastructure

Note. Table reproduced with information from the US and Canadian security and immigration agencies.

The change in focus of the agreements is evident after 2001. The first accord aimed to improve the efficiency of cross border operations, particularly those related to trade. However, the following two highlight the relevance of protecting themselves against external threats and fortify their border enforcement cooperation. The Smart Border Plan was the first accord that included more concealed mechanisms of control as biometrics was listed as their number one priority. By integrating biometric capabilities, and establishing further additional screening, persons designated as security risks could be increasingly controlled. Biometric mechanisms also represent a way to outsource the border onto individuals' bodies. As Amoore (2006:338) argues "the biometric border is the portable border par excellence, carried by mobile bodies at the very same time as it is deployed to divide bodies at international boundaries, airports, railway stations, on subways, or city streets, in the office or the neighbourhood". In following years, the border security was expanded through biometrics by implementing standardization of identity documents,

including biological information in ID cards, shift to passports that are machine-readable and implementing mandatory biometrics to trusted travellers' programs (Nicol, 2015).

A series of agreements have been implemented which have redesigned the Canada-US border; most of these have responded to 9/11 security discourses (Gilbert, 2012). Although these are fluid and often change to add other imperatives, they have one constant: their capacity to create insecurity for certain groups of people. Border technology, which is often not visible, is instrumental in managing mobility and in advancing specific geopolitical agendas. The US-Canada border has not been militarized as the US perceives both countries' societies share similar values and in regard to security issues, political agendas are analogous. Thus, the risk is lower than at the US-Mexico border. The security strategies are aimed towards nationals of other countries deemed less desirable. For example, the land border strategies, including the Safe Third Country Agreement, are mainly implemented to control people from other nations who happen to be in the US or Canada and want to cross to any of these countries in order to claim protection- mainly from the US to Canada due to geographical circumstances. Externally, strategies are implemented to contain people at their countries of origin or transit to prevent them to reach their territories, using visas, refugee security screening, and enhanced technology.

On the other hand, in many ways, the US-Canada border follows a deterritorialization pattern in which borders are increasingly diffuse as they can be found in quotidian spaces of the private and public life (Newman and Passi, 1998, Passi, 2009, Parker and Vaughan-Williams, 2009, Walters, 2006). In particular, Canada has been the pioneer in placing the border on sites other than the edge of their state (Lowry, 2002; Arbel and Brenner, 2014; Gilbert 2019). Tightened visa requirements, implementing greater security screening and signing the STCA are some strategies executed to secure their borders. The Canadian border, barely territorialized, uses more

powerful –and invisible– endeavours to accomplish its objective of controlling unwanted arrivals. By using these mechanisms, the Canada's commitment to the refugee cause is questioned as externalization measures "produce and reinforce relations of inequality in the management of mobility between states, states and civil society organizations, and migrants" (Stock, et. al., 2019).

My focus on the US-Canada border involves an interest in recognizing which concealed mechanisms are used and implemented to manage migration by Western nations. Most of the research on borders in North America focuses on the US-Mexico border and it is sometimes considered as the birthplace of the Border Studies discipline (Michelson and Johnson, 1997; Roberts and Stirrup, 2013). The US-Mexico border is contentious, powerful, combative, blurred, where thousands of transnational families cross every day, it is "una *herida abierta* [an open wound] where the Third World grates against the first and bleeds" (Anzaldúa, 1999: 25). In contrast, the US-Canada border represents less of a violent association. However, it cannot aptly be explored in terms of an "undefended" border, where all asylum seekers are welcomed with open arms because the reality is different and more complex.

Images in media outlets portray irregular crossings of the US-Mexico border and the Canada-US border differently. While the portrayals of irregular arrivals at the US-Mexico border are often violent, in mass, and tumultuous; crossings at the US-Canada border are portrayed as less turbulent, contributing to the Canadian welcoming image. During and after 2017, different news showed people crossing the US-Canada border in an organized and orderly manner, lining up to be processed by CBSA (Canadian Border Service Agency) agents (see Figure 4).

Figure 4.

Image portrayed at CBC news of asylum seekers waiting to meet the police at Roxham

Road crossing

Source: How thousands of asylum seekers have turned Roxham road into a de facto border crossing. CBC news.

Nonetheless, this portrayal of the US-Canada border can be inaccurate as the mechanisms of control are concealed and spread throughout the management migration continuum from their countries of origin to Canada. Canada's land border and non-territorial extensions of the border have prominent security imperatives which only some can successfully clear. Opening up the Canada-US border as a discursive terrain to examine its function in relation to control of human mobility and asylum seeking is a necessary move. The next section will provide a framework on Canadian humanitarianism and its relation to exclusionary practices.

Canadian humanitarianism and exclusionary power

Canadian generosity towards refugees has been recognized internationally, especially after the UN gave Canada the Nansen Medal in 1987 for its contribution to the refugee cause. However,

Canadian bordering practices have raised questions pertaining to how generous the country's refugee system really is.

Tightened immigration and border control has caused violent and deathly outcomes for migrants during their journeys and at the border crossing (Gazzotti, 2020). This has led to the formation of a "humanitarian border" as a way to respond to the strict –and often disturbing– strategies of control and access that make crossings a matter of life or death (Walters, 2010). Migration, and human mobility in general, has been directly related to humanitarian practices, as these are often created as a moral imperative to relieve suffering (Fassin, 2011). For example, in the humanitarian border there is now an increased presence of humanitarian organizations aimed to help asylum seekers in need.

A rich body of literature has emerged to study the reinvention and development of the border as a space of humanitarian governance. Scholars have studied the role of NGOs in re-politicizing the border (Cuttitta, 2018), the expansion of humanitarianism to re-assert the states' liberal and moral order (Pallister-Walkins, 2020) and the exclusionary power of humanitarianism (Ticktin, 2005, Pallister-Wilkins, 2015). Originally, the idea of a humanitarian border seemed contradictory as this concept goes against what the regime of migration control has tried to assert in the last decades: control, selectivity, and exclusion. Nonetheless, humanitarianism has an ancestral relation with the exception (Agamben, 2005; Gazzotti, 2020). Scholars have shown that humanitarianism can be compatible with restrictive measures and migration control practices (see Ticktin, 2005; Williams, 2016). Thus, although the humanitarian rationale should be motivated by altruistic desires to provide relief, most of the times these practices compel more political action through which stricter policies become justified (Walter, 2016). Moreover, some humanitarian

practices become instrumental to policies that exclude people from territories or rights (Cuttitta, 2017).

Duavergne (2005) notes that humanitarianism often tells us several things about those who offer it and little about those who receive its benefits. In Canada, humanitarian migration laws have been part of the country's national identity. Their moral duty is politically fulfilled by assisting outsiders through resettlement support. However, following the body of literature on exclusionary humanitarianism, Canadian liberal humanitarianism is often based on inequality rather than justice. Humanitarianism is central to Canada's character; however, its history of human rights' abuses is obscured in policy and discourses, particularly to Indigenous Populations. Offering protection towards certain refugees is key to maintain Canadian humanitarianism narrative; however, it seems paradoxical when discrimination against and marginalization of Indigenous People continues to be rarely addressed (see Dimytriw, 2014; Murdocca, 2019).

Refugee claimants' precarious status is still reproduced on Canadian soil, in spite of Canada's humanitarian and welcoming discourse. This precarious status is maintained after they have crossed from the US, through practices and policies that invisibilize the Canadian border. These practices act through selectivity and neglect towards refugee claimants, challenging the Canadian humanitarian narrative. Canada uses selectivity based on colonial categorizations of refugees to provide protection and basic services to different types of refugees once they are in their territory. Thus, these practices are put in place once refugee claimants arrived at Canada and made asylum claims. Moreover, Canada often fails to provide sufficient resources for refugee support directed to refugee claimants. This shows how the invisible border act in a local and more intimate scale.

Humanitarianism often highlights inequalities and reinforces the idea of "us" versus "them." Humanitarian narratives in migration only work due to the profound inequalities between members

and non-members of the state. As Dauvergne explains "when we are humanitarian, we bestow, as a gift, something upon others who have no rightful claim to it" (2005:72). In this sense, humanitarianism classifies people creating hierarchies of legitimacy and deservingness (Connoy, 2018). Thus, under this premise the refugee experience is different between those who are patiently waiting to be resettled –and the state believes lack agency and mobility– and those who actively ask for asylum at their land border. For the state, both experiences are unequally valued and respected, one being more deserving than the other. In practice, Canada uses selective exclusion as a way to provide services to those who fit the idea of a deserving refugee (i.e. resettled refugees). When asylum seekers cross the Canadian border, Canada deploys this categorization practices revealing new legal limits under the premise of them having to demonstrate their refugeeness. This perpetuates the cycle of precariousness until the state recognize them finally as deserving of the label of refugee.

Moreover, as this is part of the invisible dimension of the border, it also appears like that to the eyes of the international community. Canada's concealment of its border allows it to maintain a humanitarian narrative while also keeping safety determination standards based on colonial categorization of refugees. This helps Canada to re-articulate its own humanitarianism and control how their humanitarian strategies should be perceived. By determining who the "other" is and who rightfully deserve Canadian aid, they can uphold the discourse that they had fulfilled their obligation of protecting refugees. Also, I show that Canada's humanitarian refugee policy is based on the approach of resettling people who come from major crises in the world, while building an interdiction system that deviates the country's obligation to offer protection to asylum seekers in Central America.

This thesis aims to demonstrate that Canadian practices of categorization and selectivity are at the core of their humanitarian discourse. Some scholars have studied how migrants are subjectified through borders and humanitarianism; for example, Connoy (2018) demonstrates how humanitarianism subjectifies refugee claimants as irregular, Ilcan (2013) shows how UNHCR's refugee camps registration practices subjectifies refugees, making them visible for governing apparatus, and Lacroix (2004) studies the role of the refugee determination process in defining and altering specific spheres of refugees' lives, like work and family. I aim to contribute to this discussion by showing how colonial categories of refugeeness are used to strip refugees out from their rights of protection. In Chapter 6, I also expand this by showing an under-researched side of the discussion. By using the "new refugee paradigm" (Hadjiyanni, 2002) I show the construction of refugeeness from the perspective of the refugee claimant. I demonstrate that refugeeness is not something imposed but a matter of becoming through the development of their struggles. Chapter 6 also shows how refugee policy limits the becoming and expression of the refugee identity.

Selective exclusion and the Canadian welfare state

In Canada, most newcomers have the right to access certain settlement services upon arrival delivered by a network of community-based, non-profit agencies. Accessing settlement services is key for refugees to have a sense of stability and start their integration process. While settlement programs in Canada cover the basic needs of some groups of people, they are not consistent in meeting the needs of this vulnerable population (Simich, et. Al., 2003). This is more evident when there is a spike in newcomers' arrival, as settlement programs and funding become insufficient for all arrivals. In addition, access to these services is determined by legal status. Therefore, some, including refugee claimants, do not have the access to the broad spectrum of

services available for newcomers. Chapter 3 shows in more detail the different access to services refugees have depending on their legal status.

In this thesis, I aim to show not only how settlement services are insufficient for all groups of refugee arrivals, but to also understand the underpinnings of this situation. In Canada, factors like immigration status and the type of refugee claim determine the services that are accessible for these individuals. This practice is part of a *selective exclusion* tactic, in which the state offers certain services to immigrants depending on their legal status and type of claim.

Numerous scholars have studied the foundations and consequences of immigration and refugee policy and border enforcement to manage human mobility (Hyndman, 2000; Mountz, 2010; Anderson, 2013; Brigden, 2018; Jones, 2016). Some of these scholars have asserted the relevance of externalization practices to govern mobility beyond national borders (Boswell, 2003; Walters, 2004; Hyndman and Mountz, 2008; Hiemstra, 2012), while others have studied how domestic practices and discourses in immigration and refugee law shapes individuals' access to rights and services and structure their experiences (Ashutosh and Mountz, 2012; Griffiths, 2014).

Following this scholarly foundation, I apply the term selective exclusion to demonstrate the complex relation between immigration and the welfare state. Although the term "selective exclusion" has been used in other disciplines (see Schuilenburg, 2015) as a way to study exercises of power based on inclusionary and exclusionary ways of governance; I advance its usage by applying the term to demonstrate the different approaches in the reception of asylum seekers and the different degrees of access to the welfare state associated with individuals' status. The strategy of selective exclusion refers to the process of providing certain services and resources to immigrants depending on their legal status and/or type of claim. Thus, the state is *selecting* refugee claimants and *excluding* them from important services and social assistances due to their temporary

status. This strategy also acts as a form of immigration control that seeks to ensure that access to welfare does not provide an incentive for asylum seekers to arrive to sovereign territories (Geddes, 2000).

I draw on Koning's (2019:15) *selective solidarity* that "refers to the general support for a redistributive welfare state, but also a desire to restrict its benefits to native-born population". Therefore, some parts of the native-born population are unwilling to share the welfare with immigrants. While Koning focuses on the state's unwillingness to grant equal rights and services to newcomers and emphasises the distinction between newcomers and native-born populations, the term "selective exclusion" is focused solely on the categorizations and distinction between different types of newcomers. Moreover, by naming this process as selective exclusion, it puts emphasis on border policing and restrictive state practices rather than altruism and solidarity. Thus, it sheds light on how humanitarianism can be exclusionary even through altruist acts.

Selective exclusion implies a restricted humanitarianism that benefits some immigrants over the others. Both resettled refugees and refugee claimants access state support at different times of their settlement and integration process. However, Canada marginalizes one class of refugee by narrowing the opportunities to access this support for refugee claimants while establishing specific welfare supports for resettled refugees; for example, through the Resettlement Assistance Program and the Client Support Services program.

As asylum seekers and some types of immigration has been deemed as *problematique* in different countries, there has been increased power to monitor and control behaviour of asylum applicants through welfare state measures (Geddes, 2000). These immigrant-excluding welfare reforms, as Koning (2019) calls them, are established to marginalize asylum seekers, reduce the possibility of social integration, and seek to prevent settlement and facilitate deportation. Different

political and social context use excluding welfare reforms in different manners, including strategies related to the severity of exclusion and grounds of exclusion. Due to the purposes of this thesis, the latter is key to understand the imposed differences between types of refugees.

In Canada, the grounds of exclusion between refugees are legal and residence status. While exclusions and differentiations also happen between native born population and newcomers, imposing different legal status to one class of newcomers goes against what they aim to promote: Canada's humanitarianism helping to the refuge cause. The welfare state can act differently towards people with different legal status. For example, immigrants with permanent residence status are well-protected while undocumented migrants are barred from most social services. On the other hand, migrants on temporary permits tend to enjoy more rights than refugees. In this respect, Sales (2002) studies how the UK government limited welfare for asylum seekers by removing their right of housing and other cash benefits while only giving them a stipend in the form of vouchers with a small weekly payment (10 pounds). Apart from the small amount of money they receive, the voucher system is not a secure form of income as the UK government can remove the economic assistance if the applicant has support from other sources such as family and friends (Sales, 2002).

Although different types of newcomers and their respective legal status determine access to welfare depending on how "deserving" they are, the selective exclusion towards refugee claimants is based on which characteristics makes a refugee less deserving of Canadian protection. Thus, which actions and practices, like their journeys and the means they use to cross their border, make people underserving of refugee protection. This perception is then attached to a label (refugee claimant) disguised as a humanitarian category, as refugee claimants are allowed to enter the Canadian refugee determination system, but with important limitations in their settlement

experience. More importantly, these judged actions and practices become more relevant than their identities and their construction of their refugeeness.

Canada is already perceived as having a welcoming attitude towards refugees; however, Canada's humanitarianism should include stronger and more inclusive refugee systems and structures to welcome more spontaneous arrivals. This thesis aims to contribute empirically to this statement. The next section will introduce the concepts of refugee identity and refugeeness in Canadian context to understand the role of categorization and selectivity in Canada's refugee policy. To understand how the colonial perception of refugee could be undermined, it is relevant to know what a refugee means in liberal western countries.

The figure of refugee in Canada through the lens of feminist geopolitics

This project employs critical and feminist geopolitics to understand Canada's responses and discourses towards flows of refugees arriving at their borders. This thesis moves across scales diverging from state-centric views towards the experiences and identities of refugees (Dixon and Marston, 2013). It aims to situate the migrant at the centre of policy and border enforcement discourses, disrupting the dominance of top-down power perspective in geopolitical landscapes and discussions.

After the initial findings chapter (Chapter 4) which focuses on the geopolitical relations between the US and Canada and the border as a site of contention, I scale down in the last two findings chapters (Chapter 5 and 6) of this thesis to study the impact of Canadian policies and discourses on the experiences and identities of refugee centers and refugee claimants. My research engages with multiple scales as it recognizes that refugee claimants' experiences are influenced by actions undertaken at multiple geographical scales. For example, decisions at the federal,

provincial and municipal level play into the negotiation of the provision of adequate services for refugee claimants. Moreover, provincial decisions of cutting social welfare for refugees affect how service providers offer settlement support.

Critical geopolitics was born as a subdiscipline of political geography in the last two decades of the 20th century. It started by challenging classical geopolitical assumptions in international relations, rejecting simplistic cartographies and state-centered hierarchies. Critical geopolitics questions the role of geopolitical language and discourses in the formulation of foreign policy. It also focuses on the role of discourse in building power (Dalby, 1991; ÓTuathail, 1996; Dodds, 2001). Critical geopolitical scholars' work focuses on identifying the "master narratives" of international relations and uncovers the role of intellectuals and institutions in the production of knowledge. It also confronts and analyses the geopolitical imagination of the state, "its foundational myths and national exceptional lore" (O'Tuathail, 2002:12). Critical geopolitics explores nationhood as a geopolitical act which involves "ensembles of acts to create nation-space and nation-time, the projection of imaginary community, the homogenization of nation-space and pedagogization of history" (O'Tuathail, 2002:12).

Moreover, in contrast to traditional geopolitics, critical geopolitics considers the plurality of space; thus, how multiple performances make possible the political construction of space. For example, the states' boundaries are not only about the outside but the construction of boundaries in relation to the other (inside versus outside). Thus, states and nationhood are constituted in relation to an outside against which they define themselves. Critical geopolitics also pays particular attention to boundary-drawing practices and performances that characterize the everyday practices of states.

Scholars of critical geopolitics argue that geopolitics is a plural representation of practices that diffuses through society; however feminist scholars critiqued the subdiscipline's lack of gendered approach and lack of inclusion of analysis of everyday spaces and embodied practices (Staeheli and Kofman, 2001; Hyndman, 2004; Sharp, 2007). In 1994, Dalby, however, opened up the conversation by arguing that "unraveling these silences is a task for any approach to critical geopolitics that is sensitive to the complexity of power on the large scale, and to the discursive formations that represent and reproduce global politics in numerous locations" (1). Further scholarly research by feminist scholars began to situate geopolitics in the everyday and mundane practices, rejecting a simplified view of geography (Dodds, 2010).

Feminist geopolitical scholarship builds on and extends this early work by contending with the traditionally masculinist "views from nowhere" predominant in geography as a way to categorize and bring order to the world (Staeheli and Kofman, 2004). The interventions of feminist geopolitics in the discipline helped to include the materialities of everyday life as they constitute the foundations of geopolitical tensions and conflicts (Dowler and Sharp, 2001; Hyndman, 2001; Dixon and Marston, 2013). They also included more voices in geopolitical analyses as their work focuses on other ignored scales by prioritizing local experiences (Staheli and Kofman, 2004). This theoretical approach emphasizes the need to link multiple scales to understand unfolding relations of power, such as the body and the household. They help to bring to light "the embodied, every day, informal practices that make manifest the place of traditionally disempowered people- such as women, children, immigrants, asylum seekers, prisoners and others- within all manner of ostensibly geopolitical landscapes" (Dixon and Marston, 2013:1).

The inclusion of other scales into the discipline opened new ways to study oppression and marginalization. As feminist political concerns lie in the personal experiences and interactions of

agents, they help to comprehend relations of power not only in formal arenas. Particularly, in migration studies, feminist scholars' research includes the understanding of how multiple relations of power cross borders and different spheres through the migrants' bodies. Hyndman (2012) argues that "mobility is a barometer of geopolitics" as the movement of people not only convey socioeconomic implications, as traditional geopolitics believe, but they are charged with powerful meanings that change the classical conceptualizations of space, place, and identity (Silvey, 1999).

Most importantly, they seek to understand how relations of power are inscribed onto migrants' bodies and how policies have important effects on migrants' identities and experiences. In this project, the focus is on the categorization of refugees as a way to control people's mobilities and access to social services. Consequently, these practices can also be considered as part of migration and asylum management. By taking the juxtaposition of resettled refugees versus inland refugee claimants, I aim to expose how the identities of claimants as refugees are constantly questioned by the Canadian state, situating them as inferiors from other types of migrants and limiting their access to social programs and services. Although their identities as refugees are being formed since they decided to leave their countries and seek asylum and protection, states' practices of categorizations and selective exclusion become manners of re-asserting borders. From the point of view of the refugee or asylum seeker, borders correspond to "all the space and time covered during their journey. Physical difficulties, the threat of arrest, an constrains imposed on the right of residence, asylum and work, are all barriers that they come across all along the way, connected to strategies for crossing, avoiding, confronting and opposing these" (Mekdjian, 2015: 20).

Using this theoretical framework, the remainder of this section aims to introduce the evolution of the figure of refugee in Canada. This conceptualization allows to better understand

the current position of the refugee claimant in the Canadian system and their struggles in getting their refugeeness recognized by the state.

The figure of refugee in the Western world is based on a socially constructed character who is generously received and helped by Western nations, yet represents the Other, someone who still has to prove themselves as a contributing member of the society. Since Canada became a signatory of the 1951 UN Refugee Convention, it has defended its commitment to social justice and attempted to honour its obligation to grant shelter to persons in need of protection. In accordance with that obligation, Canada has resettled 1,088,015 refugees since 1980 (UHCR, 2019b). The integration of refugees into Canadian society has been promoted as a source of pride and nation building, adding to the richness of the Canadian population (Olsen and El-Bialy, 2016). This humanitarian discourse has helped to create an international and domestic image of Canada as a welcoming nation. Nevertheless, there are counterarguments to this Canadian self-image that remind us that "the refugee" is not the same as being Canadian and that there are powerful differentials between them and nationals of the host country.

Refugees are often recognized as a vulnerable population. While this perception helps to create channels and structures for support; it also informs inequitable policies and discourses. For some, refugees are people in need of help, even an object of charity; while for others, they are foreign, a threat and a burden for the Canadian society. As refugees become persons in need of protection, they in turn become the responsibility of those who signed the 1951 UN Convention that are able to provide assistance on the basis of humanitarianism. This practice entails "a dialectical relationship between the self-image of developed countries as humanitarian and charitable, and the construction of refugee as vulnerable and burdensome" (Olsen, et. al., 2016:61).

The 'real' refugee is that person who shows itself vulnerable, helpless and lacking agency. In this respect, Hyndman and Giles (2011) argue that those who wait and remain "in place" are feminized, depoliticized and considered as helpless while those who seek actively for asylum become potential threats, politically dangerous and underserving. I build on this argument to show that this construction is institutionalized through Canadian policy, which prioritize those who are part of resettlement programs and not those who arrive spontaneously at their borders. This perpetuates the construction of "the refugee" as vulnerable and foreign, who can access their system only if they embody the social construction of a helpless individual. This strategy is part of the invisible border that impact specifically refugee claimants' experiences, and limits human mobility in general. Joining other scholars (Olsen et. al., 2016; Hadjiyanni, 2002; Johnson, 2011) who have challenged the idea that refugees should fit one definition, I demonstrate that the categorizations used in Canadian refugee law only harm their access to social services and, consequently, their chances to get protection in the country.

More importantly, I examine the interaction of these practices with the identity formation process of refugees. During the refugee claimant process, their refugeeness is constantly questioned and it is only acknowledged when the state determines and approves it. Nonetheless, it is relevant to consider that the idea of refugeeness is challenging as it can also serve negative connotations of difference. Being a refugee can separate them from the host population and collect them as a group surrounded by boundaries that delays their sense of belonging to the host society (Kumsa, 2006). For example, my participants acknowledged that refugees are often seen as different and as burdens; thus, all of them expressed the need to work and prove that they can belong and become active contributors to the Canadian society.

Empirical studies of refugees' identities and experiences are abundant (Hamilton, et. al., 2020; Kumsa, 2006; Valetta, 2014; Tran, 2016). These mainly focus on relations of belonging and identity adaptation during the integration process; however, a few have focused on the construction of refugeeness and the impact of policies during this process. Refugee claimants often wait months or years to get a refugee decision. It is during these years that their identities as refugees are forming but constantly questioned at the same time. They are navigating a system that asks them to prove their refugeeness, even when their institutions perceive the contrary. The Canadian in-asylum system forces refugee claimants to embody the characteristics of a "real refugee" (vulnerable and helpless); but at the same time, fails to recognize at once that their reasons of their displacement actually put them in a risky and vulnerable position. For example, after have to self-proclaim as a refugee, they must convince the IRB of the legitimacy of their claim and prove that they were persecuted or that they fled from political turmoil, where their lives were, in fact, at risk.

Nevertheless, in this project, I aim to show a different perspective on refugeeness, one that it is not imposed or that must be embodied by refugees to show their need for protection. The construction of refugeeness is a matter of becoming and forming identity, it is something that inherently develops through their struggles. I draw on Hadjiyanni's (2002) "refugee identity paradigm" to demonstrate that the title of refugee is not earned by displacement, but an act of being a refugee as an identity in and of itself.

In her work, Hadjiyanni, a refugee Greek-Cypriot refugee herself, explores an important, yet neglected aspect of refugee identities: the refugee consciousness individuals that do not fit the official category of refugee. She particularly highlights the need to shift paradigms to disassociate the idea of earning the title of refugee that follows the official criterion imposed by states. Her theoretical contributions come from her response to the "title paradigm" and the conceptualization

of an "identity paradigm" that aims to recover refugees' voices and perspectives on the formation of their own refugeeness. For her, the "title paradigm" (i.e. official conceptualization of refugees) is highly problematic as it legitimizes the dominance of the receiving country, overlooks those internally displaced, and does not consider adjustment of timeframes during and after the refugee determination processes. More importantly, it undervalues the trauma of refugees as states often expect them to come to terms with their loss quickly, without acknowledging processes of healing and intergenerational trauma. For her, understanding and shifting paradigms is key to comprehend what being a refugee entails and to reinstill the individuality in refugees as each experience and expression of identity is recognized.

By exploring how refugeeness is experienced in children of displaced people (i.e. second generations of refugees), she shows that there are different ways in which the refugee identity is adapted even when they have not gone through displacement and dislocation themselves. She argues against the end of the "refugee cycle" and discusses how the refugee consciousness is grounded in the act of not forgetting injustice and violence. Thus, she challenges literature on adaptation and explores new ways to see peoples' struggles in the receiving country. Apart from theoretical contributions towards different scholarly areas in sociology (e.g. childhood studies), her work is key in refugee studies as it helps to understand what "refugeeness" means for people outside the official categories of asylum and how they adopt to trauma and struggles related to the refugee experience.

This discussion is important for my work as it emphasizes a disassociation from official categories of displacement. It allows the inclusion of those who identify as refugees, but do not conform the official criteria for being a refugee. More importantly, it highlights the importance of individual experiences and the differences between each refugee path. Thus, this paradigm

acknowledges the identification of differences between refugees' journeys for recognition, respecting each ones' past and experiences and their response to trauma and displacement.

In Chapter 6, I take three particular moments of the refugee claimant experience to demonstrate this: the moment of leaving their countries of origin, the moment of crossing the border and the moment of waiting for their refugee determination decision. I demonstrate that although refugeeness is constructed with every struggle, this, paradoxically, is not enough to comply with the official definition of vulnerable and helpless individuals. Therefore, Canada's humanitarianism is based on maintaining refugees as vulnerable, foreign and without agency and, consequently, preserving their national self-image as charitable. As long as the state has someone to help under their terms, their ideals of humanitarians are sustained.

Canada has put in place an institutional segregation between those who waited to be resettled versus those who appeared at their borders. The construction of a non-deserving refugee is perpetuated through lack of institutional and financial support for refugee claimant exclusive programs, lack of attention and neglect to fix the shelter system and through federal and provincial action to cut access to services, such as the cuts to legal aid in 2019 or the changes in 2012 to the Interim Federal Health Program which reduced the degree of health coverage provided for refugees.

Conclusion

This chapter discussed the theoretical and conceptual foundation of the dissertation's main arguments. It outlined the approach I followed to study Canada's bordering practices that often shrink opportunities to provide asylum for all refugees looking for protection. It also highlighted the relevance of studying the invisible dimension of the border to understand how less evident

bordering mechanisms can impact in deeper ways refugees' opportunities to access protection as well as their settlement experiences. This analysis of the border is key to discuss Canada's neglect and unprovision as part of their policing practices, discussed further in the finding's chapters. These bordering practices, in turn, cause a fractured humanitarianism in which Canada becomes a safe haven but still maintain concealed practices that "unwelcome" refugee claimants.

This framework also highlighted the relevance to study the implications of border enforcement and immigration policies at different scales. The political anatomy of the border refers to the border as a living entity which can expand and reach local and intimate spaces. For example, the discussion on selective exclusion is key to understand how exclusionary ways of governance, affect the provision of certain services and resources to immigrants depending on their legal status and type of claim. This, subsequently, hinders refugees' capacity to integrate or to have a positive settlement experience. The last section of this chapter outlined the framework used to analyze the embodiment of immigration policies. Grounded on feminist geopolitics, this work aims to unveil the role of border enforcement in refugees' identities formation process.

The next chapter will provide a contextualization and historical overview of the project. It will explore the development of securitization practices at the US-Canada border, particularly after 9/11. It will also provide a discussion on the Canadian refugee system and will introduce the facts on the most recent asylum flows that occurred during Trump's administration.

CHAPTER 3

Regulating refugee flows: securitization policy in the Canadian refugee system and its border

Recent scholarship in the discipline of geography has shown how mobility is regulated and shaped by relations between states and boundaries, making asylum flows inherently geopolitical (Ashutosh and Mountz, 2012). States seek perpetually to establish new ways to control the movement of people, particularly those deemed undeserving and dangerous. By trying to keep out asylum seekers, governments stretch borders beyond their territorial line using tools such as interdiction, offshore detention, third country agreements and increased visa requirements (Boswell, 2003; Walters, 2004; Hyndman and Mountz; 2008, Hiemstra, 2012; Gilbert, 2019).

As borders become detached and states push immigration enforcement beyond territorial limits, asylum seekers become regulated even before reaching their country of intended destination. This causes a re-spatialization of asylum in which immigration enforcement becomes a web of elements limiting mobility and protection inside and outside the territorial borders of the states' enacting them. For instance, Hyndman and Mountz (2008) analyze how states limit the access of asylum seekers to sovereign territory, where they can access protection, through different tools such as offshore processing centers and bilateral readmission agreements. Other scholars analyze interdiction practices and offshore detention that are used to prevent non-desirable migrants to make refugee claims in their territory (Parker and Vaughan-Williams, 2009; Mountz, 2011). Canada is not the exception in these practices of mobility governance. While prized for its welcoming attitude towards refugees, Canada's immigration and border policies show the influence of securitization practices to protect the state's sovereignty towards *undesired* immigrants.

Canada has been attracting immigrants and newcomers through different streams throughout the years. As a settler country, immigration has been a vital part of Canada's social, economic and cultural formation. Although known for its leadership in efforts to protect and promote cultural diversity, immigration, and refugees' rights; Canada's immigration and refugee system has faced criticism due to interception practices to avoid spontaneous arrivals and policies that privilege economic migrants (Mountz, 2010). Moreover, various scholars have shown the difficulty for asylum claimants to request and obtain status in the country due to the complexity of the asylum system (Falconer, 2019).

The extra territorialisation of the Canadian border has been the focus of discussion among North American scholars. Some scholars have studied how the Canadian border has stretched its limits and tightened visa requirements, implemented greater security screening for refugee claimants abroad, enhanced technologies and personnel in offshore airports, and established the Safe Third Country Agreement in its border (Arbel and Brenner, 2013; Silverman and Molnar, 2016; Gilbert, 2019). Other few scholars have given particular attention to the political implications of the Canadian policies on mobility, access, and regulation (Andreas, 2005; Bhandar, 2008; MacIntosh, 2011; Smith 2019). It is this last set of knowledge that I intend to focus and expand on this thesis. The geographical position of Canada, while convenient in limiting access to migrants' arrivals, permits the transnational consequences of US security and immigration policy.

While the transnational effects of policies can be traced in between different countries, the US-Canada relationship holds particularities that make it worthy of scholarly attention in the discipline of geography. As stated in Chapter 2, this border is usually seen as less chaotic compared to the governance of borders in other parts of the world; nonetheless, it has been demonstrated as a site of contention for people looking to seek asylum in Canada. The results of the deep

cooperation in matters of border security between US and Canada have generated a continuum of policies that create precarity in both sides of the border. I aim to reveal the nuances of these connections by understanding how US policies reverberated across Canada, creating mechanisms intended to increase visible border enforcement, but that became intertwined with invisible policing practices at the same time.

This chapter will contextualize asylum dynamics at the US-Canada border before and after 9/11. The goal is to illustrate through a historical perspective the development of Canada border securitization and its relationship with US policies and practices. I will start this chapter by discussing one of the most relevant historic events of asylum crossings using the US-Canada border: the Central American border rush in the 1980s and 1990s. The aim is to show how important inland asylum flows coming from the US caused changes in Canadian refugee policy. Then, I will discuss some of the key policy implemented by the US and Canada after 9/11 to secure their border. This chapter will also contextualize refugee policy in Canada and the implications of differences imposed on refugee categories and labels. The final section will discuss the most recent asylum flows that happened during the Trump administration. This chapter will thus provide context for the next –first findings– chapter that focuses on US policy reverberations and Canadian responses to refugee flows after 2017.

Central Americans turning to Canada during the 1980s and 1990s

While the Smart Border Plan of 2001 symbolized an unprecedented harmonization of border enforcement between the US and Canada, bi-national negotiations and transnational policy pressures were also a fundamental part of previous migratory movements in the region. To understand policy choices in North America, and particularly geopolitical relations and

transnational dimensions of policy-making, it is relevant to study previous refugee crises in the region. The recent increase in arrivals after changes were made to US policy is not unprecedented. In 1980, discrepancies between the US and Canadian refugee determination led to a "border rush" of Central and South American asylum seekers (Smith, 2019). This "border rush" caused a backlog in Canada's asylum system which led to the creation of the Immigration Refugee Board and motivated the country to seek a safe third country agreement with the US.

The political upheavals in Central America in the 1970s and 1980s left a devastating human toll and thousands of persons internally displaced. People of countries like El Salvador, Nicaragua and Guatemala sought temporary refuge in neighboring countries such as Honduras and Costa Rica; however, when their safety and economic survival were threatened again in these countries, they traveled further north to Mexico, the US and Canada. Each of these countries reacted towards this crisis supporting their own interests, instead of creating a collective regional response. Due to the lack of harmonized responses, these states were forced to readjust their strategies to adequately adapt to the consequences of each their neighbors' policies (Garcia, 2006). For example, stricter US policies made Canada adjust and increase capacity-building to receive thousands of asylum seekers.

Before the 1970's, Canada's presence in Latin America was limited, until Prime Minister Pierre Trudeau (1968-79, 1980-84) increased the number of embassies and consulates and developed institutions to oversee trade and investment in the region. Canada's first experience in receiving large numbers of Latin Americans began when the country offered asylum to Chilean refugees fleeing the dictatorship in the 1970s and then, less than a decade later, when hundreds of Salvadorians arrived at the country's borders. Although the decision to seek asylum in Canada consists of a series of assessments in the individual's decision-making process, Canada's generous

policies played an important role in attracting this group of people. Canada granted asylum to up to 30 percent of applicants from Central America, in contrast to the 2 percent in the US (Hernandez, 1987).

After years of accommodating refugees from Central America, Canadian politicians faced a new challenge as US policy became harsher in 1986. The Immigration Reform and Control Act (IRCA) was signed by President Reagan, creating a series of measures to restrict the number of undocumented workers in the country. Increased border security was among these provisions, along with the establishment of penalties for employers who hired unauthorized immigrants and the legalization of unauthorized migrants who had been in the US for more than five years (Chishti, et. al., 2011). These attempts to control illegal migration in the US culminated in thousands of refugees appearing at Canadian borders asking for asylum. Some sought assistance in Canadian consulates while others entered the country without authorization. Refugees used churches and civil organizations as safe heavens in the US while they waited for their interviews with Canadian officials. Ultimately, between 1981 and 1990, more than 45,000 Central Americans arrived at Canada to seek asylum, most of them Salvadorian (Garcia, 2006a).

This border rush caused a backlog in Canada's system, which at that time was based on multiple reviews and appeals (Bisset, 1987). Moreover, shelters were full, and services were scarce due to high demand. According to Garcia (2006:131) the "Salvation Army and Red Cross shelters in Montreal and Toronto [were] filled to capacity, and the Canadian National Exhibition Grounds became an emergency shelter for refugees coming via the United States". This situation highlighted the need to develop a system which could surpass the limits of their asylum determination process.

The *reverberations* from US IRCA to Canada were evident in policy as the Canadian government had to reorganize its asylum system to accommodate claimants' petitions. They introduced new legislation that offered an appropriate framework to deal with existing refugee movements and allowed Canada to respond to refugees' needs. For example, the implementation of the Immigration Refugee Board and the Immigration Appeal Division helped to manage the backlog on petitions, which subsequently, was eliminated in 1993 (Garcia, 2006). Additionally, the few services available for this group of people were expanded and more were created in different parts of the country.

At that time Canada started to recognize how the establishment of harsher immigration control in the US would reverberate into its territory, affecting its own border governance and asylum system. Canadians also realized that their generous policies became popular among refugees and migrants who had already migrated to another part of the continent and then needed to relocate due to changes to US policy. The geographical position of Canada had limited migrants to choose this country as their first option of asylum; however, transiting through the US gave them the opportunity to reach Canada by land. These impacts, which had not been deemed positive in Canadian politics, caused a strong policy shifts in border and immigration control.

In the late 1980s, the Canadian government discouraged migration by revoking permissions to work and to receive social services for those awaiting asylum decisions. More importantly, asylum seekers at the border were being sent back to the US while they waited for their preliminary hearing date, which was usually months away from when they first crossed the border. Many Central Americans were deported once they returned to the US, while others were obliged by the Immigration and Naturalization Service to sign a voluntary departure form to facilitate automatic deportation if Canada later rejected their petition (Garcia, 2006). Moreover,

the increase in asylum petitions raised the mistrust of Canadian officials towards this group of people. Many officials would refer to them as "queue jumpers" who tried to take advantage to the Canadian generosity. Thus, asylum petitions in Canada became a highly politicized issue after the 1980s. Some scholars argue that these measures were implemented to protect Canada's system (Bisset, 1987); however, these provided new — and harsher — ways to impede an overload of asylum seekers arriving at their border. This response was far from the perception of Canada as a safe haven.

At the time the Immigration Act was passed in 1976, the government created a bureaucratically cumbersome process under the Refugee Advisory Committee and the Immigration Appeals Board (Garcia, 2006); however, it was enough to process the number of claims filed during the end of the 1970s. Nonetheless, the "border rush" made evident that this system would fail after the backlog rapidly increased when hundreds of claimants arrived at their borders in a short period of time. In this case, Canada decided to impose more restrictions, expand the border in more interior and exterior places rather than increase the capacity of its refugee protection systems and consider itself as a potential country of first asylum. Through these mechanism, Canada was putting the invisible border to work.

Canada was neglecting the processes that could make refugee claimants arrivals and settlement less difficult and onerous. The Central American border rush demonstrated that Canada was falling to provide resources and protection to one type o refugee (people arriving actively at their borders) by not acting on their humanitarian need. By not investing the resources to increase their capacity to receive and process inland refugee claims, they ended up constraining human mobility as a whole. In Chapter 4, I will discuss how this pattern was repeated in 2017, when

refugee claimants encountered several and similar deficiencies in the refugee determination system.

The US-Canada border after 9/11

Nowadays, Canada is known for its leadership in efforts to protect and promote cultural diversity, immigrants' and refugees' rights. However, historically, Canada's practices were not always considered as such. Canada's history demonstrates that exclusionary policies were established to select and attract certain types of people while deterring others to enter to their territory. Some examples of exclusion-based policies are the Chinese head-tax, the continuous journey regulation to restrict South-Asian nationals, and the turning away of hundreds of Jewish during the Second World War. As a settler nation, Canada has a long history of immigration; however, it was not until the late 1960s when the category of refugee was recognized in Canadian society after its adherence to the United Nations Convention on Refugees, and the subsequent establishment of the refugee resettlement program in 1978. After the openness of its borders during the 1970s through the 1990s for those seeking protection; the terrorist attacks on September 2001, represented a turning point on how Canada controlled the entrance of immigrants and asylum seekers to its territory (Murphy, 2007).

Strict immigration control and criminalization of migrants existed before 9/11. Important legislation governing migration was established during the 1980s and 1990s. For example, Coleman and Stausse (2014) studied IRCA's passage in 1986 as an important element of the origins of US biopolitical control against undocumented migrants. Moreover, Razack's work (1999) demonstrated that legislative changes in Canada increased border policing in the 1990s. She, importantly, identifies the role of Canada in policing bodies of color, using racialized

discourses. Due to the terrorist attacks' crucial impact in securitization, 9/11 became a foundation to study contemporary migration. However, overstating or overgeneralizing its impacts can become a risky endeavour, which I try to avoid in this study. Although Canada showed in legislation important policing practices and race-driven categorization in the 1990s; my study focuses on the *amplified* security measured after 9/11.

I analyze post 9/11 operations as these considerably expanded the Canadian border and immigration enforcement through cooperation with the US government. In addition, the results of this cooperation are tactics that govern most of refugee land border crossings (e.g. through the STCA). In this section, after a brief discussion on how securitization has guided immigration policy in the Global North during the last decades, I will explore the changes in Canadian immigration and border control after 9/11.

Discussions about security and immigration for at least the last two decades have been at the forefront of the social sciences. Several scholars have argued that border control across Europe and America have strenuously tightened since the declaration of the "war on terror" (Bigo, 2002, Bosworth, 2008, Coleman, 2009). Particularly, scholars have studied the impacts of the terrorist attacks on states' security practices and how immigration and the openness of borders became a true concern for Western nations after 2001.

The previous dynamics of welcoming displaced individuals after the WWII, changed drastically as more scrutiny was given to people on the move. Places such as the US, Australia, Canada and western European countries, which offered sanctuary to refugees fleeing from Communist countries during the 1960s and 1970s (Wasserstein, 2017), started to enforce tighter restrictions to those wishing to enter their territories during the 1990s. These restrictions expanded with the conceptualization of "illegal" immigrants and the declaration to the war on terror in the

next decade. In the global north, states' adopted harsher border control in the name of national security (Andreas, 2009; Amoore, 2006). The desire to reduce and monitor people on the move became a normalized factor which was materialized in the form of border walls, wired fences, drones, interior policing, and also the so called "e-borders" from countries that sought to close off entry points (Anderson, 2006; Huysman, 2006; Coleman, 2009).

Nonetheless, during that time another worldwide force was causing a rearrangement of different types of movements. Globalization was now shaping the development of free trade and cross-border movement of goods and people. Thus, the measures aimed to control mobility were competing against a force that required large-scale mobility of populations (Bosworth, 2008; Johnson, et. al., 2011). The need for immigrants flows and the need to protect states' territories against threats initiated a response from Western countries that caused the differentiation among types of migrants: "valid" refugees and economy-contributing immigrants versus illegal immigrants and "bogus" refugees. The people who suffered the most the consequences of this new system were asylum seekers and unskilled migrants as their access to these territories became very limited.

The brief, optimistic talk referring to the opening of world borders in the 1990s during the peak of globalization, was replaced in the 2000s by an anxious discourse of securing states' boundaries against international threats. At the beginning of the twenty first century scholars of disciplines like International Relations and Geography substantially increased their attention to the studies of borders as a way to show how borders were transforming, multiplying, and extending instead of disappearing following the promise of a post-Cold War borderless world (Johnson, C., et. al., 2011). The idea of borders as territorial fixed lines was contested in scholarly research as it

was demonstrated that borders were not only found at traditional border crossings but also in ephemeral, non-visible and non-territorial zones (Parker and Vaughan-Williams, et. al. 2009).

The securitization of borders and the new immigration enforcement landscape had implications on migrant populations. Governments set up a sharp distinction between deserving and undeserving foreigners (Bosworth, 2008) and promoted practices from the criminal system to punish those deemed as dangerous immigrants. Particularly, after the terrorist attacks, the immigration systems became governed by fear and unease towards this particular group of people (Bigo, 2002).

Canada's practices in immigration followed these global trends in the governance of migration. More importantly, its geographical position –neighbouring the United States–, forced Canadian politicians to create stricter guidelines to control its borders after the attacks. The events of September 11th, 2001 certainly did not start the country's immigration debate, but they did alter the course of policy and debate by introducing terrorism as a threat for the Canadian society. In the aftermath of 9/11, Canada increased its security through several channels and became another key player on safeguarding US territory by implementing harsher border controls (Murphy, 2007).

Before 9/11, Canada's policy on immigration was moderate and less restrictive and its approach to its southern border was low-profile (Andreas, 2005). The Canada-US relationship was characterized by a harmonious dynamic that was guided by economic ties. The bilateral relationship focused on expanding trade relations and rarely caused cross-border tensions. However, the disturbance of 2001 caused a shift on this relationship as the US security concerns extended northwards and Canada began to experience intense US political scrutiny (Andreas, 2005). This caused the establishment of an unprecedented system of security at the US-Canada border (Gilbert, 2012).

Post 9/11 securitization measures in Canada focused on limit the and control of unwanted migration. The measures taken by Canada, and other countries, were not necessarily new but their amplification and limited judicial review were. In addition, Western security heuristics focused more intensively on ethnicity and religion as markers of threat and dangers. Thus, the shift to a security paradigm in border and immigration control included racist and xenophobic practices that resulted in increased policing, restriction of human rights and harsher treatment of irregular migration (Crépeau and Nakache, 2006).

Race is an undeniable marker of differential treatment and exclusion in migration and border regimes (Crosby, 2021). Processes of racialization differentiated outsiders from insiders for decades before the terrorist attacks; for example, racist practices against Roma refugees in Europe (see Fekete, 2009). Nonetheless, 9/11 enabled an institutionalization of anti-Muslim racism as security agencies in North America and Europe started to view that Islam per se constituted a "threat". These markers of difference related to race and religion were expanded to other ethnicities as well, particularly those coming from the Global South.

After 9/11, race and religion were particularly linked to terrorism; however, these elements were then related to the production of dominant and subordinate identities and discourses. Thus, new border and immigration practices were implemented under the logics of white supremacy and hierarchies of racism (Crosby, 2021). Those who were at the bottom of the scale were considered unwanted migrants. Particularly in Canada, in the post 9/11 period, the discourse of race and racism increased as signifiers such as religion, education and looks took a heightened meaning (Dua, et. al., 2005).

Scholars who have studied US-Canada relations, particularly after 9/11, generally agree that the extent of securitization at the border was exceptional as the level of cooperation between

both countries was unprecedented. After 2001, cooperation in border security became one of the cornerstones in the US-Canada relations (Gilbert, 2012). Although mutually negotiated and willingly established, these practices also caused an inherent linkage between US policy and Canadian positionality to receive asylum claimants. Canada not only became another key player in securing the US border, but its asylum and immigration system became subjects of US changes in immigration policy. It is not my intention to argue that Canada did not show sovereign power in these negotiations, but to demonstrate how mutually accorded security practices after 2001 caused a deep linkage between both immigration policies and systems. As Nicol mentions "there is still an American presence in the Canada–US relationship that goes beyond the bounds of normal relations between states" (2015: 19). The following timeline describes some of the key practices and policies that Canada implemented to secure their border right after the terrorist attacks:

Table 2.

Timeline of key Canadian border policies after 9/11

	Securitization practices
September to December 2001	Canada gives an initial allocation of $280 million for border policing. In addition, they announce the allocation of 5-year 7.7 billion for "national security" (Wark, 2006).
October 2001	Canada introduces its Anti-terrorist Act (Bill C-36).
December 2001	Smart Border Declaration Plan was implemented. Including the expansion of Integrated Border Enforcement Teams (IBETs).
April 2002	Creation of the Canadian Air and Transport Security Authority.

December 2003	Creation of the Canada Border Service Agency as an independent unit.
2003	Expansion of IBETs to include joint maritime operations, creating the Shiprider initiative.
2004	The Safe Third Country Agreement entered into force.

The first wave of Canadian policymaking after the 9/11 attacks occurred almost immediately, from September to December 2001 to meet the crisis and to respond to new threats (Wark, 2006). Nonetheless, these measures were still deemed weak as they did not have a particular strategic direction. The Canadian government tried to change that after forging new legislation, particularly with the passing of the Anti-terrorism Act (Bill C-36). This, as one of the key pieces of Canadian legislation related to 9/11, combated financing of terrorism and introduced more funding towards detection technologies and personnel to strengthen their security. The bill was heavily criticized for its impact on Canadian citizens' fundamental rights and civil liberties (ICLMG, 2003) and therefore ended up being revised.

Up until today, the Government of Canada specifies a few key responses that were taken to address the threat of terrorism "both within and beyond Canadian borders" (Government of Canada, 2015) after 2001. They created the Canadian Air and Transport Security Authority, which is responsible for more rigorous screening of passengers and baggage, they broadened the level of information sharing among agencies involved in detecting terrorism financing, and they created an operational headquarters that allowed the coordination of military resources available for domestic security, safety, and security. More importantly, they created the Canada Border Service

Agency, separating border enforcement from the other immigration mandates and agencies, like what was previously called Citizenship and Immigration Canada (Government of Canada, 2015).

Moreover, the efforts of the US and Canada to create a secure perimeter against international threats culminated in the US-Canada Smart Border Declaration, signed in December of 2001 by US Governor Tom Ridge and Canadian Deputy Minister John Manley. This plan was aimed to create a regime that would balance the needs of trade and national security at the border (Gordon, 2006). After the implementation of this plan, the border became a "zone of confidence against terrorist activities" which was the preferred term of Canadian politicians instead of "security perimeter" (Andreas, 2005; Kitchen and Sasikumar, 2009). While the 9/11 attacks were not directly related to the US-Canada border, they had long-lasting ripple effects on border governance.

The impact of these measures was also felt in how the Canadian border was perceived domestically and internationally. The territorial border was now expanded and seen as a continuum causing a spatial and temporal stretching of control and restrictions against undesired people (Johnson, et. al., 2011). As Arbel and Brenner (2013) argue, Canada's border strategy, including the STCA, closes the border to refugees by deflecting, deterring and blocking asylum seekers to make lawful claims. In this respect, this is how the Canadian Standing Committee on Citizenship and Immigration recommended to the Parliament to address issues of border security after 2001:

> It has become clear to the Committee that when addressing the issue of security, the border must be viewed as a *continuum* (emphasis added). We must not focus solely on individuals presenting at a port of entry. We must look at the entire process involved in international travel, trade and migration. From the time that someone purchases an airline ticket or applies for a visa, our security procedures must be in effect. Working with the United States

and other allies, we must focus our collective resources — particularly intelligence

resources — to meet the challenges facing our nations (House of Commons, 2001:1).

The Standing Committee recognized the Smart Border agreements as an attempt from Canada to

proactively design a policy that expanded the border and limited the access of some to Canadian

territory.

The Smart border declaration intended to facilitate the legitimate flow of people and

commerce in a world under threat from terrorists (Gordon, 2006, Gilbert, 2012). The declaration

had four supporting pillars, to: 1) secure flow of people, 2) secure flow of goods 3) secure

infrastructure and 4) coordination and information sharing in the enforcement of these objectives

(US Department of State, 2001). The specific measures included the development of infrastructure

to exchange information on immigration related-issues, the exchange of criminal records

information, visa policy coordination, the development of common biometric standards, the

deployment of US and Canadian immigration offices overseas, harmonization on commerce

processing to relieve congestion at the border, physical and technological infrastructure

improvements at the border, deployment of Integrated Border Enforcement Teams[3], joint training

and exercises, and the management of asylum and refugee processing through a Safe Third

Country Agreement. This action plan made it clear that future border security measures would be

driven by harmonization of policies and integrated efforts (Wark, 2006).

While the free flow of goods was being addressed positively, the flow of people was being

restricted in the same plan. Both countries implemented the "Government of Canada and the

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[3] The Integrated Border Enforcement Teams (IBETS) were transnational teams that focused on criminals and terrorists that may attempt to cross the US-Canada border. The five core agencies that integrated these teams are: The Royal Mounted Police, the Canada Border Service Agency, US Customs and Border Patrol, the US Immigration and Customs enforcement and the US Coast Guard.

Government of the United States of America for Co-operation in the Examination of Refugee Status Claims from Nationals of Third Countries" agreement (known as the Safe Third Country Agreement), that would control peoples' mobility at the border. Through the Smart Border Agreement, the Canadian and US government were differentiating "safe" people, who could be pre-cleared through programs like NEXUS, and "non-safe" travellers who were controlled by policy like the Safe Third Country Agreement. The STCA would not enter into force until 2004.

After this initial smart border plan, both countries promoted and implemented more cross-border strategies in subsequent years. For example, in 2011, Canadian Prime Minister Harper and the US President Obama issued and signed the declaration "Beyond the border: A Shared Vision for Perimeter Security and Economic Competitiveness" which established a newly and renovated long-term partnership built upon a secure perimeter approach and economic competitiveness (Public Safety Canada, 2011). Today, these geopolitical projects still define the dynamics of the Canada-US border, not only to Canadian and North American citizens but also to asylum seekers coming from the Global South aiming to reach one of these two countries.

Refugee policy in Canada: Refugee rights under IRPA 2002 and 2010

The regulation of mobility is a geopolitical exercise as it involves territorial and spatial strategies to control mobilities and contain international threats (Nagel, 2002). The geopolitics of the US-Canada border and immigration relations often make their way into refugee claimants' mobility, representations, and experiences. Particularly, the harmonization between Canadian and American policymakers in cross-border management reflect the impact of states' geopolitical relations in constraining migrants' mobility in North America.

In Canada, the effects of the terrorist attacks and subsequent border enforcement were reflected in how immigration and asylum was politically and socially perceived. In this regard, the report drafted by the Standing Committee on Citizenship and Immigration in December of 2001, highlighted that the movement of goods and people was essential to Canada; however, they were also keen to clarify that "the September 11th clearly demonstrated that the threat of terrorism is, in part, an external threat and the response to it must therefore be addressed in the context of our immigration system" (Canada Standing Committee on Citizenship and Immigration, 2001:4). Thus, control of immigration and asylum seekers became crucial to the fight against terrorism.

In this section, I will track two of the key legislative changes after 9/11 that impacted asylum seekers' rights and were implemented due to security concerns. I will focus on the Immigration and Refugee Protection Act (IRPA) which came into effect in 2002, and the amendments made to this legislation in 2010, under Bill C-11, as they were particularly relevant for the refugee community.

The implementation of IRPA in 2002 was not exclusively a response to the terrorist attacks. A key event that informed the discussions about refugee rights in Canada occurred in 1999, when four boats carrying Chinese nationals were intercepted off the coasts of British Columbia. After being smuggled into Canada, this group of people attempted to move to the US and work in irregular fashion. After being apprehended in Canada, the Chinese nationals decided to make refugee claims in Canada instead. This event raised concerns among Canadian politicians about refugee claimants exploiting the Canadian refugee system. At that time, the concerns were not centrally about terrorism, but they were associated with the economic impact of people working illegally and with smuggling as a way to enter their territory. As these concerns were something that were previously on the table of Canadian politicians (Gilbert, 2012), the terrorist attacks only

served to reinforce the idea of *needing* policies and legislation to control the movement of people. As Dobrowolsky (2007:635) argues "while im/migration and security concerns were already interlaced by states prior to 9/11, as IRPA in Canada illustrates, the knot was tightened post 9/11".

It is also relevant to note that previous efforts to control migration also involved attempts to draft and sign a safe third country agreement between 1995 and 1997 (Macklin, 2003). Although Canada admitted that there were differences between US and Canadian refugee systems, they still pursued the agreement under the justification that the UNHCR considered that the US met international standards (Faulkner, 2003). In May of 1996 a preliminary draft was published; however, the attempt to get the agreement signed failed in the following year (Canada Standing Committee on Citizenship and Immigration, 2002). The long-standing interest from Canada in concluding the agreement was fulfilled years later, in 2001, when both parties signed the US-Canada Smart Border Plan which included the implementation of the STCA.

The implementation of IRPA impacted different elements of the immigration and asylum systems, particularly the appeal and detention schemes. Among some of the most important changes introduced was the criminalization of people procuring and possessing fraudulent travel documents. Under IRPA, officials had the right to detain those who failed to provide rightful identification. The power to detain due to identity concerns became exercisable not only at ports of entry but at any time and place. In this sense, the multiplication of the Canadian border induced a shift from fixity to a multi-location strategy where individuals would encounter border practices beyond the territorial limits (Szary and Giraut, 2015). Although this was a preventive measure to avoid people with malicious intentions to enter their territory, it was particularly troublesome, as claimants often carry false documents or do not carry documents at all when fleeing from their home countries.

There were two other particular concerns linked to asylum seeking in Canada implemented through IRPA 2002. First, the fact that refugee determinations were now made by one member of the tribunal sitting alone, replacing the two-member panel regime where only one member needed to find in favour of an applicant for refugee status to be awarded (IRPA, 2002). Although authorities considered this a "logical" transition as members rarely disagreed with each other, it removed a layer of protection to claimants (Dauvergne, 2003). Second, the new laws changed the appeal process. Under the old Immigration Act of 1976, individuals ordered to be removed from Canada were granted the right to appeal on the basis of law, fact, mixed law, or on the ground that, having regard to all the circumstances of the case, they should not be removed from Canada (Chan, 2005). However, under IRPA 2002, individuals that were found inadmissible on considerations of security, violation of human rights and criminality were no longer allowed to appeal to the Immigration Appeal Division (Government of Canada, 2002). This change also affected the former discretionary powers of panel members to determine whether an individual should or should not be removed based on the circumstances of their case.

As mentioned previously, some of the provisions included in IRPA 2002 were based on already developed concerns before 9/11. Nonetheless, this act became a stricter resource to control and avoid the entrance of people suspected to be a threat to public security after 2001. Some scholars argue that IRPA 2002 did not change substantially the structure of asylum laws (Dauvergne, 2003) and that the amendments proposed to IRPA in 2010 were more concerned with refugees and freedom of movement (MacIntosh, 2011). In 2010, the Ministry of Citizenship, Immigration and Culturalism introduced Bill C-11, known as the Balanced Refugee Reform Act. As a result, IRPA was amended to give the Minister the authority to "set processing time limits in the regulations and to designate countries, parts of countries or classes of nationals of countries

that do not normally produce refugees, for the purpose of further expediting the processing of claims" (Government of Canada, 2011, para. 2). The most important provisions concerning refugees were the expedited processing at the appeal stage and the Designated Countries of Origin Policy, which aimed to fast-track refugee hearings of people coming from countries that did not normally produced refugees. This legislation was particularly keen to detect unfounded claims and to reduce pressure in Canada's asylum system; thus, "contributing to a system that is able to provide faster decisions to those who are in need of protection" (Government of Canada, 2011, para. 2).

While some of the amendments to the Immigration and Refugee Protection Act (Bill- C11) were considered constructive and encouraging (CCR, 2010; Sanctuary Coalition of KW, 2010), others raised concerns among several civil organizations. For example, the Canadian Council for Refugees, Amnesty International and the Refugee Lawyers Association of Ontario argued that speeding up the line for refugee claimants waiting for interviews would only infringe refugee rights. Particularly, the Designated Country of Origin policy caused controversy as most organizations believed refugee determination needs an individualized assessment and refugee cases should not be based on their country of origin. This strategy, based on making a more efficient refugee system, became problematic as it empowered the government to designate a list of countries considered safe but from which a number of well-founded claims are made. Moreover, these organizations urged for a mechanism to review that countries do not remain designated when conditions have changed to ensure the full protection of refugee rights. The amendments were aimed at relieving the pressure on an overburdened refugee determination system; however, the burden was pushed onto refugee claimants whose cases provided a convenient opportunity to

prioritize efficiency over fairness (Atak et al., 2018; Neylon, 2015). A faster immigration system does not always equal increased rights for refugee claimants.

Moreover, as this thesis aims to show the impacts of securitization in refugee rights, I will also explain one of the most contentious policies, to the present, established as part of the Smart Border Plan: The Safe third Country Agreement. Refugee rights, such as having their claim determined, not to be detained and freedom of movement were largely restricted through this legislation. This restriction was promoted as necessary for Canada to be able to protect its society from criminality and international security threats (MacIntosh, 2011).

Restricting refugee rights through the STCA

Canadian borders are now being reterritorialized, de-territorialized and extra-territorialized. Their fixity is questioned as states extend their legal reach to maximize their opportunities to prevent "undesirable migrants" to enter their sovereign territory (Gilbert, 2019). This way of governing migration was included in the post 9/11 US-Canada harmonization of border security, particularly through the establishment of the Safe Third Country Agreement in 2004. This agreement prohibits asylum seekers from making claims at the official Canadian ports of entry when coming from the US on the premise that the US is considered a safe country and that asylum should be claimed at the first country of landing. This agreement draws on the concept of "safe third country" which originally developed in Europe and its mechanism are contained in the Dublin III Regulation of the European Union (Gil-Bazo, 2015). In the North American context, this agreement applies only to land crossings and not to arrivals by air or sea, a contradiction often criticized. Furthermore, the Agreement only applies with respect to those claims made at a land official port of entry and not to those made inland as it is impossible to determine whether inland

claimants arrived via the US. As MacKlin mentions (2003: 3) "refugee claimants who wish to pursue their claim in Canada have no incentive to disclose that they have passed through the US, and every reason to conceal it". This section aims to show how this specific agreement altered the dynamics of the Canadian border, jeopardizing refuges' access to asylum while causing disorder at the border. This section draws on Emily Gilbert, Efrat Arbel and Alleta Brenner's analysis of the STCA. Their work provides a useful framework for understanding how Canada's strategies to stretch their border reworks its jurisdiction as border controls are now attached to non-traditional spaces.

Under domestic and international law, Canada is obligated to extend legal protections to asylum seekers present at or within its territorial borders. However, it is a different story for those who have not yet reach Canadian territory. As Arbel mentions (2013: 2) "Canada's legal obligation towards asylum seekers outside its territorial border [however] are ill defined". Canada's strategy of pushing the border out through visa restrictions, offshore interdiction and deflection measures, restrict asylum seekers to lawfully reach Canadian's frontiers by air and water. As of 2004, the Safe Third Country Agreement completed the set as asylum seekers were also restricted to enter by land. All these measures were aimed to facilitate Canada's interception abilities towards "undesirable" migrants in places away from sovereign territory. Although the STCA was put in place after 9/11, Canada had tried to introduce legislation that limited refugee arrivals since a decade earlier (Canada Standing Committee on Citizenship and Immigration, 2001; Gilbert, 2019).

Different factors prompted the implementation of a safe third country agreement between Canada and the US. The Standing Committee on Citizenship and Immigration highlighted in 2001 that refugees preferred making claims in Canada due to the differences between the Canadian and the US refugee determination system (Canada Standing Committee on Citizenship and

Immigration, 2001). This preference relies on the premise that the US process for asylum claims is more complicated and unjust and, consequently, there are fewer chances to obtain regular status. With the STCA, Canada is not only closing the doors to potential refugees before arriving in their territory, but it has also deemed "safe" a country whose refugee system is more restrictive and that, often, fails to ensure fundamental protections to asylum seekers (CCR, 2018). Accordingly, this has always been and remains a major point of contention and contestation to the STCA, and it was the subject of a court decision in 2020 finding the agreement to be unconstitutional by the Canadian Federal Court. This was later appealed by the Federal government and the STCA still is in place today resulting in asylum seekers routinely being turned back at the US-Canada border (Keung, 2021).

Several aspects of the US asylum system have raised concerns as it fails to comply with international standards. According to the Canadian Council for Refugees some of the concerns include:

1. Expedited removal processes: Numerous studies have shown that US authorities fail to efficiently identify a "credible fear" in their first interview, making them subject to an expedited removal. Trump's has expanded this provision by denying some groups entry and court hearings (CCR, 2018; Abu Alrob and Shields, 2020).

1) One-year bar: People must make an asylum claim within one year of arrival; nonetheless, due to lack of information and legal representation, many people miss this deadline (CCR, 2018). The latest proposals by the US federal government have made this element an adverse factor that would ordinarily result in the denial of a claim.

2) Immigration detention: Many asylum claimants who lack proper documentation are held in detention. While this has happened routinely in the US, Trump expanded criteria to detain eligible asylum seekers, including those having legitimate fears of prosecution and that are highly vulnerable (CCR, 2018; Abu Alrob and Shields, 2020). A report from the American Civil Liberties Union, Human Rights Watch and the National Immigration Centre found that since 2017, more than 40 detention facilities have opened and that those detained are held in inhumane conditions. Moreover, in 2019, the detained population per day exceeded 56,000 people, approximately 50% more than the previous highs during the Obama administration (Cho, et. al., 2020).

These concerns have remained unaddressed by US politicians, and Canadian officials implemented the STCA knowing of these aspects, minimizing options for hundreds of asylum seekers. Before the STCA, individuals had a safety valve as "deserving asylum seekers denied or barred from asylum in the United States successfully obtained protection in Canada" (Arbel and Brenner, 2013: 9). After 2004, this chance was eliminated, diminishing rights to seek asylum not only in the US, but also in Canada.

Gilbert (2019) and Arbel (2013) suggest that the STCA is a strategy that causes legal violence as it allows the state to evade human rights and deny accountability. Both scholars show that the Canadian border shifts and stays static at different stages, limiting migrants' rights. Gilbert (2019) finds this "elasticity" of the border is enforced by Canadian government agencies; thus, refugee rights are often dependant on the implementation, operationalization and interpretation of the law. These scholars analyses are based on the assessments and decisions of the STCA from the Canadian Federal Court and the Federal Court of Appeal a few years after the agreement's

implementation. While the first ruled against the STCA, in 2007, on the basis that the US could not be considered a "safe" country, that Canada was participating in indirect refoulment by returning asylum seekers to the US and, that the STCA violated two sections of the Canadian Charter of Rights and Freedoms; the later, struck down the Federal Court ruling and the STCA was reinstated a year after (Gilbert, 2019).

The main argument from the Court of Appeal was that someone who was denied entry under the STCA at the border was considered not to have reached Canada and, therefore, the Charter of Rights did not apply to them. Following this reasoning, Arbel (2013) argues that the Court of Appeal considered the border as both a static and shifting element. While the Court believes that constitutional protection should be given only to those who physically cross the border [turning it into an immobile and static line]; it also conceives the border as a shifting barrier. In this sense, the STCA becomes a moving barrier outside Canada's formal boundaries making it impossible for an asylum seeker to even reach Canadian territory and disallowing "refugee claimants from claiming constitutional protection" (Arbel, 2013; Gilbert, 2019). Thus, the jurisdiction of the STCA reaches both the territorial land border and the bodies looking to enter Canada but that are positioned way outside the country's geographic perimeter line.

According to these scholars, the contrariety of the *static* and *shifting* principle and its simultaneous application by the Canadian government becomes problematic as it deprives potential refugee claimants of actionable rights and strips them of recourses under Canadian law. As Gilbert mentions "Here we have two contradictory principles in place simultaneously: the border is elastic in that it is distended when it comes to ensuring interdiction but snapped back in place in order to limit access to constitutional rights for a certain category of migrant: asylum seekers" (2019: 429).

The STCA hat unintended consequences as it often causes disorder at the border. According to the Standing Committee, in the fiscal years of 1999-2001, 10,967 asylum seekers entered the territory coming from the US, representing 34% of all refugee claims; that number, increased to 37% in the following year (Canada Standing Committee on Citizenship and Immigration, 2001). Although the implementation of the agreement reduced those numbers to an approximately 20% (Moens and Callacot, 2008), it also caused the increase of irregular arrivals to Canada. Scholars in geopolitics have studied how these types of measurements are not entirely successful in deterring migrants but, more often, they cause migrants to look for more dangerous places to make crossings (Massey & Sánchez, 2010; Angelucci, 2012).

Irregular migration in Canada has not been a prominent issue in governmental debates; however, it has become the focus of public and political discussions over recent years, particularly, at moments of crisis (Squire, 2010). This is also part of a larger trend in which ruling parties in western countries emphasize the need for stricter border control to mitigate irregular migration. For example, one of the most recent policy mechanisms established towards the reduction of this type of migration is the European Union New Pact on Migration (2020). This pact aims to address irregular migration through harsher EU's external borders and through a better strategy for an integrated border management. The Pact builds upon three dimensions: cooperation with countries of origin and transit, robust management of the EU's external borders and more internal rules to achieve a more balanced distribution of asylum seekers between EU members (European Commission, 2020).

In the case of the US-Canada border, since the Agreement denies access to Canadian territory to asylum seekers at the border –which circumvents Canada's international obligations– people risked their safety by crossing, mainly, at places like Roxham Road (NY-Quebec). These

irregular crossers have been able to use a so-called "loophole" where the STCA does not apply, places away from official ports of entry. The "irregular" nature of their arrival causes them to be subject to diminished legal protection once they enter Canadian territory. However, it is important to note that even though these people use irregular means to enter the country; they generally present themselves as soon as they can to the law enforcement officials to make their claim. Thus, their intention is not to live in irregularity or to avoid examination but to avoid being sent back to the US (CCR, 2017).

The violence inscribed in establishing mechanisms that can cause injury or death by re-routing migrants' journeys, like the STCA, show that states consider seeking asylum as security issue rather than one of protection (Hyndman and Mountz, 2008; Vogt, 2013). Particularly, for Canada, the STCA calls into question Canada's generosity and re-frames de debate about the compassion of its refugee protection system (Macklin, 2003; Arbel and Brenner, 2013).

Present-day structure of the refugee protection system

After the historical contextualization of Canada's securitization practices, this section will discuss shortly the present-day structure of the refugee protection system. I will focus on presenting the differences between refugee claimants and resettled refugees. In Chapter 6, I will discuss the implications of these categorizations that lie at the core of Canada's refugee protection system. This is relevant to further understand the consequences of Canadian refugee policy at other scales, like the bodies and the identities of refugees.

Canada's humanitarian obligation towards refugees is guided by the 1951 UN Convention relating to the Status of Refugees. Canada signed the Convention in 1969, 18 years after it was adopted by the United Nations and 15 years after it entered into force (CCR, n.d.). Until 1976,

Canada's legislation recognized refugees as a special class of immigrants in the Immigration Act. More advances were made in Canada regarding the protection to refugees after 1985 Supreme Court's Singh decision, in which refugees' fundamental rights became protected by the Canadian Charter Rights and Freedoms. After the Singh decision, refugee claimants were now entitled to an oral hearing, in accordance with international law.

Under the Convention, signatory countries' obligations to protect a refugee come into effect only after an asylum seeker has entered their territory. Countries are also obliged to the principle of "non-refoulment" which means that they must not send back someone into a situation of possible persecution. They also should not penalize asylum seekers for entering the county illegally. However, this thesis provides empirical examples of how the punitive system for irregular arrivals can be enacted in many ways, must of them hidden and concealed.

The Convention imposes no obligation on countries to assist refugees until they have arrived at their territory, it also does not impose requirement for burden sharing between states (Millbank, 2000). While there is no requirement to do that, Canada's humanitarianism has been legitimized by its openness and commitment to the refugee cause. Canada has a strong resettlement record; however, it does not provide the same opportunities to people actively seeking asylum at its borders (Hyndman and Reynolds, 2015). Canada has implemented mechanisms that actively pushes the border out in order to preclude the arrival of asylum seekers. Thus, although they are signatories of the 1951 Convention, Canada's practices result in a devaluation of certain types of refugees.

In Canada, individuals who ask for refuge must adhere to the provisions of the UN Convention for Refugees and they can apply through two different programs: 1) the Refugee and Humanitarian Resettlement Program and the 2) In-Canada Asylum Program. The former is for

people who need protection from outside Canada. These are Government Assisted Refugees (GARs) who are referred by the UNHCR or private sponsored refugees. The latter is for people making refugee claims once they are within Canadian territory. The next table show the differences between these programs:

Table 3.

Differences between Canada's refugee protection programs

	Refugee and Humanitarian Resettlement Program	**In-Canada asylum program**
Subjects	People who need protection from outside Canada.	People who ask for protection from within Canadian territory.
Status upon arrival	Refugees (either as GARs or as sponsored refugees).	Refugee claimants.
Agencies that promote and help refugees for resettlement	UNHCR, private sponsors, provincial and federal funded agencies. GARs are enrolled first in the Resettlement Assistance Program and then in the Client Support Services program. The aim of both programs is to support a positive settlement experience in Canada.	Agencies mainly funded by municipal governments and by limited federal financial programs. No official federal program has been created to cover their needs, except for the Interim Federal Health Program (IFHP).

Key services before and upon arrival	Refugees can access Immigration Loans Program to cover travel costs. Welcoming them at the airport or other port of entry. Helping to find a temporary place to live. Helping to find a permanent place to live.	Settlement agencies offer basic need to refugee claimants like transitional shelter, settlement assistance, accessing education[4], and support in their refugee claim process.
Financial aid	Canada provides income support for up to one year or until they can support themselves.	Claimants can apply for welfare after their arrival.
Means to cross the border	Mostly by air.	By land (irregularly or on Ports of entry) or by air (overstaying their tourist visas).

Note: Table recreated with information from the Immigration, Refugees and Citizenship Canada https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada.html

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[4] These services are also offered to resettled refugees through the Client Support Services program, created to meet the needs of Government Assisted Refugees in their first 12 to 18 months (National GAR case management, n.d.)

The resettlement program is intended for those refugees who meet the definition of the Convention, but "who do not have a durable solution[5] and therefore have a continued need for international protection" (UNHCR, 2011: 20). This program is also unique as it is aimed at those who are already located in a country with an asylum program, but are looking to be resettled in a *third* country due to a continued need of protection. The resettlement program in Canada is not inclusive for all asylum seekers, and can only be accessed by certain groups who have access to UNHCR programs in their home or transit countries.

On the other hand, the process of becoming a refugee once you are in Canadian territory – through the inland asylum system – is lengthy and complex. The steps to getting status can become a source of emotional distress and frustration among claimants. To make a claim, an individual needs to declare their intentions to ask for asylum at a Port of Entry; or, once inside Canada they should go to their nearest IRCC office. In both cases, the individual is required to complete application forms which will be revised by the Immigration Refugee Board. An eligibility hearing is conducted where an official determines if they are suitable to make a claim. For PoE claims, these initial hearings are usually done on the spot by a CBSA agent; but for inland claims, officials can ask individuals to return at a later time. If the individual is eligible to make a claim their case is referred to the Refugee Protection Division (RPD), and they will be given a Confirmation for Referral and await a hearing date. If the claim is allowed, the claimant can apply for permanent residency and family reunification. If it is denied, the claimant can appeal the decision to the Refugee Appeal Division (RAD). If this recourse fails, the claimant will be scheduled for deportation (IRB, 2018).

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[5] For the UNHCR the durable solutions accessible for asylum seekers are voluntary repatriation, local integration and resettlement in a third country.

The status of a refugee claimant is only given after the initial eligibility hearing is conducted. This hearing is particularly important as the officer will give refugee claimants a Refugee Claimant Protection Document (RCPD) which shows that the individual has been found eligible for a protection hearing. This document is helpful in accessing services, such as health care and job permits. Therefore, this initial encounter with authorities is not only required for permission to stay in Canadian territory, but to access essential services while awaiting the decision.

In Canada, factors like immigration status and the type of refugee claim determine the services that are accessible for these individuals. For example, refugee claimants are not eligible for federal settlement provisions, except for health services, until they receive a positive refugee determination. There are no formal support services for refugee claimants; therefore, most of times they have to overcome obstacles throughout their entire determination process without the resources that others type of refugees may have (GARs and sponsored refugees). Thus, it is important to explore the implications of Canadian categorization of refugees.

Seeking asylum during the Trump era

US immigration policies have always been intimately linked to powerful narratives of securitization, racialization, criminalization and social control (Hiemstra, 2011). After the end of the Bracero Program in the early 1960s and the consequent increase in undocumented arrivals, the US began the establishment of enforcement which aimed to remove those who were not welcomed in the country. As an example, Operation Wetback (1954), approved by President Eisenhower and known as the largest mass deportation in American history, was one of the first policies aimed to deport a large quantity of members of a racial group using military techniques and coordinated

tactical operations. As many as 1.3 million Mexicans and Mexican-Americans were sent back to Mexico (Blakemore, 2018). This type of enforcement was intensified in the 20th century, particularly after 9/11, which allowed more restrictive measures to be used to control the movement of people. In the US, discourses of crisis and national security had served to justify the use of tactics like deterrence, detention, and deportation.

This negative view of undocumented migration and the fear of bogus refugees guided US enforcement policies during the decades since the Bracero program, escalating cyclically or at historical moments (Loyd and Mountz, 2018). In particular President Trump sought to deter people from reaching the US by implementing aggressive policies based on racially charged discourses against certain populations such as Muslims, Mexicans and Central Americans. During his years in office, Trump proposed, and established policies aimed to 1) prevent new immigrants and asylum seekers from arriving at the US and 2) destabilize the life of immigrants that already live in their territory. During and after his campaign, he made immigration the centerpiece of his discourse, appealing to the use of securitization as his primary strategy to combat US international threats (Pierce & Selee, 2017). Trump's nationalistic and populist views, particularly those related to keeping migrants away, perpetuates the idea in the contemporary world of the US border as a hard line and heavily militarized, that aims to make a racial distinction between US "good" citizens versus "bad" outsiders (Jones, 2016). Thus, Trump's immigration agenda relies on the functional approach of borders aimed to separate and categorize populations based on race and ethnicity.

Trump's changes to immigration policy also show how bordering practices are even more dispersed across the US territory. His policies touched on a wide range of immigration issues as his administration took more than 400 executive actions on different issues related to immigration, from refugee resettlement to visa processes (Pierce and Bolter, 2020). During his first week in

office, he banned travel from seven Muslim-majority countries and temporarily blocked refugee resettlement. Months later, he increased immigration enforcement and rescinded the Deferred Action for Childhood Arrivals (DACA) (Stillman, 2021). He also separated 3,900 children from their parents at the southern border (Spagat, 2021), 540 of whom had not be reunited with their families at the end of 2020 (Pilkington, 2020). This section will expand on some of the most significant policies that impacted immigrants and asylum seekers looking for protection in the US at that time.

Trump's administration enabled the hardening of previous traditional strategies, such as the border wall and employers' raids, but he has also proposed policies that include population groups that were not considered high-risk in previous administrations. For example, the federal government ordered to terminate the Temporary Protected Status (TPS) of Salvadorians, Haitians, and Sudanese, when the TPS designations of these countries had been repeatedly extended under the three previous administration. Although the TPS designations were to end in 2020, this order did not go into effect and their temporary status were extended through October 4th, 2021 (USCIS, 2020a).

Trump's administration also aimed to terminate DACA (Deferred Action for Childhood Arrivals). Multiple lawsuits were filed by DACA recipients and advocates achieving the issuance of preliminary injunctions by district courts to temporarily stop the order. While the case was reviewed by the Supreme Court, the US Citizenship and Immigration Services was not accepting new requests (US CIS, 2019a). In June of 2020, the Supreme Court rejected Trump's petition to end the program, letting Dreamers to continue their lives without the fear of being deported. These traditional immigrant communities in the US have been affected by the federal government

aggressiveness in implementing changes in immigration policy, raising fear and vulnerability by destabilizing their lives.

The status of these communities protected them from immediate deportation and detention; however, the undocumented community was even more vulnerable as the number of Immigration and Customs Enforcement (ICE) raids increased, as well as arrests and removals. After Trump signed an executive order that gave ICE broader authority to detain unauthorized migrants in the interior of the country, these arrests rose 30% in 2017 (Bialik, 2018). The number of migrants' apprehensions at the US-Mexico border also increased. From October 2018 to September 2019, there were 851, 508 apprehensions recorded which were more than double the number the year before as there were 396, 579 apprehensions (Gramlich, 2020). In response of the rise of Central Americans families seeking asylum in US, Trump implemented policies to discourage migrants to enter their territory. One prominent change is the "Remain in Mexico" policy that force migrants to wait in Mexico while their claims are adjudicated. Implemented through a process formally called Migration Protection Protocols (MPP), this policy aimed to deter sharping rising flows from migrants from Central America (Chishti and Bolter, 2019).

As more Central American families were travelling north to seek asylum, the US implemented one of the most criticized policies since Trump took office: the separation of families at the border. As part of the "zero-tolerance policy", 3, 900 children were separated from their parents (Spagat, 2021) and held in facilities near the border in poor conditions, making evident how these strategies are used to dehumanize people. By the beginning of the Biden administration, the border had been extended even more outside and inside US territory: from the bodies of those people unable to travel there due to immigration restrictions to the bodies of children who were waiting in detention living in substandard conditions.

In 2020, almost one year after my interviews were completed, the Trump administration proposed new regulations that make it more difficult for migrants to make claims. A draft rule released by the Department of Homeland Security and Justice in June of 2020 enlists a series of changes that would have to face those seeking for asylum in the US. Among these changes is greater scrutiny for those individuals who have travelled through at least one country while on the way to the US but not asking for asylum. A similar rule was already applied to migrants travelling to Mexico from Latin America (Alvarez and Sands, 2020). Moreover, judges will be allowed to dismiss cases without court hearings if they think the evidence is too weak and they can declare the case as "frivolous"[6]. The regulation also mentions that other adverse factors –that would ordinarily result in the denial of a claim– are criminal convictions (even if they were reversed, vacated or expunged), failure to file taxes and the "unlawful presence [in the US] of more than year's cumulative duration prior to filling an application for asylum" (USDHS, 2020: 74).

The regulation also proposes redefining "membership a particular social group", which is one of the categories that people can be persecuted for, and therefore, a valid reason why they can ask for asylum. The draft argues that because the phrase has not been defined by the Congress or the UN Refugee convention, it lacks "the benefit of clear legislative intent" (USDHS, 2020: 50). Their intention to narrow the definition could mean that more claims will be rejected, such as those made by victims of gang or domestic violence. Although this will not take effect immediately as it still has to undergo a public comment period (USDHS, 2020), it demonstrates that implementing harsher immigration and asylum measures was still a priority in Trump's administration until the very end of his term.

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[6] An application is frivolous if: 1) contains fabricated essential element, 2) it is premised upon false evidence, 3) it is filed without regard to the merits of the claim or 4) it is clearly foreclosed by applicable law (DHS, 2020).

Seeking asylum during Trump administration became more challenging for many people. His administration was clear in limiting refugees' mobility and protection rights. The policies and bordering practices mentioned, caused important changes in North America, as asylum seekers redirected their journeys to Canada. Although these executive actions could be undone by the current and future US administrations, the way they were implemented –through a layered approach between regulatory, policy and operational changes and a rapid pace of chance–, makes it possible that the Trump administration will have long-lasting effects (Pierce and Bolter, 2020).

Conclusion

This chapter provided background on the geopolitical relationship between the US and Canada as it pertains to the governance of their shared border. I focused on how US policy changes impacted the increase in border crossings to Canada and on the Canadian government responses towards migratory movements at different historical moments. The development of Canadian and US border enforcement after 9/11 was addressed in this chapter as it determines how asylum movements became restricted in subsequent years. Particularly, the role of the Safe Third country Agreement is relevant to understanding current controls, and their subsequent impact on migrants' decisions to cross irregularly by land. The STCA, although highly criticized by civil society organizations, is one of the pillars of Canadian immigration policy.

I also contextualized Canadian refugee policy by showing important changes in policies related to refugee protection and how these became more restrictive for asylum arrivals; particularly, after the "border rush" during the 1980s and 1990s and the implementation of stricter provisions for refugees in IRPA 2010. This chapter also presented the current lengthy and complex processes that claimants have to experience to gain refugee status, as well as the services they are

entitled to upon arrival. More importantly, I discussed key differences between refugee protection programs in Canada which create uneven categorizations among individuals seeking protection. This context proves relevant to understanding how Canada's humanitarian practices are determined by hierarchies and categories of membership that lie at the core of its refugee system. The last section provided a contextualization of seeking asylum during the Trump administration. Discussing the changes in US policy is key to understand the refugees' decision-making process to extend their journeys to Canada. It is also relevant to recognize how specific changes to US immigration, asylum, and enforcement policies reverberated in Canadian border policing.

CHAPTER 4

Contrasting dynamics: Canada's border policing and the visible/invisible games

A surge of irregular arrivals into Canada from the US began in the summer of 2017 when the Royal Canadian Mounted Police (RCMP) reported an increase in irregular crossings at Roxham Road in Quebec. Over a period of two weeks, the RCMP intercepted more than 3,800 people who aimed to enter the country in an unofficial manner (Smith and Laframboise, 2017). The surge in asylum arrivals can be attributed to many factors. Every immigrant journey has its own nuances as people travel for several reasons and choosing their destination country is part of a larger decision-making process. However, the interviews conducted during field research in the summer of 2019 suggest that US policies, after Trump's administration came into power, were a major driver for irregular and regular migration to Canada during that time. As stated previously, since entering office in January 2017, Trump proposed and implemented policies that affected several aspects of the immigration system, from asylum to deportation, the refugee resettlement program and admissions from certain majority Muslim-countries.

In this first findings chapter, I explore the relation between reverberations and the invisible/visible border dichotomy. I analyze how US immigration policies impact Canadian border enforcement practices, while becoming intertwined with mechanisms that shift the visibility of the border at different times. In times of crisis, Canada's responses aims to make the border visible and clear to deter those wanting to make asylum claims in their territory. It does this by introducing harder immigration policies, like the creation of a Task Force on Irregular Migration or by introducing the Bill C-97, which makes refugees ineligible to make a claim if they had already made one in another country that Canada considers safe. This type of policy was evident

at the national level, when the influx of asylum seekers from US was at its highest in 2017 and 2018.

However, more often Canada reconstructs the meaning of its border by diffusing policing throughout its refugee and settlement system. Thus, Canada aims to invisibilize their border at different scales. I demonstrate this in this chapter by exploring three particular situations: atrophy and negligence on the Canadian refugee determination system, lack of commitment to cover a humanitarian need in the region and by the (in)actions to modify the Safe Third Country Agreement. Although making the border visible has important effects in migratory patterns, I aim to demonstrate that the invisible dimension of the Canadian border reach and impact refugees' lives in more pervasive ways. I follow Rumford's idea (2012) that borders need not always to be visible in order to function.

The first section of this chapter focuses on discussing the transnational effect of US policies in the region. In this section I apply Hiemstra's (2012) concept of *reverberations* to analyze how US changes in policy caused both changes in roles and positions of US and Canada in the region and the reorganization of Canada's refugee and settlement system. "Reverberations" is one of the most relevant concepts in this chapter, and I argue that there is a need to expand on its meaning by considering how policies not only reverberate in peoples' everyday lives, but also within the systems controlling them.

The following section explores how US reverberations caused harsher responses towards asylum seekers in Canada. I focus on the specific Canadian political changes and responses in more detail through a discussion of changes to immigration legislation after 2017. In this section I show that Canada's responses that made their border visible were intended to provide reassurance of control and protection to the electorate and the opposition. While the visibility of the border is

relevant for some and even deemed desirable, Canada used this approach mainly in times of crisis when normal asylum-seeking dynamics are disrupted.

The rest of the chapter focuses on the politics of the invisible border. It will analyze how reverberations are intertwined with policing that attempts to *invisibilize* the border. While US reverberations are more evident when analyzing the Canadian practices of making the border visible, these also have important implications on how the politics of the invisible border is put into place. For example, one evident way of intertwining US reverberations and invisible border policing is through the relation between backlogs and inefficiency in the Canadian refugee system. A consequence of US harsher policies was the rapid increase of refugee claims backlog in Canada; however, this was also paired with a malignant neglect of Canadian bureaucracy that impeded faster and adequate ways of accessing protection.

This chapter also touches on the traditional geopolitical system that Canada has been relying on. Traditionally, US has been the main receptor of irregular and "non-conventional" arrivals, particularly from Central America. Although different waves of immigrants arriving to Canada to make claims demonstrate that there is willingness to seek asylum in the country; Canada limits their opportunities to obtain protection in the country. The final section will focus on one of the most relevant border policy for Canada in this context influencing asylum seeking in Canada: The Safe Third Country Agreement. It will discuss how Canada's (in)actions, as part of the invisible border, to modify the accord is shrinking its commitment to protect asylum seekers.

Tracing the US-Canada connection in security matters

It is undeniable that the US and Canada share a connection on matters of immigration and border security that has been forged over decades and by geographical proximity. Both share the

role of receptors of immigrants and asylum seekers from different parts of the world, and particularly from Latin America. This link intensified with the unprecedented harmonization between Canadian and American cross-border management after 2001. The nature of this interconnection has raised questions among academics asking if what happens in the US in international policy matters is an omen of what could occur on Canadian territory. In this respect, some scholars have researched the extent to which US and Canadian values converge and how US changes in policies impact Canadian government decisions (Kitchen and Sasikumar, 2009; Adams, 2017). In my study, I show that while many of the Canadian values and decisions are different from those experienced on the US, issues of security and counterterrorism represent a unique case in this discussion.

In recent years, US and Canadian societies have shown marked differences in high profile public arenas such as the Kyoto Protocol, control of greenhouse gasses and the legalization of gay marriage (Robinson, 2006). Moreover, authors like Kitchen and Sasikumar (2009) demonstrate that issues of national identity play a role in Canadian decisions to cooperate with the US, particularly on counter-terrorism matters. Their analysis shows that, although we expect to see convergence between the US and Canada due to geographical proximity, vital economic ties and shared cultural identity; there is a fair amount of distance between US preferences and Canadian choices on several issues. They argue that Canada usually seems to enlarge its sphere of independent action to the largest extend possible as Canada have a profound sense of difference from the US. Particularly after 9/11, Canada's national identity determined the parameters of the country's response against terrorism, although they always expressed profound solidarity with the US.

Nonetheless, their analysis also demonstrates that Canada is often responsive towards US decisions about security issues, as Canada has to consider how US choices impact their own sovereignty and security. This creates a type of policy behaviour in Canada in which their own strategies are based on considerations of American security imperatives. This helps to ease concerns of the US taking Canadian security in their own hands by implementing policies that are contrary to the Canada's interests. Thus, Canada's sovereignty and interests must be protected by considering important implications of US shifts in policy.

The Canadian economic interdependence with the US also plays a role in creating this particular bond between both countries. As the war on terror and economic profits are two interrelated fronts, Canada usually depends on US responses and interpretations of national security to avoid potential collateral harm to its financial interests. For example, the costly ramifications of heavily securitizing or partially closing the border, similarly to what happened right after the terrorist attacks, would greatly affect Canadian economic interests. However, in this respect, both countries uphold a mutually beneficial relationship as Canada's strategies to maintain strong security against terrorism provides US a sense of relief and, therefore, releases pressure at the border. Canada's strategies, including expanded legal powers for anti-terrorist laws, increased intelligence and surveillance, interdiction measures and closer coordination with allies have helped maintain "Canadian economic security by reassuring the US that Canada is enforcing adequate security standards on its own" (Whitaker, 2003: 254). Even when Canada aims to differentiate their own values and identity to those of their southern neighbors, Canadian counter-terrorism enforcement is interdependent of the US decision-making processes.

As human mobility has been included as part of the security debate in the international arena, I argue that migration is also a unique case in the US-Canadian relationship. Abrupt changes

in migration policy that occur in the US act as catalysts to changes in Canadian policy. Their similar position in border security has forged an intrinsic geopolitical link that connects both countries' political decisions. Nonetheless, the uniqueness of the relation between both countries comes not only from their similarities, but also from their divergences. For example, because of the differences in their refugee and settlement systems, asylum seekers often prefer to expand their journeys to Canada in moments of crises in the US. Asylum seekers' decisions to move to the next option on the continent usually highlights this particular connection. Similarly to immigrants' routes, this link associates various relational nodal points in policy, from US implementation of harsher immigration policies (e.g. travel bans and threats to end Temporary Protected Status) to Canada's backlog in their refugee appointments and the lack of accommodation for new arrivals. This imbalance due to new arrivals in Canada is, consequently, re-organized by policy implementation.

To demonstrate this interconnection between the US and Canada on issues of mobility and border security, I follow Hiemstra's approach in her work on transnationalism and reverberations. In her work, she explores how US detention and deportation practices reverberate in Ecuador as they impact everyday realities of migrants and their family. She uses geopolitical research on borders to discuss how enforcement has become disengaged from state territorial borders that shapes the lives and mobilities of asylum seekers even before they have left their countries of origin. What it is more informative in her work is that she extends these theories to argue that the performance of borders and the remnants of bordering practices enforced on migrants' bodies does not stay inside US territorial limits, but has a transnational impact on the everyday realities in countries of origin after they have been deported. I apply her ideas as it illustrates how immigration enforcement is "made a tangible reality thousands of miles away from US land borders" (Hiemstra,

2014: 294). The next section will take this theoretical framework to explore how harsher US immigration strategies reverberated increasing –irregular and Ports of Entry– arrivals in Canada, causing a re-organization in Canada's border policing.

The *reverberations* of US policies in Canada

> *Reverberation: A continuing effect; a repercussion*
> *Oxford English Dictionary*

The United States witnessed one of the most dynamic policy periods in the immigration arena after Trump's administration came into power (Pierce et. al, 2018). Trump made use of executive powers to reshape many facets of the immigration system, always using violent and xenophobic rhetoric against unauthorized migrants and asylum seekers. He frequently used world events, particularly terrorist attacks, to support his discourse against immigration since he declared his candidacy for president in June of 2015. For example, after a series of coordinated ISIS terror attacks in Paris in November of 2015, he tweeted "Everyone is now saying how right I was with illegal immigration and the wall. After Paris, they are all on the bandwagon" (Trump, 2015). Trump's narrative is based on demagogic and dehumanizing language along with subtle discursive strategies like representation of the "us" versus "them" and metaphorical constructions to create fear (Quinonez, 2018). Making immigration a centerpiece of political agendas and violent policy shifts caused disorientation and fear among immigrant populations either living in the US or considering the US as a country of destination.

Hiemstra's (2012) work illustrates how immigration enforcement is made tangible away from US borders. By using this theoretical framework, I show that the reverberations of immigration policies are not only seen at immigrants' places of origin, but in every other fragment

of their journeys (see Collyer, 2010; Brigden and Mainwaring, 2016), even after they settled in their destination countries. I argue that Trump's policies reverberated in the bodies and minds of asylum seekers through distress and fear, which caused a subsequent change in their perception of US as a country of destination and leading to the decision of reaching Canadian territory. The thought of having any of these harsher policies enforced on them or their families reinforced the idea of Canada as their only option in the continent where they could access protection.

Trump's policies changed the reality and perceptions of thousands of people who were considering the US as their first country of destination. When I asked my participants the reasons why they left the US or why they decided to use it merely as a transit country, most agreed that the US was no longer a safe place for them. One participant from Nigeria expressed to me, "I arrived in the US, but I did not feel quite comfortable because of the immigration policy of Trump's administration which is no favourable to immigrants, that is why I did not seek for protection there" (Interview with refugee claimant, Toronto, July 15, 2019). Another interviewee from Colombia told me that the reason that made him leave the country was "the unpredictability of Trump's administration"(Interview with refugee claimant, Fort Erie, July 11, 2019). These statements encapsulate how my participants perceived asylum seeking in the US during the Trump era. That is, the uncertainty caused by several and continuous changes in immigration policies since the beginning of his administration made some people feel anxious enough to leave even when they had already built a life in that country.

For those transiting through the US, they preferred to face other –often unknown– immigration restrictions as they had to continue their journeys up north rather than staying there. Some people perceived that the risk of detention and deportation increased after 2017. Although the previous administration deported more than five million immigrants from 2009 to 2016

(Chishti, et. al., 2017), Obama's administration focused on deporting new arrivals and people convicted of serious crimes. This made undocumented people feel safe enough to go on with their lives during that time. In contrast, Trump's xenophobic comments, unpredictability, and violent discourses against migrants caused a sense of cautiousness and unease among the undocumented immigrant community.

It is important to explore how a country's immigration system is transnationally impacted as asylum seekers will also have to face these policies and responses as they expand their journeys. Bordering process are not isolated and can extend from one country's immigration system to the refugee settlement experience in another territory. Thus, it is relevant to expand the discussions on political power beyond the territorial line of the policy-making country, as it will ultimately impact local and everyday spaces of refugee claimants (Hiemstra, 2001).

In this case, Canada's border visibility increased to respond to US changes as they had to promote an image of security. However, US reverberations were also interlinked with concealed mechanisms of policing in Canada; particularly those related to inefficiencies in their refugee system. These adaptations after 2017 were accelerated and not always optimal for asylum seekers refugee processes and everyday lives. In addition to years of institutional disregard for certain types of claims, asylum seekers ended up being in the system for longer period of times. Thus, US harsher migration policy and Canadian responses towards this situation had an important impact in claimants' minds and bodies. In Chapter 6, I will explain in more detail how these responses and reconfiguration ended up being embodied by refugee claimants inside Canada.

Canada's tightened immigration responses: making the border visible

Trudeau famously tweeted in 2017: "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada" (Trudeau, 2017). This tweet was not only a political response towards Trump's executive orders on travel bans, but an invitation for the world to see that Canada was following its tradition of a welcoming and open country. Nonetheless, responses subsequent to the mass arrivals to its borders demonstrated that the government's attitude was not as welcoming as it appeared.

The US changes in policy after 2017 were viewed with outrage around the world; media was covering every Trump speech, particularly on immigration matters. Although Canada was watching how things were shifting and, possibly knew that these were to affect their own domestic policy, the government did not make any changes to prepare to potential mass asylum seekers' arrivals. In this section, I explore how US changes reverberated in Canada, by discussing Canada's first approach to make their border visible, after pressures from the opposition and the civil society; as well, as unconformities expressed by provincial governments.

In 2017, Canada faced the irregular arrivals of 20, 593 individuals and had to process more than 50,000 asylum claims[7] (Statistics Canada, 2019). Irregular arrivals in Canada caused concern among politicians, particularly among Conservatives who questioned the efficacy of the Safe third Country Agreement. Conservatives like Michelle Rempel called on the Liberal government to close the loophole on the STCA and to designate the entire border as an official port of entry to end irregular arrivals (Rempel, 2018). During the 2019 election, Conservatives campaigned on the promise to end irregular border crossings by allowing asylum claims to be made only at official ports of entry (Kirkey, 2020). For example, Andrew Scheer, the Conservative Party leader pledged

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[7] This number of asylum claims includes people making petitions at the CBSA and IRCC offices. Among these are people arriving irregularly and those making claims at official ports of entry (maritime, land and air).

to close the loophole if his party was elected (Osario, 2019). Another conservative candidate, Arpan Khanna, argued during his campaign that irregular border crosses are not "real refugees" (CBC radio, 2019).

These critics sewed doubts regarding the Liberal government's management of the border, reflected in the results of the Angus Poll 2019. More than half of Canadians (56%) said that the Liberal government's management towards asylum seekers was too soft, more than twice the number of persons who say that they have handled the issue in a good manner (26%). Moreover, to the question on who would be the most trusted on the issue of migration going forward, the Conservative Party leader, Scheer, was chosen by 28% of respondents, a slight advantage over liberals Trudeau and Singh with 22% of respondents choosing them.

Although most of this discontent came from irregular arrivals crossing at Canada's border, claims made at official ports of entry were also a relevant part of the backlog in the IRB system. Particularly, according to a director of an organization located at an official crossing, the Province of Ontario saw a significant increase in regular arrivals of persons that did not want to make claims in the US but whose cases fell under one of the exceptions of the STCA. In addition, secondary migration also played an important role in increasing pressure in the province. While the geography of Ontario does not allow easy access by land as it is delimited by lakes, settlement organizations and shelters reported a significant increase of refugee claimants accessing their services. Ontario reports, particularly from the City of Toronto, showed that many refugees arrived from Quebec, where they had originally crossed.

The backlog of asylum claims also caused discontent among Parliamentarians and provincial governments. The government was not being able to process claims on time, which gave an image of disorder and a system out of control. In addition, the backlog created a chain

reaction that impacted the settlement systems in provinces like Ontario and Quebec. Although Ottawa has led asylum issues in Canada, the provinces and cities also play an important role as they provide social services and resources to this group of people. Refugee claimants are considered a very challenging population as there is not a shared responsibility between the three levels of government to covers their needs.

Therefore, the reverberations of US policy created a chaotic condition in the federal management of claims, which in turn caused concerns about adequacy of the Canadian refugee system. As Schertz and Paquet (2019) mention "the sharp increase in asylum seekers in the past two years has exposed the weak points in the system and led to considerable federal-provincial conflict". These concerns also reverberated in provincial governments as Quebec and Ontario fiercely pressured the federal government for financial recovery, after they spent significant amounts of money to provide services to refugee claimants.

As Smith (2018) mentions "crisis demands action". After 2017, Canada developed a strategic plan to decrease the irregular arrivals and to manage the claims that had already been made in their territory. Trump's administration and US shifts in immigration policies became a point of reference to implement their own strategies, particularly those which made the Canadian border more visible. Predominantly, the plans to end the Temporary Protected Status of Nicaraguans, Haitians and Salvadorians became a reference to develop a national response plan (IRCC, 2017). After 2017, cooperation between national and regional agencies in matters of immigration was unprecedented as agencies like the Canadian Border Service Agency, the Royal Mounted Police, and Immigration Refugee and Citizenship Canada (IRCC) intended to work together with regional and municipal organizations. As an example, the government created the Ad Hoc Intergovernmental Task on Irregular Migration, where members of the national and

provincial governments planned to ensure a "coordinated approach across governments in response to irregular migration" (Government of Canada, 2018). The following table shows some of the key pieces of immigration during Trump administration and the subsequent Canadian actions and responses:

Table 4.

US key policies and Canadian responses from 2017 to 2020

Time	US policy changes	Canadian perception and response	Number of crossings and backlog in Canada
2017-2018 (initial phase of influx of asylum seekers)	Issuance of travel bans to seven majority-Muslim countries. Attempts to end the Deferred Action for Childhood Arrivals Program (DACA). Executive order banning refugees for 120 days unless they were already scheduled to travel. Increase of interior policing.	Lack of intergovernmental coordination. Sense of crisis at their borders after first wave of asylum seekers. Opening of temporary shelters (e.g. Olympic Stadium in Montreal). Outreach programs to US. Creation of the Ad Hoc Intergovernmental Task Force on Irregular Migration.	Irregular crossings: 20,593 (2017) 19,419 (2018) Backlog: 43,240 (2017) 71,675 (2018)

2018-2019	Attempts to terminate Temporary Protected Status of different nationalities. Separation of children at the border. Trump announces it will prosecute parents who cross the border illegally with their children. US takes a risk-based approach to refugee admission (USCIS, 2020b). The screening process became more rigorous.	Creation of Ministry of Border Security and Organized Crime. Greater allocation of funding ($174 million over two years to process claims). Increased processing capacity (rapid deportations for irregular claimants).	Irregular crossings: 16,503 (2019) Backlog: 87,270 (2019)
2019-2020	Remain in Mexico policy (CBP returns migrants to Mexico to wait for their US court hearings). Transit country asylum ban (third country provision).	Increase of federal-provincial engagement. Amendments to IRPA through Bill C-97. Greater allocation of funding (1.8 billion five-year investment to IRB).	Irregular crossings: 3,302 (2020)[8] Backlog: 79,753 (2020)

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[8] Numbers decreased substantially due to the COVID-19 pandemic and the subsequent closure of the US-Canada border.

		Lack of real engagement to offer protection to Central Americans.	

The first wave of strategies implemented in Canada focused on international outreach and on tackling misinformation about the asylum system. Members of Parliament, as well as consuls in the US, engaged with local leaders and influencers of the Hispanic ad Haitian communities to ensure a full understanding of Canada's immigration system. Member of Parliament, Randy Boissonault visited Miami and Members of Parliament Pablo Rodriguez and Emmanuel Duborg visited New York to held meetings with key immigration organizations and numerous media outlets. In addition, the former Minister of Immigration, Refugees and Citizenship, Hussein reiterated that Canada's Embassy in Washington DC and its network of 12 consulates "have engaged over 40 U.S. decision-makers including members of Congress, governors and lieutenant-governors, and have met with more than 300 community leaders, non-governmental organizations, diplomatic representatives, as well as municipal, county and state-level officials in communities across the country" (IRCC, 2017).

As Canada rapidly understood how US policy changes reverberated in immigrant communities and in their decisions to travel up north, their main concern was to address gaps in knowledge about Canada's immigration system and potentially discourage them to start their trips to their country. This outreach program aligns with the increasingly used strategy by the Global

North to externalize domestic tools of immigration control to prevent migrants reaching sovereign land and making asylum claims (Hyndman and Mountz, 2008).

The continuation of harsher US immigration policies jointly with the increase of arrivals at its borders made Canada turn to its domestic policy to increase capacity building, particularly with the creation of more restrictive measures in matters of asylum and immigration. In 2018, Prime Minister Trudeau announced the creation of the Ministry of Border Security and Organized Crime under the administration of Minister Bill Blair, a tough-on-crime ex-police chief from Toronto, as a way to ensure that Canada's border is well managed and prepared for the arrival of irregular migrants. This Ministry was also charged with regulating crime, drugs, firearms and smuggling as all of these are considered threats to Canadian society. The association between drugs, crime, and irregular migration that is addressed in the ministry's mandate stands to deepen narratives of crisis and criminalization of refugee claimants. This became a key element to *visibilize* their border, as they created an agency exclusively to tackle and discourage the arrivals of irregular migrants.

The government of Canada also revaluated its own Immigration Refugee Act as a way to protect its system from potential mass arrivals. Included in the Budget Implementation Bill (Bill C-97), there was a proposed change that makes refugees ineligible to make a claim if they had already made one in another country that Canada considers safe. These countries include Australia, US, UK and New Zealand; however, the policy was aimed to impact those people coming from the US. Following this proposition, people would be deported without a hearing, violating the Charter affirmed by Sigh v. Canada, where the Supreme Court determined that Charter rights extends to anyone in Canadian territory and guarantees every asylum seeker to get a full hearing (Urback, 2019).

This widely criticized strategy was proposed when the number of irregular crossers was in decline. In April of 2019, the month that the Bill was announced, the RCMP interceptions were 1,246; while there were 2,560 apprehensions the same month last year. Some Canadian officials had confirmed that this was a pre-emptive measure "in case US policies that might spur more migration, particularly in the lead-up to the 2020 US presidential elections" (Smith, 2019).

Although this particular policy goes against Canadian humanitarian commitment to refugee protection, the liberal government deemed it essential due to the rapid changing circumstances in the US. This becomes even more problematic as the US and Canada have different perceptions on what they consider grounds to make asylum claims. For example, domestic violence is not considered a valid reason to make a claim in the US, while Canada accepts this motive as a cause for petitions (OCASI, 2019). Therefore, the reverberations in the Canadian system are not only temporary but are long-lasting and pervasive in a structural manner. These responses also demonstrated that changes in US immigration policies, and the subsequent flow of arrivals across Canadian borders, increased the potential of implementing more restrictive measures in Canada, affecting the chances of individuals to get protection in the entire region. The extension of restrictiveness and limitations does not stop in the US but reverberates in Canada, causing North America to gradually stops being a safe haven for those seeking asylum.

Trump, throughout his presidential term, aimed to make US immigration and asylum policies more rigorous and stricter. In the case of Canada, their responses became increasingly tightened with time. During the first phase, Canada's responses included soft cooperation with the US and outreach strategies. Eventually these responses became part of a more active intervention to stop asylum seekers at their borders (e.g. Bill C-97 and the Creation of the Ministry of Border Security). Thus, at this point their border was becoming more visible to provide a sense of security

to the Cabinet and their own citizens. This is also paired with a sense of "having things under control" as the backlog of petitions was rapidly rising (see Table 4). The next section shows how Canada put into action the invisible border during this round of changes and configurations in their refugee system.

The role of the invisible border and the Canadian refugee determination system

While the previous section discussed how Canada's government had to increase the visibility of the border to a certain audience to promote an image of control, the rest of this chapter will focus on the politics of the invisible border. Invisible bordering mechanisms or practices include regulation of the spaces, places and practices in which Canada uses a certain type of border policing which is not evident at first look.

After 2017, the Canadian government implemented new strategies to face the backlog in their IRB system prompted by the arrival of thousands of asylum seekers. To tackle the backlog the federal government reconfigured their hearing scheduling process. Instead of prioritizing newer claims versus old ones –as it has been done since 2012– they are now hearing claims in the order in which they are received.[9] After the 2017 surge, fewer than 20% of claimants received a decision within 60 days; therefore, to enable efficiency, the federal government decided to set aside the 60-day rule and hear claims in the order in which they were received (Audit General of Canada, 2019).This strategy had unintended consequences as newer claims are now facing longer waiting times.

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[9] In 2012, the Parliament passed legislation to reduce the backlog which set new mandatory timelines to process refugee claims, as most categories of claimants were supposed to have a hearing within 60 days and earlier hearings (30-45 days) for claimants from Designated Countries of Origin. That left 32,000 cases already in the system to be bumped to lower priority for scheduled hearings (Audit General of Canada, 2019).

On April, 2019, the Office of the Auditor General of Canada published a report which focused on whether the CBSA, the IRCC and IRB processed asylum claims in an efficient and timely manner. Their findings concluded that the refugee determination system could not respond efficiently as it is not equipped to process claims according to the required timelines. Therefore, despite of the reforms introduced in 2012 to speed up decision making, the system was again facing a significant backlog as it is not flexible enough to respond in timely manner to higher volumes of claims. This highlights the invisible border in Canada, as this clearly shows an institutional neglect that hinders the adequate and efficient processes to access refugee protection.

In addition, the rigidity of the system meant that Canadian agencies could not access funds or resources to cover their needs in responding to higher volumes of claims. In this section, I will discuss how the negligence towards Canadian refugee determination system acted as a way to *invisibilize* their border. Canada did not cover in time the needs of the institutions that facilitate protection to refugees, thus, processes became inefficient affecting progress in asylum claims and settlement processes This is also relevant as fairness and speed are two key principles in Canada's refugee determination system; elements which evidently are not completely embraced in their current system. In this section, I will also discuss some of the reconfigurations made to lessen the burden of social services at the provincial level. As long as the inefficiencies continue, the provinces would have to cover the costs of those whose claims were not determined. This is relevant to understand how the reverberations of the invisible border impacted other local scales. It also provides another perspective of the situation: the need of intergovernmental cooperation to eliminate important constrains in refugee protection.

I demonstrate that Canada is imposing an invisible border that hinders mobility by not providing sufficient resources for their refugee system to function; particularly when there is an

important influx of crossings at their borders. Their system does not allow for adequate adjustments when volumes of crossings spikes. Therefore, the invisible border becomes detrimental for refugee settlement in particular and human mobility in general.

Although this inefficiency of institutions, caused by a neglect of bureaucratic apparatus, started before the 2017 influx of asylum seekers; the post-2017 policy was also not adequate in tackling the backlog. The following table shows the numbers of asylum claims and backlogs yearly:

Table 5.

Status of asylum claims from 2017 to 2020

Year	Referred to the Refugee Protection Division	Finalized (accepted, rejected, abandoned or withdrawn)	Pending (backlog)
2017	47,425	21,513	43,250
2018	55,388	26,805	71,675
2019	58,378	42,491	87,270
2020	18,500	25,866	79,753

Note. Table created from IRB statistics https://irb-cisr.gc.ca/en/statistics/protection/Pages/RPDStat.aspx

In 2018, the government of Canada announced the allocation of an additional $174 million over two years to help process the rising number of claims (Audit General of Canada, 2019). In

March of 2019, Budget 2019, announced investments of 1.8 billion over five years "to enable the processing of 40,700 asylum claims in the 2019–20 fiscal year and up to 50,000 claims in the 2020–21 fiscal year, as well as to strengthen processes at the border and accelerate the processing of claims and removals in a timely manner" (Government of Canada, 2019). Nonetheless, at the end of 2020, the backlog of claims had only decreased by 8.6% compared with the previous year. As mentioned previously, the backlog stopped increasing in this year as a result of the impossibility of asylum seekers crossing the US-Canada border because of the COVID-19 pandemic.

The Audit report findings are relevant as they show which are the main factors hindering the fairness and speediness of Canada's refugee decisions. Among these are administrative inefficiencies, such as the use of different information systems to collect and share information by the three agencies, postponed hearings and organization's delays. More specifically, they found that there are significant gaps in information sharing between the agencies involved in claims processes. Although information on claims is available electronically, the three organizations continued to use paper files and share these files between them by case or courier. This slows down the process and increase the risk of losing secure information.

The report also found that hearings were increasingly postponed for administrative reasons, increasing waiting times for claimants. Over their audit period, 65% of hearings were postponed at least once before a decision was made. Although claimants themselves can request delays, most of these delays were requested by the administration. On average, postponements for administrative delays last nine months, more than twice as long as the average delay caused by claimants' requests. The following table shows the reasons of delays:

Table 6.

Reasons for postponed hearings after 2017

Reasons for postponed hearings	Percentage
Board member unavailable	49%
Claimant or claimants' counsel unavailable	14%
Security screenings result pending	10%
Lack of time to complete a hearing	6%
Need to hear family members' claims together or separately	5%
Waiting for documents or late disclosure of documents	4%
Interpreter unavailable	3%
Other	9%

Source: 2019 Spring Reports of the Auditor General of Canada to the Parliament of Canada

According to the report, rescheduling hearings should be done within 10 days, however fewer than 10% were rescheduled in that time frame. There was an important, unnecessary delay for some cases as some of them were postponed in error as the information that one agency has was different from the other. In regard to fast-tracking claims, the IRB was not using in regular basis the expedited process when it was available. Also, when they used the expedited resource, the Audit found that they did not resolve claims quicker than the regular stream. Moreover, another administrative neglect is that although asylum claims vary each year, the system receives a fixed amount of funding to process them, not considering fluctuations in refugee arrivals.

The audit report also found that the strategy of scheduling hearings according to when claims had been made, was increasing hearing times up to two years. Although the list of legacy

claims[10] is clearing out, the past years had seen the highest volumes of refugee protection claims in the IRB history, exceeding the board's capacity to offer efficient determinations (Wright, 2019). The burden is now over the shoulders of those who made claims after 2017, who will probably wait longer periods of time facing new challenges than past groups of immigrants, like provincial cuts and an overcrowded housing system in provinces like Ontario. These longer waiting times also potentially affect their final refugee decision as the situation in their countries of origin may change after months or years of the initial claim, providing grounds to the IRB to give a negative result (CCR, 2017).

After re-evaluating its asylum system, the federal government aimed to implement solutions to improve the efficiency in claims management. For example, they implemented a small-scaled pilot project Claim Analysis Centre, hosted in Montreal, that permits claims to be systematically examined and for case-specific information to be shared with the IRB before scheduling a hearing. Moreover, the IRB implemented the plan "Governing the Streaming Less Complex Claims" to identify those claims which may be decided without a hearing or with a short hearing "because the matter does not appear to present complex legal or factual issues" (IRB, 2019). These reconfigurations reveal how the consequences of US immigration policy became a catalyst of change in the Canadian refugee system. However, more importantly, it makes evident the lack of previous commitment towards these institutions that are key for the efficient process of claims. Although, there was a backlog before 2017, the government did not prioritize efficiency in the IRB and only made changes after they realized how mass arrivals in a short period of time could structurally affect their own system.

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[10] Legacy claims are those claims referred to the IRB before December 15th, 2012, when the new refugee determination system came into place.

Lack of intergovernmental cooperation

The lack of intergovernmental coordination constitutes a way in which the invisible border is also put in place. Adequate relations between the different levels of government are key to provide asylum seekers protection and a positive settlement experience. In this respect, Paquet and Shertzer (2020), offer analysis of the complexity of intergovernmental relations that complicates issues of immigration and asylum in Canada. Their work explores how Canada's three levels of government were not clear in their respective roles and responsibilities with regard to receiving, screening, housing, and providing services for refugee claimants. This, evidently, shows a lack of real engagement to facilitate resettlement and protection for certain type of refugees. A major federal-provincial engagement was only achieved due to strong pressures for cost-sharing. However, provincial threats of not receiving more asylum seekers or eliminating financial aids for this group of people, demonstrated that protection of refugee claimants was not their priority but the recovering of financial means.

On the other hand, Paquet and Schertzer (2020) show how the impact of the current influx of asylum seekers was immediately evident through the increased demand for settlement services. Cities like Montreal and Toronto arranged emergency accommodation to provide shelter to those making asylum claims, and municipal staff began to exhaust personnel, facilities, and financial resources. Issues of cost sharing and cost recovery appeared in the agenda of Canadian government as early as 2017. Their report shows how the financial pressures in Ontario and Quebec caused important tensions between them and the Federal government. As long as there was a backlog and the status of asylum seekers was not determined, they generated costs for the Provinces. While the surge in asylum seekers crossings needs an approach with increased intergovernmental cooperation, the opposite occurred in the first stages of asylum arrivals to Canada after 2017. This

lack of cooperation is also a part of the invisible border as strained relations between different levels of government becomes an important obstacle for refugee settlement and human mobility in the region.

The financial issue became more polarizing after changes in the electoral arena in Montreal and Toronto (Paquet and Schertzer, 2020). The Liberal Government in Quebec, led by former Premier Philippe Couillard, wanted to pressure Ottawa to provide them with funding for recovery costs invested in refugee settlement. On the other hand, the newly elected Ontario Premier also focused on seeking financial compensation from the Federal government. Ford's political thinking was that the influx of asylum seekers was a federal responsibility. The provincial and federal government feud escalated after Ontario publicly announced it would disengage from further collaboration (Benzie, 2018).

As part of their "taking action on irregular migration" strategy, the federal government provided initial aid of $50m for accommodation: Quebec receiving $36m, Ontario $11m and Manitoba $3m (IRCC, 2018). While this initial funding relieved immediate pressure, the total cost will not be covered until further financial help is given and long-lasting investments are implemented. A director of a refugee shelter, explained:

> We wanted an investment in more refugee shelters and refugee houses, permanent ones that would be around …and be able to provide shelter and services to refugee claimants that are coming. Then, we want more investments resources and pathways to get families to be able to afford permanent accommodations (Interview with refugee center director, Toronto, March 6, 2019).

The allocation of funds, although necessary, was not enough to recover from the strain; the lack of partnership and flexibility for rapid responses were evident in the eyes of public opinion. After

pressure from provinces and claimants themselves, the federal government also sped up the issuance of work permits for refugee claimants to lessen the burden on social services. Since October 2018, new refugee claimants can apply for a work permit by checking a box in the application form when they first make a refugee claim. Once the immigration medical examination has been completed, IRCC automatically generates a work permit application if the box is checked (CCR, 2019). These strategies implemented by the federal government were not in favor of refugee claimants but to respond to provincial requests and avoid more intergovernmental strains. In 2018, Quebec even threatened to stop welcoming new asylum seekers in provincial-run housing if Ottawa did not act (Paquet and Schertzer, 2020).

The continued backlog, the lack of efficiency in the entire refugee protection system, and the lack of intergovernmental cooperation showed that there is a hidden system which limits that refugee claimants move along in the refugee protection process. These are concerns that should have been explored since years ago; however, the main revisions to their refugee system were made only as a result of the increase on arrivals from the US which originated a sense of chaos in Canada from that point. These events demonstrate how border policing is also related to the (un)provision of adequate and efficient resources to mobilize refugee claims.

Paquet and Schertzer's analysis of intergovernmental relations and cooperation during the last influx of asylum seekers in Canada is valuable, and my work aims to expand this by including the role of US-Canada reverberations and bringing the analysis to the scale of the body as well. Therefore, the intricacy of intergovernmental relations is a relevant piece of a complex puzzle which helps to understand the reverberations within jurisdictions and its impacts on refugee claimants' bodies and experiences.

Canada and US geopolitical roles in the continent

Traces of Canadian immigration control can be encountered at different parts of the physical border and in mechanism running in the interior of the state, such as local policing, and access to health and education. In this section I discuss another neglected dimension of border policing: the Canada's lack of commitment to cover a humanitarian need in the Central American region. I show that this is also an element of their invisible border, as they offer very limited official protection mechanisms to those leaving the northern triangle and trying to reach Canadian borders.

By discussing this, I aim to show how failing to adapt to humanitarian need imposes greater limitations to refugee mobility and access to protection. My findings also demonstrate that Canada is failing to provide options to Central and Latin American asylum seekers, while these people often consider Canada as their first country of asylum. This change in perceptions of US and Canadian positions in the continent as transit or asylum countries was evident after Trump's rhetoric of immigration and subsequent policy changes. The US became a country of transit for many people trying to reach Canada's protection.

In 2017, 47, 425 persons made asylum claims in Canada. This represented a sharp increase from the previous year as only 23, 350 made claims in 2016. This number kept incrementing in 2018 and 2019 (IRB, 2020a). The highest number of claims referred to the IRB was 58, 378 in 2019. Thus, Canada became an option of first asylum for many people after Trump's administration came into power. Some of these persons had family in the country and had already a support system in place which facilitated their arrival and settlement, others decided to try their chances and reach the country without any help or support. This was often the case for irregular arrivals.

Regardless of their journeys and the methods they used, almost none of my participants attempted to reach Canadian territory first. This made me question, throughout my entire field research, the reasons why their decisions included a stop in the US when their likelihoods of staying there were null or low. My findings showed that this decision was related to factors of familiarity and accessibility from US diplomatic missions. Most of my participants knew more about the US, either because they knew someone living there, they had travelled there or at least had planned vacations in that country; whereas most manifested a lack of knowledge on Canadian territory and traditions before living there. Moreover, they either expressed ignorance in the process of getting a Canadian visa or that the level of difficulty of getting one was higher than getting a US tourist visa.

During the interviews, participants' expectations, doubts and own queries were usually brought up. Most of them expressed disappointment about the denial of their Canadian visa or the difficulty to even request it. They highlighted these difficulties as one of the main reasons why they decided to fly to the US and then cross by land either in official ports of entry or by irregular means. In a few sessions, some participants even asked me how they could arrive to Canada by official means and ask for asylum without having to stop in the US, as if it was a very complex or impossible process to overcome. Except for one of my participants, all of them had tourists' visas to enter the US. A participant coming from Colombia expressed that they had their visas since years ago as they wanted to visit "New York, see the Statue of Liberty… see Mickey Mouse" (Interview with refugee, Toronto, June 26, 2019). I noticed that saying that statement made her laugh, as if visiting the US now sounded like a very distant idea, almost impossible to carry out. Another couple from Colombia also mentioned that their Canadian visa was denied but they already had US visas as they had planned a trip before they got threats from armed groups in their

home country. Other of my participants from the same country mentioned that because of "things that happened in their lives and the [economic] crisis" (Interview with refugee claimant, Toronto, May 25, 2019) they never used their US visas until then.

Among my participants, there was the perception that US visas are easier to get than Canadian ones, due to major availability and accessibility of the process in Central and South American countries. When I asked one of my participants why they did not get a Canadian visa he responded:

> There was always the rumour that getting a Canadian visa was a difficult process, we never tried. We were in a moment when we urgently needed to leave the country, without any delays. Our departure was urgent to protect mine and my son's life (Interview with refugee claimant, Toronto, July 11, 2019).

This opinion was also shared by one of the directors of a refugee center, Alicia, as she mentioned:

> I was always told that there are more American embassies around the world where people can get a visa to travel to the United States with some ease. For every 10 embassies there that are American, there's only one Canadian (Interview with refugee center director, Fort Erie, April 11, 2019).

These perceptions are not far from the truth. A comparison made from the list of US and Canadian diplomatic missions in the continent demonstrated that the US has more embassies and consular representations in Latin America. For example, Canada only has embassies in the capitals of Colombia and Honduras, when the US has its embassies plus consular missions in other smaller cities of these countries. Nonetheless, this situation is not merely a reflection of the approachability from the US in the region but a reflection of the Canadian interdiction system to stop spontaneous arrivals.

Canada's position in the continent has allowed it to build an interdiction system which can deter and stop spontaneous arrivals and, subsequently, illegal migration. The Canadian approach to asylum has focused on accepting and resettling people who come from major crises zones in the world. This interdiction system plays often an important role in this migratory event, as many refugees did not find the chances to reach Canadian territory first before the United States. However, the stricter migratory policies in the US were also key in shifting asylum seekers' decisions as the US became an unsafe place for them. Thus, US rhetoric against immigrants channelled immigrants to seek asylum to a territory that has strong interdiction mechanisms in place.

As stated in previous sections, Canada has developed a strong humanitarian record for the refugee cause, particularly using partners like the UNHCR to resettle refugees. In 2018, Canada became the largest refugee resettlement country, resettling more refugees than the United States (IOM, 2020). Moreover, in 2019, Canada was ranked first among 26 countries in resettling refugees (UNHCR, n.d.). They have simultaneously implemented mechanisms to ensure that there are as little as possible asylum seekers arriving at their borders (Keller, 2018). It is relevant to note that the UNHCR focus is on Africa and the Middle East where the majority of submissions to the resettlement program come from. In 2019, the top nationalities that submitted resettlement petitions to the UNHCR and who were resettled in Canada were Syria, Somalia and Iraq (UNHCR, 2020a). Whereas, the only UN program that operates in Central America is the Protection Transferred Agreement (PTA) that started in 2016 and that offers resettlement to a small number of high-risk individuals who are first settled in Costa Rica for a maximum of six months. However, as of 2018, from that program only 11 persons were resettled in Canada (Diehl, 2018).

The PTA is a mechanism implemented in response to high rates of immigration from the Northern Triangle. According to the UNHCR (2018b), it provides "individuals exposed to extreme risk with safe and legal access to a durable solution in a resettlement country, via a country of transit". The process starts with the UNHCR interviewing eligible cases and referring them to the potential resettlement country. Upon review from the receiving country, the individuals that are accepted for further consideration are transferred to Costa Rica where they stay until the finalization of their case processing by the receiving country. In this program, countries like the US, Canada, Brazil, Argentina, Uruguay and Australia act as resettlement nations. By 2018, Canada had one of the lowest rates of resettlement in the program with only 10 people, compared to 90 in the US, 30 in Australia and 20 in Uruguay (UNHCR, 2018b). Despite of the programs' innovative approach in the region, some immigrants' advocates have criticized the PTA for its strict qualifications and long waiting times to determine eligibility (Landerhom Immigration Law, 2017).

On the other hand, access to any of these programs is not an option for many, some are still living in their home countries, being displaced internally and trying to find other options before they uproot themselves from their countries of origin. As these programs are limited, this causes asylum seekers to look for other ways to reach Canadian territory and make an inland petition. This conveys another set of obstacles and challenges as they are not being supported or availed by the Canadian government or an international organization. For example, people being resettled get economic support to arrive to Canada and during their initial settlement, including cost of plane tickets, food, rent and day to day living expenses (Government of Canada, 2020b), while spontaneous arrivals have to take care of these payments by themselves as well as planning the entire journey. Although some of these costs are made through loans to resettled refugees which

they have to pay back, they still have the opportunity to do it once they are in a safe territory without the worry of how they would flee a situation of terror.

As most of my participants mentioned, buying plane tickets and planning their trip to Canada was one of the most draining part of their journeys as they had to anticipate all the obstacles in their trip, like being questioned by immigration officials at airports or facing potential detention and deportation. This adds to the economic burden of acquiring plane tickets for themselves and their families and getting accommodation in the US and in Canada once they arrive. As Carlos, who came from Colombia, mentioned during his interview:

> We came by plane and we went into debt with our credit card. With my brother's support…he covered what we had paid in our other [previous] travels [when fleeing domestically]. If you pay, the credit card becomes available again, that's when we used it (Interview with refugee claimant, Fort Erie, July 11, 2019).

Canada is often a responsive country when it comes to major humanitarian crises. As an example, the government of Canada resettled 25,000 Syrian between November 2015 and February 2016, including government-supported and privately sponsored refugees (Government of Canada, 2020c). Nonetheless, in Central and South America, Canada's absence and lack of opportune responses has raised questions among the immigration community and civil society advocates. The lack of resettlement programs in these countries is aggravating, particularly as the government has not done much to ease the burden on countries like Mexico, which does not have the infrastructure to resettle asylum seekers and where many Central Americas are stuck. Canada has relied in a geopolitical system in which the US acts as the main receptor of irregular arrivals from Central America and the Caribbean, while Canada focuses its attention on resettling those coming from major crises around the world mainly through resettlement systems. For example,

only in 2019, Canada, with 11% of the US population, received 32% of the number of legal immigrants that the US received (Sanders, 2020). However, there is an estimate of 11,000,000 unauthorized people living in the US, with the top countries of birth being Mexico, El Salvador and Guatemala (Migration Policy Institute, 2018).

Nowadays, Canada's interdiction system, the Safe Third Country Agreement, and the perception that real refugees are those who wait in UNHCR camps, not only deviates the country's obligation to offer protection to asylum seekers but these factors also have a role in increasing irregular migration. Only those who can afford a plane ticket, who can get either a Canadian or US visa and whose cases fall under one of the STCA exceptions are able to make official inland asylum claims in the country. Even though these measures have been successful in discouraging migrants to reach Canadian territory, the last few years have shown that Canada and the US positions in North America are changing. Asylum seekers are now more actively seeking for ways to reach Canadian territory even if they have to use the US as a transit country. The next section will explain how this shift in positions is partly caused by asylum seekers perception of Canada's welcoming attitude towards refugees, making it their first option of asylum. This perception is also a direct consequence of US evident and violent changes in immigration policy after 2017.

Making Canada the first option of country of asylum

The ways in which individuals internalize fears and concern varies depending on their experiences and conditions. For some, the distress caused by Trump's announcements and actions on migration was not as evident as it was expected. When doing interviews with refugee claimants, I was presuming that their responses would clearly establish a direct correlation between the US policy changes and their decisions to extend their journeys to Canada. However, their responses

showed that these policies reverberated in their minds and bodies in more strategic and profound ways.

When I asked my first interviewee why he decided to leave the US after years of living undocumented, he mentioned the difficulties of living as an unauthorized migrant in the US, even during the Obama era. However, later in our conversation he admitted that he had seen an increase in immigration enforcement in the last months that he had not seen before. Mario, from Honduras, particularly mentions:

> We thought about it [moving to Canada] for a long time. In the state that we were living there were many immigrants' raids in the last few months and that's what motivated us to come to Canada. They could have stopped me driving or at my job, leaving my family alone. That's why we decided to come here (Interview with refugee claimant, Fort Erie, April 11, 2019).

He and his family had lived in the US undocumented for several years; therefore, he had always seen how different administrations implemented policies affecting immigrants' every-day lives. Nonetheless, their vulnerability became more evident only after they realized the potential results of Trump's policies in their lives. Although his wife had family living in Canada for many years, their decision to migrate to this country only came after these policy changes.

The decision-making process for those people who used the US merely as transit to reach Canadian territory was different as they rationalized their decision *before* they started their journeys based on what they had heard. News about Trump's policies came through channels such as media and second-hand experiences (e.g. family or friends' experiences). As Carlos mentions "In the US it is a lottery in this moment, immigrants are experiencing a very tough situation…the US is not an option" (Interview with refugee claimant, Fort Erie, July 11, 2019). Another

participant, Martha, decided to leave Colombia and travel to US where his spouse was living as an unauthorized migrant. Once she met him, she convinced him to travel to Canada and ask for asylum where she has family, as she was worried about US immigration policies. As she mentions:

> We have seen things in the news. I saw that children are being separated from their parents at the border…just thinking that they could take my son…it did not incite me to stay in the US. If I or my spouse were deported my son would be alone or in the hands of the state, without me knowing about him anymore (Interview with refugee claimant, Fort Erie, July 11, 2019).

The way that US policy changes were made and broadcasted by the media, had an impact on peoples' perception of the US and, consequently, on their perception on Canada's welcoming approach. After 2017, Canada became the best option in the continent for this group of people. Although Canada is usually seen as a multicultural and welcoming country, immigrants often preferred to arrive and stay in the US due to easier land access. Nonetheless, in moments of crisis when they felt their integrity at risk, they open up new paths to move their lives up north to settle in safer jurisdictions. For example, the work of Smith (2019) suggests that after Trump's decision not to extend the Temporary Protected Status of Haitians in 2017 resulted in roughly 7.5% of all Haitians in the US with TPS to choose Canada rather than risking deportation, moving to a third country or remaining unauthorized in the US. David, from West Africa, explained why he decided to leave the US after a few months living there as an undocumented immigrant:

> Canada is a country, you know… I understand that it really has good immigration policies and assistance for refugees. The chances of you getting your refugee or protection in Canada are wider than in other countries. Process it is very smooth and transparent. I could have applied in other country, the first country where I arrived but because of the buzz over

there, with Trump…everyone knows what he has been telling some of his elected members that they must go back to the countries. So, I chose to come to Canada because Canada is very peaceful. There is less violence, less violent than the US and the possibility of having your refugee claim rejected or delayed is minor. That is why I chose coming to Canada (Interview with refugee claimant, Toronto, July 15, 2019).

Another asylum seeker who stopped in the US en route to Canada from Nigeria mentioned, "I rather come to Canada, I feel they are more open to immigrants and their policies are supportive of immigrants" (Interview with refugee claimant, Toronto, June 25, 2019).

These responses show that Canada's attractiveness grew after 2017 when Trump made harsher immigration policies a centerpiece of his administration. Between President Trump's entry into office and the end of calendar year 2017, more than 20,000 individuals were apprehended by the RCMP in between ports of entry in the US-Canada border; more than eight times the number apprehended in 2016 (Pierce et.al., 2018). The stricter policies in the US reinforced immigrants' perception of Canada as a welcoming nation, prompting them to seek asylum in the country even by irregular means. The way they express themselves about Canada shows that they *feel* that this is a country that is more supportive of newcomers; however, they did not know with certainty if their petitions would actually be accepted or how long they would have to wait for their refugee claim resolutions. Moreover, most interviewees did not know how Canada's immigration system worked, but they were still willing to make the crossing as they perceived the Canadian immigration process as fairer and more open to asylum seekers than US.

The temporality of these crossings also demonstrates that sudden changes in the US immigration policies caused more crossings of the Canadian border. It is not my intention to say that asylum seekers had little agency in deciding their journeys, and that these are only determined

by changes in policy. Some of my participants had always thought as Canada as their first option because of the presence of family there. However, Trump's policies acted as catalyst to prompt and increase these movements as they did not feel the US was a viable option anymore.

These US policies also caused the development of a system which enabled these people to more actively seek asylum in Canada. Thus, as people began to consider Canada as a country of destination, more conditions were created to facilitate the crossings. For example, the system of shelters and cab drivers making trips to the border were reactivated from the 1980s and 1990s Central American border rush and civil organization in Canada began to prepare themselves to receive more people as crossings were increasing. This demonstrates that people in the region consider Canada as a potential country of first asylum; however, Canada is not providing official means or opportunities for them to reach their territory without first crossing though the US. Even when they do not intensify border policing directed towards Central and South Americans, they are imposing their border, in concealed ways, by failing to adapt to a humanitarian need in the region.

The shrinking commitment to protect asylum claimants: The Safe Third Country Agreement

As mentioned previously, politics has played a relevant role in the management of asylum seekers in the country. The Conservative Party has accused the Liberals of losing control of the border and much of the debate in the Parliament about immigration is centered in the discussions about closing the STCA "loophole". Locally, refugee advocates, academics, and lawyers have called for Canada to suspend the STCA on grounds that the US is no longer a safe country for asylum seekers. Opinions on the STCA "loophole" are divided within Canada: the conservatives

advocate for closing the border accusing those using the "loophole" to be "bogus refugees" and "queue jumpers", while advocates discuss the possibility of ending the agreement altogether. Nonetheless, the federal government response towards this situation is based on the fact that the US cannot be deemed as an unsafe country for refugees by Canada.

Since 2017, actions on the STCA from Canada had been minor. Many of these reasons are grounded in the financial and administrative burden and costs that would develop if the accord is modified. As Smith mentions (2019), closing the loophole would mean vast funding for the police to place more agents along the borders and it will also damage Canada's image and identity; however, suspending the agreement would result on an increase of asylum claims and a longer waiting time for IRB hearings. More importantly, the inaction from Canada to modify the STCA after the 2017 surge in flows reflects their unwillingness to offer better pathways and major protections to asylum claimants aiming to cross by land (most of them irregularly). This unwillingness and inaction are not visible or palpable, it is a way of border policing with less evident mechanisms but greater burdens for those trying to reach Canadian territory. Although the US cannot be considered safe for refugees, particularly during Trump's administration, the Canadian government is not considering the possibility of amending the STCA, and instead shrinking its commitment to protect those who are in need of protection.

A report from Abu Alrob and Shields (2020) demonstrates that the STCA has been challenged in courts of law since its inception in 2004. Most recently, in 2020, the STCA was challenged in court by Amnesty International and the Canadian Council for Refugees. After years of trying, this civil organization made it possible to have the STCA ruled as unconstitutional by the Federal Court of Canada in July 2020 (CCR, n.d.). Nonetheless, the federal government

appealed that decision, resulting in the Federal Court of Appeal suspended temporarily the Federal Court's ruling. Nowadays, the STCA is still in place.

Contemporary policy developments in the US reveal that its continuous designation as a safe country jeopardizes Canada's commitments to safeguard refugees' rights. Some of these concerns revolve around diminished refugee protection and significant failings in the US system. Further concerns are related to the differences between the Canadian and US asylum systems. For example, the procedural and capacity interpretation during the claim process, as well as gender-based claims. While Canada recognizes the credibility of gender-based claims, the US does not acknowledge gender as a category of fear (Akibo-Betts, 2006).

Suspending the STCA would cause a burden in the Canadian government and immigration system, however, nowadays this burden is on asylum seekers who might be risking their lives making unsafe journeys to reach Canadian territory. Although nowadays the majority of the irregular crossings are "manageable" as most of them occur in a well-monitored location in Quebec and rapidly intercepted by the RCMP, the perilous conditions and emotional strain are still experienced by asylum seekers. For example, in December of 2016, two Ghanaian asylum seekers lost part of their extremities due to severe frostbite after crossing in Manitoba during the winter to access Canadian territory (Grabish, 2017). In 2017, the debates surrounding the STCA resurfaced; particularly, after it was evident that the state of refugee protection in the US began to rapidly deteriorate during Trump's administration. In challenging the designation of US as a safe country, the Canadian Council for Refugees, the Canadian Council of Churches and Amnesty International Canada particularly highlighted that the US asylum system and immigration detention fail to meet the Canadian standards (CCR, 2017).

After the increase of irregular arrivals, Canada focused on introducing new policies in response to these events aimed to prevent future migrant flows. Although the STCA plays an important role in causing irregular flows and limiting protection for certain groups of people, the Canadian government was short in contesting the accords' provisions. Amending the STCA under the provision that the US is no longer a safe place would fracture the US-Canada relation with political implications. Contrary to what advocates were asking, the federal government response to opposition pressure was to engage in talks with the US to close the agreement's loophole. In a press conference in 2019, Minister Bill Blair mentioned that the intention was to take border-crossers to official ports of entry and processed as if they had presented themselves there directly (Rehaag, 2019). Thus, a smaller percentage of people would access asylum in Canada. However, Immigration Minister Hussen has clarified that although the dialogue with the US is ongoing, there were no formal negotiations underway. Moreover, US has showed little interest in taking steps to re-negotiate the agreement, as that would result in thousands of asylum seekers who would otherwise go to Canada remaining in the US (Rehaag, 2019).

While Canadian political parties, advocates, and academics expressed varying solutions, all of them agree that the STCA is failing to address the current asylum as migration dynamics in North America. While it worked relatively well for ten years, accomplishing Canada's objective to reduce irregular immigration, it could not prevent the mass arrivals of asylum seekers to Canadian borderlands after changes in US policies. More importantly, Canada is aware that the Safe Third Country Agreement reduced the opportunities of Central Americans to ask for asylum in Canada. In addition of willfully ignoring the humanitarian crises that happens in Central America; Canada's government is also malignantly keeping in place an agreement that impacts the chances of protection that these people have. Even when the Federal Court ruled the agreement

unconstitutional, the Federal government pushed to re-instate it and, with that, a part of their invisible border as well.

Conclusion

In this section, I discussed Canada's border policing through the dichotomy of the visible/invisible border, as well as how US reverberations interacted with this type of border enforcement. While Canada receives a small number of spontaneous asylum seekers' arrivals compared to other countries and has a well-established settlement sector, immigration policy changes from its southern neighbour tend to cause instability and unsettledness. I have argued that the crossings of 2017 revealed that instead of implementing better capacity-building and longer term planning to welcome non-expected arrivals, Canada uses the invisible border to avoid a humanitarian need in the region.

Although, at times, the federal government made the border visible to show that they have everything under control; they mainly used mechanisms that *invisibilize* the border. Therefore, they implemented strategies that make it more difficult for refugees to access protection; for example, through negligence in their institutions, unwillingness to offer more protection options for Central Americans and reluctance to change the STCA.

Changes in refugees' perceptions demonstrate that there are more people aiming to reach Canadian territory. Therefore, the status quo in the region is being altered by immigrants and asylum seekers that see in Canada a place with a just refugee determination system which they can access. Although the flow of immigrants that arrived at Canadian borders after 2017 was not unprecedented, it more evidently demonstrated the lack of policies and resources that Canada has to receive and accommodate spontaneous arrivals. This discussion has shown that the status quo

in North America is not incontestable and that Canada's position in the region can be transformed, particularly after a turbulent administration like the one in power in the United States during this research. This chapter focused on the regional and national scale, the following two chapters will discuss in depth the implications of Canadian bordering practices at the local and bodily scale.

CHAPTER 5

"We will keep serving no matter what": settlement services in times of crisis

Refugee organizations in Canada play an important role as they help refugees and refugee claimants with settlement assistance, legal aid, shelter, accessing food banks, clothing, and the refugee claimant process. They also do important advocacy work to improve services offered to this group of people and, consequently, improve their settlement experience. Moreover, some of these organizations' work includes research and publication of reports that show current trends and emerging issues in refugee claimants' experiences, as well as in the government and civil society capacity response. The interviews conducted with these service providers during my field research were particularly relevant as they are knowledgeable of both the politics and policy regarding refugee claimants in Ontario and the experiences of claimants aiming to settle in the province.

The offering of services and resources by settlement organizations in Canada was altered as they faced structural challenges in the last few years. Apart from the increase in flows of refugee claimants, the lack of sustainable solutions from the three levels of government forced NGOs to implement new resources to respond to this last influx of crossings. Most of these organizations felt the pressure to react adequately with limited resources when the numbers of asylum claimants were rapidly increasing, particularly during the summers of 2017, 2018, and 2019.

This chapter will focus on the local response to the arrival of refugee claimants in Ontario since 2017. I will discuss how refugee organizations had to adapt their practices to face new challenges in responding to refugees' needs. Throughout this chapter, I show the dynamics of Canadian bordering practices through the lack of adequate responses and lack of sustainable solutions to settlement needs, particularly for refugee claimants. This, in particular, affected

refugee settlement organizations as they followed a moral imperative to continue providing services to those arriving at their doors, even when their own resources became limited. In this chapter, I shift scales to situate the invisible border at the local scale. I demonstrate that as part of their bordering practices, Canada acts through neglect and temporary mechanisms, which do not categorically solve settlement needs for claimants. Mechanisms of (un)provision are part of a larger bordering system in Canada which limits claimants' settlement experiences and constrain human mobility. Although refugee claimants have crossed the physical border, they still encounter bordering mechanisms through which their arrival and settlement becomes constrained.

This Chapter will open a discussion that continues throughout this thesis, on the complexity of intergovernmental relations in regards to refugee claimants' arrival and settlement needs. The first chapters of this thesis focused on the state, Canada, and its responses at the federal level; however by shifting to a local perspective other elements and actors' roles in this situation are exposed. I show that it is not possible to consider Canada as a single, homogeneous unit, but that other stakeholders, like provinces and municipalities and the relationship between them, also determine the level of access refugee claimants have to certain services. For example, disagreements between Ontario and Ottawa complicated finding real and immediate shelter solutions for refugee populations. Thus, the state becomes a complex entity with different jurisdictions that must adapt to a multilateral agenda in order to offer greater opportunities of protection and ensure the wellbeing of vulnerable populations.

In 2019, I interviewed fourteen persons involved in refugee organizations (between directors and case workers) and volunteered in two of them in Kitchener and Toronto. The interviews were conducted in Ontario, where more people arrived as secondary migration from Quebec to make or continue their claims in an English-speaking province. Although interviews

were conducted in second-tier cities including Waterloo, Kitchener, London and Fort Erie; it was the city of Toronto that incurred more unanticipated costs related to the refugee claimant response. For example, in April 2018, Toronto was asking the federal government for financial support and help to manage the surge in arrivals to the city, as they had already spent $65 million in direct costs related to providing shelter and resources to refugee claimants (City of Toronto, 2018).

In this chapter, I focus particularly on the city of Toronto as this municipality offered a more comprehensive response that included investing more economic resources to mitigate the effects of the latest arrivals. After a brief explanatory framework on the welfare state and the local turn in settlement services, the next section will explore the responses from service providers. I will particularly demonstrate that the main factors that impacted negatively on the work of these organizations were the lack of affordable housing and the strain in refugee shelters. For example, the increase in arrivals to the province and the lack of spaces and rotation in the refugee-exclusive shelters caused them to turn people away due to room unavailability. My results showed that issues with housing and shelter dominated needs and service provision in the region.

This chapter will also explore in depth the governmental responses and how these impacted service providers. I will show that the lack of sustainable solutions from the government impacted how help was delivered to this group of people. The responses from the Canadian government were implemented on a temporary basis, without any real commitment to solve relevant factors that affected refugee claimants. The final section of this chapter will discuss, using service providers' opinions, how more intelligent and sustainable investments are better to develop a comprehensive refugee protection framework for unexpected spikes on refugee claimants' arrivals.

Understanding the politics of control and the welfare state

When refugee claimants arrive at their intended country of destination, they need access to quality settlement services. This helps them not only to fulfill their basic needs but to feel less vulnerable at the moment of arrival. In Canada, once an individual is determined eligible by the CBSA or IRCC to make a claim, they may have access to social assistance, education, health services, emergency housing and legal aid. In Canada, the three levels of government, the private sector, and community groups play a role in helping immigrants settle.

While immigration control is largely a national duty, welfare policies are often a shared responsibility (Spencer and Delvino, 2019). In regard to refugee claimants, the role of the municipal government is key as it is responsible for providing funds to non-profit organizations who offer settlement services directly to this group of people. Settlement organizations often feel pressure to offer adequate resources as individuals' success on their claim may depend on their access to services such as legal aid or job permits. Although Canada has a positive reputation internationally for their refugee policy, its settlement programs are not consistently meeting the needs of this vulnerable population (Simich et. al., 2003).

Politics play an important role in providing services to different types of newcomers as these will determine the degree of access they have to services which are often offered to the rest of the population (i.e. health and education). An area of research in migration studies has focused on showing how the *selective exclusion* of migrants act as a form of immigration control. As stated in Chapter 2, the selective exclusion refers to the process of offering certain services and resources to immigrants depending on their legal status and/or type of claim. According to Bommes and Geddes (2000), the objective of this strategy is to ensure that access to welfare does not provide an incentive for all asylum seekers to arrive to sovereign territories. Thus, selective exclusion is a

tool of the welfare state to control who can receive certain social benefits depending on their desirability under the state law. The governance of migration was extended from the external to the internal by using the welfare state as a device to deter potential refugees.

Nonetheless, several scholars have demonstrated empirically that the decision of choosing a country of destination, rarely is based on welfare state benefits (Geddes, 2000). Most of the time, their country of destination is forced on them and, if they have options, their decision is limited by travel availability, visas, distance, and family relations. Therefore, the welfare restrictions implemented to deter asylum seekers are a political strategy unlikely to affect individuals' decisions, but will, undoubtedly, cause precarity among asylum applicants encountering limited access to social services once they have arrived.

As previously mentioned, in Canada, factors like immigration status and the type of refugee claim determine the services that are accessible for these individuals. Moreover, there are no formal support services for refugee claimants. Research has shown that non-status[11] immigrants are often regarded as low priority, politically sensitive and a "risky" client group for certain official and civil society organizations (Zetter, R. and Pearl, M., 1999). This causes increased vulnerability among this population as they have a restricted access to a proper support network.

The local turn in access to services

Political geographers have stressed the relevance of the local scale as it plays an important role in the asylum seeking and refugee determination processes. For example, Darling (2016) explores how issues of containment, urban dispersal programmes, and re-scaling of enforcement

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[11] For the purposes of this chapter "non-status" refers to those who are living in Canada and do not have a legal permission to reside there permanently.

are ways to encounter borders in an urban setting. The role of the city is important as it represents an interior space that serve as a sub-state scale that actively pursues immigration enforcement (Coleman, 2007). However, Darling also highlights the idea of a "more progressive relation between cities and forced migration" (2016: 184), as cities also act as sanctuary for displaced people. Other scholars have also stressed the importance of the role of municipalities in settlement practices, as they often develop their own immigration and integration guidelines away from federal policy (Spencer and Dalvino, 2019).

Moreover, while local spaces have been neglected in relation to immigration policy, several scholars have shown the relevance of including these contexts in examining day to day experiences. Issues like adequate housing, financial burden-sharing, heterogeneity among urban population and practical support for asylum seekers on a daily basis can be better explored in a local manner (Hinger, et. al. 2016). Despite being considered as mobile populations, immigrants find themselves situated in localized spaces where they carry out their daily lives. While some authors explore the cities as sites of marginalization in which the refugee is denied services and rights (Grabska, 2006; Daniel et. al., 1995; Sanyal, 2011); others have explored the role of the cities as providers of protection and humanitarian relief (Guterres, 2010; Zetter and Deikun, 2010).

Cities have become a key site for resolving political restrictions and for building a more welcoming perception of newcomers. However, municipalities and local organizations often face different challenges than those at the national level. When asylum seekers arrive in a city, municipal governments usually confront challenges in need of urgent resolution, such as offering shelter and other basic needs to this group of people. Moreover, cities tend to act as transit hubs, points of arrival and ultimate destinations for refugee claimants increasing the numbers of individuals in need of services. At the urban scale, public officials are inclined to provide services

to authorized and unauthorized individuals under the logic of "emergency", as they have to urgently provide a form of temporary, partial or improvised form of membership based on human rights (Mayer, 2018).

Even though cities are tethered to national immigration policy, sometimes their approaches diverge, leading to a decoupling of the multilevel governance relation. Factors like the number of arrivals and the slow reaction of national authority force cities to play a leading role without, sometimes, having the legal mandate or any specific budget to cover these events. In regard to the City of Toronto, the municipal government put in place a policy called *Access without fear T.O.* as a way to reaffirm its commitment to ensure that all residents, regardless of immigration status, are able to access city services without the fear of being asked proof of status (Hudson, et.al., 2017).

On the other hand, it is relevant to consider the challenges municipalities face in resettling newcomers are different in first and second tier cities (STC). Similarly, the challenges experienced by newcomers settling in first and second tier cities diverge in many ways. While cities like Toronto still received a large number of newcomers every year, empirical results of this research demonstrate that refugees and refugee claimants are settling in smaller cities like Kitchener, Waterloo, London and Niagara. These geographical shifts have been explored before (see Walton-Roberts, 2011; Di Biase and Bauder, 2005) and represent a demographic change in immigrant-receiving nations. The dispersal of newcomers can be beneficial for sharing the responsibility and increasing economic development in different municipalities. Other positive aspects are the dissemination of information about immigration to smaller cities, promoting refugee integration in smaller communities, and overall increasing Canada's diversity outside of major urban centres (Goodbrand, 2016). In recent years, policymakers have considered it important to attract

newcomers to STCs as it represents a factor of economic development and growth. According to Walton-Roberts, cities have developed mechanisms and tools that focus "away from immigrant characteristics and, instead, towards understanding and enhancing the capacities of communities that want to attract and retain immigrants" (2011:454).

Newcomers' decisions to settle in second tier cities can vary. Previous research has linked the decision-making process with evaluating better opportunities, the desire to be close to family and friends, and dissatisfaction with community services in other cities (Krahn, et. al., 2003). More importantly, STCs are perceived as smaller, quieter, safer, and more conducive to family life. Overall, these cities are perceived as more welcoming and friendlier than other major urban areas.

Nonetheless, attracting newcomers to STC has its own challenges as these should be ready to offer the basic services to this group of people. Since settlement services in several smaller cities are not readily available, newcomers who settle in these communities might undergo adversity and hardship. Funding for settlement services is not equal across Canada; thus, without adequate refugee support smaller cities can face problems with immigrant retention and will struggle in creating welcoming communities. While doing field research, it became obvious that the number of refugee centers and shelter-exclusive shelters in different cities varied significantly. For example, in Kitchener-Waterloo, there is only one refugee-exclusive shelter and two main refugee organizations that provide services to refugee claimants. One of these just extended services to actively support claimants after they perceived an increasing need due to higher arrivals.

In addition, STC cities have to face growing diversification and expansion of labour and housing markets, particularly if there is a rapid pace and scale of arrivals. Finding suitable housing in two tier cites has become a problem in recent decades due to low vacancy rate and lack of affordable housing. Similarly to first tier cities, STC have to prioritize the creation of more

affordable housing and look for ways to accommodate these individuals. Some other acute problems that mainly affect newcomers in their search for housing in STC are lower levels of service provisions, shortage of units to accommodate larger households and a lack of specialized cultural and linguistic knowledge.

The discussion of the local turn in service providing is relevant for this chapter as the municipal government is responsible for provision of funds to refugee organizations. Moreover, the decisions at the municipal level often impact the practices and resources of these centers depending on the City's commitment towards refugee claimants. Most of the service providers that I interviewed agreed that the City of Toronto was their main contact point when advocating for refugee claimants or discussing immigration issues. With some support from their municipalities, refugee centers were able to alter their services to offer help to refugee claimants. However, as the next section will explain, they had to shift their practices to satisfy the demand as much as possible.

Identifying refugees' arrival and settlement needs

At the time of field research, my hypothesis was that the top obstacle in claimants' settlement experience was the long waiting times in getting a decision on their refugee determination process. I was particularly inclined to understand how waiting times were detrimental to several aspects of their lives, like securing a job, accessing health and education for their children. Nonetheless, another issue frequently emerged during my interviews when I asked about settlement obstacles: securing initial shelter and affordable housing.

Most of my interviewees explained that locating and securing suitable shelter when they arrived was among the most critical and difficult situations refugee claimants faced. Research has shown that finding shelter in their initial arrival and later long-term housing, is cornerstone of

reception and successful settlement for refugees and refugee claimants (Carey-Wood, 1997; Foley and Beer, 2003). Not securing shelter upon arrival and long-term housing can result in increased social isolation, resentment, and rise in irregular migration status (Abidi, et. al., 2006).

When claimants first arrive in Canada, they tend to live for the first few weeks with family or friends, in a refugee-exclusive shelter or transition houses[12]; however, it is not unusual that they end up living at a city homeless shelter when no other option is available. The increase in refugee claimants staying at city emergency shelters has been considerably high since 2017 as there is a lack of rotation in refugee-exclusive accommodation. All of the service providers I interviewed agreed that the length of stay for claimants in refugee-exclusive accommodation was increasing considerably, from a couple of months to up to one year as they could not find affordable housing. This has a ripple effect, as others looking for accommodation do not find available spaces and end up in city emergency shelters.

After their initial weeks of settlement pass, these people are encouraged to find affordable housing as a place to stay over medium to longer term. Housing is considered "affordable" if it costs less than 30% of a household before tax income. It includes rental housing that is subsidized by the government and housing provided by private, public and non-profit sectors (CMHC, 2018). Nonetheless, finding accommodation has become a challenging task as newcomers face an increasingly costly housing market, as well as issues of discrimination and delays in their social services applications and payments. In this regard, Kisson (2010) argues that claimants' homelessness experience has increasingly moved out of the shelter system ("visible homelessness") and into low-end rental housing ("hidden homelessness"). Her categorization is

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[12] Refugee-exclusive accommodation refers to those places provided by organizations that are only meant to welcome refugee claimants. This type of accommodation can be in the form of shelter or transition houses where they can stay longer period of time upon arrival.

based on Hulchanski's identification of states of houselessness: "absolute (people sleeping outdoors or in shelters); concealed (people temporarily housed with friends); at risk (people at grave risk of losing their housing)" (2004: 3).

On the other hand, a survey conducted by a Toronto Local Immigration Partnership agency in November 2018, shows that housing was the main emerging issue among immigrants in 2017/2018. The survey was responded to by 23 organizations in the area. While housing was often an issue in Ontario, and particularly in Toronto, it was not until the latest larger flow of asylum seekers that this became a priority for settlement agencies and government organizations. For example, in the survey, fifteen organizations indicated housing as an emerging issue in 2017/18 as compared to only nine in 2016/17. The arrival of asylum seekers was not the cause of a housing crisis, but it was their arrival that made evident into what extent the housing market was becoming a more problematic situation, particularly for vulnerable population. The following section will explore in detail refugee organizations' responses and shifts in their practices to reduce situations of precarity among their clients.

Shifting practices and responding to claimants' housing needs

Four of the organizations where I conducted interviews acted as refugee-exclusive shelters or transition houses, and the others had connections with city shelters who could receive their clients. The access to accommodation for refugee claimants is pivotal when they arrive as they can start their settlement process and look for ways to access social services. My participants mentioned that usually people can find adequate information in shelters to start their claim, apply for a job permit or find organizations that would link them with the community. As Reid (2009) mentions, without a home, claimants will find extremely hard to integrate in many ways, from

finding employment to establish a social support network. These difficulties are compounded by the physical and mental health risks associated with homelessness and houselessness (Reid, 2009). However, the opportunity of accessing these services was hindered for many after 2017, as finding shelter became a stress factor instead of a relief in their settlement process. As Caroline, a director of a refugee center in Toronto, explains:

> Starting about two and a half years ago, the number of refugee claimants in Canada started to increase. So, from 2016 to 2017 it basically doubled, or more than doubled. And it has remained the same or higher since; then in 2018 we noticed a lot of people coming and not being able to access emergency shelter in the city of Toronto, they could not even access emergency funds from social services. It was quite a desperate situation in the latter half of 2016 we saw people that had slept in parks, or overnight in a 24-hour Tim Hortons or McDonalds. Things were really bad and continued to be that way for probably about a year (Interview with refugee center director, Toronto, March 6, 2019).

As a refugee center, one of their main objectives is to find accommodation for claimants; therefore, this situation became a pressure point for them. Most of these organizations had to look for ways to prevent claimants from sleeping in public places. In our talk, Caroline continues to explain how this situation impacted their own dynamics at their organization:

> We are just a small non-profit and of course, it broke our hearts to not have room for people and to not be able to find anything for people. So, there were times in 2016 and 2017 that we reached out to our constituents via Facebook and other social media channels, and we had our contacts, even personal contacts of mine that put up families in hotels. Churches would pay for hotels for people to stay at until they were able to find accommodation. I had a friend of mine that put a family up in her condo guest suite, which cost her money,

but she did it because she could not bear to see a family on the street. We had people even staying in the basement here and still do (Interview with refugee center director, Toronto, March 6, 2019).

This kind of response was not unique to this center. Six out of the nine organizations interviewed implemented new resources as part of their services during that time, and the others were actively considering options to increase their shelter capacity and outreach to refugee claimants' communities. The following table explains some of the specific responses of these centers in 2019:

Table 7.

Refugee centers' responses in Ontario

	City	**Responses**
Refugee center 1	Toronto	Talk to constituents, reach out to the community, use of social media, connection with churches.
Refugee center 2	Toronto	Paying claimants' last month of rent deposit, outreach to community, reliance on volunteers.
Refugee Center 3	London	Reliance on volunteers, major outreach to local shelters, hiring more personnel.
Refugee Center 4	Kitchener	Creation of a comprehensive exclusive-refugee claimant program, increased outreach and pressure to the municipal government, using their own money to pay for claimants' shelter needs, outreach to the

		community, attempts to formalize partnerships with other non-profit organizations.
Refugee Center 5	Toronto	Use of their own installations as shelter for claimants, outreach to the community.
Refugee Center 6	Fort Erie	Set up meetings with coalition of service providers to talk about shelter needs, allowing longer stays of claimants in their shelter.

According to Hector, another service provider in Toronto, their clients usually expect difficulty in making their claims, getting children settled or finding employment; however, they do not anticipate that finding housing or shelter will be an extremely hard process. To respond to this situation, another refugee center implemented a pilot program when they saw an increase of people showing up at their doors. Melissa, a volunteer at the center, explained to me her duties as the Community Host program. This program was particularly created to fill the gap of housing for newcomers in Toronto. In Ontario, people who want to access a city shelter should go first through a system called Central Family Intake which will help people find emergency shelter. Nonetheless, as Melissa mentioned, most of the times these shelters are full, forcing claimants to look for other options. Their program was aimed to alleviate this situation by contacting members of the community who could host an individual or a family for a short period of time. She explains what her role was:

When people were interested, I explained the program to them. I take down their information about what kind of space they have, who they are able to host; then, if there is a family that needs hosting, usually the center interns are the ones who know about a family that needs hosting, they will contact me. I will sort of look at our list of hosts and see which the right family might be or who would be a good fit for this family. And then I contact the hosts, and I explain the situation. And then if they are willing to host, I put the host in touch with the intern and then the intern sort of make arrangements to get the family in with the host (Interview with volunteer, Toronto, June 14, 2019).

This program in particular shows how important the community response is when the government neglects settlement need for vulnerable populations. Providing people with accommodation has become extremely hard for service providers, as sometimes subsidized programs require proof of status; however, many claimants wait for several months before they get any official document. Thus, the role of the community becomes key to offer them the opportunity to initiate their settlement and integration process.

Existing studies in the area show that the difficulties faced by low-income individuals, including immigrants, have become more acute since mid-1990, as they often face cutbacks in social assistance payments, little new social housing construction, high rents in the private sector and reduction of public funding for non-governmental organizations that assist newcomers (Murdie, 2008). Nonetheless, this situation becomes more critical when there is an unexpected influx of asylum seekers at the border, looking to make claims, and consequently needing to access these services.

While in 2017 the majority of arrivals were not expected, other resettled refugees in Canada (e.g. GARs) still faced the same issues with housing. For example, the Syrian community who was

resettled in 2015 as part of one of the biggest humanitarian operations in Canada, had difficulties finding suitable housing. In her study, Rose (2019) explains that the Syrian community faced three particular factors: lack of affordable housing, limited housing for large families and a mismatch between where housing and services are available. These issues were also widely mentioned in my interviews as factors that impede claimants to find housing in an adequate time frame.

Given the intense affordability pressures in the housing market in Canada, it is natural that different immigrant communities, regardless of their legal and residence status, face challenges in finding an affordable place to stay. In addition, most refugees, either inland claimants or resettled refugees, tend to settle in mid-sized and large cities, which often face a worsening shortage of rental affordable housing for low incomes and little private construction for the lower end market (Rose, 2019). According to the study mentioned, all Syrian newcomers were settled into permanent housing within a few months. While the case of the Syrian population was positive, this shows that all refugees and low-income people confront various degrees of challenges related to accessing housing. The difference between these populations is the support they receive and the accessibility to well-paid jobs so they can afford permanent accommodation. The combination of these circumstances, in addition to having major physical and psychological issues, as well as not understanding or speaking English, forces refugee claimants to be in a more precarious situation.

GARs and refugee claimants often face similar challenges compared with other low-income households. For example, they often do not have the knowledge, customs and strategies to accessing housing. They also have limited financial resources upon arrival to Canada and may have few friends and/or relatives. However, refugee claimants in particular, need special forms of assistance in accessing good quality and affordable accommodation as they are not sponsored by governments or organizations and they often do not have financial support upon arrival (Murdie,

2008; Reid, 2009). Moreover, refugee claimants are an identified immigrant sub-group at high risk of homelessness. In addition, the refugee determination process may include periods of illegal immigration status for a number of reasons (Kisson, 2010). Not having status means more vulnerability and being excluded from many protection services i.e., social housing, social assistance, food banks, and provincial health insurance.

Shelter and housing challenges

Low-income people and, particularly, refugee claimants face several barriers in the housing market. The interviews conducted to service providers and refugee claimants helped to determine the main challenges when looking for shelter and affordable housing.

The so-called emergency shelters are often used by people in the community who do not have any long or medium-term accommodation. They are intended to relieve them from homelessness although they are only to be used on a temporary basis. This type of shelters has had an increase in the numbers of refugee claimants accessing their service. Claimants usually arrive there as they cannot find accommodation in the transition houses or refugee-exclusive shelters. Since 2016, the shelter system in Toronto has been disproportionately impacted by the arrival of refugee claimants. As of October of 2019, approximately 36% of all shelter users in the city shelter system were refugees or refugee claimants, with an average of 15-20 new individuals entering the system each day. Moreover, average nightly number of refugees and refugee claimants in the shelter system has increased from a 643 per night at the end of 2016 to 2,357 in October 2019 (City of Toronto, 2019a). This situation causes tension between levels of government as shelters are municipally funded, while refugee claimants fall under the jurisdiction of the federal government.

According to these numbers and my research findings, accessing the shelter system is important for claimants to prevent them from experiencing homelessness in the first days or weeks of arrival in Canada. Nevertheless, there are several issues that should be considered when analyzing the access of refugees and refugee claimants to these spaces. The nature of these shelters limits the number of people that can access this service. They rapidly become overcrowded, particularly after facing the arrival of hundreds of people in need of accommodation. It is relevant to mention that the problem does not fall under the lack of spaces on *city shelters* but on the lack of *refugee-exclusive shelters.*

In my interviews with service providers in refugee centers that also acted as shelters or transition houses, they agreed that these places had limited spaces in the community. The number of spaces in exclusive refugee shelters usually vary but the highest number mentioned by my participants was space for up to 30 families. And for those who had transition houses, the highest number mentioned was 10 units, one for each family. Considering that the length of stay in these temporary spaces have increased up to one year, the newest arrivals have to look for other sites to spend their first few weeks or months, like city shelters. Hector explains:

> More refugee claimants are coming, and the ones who are in need to access shelter supports, and things like that, are not being able to move into their own accommodations as quickly which creates a backlog. More are coming in and it is taking longer for people to move out (Interview with refugee center director, Toronto, July 5, 2019)

Moreover, most service providers mentioned that these places were less than ideal for refugee claimants, as they could increase their emotional and mental problems. Emergency shelters are often used by people who have mental health issues or that have addiction problems; therefore, refugee families cohabiting with them could raise important concerns. Interestingly, some of my refugee claimants participants had a different perspective. Two claimants who stayed a long time in emergency

shelters, mentioned a level of satisfaction with the services they offered. When asking about their roommates, they mentioned that there were people staying with them who had gotten out of jail or who were using opioids; however, they clarified that this did not cause an extremely adverse impact in their experience. Nadia, who went through the Red Cross and YMCA shelters when she arrived in Canada explained that at these shelters "they just gave you instructions of what you needed to do for the first few days to survive….it was good because at the shelter you have basic accommodation, feeding, and you have services to contact your family" (Interview with refugee claimant, Toronto, June 25, 2019). She explained that their experience of sharing a room with addicts was "ok, but not ideal". On the other hand, when I asked David about his experience in an emergency shelter in Toronto he responded:

> They (the Red Cross) called the shelter at downtown. So, when I went to the shelter, they put me in the paradise [laughs ironically]. It is part of the process, it was not wonderful, but it was an interesting one [experience], at least for the start (Interview with refugee claimant, Toronto, July 15, 2019) .

He also clarifies that even though these places are not ideal for refugee claimants, he could not complain about what he received:

> As a refugee claimant, you are coming to a country where you do not have anybody, so you are homeless. You are not better than them [homeless/addict people]. It is just a temporary process that takes you to another one. If you have a vision for yourself, you can move out. But when you are there, do not expect too much because someone is giving you something you could not get where you are coming from (Interview with refugee claimant, Toronto, July 15, 2019) .

Although most of those asking for asylum staying at city shelters are often appreciative of having a place to stay, the conditions they live in are not optimal. In this respect, Zetter and Pearl (1999) argue that whilst most refuge claimants are satisfied with their accommodation, this has to

do more with their low expectations rather than with any generosity of provision. As Camila mentioned when I asked her about finding accommodation: "the things that were basic for you before, like having a bed, a bathroom; in here they become the most treasured commodities" (Interview with refugee claimant, Toronto, May 25, 2019). Mario, who was living as undocumented in the US reaffirms this thought:

> I come from the US and they do not give you anything over there. I am grateful with what they give me here. In the US, if you take water from the tap you even have to pay for that! There must be people that do want better things here in Canada, like a house or something. I do not because I am used to stay[ing] wherever I go (Interview with refugee claimant, Fort Erie, April 11, 2019).

As the previous discussion established, accessing initial shelter is challenging; however, attaining affordable housing in Toronto is becoming the biggest challenge for newcomers. Many scholars argue that obtaining housing should meet the needs of the family in terms of size, quality, location, and services to be a successful part of refugees and refugee claimants' re-settlement process (Silvius, et. al., 2019; Reid, 2009). Moreover, service providers see it as a human right, as housing is a prerequisite for the enjoyment of health, employment, and life quality (FCJ Refugee Center, 2019). Despite the importance of prioritizing housing, many claimants have a difficult time not only finding a place to call home but a place which will cover the needs of their families. Patricia, a refugee who was still living in one of the transitional houses at a refugee center in Toronto, reflects how searching for a home conveys different considerations, including distance from work, schools, and access to services:

> The difficult part is that you are trying to settle in one place [Toronto] but if you want to find something less expensive you have to move to the outskirts. You are trying to get a

family doctor, your health card…if you move you have to notify to every agency, send documents, restart the process. You are already settling in one place and now [when they move out of the transitional housing] you have to settle in a different one. It is constantly thinking 'what else am I supposed to do?' I have to do this and that, move your children to another school, look for a place to study, settle again. It is difficult. (Interview with refugee, Toronto, June 26, 2019).

What Patricia mentions shows an important mismatch between affordability of housing, location and access to services. Transitional houses are often located near refugee centers which gives refugees security and confidence, although they know that their stay is temporary. Access to the supports these centers can offer is especially important for this group of people who have been already displaced from home and found themselves without any assistance (Murdie, 2008). After they have to re-locate and move to a more permanent accommodation, they often get a feeling of having to start their lives over again in a new environment without the close support of the case workers. Moreover, they have to face the challenging task of matching their income with accessibility, neighbour preference and reduce as much as possible the distance from their job sites. Patricia's case demonstrates that this is an overwhelming task that they have to embark on while also navigating entirely new housing, banking, school, and employment systems.

By the time this interview was conducted, Patricia's family had not found housing and they had just a couple of months left in their transition accommodation. Unfortunately, this was not a unique case; most of my interviewees mentioned that their main worry after getting refugee status was finding adequate housing. Those who already started the search, mentioned two particular issues: expensive rents and discrimination from landlords.

Affordability of housing in Toronto

Although the housing challenge existed in every city where I conducted interviews, the situation was particularly acute in Toronto. The first studies about affordability in housing in Toronto were first published in the 1990s. After that, more studies explored the role of finding housing in the settlement experiences of refugees and refugee claimants (see Rose and Ray, 2001; Kisson, 2007; Logan and Murdie, 2016; Reid, 2009). These studies demonstrate that affordability is an important barrier that newcomers have long faced in their search for good quality housing in Toronto. Considering their income, which often relies on social assistance when newly arrived, they tend to spend a higher proportion of their income on shelter, with little money left for other essentials.

Organizations' reports and the results of my interviews indicate that affordability in the housing market in Toronto has been an issue for several years. However, it was not considered an urgent situation for newcomers' integration until a few years ago. For example, a report from the Ontario Council of Agencies Serving Immigrants (OCASI) published in 2012 shows that the top four settlement and integration challenges reported by their participants were: finding employment (61.8%), limited English language skills (32.7%) social isolation (26.5%); and finding housing (23.4%) (OCASI, 2012). This complements the previously mentioned report from the Local Immigration Partnership that shows that a couple of years back, other concerns were considered as priorities before housing for the settlement of refugees and refugee claimants. A service provider encapsulates how housing became their number one priority in the last years:

> Even in the refugee settlement and the refugee claim sector, housing in the last five years, I would say, has gone from something that we kind of…I do not want to say we took it for granted, but it was kind of an afterthought. It was not our focus, our focus was immigration,

our focus was health care, the children and different aspects. Housing was something that families could go out and find and obtain when they were ready. Now it is become the number one challenge for us, which, it is actually the aspect of settlement that it is holding back a lot of other areas, whether it is education, employment, immigration (Interview with refugee center director, Toronto, July 5, 2019).

Nonetheless the increase in demand and expensive rents have made this issue more pressing. In Toronto, it is getting more difficult for refugees, refugee claimants, and individuals with precarious status to afford a place to stay. According to a report from Rentals.ca, the average rent for all property types in Ontario is $2,090. It is relevant to consider that in 2020, the COVID-19 pandemic put pressure on the rental market, and Ontario's rent rate declined by 7.8% annually (Rentals.ca, 2020). Nonetheless, the average cost of a one-bedroom apartment unit in Toronto last year was $1,832, and the average cost of a two-bedroom reached $2,416 (Rentals.ca, 2020); still significantly high for low-income populations. In addition, the vacancy rate in the city hit its lowest levels since 2002 to only 1% (Bascarmurty, 2020).

The lack of investment in social and affordable housing in Toronto has resulted in a housing and shelter crisis. However, as previously mentioned, this situation affects in different manners different groups of immigrants. Studies about the specificity of refugee resettlement have demonstrated that refugee claimants face a more difficult pathway to housing than sponsored refugees, as access to social capital and settlement services owing to legal status are a key differential factor (Rose and Ray, 2001; Murdie, 2008; Sherrell, 2011). According to a report from a refugee organization in Toronto, despite knowledge of these problems, the vulnerabilities of refugee claimants and precarious migrants are almost entirely absent from most government plans. Some studies refer to the concerns of "immigrants" and "newcomers"; however, the needs of each

group of immigrants are different as they are eligible for different services contingent on their status (FCJ Refugee Center, 2019).

Depending on their legal status, immigrants are eligible for government funds to cover their basic needs including, shelter and food. In Ontario, a family of GARs would receive $1,250 a month and would be eligible for a bonus housing supplement of $200 (Bascarmurty, 2020). In the case of refugee claimants, they can access Ontario Works (social assistance benefits) which will depend on family size, housing costs and income. The monthly maximum shelter allowance is $844 when the family has six or more members (City of Toronto, n.d.). However, this funding does not go very far as the average rent for a family surpasses the $2,000 mark. The inability to pay rent can not only prevent them from staying in an adequate place but can increase their probabilities of falling into an insecure housing situation, as landlords can evict them in a short period of time.

Moreover, being on social assistance means a more limited range of search as landlords tend to reject applications when they are not sure potential tenants can pay rent. To avoid this risk, they tend to ask for documents like credit history; however not all claimants have these documents while they are still in the process of settling down. Maria, a refugee from El Salvador, mentions how this situation impacted their search for housing:

> It was very difficult because the rent in Toronto is very expensive. We went to see a couple of houses but because our status, the landlord did not feel reassured that we were going to be able to pay the rent. When our year in the transitional house was up, we were still studying. When we applied for a house, they asked us for credit history and proof of income; there were two landlords who rejected us because we did not have these

documents. We were not working so it was very difficult (Interview with refugee, Toronto, June 26, 2019).

Questions about housing are intrinsically linked to issues of employment and income security. Reliance on social assistance, high unemployment and status were issues that prevailed among my participants' answers. At the time of the interview, five out of eleven interviewees were not working, mostly because they were still waiting for their job permit and one had an expired job permit. Moreover, only six of my interviewees were living in their own space after getting out of their transitional house or shelter. Of these six, three had already refugee status and the others were waiting for their resolution. Nonetheless, all of those who had own accommodation either had a job income or an extra income apart from social assistance. Those who were receiving only Ontario Works as a source of income mentioned that it was not enough to cover rents in the prevalent housing market. The following table shows the relation between status, living condition and income of my participants:

Table 8.

Relation between status, living condition and income source

	Status	**Living Condition**	**Income source**
Participant 1	Refugee claimant	Refugee-exclusive shelter	Ontario Works
Participant 2	Refugee claimant	Refugee-exclusive shelter	Ontario Works
Participant 3	Refugee	Own accommodation	Ontario Works and OSAP (students)
Participant 4	Refugee	Transitional house	Ontario Works and Job income
Participant 5	Refugee claimant	Refugee-exclusive shelter	Ontario Works
Participant 6	Refugee claimant	Emergency shelter	Ontario Works

Participant 7	Refugee claimant	Own accommodation	Job income
Participant 8	Refugee claimant	Own accommodation	Job income
Participant 9	Refugee	Own accommodation	Job income
Participant 10	Refugee claimant	Own accommodation	Entrepreneurship (expired job permit–waiting on resolution while he built his business)
Participant 11	Refugee	Own accommodation	Job income

The shortage in shelter places and affordable units is the result of a combination of inefficient policies and lack of attention towards this situation; however, politicians often blame the influx of refugee claimants as a way to deflect responsibility. The challenges are not short, and the three levels of government should act to find appropriate solutions with the interest of precarious individuals in mind. Although there have been governmental initiatives intended to alleviate this situation, it is not until policy makers use a human rights-based approach and take a more proactive attitude that most vulnerable people will enjoy of adequate housing. Another important factor is education of landlords and those who rent properties; as the next section will show, they play a key role in providing refugee claimants viable options for home security.

Landlords' discrimination

Even when refugees and refugee claimants have saved enough money to rent a unit, they face another important obstacle: landlords' discriminatory practices. In Ontario, discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation age, marital status, family status or disability is prohibited under the Canadian Charter

of Rights and Freedoms and the Canada Human Rights Act (Reid, 2009). Nonetheless, according to the Ontario Rights Commission report on housing discrimination, published in 2008, these practices are not unusual in the province. These are more often based on sex, disability and race. Although the report does not clearly state legal status as a ground of discrimination, it highlights that newcomers and immigrants are at risk because they are new and prone to be unemployed and living in poverty and rental accommodations. The report also highlights that immigration status intersects with race and race-related characteristics and, therefore, not having status tend to be seen as a negative condition for landlords to rent units to these individuals. Most of my interviewees had experienced race-based and status-based discrimination when looking for rental units. Remarkably, some of these discriminatory practices came from other immigrants' groups. As David explains about his experience finding housing:

> There was this lady, she is also immigrant… interesting that people that discriminate most times are immigrant. She had a visible accent which could have been Italian. We talked at 8 am and she asked me if I could come to look at the place. When I texted 'I'm here right now', she did not respond. I told my friend 'let's just walk for a while, maybe she is inside'. Instinctively I turned and I saw someone who peeked, and I was like 'Excuse me, are you the owner of this place?', she said yes. I let her know that I have been trying to move there for a while, but she said, 'sorry someone has taken the house'. Obviously, I knew why she said that it was no longer available. A lot of them are like that. There are people who only want tenants from their own country (Interview with refugee claimant, Toronto, July 15, 2019).

Similarly, Camila and Eduardo, a couple who had experienced several shelter related issues when they arrived at Canada, mentioned that finding housing was not a better experience as they faced discrimination:

> There are people that discriminates you, not only because you are a refugee but because you are not from their culture. That happened to us several times…In particular, one of them made us feel terrible. When we finished looking at the apartment, we asked for the application form but….it was winter and we had travel one and a half hours to arrive to the place…he handed us the form and says 'honestly, we prefer people from our own culture'. If they prefer that, they should say so in the advertisement. We know that might be considered as discrimination, but we really prefer that, so we do not waste our time (Interview with refugee claimant, Toronto, May 25, 2019).

Most newcomers in Canada do not know their rights which makes them even more vulnerable to experience negative issues when navigating the housing market, including discrimination and racism. However, refugee claimants face particular barriers, apart from racial discrimination, since their refugee status is not approved yet and they often rely on social assistance. Apart from race, one of the other most common forms of housing discrimination is source of income. The Ontario's Right Commission report highlights that landlords tend to deny rentals to those that receive social assistance. According to their findings, advertisements for "working people only" or "professionals" are not uncommon, showing the extent to which discrimination against low-income households is normalized in Canadian society. Patricia describes her experience with discrimination based on household income:

> We had been looking since February because in August we will have to move from here (transitional house). It is very expensive. There are five members on my family so we will

need at least three bedrooms. Rents are not lower tan $2,500. Right now, we are only paying $600 in this house, so when we apply to rent a unit, landlords do not believe that we will be able to pay more than that and then we get their rejection. Even if you have a job, it also does not work. I tell landlords that my husband has a job, and my daughter gets Ontario Works, that we will get child benefit payments, we have different income sources, but they do not get it (Interview with refugee, Toronto, June 26, 2019).

Following Reid's work on housing discrimination practices in Toronto, she argues that refugee claimants is a sector marginalized simply by the design of the housing system. Therefore, refugee claimants face a structural and systematic discrimination. They often have to deal with complex application procedures, screening requirements, and eviction processes, that "while they are not intended to discriminate, [these] adversely affect particular vulnerable groups, reinforcing their exclusion" (Reid, 2009:35). She argues that this discriminatory effect in the housing market is based on both lack of affordability and the power relations between the tenant and landlord. The affordability factor was explained in the previous section; however, the landlord-tenant relations also showed up and was discussed in my interviews with both service providers and refugee claimants. For example, Caroline, a service provider, highlights the balance of power in the housing market in Toronto:

The housing market has just become so expensive. Yeah, it is definitely a landlord's market right now. They can basically charge what they want and still get hundreds of applications for a unit. So, things are really not in favor of tenants, especially people with barriers, who might be on social assistance (Interview with refugee center director, Toronto, March 6, 2019).

As the demand remains high and refugee claimants do not have other options, they tend to accept landlords' requirements and rent prices. FCJ Refugee Centre, in an effort to bring attention to these issues, published a report in 2019 on the challenges that refugee claimants and precarious migrants face in finding a place to stay. Among other issues, their report concluded that criminalization and peoples' vulnerable condition means that many be unwilling to challenge discriminatory or abusive rental practices. Being unaware of their rights leave claimants in a more vulnerable position for potential exploitation and abuse.

Refugees, refugee claimants and non-status migrants have literally and symbolically, crossed borders to have their claims considered. Once people make a claim in Canada and think they found "safe haven", they should find an efficient structure and facilities to access basic needs; nevertheless, these bordering practices keeps appearing in the form of discrimination and unaffordability related to their status and income situation. This burden becomes part of the invisible bordering practices that end up making more difficult for refugee claimants to start their lives in Canada. The following section will explain the limited responses from the Canadian government to improve this situation.

Government responses to shelter and housing shortages

As a volunteer in two different refugee centers, I had the opportunity to learn how things worked in terms of assisting refugee claimants with support as needed to find housing, start a job application, and complete the refugee claim process. In regard to housing, I had the chance to understand how the dynamics played out between these centers and different levels of the government.

During my time at the organizations, I often heard calls from other centers asking if they had space to host refugee claimants. One particular call between one of the case workers and a staff person from the Waterloo region stood out. The staff person called to ask if this center had a plan to get a specific family of refugee claimants out from the shelter system. The case worker responded that there was no plan at the moment, and that they could only help with the limited resources they had. Once the call ended, she mentioned that "the region should do their work". The response of the case worker illustrated how the housing situation was a cause of tension between these organizations and the municipal government. Although the federal and provincial government also play an important role in delivering funding and guidelines for shelter and affordable housing, the municipalities are the first and main actors that provide beds in emergency shelters and operate social housing programs. For example, social housing in Toronto is managed by Toronto Community Housing Corporation, which is owned by the City of Toronto.

This section aims to discuss the consequences of implementing non-sustainable solutions in times of crisis and the potential of having – alternatively – a real commitment that could lead to structural changes and improve refugee claimants' accommodation options. These mechanisms of (un)provision are part of a larger bordering system in Canada which limits claimants' settlement experiences and constrain human mobility. By neglecting these parts of refugees' settlement processes, an atrophy in the entire system is almost predictable when more people arrive at Canada's borders. For example, the lack of refugee-exclusive and city shelters becoming overcrowded, provide a sense of chaos and asylum claims being "out of control". Moreover, with no adequate accommodation, less refugee claimants will have access to resources to start or continue their claims, increasing the backlog at the IRB. In addition, this sense of chaos makes the

federal government implement harsher immigration policies and shrinking the options of protection for many asylum seekers.

The numbers of refugee claimants arriving in Toronto have fluctuated over the past two decades. After a considerable decline 7 years ago, there has been a marked increase since 2015 which intensified in 2017. These surges create pressures on the shelter system, as the system's capacity is often stretched beyond its limits (City of Toronto, 2017). Overstretching shelters' capacity is related to the difficulties of finding affordable housing, as refugees and refugee claimants extend their length of stay in these places, delaying the rotation of clients. Recent research has demonstrated that emergency shelters are increasingly used as temporary housing by these groups of people (Access Alliance, 2003; Reid, 2009). As Diana, a public official, explains:

> There are other factors that influence [the increase of clients in shelters], for example, how difficult it is to find housing. So, if we are housing people more slowly or there are less available units for people to go to, even in the private market, then you might see more of a backup in the shelters, right? (Interview with public official, Toronto, April 9, 2019).

In 2017, and particularly in 2018, the municipal government implemented a series of responses aimed to face this situation. Due to the urgency of matters, these solutions were often placed as temporary responses expecting that the arrivals to the city decreased again.

One of the most relevant solutions that the City of Toronto implemented at that time was the placement of refugee claimants in hotels and motels. The hotel-based program is operated jointly by the City staff and COSTI Immigrant Services. It aims to "provides temporary accommodation, initial settlement services, and support during the refugee claimant process for refugee claimants in the City of Toronto" (City of Toronto, 2019a). To access this program, people are referred from the Toronto's Central Intake System. As this is a joint initiative with a refugee

organization (COSTI), once clients are placed in a hotel-room, staff workers link them to health care and settlement support. More particularly, they get information on the refugee claimant process, referrals to Ontario Works, and assistance with housing search (COSTI, n.d.). The program is funded by the City of Toronto.

Although the hotel-based solution aims to keep refugee claimants off the streets and to provide them with the necessary services, this system also has weaknesses. It is an expensive program, as it costs thousands of dollars to the City of Toronto without really addressing the housing situation in a long term. From 2016 to the end of 2018, the city incurred in $65 million in costs to fund over 2,500 motel beds. The annual cost of maintaining these beds is $45 million per year, a cost that was expected to continue in 2019 and onwards (City of Toronto, 2019b). It is a temporary solution which is often used in times of acute need. As Diana mentioned:

> The hotel program has been running from the very end of 2016. It was smaller, but we are taking more [people] now. The use of hotels is by expanding the contracts… it is not like opening a permanent building, right? So, we are just using it through this time of need, and then, if this would not diminish, we would contract the service again (Interview with public official, Toronto, April 9, 2019).

On the other hand, Toronto asked the federal government to work with municipalities to provide funding for temporary housing and for the growing costs of social services since 2017 (Wright, 2018). During the peak of arrivals and occupancy of shelters, the City of Toronto incurred in $15.6 million in unanticipated, direct costs related to the refugee claimant response, including food, accommodation and staffing. Moreover, the Shelter, Support and Housing Administration's (SSHA) base operating budget was increased by $18 million in 2018 to sustain the operations of the hotel program (City of Toronto, 2018).

Apart from the high cost involved in this temporary response, FCJ's report (2019) found that accommodating refugee claimants in high-level hotels only hinders the process of making connections with the community, as their level of isolation increases. On the other hand, service providers can offer greater access to services if they live close to these centers or can travel easily to them. Moreover, when they settle far away in these hotel rooms, it is more difficult for providers to offer them protection against discriminatory and hateful actions. An example of a hateful action against this group of people happened in October 2018 when the Radisson Hotel in Toronto, a temporary home to approximately 570 refugee claimants, was the target of an arson attempt. In addition, the services provided at these places come short to address the real need. As Melissa explains:

> A lot of the people coming at this center were placed either in hotels or dorms, they did not have much access to a computer and did not have settlement support services or at least not enough settlement support services. I think somebody was giving them a list of places they could go for stuff like work permits. My center was one of the places on the list and some people would come to us. I think they were providing some support in the hotels but not enough (Interview with volunteer, Toronto, June 14, 2019).

This demonstrates that the hotel room solution is not ideal from a settlement perspective. While they offer a roof that keeps refugees away from the streets, they still live precariously and in uncertainty. They are not fully equipped to support this group of people and often, refugees will find themselves without any help navigating all the implications of asking for asylum in Canada. In addition, being placed in a hotel can be an unpleasant environment for claimants as it might feel impersonal and detached from the community, when they are, in fact, looking for a welcoming experience.

Research on this type of accommodation has addressed how Canadian hospitality is redefined through the implementation of this practice. For example, Dawson (2014) argues that Canadian hospitality is an ambivalent concept as it emphasizes generosity and altruism, but the government also use this discourse to justify anti-immigration policies. In his work, he particularly refers to incarceration of asylum-seekers and non-status migrants. Placing refugee claimants in hotels for the first weeks or months after their arrival gives the assumption that they are guests favoured by the Canadian hospitality. Nonetheless, this hospitality stops when they have to look for housing and usually find an unaffordable and discriminatory market, affecting every other area of their settlement process. At this point, they become a burden for Canadian society as their stay at hotels and reliance on social assistance has to extend, and therefore, they become "abusers of Canada's generosity". In addition, the accommodation of refugees in hotels gives the media grounds to exaggerate the crisis or focus on the negative aspect of the issue; making people believe that the government is paying for claimants to stay at "fancy" accommodations from the peoples' taxes. Being a guest, as Rosello (2001) argues, is someone who is at the mercy of the host, who may be benevolent but has the power to revoke an invitation or decide to when the guest has overstayed their visit.

While the hotel-based solution was enough to cover the arrival of refugee claimants during 2017, the City had to implement an additional plan in 2018. This temporary solution involved the placement of refugee claimants in college dormitories during the summer, particularly, dormitories at Centennial College and Humber College. The temporariness of this response was even more evident as refugee claimants only had a few weeks to stay in these places before students returned to school and occupied their dormitories when classes started. In August of 2018, it was announced

that about 450 claimants who had been using this type of accommodation were to be placed in hotel rooms as colleges needed the dorm rooms for their incoming fall students (Wright, 2018).

Temporary and ad hoc strategies are not new in Canadian policymaking. The usefulness of these strategies is valued as it allows policymakers to make decisions on case-by-case basis. This approach is often used in incidents of forced migration. For example, during the resettlement of Syrians in 2016 (Operation Syrian Refugees), when Canada identified, processed and resettled 25,000 Syrians between November 2015 and February 2016 (IRCC, 2018). Another example is the response of the Canadian government after the earthquake in Haiti. They developed a temporary policy that facilitated the migration of Haitians to Canada. These measures were solely developed in response to that event in Haiti and were not part of a broader policy strategy relating to environmental migration (Omeziri and Gore, 2014).

Canada often considers itself a country where immigration is developed systematically and ordered. The government often has time to organize their resources to welcome groups of migrants as the country does not face larger flows of irregular migration like his southern neighbour. Nonetheless, this approach cannot continue to be considered sufficient after it was demonstrated that changes in US policy usually causes an increase of formal and informal crossings to Canada. These events have demonstrated that more people are considering arriving and staying in this country; therefore, policymakers should not base their decisions in temporary measures to contain the effects of migration.

The temporary and ad hoc responses result in fragmented policy that amounts to a "wait and see" approach (Omeziri and Gore, 2014). On other contexts, scholars have shown how ad hoc policies, particularly in times of crisis, often advance more enforcement-oriented agendas (see Mountz, 2010) and support the emerging system of crimmigration (see Sklansky, 2012). In this

case ad hoc mechanisms hindered the establishment of instrumental policies to effectively address issues in the refugee arrival and settlement experience. The few policies that were implemented in 2017 and 2018 were not comprehensive and only increased the exhaustion of financial resources. While the approach of temporary measures allows flexibility and consideration of case-by-case needs to forced migration events, the shelter and housing situation is a permanent issue that should have long-term polices to avoid precarity and homelessness among vulnerable individuals (not only refugee claimants). When I asked service providers about these emergency and temporary measures, they argued that the three levels of government could do more to improve this situation. As Hector explains, the lack of collaboration is one the biggest obstacles in the housing situation:

> Right now you would have to say that probably in very different ways all three levels of government are coming up short. They are not providing the support and that is impacting the families that we serve, it is impacting the sector, and it is making things in the long run even more expensive because now we are doing all these emergency temporary measures, and it is really putting pressure on all areas of social service (Interview with refugee center director, Toronto, July 5, 2019).

At the time of field research, finding potential solutions for the shelter and housing problem was one of the main tasks asked to the government by service providers. The temporary solutions were supposed to last a few months, with a more detailed, long term approach for housing of newcomers to be realised in the interim. Although different levels of government proposed and established certain guidelines and provided funding for affordable housing developments since the beginning of 2017; the results of these strategies are still to be seen. As this is not a recent situation, some of these plans replaced others that did not work as expected to solve the "housing crisis". In

the remaining of this section I will explore the proposed long-term solutions to improve the shelter and housing situation-particularly those suggested after 2017. I take plans proposed after 2017 as the country started to receive high numbers of arrivals since 2016 (e.g. with the welcoming of Syrian refugees) which further intensified in 2017 and 2018.

In 2017, the federal government published its first ever National Housing Strategy and the Provincial government announced its Ontario Fair Housing Strategy. In the city of Toronto, they proposed the Housing TO 2020-2030 action plan, and investments for new affordable housing developments were made, and more importantly, a Refugee Capacity Plan was created.

The National Housing Strategy, a ten-year plan, was created to meet the goal of making sure all Canadians can access housing that meets their needs. This plan includes building more affordable, accessible, inclusive and sustainable housing (CMHC, 2018). The federal government, in particular, created the Affordable Housing Innovation Fund of $200 million dollars which would help to support the development of innovative approaches to affordable housing, create inclusive communities and contribute to fight against homelessness. This complements the already established National Investment in Affordable Housing Funding Table, through which the Federal government had invested over 1.9 billion dollars over eight years to March 2019 (CMHC, 2018).

On the other hand, in April of 2017 the Ontario government released a set of 16 measures to help Ontarians to find affordable housing through their Ontario Fair Housing Plan. This plan was introduced as the Province, and particularly the Greater Toronto Area and the Greater Golden Horseshoe, saw significant increases in prices in the housing market. According to the Ontario Chamber of Commerce "the average house prices in the Toronto region reached $916,567 in March 2017, up 33.2 percent from the previous year" (OCC, 2017). Among their proposed actions were a 15% foreign buyer tax and the expansion of rent controls to all private rent units in Ontario.

Also, the Provincial government announced actions to increase supply through a five-year program to encourage construction of new rental apartment buildings by rebating a portion of development charges. They also committed to work with municipalities to remove the barriers to get new homes and listing on the market faster.

Similar plans were announced in the Housing TO 2020-2030 Action Plans. However, this plan takes a more human rights-based approach to combat homelessness and provide pathways to secure housing stability. For example, they plan to actively take actions to combat housing discrimination and take a gender-based and equity lens to support vulnerable groups of people in the housing pathways. In regard to affordability, they mentioned the commitment to encourage landlords to provide more supportive and affordable rental housing options. They plan to build 40,000 more affordable rental units by 2030 (City of Toronto, 2019c). Among other strategies, the city commits to maintain affordability in housing by renegotiating new operating agreements and deliver housing benefits to vulnerable households, such as the Canada-Ontario Housing Benefit[13].

Nonetheless, the affordability problem is expected to be continued even after the implementation of these strategies as most average rent prices were and still are beyond many buyers and renters' budgets. Although there is a series of programs in place related to affordable housing, other issues such as low vacancy rates, low incomes, and precarious employment play a role in the increase of homelessness and non-adequate shelter for vulnerable population. Other bureaucratic issues also hinder the improvement of affordable housing. As the Ontario Home Builders Association points out, the major constrains for the housing supply is attributable to the

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[13] The Canada-Ontario Housing Benefit is part of the National Housing Strategy and it is intended to be developed by the three levels of government (City of Toronto, 2019b). The COHB is a monthly subsidy provided to low-income households to assist with housing costs. It pays the difference between 30 % of the household's income and the average market rent in the area.

lengthy time it takes to get approvals for projects. These bureaucratic problems are also found in

other areas of affordable housing programs, as Jessica, a service provider in Toronto mentioned:

> There is a need to change their systems to be compatible with reality. Most people who
>
> live here or in the shelters are on social assistance. Ontario Works has a fund called the
>
> Housing Stabilization Fund to help people move out of shelters. That helps pay peoples'
>
> last month's rent, which is really helpful when you are trying to get a new apartment, but
>
> it will not be paid to you until you come to your case worker with a signed lease for your
>
> new apartment; but most apartments do not even let you apply unless you come to them
>
> with last month's rent. And if you managed to borrow money for last month's rent, like
>
> from your friend or from us or from someone to pay it, and then you go to Ontario Works
>
> with your signed lease and say, 'now, can I have last month's rent?' But they will not give
>
> it to you because the last month's rent has already been paid. They have no reimbursement
>
> policy. So, these systems do not make sense and they are preventing people from being
>
> able to move into housing (Interview with refugee center director, Toronto, July 9, 2019).

These bureaucratic issues hinder the process of getting social aid for housing purposes. It also

becomes a frustrating experience as refugees have to jump from agency to agency and work with

their local refugee center until they met the requirements to obtain financial help. There is a clear

need in improving accessibility to these supports; however, it is equally important to increase

social assistance benefits levels to which refugee support allowances are adjusted. These social

benefits are often aimed to stop when the refugee claimant enters the work force; however, it rarely

takes less than a year for refugees to reach a level of income high enough to pay for adequate

housing without cutting into their budget for other essentials (Rose, 2019). Resolving the gap

between income and housing costs in addition to make these supports more accessible, are key in

responding to housing needs. The next section will discuss other policy solutions proposed by service providers in Ontario.

Taking action: Potential policy solutions proposed by service providers

The interviews with service providers in refugee centers and with refugee claimants show that there is a lack of shelter beds and permanent housing options for refugee claimants. Although these issues often involve different vulnerable populations, refugee claimants face obstacles as they are new to the country and usually do not know their rights or the opportunities they might have access to. Most of my civil organization and members of the government participants agreed that a more comprehensive cooperation between the three levels of government was imperative to make the shelter and housing system work properly.

While refugee claimants' needs are often considered the responsibility of the federal government, the municipal government has a major role in shelters and housing programs. There is often a "pointing at each other" mentality in which none of the three levels comprehensively address the needs of refugee claimants. To properly address this situation, most of my participants mentioned that long-term investments should be made in refugee-exclusive places where claimants can stay. Only one of the centers that I interviewed acts as an emergency shelter (no transitional house) which is exclusive for refugee families. The director of this refugee center mentioned the need of more places like this:

> Certainly, we would like to see more of an effort to increase capacity on a more permanent sustainable basis, as opposed to spending a lot of money temporary measures. Especially because the hotel programs that have been set up, they do not have the same level of services that the permanent programs have. It is money that, with a bit more planning and

commitment, could be much better invested in creating places like this or other refugee houses that will be around much longer. That can stretch the money much further when it comes to services support (Interview with refugee center director, Toronto, July 5, 2019).

While more refugee-exclusive shelters are needed, there are other short-term potential solutions that can be implemented to consider the vulnerability of refugee claimants in the housing market. For example, the FCJ report suggests providing workshops to the Central Intake System staff to sensitize them about the claimants situation, staff training on the Immigration Refugee process, end or shift the policy at shelters of refusing people who arrive at their doors[14], being flexible in terms of funding agreements with any organization that houses refugee claimants, address safety concerns at shelters, stop the shelter policy of leaving every day and come back at 5:00 pm as refugee claimants often do not have a place to go (FCJ Refugee Center, 2019).

Making the housing and shelter system refugee claimant-friendly (from availability to rental applications) and establishing better connections with landlords were other solutions mentioned by my participants. Although penalization of landlords for abusive behaviour and discrimination can be a potential solution, my participants acknowledged that a better answer was to give them better information on the refugee claim process and on the Ontario Works system. As Mariana, a service provider from Kitchener, mentioned when I asked her about the limitations of housing for claimants:

I think it has to do more with education and knowledge about who the refugees and migrants, in general, are…about peoples' conditions. The fact that even if they come from other countries, this does not mean that they do not know how to live, or they do not know

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[14] People access emergency shelter only through the Central Intake System.

how to use a washing machine, or how a kitchen works (Interview with case worker, Kitchener, March 13, 2019).

On the other hand, the municipal and provincial governments can develop a refugee-friendly housing system by increasing availability of affordable housing (particularly family units), having translation services available to communicate effective with tenants, having information in refugee centers about the housing market, and ensuring that housing is safe and located in communities where newcomers want to live. The Refugee Capacity Plan developed and proposed by the Coalition of Service Providers for Refugee Claimants in Ontario in 2019, addressed in a comprehensive manner most of these requirements. This plan was passed by the Toronto Council in April of 2019 and included:

- establishing a 24/7 refugee claimant reception and referral centre where new arrivals can access information and emergency support

- development of additional refugee claimant-specific emergency shelters

- consider assess the current stock of Toronto Community Housing (THC) to increase the current options for transitional housing as long-term solutions (City of Toronto, 2019d).

These strategies offer an appropriate starting point and can provide the grounds to develop more refugee claimant-specific programs in Ontario. Although it passed in the City of Toronto, the other levels of government' commitment is needed. Nonetheless, at the time of writing this thesis, the Federal government had not still committed to fund some of these initiatives (Edwards, 2019). This shows that lack of governmental cooperation in matters of refugee claimants is one of the major obstacles for issues like housing and shelter.

One of the most recent projects that the Government of Canada funded to help the city of Toronto to address the housing of asylum claimants was announced in August 2019. The initiative consists of Toronto offering initial shelter to refugee claimants and transporting them to neighbouring cities, like the regions of Peel and Hamilton (IRCC, 2019). Although a triage system will be beneficial to decrease the pressure on Toronto shelters, there is still a housing crisis that should be addressed particularly to assist claimants who prefer to stay in the city for economic or personal reasons. Of all the implications of seeking refuge in Canada, attaining initial shelter and permanent housing should be a positive experience as possible instead of one detrimental of their mental, physical and emotional wellness.

Conclusion

Although Canada has established policies that build a welcoming attitude towards refugees, the events after 2017 showed that their settlement practices are not sufficient to cover the needs of refugee claimants. There is a gap that needs urgent attention from the three levels of government as more people are at risk of facing homelessness, houselessness, and poverty. The interviews conducted with claimants indicated that most of them were appreciative and satisfied about having arrived in Canada and attained accessed certain services. However, this is interpreted as having low expectations from the host country, as similar resources in their home countries are limited and scarcer.

I argue specifically that this type of (un)provision is part of a bordering system in which the government of Canada limits settlement agencies to provide adequate settlement resources for refugee claimants. While these organizations adapted their services, they were limited as funding and other important structural elements –like collaboration and assistance– come from the

Canadian government. I argue that this is a concealed bordering practice which aims to invisibilize the border, yet it appears in every stage of refugee claimants' settlement experiences. Therefore, refugee claimants have crossed the physical border; however, they still encounter bordering mechanisms through which their settlement becomes constrained.

This chapter looked at these invisible bordering mechanisms through the perspective of service providers. The increase in arrivals and the –lack of– responses from the three levels of governments, forced refugee centers to adapt their own services. Relying more on volunteers, making connections with the community, implementing new shelter-exclusive services, hiring case workers, and creating refugee claimants-specific programs were some of the practices that they implemented to cover the needs of refugee claimants. In particular, the lack of space in shelters and the lack of affordable housing in Ontario, were the main factors that contributed to a reorganization of the refugee centers' practices. Importantly, this research sheds light in understanding how NGOs often rely on civil society and volunteerism to balance the supply of and the demand for services. This cross-sector collaboration is particularly necessary when arrivals of refugee claimants increase significantly in a short period of time.

Although shelter and housing challenges are caused by a series of factors, like landlords' discrimination and low salaries; these become part of a bordering mechanism when Canada do not provide real humanitarian solutions for covering refugee claimants needs. In this chapter, the inefficiency of temporary solutions was discussed as a way to demonstrate that only a real commitment from the federal, provincial and municipal governments can mitigate the effects of the housing and shelter crises. At the time of writing, long-term plan solutions were drafted and proposed by the municipality; however, the implementation has been halted as there were not real approaches to fund these particular strategies in the City of Toronto.

CHAPTER 6

Embodying the border: the intersection of policies, access to services and refugees' identities

Having close contact with refugee claimants as part of my volunteer work allowed me to understand more profoundly the many challenges they experience following their arrival in Canada. The need for volunteers to translate during legal counselling hours was imperative in the summer of 2019. In spring of that year, legal aid funding cuts were announced, whereby the Province would no longer fund refugee and immigration legal services. As part of my volunteer hours, I translated for a family that had just arrived from the Caribbean. Their concern and anxiety were constantly present as they discussed the process of claiming refugee status and wait times with their lawyer. Telling and reliving their story of persecution was also emotionally and mentally challenging for them. These experiences made me more aware of the power relations implicated in asking asylum in Canada. Seeing firsthand one of several arduous processes refugee claimants have to go through, profoundly shaped the methodological and theoretical approach of my research.

Although, seemingly, this particular family was accessing fair legal representation which was partially covered by the Province, I realized how the invisible border impacted their ability to make and continue their refugee claim process. For example, the wait times and high costs were the major issues for them. After their initial funding for legal services ran out, they would have to cover other services such as preparation for their hearing. They did not have a job permit, and it would have taken at least a month before they got one. They also did not have any documents yet to prove they were making a claim as initial interviews were still being delayed. This meant that

they could not access health care yet. The budget cuts on legal aid only complicated further the situation.

The process of getting legal counselling for the entire asylum claim process without legal aid seemed incongruous. After the cuts, legal aid covered only the first meetings to prepare initial documents and present them to the IRCC; however, they did not cover the preparation for the hearing, which is one of the most important parts of the process. In the process, after their claim is found eligible and referred to the IRB, they can prepare for their hearing. Due to the complexity of the process, legal aid is recommended before the initial interview since a lawyer can help with the preparation for the eligibility interview and filling out important forms. However, attaining legal aid for the hearing preparation is key in having a successful refugee claim. The lawyer should review and help gather important evidence for the case, which can take several weeks or months to complete. For the family, it took four two-hour sessions in total only to prepare the narrative and for the lawyer to complete the initial forms. After that, the claimant would have to pay $2,500 for hearing preparation and hearing time.

The family's concern was palpable in the room, a small lawyer's office with a narrow window through which we could barely see anything outside. The family of four had just arrived from the Dominican Republic where they faced persecution and now, they had to figure out how they would face that economic burden. It was evident that the border was appearing once again, and it would keep appearing during the entire refugee determination process. This chapter will focus on the experience of refugee claimants in their refugee and settlement process. Although upon arrival, all participants felt they were treated justly and respectfully by Canadian authorities, their situation became more vulnerable once their initial settlement started. They were constantly facing a system which was not built to support people waiting for their refugee decision. Similarly

to what happens to non-status migrants, refugee claimants' presence is problematized and often questioned as deservers of rights. Moreover, refugee claimants are prone to live in a more precarious status compared to a resettled refugee as they have not yet received legal status from the Canadian government. Therefore, they are not entirely protected under Canadian law and they could be sent back to their country of origin if their status is denied. They are also often caught up in practices that put them in a state of legal limbo for possibly many years.

This chapter aims to demonstrate that the Canadian government implements bordering practices that "unwelcome" this group of people. As discussed previously, this is evident through the lack of refugee claimants' specific programs, limitation of funding for claimants and lack of real solutions that address their settlement needs. Although this has been an issue for several decades in Ontario, it became more evident after the Provincial cuts. These practices demonstrate that refugee claimants do not fit the idea of a "deserving refugee" until they are given official status. This is particularly problematic as people can stay long periods of time as refugee claimants. As of June of 2020, there were more than 90,000 cases pending with an average time of two years for their hearing (IRB, 2020a).

This chapter draws on literature in feminist geopolitics to show how refugee policy is constantly present and embodied by refugee claimants. Feminist scholars show the relevance of studying smaller scales to understand relations of power (Hyndman, 2004; Dixon and Marston, 2013). This framework is useful in discussing the hidden power structures in refugee claimants' settlement experiences, which are often ignored spaces of analysis. This chapter will also discuss how the invisible border is represented by neglect and dismissal of refugee claimants' experiences upon arrival as they have to constantly prove their *refugeeness* to Canadian authorities.

The first section will bring a short theoretical discussion on feminist geopolitics, which expands on the introductory framework discussed in Chapter 2. The next section will discuss how refugee claimants' *refugeeness* is constantly questioned as they did not wait outside Canada for their claim to be approved, like resettled refugees. Thus, applying for asylum while being physically present in their territory, gives them less credibility as "real refugees". I will use Hadjiyanni's (2002) *paradigm* on refugee identity, discussed in more depth in the following sections of this chapter, to show that the categorization of refugees only serves to determine who is a more deserving refugee between these two groups. The process of becoming refugees, which can last months or years, has an impact on who claimants are and who they will become.

The last section will focus on the invisible border in claimants' settlement experiences. Although refugee claimants seemingly access a just refugee determination system and social services, they usually live precariously while they do not have immigration status. I argue that this becomes a bordering mechanism as refugee claimants constantly encounter the border making their arrival and settlement process more onerous and difficult. This also limits humanitarian provisions towards these group of people as they have to live in a situation of a precarity for longer period of times, before they can have access to the full spectrum of government support. I will particularly focus on the provincial cuts made in 2019 which made refugee claimants feel "unwelcomed" and forced them into a more vulnerable situation.

The discussion of this chapter is focused on the relationship between policy, discourse and materiality. Canada's refugee system privileges those who fit the discourse of a helpless refugee who is waiting to be resettled, while those who arrive at their borders are considered as a threat for their system. The discursive and legal strategy of categorizing refugee claimants as "undeserving",

has served to justify the reduced humanitarian responses, programs and funding in services like health care and legal aid for inland claimants.

Shifting the scale of study in asylum and immigration

As stated in Chapter 2, feminist geopolitical scholars have brought to the discipline the study of embodied and informal practices that have been overlooked by traditional geopolitics. Their orientation around issues of nationalism, immigration, and security exposed how political struggle is not only shaped by large structural agents in the international agenda but also by smaller scales as well. Feminist geopolitical scholars have particularly advocated for a shift in scale from the state to the local and the individual level to analyze relations of power, everyday struggles and production of marginality (Marston, 2000; Dowler et. al., 2010). Their role in political geography includes taking the conventional repertoire of geopolitics (e.g., nationhood, borders, security, warfare) and questioning its role in producing everyday struggles and issues of marginality (Dixon and Marston, 2013). In regard to migration studies, feminist geopolitics scholars' contributions include the understanding of how multiple relations of power are reflected in migrants' bodies as they cross geographical and discursive borders (Silvey and Lawson, 1999; Silvey, 2005; Hiemstra,2012; Smith et.al., 2015).

Feminist scholars agree that movements of migrants are inherently political in nature. Silvey (2005), for example, argues that migration is a socially embedded process that is organized through existing hierarchies of gender, race, class, nationality, among other differences. Massey's "power geometry" theory explains how individuals have different relations and positions on the mobility scale. For her "some are more in charge of it than others; some initiate flows and movements, others don't; some are more in the receiving end of it than others, some are effectively

imprisoned by it" (1991:26). Massey's theorization enables us to think of space as a construction which is influenced by politics, but also a space in which migrants have almost no agency to shape their mobilities. While some scholars consider migration as a practice in which migrants' agency is restricted (e.g. practices of displacement and criminalization of bodies); others argue that the meaning of migrants' mobilities are reworked by the migrants themselves (Silvey, 2005; Smith et. al., 2015). In my study, I show that refugee claimants' bodies, practices and identities are intertwined with struggles of power through different mechanisms, from controlling their movements through restrictive immigration policies to categorization practices that only reinforce the idea of "real refugees" versus "underserving refugee".

By focusing on the scale of the body, feminist scholars aim to understand how individuals' bodies are in constant interaction with political struggle. For feminist geographers, the scale of the local is relevant; however, they go further by showing the role of the private or intimate spaces of the household and body in the structuration of the political. Bodies are sites of political struggle as they can be sites of conflict and elements of control but that also have power of negotiation. All political processes have an impact on the individuals' bodies, regardless if they are resisting or oppressed agents. As feminist geographers attempt to situate knowledge in the people's experiences rather than on a "view from nowhere" (Haraway, 1991), they include the subjects' embodied experiences and perspectives in their own research. The body and the multidimensionality of embodied experiences are the touchstone of feminist theorists (Nelson and Seager, 2005).

In my study, I draw on intimate geopolitics to demonstrate that the most personal spaces of refugee claimants (their identities) are invaded by geopolitical meanings. Mapping relations between intimacy and geopolitics is an important contribution of feminist geopolitics (Pain and

Staeheli, 2014). By challenging the boundaries of the geopolitical, they illustrate that bodies are intertwined with macro and micro political discourse and national strategies, international events, as well as territorial claims and policies (Smith, 2012, Barabansteva, et. al., 2019, Pain and Staeheli, 2014). Instead of considering the intimate as a scale in geopolitics (Dowler et. al., 2014), feminist scholars argue that the intimate is more than a geographical locality as it is infiltrated, connected and complexly related to state governing practices. Thus, the intimate is "a set of spatial practices…. connecting the body and that which is distant" (Pain and Staeheli, 2014: 345).

In this chapter I aim to demonstrate that researching migration within the context of the global/national scale is different than researching migration within the context of the body and the intimate. The bodies of migrants and refugees are constantly stigmatized and targeted by exclusionary policies as they are criminalized agents. On the other hand, their categorization situates them as inferior to other people or subjectivities (e.g., asylum seeker vs. high-skilled worker or refugee claimant vs. resettled refugee), which has in important impact on the intimate process of identity formation.

I aim to show that the categorization among refugees in Canada causes a difference of the perception of refugeeness between sponsored/resettled refugees and inland refugee claimants. Thus, their bodies and experiences are juxtaposed in terms of who is a "deserving refugee". The border is made present differently to refugee claimants and it is often embodied through ways of understanding their own refugeeness. Although, their journeys are similar, refugee claimants' bodies go through different experiences and emotions from the moment they intend to cross the border up until their settlement process.

Feminist geopolitics theory explores how mechanisms of control, including immigration and other policies, are extended throughout the entire migrants' journeys and after they have

arrived in their destination country. In my research, the provincial cuts, which particularly affected

refugee claimants, not only heightened their lack of official status, but became a way to manage

their chances to get a positive refugee decision. I engage in further discussion about this in the last

sections of this chapter. All these policies are embodied and have a relevant impact on people's

identities and practices. As Hiemstra notes (2011: 11), "embodied political analysis endeavor to

identify and understand how laws and discourses associated with a particular policy (and the state)

are given form, become lived experiences, and shape people's everyday realities".

Understanding the conceptualization of *refugeeness* and refugee identity

The definition of refugee has caused some of the most vivid and controversial discussions

in political geography. Most of the 21st century challenges of refugee protection come from the

simple act of defining who is a refugee and the rights that they are entitled to. The concept of

refugee was not considered in the political and social imaginary of the western world until the 20th

century (Krenz, 1966). The devastations of WWII caused the greatest displacements in Europe,

which changed dynamics of the governmentality of migration and the refugee protection

framework. This displacement constituted an experimentation for postwar human rights principles

(Cohen, 2012).

Ideas of resettlement around the world began to take legal form. For example, the

establishment of the United Nations High Commission on Refugees in 1950 and of the concept of

refugee in the 1951 Refugee Convention sought to provide relief for people fleeing the aftermath

of the conflict (Behrman, 2019). According to Hathaway (1984), by carefully establishing such

mechanisms and the hallmarks of refugeehood, states hoped that assistance could be afforded

without the risk of domestic problems likely to result from open immigration policies. Nonetheless,

the nature of peoples' movements started to become a problem in the second half of the 20th century. Refugee flows were larger and more complex and began to come from the developing world (Barnett, 2002). As individuals ran away *en masse*, the scale and nature of problems posed was getting increasingly difficult for those taking large numbers of them. Additionally, they were now being persecuted for inherent and unchangeable elements of their identity, including race and sexual orientation.

Intergovernmental consultations over the years lead to an international harmonization of practices related to asylum and refugees. This led to the creation and institutionalization of the definition of refugee in 1951 through the Geneva Convention. This definition was accepted by many and currently it is the cornerstone of immigration and refugee policies around the world. Although disguised under a humanitarian approach, these developments were and still are political. This definition serves the purpose of determining who can be accepted under this category and, consequently, which rights they are entitled to. As Lochak (2013:2) mentions "the instruments developed within the confines of international diplomacy remained closely depended on state interests, and the definition of "refugee", throughout its successive changes, reflected underlying political issues, even if, paradoxically, the actors in this diplomacy tried for a long time to highlight the humanitarian nature of international action, and to reduce the political aspects of the questions of refugees."

Apart from the legal definition of refugee, scholars have studied the conceptualization of refugee as part of a subjective process (Lacroix, 2004). Refugeeness encompasses not only a set of characteristics that have to match a legal definition, but also the individual's subjective experience of having to flee their home country and arrive as a guest to a different one. Becoming a refugee, due to displacement or persecution, reconstitutes people's identities which not always

fit the states policies' description. Nonetheless, their refugeeness –or lack thereof– is often determined by a political system that must recognize their status. This process changes consciously and unconsciously claimants' sense of themselves and their relation to the world. Although there is a personal adaptation and reconfiguration, their "official" refugeeness is not attributed when they flee their country of origin but when –and if– their case is proven before a Court.

Immigrants and refugees' identities have been explored in diverse fields such as anthropology, sociology, and education. Scholars' work has focused on construction of identity (Chao, 2019); the impact of labelling and categorization in refugee identities (Zetter, 2007; Conway, 2011; Suerbaum, 2018) and the role of refugee policy discourse in forming refugee claimant subjectivity (Lacroix, 2004). This work is relevant as immigrants and refugees often face identity crises as early as crossing the border, which continues when they try to adapt to the new society. Changes and restructuring of identities occur in the process of becoming refugees as every aspect of life has to be reorganized according to a new set of rules and policies. As Hadjiyanni (2002:1) notes:

> Once at their place of refuge, refugees struggle between losing the past, adjusting to the present, and preparing for the future, while at the same time often learning a new language, culture, and way of life. The plethora of losses refugees endure as a result of their displacement along with the difficulties they face while trying to rebuild their lives, such as finding employment and housing, have been viewed as responsible for the "identity crisis" noted among displaced people.

International organizations and nation-states often impose their own definitions of refugeeness onto them, limiting the number of people who can fall under official categorizations (Conway, 2011). In this respect, Zetter mentions that labelling is not only used to "describe the

world but also to construct it in convenient images" (2007: 173). Labeling is not only an instrumental process but has become a powerful tool that allows an intrusive intervention in the lives and identities of refugees. Moreover, Zetter argues that the practice of labelling can be more a problem than a solution as nowadays is more complicated to determine who is a refugee due to the complex conditions of international mass movements. For him, "how the different labels are formed to describe these different migratory processes and the frequent conflation of, and confusion between, these labels lie at the core of the *problematique* of defining who is a refugee at the current time" (2007: 5).

In my work, I will use Hadjiyanni's (2002) "*paradigm on refugee identity*" to show that the refugee label serves the purpose of categorization to determine who is a more deserving refugee. Although her work explores identities and consciousness of refugees' descendants, her epistemological work is applicable to demonstrate that the current approach on categorizations in asylum, limits the retention, creation, production, and reproduction of refugee identity. She demonstrates that the refugee consciousness is not exclusive to those who have been initially displaced and who fall under the states' category of refugee, but it expands to different types of exiled individuals, as well as their descendants.

Hadjiyanni argues that the official 1951 Convention definition of refugee is a colonial term that legitimizes the dominance of the receiving country. The host country often instills in a refugee a "preferred" identity to protect the host society. The imposition of this identity makes them feel that they are still in control and power of the refugee. Moreover, the refugee label is not a flexible categorization that includes the complexity of peoples' movements and decisions. This is problematic as the process of becoming a refugee can get ambiguous as a person might adopt different titles through the different stages of the refugee experience. Hadjiyanni's work is relevant

as it reminds us that most of the times, some groups of people, whose refugeeness is not officially recognized, are obliged to retain a refugee mentality without having the rights obtained from a refugee title.

In her work, Hadjiyanni proposed a *new identity paradigm* in which the title of refugee is not earned by displacement; instead, she claims considering the act of being a refugee as an identity in and of itself. This paradigm changes what being a refugee entails and is not based on colonial practices of labeling. For her, "being a refugee is now perceived as a part of who displaced people are and what they are made of, instead of as a label imposed on them by others" (2002:9). The identity of refugee becomes integral of the persons' experience instead of an imposed category. This new paradigm also entails that the title of refugee is not earned but becomes through a lifetime of struggle. Hadjiyanni's paradigm recovers the refugees' humanity and provides them with agency to decide if they want to practice their refugeeness or focus on other facets of their identity, so they can build their self-image and denote their own meaning of life. Thus, they are not at the expense of the states' resolution on determining if they are deserving of the refugee title.

This paradigm demonstrates that being a refugee is now "a matter of becoming, forming, expressing, producing, reproducing and eventually transferring identity" (Hadjiyanni, 2002:10). In my work, this is relevant as it helps to understand that in Canada, the categorization of refugees limits the forming and expressing of identity for one particular group of people upon arrival. The differences that entail being a resettled refugee versus a refugee claimant are still part of the colonial view of what a refugee should be and when should they be considered as refugees for the host nation. A refugee claimant is a person who is in a *pre-stage* of when refugeeness will occur for them, according to Canadian immigration agencies. Thus, the level of refugeeness is only determined by the states' labels. Although claimants consider themselves refugees who are fleeing

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from persecution, they are not seen as deserving of Canadian full protection and assistance. As I demonstrate below, during the long stage of being a refugee claimant in Canada, people are forced to experience their refugeeness in a very limited way impacting their live experiences and identities.

The Canadian context: refugee claimants' identities

In Chapter 3, I explained how the Canadian immigration and refugee system usually works. The pivotal statement, that will be useful for this section, is that historically Canada has understood itself more as a country of resettlement and not of first arrival. In Canada, there is a long tradition of refugee resettlement which is determined by several geopolitical factors and which includes its own challenges in the reception and settlement processes (see Hamilton et. al. edited collection, 2020). In this thesis, I have shown that their policies in the asylum system and in settlement practices still demonstrate a strong preference to those refugees who they can select abroad. In Canada, immigration has often been seen as a source of national building; therefore, they consider that being able to select who arrive at their borders is cornerstone to develop their national identity. However, this turns controversial when *selecting* is a practice directed towards those seeking asylum.

As explained in previous chapters, resettled refugees (government and privately sponsored refugees) are given status upon arrival and therefore have immediate access to essential services, financial aid and settlement support. The case is different for refugee claimants who made in-Canada asylum claims. The difference between these groups is that the former became a refugee while waiting abroad and the latter is waiting for their decision inside Canada. Resettled refugees land to Canada with refugee status after having went through a medical exam, pass a criminal and

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security check and give biometric information abroad. Refugee claimants land in Canada with a temporary status and with the hopes of getting their claim accepted. The reception between these two groups of refugees has not been equally framed by the government and media. One group is considered as "less deserving" than the other. Refugees who arrive to Canada through a resettlement program are seen as "good" refugees who wait patiently to be resettled, while in-land refugee claimants are usually considered as queue jumpers who might not deserve to settle in Canadian territory (Reynolds, et. al., 2014).

Lacroix (2004:147) notes that regardless of their status and individual circumstances "the experience of refugees transcends national origins and boundaries … the experience of being a refugee is defined as universal to those who experience it. It is universal in that the crossing of borders and uprootedness is shared by all who are forced out their countries as such constitutes an irreversible element in the construction of their present subjectivity". Thus, although they are categorized within different labels; borders, immigration systems and measures of control are embodied by all who are forced to flee their countries and who face in any way measures to control of migration.

Lacroix's argument on the experience of refugee as being universal, does not intend to obscure the differences between personal stories of refugees. She, in fact, explains that rape, torture and culturally-specific practices are components specifically related to gender and that these differences should not be neglected. Nevertheless, she explains that common unifiers and similarities emerge forceful among refugees after experiencing forced displacement, uprootedness and encounters with a range of political institutions. She argues that the conceptualization of refugeeness is useful in understanding this particular subjective [refugee] experience shared by many. I draw on Lacroix's argument to argue that there should not be a discourse and policies that

allow delineations between a "real refugee" and an "undeserving refugee", as there is one refugee-specific experience through which their refugeeness will be lived, created and experienced in different ways.

An individual fleeing persecution and making a claim inside Canada only becomes a refugee claimant when confronted with a refugee determination system that was established by the state. Their refugeeness is in question during the entire process while they consistently try to collect every evidence to prove their cases. Although many fleeing their countries of origin are considered as persons in refugee-like situations, the attribution of refugee status depends on the issuance of a document that proves that identity: a Refugee Protection Claimant Document (RPCD) given after their claim is referred to the IRB.

While the refugee determination process takes place, the procedure seems to be reversed. Instead of having access to the rights they are entitled by virtue of being refugees, these become limited and their bodies become less deserving entities as they are treated as a lesser category in the legal status spectrum: refugee claimants. In this sense, as Vigil and Baillie (2018) mentions "identity formation is as much as a process as it is something that it is given". Thus, their identities are being impacted by who they are but also by the categorizations imposed to them by others. Through this chapter, I argue that by giving refugees a label, which suggests a lesser category in the legal scale of immigration, their struggles increase and, therefore, their options to create and live their refugeeness in a constructive way is occluded.

The Refugee Claimant Protection Document shows that asylum seekers are eligible for a protection hearing. Although their refugeeness will still be questioned for months before their hearing, this document allows refugee claimants to legally exist and become recognized individuals among the Canadian society. Immigration documents only exist in a specific social

relation to the person to whom they belong, as they are linked to their identities. The RCPD can give people access to certain limited benefits; nonetheless it is also a reminder that the individual is only a client of Canada's Refugee Protection system and that they are still not considered a permanent resident. In this regard, Suerbaum (2018) argues that trying to get these documents can cause fear, uncertainty and nervousness among refugee claimants, particularly when these are absent or useless. For example, the absence of a RCPD is common among those refugees who crossed irregularly and decided to wait to make an asylum claim. Although only one of my participants, who crossed irregularly, decided to wait to make their refugee claim, I heard of many cases similar to this during my volunteer hours. Some people fear that by admitting their intentions to ask for refuge at the border, they will be at greater risk of being deported. Moreover, many refugee claimants tend to wait to make claims because they want to understand the process first or access an organization who can help them. Nonetheless, this will only hinder their rapid access to services. Carlos, who arrived in Ontario through secondary migration, explains why he and his wife decided to wait to make their claim:

> We went to an immigration office only after a month of our arrival, although we arrived in a shelter after fifteen days of crossings. We took advantage of the time, we researched on the internet which provinces were a good option…that's when I realized that in Alberta, we would not have the option to study. We researched and made the decision of coming here (Ontario). When we arrived, a case worker helped us with the process, she took us to Niagara to make our claim (Interview with refugee claimant, Fort Erie, July 11, 2019).

In previous chapters, I have discussed how having refugee claimant status in Canada limits claimants to access full asylum rights. In this section, I show how their subjectivity as refugees is being formed since they made the decision to leave their countries of origin. However, although

they have the attributes of a refugee, they have yet to prove it to an administrative tribunal. All the struggles and experiences they have to endure by making a claim have an impact on their identities. In this section, following Hadjiyanni's identity paradigm, I aim to demonstrate how throughout their experiences, their own subjectivity is changing and, therefore, their *refugeeness* is becoming more evident as they face several challenges. Through the following sections I aim to demonstrate that there is an important relationship between identity, states' labels and access to services. Although refugees' identities differ from the labels they are subjected to, these categorizations define the extent to which they access certain rights and services, impacting their entire settlement experience. As the state is who provides and/or facilitate these services (e.g., through programs and funding to civil organizations), their own labels are also the *ticket* that will determine who can have full access to health, housing, and legal services.

The construction of their refugee identity is active and dynamic and is often related to the process of adjustment at the different stages of the refugee experience. I will take three particular settings of the refugee claimant experience to demonstrate this: the moment of leaving countries of origin, the moment of crossing the border and the moment of waiting for the decision. These experiences are relevant as they differ from the other Canadian categorization of refugees – resettled refugees– which is often considered as the more valid way to make a claim. Thus, refugeeness is created, lived, and experienced differently between these two groups of refugees. This is relevant as it exposes a conflicting discourse about Canada as a welcoming nation: humanitarian practices are in place only to receive those who are considered "real refugees".

The moment of leaving their countries of origin

My participants often tried to make sense of why they came to Canada during the interviews. Although I tried to avoid direct questioning on the reasons they fled their home countries, they often started their stories by explaining the political situation in their countries and the precarity of security for their families and themselves. The reasoning they made seemed to act as justifications of why they were in Ontario asking for asylum. Although they knew I was a doctoral researcher and that the information that they shared would not affect their refugee determination process, they felt the need to explain their situations.

The process of becoming a refugee starts with being forced out of their country for unforeseen conditions. Based on my participants' stories, their decisions to leave their places of origin did not came easily as all of them described a strong attachment to their countries and families who stayed there. Although some of them had been already domestically fleeing for some time, the realization of having to leave their home country came as a difficult choice to make. Most of these people came to Canada with a sense of uncertainty and fear of how the process would work for them. Contrary to what resettled refugees experience as they have an official status upon arrival, claimants do not know what to expect when crossing the border.

For refugee claimants, the decision to take a plane and leave their countries, often arrives at times when they are under a lot of stress since they are facing dangerous circumstances. This promptness of departure can lead to a more profound sense of rupture between their old and new lives. In contrast, resettled refugees carry out a sponsorship process months or years in advance before they could depart to Canada. They are also already living outside their places of origin; thus, they already have a sense of assimilation of being away from their home countries. Although resettled refugees also experience traumatic events, they have a more secure perspective of the

future and travel in much better conditions after they are approved to arrive to Canada; whereas for refugee claimants the uncertainty remains for longer periods of time. Moreover, migrating under unregulated conditions can cause an additional distress as claimants can face traumatic experiences in their journeys and during initial settlement. In a study conducted in Germany, Kleiner et. Al. (2019) concluded that refugee claimants presented mental and behavioural disorders nine times more often than resettled refugees.

For refugees, leaving their countries of origin also means leaving their old life. This means big sacrifices, not only material but also personal and emotional as well. As Vigil and Baillie (2018) explain, becoming a refugee feels as a forced settlement as there is no way of going back. The sense of leaving what they have built in their countries was explained by Patricia:

> The language, arriving to a place where you do not know anyone, start from nothing when you already have a life in your country, leaving what you have built and worked in all these years. It is not easy to start from nothing (Interview with refugee, Toronto, June 26, 2019).

Through her statement, Patricia is showing that leaving implicates a moment of rupture of who she was in her country of origin and that she must leave everything behind to start the process of becoming a refugee.

On the other hand, one of the biggest concerns of Nadia was to find a job similar to what she was doing in her country of origin. She mentions:

> I am a high skilled worker. There should be in Canada a "bridge" to make you fit into your skill immediately, but what will happen is that because I need to survive, I will look for *any* job. There should be kind of a bridge, to say 'this is what you were doing before, now how can we help you to support your skills?' (Interview with refugee claimant, June 25, 2019)

The job she practiced in Africa is an element at the core of her identity. When mentioning that she is a high-skilled worker, she says it with pride; therefore, the fact that this part of her life is not being recognized in Canada impacts her sense of self-identity and has potential repercussions on her integration process. Being a refugee claimant often means that people would be on welfare for a certain period of time before they get a job permit; and even when they get it, it is difficult for them to get a job that matches their field and/or professional skills while they do not have status. Thus, while she is waiting for the refugee decision, her skills are not valued. She is considered as a "person on welfare" instead of a "contributing members of the society". All people that I interviewed expressed the need to become contributing members of the society and knew that, realistically, they would not find jobs in their field, which is very common among asylum-seekers in various contexts.

Becoming a refugee implies rupture and separation; however, it also means an intensification of emotional ties to what they left behind. Although their identities are evolving as they are becoming refugees, a sense of yearning and nostalgia will always accompany them. Moreover, thinking of home often becomes a source of worrisome and anguish as they are uncertain of the wellbeing of their loved ones. Some of my participants expressed that they were worried for their family, as Martha mentioned:

> We are fine here but we do not know how my family are back in my country…as a way to threaten us, some people are still watching my mom's house, my mom had to took action and installed cameras and an electric fence, she paid for a security service, and avoids going to public spaces. She does this so people cannot ask her where I went (Interview with refugee claimant, Fort Erie, July 11, 2019).

Nadia also mentioned the emotional challenge of leaving your family behind:

I cannot visit. It is a huge limitation, I cannot visit my family and I do not know if my

family can come here, because you cannot depend on the government and then have

someone visit. It is an emotional thing (Interview with refugee claimant, Toronto, June 25,

2019).

Although these emotional ties become stronger with distance, their former roles within their

families also become altered. For claimants that left their families behind this means that they had

to stop being the main provider or protector of their children or parents. Making a claim in Canada

forces them to adapt their role and membership to their own family. Thus, their identity in regard

to family relations also changes after crossing the border.

The moment of crossing the border

The first contacts with the state authorities for refugee claimants often happen at the border

or at an inland immigration office. This is a crucial moment for refugee claimants as they often

experience these encounters with anxiety, apprehension and uneasiness. At that moment, they

already had left their countries, abandoned their home and job, and spent a considerable amount

of money on plane tickets for them and their families. Thus, there is not an easy way of going back.

This is also a crucial moment as "it is at this moment that the refugee determination process begins

and forces the realization of the contradiction between considering themselves to be refugees and

having to prove it." (Lacroix, 2004). Thus, this initial contact will be a decisive moment as they

will now have to live officially as refugee claimants or, in other words, as clients of the Canadian

refugee system.

During my interviews, all of my participants agreed that even though it was "easy" for them to cross the border and make a claim, they experienced certain negative emotions during the process due to uncertainty. When I asked about their experience at the border, Patricia mentioned:

It is terrible, you feel so much fear. I did not know what making a refugee claim implied, I was just fleeing my country to ensure the security of my family. I just arrived here but I was not sure to what I would face. If I were alone, it would be easier, but when you have children you do not want them to experience something difficult. I arrived at the border looking for peace and tranquility, but you arrive and start facing more barriers and challenges. The officials were questioning us, and when one left another entered the room to keep asking us things. I was not relaxed, I was afraid they would reject us. I was asking myself 'what would I do? Where would I go?' (Interview with refugee, Toronto, June 26, 2019).

At the border, refugee claimants also face a more blatant criminalization as they are often arrested or threatened with detention, as Camila explains:

At the beginning they told us 'do not cross, we are going to arrest you' but we had already decided to cross. Five officials were standing with their firearms, so we felt very anxious, then I told an official that we needed to cross because we wanted to make a refugee claim. After that, they indicated us where we could do that, they took our luggage and put it through the scanner machine. Meanwhile, other officials were already questioning us about everything, including the reasons why we left our country (Interview with refugee claimant, Toronto, May 25, 2019).

The encounter with Canadian officials, the questioning and other struggles that they experience at the border are part of the process of becoming a refugee. That moment is when the reality of leaving their old subjectivity behind becomes more evident. Moreover, when they are

allowed to make their claim, they get a tangible document, the RCPD, that proves that their new lives are starting and that they have to learn how to behave in this new environment. However, this not only happens in an official way, through the filing of their application; but also, in a personal manner as they have to embody the implications of this new identity.

Their categorization in the Canadian system as a refugee claimant is limiting as this process includes proving that they deserve to be treated as and considered a refugee. The *refugee identity* is something that they are forming and producing throughout their struggles; however, their identity as *refugee claimant* is something imposed by the Canadian system. This label will equally have a repercussion in their lives as much as their refugee identity. For example, due to their status, they will have access to limited rights and services while they wait for their refugee decision.

The moment of waiting for their refugee decision: pausing and negotiating

One of the factors that makes claimants' experiences more difficult is uncertainty. Several scholars have studied how waiting for the refugee decision is one of the most painful periods that claimants have to endure, which also causes important delays in economic and social integration (Conlon, 2011; Bissell, 2007; Hainmueller, et. al., 2016, Hvidtfeldt, et. al., 2018). This aspect becomes a pervasive factor in their lives that dictates to what extent they can start or continue with the settlement process. As some participants mentioned, starting over is challenging but not knowing if you are allowed do it is more difficult.

As mentioned in previous chapters the waiting times to get an audience were extended considerably after 2017 due to the increase in arrivals. A few of my participants expressed that their refugee hearings were cancelled and re-scheduled. For example, when I met David, he had already waited a year for his hearing. When he wrote a letter to the IRB to ask about the status of

their claim, they mentioned that the hearing had been rescheduled due to "logistics and a limited number of judges".

Waiting for something to happen can be disempowering as lives are put on hold. Claimants are not certain of their refugee resolution and there is a possibility of getting a denial of their claim, which means that they can face imminent deportation. As Haas (2017) mentions, the status of refugee claimants simultaneously represents the potential for security and the potential for expulsion. Moreover, being a refugee claimant means a constant scrutiny from the state to corroborate the information they gave, which is based on their life story. Thus, their lives are not only suspended in limbo, but invaded as well.

Although refugee claimants are offered some services and can access legal protection as their refugee claims are processed, claimants expressed the need to start their lives and become contributing members of the community. However, they have little to no control over this situation. They are often embedded in an "institutionalized process of subjectification" (Haas, 2017), where their identities would be accepted as a true refugee or a bogus refugee, yet they have little to none ability to define their positionality in the meantime. For example, most of my participants mentioned that they did not know or understand why there were delays in their cases, and particularly in their job permit applications.

Nonetheless, even though waiting sometimes is seen as passive, refugee claimants often find ways to be productive either by preparing their cases or starting their settlement process. As unpredictability plays a role in their hearings' schedules, claimants must have their cases and prepare beforehand. This implies several appointments with lawyers, filling out forms, asking for documents to their home country agencies, looking for translation services, and meetings with case

workers. Even when they are uncertain on when their hearing will be scheduled, they have to be prepared, as one of the service providers in Toronto, mentions:

> People ask, 'when will my hearing be scheduled?' and we cannot give them an answer. Just because we don't know, it's unpredictable. But it's good for them to be ready well before that, because theirs could be scheduled right away, right? So that's kind of how you do it. But overall, the delays are very difficult to manage because until they have that hearing and they get that decision they are not sure if they are going to be able to stay, so it causes a lot of stress, it impacts other areas of their settlement as well. It delays family reunification if they have spouses or children that they want to bring over (Interview with refugee center director, Toronto, July 5, 2019).

This participant describes how difficult it is for service providers to give a definite timeline to refugee claimants. He talks about the uncertainty of the process and how unsettling this can be for them. They start preparing for an audience that might take months or years, as they are subjects to changes and delays. Not having a clear date for this important step of their process can become a problem as they do not know how long they have to gather evidence and recover documents, some of these mailed from their home countries. Waiting for so long can also have important effects on their personal and familiar relations. For example, family reunification can be on hold for months or years as they are still waiting for their decision.

Beyond being forced to leave their home country, becoming a refugee implies a series of struggles and waiting moments that people must experience. It means being vulnerable and performing that vulnerability in order to receive protection; however, it also means being resilient to face the adversities on the process. In particular, for refugee claimants, their new identity as refugees is developing while they wait under uncertainty, while simultaneously gathering

documents to prove they fall under the "refugee" categorization of the state. These struggles make them more resilient while their own identity as refugees starts to solidify. This process of identity formation cannot wait until the state provides them recognition as refugees; it is inherent of the space they are living in and the events they are experiencing at that space and time.

Power relations in the settlement process: unwelcoming refugee claimants

The previous section explained how an individual, whose refugee identity is becoming more evident through their experiences, is exclusively recognized as *refugee claimant* when confronted with labels imposed by the Canadian government. This section aims to show how the state implements bordering policies intended to destabilize their lives even more, by making them feel unwelcomed rather than 'deserving' refugees. I will particularly focus on the impact of Canadian policy in claimants' lives. By doing this, I aim to demonstrate that the local scale is relevant to understand relations of power in migration studies.

In this section I argue that there are concealed power structures that impact the settlement experiences of refugee claimants. These bordering policies are concealed by the Canadian government to still show a humanitarian image while limiting in relevant ways refugee claimants' settlement experiences as well as their refugee determination process. More importantly, the concealment of these practices was effective under refugees' perspectives as they did not completely understand the implications of these policies in their lives. For example, they were not aware how provincial cuts increased their vulnerability and precarity while waiting for their decision. Contrary, most of my participants felt that they were treated fairly and righteously in Canada. As Patricia mentions:

Canada is a great country that welcomed us when we needed it the most. This change has

favoured our children. In our country, they were not experiencing this, we moved a lot and

we did not have the chance to send them to school, we could not offer them stability.

Arriving here was great for us! (Interview with refugee claimant, Toronto, June 26, 2019)

Refugee claimants felt relieved to be in Canada. They considered it a place where they could access

services and support for their basic needs. Nonetheless, they were immersed in a system which

was not built to support a large number of people awaiting refugee claim decisions at the same

time. As mentioned previously, this is demonstrated through the lack of government programs

specific to refugee claimants, limitation on funding for this group of people, provincial cuts, and

lack of real solutions in settlement areas, like housing and the shelter system. Thus, this system

was not built to provide refugee claimants arriving spontaneously at the border, full access to

Canada's humanitarian protection.

As discussed in Chapter 5, access to initial shelter and affordable housing were issues for

vulnerable populations and different types of immigrants. However, refugee claimants have a

much more difficult pathway to housing due to financial constraints, landlords' discrimination and

limitations due to legal status. Not being able to access shelter and housing is an important

constraint in claimants' settlement; this section will focus on other restrictive policies and practices

carried out by the government of Ontario.

In 2019, the government of Ontario announced a series of budget cuts that would affect

low-income families, including refugee claimants. First, during the Spring of 2019, the Ontario

government cut funding to Legal Aid Ontario by 30%, removing $133 million from the Agency's

budget (Tumilty, 2019). The province also mentioned that the organizations could no longer use

provincial funds for refugee and immigration cases. This was done in a year when the number of

RCMP interceptions were still high and there were still more than 87, 270 claims pending decision (IRB, 2020b). The threat to budget cuts by the Ontario government also represented a way to force Ottawa to cover the full costs for refugee and immigration legal aid services for cases proceeding to federal tribunals (Tumilty, 2019). For example, before the cuts, the annual cost of helping refugees was about $45 million per year, of which the Federal government only contributed $16 million (Corrigan, et. al., 2019). Before the implementation of these cuts the provincial government had called repeatedly on the federal government to cover full costs of some refugee claimants' services.

Legal aid in Canada has not always been considered a priority for refugee claims processes. Also, although the refugee determination system is under federal jurisdiction, Provinces were left with the responsibility of providing legal aid without always ensuring adequate funding. For example, in some provinces like Manitoba, the provincial government did not have a budget for claimants' cases in 2006 (Crepeau and Nakache, 2006).

Reductions in legal aid were implemented previously in other countries as a way to control migrants and as deterrent measures. For example, in Australia, legal aid had been cut substantially after 2000 as the federal government reduced instances in which legal aid could be granted: 1) when there are differences of judicial opinion that have not been settled in court and 2) the proceedings seek to challenge lawfulness of detention (Parliament of Australia, 2004). On the other hand, in 2004 the UK implemented new arrangements for legal work and asylum matters with the objective of reducing spending. The rationale was that lawyers were carrying out unnecessary work on the cases of people who were not going to win the right to remain in the UK (Crépeau and Nakache, 2006).

On the other hand, in Canada, in 2019 the provincial government also announced a funding cut to the Transitional Child Benefit (TCB) program that particularly helps low-income families. This benefit provides up to $230 a month for low-income families that are not receiving other child benefits. Although this cut affected several families, refugee claimants were particularly affected by this since they are not eligible to receive any other benefits for their children due to immigration status. The TCB budget was planned to be cut on November 1st of 2019; however, the government backed out of this decision. The Minister of Children and Women's issues, Jill Dunlop, announced in the fall that funding levels would be maintained to ensure funding for child protecting agencies (Jeffords, 2019). Although this budget was not cut, the fact that this discussion arose in the province shows the low priority of low-income families, and particularly refugee claimants, in Ontario.

This is not the first time that the government implemented policies that affect refugee claimants directly. For example, in 2012 the Interim Federal Health Program was revised to, according to the government, preserve the integrity of the Canada's refugee determination system as well as ensure fairness and contain financial costs. The changes in the program included restricting access to essential healthcare coverage to refugee claimants. This would deter potential asylum seekers from making claims within the country and force those already in Canada to leave more quickly (Connoy, 2018).

The 2019 proposition to eliminate the TCB and the reduction in budget in legal aid would cause a domino effect in the settlement of refugee claimants and the offering of services by service providers. Families would be put in a difficult position of choosing whether to pay the rent or purchase food for their families. They would have a more difficult time finding affordable housing with a low assistance rate; they would be forced to depend more on shelters, food banks and other

social supports. Moreover, many families would be at increased risk of exploitation by employers and landlords as they would be forced to stay in houses and jobs that are unsafe for them (The Ontario Coalition of Service Providers for Refugee Claimants, 2019). Thus, through these policies refugee claimants are being put at severe risk of poverty and homelessness.

The establishment of these policies, which directly affect refugee claimants, serves to regulate movements and access to services and rights. The capacity of the state to control them is deemed necessary, as claimants demonstrated to have a "dangerous" type of agency when they did not follow the "regulated refugee pathway". After arrival, their presence became a problem as they did not take an official channel to reach the country. In her work, Connoy (2018) argues that the problematization of refugee claimants' presence can be explored through the lens of *irregularization*. Due to their status, their presence in Canada is often questioned, deemed as abnormal, out of place or irregular.

Cutting legal aid in Ontario

Legal Aid Ontario (LAO) is responsible for providing legal services to low-income Ontarians in different branches of law (e.g., family law, criminal law, mental health law, clinic law and refugee and immigration law). According to their mandate, LAO promotes access to justice for low-income Ontarians by providing high quality legal aid services, encouraging the innovation in the provision of legal services, and identifying and assessing the diverse legal needs of low-income Ontarians. They provide services through a corporation that operates independently from the Government of Ontario, but that is accountable to the Ontario Government for the expenditure of public funds (Legal Aid Ontario, n.d.).

In particular, refugee claimants are able to get legal aid through community legal clinics or Legal Aid certificates issued to individuals who have private-sector refugee lawyers and who, in turn, bill LAO for legal services provided. The number of certificates issued for immigration and refugee law had been increased steadily since 2014, from 6,444 in the 2014-2015 fiscal year to 16,181 in 2018-2019 (Legal Aid Ontario, 2019). Before the cuts, LAO budget included the payment of several services that refugees and refugee claimants may need, such as filling in forms sent to IRCC (including the Basis of Claim)[15], representation of refugees at their hearing, preparation of written appeals to the Refugee Appeal Division, preparation of motions to delay an order of removal, and representation of refugee claimants at the RPD if their status as Convention refugee or protected is threatened to be removed.

Although, at the moment of research, the LAO website still mentioned that they may pay for the services mentioned above, in a written communication with an immigration lawyer, he explained that "Legal Aid Ontario is currently only issuing 7-hour certificates to cover BOC preparation. There is no certificate funding for evidence disclosure, hearing preparation, and hearing time. There is also no certificate funding for any other immigration or refugee processes" (Immigration lawyer in Toronto, personal communication, July 22, 2019).

For a refugee claimant preparing their claim, the 7-hour certificate that LAO pays mainly covers the preparation of initial documents. As mentioned previously, in my volunteer hours as a translator, we worked with a family to prepare their BOC and other initial documents, which took four meetings of at least two hours to merely complete their narrative[16]. The fact that I, a volunteer,

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[15] The Basis of Claim (BoC) is a key form that must be filled in by refugee claimants and submitted to the IRB. In the form, the claimant will give details about themselves and their lives and the reasons why they need protection in Canada. It is used to determine if claimants have a valid claim.

[16] During these sessions, the lawyer listened for the first time the entire claimants' case and documented it. The narrative included their story of persecution until they arrived in Canada.

and not a certified translator was doing this job increased the time of the meetings. However, it was not possible to get a certified translator anymore due to the budgetary cuts.

Legal Aid is a vital service not only for giving the opportunity to low-income Ontarians to access these services, but to have a functioning justice system and promote equality in the society. According to Brewin and Govender (2010), ensuring that low-income people have adequate legal representation have positive effects in the civil society. Unresolved cases can result in future issues like social problems, poor health, increased reliance on social assistance, unemployment and domestic violence. Therefore, the consequences are costly for the entire society. In their work, these authors argue that cuts in legal aid may save money in the very short term; however, the costs will be higher in the long term. For example, cases in which the parties lack legal representation are more likely to go to trial, which, in turn, is more costly for taxpayers.

Another consequence of decreasing the budget is that many experienced lawyers will no longer be willing to act for legal aid clients and less experienced lawyers in the area would fill in these spaces. A study published by the Canadian Department of Justice in 2016 showed that in Quebec less experienced lawyers were more willing to represent claimants on legal aid. They also demonstrated that often they took on an excessive number of legal aid mandates, which, in turn affected the quality of representation.

While the cuts affect all Ontarians, they have a significant impact on refugee claimants. For newcomers, access to legal aid is particularly crucial as they are facing a new system within an unknown legal framework for them. People arriving in Canada have rights to make an asylum claim; however, as Brewin and Govender (2010: 6) mention, "without access to the means of enforcing one's legal rights, those rights are meaningless". Refugee claimants are amongst the most vulnerable as they do not have the ability to represent themselves, they often do not speak

English and, most of the time, are traumatized. Forcing them to face a complex system without proper legal guidance goes against the Canadian humanitarian discourse. As a service provider in Toronto explains:

> Legal cuts are very worrisome just because it is access to justice. And our concern ultimately with that is that refugee claimants who are in need of protection are going to be denied that protection because they did not have access to proper representation. It is not a realistic expectation for vulnerable refugees to be able to represent themselves in a complicated process like this. And if you're going to force them to do that, then their access to justice is going to be compromised, so that is a huge concern for us (Interview with refugee center director, Toronto, July 9, 2019) .

The budget cuts to LAO meant that refugees would be no longer covered by legal aid for appeals and federal cuts reviews of negative decisions, as well as allegedly wrongful asylum and deportation decisions. This is problematic as the chances of negative decisions increase when claimants do not have access to appropriate legal representation in the first place. Authors like Barutciski (2012) and Rehaag (2011), have demonstrated that counsel is a key factor driving successful outcomes. When refugees do not have appropriate legal representation and get a negative outcome, they may face life-threatening conditions after deportation. Other consequences of LAO budget cuts include claimants choosing to stay in Ontario without legal status due to serious fear of returning to home countries, exploitation of claimants as they look for other ways to pay for counsel, and increase in administrative delays and backlogs (Keung, 2019).

Contrary to other type of newcomers, refugee claimants often arrive with limited financial resources. Most of my participants relied at some point on social assistance, and those who already had their hearings used legal aid. Those who were newly arrived were mainly worried about

lawyers' fees after they heard about the changes in the Ontario budget. When I asked Martha which services could be improved for claimants, she mentioned:

> Legal aid. We have to pay for legal counselling so that is why we really need a job. We need to save money to pay him, but we do not know how much we are supposed to pay him because we have not talked to him yet (Interview with refugee claimant, Fort Erie, July 11, 2019).

They were already in debt, and her husband was paying child support for other of his kid that stayed with in their home country. She continues:

> What worries me the most, is that he (Pablo) does not only have this kid and this new baby, but he has more children. He cannot work, he cannot send back child support money. I am worried that his ex-wife will get mad and decide to take legal action which can affect our chances of getting refuge here (Interview with refugee claimant, Fort Erie, July 11, 2019).

Ontario is one of the provinces with the highest number of asylum claims, which in turn, may create budgetary and financial challenges. Even if these cuts were a form to pressure Ottawa to increase their budget for immigration and refugee legal cases, this decision was made at the expense of the lives of thousands of refugee claimants. Making things harder for refugee claimants became a practical option within a system that is already "kind of falling apart around claimants in many different ways", as a service provider describes. Even though maintaining fair procedures for refugee claimants and purposely redirect government resources (Legal Aid) is a balancing act that not many western democracies achieve; by imposing these restrictions the lives of refugee claimants become collaterals to these decisions. In August of 2019, the federal government announced a one-time emergency funding to mitigate the crisis; however, this is still a temporal solution with no real long-term commitment for the program.

The Canadian refugee system is complex and nearly impossible to navigate without legal representation. Previous studies have demonstrated that the overall acceptance rate for underrepresented claimants is significantly lower than for represented claimants (Rehaag, 2011). Due to the complexity of the system, a report written for the UNHCR (2012) suggested procedural changes in the IRB for underrepresented claimants, such as simplifying and making all the procedures less onerous in the spirit of fairness. The objective is for refugee claimants to understand completely the matters that will affect their claims. This report even suggests that complex cases should not go without any legal counselling and asks the IRB to introduce a form of duty counsel. Thus, limiting the accessibility to legal representation in Ontario potentially will decrease the number of people getting refugee or permanent status and will affect the possibilities of bringing their families.

The strategy of Ontario to block legal aid funding from being used for refugee and immigration cases sends a message to Canadian society and politics, that the province would not be entirely responsible for refugee claimants processes regardless of the consequences of this decision. Through this, Ontario intended to pressure Ottawa to resolve this situation, but without a real commitment to find a mutually agreeable solution (Schertzer and Paquet, 2019). Moreover, the strategy of arguing that refugee claimants fall under the jurisdiction of the federal government and not under theirs, problematizes refugee claimants' existence in the province. Their presence is targeted and questioned, affecting their ability to make a claim; this, in turn, produces insecurity, vulnerability and anxiety in claimants' lives (Connoy, 2018). This action contributes to the idea that claimants are "different", and not always recognized, subjects within the context of humanitarian assistance and refugee protection. As they are considered refugees who did not waited outside Canada for resettlement, protection and services towards them can be easily

stripped away. This not only makes them feel unwelcomed but dehumanizes the entire refugee determination process.

Carlos explained that they arrive to Ontario as they thought they would have more support than in other Provinces:

We did research and concluded that it was more expensive for us to stay there (Alberta) and they (the government) do not help that much. The only strange issue that happened now is about legal services, the legal aid support that the government changed now. What they give you now are the first few hours so you could submit your claim. We were told that the next time we see the lawyer we will have to make a payment plan (Interview with refugee claimant, For Erie, July 11, 2019).

Carlos and his family do not have employment income and are looking for an apartment after three months in a shelter. Having to consider the expense of paying a lawyer potentially forced them to stay longer periods of time in temporary accommodation in order to save for their legal representation. They also have other expenses to cover first as they went into debt in order to be able to travel by plane from their country of origin to the US, pay the cab to reach the Canadian border and then, other plane tickets from Alberta to Ontario.

Budgetary cuts became an unscrupulous strategy from the Conservative government of Ontario, to pressure Ottawa to cover refugee related expenses. This structural change in the system covertly pushed refugee claimants to a more vulnerable situation, increasing their chances to fall in a more financial precarious situation. The decision to make budget cuts causes a domino effect in all areas of settlement, as a service provider explains:

Certainly, the legal aid cuts are very concerning, and they are creating a lot of chaos within the system, with families not being able to get legal representation and forward properly

making the refugee claims and getting representation or appeals. So, that is creating a big pressure and, I think, what people sometimes overlook is that that pressure translates to other areas of settlement, too. Because now what you have is a situation where if families do not have legal aid for a lawyer, they are forced to make a decision: Am I going to pay for a lawyer or am I going to pay my rent? It is going to impact poverty, homelessness, all of these different areas that are already a concern for the population (Interview with refugee center director, Toronto, July 5, 2019).

Refugee claimants have to consider high rents costs in Ontario, in addition to wait longer to get a job permit which forces them to rely longer in social welfare. Cutting legal aid funding now poses another pressure to their situation as they will have to cover all their basic needs and the costly refugee claim process. Thus, they may have to make difficult decisions which involve prioritizing paying rent or other essential needs versus paying more hours to their lawyers to complete their claims. Thus, budgetary cuts not only impact all areas of settlement, but also opportunities to access a decent livelihood.

Conclusion

Refugee claimants represent one of the many categories of persons who seek refuge in Canada. The difference between them and resettled refugees is that they have yet to prove their refugeeness, and therefore, their fear, suffering and helplessness as these are characteristics expected from any refugee (Connoy, 2018). Due to how the Canadian refugee system works, anybody that arrives at Canada's doors to make a claim is considered to be someone that is somehow doing something wrong and that may not deserve access to services provided in the

country. Thus, having limited programs and funding in services for refugee claimants is justified under this deceiving premise.

This chapter aimed to demonstrate that even when refugee claimants' refugeeness is constantly under scrutiny, their identity is changing by adapting their lives to all the challenges and struggles they face in looking for recognition. Thus, while the label of "refugee claimant" is given to them, and only classifies them as clients of the Canadian refugee system, their identity as refugees is constantly forming. All of these struggles particular to the refugee experience, such as facing persecution, proving it to an overseas or inland tribunal, leaving family and friends behind, having limited financial resource, have an impact on their identities and their bodies. I explained this through the discussion of three of the most life-changing moments related to the refugee experience: leaving countries of origin, crossing the administrative border, and waiting for refugee claims decision.

Although refugee claimants' identities are shifting and adapting while they are in Canada, the government responses in 2019 implied practices that framed claimants as "not deserving" refugees. In this case, the Conservative government of Ontario made budgetary cuts in one of the most important areas of refugee services —legal aid– and made threats to implement further reductions. By taking this action, the Province demonstrated that the lives of refugee claimants were used as a "bargaining chip" to pressure Ottawa to fund more refugee and immigration legal matters. While this happens at the local scale, refugees were also used as bargaining chips in other bordering process at other scales. For example, at the national scale, Canada justified harsher policies towards irregular arrivals as a way to provide a sense of security for the Parliament and the electorate. However, they dismissed the sense of emergency in issues like settlement by not providing real and effective solutions in shelter and housing needs for this group of people.

Equally, Canada showed a welcoming and humanitarian position in the international arena, while putting refugee claimants in a vulnerable position through selectivity, neglect, financial cuts, and (un)provision once they arrive at their borders. Thus, they used refugees as a way to maintain their humanitarian position during a time when the US was evidently steering away from the refugee cause.

In this chapter I have argued that Canada uses refugee determination processes, based on colonial categorizations, as a barrier for refugees' identities which consequently alters their realities and experiences. Thus, Canada is actively imposing the invisible border in a more local and intimate space. Moreover, I argue that they are using concealed bordering tactics which puts at risk the well-being and lives of this group of people; for example, by cutting legal aid. Access to an adequate legal representation is imperative to increase the chances to get a positive decision; therefore, if they do not have access to financial aid their chances of protection diminish considerably. Additionally, the provincial government is putting the burden of paying high costs of legal representation to individuals who are already in social assistance (Ontario Works) and who often have to wait months before they could a job permit. My analysis aims to demonstrate empirically how the geopolitical decisions and bordering practices implemented at the national scale informs the experiences and identities of refugee claimants.

CHAPTER 7

Conclusions

Canada's attitude towards newcomers is often considered welcoming by the international community and, also domestically, by their own society. Canada has been a safe haven for many, including Chileans, Tibetans, and most recently Syrians; however, the current configuration of the asylum system is not conducive to include diverse types of refugees from different regions of the world. This concluding chapter aims to provide insights into the objectives of this dissertation. Specifically, its purpose is to shed light on the dynamics of Canadian bordering practices when they often act and perform as a humanitarian nation. This chapter also highlights the importance of the theoretical framework used throughout this thesis –humanitarianism, externalization, reverberations– and how this contributes to understandings of bordering work at different scales. The chapter ends with a brief discussion of the future of refugees in the region as a few geopolitical elements had changed since the end of field research; for example, the recent change of administration in the United States.

My work examined the dynamics of Canadian bordering policies using a dichotomy of visible/invisible border. I argue that Canada makes their border visible in times of crises to provide a sense of security for certain audiences; however, they often attempt to invisibilize their border to maintain a humanitarian image while still limiting refugee claimants' mobility. These invisible bordering practices are carried out through neglect and (un)provision. The manner in which I approach these invisible bordering dynamics follows feminist geopolitics endeavours that scrutinize relations of power at different scales. At the regional level, I examined Canada's lack of commitment to provide humanitarian relief in Central America and the (in)action to modify the STCA. At the national, I discussed the lack of resources and bureaucratic negligence of the

Canadian agency that facilitates protection and settlement to refugees (IRB). At the local, I analyzed governmental neglect and lack of real solution for refugees' settlement; and at the scale of the body, I studied the impacts of Canadian exclusionary practices in refugee claimants' identities and experiences. While the dichotomy of the invisble/visible border aims to demonstrate how Canada's government conceal the border for their own purposes; other dichotomies are also relevant to expand future endeavours of this study, for example, law/practice, action/neglect, or hidden/known.

The application of Hiemstra's concept of reverberations was also prominent throughout this thesis as it proved fitting to reveal bordering practices and power relations at different levels. In this light, *reverberations* is a useful and insightful concept as it captures and distills the effects and results of policy across geopolitical levels. Therefore, policy impacts in every stage of the refugee experience can be exposed. I took the concept of reverberations as a malleable element which allowed me not only to understand a result or a consequence of bordering policing (seeing forward), but also to trace back the causes of Canadian harsher policies. Understanding the catalyst and causes of bordering practices in Canada is useful to situate national and regional geopolitical policy that limits human mobility in North America. In this case, I explored the ways in which US policies reverberated in the Canadian refugee system.

In the first chapters of this thesis, I used the reverberations concept to show that Canada is adapting policies as a result of more asylum seekers crossing their border, after changes in US policy. However, while I argue that Canada is often the subject of shifts in policy in the US and the conditions of mobility in North America, Canada's policy also reverberates in US in matters of immigration, trade, and security (e.g. STCA). Considering that the US-Canada bilateralism links two industrialized countries, with a shared British colonial history and twentieth-century history

of economic interdependence and shared democratic norms (Golob, 2012), Canada also has power to shape relationships in matters of security and immigration. Thus, the idea of reverberations at a regional level can be further developed and expanded by understanding that Canada is not a simple receptor but a key player in delineating mobility and border enforcement in the region. Assessing how policy reverberations develop between countries will shed light into North American multilateral securitization against unwanted arrivals.

Although the first chapters focused on the national scale and how policies reverberated from one country to another, this dynamic can also be observed at finer scales and other jurisdictions. Chapter 4 demonstrated that Canadian national responses reverberated at provincial and municipal scales, making it an issue of intergovernmental relations and cooperation. Provinces and municipalities faced the reverberations of the federal lack of rapid response and lack of previous preparedness for the arrival of unexpected asylum seekers at their borders. For example, provinces like Ontario and Quebec and municipalities like the City of Toronto, invested a large amount of funds to accommodate refugee claimants. In addition to the lack of clarity of roles, the complexity of the current intergovernmental relations in matters of immigration caused significant tensions between the different jurisdictions. As shown in Chapter 6, these tensions reverberated at even more local scales, as refugee claimants' experiences and bodies were shaped by the limited ability of the three levels of government to cooperate to enhance this populations' protection and well-being.

The epistemological and empirical endeavours of this thesis draw on feminist and critical geopolitics to inquire about states' responses and discourses to control mobility, localized impacts of immigration policy and shifts in identity paradigms that allow for new considerations of refugeeness. More broadly, this work opens up a discussion of how countries with unmilitarized

borders and with an outstanding reputation in matters of humanitarianism, utilize their bordering resources to stop unwanted arrivals. Throughout this thesis, I argue that Canadian strategies are part of what I call, the "invisible border", which aims to conceal their restrictive practices that limit and deter asylum seekers. These practices obscure the unbalanced nature of the Canadian refugee system as their restrictiveness is not as evident as other theatrical bordering mechanisms. By looking at how unmilitarized borders work to stop mobility and by tracing the invisible, I aim to elucidate invisible processes that happen at visible militarized borders as well. Thus, I demonstrate that not only border walls or increase border patrolling are major impediments for human mobility, but that other invisible bordering elements have the same effects, such as failure to adapt to a humanitarian need or neglect towards domestic institutions that facilitate protection. In other countries, these invisible bordering practices can be encountered working jointly with other very visible and evident immigration policies.

One of the salient issues in regard to Canada's commitment to refugee protection is the nature of their humanitarian system; particularly, as one that excludes certain types of refugees. By using colonial categorizations, Canada is including anti-immigrant responses embedded in their humanitarian discourse and projected in asylum seekers. Thus, Canada, through these categorizations, reinforces the idea of a deserving type of refugee, whose mobility is only determined by the states' decisions. This re-inscribes power geometries in which some people are more in charge of movement, while others are more in the receiving end and imprisoned by their own mobility (Massey, 1991). I showed that humanitarianism then takes another meaning as exclusion becomes part of the concept and interacts with refugee identities.

Canada's humanitarianism is selective and often legitimizes its own narratives of protection while dismissing the refugee experience. In Chapter 6, I showed how Canada maintains

colonial categorizations of refugees which limits access to services and also their formation and expression of their own identities. These categorizations between resettled refugees and refugee claimants builds on ideas embedded in securitized narratives of migration. Therefore, Canadian selectiveness towards refugees is closer to security practices instead of protection. Revealing the nuances of humanitarian discourses is key to understand how these projects also impact negatively refugee claimants, even when they had apparently accessed a fair refugee determination system. In this case, Canada's support is contingent upon obedience and behaviour (e.g., helpless, victims) of refugees.

Identity was also a prominent analytical element in this thesis. My work discusses how the "colonial" thinking on who refugees are supposed to become after displacement affects profoundly the identities of this group of people. Interviews with refugee claimants showed that they were trying to prove that they had the "correct" characteristics to be recognized as valid refugees; however, they felt conflicted in accepting and embodying this imposed construct. I was told several times that they did not want to be seen as victims and as a burden for Canadian society, while also trying to prove themselves as people in urgent need. Their own refugeeness, the one that they were building, shifting and transforming, was limited to this essentializing? framework. The empirical and epistemological findings of this work reveal that the concept of refugee can only be explored by changing our own perception of what the name refugee entails.

States' policies are embodied and often work to control the development of refugees' identities in favour of states' interests. In Canada, this is intertwined with a form of governance in which the state chooses and looks after those who fit their idea of refugee and leaves aside others that do not, such as inland claimants and irregular arrivals. Through this selective exclusion on the basis of legal status, the colonial idea of the refugee is fostered and encouraged. It also

represents a re-assertion of Canada's sovereignty. By imposing hierarchies of deservingness among refugees, they are rearticulating how humanitarian provisions should be offered and to whom. They are dictating how refugees should seek asylum if they want to access immediate and/or basic protection once they reach sovereign territory. This not only have important domestic implications, but it also reaffirms a strong international narrative that *irregularizes* people actively crossing borders and seeking asylum (see Connoy, 2018).

My approach to reject colonial categorization of refugeeness draws on Hadjiyanni's refugee identity paradigm –explained in Chapter 6– as it offers epistemological tools to understand broader implications of refugee identity. This new paradigm transcends any state-like characteristics that are given to this group of people and offers them the possibility of determining and controlling their own refugeeness. As shown in Chapter 6, refugee claimants face the border constantly and it is embodied through ways of understanding their own refugeeness. The situations and events they experience determine claimants' sense of themselves as they go through individualized processes of adaptation and reconfiguration. This new paradigm proves useful in understanding the experience and identity formation process of refugees whose cases do not comply or are questioned to fit into the "official" label of refugee. Using this framework, I called attention to the restrictions of the current concept of refugee and how it limits the idea of offering human security for all.

This project is also useful to understand how geopolitical lines at different scales are re-asserted and re-drawn at the same time. The US-Canada border is broadly seen as less chaotic than other borders. However, it is still a place of contention for those seeking asylum through the inland program. Recent events at the border have shown that mobility and options for asylum seekers' protection are often hindered. Canada's interdiction system has been useful in limiting the access

of spontaneous arrivals for years. The geopolitical lines, thus, have been re-asserted through strategies of (in)actions, (un)provision and neglect, not only at the regional scale, without offering protection to Central Americans but also at the scale of the body, as Canada's categorizations dismiss refugee claimants' experiences and the identity formation processes. Traditionally, the Canadian government has succeeded in offshoring some of its responsibilities to asylum seekers to the US, particularly with the STCA. Nonetheless, more recent events at the border have also followed the same dynamics. The 2019 COVID pandemic had several implications in world politics, including restriction of human mobility and increased immigrant and refugee economic precarity and vulnerability. In North America, it caused negotiations between US and Canada to close their border to land crossings. More importantly, both countries agreed on asylum seekers to be sent back to US when caught crossing irregularly into Canada, with this practice functioning as a de facto expansion of the STCA (Rehaag, et. al., 2020). The implications of this agreement are still seen months after the border closure. For example, there were only 24 RMCP interceptions at the border in November of 2020 in Quebec- one of the most important border crossings for asylum seekers- compared to 1,086 in January of the same year (Government of Canada, 2020e).

On the other hand, the spatialities and mobilities of refugee claimants' crossing at the US-Canada border, continue to shape and resist these same traditional geopolitical dynamics in the continent. Thus, they are also re-drawing the geopolitical lines established in North America. The flows of immigrants of 2017 demonstrated that asylum seekers are using more often non-traditional routes and mechanism to arrive to Canadian territory. More importantly, they are looking at Canada as a first country of asylum; particularly, when the US makes their own policies more restrictive. Most of the times, for asylum seekers in the continent, Canada becomes the only option when looking for protection.

Using invisible bordering practices as a way to deter and prevent asylum seekers to reach Canadian territory, becomes more problematic as Canada's humanitarianism is often rooted in a welcoming attitude towards people in need. I argue that Canada should change this geopolitical dynamic of border policing for two reasons: to be more inclusive in their refugee system and to avoid strains and backlogs in the resolution of asylum petitions and in their settlement system. Moreover, having the US –a country with a complex relation with refugee resettlement and irregular migrants– as their neighbour, Canada should expect the reverberations of their shifts in migration policy. Events like the one explored in this thesis demonstrates how policing can intensify without major policy change, simply by failing to adapt to a humanitarian need. Despite the need for more inclusivity, maintaining the current geopolitical situation in North America proves instrumental in reaffirming Canadian state power. The next section will highlight the contributions and lines of inquiry that this work opens.

Research contributions

The proposed contributions of this study changed along the way, as my analysis was further developed. In initial stages, I identified the absence of multi-scalar approaches to asylum policy and refugees' experiences in Canada, with few exceptions (see Walton-Roberts, et. al., 2019). While my research aims to fill this gap, it also pays additional attention to issues related to the refugee identity and experience. The aim of this research was to produce empirical and comprehensive examination on how different scales intertwine in asylum policy. It sheds light on important theoretical underpinnings related to borders and immigration policies; however, its most constructive contribution comes with exploration of the "invisible" border policing dynamics and

its consequences in the intimate spaces of refugee claimants, including their own perception of *refugeeness*.

This project is designed to bring attention to a nation-state often categorized as welcoming for immigrants: Canada. By exploring the dynamics of border policing in Canada, after a flow of asylum seekers arrive at their borders, this work extends empirically and conceptually literature in border studies, securitization and externalization. It sheds light on mechanisms and bordering strategies that countries with non-militarized borders use as a way to keep people out of their territories. It also offers important discussions on how we can conceive and perceive the politics of the invisible border. Invisible bordering practices are often perceived as mechanisms that are spread through a specific territory or that are externalized to offshore lands; for example, e-borders, third country agreements, etc. Therefore, this is border work which is not palpable for many but that *actively* impose limitations for some. Nonetheless, in this thesis, I demonstrate that the invisible border can be performed through inaction and unprovision. Thus, the invisible border is not only concealed but it is performed by *not acting* on a humanitarian need. This also contributes to the discussion of how territoriality and spatiality is conceived. Borders should not have to be rendered visible, knowledgeable and drawn upon a particular land, to be powerful.

This study extends the concept of reverberations as it is used to trace back harsher Canadian immigration policies, but also to understand how these same practices reverberate forward in every stage of refugee claimants' processes and experiences. Thus, Hiemstra's (2012) concept of reverberation can be extended not only to study the impacts of immigration policy at immigrant countries of origin, but in other places at any other stage of the migrant experience. Looking at the reverberations it is necessary to make the invisible border visible again and understand where and how it precisely acts upon refugee claimants. This thesis shows the manifestations and implications

of Canadian "invisible" practices at places as intimate as refugees' identities. More importantly, it expands how we critically engage with policy impacts in refugees' lives. In this case, Canada not only used selective categorizations to provide access to services to one type of refugee; but their categorizations became restrictive in refugee claimants' expression and formation of their own identity as refugees.

Looking at these implications, this project questions one of the governing systems that define and shape migratory patterns and dynamics: humanitarianism. While several scholars have demonstrated that exclusion is also part of humanitarian practices, this thesis extends empirically how humanitarian narratives impact refugees subjectivity highlighting exclusionary narratives. Moreover, by using categorizations based on colonial perspectives of refugees, Canada re-articulates their humanitarian practices. Using these categorizations allows them to offer protection only to those who fit their description. Therefore, in their narrative, their humanitarian responsibility is fulfilled. This case study highlights how humanitarian practices follow a pattern which re-asserts the Canadian border, instead of withdrawing it for all refugees to access protection. In Canada, refugee claimants end up confronted with a system which limits their refugeeness and impede their internal self-actualization; however, they are still immersed in an official discourse in which Canada's is open to refugees. This work is also relevant in understanding how the state relates to and interacts with the uprooted and into what extend they are willing to incorporate them in the society.

This project points to the need for increasing knowledge regarding shared responsibility of refugee arrivals in North America, in lieu of exclusive unilateral duty from either the US or Canada. Shared responsibility and cooperation at a regional level has been decreasing with post-9/11 securitization measures. Previous work by Garcia (2006) shows that one of the legacies of

the Central American refugee crisis in in the 80s was greater cooperation between Mexico, Canada and the US as important pieces of policy and international diplomacy came into effect. However, the challenges experienced by irregular and regular crossers at the US-Canada border in recent years demonstrated that the idea of a shared responsibility has been halted by interdiction and securitization practices, particularly the Safe Third Country Agreement. In this respect, Gilbert (2012) have discussed how the cooperation between Mexico, US and Canada has focused on bilateralism instead of trilateral cooperation and regional partnership, particularly after 2005.

Following feminist geopolitics scholarship, this study expands empirically on the locality of politics and conflict and draws attention to discrepancies at different levels and instances aimed to help refugee claimants. My data demonstrated that having the Safe Third Country in place is an element of tension between the government and local practices of refugee support. As mentioned previously, the cooperation between the civil organizations, including the Canadian Council for Refugees, Amnesty International and the Canadian Council for Churches, made it possible to have the STCA ruled as unconstitutional by the Federal Court of Canada in July of 2020 (CCR, n.d.). Unfortunately, the Canadian government appealed that notion a few months later, resulting in the Federal Court of Appeal to temporarily suspend the Federal's Court ruling. The results of this study, along with the refugee centers directors' proposals highlighted in Chapter 5, show that more effective and systematic legislative and policy change is needed to reflect Canada's true share of responsibility towards this population.

Lines of inquiry

Discussion of my research findings prompts several new lines of inquiry in the discipline, and in particular in refugee and migration studies. One of the aims of this thesis was to explore in

depth Canada's responses and bordering practices towards an unexpected inflow of asylum seekers, and how their humanitarianism shifted according to the evolution of the events. The results of this study, focused on Canada's practices that invisibilize the border and its implications at different scales. Considering humanitarianism as a framework for analysis was key in achieving the results obtained through field research and to understand Canada's dynamics of border work. Nonetheless, my study aims to open up the discussion to further inquire Canadian humanitarianism and responsibility towards refugees.

In her work Connoy (2018) argues that humanitarianism is often portrayed as the practice to alleviate suffering to some; however, it is also founded on difference and inequality. This project demonstrated that there are powerful concealed structures that Canada is maintaining to restrict the movement and access of some types of refugees. More knowledge and discussion in this area is necessary as a way to truly understand the underpinnings of how humanitarianism work in places internationally recognized as welcoming and open communities. Humanitarian responses and practices can create powerful structures that end up being counterproductive for refugees causing more vulnerability and insecurity.

Following this epistemological line, it is important to explore how refugee claimants perceive these humanitarian practices themselves. My data showed that most refugee claimants were grateful for having access to certain services in Canada; however, their concern on accessibility was evident when more stricter policies were put in place, like Provincial cuts to legal aid. Work on humanitarianism has shown that this practice has evolved (Ilcan and Rygiel, 2015); however, it is equally important to determine how the perception of humanitarians from refugee claimants also shifts and the consequences of these evolutions. By doing this, researchers can

address how humanitarian practices, including social welfare, are embodied when they become counterproductive for some.

On the other hand, this study inspires questions of refugee identity and refugeeness. Considering new ways of broadly conceptualizing what a refugee is, researchers empower those living the refugee experience instead of reproducing the authority of the categorizer. Work on labels and categorization of migrants has been vast (Zetter, 1991; Nyers, 2006; Scheel and Squire; 2014); some have discussed how the creation of new categories, such as "humanitarian immigrants", are used to contain mobility while asserting individuals' victimhood (see Thomaz, 2018). These new categories also have important consequences as they promote a benevolent international image of states while imposing limits in their settlement and development. This study shows how refugee subjectivity is impacted by these practices and discourses of categorization.

My work also pushes scholars to consider new ways of understanding the dynamics of refugee identity and how it relates to processes of arrival and adaptation at different stages. It also shows how refugee identity is related to larger geopolitical contexts in which it becomes part of states' practices of deterrence and securitization. Considering refugeeness as fluid and transformative, further work can explore the distinction and similarities in identity (trans)formation between refugee claimants and resettled refugees. Most current scholarship studies focus on the differentiations between these two groups in relation to access and limitations due to legal status. However, I consider it relevant to explore in depth questions such as: Do claimants and resettled refugees adopt differently the label of refugee? Is the uprooting process different to both groups, and what are the implications for their identities? What are the constitutive elements of the refugee identity? Moreover, I consider it important to ask what similarities unify

all refugees into a collective with a shared identity based on the struggle for protection, recognition and access to basic human rights.

Finally, my approach to investigate these matters focused on the stories and experiences of refugee claimants. My work centered the voices of those experiencing uncertainty and vulnerability. Centering their voices becomes a promise that their stories will not get lost in the refugee determination process, which often generalizes and over-simplifies them. Using more grounded and feminist methodologies is a powerful tool to investigate issues of refugeeness and to question the normative paradigm that is often imposed by states and international institutions.

Postscript

After my field research ended, two major events took place that changed the geopolitics of asylum seeking in North America. First, after a contentious election period, President Biden was elected in 2020 and assumed office in 2021. This provided a sense of relief and suggested a return to normalcy in US relations with Canada, particularly in issues pertaining to security, migration and economics. The second event was the 2019 COVID pandemic which dramatically reduced the number of border crossings at the US-Canada border and represented a period of immobility for many asylum seekers.

On May, 4th of 2021, Biden announced that he would allow as many as 62,500 refugees to enter the US, changing the limits that Trump imposed years before at only 15,000 refugees (Shear and Kanno-Youngs, 2021). This decision came five months after he took office and following strong pressure from Democrats and refugee advocates. Increasing the resettlement cap was one of the first steps to expand refugee protection capacity in the US. Throughout this thesis, I demonstrate that refugee protection plans are complex and involve a series of resources and efforts

to reach an adequate infrastructure that supports every step of the refugee resettlement process. While Biden has demonstrated willingness to increase refugee admissions, his administration will have to deal with poor infrastructure that needs immediate attention and investment to ensure more refugee admissions. In this respect, in his statement, Biden (2021) mentioned "the sad truth is that we will not achieve 62,500 admissions this year. We are working quickly to undo the damage of the last four years. It will take some time, but that work is already underway."

While "undoing the damage" of the previous administration can be a challenge, Biden's next steps will show how the US will manage its own invisible border. Will this be an opportunity to reassert American humanitarianism or to neglect the institutions that need support to ensure refugee arrival and settlement in the US? Biden's administration would have to train more personnel, revive links and connections with international refugee organizations, and increase capacity and coordination with domestic resettlement agencies (Nezer and Rodriguez, 2021). More importantly, the Biden administration will have to manage the backlog of claims which was exacerbated during Trump's administration due to an administrative slowdown.

Currently, more than 386,000 asylum seekers are caught in asylum backlog (Ades, 2021), most of these people are enduring family separation, economic deprivation, and fear of deportation. As in Canada, this is a part of the invisible border in the US which has become a major impediment to human mobility. Of the many, anti-refugee policies instituted by the Trump's administration, the backlog is not as visible as border family separations or as the Remain in Mexico policy; however, it represents an enormous obstacle for refugee protection inside and outside US territory. Biden is committed to "undo" the harsher and more evident policies of the previous administration; however, invisible bordering practices will still exist until deeper and more concrete steps are taken to improve the asylum system.

On the other hand, COVID-19 halted the mobility of people due to a health risk which implicated spreading the virus. In particular, Canada and the US closed off their borders since March 2020 and later on, Canada suspended flights to and from particular countries (e.g. India, Pakistan, Mexico and the Caribbean). As any other event with geopolitical implications, this affected unequally vulnerable populations like asylum seekers. For example, refugees face exclusion and multiple barriers to health care and, in general, they are at greater risk of poor health outcomes. This vulnerability is exacerbated by poor living conditions and great economic precarity. In addition, many people within this population live, travel, and work in conditions where physical distancing and recommended hygiene measures are impossible to attain (Orcutt, et. al., 2020). The pandemic is having an unprecedented impact on mobility, including issues of border and migration management. Despite the public health rationale to extend protection measures and strategies to everyone to prevent ongoing transmission, many countries established emergency policies related with the securitization and protection of their nationals, leaving migrants to contend with devastating consequences.

The pandemic appears to reinforce the securitization trend, as it provides more means to justify the narrative of asylum seekers as threats to national well-being. While the virus has proven to be transnational, rapidly moving and spreading without discriminating against any group of people, borders have become more visible and less permeable. Moreover, it has changed how nation-states perceive issues of humanitarianism and membership while facing a major and unprecedented public health situation. In addition, border closures, such as those undertaken by Canada and the United States, reinforced a sense of solidarity among nationals but left unprotected the most basic rights of asylum claimants and irregular migrants (see Triandafyllidou, 2020).

Issues like the global pandemic call into question larger, global issues of solidarity, responsibility and humanitarianism. The pandemic has proven necessary for humanity to work together to reduce the risks and impacts of world health related events. It also demonstrated that human health needs to be understood holistically. Nonetheless, states' controls of mobility often disrupt this approach as they are explicitly hostile towards refugees and their healthcare needs, even before the pandemic started (see Connoy, 2018). Future research is needed to interrogate the complexities of inclusion and health care policies, as well as the reverberations of world health-related events in asylum seekers and migrants' mobilities and protection.

APPENDICES

APPENDIX A
Recruitment poster

Department of Geography and Environmental Studies
Wilfrid Laurier University
ARE YOU A REFUGEE CLAIMANT IN ONTARIO AND WANT TO SHARE YOUR EXPERIENCE?

We are looking for volunteers to take part in a study on the impact of immigration policy in refugee claimants' lives. This project aims to investigate the challenges faced by refugee claimants in Ontario in relation to their access to settlement services. It also aims to identify their migratory trajectories to assess their decisions of arrival to Canada.

You will be asked to participate in an interview to share your migration journey and story.

We want to interview participants who:

- have arrived in Canada during the last two years and are waiting for their eligibility or refugee hearing
- have lived or stopped at the US prior to crossing to Canada
- have used refugee settlement services in the cities of Toronto/Waterloo/Kitchener/London

Your participation is entirely voluntary. The session will be approximately 1 hour. The interview will be held in this refugee center premises or in any public space of your preference.

In appreciation for your time, you will receive
a free lunch or free coffee and pastries depending on the time of the day.

For more information about this study, or to volunteer for this study,
please contact:
PhD candidate Mónica Romero
Email: rome5530@mylaurier.ca

Advisor: Dr. Alison Mountz

This study has received Wilfrid Laurier University ethics clearance.

Research Ethics Board #5931

Participants' profile (refugee claimants)

	Pseudonym	Length of time in Canada at the time of the interview	Mode of entry	Place of residence
1	Carlos	3 months	Irregular arrival	Fort Erie
2	Pablo	2 months	PoE	Fort Erie
3	Martha	2 months	PoE	Fort Erie
4	Camila	7 months	Irregular arrival	Toronto
5	Eduardo	7 months	Irregular arrival	Toronto
6	Nadia	1 month and a half	Irregular arrival	Toronto
7	Patricia	10 months	PoE	Toronto
8	David	------	Irregular arrival	Toronto
9	Maria	2 years	PoE	Toronto
10	Juan	3 years	PoE	Toronto
11	Mario	1 month	PoE	Fort Erie

Participants' profile (refugee center workers and members of the government)

	Pseudonym	Position	Type of organization	Location
1	Marcos	Case worker	Refugee center	Toronto
2	Aryanne	Case worker	Refugee centre	Toronto
3	Victoria	Case worker	Refugee center	Toronto
4	Melissa	Volunteer	Refugee center	Toronto
5	Jessica	Director	Refugee center	Toronto
6	Caroline	Director	Refugee center	Toronto
7	Victor	Director	Refugee center	London
8	Alicia	Director	Refugee Center	Fort Erie
9	Luisa	Director	Refugee Center	Fort Erie
10	Denisse	Case worker	Refugee Center	Kitchener
11	Hector	Director	Refugee Center	Toronto
12	Mariana	Settlement worker	Refugee Center	Kitchener
13	Silvya	Director	Refugee Center	Kitchener
14	Anahi	Unit director	Refugee Center	Kitchener
15	Alejandro	Engagement Coordinator	Municipal agency	Waterloo
16	Natalia	Development Officer	Municipal agency	Toronto

17	Diana	Residence manager	Municipal agency	Toronto
18	Priscila	Coordinator	Municipal agency	Toronto

APPENDIX C

List of interview questions for members of the government

1. What is your agency's role in helping refugees and refugee claimants once they arrive to the province/city?

2. What are the services/resources that your agency offers directly and indirectly for newcomers and refugees? Has your agency developed new resources and/or tools for supporting refugee claimants?

3. How does your agency manage the spikes of refugee claimants in the province/city?

4. What are the strategies that your agency has adopted to cope with the arrival of asylum seekers in the province/city?

5. How would you characterize the relationship between the Federal government and the provincial/cities government agencies? What roles do they play, and how do their decisions on matters relating immigration impact your agency's practices and capacities?

6. Do you consider there to be gaps in the services provided to refugee claimants between the three levels of government?

7. Do you believe changes to US immigration policies and practices impact Canadian official responses towards refugee claimants? How so?

8. Could you describe some of the emergency strategies that this agency had to put in place during the last summer? In relation to accommodation, health services, and work permits (expedited processes)?

9. Do you consider that the emergency strategies implemented are enough to support refugee claimants coming from the United States?

10. How do these policies impact the lives of refugee claimants?

APPENDIX D
List of interview questions for refugee centers' directors and case workers

1. What type of services does your center offer to refugees and refugee claimants?

2. Could you describe how the process works when a refugee claimant seeks assistance from your organization?

3. How is the refugee center experiencing the arrival of refugee claimants to the city? Tell me about the general situation during the last two years.

4. Do you consider this situation unprecedented in Ontario?

5. Could you tell me about the demographics of this group of refugees (age, gender, country of origin)? How have these changed over the last two years?

6. How are these people arriving? What means are these people using to reach Canada?

7. Do you consider that the political situation that is lived in the US has impacted the arrival of refugee claimants to Canada?

8. Which type of help have you received from the federal and provincial government? And in which ways this impacts your capacity to offer adequate settlements services to immigrants?

9. How do you think this affects the lives of refugees and refugee claimants?

10. Do you know which are the Canadian responses towards the influx of immigrants during the last two years? Do you think they are appropriate?

11. How do you think the future looks for your organization with the increase of asylum claims in the province?

12. How do you think this situation consolidated Canada's position in the region? Will it become more visible for refugees (inland refugees)?

APPENDIX E
List of interview questions for refugees and refugee claimants

1. How long have you been in Canada?

2. What motivated to leave your country of origin?

3. What were the main reasons that motivated you to ask for asylum in Canada and not other countries?

4. How were you received? Are there any experiences (positives and negatives) that you would like to talk about in this interview?

5. If you lived in the US previously to your arrival to Canada, how was your experience in the country? For how many years did you live in the US?

6. If you stopped in the US before your arrival to Canada, how was your experience in the country?

7. When did you decide to extend your migratory journey to Canada?

8. Did the US current immigration policy have a role in your decision to leave the country?

9. If it weren't for the changes in immigration policy in the US after 2016, would you still be living there?

10. By what means did you come to Canada and Ontario?

11. What do you think of the settlement services offered to you during your time in Canada?

12. Do you feel supported by the Canadian government and settlement agencies?

13. Have you found any limitations in the country due to your immigration status?

14. Do you see yourself residing permanently in Canada or you would like to go back to the US?

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