

PCERII Working Paper Series

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AND “PREFERRED” IMMIGRANTS**

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Working Paper No. WP09-04

2004

The *PCERII Working Paper Series* is published by the
Prairie Centre of Excellence for Research on
Immigration and Integration.

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Funders

We are pleased to acknowledge the following organizations that provide funding in support of the Prairie Centre: the Social Sciences and Humanities Research Council of Canada; Citizenship and Immigration Canada; Canadian Heritage; Statistics Canada; Human Resources Development Canada; Canada Mortgage and Housing Corporation; Public Works and Government Services Canada; Status of Women Canada; the Royal Canadian Mounted Police; Public Service Commission; and the Solicitor General of Canada. The University of Alberta provides PCERII with a generous grant and the other participating universities offer supplementary support.

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While immigration to Canada was formerly based on choosing people from “preferred” regions, a non-discriminatory selection based on individual attributes was introduced in 1967. This new system marked a change in immigrant source countries from predominantly European to Asian. The Multiculturalism Act (1988) officially made the Canadian “mosaic” a defining part of Canadian identity. The illegal landing of Fujian refugees on the coast of British Columbia in 1999, and the September 11, 2001 attacks in the United States brought immigrants to the forefront of national security concerns. Citizenship and Immigration Canada formed new partnerships with regulatory agencies to control borders and immigrants are increasingly scrutinized as potential threats national security. These changes mark a shift from viewing the immigrant as a positive contributor to Canadian society toward increasing suspicion directed at refugees and immigrants as a collective entity. Canadian policies pertaining to border control are more closely conforming to American requirements even though Canadian opinions do not indicate support for heightened border security. Consideration of a variety of perspectives on terrorism could serve to broaden responses beyond security and border control to address the foundational issues.

Keywords: National Security; Immigration; 9/11; Canada

2004 PCERII Working Paper Series

Introduction

Canada has long been known as an “immigrant friendly nation,” with “inviting policies allowing persons into the country” (Lynch and Simon 1999, 4). Founded upon two distinct cultures of French and English immigrants, the government has developed policies that extend Canadian diversity by welcoming immigrants irrespective of their countries of origin. This transition has served to shape and strengthen multiculturalism, defining Canada’s unique approach in both supporting immigrants’ retention of culture and their integration into Canadian life. Two recent events have contributed to changes in views of immigration in Canada: the smuggling and illegal landing of Fujian Chinese on the coast of British Columbia in 1999, and the September 11, 2001 attacks in the United States. These events mark changes that more closely align Canadian and American policies, and serve to revert back to an earlier vision of “preferred” and “non-preferred” immigrants. Consequently, there is a stronger focus on security that has far reaching effects on Canadians, particularly immigrants, and those in the process of immigrating to Canada. Immigrants from many cultural backgrounds, once viewed as contributors to the Canadian “mosaic,” are now portrayed negatively, because of their race or religion or both (Biles and Ibrahim 2002).

Citizenship and Immigration Canada¹ (CIC) has strengthened existing and developed new partnerships with the United States, and with other government departments, law enforcement agencies, and private sector groups in Canada, leading to broader governing policies and actions related to immigration. To gain an understanding of these changes, we begin by considering highlights of the development of immigration and multiculturalism policies in Canada. Next we will examine recent legislative changes that redefine immigrants as potential threats to security, moving coercive forms of control from traditional law enforcement domains into immigration. This increased focus on security threats broadens the target from the individual to the group while at the same time it relinquishes civil liberties in favour of national security. Finally, we discuss the progression of public responses following 9/11.

History of Policy Development in Canada regarding Multiculturalism and Immigration

Reviewing historical decisions related to immigration and integration in Canada provides insight into the uniquely Canadian perspectives on contemporary responses to national security. While Canada's doors have been open to many, they were closed to others as outlined in the 1910 *Immigration Act*: "the Governor in Council may prohibit (...) the landing in Canada (...) of *immigrants belonging to any race deemed unsuited to the climate or requirements of Canada*, or of immigrants of any specified class, occupation or character (Green and Green 1996, 5; emphasis added). Dividing immigrants on this basis also justified provisions for deportation on the grounds that some immigrants would cause "political and moral instability" (Knowles 1992, 81).

The defining policy criterion instigated through the 1910 Act was the notion of 'preferred' versus 'non-preferred' source countries; preferred immigrants were from the US, the British Isles and northwestern Europe. 'Preferred' individuals were actively recruited by government agents, while the 'non-preferred' were deliberately avoided. The 45,000 Chinese immigrants who came to Canada between 1886 and 1904 exemplify how 'non-preferred' were discriminated against, as they had to pay a 'head tax' for the privilege of working in Canada (Li 2003). While the repeal of the *Chinese Immigration Act* in 1948 did not fully open the door to Chinese immigration to Canada, it did allow the spouses and children of earlier immigrants to be reunited with their families in Canada (Hawkins 1972). The Chinese would continue to experience legal discrimination until the 1960s with the passage of the *Bill of Rights*. Changes to the *Immigration Act* in 1952 altered the foundation of discrimination to include "nationality, ethnic group, occupation, lifestyle, unsuitability with regard to Canada's climate, and perceived inability to become readily assimilated into Canadian society" (Knowles 1992, 130). Although these changes eradicated race and country of origin as the criteria used to categorize 'preferred' and 'non-preferred' immigrants, they simply reformulated how discrimination was understood by government officials.

In 1960 Prime Minister Diefenbaker implemented the *Bill of Rights*, which he claimed would “protect rights to equality before the law and ensures protection of the law; protects the freedoms of religion, speech, assembly and association, and the press; and legal rights such as the rights to counsel and “fair hearing.”² Although this bill was ratified only at the national level it influenced conceptions of multiculturalism by disregarding cultural and racial differences and assuming equality for all individuals.

As the economy of western Europe improved and as it became increasingly difficult to emigrate from eastern Europe, it became apparent that ‘preferred’ immigrants would not fulfil Canada’s immigration needs (Hiebert, Collins, and Spoonley 2003, 6). In 1962 the system of European preference was abandoned, and in 1967 a “points system” was introduced for independent immigrants. These regulations “instituted a non-discriminatory but selective immigrant intake system, based on a point scheme that favours educational attainment, occupational skills and financial sources while minimizing idiosyncratic biases in selection” and marked a shift in immigrant source countries (Verma and Chan 2000, 117). The change in legislation would effectively transform the understanding of ‘preferred’ and ‘non’preferred’ immigrants by shifting the criterion from groups based on nationality to individual attributes defined by the points.

The development of the concept of multiculturalism in Canada is not only restricted to legislative changes. In the early twentieth century, both Canada and the US initially feared cultural disunity as a consequence of mass migration. The Canadian situation differed from that of the Americans, however, in that Canada had two privileged European “charter groups,” the British and the French. The discord between these two groups, among other things, made it clear that standard American-style assimilation would not work. The state was set for Canada’s first steps towards ‘multiculturalism.’

French Canadians’ struggle for recognition and political power contributed to the development of a uniquely Canadian vision of multiculturalism. On the one hand, it led to the formation of the *Royal*

Commission on Bilingualism and Biculturalism in 1963 (Palmer 1994). On the other hand, the Quebecers' struggle signified Canada's growing distinction from the United States by solidifying the existence of a Canadian 'mosaic' as the primary tenet of multiculturalism, as opposed to America's vision of a "melting pot" (Palmer 1994: 317).

The official inception of multiculturalism in Canada is attributable to Prime Minister Trudeau's claim that the government would accept all "the recommendations of the Royal Commission on Bilingualism and Biculturalism."³ Among other things, this commission focused on, "the contribution by other ethnic groups to the cultural enrichment of Canada" (Driedger 2001, 429). Trudeau contends,

National unity if it is to mean anything in the deeply personal sense, must be founded on confidence in one's own individual identity; out of this can grow respect for that of others and a willingness to share ideas, attitudes and assumptions. A vigorous policy of multiculturalism will help create this initial confidence. It can form the base of a society which is based on fair play for all.⁴

Expectations of cultural conformity, or assimilation, were now officially abandoned and replaced with "a celebration of diversity," promulgated to the extent that it became a "defining ingredient of Canadian identity" (Hiebert and Ley 2001, 3). Regarded as multiculturalism within a bilingual framework, the concept extended from the idea of biculturalism with the French-Canadians' struggle for official recognition, power and autonomy. While the debate over biculturalism initially sparked a shift from "unitary to dual thinking," it inspired the greater effect of "multiple thinking" by making Canada more attractive to immigrants from many countries. (Driedger 2001)

Two pieces of legislation solidified this transformed view of multiculturalism. First, a new *Immigration Act* was proclaimed in 1978, which redefined three functions of Canadian immigration policy: 1) to facilitate family reunification; 2) to fulfil humanitarian obligations to accept refugees; and, 3) to foster economic development (Green and

Green 1996, 21). This Act compelled the development of an immigration plan, thus forcing an “ongoing consultation process with provincial governments, potential employers, ethnic groups and humanitarian organizations.”⁵ Immigrants were redistributed into four categories - independent, family, assisted relatives and humanitarian - and a program for the private sponsorship of refugees was established. The category of ‘inadmissible’ replaced the ‘prohibited’ category, thus removing “epileptics, imbeciles, persons guilty of crimes of moral turpitude, homosexuals and people with tuberculosis” from the list of people not allowed to immigrate (Canadian Council for Refugees 1999, 16). Second, the *Canadian Charter of Rights and Freedoms* (1982) codified the concept of multiculturalism as found in article 27. “[T]his Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”⁶ The Charter demarcates multiculturalism as a source of Canadian pride, and a distinguishing feature of Canadian identity.

In 1988, the passage of the *Multiculturalism Act* marked another shift in philosophy by maintaining immigration as a “solution to both demographic and economic ills” (Hiebert et al. 2003, 7). Immigration came to be viewed as a remedy for declining birth rate and labour shortages brought on by an aging population. The majority of immigrants now settle in the large metropolitan areas of Toronto, Montreal and Vancouver, filling an acute shortage of workers across a large segment of the industrial spectrum (Hiebert et al. 2003, 5). This trend represents a recognition of immigration as a source of capital and tool for fostering international trade.

More recently a number of global and domestic events have served to shift the focus from affirmative views of immigrants as contributors to Canadian society, to more negative connotations of them as criminals and threats to personal and national security. In the summer of 1999, two boatloads of 599 Fujian Chinese landed on the coast of British Columbia and subsequently made refugee claims. Unlike other refugee claimants, these individuals were kept in detention, a practice that impeded their rights to a fair hearing, communications with their counsel, the ability to obtain documents from overseas, and an

adequately prepared defence (Sokhansanj 1999). Media attention to this event created public awareness of the issue of migrant smuggling, thus providing the foundation for more cautious conceptualizations regarding the benefits of immigration in Canada. The 9/11 attacks in the United States especially brought terrorism and related issues of security to the forefront of political attention, indirectly resurrecting past mentalities seeking to classify refugees and immigrants as 'preferred' or 'non-preferred' based on factors such as race, religion or country of origin.

Legislative Changes Post 9/11

Two pieces of legislation set the framework for changing practices related to national security. The first is the *Immigration and Refugee Protection Act* of June 2002 (IRPA), which proposes to be "tough on those who pose a threat to Canadian security, but maintain Canada's humanitarian tradition" (Department of Foreign Affairs and International Trade [DFAIT] 2003, 2). With a notable emphasis on security measures directed at 'foreign nationals,' this legislation expedites the removal of people who are deemed to be 'security threats,' imposes harsher penalties for migrant smuggling, and limits access to the Canadian refugee determination process (DFAIT 2003, 2-3; CIC 2003b; CIC 2004). The *Anti-Terrorism Act*, introduced in October, 2001, addresses 'terrorism' generally and the 'terrorist' specifically. It includes measures to prosecute, convict, and punish terrorists by "defining and designating terrorist groups and activities, tougher sentences for terrorism offences, making it a crime to knowingly collect or give funds in order to carry out terrorism making it easier to use electronic surveillance against terrorist groups and allowing the arrest and detention of suspected terrorists to prevent terrorist acts and save lives" (DFAIT 2004b, 3). Although both Acts address security, the *Immigrant and Refugee Protection Act* focuses on the 'foreign national' and the *Anti-Terrorism Act* focuses on the 'terrorist' thus causing the 'foreign national' and the 'terrorist' to be understood as one and the same in governmental discourse. From these new legislative priorities emerged a host of practices directed at securing the nation.

Changing Views and Practice: Immigrants as a ‘Threat to National Security’

In the post-9/11 political climate, governmental discourses increasingly relate ‘foreign nationals’ to ‘terrorists’ and/or threats to ‘national security’. While explicit definitions of foreign nationals as terrorists are virtually non-existent, the inference that foreign nationals are terrorists is evident in many references and discussions pertaining to the issues of national security (CIC 2003a). Thus, the very immigrants who were once ‘preferred’ as contributors to Canadian multiculturalism are now seen as possible threats to security. For example, while some argue that, “asylum seekers are not involved in terrorism” (DFAIT 2004b, 2), Rudner contends that because of Canada’s immigration policy, “the presence of large, identifiable homeland communities from societies in conflict, created a distinctly attractive arena for international terrorist networks” (2002, 25).

The association of ‘foreign national’ and ‘terrorist’ allows the ‘terrorist threat’ to become an imported problem encouraging a security-driven, regulatory mentality that seeks to prevent and deter outsiders from entering Canada. Both rationales of terrorist prevention and deterrence depend on the fundamental notion of inadmissibility. Public Safety and Emergency Preparedness Canada (PSEPC) reinforces this ideology by stating “the best way to stop terrorists from entering Canada is to stop them before they get here,” and that, “many of the real and direct threats to Canada originate from far beyond our borders” (2004, 2-7). These visions of threat imply foreign nationals want to enter Canada for terrorist purposes; they also create the ‘outsider’ as a target.

Two general responses emanating from preventative efforts serve to target foreign nationals both before they enter Canada and increase surveillance on those already in Canada (CIC 2003a, 2003b). For those trying to enter Canada, the process is increasingly unwieldy. Although pre-entry assessments to screen potential ‘enterers’ are a long-standing practice, the intensified application of the post 9/11 approach created a larger number of potential ‘threats’. CIC established overseas screening offices to intercept ‘threats,’ under the pretext of preventing individuals from travelling to Canada with counterfeit, altered, or false

travel documents (2003a, 2). Collaborations between CIC, the Canada Revenue Agency (CRA) and the Canadian Border Security Agency (CBSA) resulted in the newly formed Canadian Passenger Analysis Units (CPAU), an advance passenger information system to predetermine whether anyone on an air flight is cause for concern⁷ (Government of Canada 2003, 6). Additionally, all refugee claimants are checked against the Criminal Security Intelligence Service, the Royal Canadian Mounted Police, and other records and databases. For example, CIC collaborates with the Canadian Border Services Agency to inspect documents such as passports, permanent resident cards,⁸ visas,⁹ and seafarer's identity cards, enabling these agencies to more intensively monitor individuals (PSEPC 2004, 12-3).

Another series of practices concerns Canada's 'points of entry'. At borders, airports and marine ports, refugee claimants are interviewed, fingerprinted and photographed, and their original travel documents are seized. New technologies, such as UV testing and digital fingerprinting, give regulatory agencies access to information about individuals. For example, digital fingerprint machines capture an individual's fingerprints, which are immediately transferred to the Royal Canadian Mounted Police for further security clearance (CIC 2003a, 3). CIC has implemented a direct-back policy,¹⁰ as part of the Smart Border Declaration¹¹ for refugee claimants arriving from the United States (2003a, 3). This policy requires immigration officers to complete full examinations, thus ensuring an extremely stringent screening process even when there are many refugee claimants at borders. These measures are predicated on the premise of upholding the safety and security of Canadians by preventing the entry of 'terrorists'. Under new national security objectives, the foreign national thus becomes an object of security to be tracked, assessed, and monitored.

Conversely, people already living in Canada, who are suspected of being involved in "organized crime, international rights abuses, or who pose a security threat," are also newly formulated objects of surveillance, enabling the Minister of CIC to issue 'danger opinions' and/or 'security certificates'¹² (CIC 2003b, 1). Danger opinions are issued if a person is

deemed a threat to the Canadian public or national security. They justify the removal of Convention Refugees from Canada, without eligibility for referral to the Refugee Protection Division of the Immigration and Refugee Board (IRB) (CIC 2003b, 2-3). Similarly, the security certificate seeks to remove potential threats from Canada by issuing removal orders. A Federal Court judge reviews security certificates, and immigration proceedings are suspended until the Federal Court makes a decision on the reasonableness of the certificate (CIC 2003b, 3).¹³ Both measures reconstruct some foreign nationals as threats to Canadian society, especially those from regions deemed terrorist locations. Although individuals are direct targets of these punitive practices, the Canada-US border has been the largest physical space monitored under new security provisions.

Guarding the Canada/U.S. Border

Border security has long been an issue of concern in the United States. In part to persuade Canada to comply with American border security goals, Texas Republican Lamar Smith, chair of the Immigration Subcommittee of the House Judiciary Subcommittee, authored and introduced a tough new immigration law making the completion of entry/exit forms mandatory for Canadian visitors. Passed in 1998, this law was intended to address American concerns about the Canadian/U.S. border, "We have an open border that is an open invitation to people who want to smuggle in drugs or people of terrorism" (Nickerson 1998, f8). Smith's spokesperson further characterized Canada as a "gateway for terrorists" (Nickerson 1998, f8). Business and political leaders in both countries warned that enforcement of this law would "result in the loss of hundreds of millions of dollars' worth of trade and tourism by discouraging travel and creating hours-long traffic backups at busy border crossings" (Nickerson 1998, f8). A recurring point of tension has been Canadian reluctance to adopt American policies relating to border controls.

The highly publicized arrival of the Fujian refugees in the summer of 1999 and the subsequent attacks of 9/11 in the United States created

conditions that served to force Canada into compliance to align policies relating to border control and extended to broader issues of national security. Although Canada has a variety of international trade interests, “International relations have increasingly become continental rather than global in scope,” and Canada depends very heavily on trade with the United States (McKenzie 2002, 35). Immediately following the 9/11 attacks, a dramatic slowdown in border crossing caused an interruption in Canada/US trade, creating the conditions for Canada to more closely align with American policies pertaining to border security. Although one objective of Canada’s quickly implemented *Anti-Terrorism Plan* was to protect economic security by keeping the Canada/US border open to the “legitimate flow of people and commerce,” the central focus of the legislation was to close the border to potential security risks (DFAIT 2003, 2).

Security focus on the border is representative of the larger view of Canada’s vulnerability to terrorist attacks. Prior to 9/11 the RCMP already made presumptions about Canada as a home for terrorists, stating that Canada is

...quickly becoming one the most important bases for the globalization of organized crime in recent years, and criminals are increasingly attracted to the weak laws governing their activity and the lower risks of detection than is found in the United States or Europe (RCMP 2000, 18);

The events of 9/11 catalyzed the transition from ‘border security’ to ‘national security’ resulting in a more widespread effort to identify threats. The ‘nation’ became the central premise transferring the governmental focus from protecting only the border to protecting the country (DFAIT 2004a). This shift in focus from vulnerable persons to vulnerable spaces is evidenced in the claim that, “borders, air cargo, ports and railways are exploitable by terrorists and organized criminals” (RCMP Environmental Scan [ES] June 2003, 128).

The construction of Canada as a haven for illicit persons and activities provides justification not only to “increase the security of Canadian borders” (CIC 2003a); airports and seaports enhance regulation against criminal activities such as human and commodity smuggling. This led to collaborations between CIC and other government agencies¹⁴ to identify the highest risks and most vulnerable geographical spaces. Under the rubric of ‘protecting the nation,’ practices also focus on combating terrorist financing, ensuring air safety, enhancing the Canadian Forces capabilities, training first responders, and securing the seas (PSEPC 2004). However, the most concentrated efforts remain at the Canada - US border where a new ‘Smart Border’ monitors suspect activity through “state-of-the-art technology, new risk identification methods, and improved training and equipment for staff” (CRA 2003, 1).

Collaborations, Partnerships and New Agencies

In addition to initiatives related to border security, numerous collaborations have emerged. A new branch of the Canadian Security Intelligence Service, the Integrated National Security Assessment Centre (INSAC),¹⁵ has been developed to assist in preventing and disrupting national security threats at the earliest stages (PSEPC 2004). Underlying this policy is the central premise of information-sharing across multiple agency partnerships, considered to be the most effective response to terrorism and national security threats. For instance, the goal to reduce terrorism through “accurate, relevant, and timely information and analysis” sanctions partnerships between CIC and the Canadian intelligence community, as well as departments involved in defence, immigration, transportation, communications, customs, critical infrastructure, foreign affairs and law enforcement (CSIS 2004, 11). In turn, a broader and increasingly diverse set of practices and partnerships centre on protecting national security (Spencer 2003). This governmental trend is in response to the supposed need for CIC’s newly created intelligence branch:

The events of September 11 made all countries aware of the importance of intelligence information. While our department had an intelligence department prior to 911, CIC has formalized this function within the Intelligence Branch to provide a focal point for intelligence gathering, analysis and our sharing of information on immigration cases and migration trends with our partners inside and outside of Canada. The branch maintains and develops new intelligence partnerships with the security and intelligence community in support of the Government of Canada's security needs. Information sharing and collaboration between Canadian and US intelligence services are critical in stopping terrorism, giving the activities of the branch increasing importance in the current environment. (2003a, 2)

This sharing of information is condoned as a more beneficial and efficient means to govern terrorism by reducing overt forms of coercive control by redistributing authority to CIC and other agencies hitherto uninvolved in security practices. While national security is a top priority, an equivalent focus rests on security initiatives beyond Canadian borders.

The effects of 9/11 generally, and the focus on national security specifically, have pressured Canada to conform to new international initiatives designed to enhance security. Under the presumption that terrorism emanates from outside Canadian borders, CIC seeks to reduce national security threats through compliance with G8 security initiatives to share intelligence pertaining to fraudulent documents¹⁶ with international agencies, thus creating better security standards for travel and identity regulations, and improving methods to examine individuals who cross international borders (CIC 2003a). Canada participates with other international and regional organizations, such as the United Nations and the Organization of American States, to "further strengthen consistent and effective international action against terrorism" (DFAIT 2003, 4). Canadian regulatory and security practices are thus moving outside of the nation and onto the world stage. CIC's participation is indicative of a larger governmental trend towards diverse practices, and

signifies the fundamental premise that terrorism exists and immigration is its vehicle. While law enforcement and security discourses tend to present a 'unified front' in addressing issues of national security, the post 9/11 era has witnessed a variety of responses and views from the public. It is important to consider Canadians' responses and how their views have changed over time.

Canadian Public Responses – Post 9/11

In the month following the 9/11 attacks, law enforcement and media reported increased acts of discrimination and violence against visible minorities and specific religious groups, "Muslim, Jewish, Hindu and Sikh Canadians all once again found themselves on the receiving end of unjust treatment meted out by their neighbours" (Biles and Ibrahim 2002, 55). Other direct problems for individuals of Muslim and Arab descent included surveillance of charitable donations, restrictions on travel to or from the United States and increased surveillance on the part of Canadian law enforcement and intelligence officials (Frank 2003; Biles and Ibrahim 2002). An EKOS public opinion poll, administered two weeks after the attacks, found that half of the Canadian public supported increased policy and customs scrutiny of individuals of Arabic origin (Biles and Ibrahim 2002, 5). At the same time, an Ipsos Reid poll found that 82% of Canadians "worried that people of Arab decent or Muslims in Canada may become the target of unwarranted racism or personal attacks because of terrorist attacks" (Ipsos News Center [INC] 2001).

Initial responses of fear quickly subsided in a matter of weeks, signalling a return to 'tolerance' that contradicts governmental interpretations of increasing public fears. While officials continue to argue that the "threat of terrorists using Canada as a safe haven remains real" (Frank 2003, 37), a poll administered two months after 9/11 found public support for increased police and customs scrutiny had significantly dropped to 36% (Biles and Ibrahim 2002, 5). Thus, although expanding regulatory mechanisms to increase surveillance persist, Canadians appear to have returned to 'pre-9/11' views of being "comfortable with minimal security establishments" (Oliver 2002, 4-5).

Two years after 9/11, Frank suggests that Canadian public views are generally ones of “condemning extremism,” while simultaneously promoting a “live-and-let-live” stance towards radical groups. This apparent ‘tolerance’ is said to derive from “30 years of multiculturalism,” which has fostered a “non-interference pact” between different ethnic groups living in Canada (2003, 40). A recent study by Abu-Laban and Abu-Laban (2004) supports the idea of ‘Canadian tolerance,’ finding that many Canadians offered empathetic support and understanding to their Muslim and Arab neighbours.

While immediate responses to 9/11 varied greatly, by 2004 the majority of Canadians did not see specific individuals or groups as the source of fear; however they viewed the increasing velocity of post-9/11 security measures as a problem for Canada - US business relations (INC 2003). Furthermore, almost three quarters (72%) of Canadians did not expect any terrorist attacks in Canada within the next two years (INC 2004). Thus, a significant gap in perceptions exists regarding the nature and extent of the threat posed to Canada’s security. There is a lack of communication and discrepancy in perspectives between governing institutions and the Canadian public. The continued evolution of security responses suggests a disregard to alternative views.

Conclusion

In Canada the post 9/11 era saw the restoration of the traditional discriminatory practice of dividing immigrants into ‘preferred’ and ‘non-preferred’ groups, based on country of origin. However, the rationale for distinguishing between the two groups differs: in the past, the goal was to select immigrants who were best able to integrate into Canadian society, while now the concern is to protect Canadians from immigrants who are suspected to be security threats. The current conception has led to a shift in regulatory target, away from the individual immigrant and to foreign nationals in general from specific countries or religions. Government discourses do not specify at what point foreign nationals who are considered to be security threats are differentiated from those who are non-threatening. Without a clear distinction, governing bodies

focus on the potential for threat, substantiating actions directed at identifying, assessing and, in some cases, preventing entry to, or permanent residence in, Canada. Interchangeability of terms of reference fosters melding visions of foreign national, terrorist and national security threat.

To more comprehensively understand the issue of responses to security threats, it is essential to consider sources outside of the agencies responsible for defining and responding to terrorism. For instance, considering the views of non-governmental organizations and the public may provide new perspectives in working toward goals that are common to both newcomers and the Canadian-born (such as human rights issues), and strengthening ties with the larger community (Abu-Laban and Abu-Laban 2004). Political and legal contributions to the perpetuation of ideas about terrorism in public discourses are undetermined and require further research. Contemporary knowledge and practices appear to be highly interrelated and reflective of perceived public fears although public responses suggest otherwise.

The effects of new legislation and practices have not yet been adequately measured, thus many questions remain unanswered. Governments contend that without reform regulatory efforts will fail to successfully combat 'terrorism' and 'threats to national security.' This situation may also be viewed as a political attempt to avoid growing public angst over strengthened security measures on one hand: and paradoxically to minimize American pressure for further policy alignment, and converge with international laws and regulations on the other.

Missing from the discourse are views from countries perceived to be the sources of terrorism. While national and international responses to terrorism are increasingly homogeneous, and consist of greater collaboration between regulatory agencies, they fail to recognize alternative perspectives on terrorism that focus on its root causes. Learning from these countries may provided a more comprehensive understanding of terrorism thus encouraging a shift in focus from that of protecting national borders to addressing the foundational causes from a global perspective.

Endnotes

- ¹For explanation of acronyms and government agencies please refer to the Glossary at the end of the text.
- ²*The Canadian Encyclopedia*, s.v. “Canadian Bill of Rights” (by W. H. McConnell), <http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0001...> (accessed June 13, 2004).
- ³Canada, *House of Commons Debates* (8 October 1971), p. 8545 (Hon. P.E. Trudeau, Prime Minister).
- ⁴Ibid.
- ⁵*The Canadian Encyclopedia*, s.v. “Immigration Policy” (by Gerald Dirks), <http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1SEC639995> (accessed June 13, 2004).
- ⁶Canadian Charter of Rights and Freedoms, art. 27.
- ⁷If the individual is considered a concern/threat, members of the Canadian Passenger Analysis Unit (CPAU) detain the individual for an in-depth interview upon arrival.
- ⁸The new fraud-resistant Permanent Resident Card was instituted in June 2002. The card is supposedly highly resistant to alteration and duplication, since it includes a laser-engraved photograph, signature, as well as other security features (CIC 2003b, 2).
- ⁹The Government of Canada has imposed visa requirements for countries that are believed to sell their citizenship use questionable passport-issuing practices, or where there has traditionally been a high incidence of people travelling to Canada with improper documents. Another method of regulation is visa screening, believed to protect the integrity of Canada’s immigration and refugee protection programs by screening out travellers considered causes for concern, before they arrive in Canada (CIC 2003a).
- ¹⁰This direct-back policy is part of the Smart Border Declaration. Its purpose is to help CIC manage the flow of refugee claimants arriving from the United States. This policy is only to be used under extraordinary circumstances, when immigration officers are not able to complete an examination (CIC 2003a).
- ¹¹The Smart Border Declaration outlined a 30-Point Action Plan, based on four pillars, which provides for on-going collaboration in identifying and addressing security risks while efficiently expediting the legitimate flow of people and goods across the Canada-U.S. border (DFAIT 2002).
- ¹²Both of these responses derive from the newly formulated *Immigration and Refugee Protection Act* (IRPA), which came into effect on June 28, 2002. They are designed to remove individuals considered potential threats from Canada (CIC 2003b).
- ¹³Refugee claimants who are targeted by a security certificate are automatically detained, while permanent residents may be detained on a case-by-case basis. If the judge determines that the certificate is unreasonable, the certificate is invalidated. If, however, the judge decides that it is reasonable, then the certificate automatically becomes a removal order. The Federal Court’s decision cannot be appealed (CIC 2003b, 3)

- ¹⁴ CIC became involved in joint initiatives with DFAIT, the Royal Canadian Mounted Police, the Canadian Revenue Agency, the Canadian Border Services Agency, and the Criminal Intelligence Service of Canada.
- ¹⁵ Participants in INSAC include the Canadian Revenue Agency and the Canadian Border Services Agency, Criminal Security Intelligence Service, Communications Security Establishment, Department of National Defence, Office of the Critical Infrastructure Protection and Emergency Preparedness, Royal Canadian Mounted Police, Transport Canada, DFAIT, the Solicitor General of Canada, and CIC (CSIS 2004).
- ¹⁶ According to the Government of Canada, it continues to participate in counter-terrorism efforts inside and outside Canada. For instance, Canada chaired the G8 in 2002 and plays a leading role in co-ordinating efforts to prevent the movement of terrorists and security threats (DFAIT 2004).

Description of Agency Acronyms

CBSA - Canadian Border Services Agency

The CBSA was created on December 12, 2003, and collaborates with other agencies to facilitate legitimate cross-border traffic (to stop people and goods posing a potential risk to Canada) and support economic development.

CIC - Citizenship and Immigration Canada

CIC was established in 1994 to link immigration services with citizenship registration.

CPAU - Canadian Passenger Analysis Units

By receiving passenger information before a flight arrives, CPAU's will be able to verify whether anyone on the flight is a cause for concern, and passengers who are will be referred for an in-depth interview.

CRA - Canada Revenue Agency

The CRA administers tax laws for the Government of Canada and for most provinces and territories; and, various social and economic benefit and incentive programs delivered through the tax system.

CSIS - Criminal Security Intelligence Service

CSIS is a government agency and the primary advisor on national security to the Government of Canada. The main objective of the service is to investigate and report on threats to the security of Canada, while respecting human rights.

DFAIT - Department of Foreign Affairs and International Trade

On December 12, 2003, DFAIT split into Foreign Affairs Canada (FAC) and International Trade Canada (ITC). The FAC conducts diplomatic, consular and international relations, administers the foreign service of Canada, and fosters the development of international law. The ITC helps large and small companies expand and succeed internationally, promotes Canada as a dynamic place to do business, and negotiates and administers trade agreements.

G8 - G8

The G8 includes France, the United States, Britain, Germany, Japan, Italy, Canada and Russia. The G8 consistently deals with macroeconomic management, international trade and relations with developing countries.

INSAC - Integrated National Security Assessment Centre

The primary objective of INSAC is to assist in the prevention and disruption of national security threats at the earliest stage possible. This is accomplished by the production of timely assessments, which combine strategic and operational intelligence through the unique and dynamic interaction of participants.

IRB - Immigration Refugee Board

The IRB is Canada's largest independent administrative tribunal. Its mission is to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly, and in accordance with the law.

PSEPC - Public Safety and Emergency Preparedness Canada Created on December 12, 2003, the PSEPC was created to provide emergency preparedness, crisis management, national security, corrections, policing, oversight, crime prevention and border functions

RCMP - Royal Canadian Mounted Police

The RCMP is the Canadian national police service, but is unique in that it provides national, federal, provincial and municipal policing functions

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