



## The dirty dozen: 12 ways Canadian immigration policy reinforces Islamophobia, white supremacy and racism

While many people who live in Canada are immigrants or children of immigrants, we often do not directly challenge the multicultural myth that Canada is a tolerant and inclusive society. The Canadian government's immigration laws are central to reproducing a society based on a hierarchy that restricts full societal membership based on race, gender, ability, class, and religion. Although the current immigration system is portrayed as "colour blind," it is premised on a long history of racist and xenophobic stereotypes, and it provides the foundation for Islamophobia and racism in Canadian society. Here are some examples of how the Canadian immigration system continues to uphold Islamophobia, racism, and white supremacy on stolen Indigenous lands:

1. The 2002 **Immigration and Refugee Protection Act (IRPA)** was enacted in response to 9/11 to formulate an immigration policy through the lens of security and anti-terrorism. In the years that followed, IRPA, in combination with anti-terrorism and other acts, has been applied to deny black and brown people's entry into Canada while simultaneously criminalizing their bodies.
2. **IRPA gives unaccountable discretionary power to policing, border, and security agencies.** Anti-terrorism laws – from the Anti-Terrorism Act in 2001 to Bill-C51 in 2015 – have provided the police and security agencies with undue surveillance and enforcement powers, enabling them to target immigrant communities and impinge on their rights to privacy, free-expression, and association. These laws have constituted immigrants from specific countries as second-class citizens. Tenuous, unsupported allegations of association and support for terrorism have been used to deny Muslims permanent residency, family unification, refugee status and citizenship. Such baseless allegations have also been used to deport students, workers, and family members of immigrants with valid visas without due process. For example, during Operation Project Thread, 24 immigrants in the GTA who had "Muhammad" in their full name (mainly students), were detained and deported. A hearing later found their detention and deportation was based on "flimsy evidence and stereotypes."
3. Unlike many other countries, Canadian law permits the **indefinite**

**detention of migrants, non-status people and those with valid visas.**

According to the End Immigration Detention Network, 94.2% of refugees are detained on grounds other than being an alleged security threat. Since 2000, 15 immigrants have died in jail because of being denied access to adequate healthcare. Nearly 100,000 migrants, including children, have been detained without charges since 2006. In 2013 alone, 7,300 people were detained without charges or trial, and at least two men have been detained for more than eight years.

4. **Security Certificates** provide powers to the Canadian state to detain and deport permanent residents and others using secret evidence. This procedure is used to deny universal, basic rights to fair treatment and procedural justice in judicial and police proceedings. Over the last decade, Security Certificates were a key tool to criminalize Muslim men after 9/11; while some changes have been made, they are still used as a tool to imprison and surveil members of various Muslim communities.

5. **Bill C-51** criminalizes predominantly Muslim communities across Canada. This bill allows the state to arrest people without warrant and share their personal information between a series of federal government departments. The legislation also gives intelligence agencies such as CSIS additional powers that infringe on the Charter of Rights and Freedoms. The impact of the legislation is to increase surveillance of Muslim communities through racial profiling and infringe on their civil liberties.

6. The **U.S.-Canada Safe Third Country Agreement (STCA)** enacted in 2004 restricts inland refugee applications for people who have transited through the U.S. to get to Canada. In the early 1900s, the “continuous journey” rule played a similar role in denying non-whites admission to Canada. Despite calls to repeal the STCA in the wake of the recent executive orders from President Donald Trump, the Canadian government continues to exclude asylum seekers at the Canada-U.S. border.

7. In 2012, the federal government extended the STCA scheme by introducing the **Designated Countries of Origin list**. Refugee claimants arriving from one of the 42 countries on this list are deprived of important procedural protections, such as fast-track processing with reasonable time limits to offer evidence and appeal, the right to an assessment of risk to life and risk of cruel and inhumane treatment before deportation, and the right to remain in the country during a request for review of an unjust decision. The government can deem any country as a DCO without consultation or

accountability. The DCO scheme has a particularly harmful impact on vulnerable ethnic minorities across the globe, including Muslims, Roma, women, LGBTQ people, and refugee claimants with mental health issues. When people are fleeing violent Islamophobia and racism, the DCO scheme prevents them from successfully claiming refugee status on this basis.

8. While Prime Minister Trudeau has symbolically welcomed Syrian and Iraqi refugees, his government's policy places a **cap on community private refugee sponsorship** to 1000 applicants, which was reached in January. The refugee settlement process has been criticized for its lack of transparency in refugee selection (e.g. excluding certain Muslim communities), for failing to respond to the U.S. ban on refugee claimants, and for not countering the fear-mongering about Islamic terrorists among refugee applicants.

9. Since 2008, more people have been coming to Canada as migrant workers rather than permanent residents. The **Temporary Foreign Worker Program** (TFWP) has grown significantly in the last decade. Many migrants are from the global south and are employed in low skilled, low-wage employment where they are tied to an employer and cannot apply for permanent residency. Recently, the federal government eliminated a special Francophone migration scheme that provided admission to Canada for migrant workers from several predominantly Muslim countries. While the program was flawed, the abolition greatly restricts the ability of people to come to work in Canada from these countries.

10. The **Seasonal Agricultural Worker Program** (SAWP), introduced in 1966, is a racialized seasonal migration scheme where over 30,000 migrant workers from the Caribbean and Mexico come to Canada every year to work in agriculture. SAWP workers' visas are tied to their employers, and they often live in dismal, substandard housing, with limited rights and no access to permanent residence or to bring their families. When migrant workers are injured or sick, or if they complain about workplace standards, they are often sent home without remedies or healthcare. In 2015, the Canadian Medical Journal reported that over a ten-year period, 787 migrant workers were prematurely repatriated for medical reasons, mostly against their wishes. To date, there has never been an inquest into the death of a migrant farm worker despite working in one of the most hazardous sectors. The SAWP exemplifies Canada's

exclusionary, racialized migration system.

11. Canada has a **restrictive family reunification regime** that limits migrants' ability to sponsor their loved ones to Canada by limiting the type and number of family members who can be sponsored, instituting high income requirements, imposing unrealistic financial burdens, and excluding those with physical or mental health issues. Unlike many other OECD countries (including the U.S.), siblings cannot be sponsored. Applications are limited to a paltry yearly quota of 5000 per year, which has only recently been increased to 10000. Spousal sponsorship is stigmatized through public and false statements by government officials about fraudulent, foreign marriages, and sponsored spouses are bound to reside with their sponsor for two years. Several reports have found that the policy has had a discriminatory impact on racialized and economically marginalized immigrants, has increased their barriers to successfully integrating into Canadian society, and has had a disproportionate impact on immigrant youth. Canada's restrictive family reunification policy has also increased the precarity of Muslim immigrant communities.

12. The **Zero Tolerance for Barbaric Cultural Practices Act** is now law in Canada and specifically targets racialized immigrant communities for exclusion and from Canada by criminalizing forced-marriages, banning proxy marriages and restricting polygamous families. These practices are already criminalized under Canadian law, and the Act was passed only to stoke Islamophobia and fear-mongering, racist and dehumanizing stereotypes, and anti-immigrant, xenophobic sentiment in Canadian society.