

**SECURITY, RACE AND RISK IN THE POST 9/11 ERA: AN  
EXAMINATION OF THE EXPERIENCES OF RACIALIZED  
POPULATIONS AT THE CANADIAN BORDER**

by

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## **ABSTRACT**

Since 9/11, concerns have been raised about the heightened use of racial profiling by law enforcement agencies. Travellers, in particular, have experienced the full scale of the new heightened security measures whenever they cross the Canadian border. The treatment of racialized individuals and groups by border agents has been justified as necessary but the experiences of racialized travellers highlights how balancing security concerns with respect for human rights is challenging. This thesis examines the experiences of racialized individuals crossing the Canadian border post-9/11. Through interviews with 14 racialized Canadians, I argue that their experiences of border-crossings and their views of racism in Canada are consistent with the perception that there is an increased focus on racialized groups as potential risks because of their racial background.

**Keywords:** Race; risk; security; Canada; border policy; September 11; IRPA

For my grandmother, Azar Ayazi, whose unflinching love, support and belief in me was a constant inspiration and motivation; and for Ida N. Vyse, who irrevocably changed my life for the better.

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# TABLE OF CONTENTS

Approval .....	ii
Abstract .....	iii
Dedication .....	iv
Acknowledgements .....	v
Table of Contents .....	vi
List of Tables .....	viii
<b>Chapter One: Introduction .....</b>	<b>1</b>
Chapter Outlines .....	5
<b>Chapter Two: Understanding Canadian Immigration Policies, Racialization, and Post 9/11 Border Concerns- A Literature Review .....</b>	<b>8</b>
A Brief Overview of Racism and Immigration in Canada .....	9
9/11 and the Aftermath .....	17
Securitization of the Border and Border Policing .....	28
Summary .....	36
<b>Chapter Three: Theory and Methodology .....</b>	<b>37</b>
Theoretical Framework .....	37
Critical Race Theory .....	39
Theories of Whiteness, Canadianness and the White Settler Society .....	47
Risk Theory .....	53
Methodology .....	59
Methodological Approach .....	60
Research Method .....	62
Data Collection .....	63
Data Analysis .....	65
Benefits and Limitations of Study .....	66
<b>Chapter Four: Descriptive Analysis of Participant Interviews .....</b>	<b>68</b>
Characteristics of the Research Participants .....	68
Border Crossing and Modes of Travel .....	70
Perceptions of the Overall Border Experience .....	73
Conceptualizations of Racism in Canada .....	77
Impacts of 9/11: Terrorism, Border Policy, and Identity Issues .....	83
The Effect of Racism and Race/Ethnicity in the Post 9/11 Context .....	86
Summary .....	90
<b>Chapter Five: Dominant Themes of Racism and Riskiness in Participant Interviews- A Qualitative Analysis .....</b>	<b>91</b>
Racism and the Border Experience .....	92
The Norm of Whiteness and What it means to be a Canadian .....	103

Risk and Regulating Racialized Populations .....	112
Summary 119	
<b>Chapter Six: Conclusion.....</b>	<b>121</b>
Considerations for Future Research.....	125
<b>Appendices.....</b>	<b>128</b>
Appendix A .....	128
<b>Reference List .....</b>	<b>131</b>

## LIST OF TABLES

Table 4.1: Countries of Birth.....	69
Table 4.2: Travel across the Canadian border between October 2001 and June 2008.....	71

## CHAPTER ONE: INTRODUCTION

September 11, 2001 changed the world. It changed the world's political climate; it created an ambiguous "War on Terror", and identified a new enemy to the Western world. On the morning of September 11, 2001 hijacked jetliners struck the World Trade Center towers in New York City and the Pentagon, located outside Washington, while a fourth hijacked plane crashed in Pennsylvania. Then U.S. President George W. Bush not only labelled the attacks as an act of war, but also declared a war against terrorism. The list of hijackers was subsequently released, and Secretary of State Colin Powell identified Osama Bin Laden as the chief suspect. The weeks following these revelations culminated in an attack on Afghanistan in an effort to capture Bin Laden and his supporters.

After September 11, there emerged a new "direct, focused target for blame and retribution; vague 'Middle Eastern terrorism' was supplanted as the U.S. military gaze and the world's attention became firmly fixed on Afghanistan" (Berrington, 2002:52). Though the war on terror was not specifically identified as a war against Islam, through the "'monstering' of Osama Bin Laden, the Taliban and al-Qaida and their use of terror as a strategy", Canadians were exposed to a specific group of people, a specific religion, and a specific population that posed a threat to their society (Scraton, 2002:8). Eight years after the terrorist attacks, the discourse of the "War on Terror" and the terrorist enemy threatening the

freedom and democracy of the West remains. While the intense climate of fear created after September 11 has subsided, further terrorist attacks, arrests, and detention of suspected terrorists have preserved the issue of terrorism and fear of terrorism in the public psyche.

The effect of the fear of terrorism and the terrorist enemy directly impacted the creation of this research project. The impetus for this research project began on July 18, 2004. I was travelling to Iran for the first time, with my travel plans taking me through the United States. I had travelled to the United States several times after September 11, 2001 without any sort of problem. Thinking it would be best to be honest, I explained to the customs officer that I was travelling to Washington, D.C. to meet my uncle, and we were flying to Iran together. That honesty led to the breakdown of an apparent naivety I had possessed for the previous twenty years of my life. Not only did I miss my flight that day, I was also coerced into surrendering my United States Permanent Resident Card. Moreover, I was subject to interrogation for two hours, was forced to provide personal information about myself, was photographed, fingerprinted, and harassed.

My Iranian ethnicity labelled me as a risk to other travellers, as well as a threat to the United States of America. Upon my return to Canada, I began to hear accounts of Iranians and other racialized groups being targeted at the border in the same way. This type of treatment was perceived to be more prevalent at the American border, which highlights the misconception that Canada is not as racist as the United States, and thus racism is not an issue for

Canadians (Aylward, 1999). Specifically, a perception that Canada's commitment to multiculturalism and formal equality negated the possibility of targeting at the border was particularly prevalent amongst the general public. However, the well publicized case of Maher Arar revealed the consequences of heightened securitization of the border.<sup>1</sup>

The Canadian response to the September 11 terrorist attacks reflects the influence of the abovementioned climate of fear. Specifically, heightened security with the goal of preventing future attacks became a priority with the government and general public alike. The terrorist attacks affected Canada in two interrelated ways. First, several new pieces of legislation were enacted in the wake of the attacks which highlighted a shift toward increased national security, border control, and immigration enforcement. These pieces of legislation include the *Anti-Terrorism Act*, a policy specifically aimed at targeting terrorism and perpetrators of terrorist activities and the *Immigration and Refugee Protection Act*, which not only affects immigrants and refugees wanting to enter Canada or that already live in Canada, but also governs the border and dictates border policy (Russo, 2008:303). The new immigration act gave particular emphasis to enforcement concerns, recognizing the need for security, specifically national security, and ensuring public safety (Russo, 2008:303). This focus on security in the aftermath of the terrorist attacks also contributed to a new climate of

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<sup>1</sup> The case of Maher Arar demonstrated the problems with post 9/11 information sharing from Canada to the United States for the purposes of securing the border and preventing terrorist threats. His wrongful deportation to his country of origin and subsequent torture based on incorrect information shared between the RCMP and FBI served as an example of how increased measures for border security did not necessarily protect Canadian citizens, and created opportunities for targeting of Middle Eastern or other racialized populations. For more on Maher Arar, see Chapter two.

enforcement and securitization at the border, which caused increased surveillance at the border for all travellers (Laxer, 2003).

Secondly, racialized populations in Canada and throughout the world were subject to increased scrutiny by law enforcement and the general population alike. As the perpetrators of the attacks were men of Middle Eastern, Muslim descent, immigrant communities were now subject to targeting by law enforcement. While racial profiling by law enforcement officials is not a new phenomenon, the aftermath of September 11 ensured the practice of racial profiling was being used by immigration authorities and government agencies to regulate racialized populations (Henry and Tator, 2006:17). In particular, Pratt (2008:623) notes that the literature on racial profiling after September 11 has expanded from a focus on black populations to one that also includes Arabs and Muslims. Indeed, Bahdi (2003) describes increased scrutiny of Arabs, Muslims, and those who look like Arabs and Muslims in airports post September 11. The rhetoric that racialized populations pose a threat to predominantly white societies became more focused, with the new threat being a threat to national security. The emphasis on security translated to a focus on risk, specifically in identifying dangerous populations, as well as managing these dangerous and thus risky populations.

In my thesis, I investigate how racialized populations perceive their experiences of crossing the border through conducting fourteen qualitative interviews. Specifically, I focus on the racism participants face at the border and in their everyday lives, and their treatment by enforcement officers at the border.

The objective of this research is to uncover whether racialized populations experienced negative treatment by Canadian border officials based on their racial, ethnic or religious background, and more generally, how racialized populations perceived their overall border experience. Understanding the role of race<sup>2</sup> and racial profiling at the border not only highlights the way racial profiling is continuously used, but also demonstrates how racism permeates the way immigration and anti-terrorism policy is applied at the border. While this study does not claim to be representative of all racialized peoples' experiences crossing the border, it provides a snapshot of the way racialized populations are treated by enforcement officers at the border and their overall perceptions of their border experiences.

This thesis will contribute to the existing body of literature by linking issues that have previously been studied. While racism in Canada, racial profiling and post September 11 changes in border policy have been studied extensively, they have not been combined to provide an understanding of the experiences of racialized populations crossing the border.

## **Chapter Outlines**

This thesis consists of six chapters, including this introduction. Chapter Two addresses the existing literature and research conducted on the issues of immigration policy in Canada, past and present manifestations of racism in

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<sup>2</sup> In this thesis, race is defined based on both biological and cultural characteristics, reflecting common sense assumptions of both race and ethnicity. For a more in-depth discussion of the definition of race, see Chapter 3.

Canada, racial profiling, and legislative changes in Canada after September 11, 2001. This chapter provides a basis for understanding the key concepts and important topics discussed in this thesis.

Chapter Three discusses the theoretical and methodological frameworks which guide this research. This chapter begins with a discussion of critical race theory, risk theory and the concept of the white settler society. It then concentrates on the methodology used in this research project, presenting the research questions, methodological approach, research method, data collection and data analysis. This chapter concludes with the benefits and limitations of this study.

Chapter Four details the qualitative findings from the interviews conducted for this research. It describes the characteristics of the research participants, modes of travel and frequency of travel, overall perceptions of the border experience, amongst other issues. This chapter highlights the responses of the participants to the questions in the interview schedule.

In chapter five, I delve into an analysis of the qualitative findings in the previous chapter, highlighting three specific themes: 1) Racism and the Border Experience; 2) The Norm of Whiteness and 'What it means to be Canadian'; and 3) The Role of Risk in Regulating Racialized Populations. Specifically, this chapter provides an analysis of the participants' responses in relation to the broad topics of race, risk, and 'Canadianness'.

Chapter Six summarizes the content of the previous chapters, highlighting key findings that emerged from this research project. This chapter concludes with

suggestions for future research in this area.

## **CHAPTER TWO: UNDERSTANDING CANADIAN IMMIGRATION POLICIES, RACIALIZATION, AND POST 9/11 BORDER CONCERNS- A LITERATURE REVIEW**

The September 11 terrorist attacks created a climate of fear, which fuelled a fear of further attack, but also fears of people of colour perpetrating such attacks. In this climate, here after referred to as post 9/11 or September 11, scholars have addressed many major themes in understanding and analyzing the Canadian response to 9/11. This chapter includes a discussion of four of these major themes. First, academics have been concerned with Canadian immigration policy and the way it continues to be linked to racism; second, scholars have engaged with legislative changes occurring in Canada post 9/11 to understand its impact on racialized populations and on responding to terrorist threats; third, researchers have addressed Canadian border security and the shift in rhetoric which now equates border security with national security (Kruger, Mulder and Korenic, 2004) and; fourth, academics have focused on suspected targeting of racialized groups by law enforcement officials. In understanding the changes created by the *Immigration and Refugee Protection Act (IRPA)*, the newest legislation governing the borders, as well as the experiences of racialized populations at the border, it is necessary to review the literature in this area to highlight what gaps exist. The abovementioned overarching themes characterize the literature most pertinent to understanding the post 9/11 climate in the context of experiences crossing the border.

## **A Brief Overview of Racism and Immigration in Canada**

This section addresses the history of immigration policy in Canada, and the way racism is interlinked with immigration. I will outline the overt racism located in previous immigration acts, which was used to exclude racialized populations from entering Canada, and to preserve whiteness in Canadian society. In addition, this section will address the shift in immigration policy in the 1970's, which aimed to open the Canadian border to racialized populations. Finally, I will address the current immigration policy in Canada, and how this legislation reverts back to previous immigration acts, and thus works to exclude racialized populations from Canada.

### **The Racist History of Immigration Policies in Canada: 1876-1967**

There are two key elements in understanding the relationship between immigration, race and racism in Canada. First, immigration was and continues to be about controlling populations which purposely includes some while excluding others (Jakubowski, 2002:11). Second, Canada's history is inherently linked to racism, such that "[t]o understand Canada one must understand racism, for Canada was born and grew as a racist state" (Boyko, 2000:11).

Li's (2003) classification of immigration policy in Canada is a particularly useful historical understanding of immigration in Canada, as he narrows Canadian immigration history into four different categories. Each category exemplifies the immigration priorities of the Canadian government at the time. Li demonstrates how the first period, which spanned from 1867 to 1895, marked a period of relative openness in immigration to meet labour needs in the building of

Canada (Li, 2003:17). Immigrants of European descent were welcomed at this time, as was group settlement by Mennonites, Scandinavians, and Hungarians (Li, 2003:18). Although the federal government encouraged immigration at this time, it was reserved for whites only. Li (2003) details the heavy restrictions imposed upon non-white immigrants; for example, Kelley and Trebilock (2000:97) demonstrate how Chinese immigration was limited and controlled through the 1885 Chinese Immigration Act and its imposition of a \$50 head tax on most Chinese immigrants.

The Chinese example illustrates the relationship between immigration and racism, as the Chinese were characterized as “dirty, disease-ridden, dishonest, immoral, and totally incapable of integrating with the larger community” (Kelley and Trebilock, 2000:97). Such negative stereotypes about Chinese people were the basis and justification for the imposition of a head tax and of the restrictions on Chinese immigration. In addition to Chinese peoples, racist assumptions were used to exclude many other populations, specifically racialized populations, during this time and in future periods of immigration. In fact, racism was ingrained in Canadian immigration laws until 1976 (Dhruvarajan, 2000:169).

The link between racism and immigration was further reinforced through Canadian policy in Li’s second stage. This stage was characterized by massive immigration for white agricultural labourers while excluding ‘undesirables’ between 1896 and 1914 (Li, 2003:18). While the government prioritized recruitment of labourers of European origin during this period, Kelley and Trebilock (2000) highlight how the need for labourers led to changes in the ethnic

makeup of Canada. As more racialized populations, specifically Asians and continental Europeans, immigrated to fill the labour gaps, the percentage of racialized groups in Canada increased (Kelley and Trebilock, 2000:112-113). Although this period was marked by heavy immigration, only certain groups were deemed acceptable for Canadian society; the goal of the government was to keep 'undesirables' and the unassimilable out (Li, 2003; Abu-Laban and Gabriel, 2002; Kelley and Trebilock, 2000). Abu-Laban and Gabriel (2002) and Kelley and Trebilock (2000) illustrate how white immigrants from north-western Europe and the United States were preferred in order to preserve Canadian norms and values which were thought to be threatened by the increased non-white immigrant population. Racialized populations were not only excluded by virtue of racist assumptions, but also financially; for example, the Chinese head tax was increased to the amount of \$500 (Li, 2003:19; Abu-Laban and Gabriel, 2002). Thus, as Dhruvarajan (2000:167) argues, at the height of Canada's nation building, racist attitudes and immigration policy allowed for the deliberate construction of Canada as a white nation.

In contrast to the previous phase of heavy immigration, Li's third period of immigration was characterized by a decline in immigration from 1915 to 1945 due to the Great Depression and the influx of returning soldiers after the First World War (Li, 2003). The combination of the decline of the economic boom and unemployment, along with the perceived need to protect Canada from foreigners, shaped this period's immigration policy, which further emphasized regulation and exclusion of racialized immigrants (Kelley and Trebilock, 2000).

At this time, the immigration act and subsequent amendments to the Act allowed for the regulation of immigrants through the ability to “prevent admission, to prohibit naturalization, and to effect the removal of those who were perceived as lowering the standards of acceptable citizenry, by their nationality, race, or political opinions” (Kelley and Trebillock, 2000:166). The immigration acts were used to deny immigrants based on racist assumptions and xenophobia in general (Jakubowski, 2002; Kelley and Trebillock, 2000). Immigrant exclusion was also reinforced through economic sanctions during this time period. For example, a \$250 landing fee was imposed in 1921 and was later revoked only for British subjects, which highlights the continued preference for countries with primarily white populations (Kelley and Trebillock, 2000:186-188). Thus, during this period, the Canadian government continued to restrict immigration based on racist assumptions.

Li (2003)'s final period in Canadian immigration policy follows the social, political and economic changes which gradually occurred after the Second World War. The aftermath of World War II produced an economic boom, which fuelled the need for immigration; however, in the early stages of this time period, the inclusion of people of colour was still considered to be detrimental to Canada (Abu-Laban and Gabriel, 2002). Indeed, Jakubowski (2002:17) argues post war governmental policies “were still racist in orientation, assimilationist in objective.” Immigration policy reflected these exclusionary priorities and racist attitudes until the 1960s and 1970s. The Immigration Act of 1962 removed favouritism for British, American and European immigrants and instead prioritized immigrants

with educational, technical and professional qualifications (Li 2003:23). Li (2003), Abu-Laban and Gabriel (2002), and Jakubowski (2002) discuss how the 1966 White Paper furthered the reversal of overtly racist practices, as it proposed equality in entrance standards for all immigrants by instituting a universal points system in 1967.

The commitment to a non-discriminatory immigration policy was made by the Canadian government with the 1976 Immigration Act. The 1976 Act, the points system and amendments made to the Act remained in place until 2001, when the new Immigration Act, known as the *Immigration and Refugee Protection Act (IRPA)*, was introduced.

### **Immigration debates in the Nineties: the Criminalization of (im)migrants**

Although the eighties were a period of relative calm in terms of immigration, perceived immigration problems in the nineties contributed to the drafting of a new Immigration Act. The events culminating in the introduction of *IRPA* are particularly important in understanding the link between immigration and racism, as they illustrate the reversion to racism in formulating immigration policy.

In the 1990s, two major incidents caused immigration to become a governmental priority. In 1994, in the Just Desserts café in an affluent neighbourhood in Toronto, four black immigrant Caribbean men attempted an armed robbery and in the conflict, a white woman, Georgina “Vivi” Leimonis, was shot and killed (Pratt, 2005:140). Pratt (2005) describes how, at this time in particular, racial tensions between black males and the police were high, as black

men were subjected to (alleged) targeting and maltreatment by police. Simmons (1998:107) argues that although this problem was widespread in Canada it was particularly prevalent in Toronto, as high rates of crime in the Jamaican community contributed to stereotypes about black Caribbean men, leading to justifications for racial profiling by the police.

This shooting was seen as particularly problematic by the media and general public alike, as one of the men had been ordered deported but had been successful in appealing the decision. The rhetoric that Canada was soft on immigration was prevalent at this time, and was further strengthened later that year with the murder of Toronto Police Constable Todd Baylis, who was also white. Baylis was murdered by another black immigrant Caribbean man who had a lengthy criminal record, and who had also been ordered deported (Jakubowski, 2002:95). Interestingly, though all of the suspects were foreign born, all of the men had grown up in Canada, having resided here as children. Pratt (2005) and Jakubowski (2002) argue both cases were constructed by the media as demonstrating a link between crime and immigrants, specifically racialized immigrants.

As a response to the 'problem' of immigrants and crime, the government passed Bill C-44, or 'Just Desserts Bill', which allowed for deportation without appeal for non citizens deemed dangerous by the Minister of Citizenship and Immigration. Bill C-44 allowed for permanent residents who had resided in Canada for lengthy periods of time, like the suspects in the 'Just Desserts' or Baylis cases, along with refugees, to be investigated by immigration officers and

deported (Pratt, 2005:140). Simmons (1998:108) contests the construction of black immigrants as criminals, arguing people who were foreign born but have lived in Canada since childhood are socialized as Canadians and thus any crime they commit is “entirely a Canadian problem.” He further argues legislation such as Bill C-44 entrenches the link between immigration and crime in the minds of Canadians (Simmons, 1998:108). Bill C-44 began a movement toward criminalizing migrants, and upheld a ‘tough on crime’ agenda within the Canadian government. The reforms of the 1990s demonstrated the re-emergence of the link between race, immigration and restrictive immigration policy, which became the impetus for *IRPA*.

### **The Immigration and Refugee Protection Act**

*IRPA* was introduced into Parliament in February 2001 and came into effect in June 2002 (Pratt, 2005:3). Although *IRPA* was conceived of before the 9/11 attacks, Russo (2008:304) suggests the terrorist attacks shifted the focus from efficiency and refugee protection issues to national security and public safety. *IRPA* was meant to usher Canadian immigration policy into the new millennium, and meet Canada’s needs in the era of globalization (Abu-Laban and Gabriel, 2002). It was also necessary as the previous Act, with its numerous amendments, was seen as too convoluted and had become obsolete (Jimenez and Crepeau, 2000). *IRPA* maintained the points system, focusing on immigrants with flexible skills (Li, 2003:26). *IRPA* differs from other immigration acts, as it sets apart immigrant and refugee protection (Li, 2003). It includes “the rights and responsibilities of permanent residents, protected persons and foreign nationals

seeking to enter or live in Canada; the responsibilities of immigration officers; protection and enforcement” and “the regulations cover the many important rules [which] deal with such areas as selection of immigrants, examination, permanent resident status, inadmissibility, detention and release, stays, IRB determination of the eligibility of refugee protection claims, the obligations of carriers” amongst other features (Jimenez and Crepeau, 2000:18).

*IRPA* is known as framework legislation. It outlines basic principles and allows the government to expand on specific sections when and if necessary. Jimenez and Crepeau (2002) view the ability to expand on specific sections as problematic, suggesting government departments may have too much regulatory power. Despite these potential problems, *IRPA* has been lauded due to new security concerns in the post September 11 era. Jimenez and Crepeau (2002) and Abu-Laban and Gabriel (2002) highlight how *IRPA* emphasizes the security and safety of Canada through border control by controlling migration and viewing migration as a threat, rather than stressing the importance of embracing and integrating immigrants. The aftermath of September 11 allowed for new enforcement measures in *IRPA* to emphasize security and protection of Canadian interests. Prioritizing security while simultaneously constructing migrants as threats demonstrates how the relationship between *IRPA* and racialized populations has reverted to the racist assumptions of the late nineteenth and most of the twentieth century.

While this section has highlighted previous immigration policies and the racism embedded within these *Acts*, the following section expands on the notion

of racism in policy by addressing the new provisions and legislation enacted to respond to the September 11 terrorist attacks and their relationship to racism.

## **9/11 and the Aftermath**

This section highlights the impact of 9/11 in Canada. Specifically, it outlines new legislation enacted post 9/11 and the legislative changes made in the transition from the previous Immigration Act to *IRPA*. In addition, this section discusses the prevalence of overt racism and negative stereotypes about racialized populations, and in particular immigrant populations.

The links between immigration and racism throughout Canada's history, along with the historical construction of migrants as threats contributed heavily to the aftermath of September 11 in Canada. In many ways, the Canadian response to September 11 echoed the racist actions of past governments, further reinforcing the conceptualization of migrants as threats.

State security and immigration enforcement were emphasized by the government, media, and the Canadian public as issues of importance after the September 11 attacks. Although *IRPA* was conceived of before September 11, Pratt (2005) argues the attacks allowed for the construction of migrants as threats, and linked crime and security with immigrants and refugees. It also allowed for *IRPA* to be perceived as national security legislation, which further entrenched the idea of immigrants and refugees as threats to Canadian security.

Understanding the legislative response to 9/11 is pertinent in addressing the aftermath of the attacks in Canada. In the wake of the September 11 terror attacks, Canada was accused by the United States media of being a refuge for

terrorists, and Canada's refugee and immigration policies were attacked for being too lenient (Roach, 2003:6). The United States government and media suggested there was a Canadian connection in the September 11 attacks, which was an unfounded claim (Whitaker, 2003:249). The Canadian government responded to pressure from the United States to legislatively react to the attacks, and to pressure to maintain the trade relationship with the United States by following in the footsteps of the United States' Patriot Act and the British Terror Act. In response, Canada introduced Bill C-36, known as the *Anti-Terrorism Act (ATA)*, on October 15, 2001 (Roach, 2003:21).

### **Anti-Terror Legislation post 9/11: The Anti-Terrorism Act and the Immigration and Refugee Protection Act**

The *ATA* concerns the security and safety of Canada and Canadians alike. Although Canada was not a victim of terrorist attacks, the new threat seen in the United States translated into a new threat for Canada as well. Roach (2003:21) suggests the *ATA* was created to provide the federal government with powers to protect Canadian citizens from terrorist attacks, and demonstrate a political and symbolic commitment to the "War on Terrorism." Roach (2003) thus argues the *ATA* was introduced because of a political need to denounce the attacks and terrorism itself.

Because Bill C-36 was drafted merely 34 days after the September 11 terrorist attacks, it was feared the *ATA* was hastily written, and, as a result, was widely criticized by many human rights and civil liberties organizations,

academics, amongst other groups. The definition of terrorism as set out by Section 83.01 of the *Act*, the first time terrorism was defined in Canadian legislation, was seen as particularly problematic. At issue amongst critics was the requirement of proof of motive, namely that the initial definition could include illegal strikes, protests, and other forms of civil disobedience, that threats of terrorism could be considered a terrorist crime, and that individuals who send money or other forms of assistance in foreign struggles could be convicted of several crimes of supporting terrorism (Roach, 2003). Specifically, there were problems with the definition of terrorism as terrorism has been a historically difficult concept to define (Plaw, 2005:236). Terrorism is a relative term, and thus defining terrorism is troubling. As Roach (2003:30) argues, “it is doubtful that, in the weeks of shock and sorrow after September 11, Canadian officials suddenly gained wisdom or ingenuity in defining terrorism that was not available before.” In short, the definition of terrorism was deemed too broad and often problematic in its wording.

Borovoy (2006) highlights the most controversial provisions in the *ATA*, the preventive arrest and investigative hearing provisions, the new investigative powers. Investigative hearings allow for an order to be made, with the consent of the Attorney General of Canada, to gather information about an individual if there are reasonable grounds to believe that the person has information about a terrorist crime that has or will be committed (Anti-Terrorism Act, 2001). If subjected to an investigative hearing, the person may not refuse to provide testimony. If they do refuse, the person is at the mercy of the judge, who does

not have specific guidelines on how to act in such a situation. Borovoy (2006) argues that the investigative hearings are problematic because the evidence offered by the person can be used against them. Their testimony is only subject to limited immunity, and their statements could be used by prosecutors.

Similar to investigative hearings, preventive arrest or recognizance with conditions, requires the approval of the Attorney General of Canada. The provision allows for preventive arrest if a police officer believes, on reasonable grounds, that terrorist activity will be committed, or suspects the arrest will thwart the execution of a terrorist activity (Anti-Terrorism Act, 2001). The difference between the preventive arrest provision and the peace bond found in the *Canadian Criminal Code* is that the prior provision requires reasonable grounds before an arrest can be made, whereas the new provision allows for arrest on *suspicion* of reasonable grounds. After arrest, the accused must be taken before a judge as soon as possible, and may be detained for up to seventy two hours (Roach, 2003:48). Reasonable grounds can require the suspect to enter into a recognizance or peace bond, compelling the person to abide by specific conditions (Roach, 2003:49). According to Roach, the application of the peace bond to terrorist actions “demonstrates an increased willingness to use the costly and coercive apparatus of the criminal law in an attempt to respond to the risk, and even the fear, of horrific crimes” (Roach 2003:49) Though there are more provisions and more criticisms able to be explored in the *Anti-Terrorism Act*, the abovementioned offences involve the most serious provisions in the *ATA* which have the greatest potential for the infringement of rights. The *ATA* and the

problems with the legislation highlight the climate in which the *Act* was drafted, and emphasize the priorities of the Canadian government to respond swiftly to the perceived problem of terrorism.

In response to the plethora of criticisms regarding the *ATA*, the federal government reacted to the pressure by enacting amendments in December 2001. The amendments included a sunset clause, an annual report to Parliament, a new definition of terrorist activity, a review mechanism for attorney general certificates, a re-definition of facilitation, as well as other technical amendments (Smith, 2005:189-190). Of particular significance is the addition of the sunset clauses. The federal government agreed to incorporate a sunset provision for investigative hearing and preventive arrest. This meant the sections could expire after five years unless renewed by Parliament. In addition, the amendments included a newer definition of terrorist activity to make certain that protest activity would not be labelled terrorist activity unless it was intended to endanger lives, cause serious bodily harm or death. Furthermore, the definition of terrorist activity was modified to include an interpretive clause, allowing for increased clarity with reference to the protection of religious, political or ideological beliefs and expression (Smith, 2005:190). The amendments indicate an attempt to balance security with rights. In spite of this, the very existence of the *Act* demonstrates unwillingness by the Canadian government to consider other options other than a sweeping legislative instrument which could cast a very wide net, potentially targeting racialized populations. Although these provisions expired under the sunset clause in 2007 after being voted down in Parliament, significantly similar

provisions were re-introduced that same year through *Bill C-19, an Act to Amend the Criminal Code (investigative hearing and recognizance with conditions)*, thus preserving these controversial provisions for another five years. While these provisions were not utilized in the five years following the creation of the *ATA*, the possibility that these provisions could be used to target racialized populations remains.

Although the particularly egregious provisions in the *ATA* have not been used to target racialized populations, the same cannot be said for the security certificate system found in *IRPA*. While security certificates existed prior to *IRPA*, Crepeau and Nakache (2006:24) argue that the security certificate process was strengthened in *IRPA* by including provisions to suspend or terminate a claim for protection, expanded provisions on organized crime, eliminate appeals and simplifying the removal process. Security certificates pre-empt all other immigration and refugee proceedings, which are suspended until after security certificate process is complete (Crepeau and Nakache, 2006). What is particularly problematic about the security certificates is that a Federal Court judge hears evidence to determine the reasonableness of the certificate in private without the foreign national or their counsel present. If the judge upholds the security certificate as reasonable, the person named can be removed from Canada without appeal and without being eligible to make a claim for refugee protection (Roach, 2005).

Post 9/11, five Muslim men of Middle Eastern descent were held and faced deportation under *IRPA*'s security certificate system, used by the federal

government to detain and deport foreign-born terror suspects. Presently, these men have been released under house arrest and are subject to stringent conditions. It is important to note these five men were incarcerated, without charge or knowing the basis of their arrest, for six to seven years. However, in 2007 the security certificate system was struck down in a unanimous decision by the Supreme Court of Canada (Cotler, 2007). *IRPA* was amended in Parliament in 2008 to include a special advocate to attend the proceedings on behalf of the accused.

Other changes made to *IRPA* in 2008 included provisions to reduce immigration backlog and waiting periods. However, Russo (2008:306) argues reducing wait times and clearing the backlog is at risk of being remedied by consistently denying applications. In addition, the changes in 2008 provided the Minister of Citizenship and Immigration with wide discretionary powers to arbitrarily reject applications (Russo, 2008:306). Russo (2008) argues these changes demonstrate a fundamental problem with *IRPA*, namely that the government favours economic needs over human rights concerns.

### **Enforcement Provisions and Detention: The Immigration and Refugee Protection Act**

Russo (2008:303) argues security and enforcement were priorities of the Department of Citizenship and Immigration in the post 9/11 climate. Enforcement is an important element to *IRPA*, as it outlines criminal offences related to immigration. What is particularly interesting about the enforcement provisions is not only the crime-security link, but also that peace officers can be involved in

enforcing these provisions in addition to customs officers (Rock, 2002:197). Rock (2002:197) outlines the most serious offences in Part three of the *Act*, including human smuggling (section 117), human trafficking (section 118), and disembarking a person at sea for illegal entry (section 119). Crepeau and Nakache (2006) argue that what the *Act* neglects to account for in the context of these offences is the circumstances under which these migrants are travelling to Canada. They explain:

It is easy to forget, however, that many irregular migrants, even those who are smuggled, need protection against human rights violations in their country and should not therefore be considered simply criminals, since they did only what many of us would do in similar circumstances: try to find the best way to protect themselves and their families. And even if they might have technically broken the immigration laws of the host country, they retain certain rights and freedoms under the rule of law (Crepeau and Nakache, 2006:17).

Thus, *IRPA* has the ability to criminalize particularly vulnerable, often racialized, populations who are entering Canada, and does not consider humanitarian considerations in the process. Crepeau and Nakache (2006:17) demonstrate how these offences carry a harsher penalty than *Criminal Code* offences such as rape at gunpoint, and carry the same penalty as genocide or crimes against humanity. The willingness to heavily penalize migrants reveals the mistrust of racialized, migrant populations entering Canada, furthering the notion that migrants are a group to be suspicious of and feared. In addition, Russo (2008:303) argues that *IRPA* constructs these offences as national security concerns, furthering the notion that migrants are risky.

## **Racism Post 9/11**

Suspicion of terrorism and the risk of attack on Canadian soil raised many stereotypes and assumptions about people of colour, leading to what Thobani (2007:239) argues is “the racialization of the enemy.” Historically in Canada, black and Aboriginal populations tended to be the primary target of racial profiling. However, Pratt & Thompson (2008) demonstrate how discussions of racial profiling now extend to ‘Arabs and Muslims’. Pratt and Thompson (2008) argue the populations scrutinized at the border in post 9/11 Canada include Jamaican, Vietnamese, East Indian, and Middle Eastern peoples. More specifically, ‘Muslims’, Pakistanis, Indians, Parsis, Hindus, African-Canadians, Sikhs, Arabs and Iranians, in addition to the abovementioned groups, have been subjected to maltreatment post September 11, including attacks, harassment, detention, surveillance and deportation by both law enforcement officials as well as by ‘ordinary’ Canadians (Thobani, 2007:239; Stubbs, 2004:122). The vagueness of the category of Muslim in particular allows for virtually anyone from the Middle East and South Asia to be profiled. This kind of profiling does not differentiate between a person’s country of origin, nor does it distinguish citizens from non-citizens; rather, it considers all people who look like Muslims to be subject to suspicion and surveillance (Thobani, 2007:242). Thobani (2007:242) argues this is similar to previous Canadian immigration policies and reconstructs people of colour as outsiders.

Many authors argue state policies perpetuate and reinforce the racialization and targeting of racialized groups. In the age of *IRPA*, allegations of racial (and religious) profiling by enforcement officials have been raised. This

highlights the nature of the legislation and how it is used (Aiken, 2007; Bahdi, 2003). Profiling often occurs when a particular group becomes subject to increased surveillance, when a person's race, ethnicity or religious background is used as a reason to detain a person or, in the case at the border, subject them to increased scrutiny (Pratt, 2005:208). Wortley and Tanner (Aiken, 2007) argue profiling occurs in searches at airports and border crossings, as well as in other police practices. Indeed, Russo (2008:303) suggests risk profiles for international travellers are constructed by law enforcement officials in Canada. Pratt and Thompson (2008:629) describe the language used by border officials in characterizing these racialized populations, namely how East Indian and Vietnamese peoples are often referred to as 'Asians' and 'Orientals' and Middle Eastern peoples as 'Arabs' and 'Muslims'. This speaks not only to the generalizations about these racialized populations made by law enforcement officials, but also to the way they racially profile these groups, particularly in the post 9/11 climate.

Tanovich (2006) draws attention to post 9/11 racial profiling by linking the practice of racial profiling to terrorism and the terrorist profile issued by the RCMP after the attacks. He argues the profile distributed by the RCMP implicitly refers to ethnic and religious characteristics by pinpointing the enemy as the men who flew the planes into the buildings (Tanovich, 2006:107). This is important to note as racialized populations, particularly the abovementioned all encompassing labels such as 'Muslim' or 'Asians', are constructed as a population that is need of regulation, and law enforcement needs to protect us from these groups. In this

way, through the terrorist profile, racialized populations are deemed to pose a risk to the Canadian population.

Similarly, Pratt (2005) notes Canadian customs officers check country of origin, but that this does not amount to racial profiling. Indeed, law enforcement and border officials categorically deny the use of racial profiling, despite calls for the use of racial profiling by politicians, military spokespeople, and the media (Thobani, 2007:239). Nevertheless, Bahdi (2003) notes that although Canadian legislation does not specifically support or sanction the use of racial profiling, profiling may still take place, and that “the silence of the legislature regarding the practice, at best, fails to effectively check racial profiling and, at worst, creates opportunities for racial profiling” (Bahdi, 2003:297).

Allegations of rights infringements have resulted in a successful challenge of *IRPA*'s security provisions, and numerous lawsuits against the federal government in *IRPA* related damages and hardships (Aiken, 2007). Racial profiling used as a method of enforcement not only targets and reinforces stereotypes about racialized populations, but also neglects other techniques of profiling (Roach, 2003:180). Carter (Roach, 2003) argues the government should be targeting means, not persons; for example, preventing terrorism through monitoring means of committing a terrorist act rather than targeting people of a specific religious, racial, or ethnic group.

While this section describes the anti-terror legislation and related provisions enacted post 9/11 as well as racist practices in law enforcement, the following section links this section with the previous discussion of immigration

policy and the way immigrants and racialized populations are criminalized through these policies.

## **Securitization of the Border and Border Policing**

This section engages with issues surrounding the border. Specifically, it discusses border security and the securitization of the border. In addition, it discusses the myriad of problems for populations crossing the border.

### **A Brief History of the CBSA**

In December 2003, the Canada Customs and Revenue Agency became part of the new Ministry of Public Safety and Emergency Preparedness. The newly formed Canada Border Services Agency (CBSA) works within the framework of *IRPA* in regulating and maintaining border control. Although there was a change in the name of the agency, Pratt and Thompson (2008:622) suggest that few changes in the practices of enforcement officers actually occurred; rather, the significance of the changes lies in the way the crime – security nexus and enforcement aspect of border control are emphasized.

The mandate of the CBSA outlines their general functions in regulating the border, namely “providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation” and in doing so, attempt to “ensure the security and prosperity of Canada by managing the access of people and goods to and from

Canada” (Canadian Border Services Agency, 2008). The CBSA is also responsible for determining

whether a foreign national could become a temporary or a permanent resident; allow [a] Canadian citizen, registered Indian and permanent resident to enter Canada; direct a person to leave Canada or to return to the United States; allow the withdrawal of an application to enter Canada or refuse the entry to a person who does not satisfy the requirements of the Act; [and] authorize a person to enter Canada for further examination or an admissibility hearing (Canadian Border Services Agency, 2008).

*IRPA* is operationalized through the CBSA in order to ensure border control and security. The effect of *IRPA*, however, has gone further than protecting the safety and security of Canada.

### **The Tightening of the Border and the consequences of 9/11**

*IRPA* was designed to protect Canada from “criminals and others who would abuse Canada’s openness and generosity” and allow entry to “genuine refugees and to the immigrants the country needs” (Ibrahim, 2005:180). This language echoes the rhetoric of the 1990s which focused on viewing immigrants as criminals. Kruger, Mulder and Korenic (2004:72) argue the September 11 terrorist attacks have prompted a reversal in Canada’s immigration policies by echoing previous immigration acts in viewing newcomers to Canada in terms of preferred and non-preferred immigrants. They also purport that new national security objectives have implicitly constructed the foreign national as a threat to Canadian society (Kruger, Mulder and Korenic, 2004). Thus, in the era of the war on terrorism, *IRPA* allows immigrants and refugees to be viewed first as threats, then as criminals, and finally, as contributors to Canadian society.

Although *IRPA* was meant to protect Canadians from security threats, Wark (2006:5) suggests Canada's new border security regime will result in human rights violations through "increased sharing of intelligence; increased security enforcement cooperation and integration; and Canada-U.S. harmonization initiatives." Wark argues that through increased sharing of intelligence, particularly with the U.S., *IRPA* has the capacity to abuse human rights and lead to decreased control of intelligence data of Canadian residents (Wark, 2006). Though Wark admits these are only potentialities, the case of Maher Arar serves as an illustration of the severe consequences information sharing may have.

In 2002, while in transit in New York's JFK airport, Arar was detained by U.S. officials and interrogated about alleged links to al-Qaeda based on information provided by the Canadian Security Intelligence Service (CSIS) and Royal Canadian Mounted Police (RCMP) to the American Federal Bureau of Investigation (FBI) (Russo, 2008:302). The inquiry into these events revealed that the information shared with the U.S. authorities was inaccurate, unfair, and overemphasized his importance to the specific terrorism investigation, and that this inaccurate information contributed heavily to the serious consequences Arar faced after being detained. Thus, border policy harmonization through information sharing with the United States can have detrimental consequences not only for foreign nationals and permanent residents, but even for Canadian citizens.

Wark (2006) also outlines Canada-U.S. harmonization initiatives, which were initiated in the aftermath of the September 11 terrorist attacks as a way of securing the border and the country from threats. U.S. President George W. Bush coveted a harmonization that included immigration, customs and visa policies (Adelman, 2002). Harmonization would mean the adoption of a security perimeter, colloquially known as 'Fortress North America', which would eliminate the need for separate immigration and customs controls at the Canada-U.S. border, keeping 'undesirables' outside of the perimeter, allowing for the free flow of "the movement of low-risk goods, services and people, while freeing up resources to focus on high-risk security measures" (Pratt, 2005:200). Adelman (2002) argues this harmonization has yet to occur and that the events of September 11, 2001 have had virtually no impact on border security policy, as *IRPA* was drafted prior to the terrorist attacks. In spite of his claim, other methods of border policy harmonization have occurred between Canada and the U.S. since the September 11 terrorist attacks. Examples of this include the Safe Third Country Agreement, signed in December 2002, which constrains migrants from choosing which country they may claim refugee status. The agreement requires refugees to claim in the first 'safe' country they reach and, despite their restrictive and harsh stance on refugees, the United States is considered a safe country (Pratt, 2005:199). Gradually, other attempts at harmonization are being proposed or imposed, such as the NEXUS and FAST programs, both of which are border crossing programs aimed at facilitating trade and 'honest' travellers in a speedy fashion (Pratt, 2005:205). Although NEXUS and FAST existed prior to 2001, such

harmonization reflects the emphasis on keeping trade between Canada and the U.S. open.

Spending on border control was intensified by the Canadian government in order to ensure national security. Although the increased spending was primarily a result of the response to the September 11 terrorist attacks, known as the Anti-Terrorism Plan, the measures taken were largely incorporated into the new *IRPA* regime. The federal government allocated \$646 million specifically to border security, and even more financial resources were allocated to related sectors, including CSIS and the RCMP (Aiken, 2007; Adelman, 2002). The increased funding contributed to the new, post 9/11 arsenal of border security technologies and practices which include “[f]ingerprinting and photographing, information sharing, identity cards, biometric identification systems, document-scanning technologies, advanced surveillance technologies, advanced passenger lists, pre-clearance programs, [and] profiling” (Pratt, 2005:209).

The impact of increased border spending, new practices and new technologies translated to increased scrutiny at borders, which had negative consequences for trade and investment. The tightening of security has had massive economic implications for both sides of the border as over \$1.3 billion in goods cross over the Canada/U.S. border each day, proving costly for both sides (Andreas, 2003:93). The cost of increased border security has been higher for Canada, however, as 87% of Canadian trade is to the United States (Andreas, 2005:458; Lyon, 2006). The border has become harder to cross due to the increase in scrutiny, which has translated to longer wait times at borders and

increased shipment costs, both of which act as deterrents to exporters and investors alike (Martin, 2006). Businesses and travel are thus affected by the increased attention to security post September 11 and post *IRPA*.

In addition, Russo (2008:303-304) suggests *IRPA* allows for more economic migrants while expediting the deportation of migrants. For example, Russo (2008) describes the deportation of illegal migrants post 9/11 who had been living in Canada for over a decade, and the way the current Conservative government refuses to grant amnesty to migrant workers. The increased willingness to deport migrants and the criminalization of migrants discussed above demonstrate the “law and order” agenda of the government in regulating migrants.

### **Immigrants’ Rights and Treatment of Racialized Populations at the Border**

The government’s security strategy post 9/11 involved ordering a high state of alert and increased security at ports of entry, particularly borders and airports, and \$280 million was allocated to increasing security through new technologies and personnel (Andreas, 2003:95). Increased funding for security has translated into direct action at ports of entry. At borders, securitization has been exercised through the actions of enforcement officers and new screening practices. With new resources, the number of enforcement officers tripled, though their work load increased as well (Adelman, 2002). For example, Kruger et al. (2004) describe how, with the new *IRPA* regime, refugee claimants at the Canadian border are subject to photographing, fingerprinting, interviews, and their travel documents are confiscated. In addition, they outline how the

information collected through screening at the border is shared with the RCMP and Citizenship and Immigration Canada (CIC), and results in the foreign national becoming “an object of security to be tracked, assessed, and monitored” (Kruger et al., 2004:80). Along with an increase in screening of refugee claimants, immigrants and visa applicants were also affected by heightened security. New, tamper proof permanent resident cards were given to immigrants, who are now subject to new powers of detention and deportation under the *IRPA* regime (Andreas, 2003; Roach, 2003).

At airports, wait times have increased, as has a need for increased documentation, including the recent requirement of a permanent resident card or a passport for citizens at the U.S. border. Border initiatives include the Advanced Passenger Information/Passenger Name Record program (API/PNR), which aids the sharing of passenger and crew information mandated by *IRPA* (Lyon, 2006). Specifically, API/PNR facilitates the collection and storage of information on airline passengers entering Canada, which includes all information appearing in their reservation and travel itinerary (Pratt, 2005:203-204). In addition, under *IRPA* guidelines, CIC is able to request specific passenger information from airlines for international flights (Pratt, 2005:204). The CBSA justifies the access to this information, which is arguably an invasion of privacy, as necessary to identify travellers who may pose a threat to national security (Pratt, 2005:204).

Through these border control mechanisms, and through *IRPA*, travellers to Canada are subject to surveillance and suspicion. In short, the restrictions and surveillance travellers or migrants to Canada experience reflect a securitization of

migration. The movement toward the securitization of migration has ensured that the border experience has become one of enforcement.

The terrorist attacks on 9/11 caused Canada to question their national security, focusing on ports of entry. Roach (2003:140) argues the border security mechanisms instituted post September 11 do not necessarily protect Canada or the U.S. from terrorism, and we should not assume border control will be able to extinguish all threats. Moreover, he argues that reliance on 'human screening' rather than 'technological strategies' is problematic, as it is open to human error as well as racial, religious, or ethnic profiling (Roach, 2005:190).

Canada's new border scheme has not made significant strides in promoting national security. In spite of border security developments, a report from Canada's auditor general, Sheila Fraser, revealed that border security was ineffective and inadequate, echoing a 2004 Senate report (Lyon, 2006). Kenny (Lyon, 2006) outlines another Senate report in 2005 that confirmed the inadequacy of security at Canadian borders. Thus, despite the advancements in security and the increased cooperation with the U.S., border policy (and the changes made) has provided mostly a symbolic function, to demonstrate to Canadians and to the United States that the Canadian border is secure and keeps 'undesirables' out (Andreas, 2003; Roach, 2003). The movement to keep specific populations out echoes Canadian immigration policy since confederation, and is facilitated through the use of targeting and profiling of racialized groups.

## Summary

This chapter outlines the key issues and debates surrounding the post 9/11 climate in Canada. It demonstrates how the overt racism located in Canada's past immigration policies has excluded and regulated racialized populations based on negative assumptions and stereotypes, and how this practice extends to the present day through implicit racism in the enforcement of the *Immigration and Refugee Protection Act*. This chapter also details the way the *Anti-Terrorism Act* and *Immigration and Refugee Protection Act* are utilized to protect and maintain Canada's security, and the potential problems with these pieces of legislation. In addition, it illustrates how racist attitudes post 9/11 contribute to the negative treatment and racial profiling of racialized populations by the general public and law enforcement officials alike, and how these practices extend to the border and the way racialized populations are perceived and treated at the border. This chapter provides a basis for understanding the current policy climate, racism in Canada, and important issues surrounding the border, which informs this study's theory and method discussed in the following chapter.

## **CHAPTER THREE: THEORY AND METHODOLOGY**

In this chapter, I outline the theory and methodology which guide this study. I utilize Critical Race Theory as the guiding theoretical framework for this study. Whiteness and the concept of the white settler society are also introduced and discussed as a way of understanding racism in Canada. In addition, risk theories are linked with race to further contextualize the role of race in Canadian society.

The second section of this chapter presents the methodological framework I used for conducting this research. I outline the principal research questions that guided the study, as well as offer an explanation of why and how I used qualitative methods. In addition, grounded theory is discussed as the methodology used to justify the way data was collected, analysed and categorized. Finally, this chapter discusses the benefits and possible limitations of this project.

### **Theoretical Framework**

The overarching theory that guides and informs this research is Critical Race Theory. This theoretical approach provides an understanding of the way race and racism operate in society more generally, and in law specifically. I use Critical Race Theory to illustrate the role of racism in society and how it is embedded in all facets of society. In addition, Critical Race Theory illuminates the

importance of acknowledging the importance of race and the way it affects law and policy. The importance of race is also revealed through an examination of the norm of whiteness in Canada and how it is intrinsically linked to the systems of oppression and domination which pervade colonialist societies. In reflecting upon the history of Canada's immigration policy, a preference for white populations is evident, reinforcing whiteness as the acceptable racial/ethnic group for Canadian society. Understanding whiteness in Canada necessitates a discussion of the meaning of whiteness and how it contributes to the notion of a white settler society. I argue the norm of whiteness is created and maintained through dichotomizing racialized and white populations by constructing racialized groups as the 'Other'.

This part of the chapter also outlines how, in the post 9/11 Canadian context, the racialized 'Other' is constructed as a risk to Canadian society. I examine risk theory as it relates to race, and address the governmentality thesis. Specifically, this discussion links the concept of risk and how it is operationalized by the state to the way risky populations are regulated. In conducting this research, I investigate the notion that particular racialized groups have been deemed a risk to Canadian society, and have subsequently become marginalized through the practice of racial profiling. Thus, race is discussed not only in terms of how conceptualizations of race create an 'us versus them' dichotomy, but also how race functions in Canadian society through the overarching framework of critical race theory.

## **Critical Race Theory**

Critical Race theorists argue that although Critical Legal Studies provides a critical analysis of the law, it is not sufficient in addressing racial domination nor is it sufficiently representative of the voices of the racially oppressed (Crenshaw, 1995). As a result, Crenshaw (1995:111) argues Critical Legal Studies scholars fail to account for the ideological role of racism in society. This is particularly important, as the writings of these scholars are used by the courts, and contribute to a legal climate and a legal culture (Delgado, 1995:50). Critical Race Theory accounts for these shortcomings and reveals the way race and racism operate in society and in legal culture specifically.

Critical Race Theory provides a way of identifying and recognizing the role of racism and the way it is entrenched in Canadian society. Specifically, Critical Race theorists introduced the argument that racism is a normal aspect of society, and that it is embedded in all aspects of society, while emphasizing its role in law (Hudson, 2006). However, Lopez (2000:165) suggests Critical Race Theory does not account for what 'race' actually means. As a result, Lopez (2000:165) defines race as group of people linked together by historically contingent, socially significant factors based on their ancestry. Specifically, Lopez (2000:165) views race as a unique social phenomenon in which "contested systems of meaning serve as the connections between physical features, faces, and personal characteristics". In sum, Lopez (2000) sees race as an ongoing process whose definition is subject to the external pressures of society. Generally, race is a complex concept to define because it is often conflated with ethnicity. Historically and typically, race is attributed to biological characteristics, while ethnicity relies

on shared cultural characteristics. Maynard (1994:10) discusses the common sense assumptions which underlie the definition of race, highlighting skin colour, country of origin, religion, nationality and language as markers of a given race, which reflects definitions of both race and ethnicity. For the purposes of this study, discussions of race will reflect the above characteristics, echoing Lopez's (2000) conception of race. This section does not focus on whether race/ethnicity exists; rather, it highlights how race operates in society (Maynard, 1994).<sup>3</sup>

As noted above, Critical Race theorists primarily engage with the relationship between race and law, but they also discuss the way race operates in society more generally. Critical Race Theory investigates how a system of oppression formed and sustained on the basis of white supremacy has subordinated racialized<sup>4</sup> groups. This oppression rests upon the assumption that the domination of racialized groups and a racial hierarchy placing white interests on top is inevitable and fair (Crenshaw, 1995:112). This racial hierarchy creates and perpetuates an 'us versus them' dichotomy. Creating a division between groups in society and 'Othering' racialized groups maintains opposition between whites and racialized populations, further reinforcing a racial hierarchy. The perception that society is structured by privileging whites and oppressing

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<sup>3</sup> While there is an abundance of literature on understanding race, the social construction of race and defining race and ethnicity, I utilize this definition of race as it mirrors the way Critical Race Theorists view the concept and the importance of race in society.

<sup>4</sup> While skin colour is an important way of understanding historical and present marginalization of populations in Canadian society, it is not the only way of understanding subordination. Rather, I use 'racialization' or 'racialized populations' to describe a group of people with shared physical characteristics who are treated unequally or subjected to differential treatment, and who lack the power, privilege and prestige of the White majority (Henry & Tator, 2006:12).

racialized populations is thus crucial to Critical Race theorists.

### ***The Elements of Critical Race Theory***

Critical Race Theory has several dominant themes. Firstly, Critical Race theorists argue for a need to move beyond the existing rights analysis outlined by Critical Legal Studies. Williams (2000:81) critiques the way rights rhetoric has been ineffective in creating a useful discourse for racialized populations. However, she and other Critical Race theorists argue this rights rhetoric must not vanish. Rather, Williams (2000:84) argues for becoming “multi-lingual in the semantics of each other’s rights-valuation... seeing [things] simultaneously yet differently.” Williams (2000:85) suggests that understanding the different experiences of rights necessitates listening to the uncensored voices of racialized groups. Critical Race theorists thus argue for an understanding of the experiences of racialized populations through listening to their voices.

Critical Race Theory emphasizes the role of voice and stresses the importance of listening to the stories of racialized groups. Listening to voices of racialized populations is important in recognizing the complexities of the impact of racism. This impact is revealed by understanding the lived experiences of racialized groups (Henry & Tator, 2006; Stovall, 2006). Stovall (2006) argues that, in concentrating on the voices of racialized populations, the realities of racism and the way the principles of equality and multiculturalism in Canada operate on a daily basis can be uncovered. Similarly, Williams (2000:86) contends the way to counteract the oppression of racialized populations is to reverse the suppression of their voices. Although some mainstream critics of

Critical Race Theory argue that emphasizing voice and in particular the use of stories can be misleading and biased, the use of voice allows for the perspectives of racialized populations to be brought to the forefront. The value of voice in Critical Race Theory lies in its ability to be grounded in the experiences of oppressed populations.

Secondly, Critical Race theorists reject a “colour-blind” approach to law since such an approach would suggest race-neutrality exists rather than a racial hierarchy. The rejection of the “colour-blind” approach is crucial to Critical Race theorists, as they argue that race-neutrality ignores the complex inequalities and oppression experienced by racialized populations (Crenshaw, 1995; Delgado, 1995). Crenshaw (1995) suggests that while race-neutrality through formal equality in the law has been achieved, it has not eradicated racism. Rather, she argues that rather than focusing on race as a marker for inferiority and ‘Otherness’, now the emphasis is placed on cultural inferiority (Crenshaw, 1995:115). As a result, although equality in law is reached through race-neutrality, racial discrimination persists in a society only formally dedicated to equality (Crenshaw, 1995:116). Thus, Critical Race theorists argue the “colour-blind” approach to law and its illusion of race-neutrality must be abandoned, as it continues to maintain the systems of oppression racialized populations are subjected to, albeit in a different way.

Thirdly, Critical Race theorists aim to expose the pervasiveness of racism by analysing the social significance of racism. Understanding the centrality of racism entails an understanding of all forms of racism, in particular the systemic

forms of racism which permeate all facets of society. While this does not negate the more well known version of the white supremacy type of racism, Critical Race theorists argue the two are not mutually exclusive. Although white supremacy continues to dominate societal structure, Crenshaw (1995:111) argues that it is the more invisible, systemic forms of racism which coerce racialized populations into living in a world where their oppression is created and maintained by others. This form of racism is particularly evident in law and policy.

Matsuda et al. (Aylward, 1999) argue that oppression manifests in group advantage and disadvantage based on race. The group disadvantage for racialized populations lies in the abovementioned “colour-blind” society and race-neutrality, which makes it more difficult for racialized groups to identify and speak out against it (Crenshaw, 1995: 106). Despite the commitment to equality and race-neutrality in law, the way society and in particular the law is structured to privilege white populations not only reinforces these existing social arrangements but also convinces the population that deeper institutional change is unnecessary (Crenshaw, 1995: 107).

Lastly, Critical Race Theory argues for the need to appreciate the ways in which the law and legal practices are utilized to subordinate the interests of racialized peoples, which involves not only an understanding of the way the law oppresses racialized populations but also the power the law has to transform these inequalities (Aylward, 1999:34). Crenshaw (1995) argues that with the current illusion of racial equality being achieved through formal equality in the law, only the symbolic ways of seeing oppression and domination of the white

norm are eliminated. What remains, though, is the aforementioned hierarchical relationship between racialized groups and whites (Crenshaw, 1995:118). Bell, Jr. (1995:307) echoes Crenshaw, arguing that formal equality gives the impression of race neutrality, which allows society to believe racism has been eradicated. The notions of formal equality and race neutrality demonstrate why law is significant for Critical Race theorists, as it locates one of the crucial ways racism is entrenched in the law and used to oppress racialized groups.

Critical Race theorists also address gender in their analysis of racism in society. Specifically, feminist Critical Race theorists argue that mainstream feminist theorists neglect the role of race in gender studies (Aylward, 2002:36). Indeed, Harris (2000:263) maintains that discussing “women’s experience” as uniform neglects the role of race in women’s lived experiences. West and Fenstermaker (2002:56) argue overlooking race or class in a gender analysis provides an incomplete framework for recognizing social inequality. However, Hill Collins (2002) argues that considering race and class should not be a mathematic equation, in which race and class are ‘added’ to gender; rather, gender, race and class should be approached through intersectionality, which views individuals as occupying a social position in interlocking structures of oppression (Hill Collins, 2002:82). Understanding the way race, gender, and class intersect also illuminates how matrices of power are constructed (Abu-Laban and Stasiulis, 2000:481). Thus, exploring the interlocking systems of race, class and gender also means investigating systems of oppression (Hill Collins, 2002). Understanding the multitude of ways in which racialized populations are

subordinated in society sheds light on the way race operates in society.

### ***Canadian Critical Race Theory and Immigration***

Canadian Critical Race theorists attempt to reveal the ways in which Canadian institutions perpetuate racism, but also work to transform the mythology of the law as neutral and objective. This is particularly true in the relationship between race and immigration law.

Canadian Critical Race theorists work to expose the fallacy that Canada is a country without a history of racism. Aylward (1999:12) argues this myth has allowed for the courts to neglect the issue of race and its role in the law. Aylward (1999:43) suggests race is still a critical factor in Canada, which determines where racialized groups “could live, what they could study in school, [and] how they could earn their living... [and despite] profound changes in the law, the ‘remedial’ phase in rights policy beginning around 1980 had limited impact upon ‘race relations’ in Canada.”

Although human rights and equality legislation has been enacted in the last three decades, the legal structure in Canada and rights legislation continues to be critiqued by Critical Race theorists for not effectively fighting racism. This critique stems from two different factors, namely the doctrine of precedent which maintains the racism of the past, and the way human rights and equality law are used to perpetuate the myth that Canada is a ‘tolerant’ society (Aylward, 1999). Razack (1998:24) argues that the problem with racial inequality and rights rhetoric is that rights language masks the racist ways in which Canada has historically organized society. The idea that Canada is generally a tolerant,

accepting society not only negates Canada's racist past but also maintains the notion that the way society is structured is just.

In this way, Critical Race Theory is particularly important for the purposes of this study, as it demonstrates the way Canadian immigration law has been and continues to be utilized in subordinating racialized populations. For example, Mawani (2004) argues immigration laws in the nineteenth and twentieth centuries were used to regulate racialized groups, and in particular Chinese migrants. What is particularly important about Mawani (2004)'s argument is how the courts continued to ignore Canada's racist, colonialist past when repressive laws such as the Chinese head tax were retroactively challenged. This omission by the courts justifies Canada's racist, colonialist past and the way Chinese labour was exploited in building Canada (Mawani, 2004: 136). Not only did immigration laws exclude racialized populations from entering Canada and marginalize racialized populations living in Canada, these laws also separated racialized groups from the white populations in Canada.

The way white and racialized populations are dichotomized through law and policy demonstrates the dominance of the white populations in Canadian society. The dominance of whiteness and the white ideal raises the issues of how whiteness is connected to what it means to be Canadian, and how Canadianness is defined. In understanding the norm of whiteness in Canadian society, it is also necessary to explore the ideas upon which Canadian values were built.

## **Theories of Whiteness, Canadianness and the White Settler Society**

Discussions of whiteness enhance the framework of Critical Race Theory by considering how the norm of whiteness influences the way Canadian society is organized. The discussion of race in the previous section provides a preliminary understanding of the way white and racialized populations are pitted against each other. Understanding how and why whiteness is considered the norm in society is integral in recognizing the way race operates in Canadian society, how race has been used in building Canada's national story, and how Canadianness is defined.

### ***Canadianness: What constitutes a 'real' Canadian***

There are a myriad of ways in which Canadians define Canadianness. Howard (1998) argues that Canadianness includes Canadian rituals and institutions, and freedom and opportunity, amongst other factors, but also delineates how, in spite of Canadian pride in these institutions, symbols, freedom and opportunities, exclusion exists. Such exclusion is evident when discussing how Canadianness is defined. Although Canadianness can be defined in many ways, Simms (Howard, 1998:147-148) argues there are three groupings of people in Canada: 'Canadians' (white Canadians), 'Canadian citizens' (non-white Canadians) and Aboriginals. This grouping suggests that 'real' Canadians are white Canadians (Howard, 1998:148). Indeed, participants in Howard (1998)'s study argued Canada was a 'white man's country', and thought white Canadians were more privileged than racialized groups when discussing what being Canadian meant to them.

The difference between the treatment of white and racialized groups is

illuminated by Henry and Tator (2006), who highlight the role of a 'white gaze'. Henry and Tator (2006:39) argue this 'white gaze' affects the way the white population perceives racialized groups, and allows the dominant group to control the social spaces and social interactions of the rest of the population. A 'white gaze', then, allows for the delineation between what is right and wrong and normal and abnormal based on the standard of whiteness, and affords privilege to certain populations while excluding others. Thus, defining Canadianness is interrelated with the power relations embedded in societal institutions which privilege white culture and values (Abu-Laban and Stasiulis, 2000:480).

### ***Whiteness***

Much like Lopez's (2000) definition of race, Satzewich (2007:69) argues whiteness as a category is not homogenous, but rather is rooted in historical discourses and is constantly changing based on historical, geographic and social factors. Further, Satzewich (2007:69) suggests whiteness is a construct based on European standards, which he argues is based on political, economic and ideological struggles. Razack (1998:11) also addresses whiteness, arguing that white is the colour of domination. Looking at whiteness in this way emphasizes the importance of race in understanding Canadian society, as it delineates powerful and powerless groups.

Understanding who the dominant and oppressed groups in society are begins with an examination of who is entitled to the powerful status. Razack (1998:91) argues the basis of the entitlement to power is entrenched in historical, colonialist discourses regarding Western superiority and 'Third World' inferiority.

Such discourses are exemplified by Satzewich (2007:73), who outlines how, in spite of the way populations from the European periphery were historically seen as 'non-preferred' in Canada, they were still admitted to Canada while racialized populations from countries like India and China were not. These discourses work as the foundation for understanding the importance of whiteness in distinguishing the acceptable norms in society. In addition, examining whiteness in this way offers insight into the role of Canadian law and in creating and perpetuating a racial hierarchy.

Whiteness is defined primarily in opposition to racialized groups and vice versa (Garner, 2007:19). This is particularly true in the context of defining race. Satzewich (1998) describes defining race as a way of defining 'Others' rather than defining whiteness. Not only does Satzewich (1998:28) argue these characterizations are based on stereotypical, negative assumptions about the 'Others' social and biological capacities, but he also holds the bourgeoisie responsible for such definitions. Garner (2007:43) adds to this by arguing that the concept of race was produced and reproduced by white Europeans and their colonizing ancestors. Thus, the powerful in society were integral in upholding the notion that whiteness was 'right' and ensured their domination over racialized groups. The "rightness" of whiteness is thus enshrined in the norms of society. Garner (2007:5) argues such norms are created by the powerful (read: white) members of society who view whiteness as normal, and who measure all deviance in society based on white norms. This determines the criteria by which

racialized and white groups are judged (Garner, 2007:6). In this way, the power of whiteness is reinforced. In sum, whiteness is:

A position of structural advantage, associated with “privileges” of the most basic kind, including for example, higher wages, reduced chances of being impoverished, longer life, better access to health care, better treatment by the legal system, and so on... Second whiteness is a “standpoint” or place from which to look at oneself, others and society. Thirdly, it carries with it a set of ways of being in the world, a set of cultural practices, often not named as “white” by white folks, but looked upon instead as “American” [and Canadian?] or “normal” (Frankenberg, 1993:52 as cited in Satzewich, 2007).

Immigration policy and border control draw upon these assumptions about race in particular. For example, Razack (1999:160) argues the policing of the border is intrinsically linked to the policing of racialized populations already inside the border. Specifically, she suggests policing racialized populations identifies who is trustworthy in society (Razack, 1999:160). Assumptions about trustworthiness affect the treatment of racialized groups at the border. As racialized populations are deemed untrustworthy in society, it would logically follow that border officials would work on this same assumption at the border. Razack (1998) also suggests the decisions made by immigration enforcement officers are based on power, characterizing the border experience as an experience which delineates the line between the powerful and powerless. Specifically, Razack (1998:88) argues that in Canada the powerful are always from developed countries and are white, while the powerless are from developing countries and are typically racialized. Most importantly, the power of whiteness is derived from the colonization of Canada and the ways in which European colonizers imposed the Eurocentric standpoint as the norm, and white

experiences as representative of all peoples. This imposition of white ideals is best understood through the concept of the “white settler society”.

### ***The White Settler Society and the Hegemony of the White Ideal***

The way immigration policy has been utilized in the past to subordinate racialized populations was addressed in Chapter 2. However, what is absent from previous discussions is the ideological basis for these immigration policies and the exclusion of racialized populations. This can be illuminated through the concept of the white settler society. Razack (2007:74) defines the white settler society as a society that is established by Europeans on non-European soil, and whose origins lie in the displacement and genocide of Indigenous populations. While the story of Canada is built upon the notion that Canada was peacefully settled, Mawani (2004) argues that Canada’s national story is both colonialist and racist. The dominant way of understanding Canada’s history is that white people came first, and that they were the original inhabitants who then developed the land (Razack, 2007:74). Razack (1999:176) also describes this national story as envisioning Canada as an empty land unblemished by conquest or spilling of blood. This national story is based on colonialist assumptions of a superior white civilization encountering the savagery of African and Aboriginal peoples (Razack, 2002:203). As well as than establishing whites as the creators and builders of Canadian society, the white settler society demonstrates who does and does not belong to the nation. The systemic nature of racism in Canadian society coupled with the Canada’s national story identifies who is worthy of being Canadian, a message which is repeatedly retold in Canadian courtrooms, Parliament, the

mass media, and the educational system.

The racist origin of the white settler society challenges the common construction of white colonizers as peaceful builders and benevolent protectors of Canadian society. Mawani (2002) argues Canada's colonizers used the law to exclude and/or further disadvantage peoples of colour entering and residing in Canada. For example, Mawani (2002) argues the liquor provisions in the *Indian Act* were used to control racially mixed and Aboriginal peoples. Mawani's (2002) argument is particularly relevant in understanding how the white settler society was maintained, as it preserved and secured white spaces for the colonizers. In this way, the law was used to defend the interests of white people (Razack, 2000). This echoes the work of Critical Race theorists who also see the law as upholding a racial hierarchy which places white peoples at the top.

The impact of the white settler society is evident in the racist practices exercised through the laws at the border. The new national story that emerged in Canada in the 1990s is the story of a nation under siege by foreigners. This revised story involves people attempting to enter Canada as immigrants or refugees and subsequently taking advantage of Canada's generosity by entering illegally (Razack, 2002). This story is also intertwined with the notion of agency, namely that migrants freely choose to come to Canada. Mawani (2004) argues the mythology of the white settler society constructs immigrants as exercising agency in their decision to immigrate to Canada rather than recognizing that many are forced to leave their country of origin. She contends this emphasis on choice "erases the historical and contemporary influences of colonialism,

imperialism and globalization, and how these geopolitical processes have shaped and continue to influence international migration” (Mawani, 2004:129). In sum, Mawani (2004:136) suggests the notion of immigration as choice neglects Canada’s colonial, racist origins.

Misrepresenting the reasons why people migrate is not the only way the mythology of the white settler society negatively impacts migrants. Razack (1999:177) argues that in constructing Canada as a generous and kind nation, repressive immigration regulations were able to be ushered in. Such legislation assumed those who deserved to enter Canada were able to, and those who were not were undeserving and duplicitous (Razack, 2002:202). As a result, there is the assumption that migrants are taking advantage of Canada’s kindness. This story translates to the state having to defend itself from untrustworthy and thus risky populations, which justifies overtly racist policies (Razack, 2002:203).

### **Risk Theory**

The securitization of migration is fundamentally linked to the notion of risk and risky populations. For the purposes of this research, risk manifests itself in the label of ‘risky’ attributed to particular groups following September 11. This risky label correlates with the notion that race has become an aggravating factor in racialized populations’ border experiences after September 11. Tanovich (2006:1) suggests justice is not colour blind in Canada, and that the colour of justice is, in fact, white. As a result, he argues racialized populations face an increased risk of attracting law enforcement (Tanovich, 2006:2). The way racialized populations are targeted by law enforcement officials implies that

racialized groups are seen as risky in some way. This riskiness extends not only to citizens of Canada but also migrants to Canada.

### ***Risk, Racialization and Danger***

Identifying risky groups in the post 9/11 climate is linked specifically to a culture of fear following the terrorist attacks. This culture of fear popularized the notion that all Western countries were at risk of attack. This risk of attack on Canadian soil furthered stereotypes and negative assumptions about racialized populations. Berrington (2002:53) suggests the risk of attack created the basis for identifying a risky population:

In relation to the possibility of future attacks, there were a number of distinguishing features to 'assist' in identifying potential enemies, based on nationality, perceived identity, culture and the politics of appearance. Were people whose ethnic origins were Middle Eastern 'trustworthy' or were they 'enemies within'?... Which was the defining influence that would guide their actions and cement their loyalty- nationality or religion?

Berrington (2002:53) claims that the post-September 11 world created conditions ripe for racism, where the "rhetoric and fear of 'strangers in our midst' are invoked." Berrington's concept of 'strangers in our midst' echoes the notion of the 'Other' and the 'us vs. them' dichotomy outlined by Critical Race and risk theorists alike.

Risk can be understood as a culturally specific notion, which distinguishes between the self and the outsider, or 'Other', in a given society (Douglas, 1992). Risk then becomes political through the blaming of an already unpopular population (Douglas, 1992:5). Blaming of an 'unpopular population' also correlates with risk through the identification of risky groups, who are

subsequently singled out as dangerous. According to Douglas, the risky 'Other' poses a threat to the individual and to the community. The identification of this risky 'Other' is based on cultural assumptions, namely the shared norms and expectations of the majority. In the context of Canada, the risky 'Other' is identified through the norms of the white majority. Smith (2007:14) outlines the grouping of South Asian, Muslim, and Arab populations as the recipient of the risky label post 9/11. Such a label manifests from the perception that these groups could be the 'terrorist enemy', which invokes notions of a "dangerous foreigner in our midst" (Smith, 2007:18). Thus, risk correlates with danger, and is inherently linked to racialized populations in Canada.

To this, Mythen and Walklate (2006:390) argue that the 'war on terror' has labelled entire countries as deviant, justifying various authoritarian measures, including "punitive restrictions against asylum seekers, illegal detention and unwarranted forms of surveillance." Further, Mythen and Walklate (2006) argue the countermeasures to respond to the 'war on terror' are not based around the potentiality for offending, but rather focus on characteristics such as birthplace, skin colour, and religion. Thus, one's ethnicity or race becomes a rationale for targeting, as long as they identify with a country that is deemed risky (Mythen & Walklate, 2006).

Douglas (1992) argues that by associating risk with dangerousness, risk has become an inherently negative construct. This is evident in immigration and anti-terror policies enacted post 9/11 to the extent that such policies were created to protect the Canadian population from danger or a threat of terrorism. Indeed,

Angel-Ajani (2003:435) argues migrant populations are subject to heightened levels of suspicion, hostility and criminalization based on state sanctioned practices. Practices such as racial profiling are now routinely employed by immigration officials and other government institutions to control racialized groups (Henry and Tator, 2006:17). Henry and Tator (2006:17) assert that the practice of racial profiling is used not only to preserve but to also strengthen systems of white privilege and social control. This speaks to the way past immigration policy has been used to preserve whiteness as the norm, and how current discourses around immigration construct immigrants as criminals (Angel-Ajani, 2003:435).

### ***Risk and Governmentality***

The marginalization of racialized populations is a product of many different institutions, but is particularly influenced by the government, and specifically state institutions. While the racist history of Canada's government policies has been previously discussed, current policies and practices continue to manage racialized populations through indirectly influencing individuals to voluntarily comply with the interests of the state (Lupton, 1999:87).

According to Foucault (1991), the government influences self-government but does not always influence or infringe upon the population directly. Rather, Foucault (1991) suggests the government creates a system of expert knowledges which provide a basis for populations to be monitored. These knowledges are emphasized by the modern liberal government to achieve voluntary self-discipline of the citizenry in order to maintain societal order

(Lupton, 1999:4). In doing so, the government is able to arrange its tactics to manage its population (Foucault, 1991:95). Although Lupton (1999:87) notes governmentality includes both direct, coercive strategies as well as voluntary conformity to the interests of the state, direct measures are less prevalent. Lupton (1999) argues self-regulation of the citizenry is paramount to an understanding of governmentality in the context of modern liberal governments. Thus, governmentality involves not only the state and the tactics and techniques they employ in disseminating expert knowledges to manage the population, but also the citizenry's actions. Rather than the exercise of power tying directly to the government, power works through the matrix of governance, and through the different tactics employed by the state (Foucault, 1991).

Lupton (1999) expands on ideas of governmentality by explicitly linking it with risk. Lupton (1999:4) argues members of society are controllable through the notion of risk, as risk is used as a tactic of disciplinary power by the government. These tactics mean the general population are subject to observation and are managed to ensure conformity to the norms of society, and those who deviate from the norm are deemed 'at risk' (Lupton, 1999:5). Surveillance, then, is a pivotal aspect of ensuring self-government. However, surveillance is not necessarily linked to what people do, but rather what they look like.

Henry and Tator (2006:28) argue surveillance is used to criminalize specific groups rather than specific actions. Indeed, Pratt and Thompson (2008:627) contend crime and security have become conflated, particularly in the context of the border. The need for security and management of risky groups to

prevent crime (read: terrorism) translates to the identification and surveillance of these populations to prevent criminal behaviour. Henry & Tator (2006:28) suggest this surveillance allows for the creation of a racialized 'Other' because whites are not subject to the same constraints and perceptions of danger as racialized populations. Pratt and Thompson (2008:631) suggest the CBSA works to assess risk at the border, but in doing so, uses racialized risk assessments based on race, nationality, ethnicity and culture, which informs the discretionary decision making of enforcement officers. Thus, as Lupton (1995) suggests, risk, and therefore risky subjects, are not only affected by the dissemination of discourses about riskiness and but are also controlled through risk management techniques.

Lupton (1995) also addresses how personal responsibility corresponds with risk and self-government through individual management and avoidance of risk. The responsibility is placed on the individual to self-regulate by avoiding and/or managing their exposure to risk. To this, Tanovich (2006:109) argues Arabs and Muslims in particular are hesitant to report any "state misconduct" for fear of being labelled a terrorist and thus a risky person both to the community and the general public. Self-government is also linked to the risk discourses surrounding the terrorist threat. Expert knowledges constructed by governmental agencies are disseminated through the state, the media, and other forces, creating a discourse around terrorism, which, as previously discussed, inform enforcement decisions at the border. This discursive strategy, as employed by the state, perpetuates fear amongst populations, which coerces members of

society to conform and to self-govern. Mythen and Walklate (2006:124) argue the information provided by the government has “served to individualize the risk of attack, focusing on the functions and responsibilities of citizens rather than the security duties of the state.” Thus, discourses of terrorism can also lead to self-government, through the identification of what poses a risk to society.

### **Summary of Theoretical Framework**

This section engages with the way race operates in Canadian society, and relates the theoretical frameworks of Critical Race Theory and the white settler society to the way immigration policy and notions of riskiness affect immigration enforcement at the Canadian border. The concepts discussed in this section are interlocking and important in understanding the experiences of racialized populations at the border. The way racialized populations are constructed within the framework of the white settler society and the way they are constructed as risky reflects the maintenance of an ‘us versus them’ dichotomy. Through this ‘Other-ing’, it becomes apparent that racialized populations have become a group to be feared, and thus a group that is deemed risky and in need of surveillance and control. Therefore, the relationship between racial identity and notions of risk highlight the ways in which particular groups are subject to negative labels and are regulated in order to minimize riskiness to society.

### **Methodology**

This section provides an explanation and justification for the way in which this research was conducted. It outlines the specific research questions which

guided the research, as well as the way the data was collected and analysed.

This section also considers the benefits and limitations of this study.

### **Research Question**

The goal of this research is to explore the experiences of racialized populations post September 11, 2001 through their encounters at the Canadian border. Specifically, I am interested in how new and/or changed federal governmental policies may contribute to these experiences. This research is based on the question: How have racialized populations experienced immigration enforcement at the Vancouver airport and border crossings near Vancouver as a result of changes to the *Immigration and Refugee Protection Act*? Thus, the purpose of this research is to illuminate the impact of immigration enforcement, if any, on racialized populations entering Canada.

### **Methodological Approach**

I chose a qualitative approach rather than a quantitative approach for conducting this research for several reasons. Firstly, I privilege qualitative methods because in the current context, qualitative research in the social sciences prioritizes and facilitates “critical conversations about democracy, race, gender, class, nation-states, globalization, freedom and community” (Denzin & Lincoln, 2008:3). In particular, issues of race, community and globalization’s impact on borders are of importance in this study. Secondly, a qualitative approach focuses on lived experiences which is crucial in understanding encounters at the border for racialized populations. A qualitative approach allows

for in depth contact with the participant in order to obtain a nuanced and specific understanding of these events.

On the other hand, the quantitative approach, as described by Lincoln and Denzin (2008:14-15), focuses on an understanding of a phenomenon through measurement and analysis of relationships based on variables rather than processes, concentrating on cause and effect relationships and quantifying data into generalizable findings. In addition, Silverman (2000) states that quantitative research claims to be value free. However, qualitative research methods not only reject this notion, but also emphasize the relationship between the researcher and the subject (Denzin & Lincoln, 2008:14). As I identify as a person of colour, and have travelled across the Canadian border post 9/11, I chose the qualitative method because I am connected to the subject matter. Moreover, qualitative methods allows for the collection and generation of data that is unavailable through other methods of inquiry (Silverman, 2006:43). Thus, I undertook a qualitative approach in data collection and generation strategies in this study, as qualitative methods are more oriented toward understanding peoples lived experiences, histories, and behaviour (Silverman, 2000).

With qualitative methods, the data that is generated and analysed can allow for an organic creation of a concept or theory. In this way, the analysis of the data provides an explanation for a given phenomenon (Mason, 2005: 180). This method of inductive reasoning, known as Strauss and Corbin's grounded theory, provides the basis for the analysis of the data for this study (Crewswell, 2003; Reinharz, 1992).

Glaser (1978) describes grounded theory as a method of inquiry which allows for theories to be created, rather than entering research with a preconceived notion of the result, or specific categories in which the research needs to fit. Rather, he argues the researcher must remain open to what transpires, and must not limit the data to fixed biases or hypotheses (Glaser, 1978:3). Grounded theory allows for the researcher to use the generated data to determine the “theoretical agenda” (Dey, 1999: 4). Through this agenda, the researcher is meant to employ “theoretical sensitivity”, by which the emerging categories are compared and the relationships, similarities and difference are analysed (Creswell 2003; Dey, 1999; Glaser 1978). Thus, for the purposes of this study, grounded theory requires the data collected to inform the explanations and theories which emerge from the study within a flexible, unbiased framework. Grounded theory often necessitates the use of interviews, and in particular, open-ended interview studies regularly use grounded theory because of its use of inductive reasoning (Reinharz, 1992:18).

## **Research Method**

Reinharz (1992:19) explains that open-ended interviews generate unique information which allows researchers to study and acknowledge similarities and difference between participants. Interviewing also allows for recounting life events, which helps in making sense of past experiences (Seidman, 2006:8). The use of interviews, or “conversations with a purpose”, created a comfortable, free flowing dialogue which allowed for an understanding of individual experiences, as well as the differences between (Mason 2005:62). Interviewing proved to be the

best way of generating data for this study, as interviewing is an excellent way to discover people's stories and the meaning they make of their experiences (Seidman, 2006).

Open-ended, semi-structured qualitative interviews were chosen because they were thought to provide more in depth, significant information that could not be obtained by other methods. Interviewing as a research method is also valuable as participants cannot always be observed directly, as is the case in this study (Crewswell, 2003:186). Additionally, as a researcher, conducting qualitative interviews allows for the interviewer to manage the types of questions asked, and to guide the interview process. Although a common criticism of qualitative interviewing argues the researcher may bias the participants' responses, this can be remedied through understanding the complexity of the social interaction that is the interview process and understanding the context and situations in which the interviews are conducted (Mason, 2005:65). The interviewing process is also useful, particularly in the context of Critical Race Theory, in that it can produce narratives and act as storytelling tool in understanding participants' experiences of racism (Parker & Lynn, 2002:11).

### **Data Collection**

To respond to my research question, a small set of semi-structured qualitative interviews were carried out. The participants for this study were accessed through snowball sampling. Snowball sampling was chosen in order to collect a rich sample of experiences, and was an effective way of locating individuals who were otherwise difficult to gain access to or contact, particularly

those anxious about public exposure (Ulin et. al, 2005). I contacted numerous immigrant, refugee, and multicultural groups, as well as community organizations, activist organizations, and language schools in the Greater Vancouver Regional District. Word of mouth through friends, colleagues and acquaintances proved to be the most useful method, as most participants were located in this way. There was no one particular way in which participants were recruited; rather it was through a multitude of efforts that this sample was located.

Each interview followed an interview schedule (see Appendix A). The interviews were tape-recorded, and ranged from fourteen to fifty-five minutes, with the majority taking approximately twenty-five minutes. Having experience at the border and knowledge of the issues addressed in the interview schedule, my role as an insider, or “knowledgeable stranger” allowed for “shorter, more focused interviews than researchers in unfamiliar terrain” (Reinharz, 1992:26). All participants signed an informed consent form, and I assigned pseudonyms to each interviewee to ensure confidentiality.

Although this sample includes only fourteen interviews, a representative sample of participants from different class, gender and racial categories were located. The criterion for inclusion in the study was people who had crossed the border into Canada after IRPA was enacted. Although border crossings are typically conceptualized as physical borders, like the Canada-US border, for the purposes of my thesis I considered ‘border’ to include both ‘artificial’ borders such as airports and ‘geographic’ border control sites with the United States (Lyon, 2006).

## Data Analysis

My data analysis strategy involved reading my data literally, interpretively and reflexively. After transcribing the interviews, I performed a literal reading of the interviews as a way of understanding the literal content of the materials and the words and language used. I then conducted an interpretive reading with the aim of constructing or documenting what I think the data means or symbolizes (Mason, 2005:149). As a person of colour who has travelled across the Canadian border both by land and through air, I am aware of the potential problems that may arise. As a result, I believe my role cannot be separated from the research process, and that my personal beliefs and experiences affected both the development of the project and the generation of the data. It was thus important that I incorporated a reflexive reading of my data into my analysis in order to understand my perspective in the process of interpretation and generation of data (Mason, 2005:149). I performed multiple readings of the interviews in order to gather themes with an end goal of conducting a thematic analysis of the interviews. I did not necessarily look for commonalities in experiences, but instead used my thematic analysis to uncover the experiences of racialized populations at Canadian borders in the post September 11, post *IRPA* climate. Overall, I performed a manual, thematic analysis of the interviews, creating categories organically as they arose. Through this analysis, I employed an inductive approach in order to build theories from the data, following the principles of grounded theory (Gustavsson, 2007).

## **Benefits and Limitations of Study**

Williams (1971:385) attests that the interview process, while integral to understanding the views of individuals, can also be bias laden, and the process of interviewing must be examined in order to minimize biases and maintain validity. As previously stated, I acknowledge that, as a person of colour, and as a person who has had multiple positive and negative experiences at the Canadian border, it is difficult to separate myself entirely from the interview process. I acknowledge this potential bias and, when interviewing, worked to conform to interview norms. Moreover, working from a bottom-up grounded theory framework, an active attempt was made to remove bias from the interview process in order to allow the participants to dictate explanations and theories regarding the border experience.

Another key methodological limitation is the size of my sample. Interviewing fourteen participants translates to a lack of depth of knowledge and experiences, and thus limited data. In order to address these problems, it would have been necessary to interview a significantly larger population. Given time and financial constraints as well as the relatively limited scope of a Masters level study, it would be difficult to access a larger population for the purposes of this study. In addition, the problem of accessing participants would have also created considerable problems in reaching a larger, more diverse group of participants. However, this study serves as a preliminary exploration into the field of the border experience in Canada, and provides a snapshot of how this experience affects racialized populations in Canada. Thus, the end result of the data analysis

is not a generalizable set of findings, but rather gives insight into the experience and provides a basis for future research.

In spite of these limitations, this study provides insight into the border experience in a way that has not previously been addressed. Specifically, it highlights the types of experiences racialized populations have at the Canadian border in more specific terms, such as time spent at the border and treatment by border officials. In addition, it provides insight into how racialized populations assess post 9/11 Canada and their treatment by law enforcement officials. In short, the principal benefit of this study is how it addresses realms of experience that have previously been ignored.

While much has been written about changes at the Canadian border in the wake of the September 11 terrorist attacks, there is a lack of literature and little empirical data on the lived experiences of racialized populations at the Canadian border, particularly on the west coast. In addition, there has yet to be a study which links the historical context of immigration and racism with recent changes in immigration and national security policy, and how it impacts the experiences of racialized populations at the Canadian border. This study contributes to the literature by providing an account of the experiences of racialized populations at the Canadian border. In addition, this study focuses not only on perceptions of Canadians post 9/11, but also the observations of racialized populations in the post 9/11 context. This research is useful in order to begin developing a more nuanced understanding of the way 9/11 has affected racialized populations, particularly in terms of the Canadian border experience.

## **CHAPTER FOUR: DESCRIPTIVE ANALYSIS OF PARTICIPANT INTERVIEWS**

This chapter outlines the findings of the data compiled from the qualitative interviews conducted. Specifically, this chapter provides an overview of the participants based on a literal reading of the transcripts. Their racial/ethnic background, religion, class background, citizenship or status in Canada, amongst other personal factors are provided. This chapter also discusses their specific border experiences including the type and nature of their border experiences, perceptions and incidents of racism in Canada, as well as their insight and the impacts of living in Canada post 9/11. The content of this chapter is descriptive in nature, and provides a basic understanding of the variety of responses to the different types of questions asked throughout the interviews. Patterns in responses are identified to highlight the commonalities and differences between responses. While this is not an in-depth analysis of the interviews, it provides a base understanding of the types of experiences people of colour have had at the border and in Canada post 9/11.

### **Characteristics of the Research Participants**

Seven men and seven women were interviewed for the purposes of this study. The ages of the participants ranged from twenty-two years old to fifty years old. Eight participants were between the ages of twenty-two and thirty, with the rest between thirty-one and fifty years of age.

Participants were asked to identify their class background, and the majority of participants self-identified as middle class; however, three identified as working class, two as upper-middle class, and one as upper class. Citizenship also varied between the interviewees, of which seven were Canadian citizens. Interestingly, only two of the participants were born in Canada. Of those who did not have Canadian citizenship, countries of citizenship included Taiwan, Mexico, Turkey, Kuwait, Iran, and Korea. The immigration status of the non-citizens varied as well, with two participants identifying themselves as permanent residents, three were in Canada on a student visa, and two were visitors to Canada, having been here for less than one year.

The duration of residency in Canada fluctuated between participants. Five participants had been in Canada for less than one year at the time of the interview. The other nine participants had lived in Canada for at least two years, with seven having lived in Canada for at least ten years.

Two participants were born in Canada, while the remaining twelve listed a variety of countries of birth, which are outlined in Table 4.1.

**Table 4.1: Countries of Birth**

<b>Country of Birth</b>	<b>Number of Participants</b>
Canada	2
Taiwan	3
Korea	1
Iran	5
Mexico	1
Turkey	1
Egypt	1

Other countries of residence listed by the participants included Germany, Japan, England, Hong Kong, Malaysia, Denmark, Singapore, Spain, France, Lebanon, Australia, and China.

Seven of the participants did not identify as religious; they responded 'no religion' when asked about their religious background. Three of the participants explicitly identified as Muslim, while one discussed being raised Muslim but did not have a religion now. Two participants identified as Buddhist, and one as Catholic.

In terms of race/ethnicity, five participants identified as Iranian, three as Taiwanese, and two as Punjabi. The Turkish, Mexican, Egyptian, and Korean participants were the only representatives from their respective racial/ethnic groups.

## **Border Crossing and Modes of Travel**

Highlighting the regularity of travel and mode of travel is important in understanding the breadth of experiences the participants had at the border. The number of experiences at the border varied significantly between participants, as seen in Table 4.2.

**Table 4.2: Travel across the Canadian border between October 2001 and June 2008**

<b>Frequency of travel across Canadian border</b>	<b>Number</b>
Once in total	2
Twice in total	3
Three times in total	1
One-two times/year	5
Three-four times/year	2
“Not much”	1

Many participants had difficulties separating prior and post 9/11 experiences, as well as the difference between the American and Canadian borders.<sup>5</sup> Seven participants had crossed the Canadian border at least once prior to 9/11, four of whom had traveled at least once a year.

In terms of the first border crossing post 9/11, six participants travelled within a year of 9/11, and eight in total had travelled within three years. The other participants had travelled at different times between late 2005 and March 2008. This is important in understanding the range of experiences at the border and perceptions of changes in the post 9/11 climate. It also gives an indication of the effect of *IRPA*, as all of the participants travelled at least once after the legislation was implemented.

Participants' mode of travel also varied, with some travelling only by air, by car, or a mixture of methods. Half of the participants travelled using at least two different modes of travel. Three participants in this latter category noticed a difference in their border experiences based on their mode of travel, particularly

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<sup>5</sup> When discussing their first border experience post 9/11, many participants struggled in recalling when and where they crossed the border, and on which side of the border they had difficulties. In addition, several participants initially discussed the problems at the American border when asked about their experiences at the Canadian border and had to be prompted to discuss Canadian borders and immigration enforcement in Canada.

between the airport and land crossings. All three viewed land crossings as more difficult. Participants also discussed being stopped more at land crossings and having their car and luggage checked. However, the majority of participants did not change their mode of travel based on their experiences at the border.

Past experiences at the border had an impact on some participants in terms of their decision to travel in the future. Three respondents discussed how they regulated their travel to the United States based on their negative experiences at the American border. The harsh treatment they spoke of highlights the stronger enforcement practices by American border agents. Martin (2006:16) describes how the border policy enacted post 9/11 in the U.S. has ensured stricter standards for all travellers, including countries such as Canada, Bermuda and Mexico who previously did not require a passport to cross the border.

On the other hand, four participants were negatively affected by experiences at the Canadian border, and restricted their travel outside of Canada as a result. These responses speak to common concerns of being targeted by law enforcement officials as reported by racialized communities (Tanovich, 2006:109). Specifically, three participants discussed how they "... don't travel that much" (Natalie) or that they "... try to be more [careful]" (Oliver) or that they try to stay in Canada. Thus, some participants reported self-regulating their travel based on their past experiences at the border, supporting Tanovich's (2006:111) claim that post 9/11 racialized populations are fearful they will be stigmatized.

## Perceptions of the Overall Border Experience

The perceptions of the participants' overall border experience fluctuated. Four participants saw their border experience as positive, with one respondent specifying that his experiences at the border have always been positive. The others described their experience as neutral or negative, with a few having both positive and negative experiences.<sup>6</sup>

Interesting similarities emerged from the initial discussion of the participants' border experiences. Four of the participants stressed the importance of line ups at the border, and that the wait times factored into their overall experience in a negative way. The problem of wait times are echoed by Martin (2006) and Laxer (2003), who discuss the traffic at land crossings as slowing to a virtual standstill in the immediate aftermath of 9/11, which affected both travel and trade. Laxer (2003:306) also acknowledges the time in line ups lessened as time passed, but the diligence of border officials continues to cause delays, particularly at the Peace Arch crossing bordering Surrey, British Columbia and Blaine, Washington. Another significant similarity involved the border officials asking further questions after the initial encounter. Two participants discussed being questioned while waiting for their luggage at a Canadian airport, with customs officials just kind of pretending that they're casually asking you questions (Dana).

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<sup>6</sup> The interviewer and participants typically defined a positive experience as when they were treated in a friendly, respectful manner by border officials and did not encounter problems of any kind. Negative experiences were characterized by factors such as long wait times, being questioned more than usual, and not being treated with respect, for example. Neutral experiences were border experiences which were neither explicitly positive nor negative.

Both participants expressed the feeling of being treated with suspicion during these encounters. Overall, three participants echoed this feeling, and categorized their border experience as negative because of this air of suspicion. Pratt and Thompson (2008:624-627) argue such suspicion is embedded in current CBSA practices, as enforcement officers routinely assess risk based on a “protectionist logic” which identifies and excludes through the use of racialized risk knowledges.

In responding to what was particularly positive or negative about their border experiences, participants highlighted the length of time spent at the border, the way they were asked questions, and the way they were separated from others as negative. Two participants discussed their negative experiences by suggesting that if the group travelling is comprised primarily of people of colour, it usually takes longer to pass through the border. Hank discussed race in the characterization of his border experience, explaining

at the borders, those officers were only questioning people with a colour... All the people they stopped and questioned were Asian, either Asian, Indian, or let's say dark people. I have never seen a police officer stopping or asking questions to a white person there.

Hank's statement echoes Smith (2007:132), who describes border practices as subjecting Middle Eastern and South Asian populations to “differential and discriminatory treatment”. In addition, Smith (2007:133) recounts how people of African descent are routinely stopped at the border, and at a significantly higher rate than whites. Conversely, others saw their border experience as normal, using words like ‘typical’, ‘good’ and ‘consistent’. Thus, amongst the participants interviewed, there was no one typical experience at the border, although race

was highlighted as an aggravating factor in the border experience.

Though the above responses were mixed, most (nine) participants thought their racial, ethnic or religious background impacted their treatment at the border.

Hank notes how border officials were ignorant of his Turkish background:

if those people don't know the difference between Turkey and Iran, or between Turkey and Saudi Arabia, they might treat you the same way, they might say both countries, both are Muslim so we have to be a little careful.

This perceived ignorance is reaffirmed by Pratt and Thompson (200:629), who describe how enforcement officials conflate different nationalities when assessing risk at the border. What is arguably most important about these practices is the way in which stereotypes about racialized populations are operationalized at the border, which echoes Hank's suspicion that border officials are not knowledgeable about the nuances between racial/ethnic groups. These practices also manifest in another common response from the participants, where they note they were being asked different questions at the border because of their racial, ethnic or religious background. Wortley and Tanner (2004:369) argue that the practice of racial profiling translates to racialized groups being subject to higher levels of scrutiny by law enforcement officials. For example, Nancy characterized border officials as being "more inquisitive" when they realize Canada is not her country of birth, that

as soon as they look at your passport they're like 'Oh, you were born in Iran'. Here we go. Right? So it's on both sides, they do it on the U.S. side, they do it on the Canadian side too.

Although increased scrutiny by border officials was a common link between several participants, some participants believed the reason for the

increased attention was their racial, ethnic or religious background. For example, three of the participants discussed ease of entry for other racial/ethnic groups compared to their own, and how they perceived this to be unfair. This led participants to believe that certain racial/ethnic groups had less difficulty travelling than other racialized groups. Specifically, two participants felt it was much easier for Japanese people to enter Canada than it was for Mexicans or Koreans. In a similar vein, immigration to Canada generally was also mentioned as a contentious issue, because it was easier for people from particular countries to immigrate. For example, Hank stated

if you check... countries or the times, how long it takes for a person who wants to come from Germany or from Iran to Canada, or from Turkey to Canada, or from let's say Bulgaria in Europe to Canada, you can see that there is a big, big gap between the length of the time. So usually, the immigration in fact, is a very good proof that there is discrimination in Canada.

These participants' assessments are confirmed by Smith (2007:132) who details a Canadian Council for Refugees report which argues that refugees from Kosovo receive favourable treatment in comparison to refugees from Middle Eastern and South Asian countries. In this way, white populations are pitted against racialized populations in terms of ease of entry.

In spite of the participants' perception that race and racism are a factor at the border, their responses were inconsistent when discussing treatment received by border officials. Pratt and Thompson (2008:625) describe enforcement officers' self identification of their behaviour as preventive, considerate and kind. Six respondents echoed the enforcement officers' descriptions of their behaviour at the border, saying they were treated well and/or

in a respectful way, with an additional two seeing the border officials as professional. However, professionalism was not necessarily defined as positive, as Theresa describes border officials as

[a]t times, not very compassionate or very conscious. But generally I would say professional.

At least three participants thought the border guards were disrespectful, using words such as 'judgemental', 'apathetic' and 'gruff' to describe border officials. In addition, three participants explicitly stated they were not treated with respect by border officials, which contrasts with other responses. Thus, while border officials identified as being professional and protective of Canada's interests, the participants did not uniformly agree that border officials were protective of *them*.

## **Conceptualizations of Racism in Canada**

The participants gave mixed responses when they were asked if they thought Canada was a racist society. It is important to first address how the participants defined and operationalized racism before discussing their perceptions of racism in Canada, as it provides the context for their discussions. Racism was understood by the participants primarily through skin colour and 'difference', with the word 'different' being mentioned by almost all participants.

Difference was discussed in a variety of ways. For instance, Anthony discussed racism in terms of when people do not accept difference:

any kind of difference, maybe skin, colour skin, or your nationality or the way that you speak.

Other participants used difference based on race or skin colour as a way of defining racism. For example, Nancy defined racism as

treating someone differently because of their colour, race, or where they were born, or their accent... and it's not just treating them differently I think it's thinking about it differently too. You have different standards based on where a person was born, if you're European or non-European.

These definitions correlate with Maynard's (1994:10) conception of race, whereby skin colour is not the only way of defining race; rather, it is one of many factors including nationality, language, and religion.

Moreover, participants linked racism with inequality in terms of disadvantages in education or job opportunities. The disadvantages people of colour experience in all facets of Canadian society is best summarized by Henry and Tator (2006), who address racism in Canada in the historical context, but also in the way it is embedded in all institutions in Canada, including the public sector, educational and cultural organizations. To this, Theresa also discussed inequality, but linked it to power structures in society. For her, racism occurred due to

institutional power dynamics that limit or... impact in a negative way how an individual can walk in the world and the treatment that they receive (Theresa).

While the participants discussed racism in several ways, the commonality between all participants was that racism was based on a difference from the norm of whiteness. This is emphasized by Razack (1998:11), who characterizes whiteness as the colour of subordination and domination, reinforcing the powerlessness of racialized populations created by colonialism. Thus, for the participants, racism was linked to nationality, culture, skin colour, and involved negative and differential treatment based on these factors. This overarching definition provides a background for the way the participants viewed racism in

Canadian society.

Five of the interviewees thought Canada was a racist society, while five others thought it was not, or they mostly disagreed with that view. The responses in this category varied greatly, as perceptions of racism and how it manifests in Canadian society were diverse. Half of the participants disagreed with the notion that Canada is a racist society, but in different ways. Overall, these participants acknowledged the existence of racism, but did not see it as a problem because it was worse elsewhere. Hank described how

[r]acism exists in... English speaking countries and it is at extreme rates... I've been to Australia, I've been to England... Compared with these countries, for example, Canada has a better place. I mean, racism is not as problematic as it is in those countries but still, you can see, you can see it, I mean, you can see it, you can feel it.

Another participant agreed racism was not as bad in Canada as other places, and went further to say that racism was normal, and that it is innate to every society. Other participants responded in similar ways, by noting how Canada was not as bad as the United States, or that racism was more obvious south of the border. Specifically, Nancy discussed how racism was more hidden in Canada. For her,

racism is "more institutionalized and... it's more hidden, whereas, in the U.S. you can see it. You know what you're dealing with. Here you don't, but it's there... It's just... treatment, it's a sort of how they think about you, how they talk about different people" (Nancy).

Thus, participants viewed racism in a global context rather than focusing only on Canada, arguing that while racism did exist in Canada, it was more pervasive and noticeable elsewhere. This is supported by Bhattachatyia, Gabriel and Small (2002:10), who argue that in spite of globalization's ability to reorganize social

relations, the mechanisms of white privilege remain intact, and that the power of whiteness is ubiquitous worldwide. Overall, the majority of the responses reflect a reluctance to definitively label Canada as racist; rather, respondents tended to see Canada as not *overtly* racist, echoing the concept of democratic racism, which argues that racism coexists and is in conflict with democratic ideals which seemingly characterize Canadian society (Henry and Tator, 2006:186).

Another participant did not see racism as being inherent to Canadian society, but that any perceived racism was mainly because the person had not 'paid their dues' in Canada:

No, Canada is not racist, you have to understand Canadians. They're not racist, they just have a system. The system itself is not racist, but you just have to understand what the Canadians are about. They're very system-oriented people, follow the system, right? Don't start thinking they're doing this because they're racist. No, just follow the system. In the system, when you start moving up the system because you've paid your dues just like everybody else, you'll be treated like white royalty from Monaco. If you don't pay your dues, you'll be treated like they perceive you to be... I have no reason even to feel that I've been looked down upon, but if I do, I always realize that part of the system I did not realize or follow (Roger).

Roger's response reflects an expectation of assimilation for racialized immigrant populations, which contrasts with the other participants in the study. Although all the participants did not see Canada as explicitly racist, most acknowledged that racism did exist. Those participants who saw Canada as a racist society highlighted the specific locations of where racism occurred, while others spoke more generally about where they saw racism. For example, one participant discussed the types of people who are racist, that he "see[s] that more in older people" (Alan).

More specific locations were given by other participants, who described their experiences on public transit and spoke about racist treatment by bus drivers. Other participants discussed governmental policy and the contradiction they felt between Canadian policies versus the everyday realities of living in Canadian society. Specifically, one woman linked multiculturalism to racism by focusing on Canada's multiculturalism policy as a strategic way to hide the problems of racism in society. Another participant discussed how she saw racism "everywhere" in Canadian society, and thought

there's a lot of institutional barriers and a lot of our policies are racialized whether we want to admit it or not.

She expanded on this idea by using the media as an example, arguing you can

...just look at a newspaper and look at how everything is slanted on racialized terms to a degree (Theresa).

Similarly, Henry and Tator (2006:51) argue the media uses negative stereotyping, racializing issues such as crime and immigration, making Eurocentric and ethnocentric judgments and generally marginalizing people of colour which not only perpetuates but also creates an us versus them dichotomy. Such a dichotomy is reinforced by the participants responses, as well as Mythen & Walklate (2006: 390), who argue that, post 9/11, members of society are intertwined in an us vs. them mentality, whereby racialized groups are classified as different, as the 'Other', as well as inferior to the West.

This "us versus them" distinction was revealed in a more in-depth analysis of personal experiences of racism offered by the respondents. Most participants had experienced racism in Canada; ten of the fourteen answered they had had

experienced at least one incident of racism. However, there was no single commonality between the participants other than the racist nature of the attack. For example, two participants discussed racist encounters while driving, both involving people yelling at them to “Go back to your country!” (Nancy) or “Go back to your home!” (Natalie). Attacks involving racial slurs were also mentioned by two other participants.

Six participants had experienced a racist incident post 9/11, although four of those six had only lived in Canada post 9/11. Two respondents discussed experiencing racism both prior to and post 9/11, while one had experienced racism prior to 9/11. An experience of racism post 9/11 was exemplified by Theresa, who explained the relationship she saw between 9/11, Canada and racism by describing the changes she saw:

I think it's the same but it just, it allowed it to be more vocalized and it brought it to the forefront and in some ways I think it is a really good thing because I think it allowed people to acknowledge there are racist attitudes still within a Canadian context and that a lot of the kind of the token policies put in place haven't been effective and it just, it magnified the fact how tenuous race relations in Canada in fact are, and so, and I think a lot of people wanted to believe that racism was kind of subsiding in Canada but it's still a major factor and as long as we have immigration and our policies are racialized, then I don't think we are going to move beyond [racism] in Canada.

Similarly, Tanovich (2006) details how racism still permeates all facets of Canadian society, whether it is through the practice of racial profiling by law enforcement officials, through the media, within educational systems or employment. In sum, most participants believed racism is pervasive throughout Canadian society, and has been exacerbated by the events of 9/11.

## **Impacts of 9/11: Terrorism, Border Policy, and Identity Issues**

Although most participants did not discuss a link between experiences of racism and post 9/11 Canada, all of the participants engaged in a discussion of the events surrounding 9/11 and what it meant to them. Terrorism was a topic mentioned by several participants, specifically how terrorism has become an issue of significance, and how Muslims and South Asian populations in particular have been constructed as terrorists. Lowry (2003:35) attributes such discourses on terrorism to be a result of a moral panic fuelled by anti-Muslim rhetoric. Indeed, Bahdi (2006) argues Canada's War on Terrorism situated people of Middle Eastern descent and 'Muslims' as a population in need of surveillance, which is reinforced by the feelings of suspicion at the border reported by participants.

A significant commonality emerged from the participant's responses to 9/11. Most of the participants from the Middle East identified themselves as politicized, or that the expectation for people from that region was to be politicized. Thus, the Middle Eastern participants believed they had a unique view of the 9/11 attacks and its aftermath. Two of the participants from Iran discussed the importance of being political in their culture, but they did not subscribe to this notion and thus were not directly affected by 9/11. Conversely, two other Middle Eastern participants offered explanations for why 9/11 happened. While Nancy acknowledged it was a sad event, she also discussed other aggressive acts by the U.S. She recalled

a few months before [the U.S.] bombed Somalia and Libya, and you think nothing of it... I don't agree with that kind of act, it's obviously really stupid

and doesn't serve the purpose and it doesn't hit the right people... but I kind of understand where it's coming from... from the point of view of the people who carry that kind of act (Nancy).

This blaming of the U.S. echoes the reaction and attitudes of many Canadians.

Roach (2003:121) outlines how, in the aftermath of 9/11, 33 percent of Canadians thought American foreign policy was the primary cause of the attacks, and this view was even higher among young people (43 percent of those under twenty five years of age and 37 percent of those under sixty five). Moreover, Roger thought that based on his Kuwaiti background, he could argue that the U.S. as a sole superpower was problematic and needed to be balanced out. This reaffirms the responses of other Middle Eastern participants, who saw 9/11 as a politically motivated event even though they did not feel personally affected by the aftermath of the events.

A few participants were able to speak to changes in Canadian border policy post 9/11. Indeed, only two respondents knew of specific changes in border laws post 9/11, and were able to provide a wide range of examples of the ways in which the law had changed, such as the introduction of *IRPA*, the no fly list, and the proposed security cards. Although some participants had a vague understanding of changes at the border, namely that there was increased security, many of the participants did not know of any specific changes. However, they were aware of changes on the American side of the border, such as the requirement to produce passports at the border, the alert levels, and the Nexus program. This speaks to the tendency of participants to see Canadian and American border policies as one and the same. Overall, there was a general

perception amongst participants of the heightened security at the American border in comparison to Canada. This could be due to the heightened securitization of the U.S. border, or the travel advisory issued by the Canadian government based on the maltreatment of Canadians at the U.S. border (Roach, 2003). In sum, for the participants, the changes in border policy translated to increased security.

The participants who were not aware of specific changes in border laws post 9/11 were given a brief synopsis of changes instituted with *IRPA*. Participants were then asked whether they agreed with such changes. Half of the fourteen participants agreed with changes in border policy post 9/11, while the other half disagreed. A key and common word used amongst those participants who agreed with changes was 'safety'. Safety and security were seen as linked, which is supported by Phillips (2005:408), who argues security is a necessity in the post 9/11 world to ensure protection while upholding national interests. While some participants categorically agreed with 'securing' the border, others discussed being in agreement with the principles of security and safety, but only to a point. For example, Natalie agreed safety was important,

but when you are with your family, especially your family and they shouldn't see everybody with one eye and they shouldn't be judgemental. I'm scared of their negative judgement and I don't like that... Safety is good, but... they can do [it] in [a] different way.

Those who agreed with the increased security (read: safety) at the border expressed their belief that these changes were necessary. Those who did not agree, however, outlined many reasons why they disagreed. One argument was

that policy changes post 9/11 were unnecessary, an argument also made by Roach (2003), who argues legislation in place prior to 9/11 could have been applied to terrorist activity. For example, Alan described why he disagreed, stating

I don't really think it's necessary actually. Because, from my experience I don't think that Canada is targeted and I think it adds too much social cost to it.

Another example was Oliver, who thought there were negative financial ramifications to the changes in border laws. He argued that in the past people with specialized skills were able to immigrate to Canada, but post 9/11 only people who were wealthy were able to come to Canada. Oliver's response speaks to the tightening of the Canadian border in terms of immigration rather than typical encounters at the border, but is also important because it demonstrates the different conceptions participants had of what the border meant and how they were affected by changes in border policy.

### **The Effect of Racism and Race/Ethnicity in the Post 9/11 Context**

The events of 9/11 affected participants' lives in a multitude of ways. Some participants believed 9/11 increased the presence of racism. For example, a Punjabi woman expressed how she thought

...there's more inclination to racism, and certainly I've had to defend the South Asian community from many racist attacks... so it's affected me in that way. I think it's affected everybody in terms of controlling our freedoms (Dana).

Two Iranian women spoke of being

... ashamed sometimes.... [b]ecause they think we are all the same... The way they talk about people without any knowledge and prejudices... I think

that Iranian people are very warm people and they want to be good. And it hurts their feelings (Natalie).

On the other hand, Nancy discussed how, as a result of 9/11,

I look at the world differently, I look at North America differently. You know, when I was in Iran... they talk about Westernization, Western influence, how these people are trying to ruin our culture... And I never bought into it... But the last six years, I'm kind of starting to think about that. Maybe some parts of it are unrealistic and propaganda but some of it really makes sense to me.

The responses from the Punjabi and Iranian women demonstrate a clear link between their ethnic background and 9/11, as the events surrounding the terrorists attacks changed how others viewed their ethnic group post 9/11. These views are reinforced by the sharp increase in hate crimes reported post 9/11 in Canada, the targets usually being 'Muslims', Arabs, Hindus, Sikhs, South Asians, Africans, and anyone who appeared to be part of one of these groups (Khalema and Wannas-Jones, 2003:27). More specifically, Tanovich (2006:110) points to a 2003 study by the Canadian Islamic Congress in which a 1600 percent increase in hate crimes was reported post 9/11.

An increase in racism post 9/11 also affected the way the participants viewed themselves or their racial/ethnic identity. Three Iranian participants had changed the way they viewed themselves and their identity, as had the Kuwaiti and Mexican participants. For example, Natalie discussed how Iran was now looked upon differently and it affected her because she had to convince the general public that people from the Middle East are not all terrorists or dangerous people. A Punjabi participant took a more constructive approach to the change in identity, explaining how

[i]t's been really positive in some ways because it's really allowed me to exert my identity and to be really proud of it and to not only embrace and acknowledge and stand up for my identity and its validity and... but also to advocate for others to have, to feel empowered and a sense of agency around their identity and not feel a sense of shame around it (Theresa).

Issues of racism were also discussed in the context of participants' treatment by law enforcement officials and by the general public. While half of the participants did not think 9/11 affected the way they were treated by law enforcement and the general public, the other half perceived a difference. Such a difference is supported by Tanovich (2006), who argues Islamophobia has increased sharply post 9/11 and informs the way the public perceives racialized communities. Those participants who did recognize a difference in treatment by law enforcement officials post 9/11 discussed increased scrutiny and stricter controls at the border. For example, one Mexican participant explained how law enforcement officials "[are] [m]ore strict, but in a negative way" (Anthony). In addition, participants also discussed strictness and scrutiny and the relative ignorance of law enforcement officials in terms of recognizing and acknowledging the difference between particular racial/ethnic groups. One Punjabi participant perceived that law enforcement officials subject people of her background to increased scrutiny as, post 9/11, her brother was and continues to be checked more at the borders. She argued that

most white people can't tell the difference between somebody's who's Indian, and who's Pakistani, who's Arabic... so as long as you're Brown you get targeted with the same level of suspicion (Dana).

Such perceptions are reinforced by the previous discussion of immigration enforcement conflating nationalities, as well as Jiwani's (2006:178) argument that

Muslim groups or those who “look like Muslims” are characterized as the ‘Other’ and are subsequently subjected to differential treatment. Another Punjabi participant discusses the difference in treatment by law enforcement officials in the same way, but she acknowledged that

“... in many ways we are [suspicious]. There’s lots of terrorism that takes place in India and Pakistan... if we were to define terrorism as being something that’s endemic to the Middle East then one would assume that all of those issues or all of the identity and labels that are attached to people who look Middle Eastern would fall onto someone of Punjabi background” (Theresa).

In terms of how participants viewed their treatment by the public, one Iranian man thought it was different post 9/11, that there was “more racism” (Mark). Another Iranian participant explained how, post 9/11 she thought that, with the general public, her racial/ethnic background became more important:

[It] comes up more often, ‘where are you from?’...‘ok, what do you think about 9/11?’ You know that question comes up often. What do you think about this, what do you think about Iraq? What do you think about Afghanistan? I almost feel like I have to defend that whole region, not just Iran because obviously in the minds of people here we’re all linked, we’re all the same. But even if we are, so what? And you know I feel like I have to defend [Iran] and I have to be really careful about how I say things because things that would be accepted from someone like... there are a lot of people, Canadian and American who speak against these things, right? Things that would be accepted from them would not be accepted from a person of my origin, because you almost come across as a terrorist, I don’t want to say a terrorist, but a sympathizer (Nancy).

Overall, the responses to these questions indicate that there is not necessarily just any one way that any racial/ethnic group was affected by 9/11; rather, within almost every group, there was division and difference. Although the responses to these questions are not generalizable, they do provide a snapshot of how individuals in particular racial/ethnic groups perceive the effects of 9/11.

## **Summary**

This chapter offers a descriptive overview of the participants in this study and their responses to the interview questions. What becomes apparent from the discussion is that there is no single way in which people of colour generally experience racism or encounters at the Canadian border. Moreover, the diversity of responses highlights difference within and across different racial/ethnic groups over their border experience, the impact of racism, and the way they have been treated in post 9/11 Canada. This chapter provides the necessary context for a more in-depth discussion of the participants' responses in relation to race and risk in the next chapter.

## **CHAPTER FIVE: DOMINANT THEMES OF RACISM AND RISKINESS IN PARTICIPANT INTERVIEWS- A QUALITATIVE ANALYSIS**

This chapter considers the implications of the qualitative findings of this study. It expands upon the broad concepts of race and risk in relation to the participants' responses regarding their experiences with border officials. Specifically, this chapter provides an in-depth analysis of the participants' responses to illuminate the themes that emerged from their discussions. This chapter is separated into three main sections which reflect these themes: 1) Racism and the Border Experience; 2) The Norm of Whiteness and 'What it means to be Canadian'; and 3) The Role of Risk in Regulating Racialized Populations. The first section will illustrate the way participants discussed race and racism in this study. I argue the majority of participants' responses reflect the pervasiveness of racism in society generally, and in their experiences crossing the border specifically. The second section discusses the hegemony of the white norm and its relation to how being 'Canadian' is defined. I contend this nation's values and practices were formed based on the norm of whiteness, and thus define what it means to be Canadian. The third section examines the participants' responses in the context of risk and how riskiness is defined. Specifically, it details how riskiness is linked to racial profiling and to the way racialized populations self-regulate to avoid having the label of 'risky' applied to them.

All of the fourteen interviews conducted for the purposes of this study were utilized for this qualitative analysis. While previous chapters engaged with the theories upon which this study is based and provided an overview of the initial findings extracted from the interviews, this chapter elaborates on the findings from chapter 4 and the literature relevant to this topic in the context of the themes that emerged from the participants' responses.

## **Racism and the Border Experience**

As discussed in chapter 2, immigration laws have historically been utilized to exclude or regulate racialized populations based on racist assumptions about these groups. I argue that these practices extend to the present day, which affects the treatment of racialized populations by enforcement officers at the border. This section addresses the relationship between racism and participants' experiences crossing the border. It also highlights the ways participants discussed the role of racism in their encounters with the general public. Thus, this section focuses on race and racism, particularly in relation to critical race theory. Lastly, this section addresses the gender difference in participants' responses. Gender difference in particular is highlighted because there were significant differences in the way women and men discussed racism in Canada, and their interactions with immigration enforcement officers.

### ***Immigration law and racial subordination***

Many themes emerged from the participants' discussion of race and racism in this study. In engaging with the concepts of race and racism, the first theme that emerged was the way participants linked law and policy to the

exclusion of racialized groups. In these discussions, participants focused on the way the enforcement of immigration policy is used to exclude or marginalize racialized populations. This exclusion highlights the way in which critical race theorists argue the law is used to support and maintain white supremacy (Crenshaw, 1995). It also reinforces Johnson (2002:187)'s claim that exclusion created by immigration laws produces and reproduces racial subordination.

Racism and its relationship to law were highlighted in a variety of ways throughout the interviews. For example, when discussing whether they thought their racial/ethnic background impacted the treatment they received from border officials, participants suggested racialized groups wanting to enter Canada are treated with suspicion. For example, Anthony thought the way he was treated at the border meant immigration enforcement officials

don't like Mexican people... [they] always think that we come here to get a job.

This question also prompted Hank to raise the problem of racism. He argued the wait times for immigration were discriminatory, that immigrating from a white European country such as Germany was quicker than immigrating from a Middle Eastern country such as Turkey. Similarly, in considering the changes in border policy post 9/11, several participants described how they thought entry to Canada was more difficult:

[N]ow only those people who have large amounts of money can come to Canada, and that's the difference. Before that, some people who were specialists in some areas can come to Canada, can immigrate to Canada too, but now it's only money... [and] in getting visa, when I want to get visa from Iran the processing time took a lot of time, like two months... and we don't have any visas or visa to Canada anymore, unless you have somebody, for example, your son, or your daughter, or your father...

(Oliver).

In addition, Melissa discussed problems with obtaining a visa:

After 9/11, many things will change. So... if I want to apply for my visa, a working visa, it's not very easy to get, yeah, I think.

Thus, participants discussed the difficulties in entering Canada, including the challenges securing a work or student visa and the wait times for immigrating to Canada as evidence that Canada uses immigration laws to perpetuate inequality and racism.

In discussing participants' treatment by border officials, the general assessment from most of the participants was that racialized groups, especially those born outside of Canada, are more likely to be treated with suspicion at the border, that border officials are more "inquisitive" if participants were born outside of Canada, and that racialized groups are stopped or pulled over more often by enforcement officers. This perception supports Razack (2002:202), who argues Canada's national story continues to reflect a history of being inundated and betrayed by racialized groups. By constructing racialized groups as untrustworthy, the stage is set for foreign born populations to be subject to different (read: racist) treatment at the border. Indeed, Razack (2002:203) suggests that although overt racism is not tolerated in liberal democracies such as Canada, if their national story is constructed as a story of being inundated by deceitful immigrants, then overt racism is not only allowed but applauded.

Viewing Canada's history in this way suggests that historically foreign populations have been racialized, and as a result, "nativism and antipathy for the foreign" have become intertwined with racism and immigration policies in Canada

(Johnson, 2002:188). Negative attitudes toward foreigners echo the way in which participants perceived immigration policy factoring into their treatment at the border. For example, Jane discussed being stopped by border officials and seeing only racialized groups in the waiting room with her. According to Jane, enforcement officers

just saw their face and then they ask them to enter the room. They didn't see their citizenship.

This perception was mentioned by several other participants, which suggests they also thought immigration law legitimized the marginalization of racialized groups. These beliefs also exemplify the way participants viewed racism as being endemic in Canadian society, in that they perceived border officials to be reinforcing racist assumptions about racialized groups. Indeed, Nancy discussed the feeling of being “lumped together” with all other Middle Eastern populations by the general public in Canada, which contributed to her negative perceptions of the border experience. Similarly, Dana described how most people cannot tell the difference between people of colour and that being “brown” meant being treated with suspicion.

For several participants, the phenomenon of being “lumped together” meant stereotypes about their country of origin or surrounding countries were applied to them negatively. For example, Natalie expressed her frustration with the assumption that people from the Middle East are terrorists:

After 9/11 I tried to convince so many people that all the people that you think from Iran, Iraq, or Lebanon or Saudi Arabia are not the same. You can't say that everybody is [a] terrorist or dangerous.

Several participants thought generalizations about racialized groups factored into negative treatment by border officials and the general public post 9/11. The perception that immigration enforcement officers act on racist assumptions is highlighted by Pratt and Thompson (2008:631), who argue stereotypes about racialized populations and the conflation of nationality and race contribute to racialized risk assessments at the border. They contend that, post 9/11, the racialized risk knowledges disseminated through special alerts to enforcement officers contribute to decision making based on racialized stereotypes (Pratt and Thompson, 2008:632).

Overall, the way participants discussed immigration and the ways *IRPA* is applied at the border suggests they saw a link between law and racism. Specifically, the participants' perception that the law is used to keep racialized groups from entering Canada supports the tenets of critical race theory. The way participants conceptualize the use of immigration policy contradicts the principles of equality which purportedly define the legal system in Canada. In particular, the idea that the law is utilized to exclude racialized groups supports Aylward's (1999:12) argument that discrimination and racism are embedded in Canadian policies and laws despite the illusion of neutrality. Thus, despite the government of Canada's official commitment to the principles of multiculturalism and equality, critical race theorists argue state policies perpetuate and reinforce the marginalization of racialized populations. The participants' responses also demonstrate the existence of democratic racism, which suggests the democratic ideas of equality and fairness and racist ideas co-exist in Canada, and that the

state uses race to privilege whites and maintain the superiority of whites (Henry & Tator, 2006; Vickers, 2002). In sum, participants' responses suggest stereotypes rooted in historical discourses about racialized groups factor into the border experience and continue to influence the way immigration policy is applied at the border.

### ***Systemic racism: Canada as a racist society***

The participants' discussion of the prevalence of racism in the law also applied to the way they were treated at the border. These responses highlight not only the way in which the law is used to keep particular populations from entering Canada, but also highlights the general pervasiveness of racism in wider Canadian society. With over half the participants thinking their racial/ethnic or religious background impacted their treatment by border officials, racism was discussed in the context of not only the border, but also its prevalence on a larger scale in Canadian society. When participants were asked whether Canada is a racist society or not, Nancy answered this question by comparing racism in Canada to racism in the United States. Specifically, she described how racism is more institutionalized and hidden in Canada.

Another participant described racism in Canada not only in the context of policies, but also in the way the media portrayed racialized groups:

I think within Vancouver especially there has been a track record for the major papers to racialize a lot of issues. Instead of saying 'a community member' or a Vancouverite it always seems of upmost importance to include someone's race but only if it's a person of colour and not the reverse (Theresa).

Thus, some respondents argued racism implicitly affects all Canadians through institutions such as media, and through their encounters crossing the border, regardless of the way it is hidden. This observation supports Henry and Tator (2006:124), who critique the notion that because Canada purports to maintain the values of a liberal democracy, it “cannot” be racist, and neither can key institutions or the media.

With over half the participants characterizing Canada as a racist society, many different manifestations of racism were raised. The way participants described instances of racism suggests it was located everywhere in Canadian society. For example, Dana described how 9/11 affected her because she had to defend the South Asian community from racist attacks based on negative stereotypes about her racial background. Another respondent detailed how even educated professionals held stereotypes about racialized populations:

[O]nce when I went to the, my doctor, to Lynn Valley clinic, the doctor told me that ‘Oh, are you Iranian?’ I say yes, and I use some technical words because I’m obstetric nurse and she told me that ‘Oh, how did you get those technical words?’ I told her that I was obstetric nurse in Iran and she told me that ‘Wow, in Iran can you be graduated as a nurse?’ I say, of course, you know, now Bachelor of Science is nothing in Iran, mostly they want to be a doctor or lawyer, they are very high educated and she says ‘Oh my god, I didn’t know that’ and she’s from Germany. I say, oh do you still kill Jewish people? And she says no. I say, oh on TV showed that you kill Jewish people and you always want to fight. Or oh, maybe American people, you know, rape their girls every minute. I say, those stories, you know, they are not true (Natalie).

Other participants discussed racist incidents on buses, in parking lots, in restaurants and coffee shops, and in government offices. The issue of racism was also raised in the context of 9/11. When participants were asked about the impact of 9/11 on their lives and their identity as a racialized person in post 9/11

Canada, several participants discussed the problem of racism. More of the women interviewed spoke about the problem of racism than the men.

***Racism, the border and gender difference***

One notable difference that emerged was how the responses differed according to the gender of the respondent, particularly when discussing issues of race and racism. Specifically, the women in this sample were more likely to think their racial, ethnic or religious background impacted the way they were treated by enforcement officers at the border. Men were less likely to believe this was the case. For example, Jane thought race was an aggravating factor when trying to enter Canada, and that

[r]ace is the first reason, and I think nationality is important because I have never heard about that kind of [negative] experiences from Japanese friend.

Furthermore, she noted that it is easier to enter Canada for certain nationalities that have good relations with the Canadian government. Similarly, Melissa believed the passport she used made a difference at the border:

I think if I used different passport, if from China or Taiwan, I think maybe they will ask different question.

Melissa used her Taiwanese passport instead of her Chinese passport in order to avoid scrutiny from border officials regarding China. Nancy agreed that one's country of origin was an important issue at the border, and that immigration enforcement officers were more attentive to people from Iran:

[T]hey seem to be more inquisitive if you were born somewhere else because I've had my cousins in the car with me. One of them was born in Canada, and the other in Iran and they seem to just focus on you because you're born in Iran, like 'why are you going to the U.S.?'

Likewise, Tracy indicated that her racial/ethnic background translated to increased inquiry by border officials:

[I]n my experience it's more likely that you're pulled over and you're asked a lot more questions more thoroughly than my other counterparts who I know travel... on the same amount of time that I do.

Overall, the women who participated in this study suggested their racial/ethnic background factored negatively into their experiences with immigration enforcement officers at the border.

In contrast, men's responses were evenly mixed, demonstrating a gender difference between the way men and women perceived their treatment by enforcement officers. What is most interesting about the difference in responses was the explanations given by the participants. As detailed above, many of the women participants discussed the increased scrutiny based on their religious background, place of birth, and the nationality of the passport they used. The male participants invoked a protectionist logic in justifying the practice of racial profiling. For example, Roger thought racism impacted the way he was treated at the border, but that he expected them to do it, saying

... it's not negative, I expect them to do that, they have to protect themselves... just like in other borders everywhere else, they have to do that.

The men and women interviewed also disagreed over the problem of racism in Canadian society. In general, the men were more reluctant to look at Canada as a racist society. In fact, several men minimized the impact of racism in Canada, or rejected the existence of racism outright. In contrast to the women

interviewed, the majority of the men did not consider Canada to be racist. The men interviewed stated they were not affected by racism, and that it was not important to them. Even when they did see racism, they minimized its importance to them or its impact in the wider society. For example, when asked if he thought Canada was a racist society, Alan did not think racism was a significant issue, stating

Not really... but I think there are some people who has that problem, but mostly no.

When Frank discussed racism, he argued it wasn't a "major thing", saying

[t]here are some racism but I think it's inherent to every society. It's not like you can't say absolutely... if you say there's absolutely no racism, you're naive. But... if you compare it to the world, like compare Canada with the rest of the world, it's pretty good I'd say. There's not much racism.

One male participant further argued that nobody in Vancouver should feel alienated because of racism because there is an abundance of immigrants in Vancouver. Generally, the male participants did not think they were mistreated or treated differently based on their race. As noted above, the male participants thought that racism did not have a significant impact on Canada generally or Vancouver specifically in the same way that it did other countries because Canada is considered a multicultural country.

The views of the male participants can be explained by Aylward (1999:82), who argues that these beliefs reinforce a myth of tolerance, which purports to address tolerance while maintaining both the oppression of racialized groups and the dominant group's right to oppress. This perception supports Crenshaw (1995), who argues that in addition to maintaining white supremacy, the law also

works to uphold gender hierarchies. In addition to gender hierarchies reinforced by law, the gender difference in responses reflect a difference in experience, which West and Fenstermaker (2002) argue cannot be separated from 'experiencing' race or class; indeed, they are experienced simultaneously. Maynard (1994:14) argues experience is a critical element in understanding gender difference, as it demonstrates the ways in which women's lives are organized differently than men's. Specifically, gender difference in experience manifests in the inequalities and disadvantages women experience in comparison to men. It is important to note that women's unique histories, geographical origins and cultures differ greatly from those of men in their same racial and class categories, contributing to the difference in experience (West & Fenstermaker, 2002:62). Race is particularly important, as an emphasis on women of colour's experiences demonstrates the ways in which race reflects women of colour's social and economic positions (Maynard, 1994:14). A focus on race also considers the differences in experiences within gender groups, as race illuminates the differences in experiences between white and racialized women based on their racial/ethnic background.

In spite of the importance of understanding experience, Maynard (1994) argues it is important to recognize experience does not necessarily correlate with truth. Instead, she suggests focusing on experience allows for an understanding of the similarities and contradictions of women's lives, which can lead to the development of theories about how these experiences can be understood as a group (Maynard, 1994:15). However, it is important to note that individual

experiences do not necessarily equal collective experience, or vice versa. Considering women's experiences as distinct while acknowledging the double disadvantage of gender and race lays the groundwork for understanding women's negative perceptions of racism in this study. However, the intention of this chapter is not to argue the above analysis can be universally applied to all border encounters. While it is true that all of the women thought their racial, ethnic background impacted the way they were treated by border officials, these findings are not meant to generalize women's experiences. Similarly, although over half the men dismissed the notion that their racial background factored into their interactions with enforcement officers, this sample only provides a snapshot of what the experiences were of this particular group.

In sum, racism plays a significant role in the participants' lives. Their experiences of racist treatment at the border and within their communities remains an ongoing problem. Although the effect of racism was not universal amongst participants, particularly between genders, overall the respondents agreed that racism permeates Canadian society. The next section furthers this discussion of racism by illustrating how systemic racism and the oppression of racialized groups is intrinsically linked to the norm of whiteness and what it means to be Canadian.

### **The Norm of Whiteness and What it means to be a Canadian**

Understanding what it means to be Canadian is fundamentally linked to the norm of whiteness discussed in previous chapters. As seen in chapter 3, the norm of whiteness is important in understanding racism in Canadian society, as it

delineates the line between acceptable and unacceptable behaviour, and desirable and undesirable people. This section discusses how the norm of whiteness affects participants, and how colonialist principles have directly or indirectly affected their lives. As previously argued, colonialism contributes to a culture whereby whiteness is the norm, and divergence from these norms is considered deviant. To this, Crenshaw (1995:115) argues that although white supremacy has seemingly vanished, the white norm remains entrenched in popular consciousness. Racialized groups who do not subscribe to these norms are thus marginalized for not adhering to the norm.

The norm of whiteness is not only important in understanding the way racialized groups are subjugated, but also informs the way Canadianness is defined. I argue Canada's values and practices were formed based on this norm of whiteness, and it follows that this norm defines what it means to be Canadian. This section focuses on participants' perceptions of the way whiteness is preferred in Canada and the benefits of being seen as a 'real' Canadian.

### ***The Benefits of being a 'real' Canadian***

The participants in this study discussed how not being perceived as a 'real' Canadian resulted in a more stratified society. For the participants, inequality occurs in access to job opportunities, employers recognizing credentials from other countries, experiences crossing the border, and the treatment of racialized peoples by the public in general.

In discussing the role of racism in Canadian society, participants thought racism was evident in the limited number and type of jobs available to racialized

groups. Specifically, they noticed the best jobs being given to “native” Canadians, with less desirable jobs given to racialized groups:

I finished my major, my career, and I have a professional perspective and I saw, for example, people, black, Indian people, or people from other countries, India or Saudi Arabia, driving the bus or in the taxi, or for example, Mexican people cleaning the tables and the best jobs in the office, in a office buildings are only native people, they don't give the chance to... people to get a... not a good job, maybe more professional job (Anthony).

In addition, participants discussed how the undervaluation or lack of recognition of credentials possessed by new immigrants to Canada was racist. For example, one participant discussed this lack of recognition in terms of what he called “high end” jobs like doctors or lawyers:

You would probably see [racism] in high end jobs, doctors. You know, lawyers. Like if you are, I don't know, if you are a lawyer or you're a doctor coming from a different country they treat you differently, I guess. That's kind of racist. Not in low end jobs, I don't think... I don't know if it's as racism but they basically seclude you from the rest (Frank).

Thus, some participants suggested being a ‘real’ Canadian granted privileges that racialized populations were excluded from, especially in the labour market.

The views of participants mirror the work of Henry and Tator (2006), who argue that racism permeates the domain of employment in Canada. The challenges racialized groups, particularly immigrants, face in employment include a lack of recognition of foreign experience and credentials and devaluation of educational qualifications, both of which Reitz (2007) argues are based on racial bias and discrimination. Overall, Reitz (2007) suggests racialized populations are disadvantaged in the Canadian workforce, with immigrant skills, education, and employment experience consistently undervalued or not recognized. This is

particularly true of racialized immigrants, as Reitz (2007) describes how immigrants of European origins have fewer problems in employment, which highlights the way in which white populations are preferred over racialized groups. The discrimination facing racialized groups in employment reflects the way Canadianness is defined, as Pendakur and Pendakur (Reitz 2007) determine that although racialized immigrants face deeper hardships in the field of employment in Canada, even Canadian born racialized groups are at a disadvantage. The way European immigrants and white populations are given preferential treatment, and the way Canadian born racialized groups are at a disadvantage in employment suggests that being Canadian is defined through whiteness and not nationality or immigrant status.

Crossing the border was also an event where participants discussed the value of being Canadian versus being perceived as a foreigner, reinforcing Razack (1998:88)'s argument that race is pivotal to decisions made at the border. As previously discussed, several participants were of the view that their race was an aggravating factor at the border, suggesting racialized groups were questioned or stopped more at the border. These participants further described how their status as a racialized person affected their experiences at the border in the context of Canadianness. For example, one participant discussed the discriminatory practices of the immigration enforcement officers:

I would feel some kind of distracted or discriminated and after also seeing those white people just entering, you know, passing by the Customs without any questions, and some of them really look crackheads and drug addicts, and those officers never stop them, they might have some drugs, you know? And... but somehow those people have a great time. They can even talk about hockey or such things at the Customs, with those Customs

officers, because I witnessed such thing. But when it comes to a person from another country, third world country, suddenly they become suspicious of those people (Hank).

Hank's quotation speaks to the ethnocentrism which he thought impacted how people were treated at the border, in that those who subscribe to the norms of Canadian society, for example being able to talk about hockey, are given preferential treatment. According to Hank, those who do not engage in these types of discussions or behaviour are singled out.

Hank's perception that white people are free from profiling at the border addresses the wider issue of power in Canadian society and who wields this power. Razack (1998) argues border encounters reflect who is powerful and powerless in Canada. In particular, she deems border control as a manifestation of the power of white, 'First world' countries and the powerless as 'Third world', racialized populations (Razack, 1998:88). Thus, Hank's statement echoes the notion that white norms influence the way border officials treat populations crossing the border and how immigration enforcement officers treat racialized populations in particular.

Similarly, other participants discussed being questioned by immigration officers about their religious background. When they were asked to identify whether they were Muslim, participants expressed feeling like they were being separated from white populations. For example, Natalie thought her religious background impacted the way she was treated by border officials. She elaborated by describing how she had been asked about her religious background, and explained how she

was in shock because, because if you want to go to travel, it's nobody's business what kind of [religion] I have. I told them that I believe in god, you know, I'm Muslim but I don't pray like a Muslim... (Natalie).

The role of religion in particular is addressed by Jiwani (2006), who argues the climate of terror post 9/11 allowed for religious differences to create a division between white and racialized populations. Jiwani (2006:178) argues the climate of fear created in the aftermath of 9/11 allowed for religion to become racialized and for Muslims or those who 'look Muslim' to be 'Other-ed'. In this way, being Muslim or looking like a Muslim demarcates a difference between the white norm and the racialized Other.

Most importantly, the topic of Canadianness was raised when participants discussed the impact of their racial, ethnic or religious background and the way they are asked about their citizenship or racial/ethnic background by enforcement officers. Several participants expressed annoyance with the way the general public and law enforcement officials asked them about their racial/ethnic background. For example, Natalie described feeling hurt when she was asked about her citizenship status by immigration enforcement officials:

[W]hen they ask me that, what is your citizenship, I say Canadian, ok, that's it. But they tell me that, no, originally... Even white people are not Canadian. You know, but they never ask them that, ok no, originally, you know, because mostly they came from England, or you know, Europe, but they don't ask them. But from us, they ask what is your citizenship, you say Canadian... 'no, originally?'

Similarly, Nancy explained how enforcement officers focused on her country of birth:

I say I am from Iran, but I'm a Canadian. Which is also very stupid. I don't understand why they ask you that. Like, I live here, I'm a Canadian... and

they ask 'But where are you from?'... It's almost like you're apologizing for... your ethnicity.

This sentiment was echoed by other participants, who identified as Canadian but had to qualify what their country of origin was in a way they thought white people did not. Thus, the participants' responses reflect the notion that despite their Canadian citizenship, they are not considered 'real' Canadians because they are part of a racialized group. This definition of Canadianness de-bunks the myth of colour-blindness. Crenshaw (1995:106) argues colour-blind societies are built upon the exclusion and oppression of racialized populations, and this oppression cannot be rectified if it is not acknowledged. Canada presents itself as a colour-blind society, and the discourse of colour-blindness allows society to ensure white innocence and justifies the contention that Canada is not racist (Henry and Tator, 2006:186). Thus, the myth of colour-blindness in Canada primarily ensures that institutionalized and systemic racism are not recognized. Colour-blindness also excuses the norm of whiteness, allowing white culture, norms and values to be seen as natural, with difference to the norm seen as inferior. Lastly, constructing white Canadians as the 'real' Canadians ensures the racial hierarchy of the white settler society is maintained by keeping white populations at the top (Razack, 2007).

Again, the women interviewed for this study were more likely to discuss the impact of their status as a racialized person in a negative way. The women interviewed discussed having to defend themselves or the politics of their country of origin, or apologize on behalf of their racial/ethnic group when talking to members of the general public since 9/11. For example, Nancy discussed being

more vigilant about what is said, and I'm more defensive even though I might not agree with everything the government of Iran does or everything Iranians do. I'm more on the defensive side... I would be neutral before, I'm not anymore.

Nancy further discussed her Iranian background in terms of understanding what it means to be Canadian, in that in the post 9/11 climate, lines have been drawn between the West and East. She delineates this line by describing the way she sees Canadians as describing "our way of life" and the notion that immigrants are trying to destroy the western culture and their way of life. The post 9/11 climate in Canada also impacted Theresa, who thought post 9/11 border policies and indeed border policies in general oppress racialized populations:

I feel like borders are what allow for discrimination to take place and it creates power dynamics and it manifests them to a degree where we see such extreme cases of wealth disparities and disparities in rights and it's all sort of, sort of within the capitalist framework.

Theresa also discussed the 'Other-ing' practices of enforcement officers at the border in Canada, arguing the border policies post 9/11

'others' the problem instead of internalizing it and making it a global issue, it makes it an issue with 'those people over there' who live beyond that border.

Both Nancy and Theresa's responses demonstrate how, post 9/11, their status as a racialized person has allowed them to see the way racialized populations are excluded and marginalized by the white majority. In addition, these and other responses from participants reflect the notion that racialized populations trying to enter Canada are being regulated at the border to protect Canada from the 'Other'.

The idea that immigrants threaten the Canadian way of life is described by

Ibrahim (2005:164), who argues the discourses constructing migrants as threats are built on the notion that cultural difference leads to societal breakdown. This creates division between migrants and residents, foreigners and 'ordinary' Canadians. Theresa thought 9/11 magnified the problems of race relations in Canada, arguing the lines between the norm of whiteness and Canadianness and racialized groups are evident in looking at media examples. This speaks to the way the norms, values and beliefs of the white community are filtered through the media to preserve the racial hierarchy and the rightness of whiteness (Garner, 2007; Henry and Tator, 2006). Thus, several participants, specifically female participants, thought the 9/11 attacks brought issues of race and exclusion to the forefront, and reflects the way in which Canadianness is defined. In their responses, the female participants in particular suggested being a 'real' Canadian meant being white, whether it was in the context of being stopped at the border, in their treatment by the general public, or in media responses to crime.

In summary, the norm of whiteness and Canadianness are interlinked, which affects how racialized populations are perceived and treated in Canadian society. Specifically, racialized groups are disadvantaged in many facets of life in Canada, including employment, encounters at the border, and experiences with the general public, particularly in the post 9/11 climate, because they are not considered 'real' Canadians in the same way as white populations. The next section expands upon the benefits of Canadianness by discussing the way

participants changed their behaviour to avoid negative attention more generally from the public, but also at the border.

## **Risk and Regulating Racialized Populations**

Risk is an important element in linking the border experiences of racialized populations to racism, particularly in the post 9/11 context. As previously discussed in chapter 2, one of the grounds for the exclusion of immigrants through past immigration policy was the perceived threat they posed to the nation's norms, values and beliefs. This section links the interlocking concepts of race and risk to the participants' responses, highlighting the perceived threat racialized populations pose to contemporary Canadian society. Specifically, it furthers the discussion of risk in chapter 3, which demonstrates how the risk of terrorism leads to the label of 'risky' being applied to racialized populations, and migrants in particular. It also details how participants try to shed the label of 'risky' by regulating their behaviour at the border. Thus, this section applies the theories of risk and danger as well as risk and governmentality discussed in chapter 3 to the responses of participants and their experiences with immigration enforcement officers.

### ***Risk, dangerousness, and racial profiling at the border***

Ibrahim (2005:173) argues that post 9/11, the discourses constructing migrants as a risk have intensified. As outlined in chapter 3, Douglas (1992) conceives of risk as being related to danger, and argues that riskiness is defined by the cultural norms in a given society. I argue that, in the context of the Canadian border, many of these norms are based on the norm of whiteness

discussed above, and as a result, the label of risky is applied almost exclusively to racialized groups. The way racialized groups are constructed as risky affects treatment by border officials in the form of racial profiling. It also indicates the importance of the norm of whiteness and notion of what it means to be Canadian, in that racial profiling is employed specifically to target members of racialized groups and not the white populations in Canada.

While the participants did not explicitly discuss risk or riskiness in relation to their experiences crossing the border, an implicit discussion regarding risk occurred throughout the interviews. Participants raised the issue of riskiness during many different questions throughout the interview. Specifically, several participants discussed how post 9/11, racialized populations have been constructed as a terrorist threat. For example, Anthony described how he thought racialized populations had been characterized as dangerous post 9/11:

[The] United States make, like an idea that... people from Middle East are dangerous and maybe you see people from these countries in Mexico, if you have to be, take care from these people. It's like... in the news, in the newspaper, United States government show people from Middle East, Iran, Iraq, all these countries, that these people are dangerous.

Similarly, Jane described how in Korea, Muslim people have been constructed as terrorists:

[I]n Korea, Korean government who are staff in airport, they consider the Islam as terrorists, potential terrorists... Yeah, so I think by making them potential terrorists, by using media coverage.... I think just Korean media follows CNN or, what is it, BBC, CNN and BBC, they have Korean media or Korean government have no their own opinion about 9/11, so they always make Korean citizen think Islam is terrorists.

These examples demonstrate how the participants interviewed for this study thought, post 9/11, racialized populations had been constructed as dangerous.

The fear that racialized populations are linked with terrorism furthers the insecurity and anxiety which was fostered after the 9/11 events, allowing racialized groups to be targeted as risky (Van Brunschot and Kennedy, 2008). Riskiness is not limited to terrorism; rather, the securitization of migration and fear of migrants also poses a risk to a given society's 'way of life' (Ibrahim, 2005). This threat to the Canadian way of life is particularly evident in *IRPA*, which, more than any previous immigration act, intensifies the enforcement provisions available. Ibrahim (2005:180) describes how the preamble to *IRPA* states how the legislation is meant to "preserve our safe society and uphold respect for our values and norms of social responsibility." However, she argues this preamble demonstrates how *IRPA* singles out populations that would pose a danger to the Canadian way of life (Ibrahim 2005:180).

These discussions also raised issues of profiling by enforcement officers at the border based on the assumption that racialized populations are risky. Although participants did not name the specific practice of racial profiling, throughout the interviews participants described being unevenly targeted by law enforcement officials, particularly at the border. When discussing whether they thought their racialized group had been treated differently by law enforcement officials post 9/11, participants suggested racialized groups are targeted by enforcement officers at the border because of their racial/ethnic background. For example, Dana thought racialized people had been treated differently by enforcement officers at the border post 9/11 because her brother was "checked" more at the border when he crossed. In addition, both Dana and Hank detailed

how they were subject to increased scrutiny by border officials *after* going through immigration at the border:

[T]hat experience was fairly negative just because I'd already passed the border guard or whatever, the airport official and then I had to deal with this other guy and you know, he was acting as if he was friendly and just asking questions (Dana).

[T]he first time that I came from Asia... That was my first journey. And there were a lot of officers as well, they were stopping people and asking questions after... the check, first check where you submit your passport. I was just waiting, that's the luggage area where you wait for your luggage, so some officers came and they were checking people, questioning people there (Hank).

Although neither of these participants specifically named the behaviour as racist, nor the practices of enforcement officers as racial profiling, they did discuss these experiences with enforcement officers as negative, and thought they were treated with suspicion while being questioned for a second time.

The idea that one's racial/ethnic background affects the border experience is raised by Mythen and Walklate (2006), who argue a person's racial or ethnic background justifies targeting populations at the border if their country of origin is considered risky. For example, Anthony suggested the media's portrayal of Middle Eastern people as dangerous (read: risky) was influential in the way these populations are perceived by the general public, which affects the way racialized groups are treated at the border. Thus, the perception that racialized groups were considered dangerous or threatening and thus risky was discussed by participants, particularly in terms of encounters crossing the border.

The way racialized populations are constructed as risky affects the way these groups perceive their experiences crossing the border, and raises the issue

of how racialized groups regulate their behaviour to avoid the label of risky or dangerous.

***Risk and governmentality: regulating racialized populations***

The way racialized populations are characterized as risky was discussed by participants in terms of the way they self-regulate in post 9/11 Canada. As previously discussed in chapter 3, Foucault's governmentality thesis can be applied to risk, in that the government indirectly manages the population by disseminating expert knowledges which compels the citizenry to voluntarily conform to the norms of society or otherwise be seen as risky by the general population (Lupton, 1999). The governmentality thesis demonstrates how the population's behaviour is not under direct coercion by the government, but that populations internalize the objectives of the state and take responsibility for their health and welfare by self-governing based on these objectives. Thus, members of society are controlled through the notion of risk (Lupton, 1999).

Several participants acknowledged the way the government indirectly coerces the population through risk. Specifically, in conversations about post 9/11 Canada, a few participants discussed the role of the government in controlling the population, arguing the tactic used by the government is by governing through fear. For example, Dana thought that post 9/11, fear was used as a weapon. For her, the 9/11 attacks allowed for

fear to introduce measures of fairly fascist levels that would limit ordinary people's freedom, in particular people of colour's freedom and poor people, and that the function of continuing to create the fear is to control the population (Dana).

Similarly, Theresa thought security measures enacted post 9/11 are being used to infringe upon the populations rights and freedoms in the name of nationalism and national security. Specifically, she argued how border policy translated to

a lot of breach of personal rights and freedoms for the sake, or in the name of nationalism and national security,

adding,

but I think it's just a means to enact more racist policy (Theresa).

Overall, several participants thought border policy enacted post 9/11 was being utilized to restrict their freedoms. In governing through fear of being targeted by law enforcement, voluntary self-discipline is achieved through influencing but not overtly compelling populations to conform to norms of Canadianness (Foucault, 1991).

Participants discussed self-regulation as a result of fear of scrutiny from law enforcement officials. Lupton (1995) details the relationship between self-regulation and personal responsibility, suggesting personal responsibility links risk and self-government. Self-government and personal responsibility were highlighted by participants when asked about the impact of past experiences at the border on future travel. Several participants discussed regulating travel or changing their travel arrangements based on past treatment at the border. Participants described restricting their travel in general, and to the United States in particular. For example, Mark described how, after past experiences crossing the border, he tried to “stay more in Canada”. Another example of restricting travel was given by Roger, who did not “want to run the risk of leaving”. Oliver

also discussed changing his behaviour based on past border experiences to avoid problems at the border, saying “I just try to be more [careful]... that’s the impact”. The ways participants regulated their behaviour and the justification behind it echoes Lupton’s (1999) conception of risk and governmentality, in that the government works to achieve self government through voluntary self-discipline.

What was particularly interesting about the way the participants changed their behaviour was how they viewed this behaviour change in relation to their experiences crossing the border. Specifically, participants discussed changing their behaviour to avoid being targeted at the border. For example, Nancy planned her travel based on specific dates, and would not travel on holidays:

I plan based on dates, specific dates... I wouldn’t travel on special holidays, or, you know, I don’t know, conventions going on, that sort of thing? Like I wouldn’t travel on those days because I know I’m going [to] get into problems.

This change in behaviour speaks directly to the individualization of threat. In individualizing risk, the onus is placed on the individual person to be responsible for riskiness and threats to security (Van Brunschot and Kennedy 2008; Mythen and Walklate, 2006).

Furthermore, participants described how they thought conforming to norms of Canadianness could help avoid scrutiny from border officials. This conception is supported by Henry and Tator (2006), who argue white populations are exempt from the type of race based maltreatment at the border that affects racialized populations. For example, Hank discussed how people who mention hockey with border officials “have a great time” at the border, in contrast to

racialized populations. This suggests conforming to typical Canadian norms ensures success in crossing the border. Similarly, in discussing whether Canada is a racist country, Roger argued Canada is not racist, but rather that if you follow the “system”, you will avoid problems:

No, just follow the system. In the system, when you start moving up the system because you’ve paid your dues just like everybody else, you’ll be treated like white royalty from Monaco. If you don’t pay your dues, you’ll be treated like they perceive you to be... I have no reason even to feel that I’ve been looked down upon, but if I do, I always realize that part of the system I did not realize or follow... it’s not even economic, it’s just history, meaning pay your dues to be part of us.

Roger suggests conforming to norms of being Canadian will prevent racialized populations from experiencing racism. Thus, participants reported regulating their behaviour to follow the system and conforming to norms of Canadianness to avoid being labelled as different, as dangerous, and as risky.

## **Summary**

The qualitative analysis of the interviews illustrates the way participants thought racism is embedded not only in the law but also in all of Canadian society. Racism manifests in encounters at the border in particular, as racist assumptions about racialized populations inform the way immigration enforcement officers operate. In addition, this chapter demonstrates the way gender difference manifests in perceptions of racism, arguing racialized women’s perceptions of racism and negative border experiences speaks to the way they are doubly disadvantaged through their gender and race. The participants’ assessment of the border experience also addresses the relationship between racism and how Canadianness is defined through the norms of whiteness. The

discussion of race is interlinked with risk in this chapter, as racism and its basis in the norm of whiteness inform the way racialized populations are seen as risky, and the way immigration enforcement officers treat racialized groups at the border as a result. Riskiness involves participants not only in the context of border encounters and being labelled as risky due to terrorist threats, but also in the way participants regulate their behaviour to avoid being targeted or labelled as risky. In sum, this chapter demonstrates the way race and risk are interwoven in participants' perceptions of the border experience and the way they thought racialized groups are constructed in society.

## **CHAPTER SIX: CONCLUSION**

The September 11 terrorist attacks were undoubtedly a tragic event. However, the response to the attacks, whether it was from the media, politicians, or the general public, centred on expressing concerns and fears of a specific population. As a result, public perception, immigration policy, and law enforcement targeted these groups by casting suspicion over their daily activities, and criminalizing a large number of individuals from these communities. Although criminalizing racialized groups and treating them with suspicion is not a new phenomenon, 9/11 focused negative attention on Arabs and Muslims, and people who “look like” Arabs and Muslims specifically. By reverting back to past, racist immigration policies and enforcement practices, the post 9/11 climate has furthered racist attitudes in Canada.

Historically, racialized populations have been excluded from entering Canada and have been subject to differential treatment in all facets of society. It is important to draw parallels between past treatment of racialized populations with the present to understand the current policy climate and how it affects the practices of enforcement officers at the border. Critical race theory was utilized as the theoretical basis for this research, as it tries to uncover the racist practices embedded in societal institutions, the law, and society more generally. In addition, critical race theory provided a context for understanding gender difference and the double disadvantage of race and gender for the female

participants in my study. Lastly, it was also imperative to ground this thesis in risk theory in order to understand how and why populations are deemed risky, and how riskiness manifests in the context of Canadian society and informs the use of legislative mechanisms.

This thesis reveals how a small sample of racialized peoples perceived their experiences crossing the border post 9/11. It was necessary to use qualitative interviewing to achieve an in-depth understanding of these experiences. In addition, using a bottom-up, grounded theory approach allowed me to develop explanations or theories from the participants' responses. Thus, through an examination of participants' accounts of their encounters at the border, this thesis argues racialized populations have been subject to negative treatment at the border based on implicit racist policy and through the practice of racial profiling employed by enforcement officers. By examining firsthand accounts of racialized populations' experiences by enforcement officers at the border post 9/11, I was able to determine how these populations perceive their treatment at the border.

Overall, this thesis demonstrates how the participants interviewed for this study perceived their experiences crossing the border, and the ways these experiences were negative. Specifically, the majority of the people interviewed in this sample believed their racial, ethnic and religious background affected their treatment by border officials in a negative way or that race was an aggravating factor in the way they were treated at the border. Although some of the participants attributed negative treatment at the border to the racism embedded

in Canadian society, the participants did not universally agree that Canada was a racist society. However, almost all of the participants had experienced racism in Canadian society and agreed there was racism in Canada, but were divided on its impact. As noted in chapter 4, the participants agreed Canada was racist, but not overtly racist. They also reported an increase in racism post 9/11, supporting the breadth of literature arguing racism has become prevalent after the terrorist attacks. In sum, participants thought the increase in racism post 9/11 affected the way they were treated by border officials and the general public.

In analysing the participants' responses, it is evident racism affects encounters at the border through the racist stereotypes which inform the practices of immigration enforcement. Although the existing literature infers such a finding, this study provides firsthand accounts of racialized populations' experiences in this context, which is currently lacking in existing research. Another important theme which emerged from the participants responses was the gender difference in perceptions of encounters at the border. As previously discussed in chapter 5, the women interviewed in this study were more negatively impacted by racism in Canadian society and had a more negative view of their encounters at the border. This demonstrates an important finding, as it was previously thought men would be targeted more at the border and would thus have more negative experiences due to the fact that the perpetrators of the September 11 terrorist attacks were men, and those with positions of power within terrorist organizations such as Al-Qaeda are men. This thesis thus argues the women's negative experiences of racism at the border and in wider Canadian

society demonstrates how racialized women are further disadvantaged than their white counterparts and even racialized men.

Examining the participants' responses through the lens of critical race theory also reveals the racism entrenched in Canadian society through understanding what it means to be Canadian and reflecting on the norm of whiteness in Canadian society. In this thesis, I also highlighted how Canada has been constructed as a white settler society to demonstrate how racism has been embedded in past policies and government practices, and argue these practices extend to the present day. The participants' assessments of the border experience in particular demonstrate how being Canadian means being white. Lastly, this thesis illustrates how risk and the way racialized populations are constructed as risky affects racialized populations and their perceptions of their encounters at the border. While previous studies have examined how risk could affect migrant populations and populations crossing the border, as well as the way enforcement officers make their decisions, there has not been a study which has examined the impact of the risky label and self-government on racialized populations crossing the Canadian border. This study links previous studies regarding the racialized risk assessments made by enforcement officers at the border to the way racialized populations are constructed as risky, and the way participants perceived how their status as a racialized person affected their treatment at the border. In addition, this thesis demonstrates the ways participants changed their travel and their behaviour based on past treatment at the border.

## **Considerations for Future Research**

The issues of the September 11 terrorist attacks and its impact, racism, risk, and immigration policy have been extensively studied individually and in concert with each other but could benefit from further investigation. Below are some considerations for future research.

All of the abovementioned issues have yet to be studied on a wide scale in relation to the experiences of racialized populations at the border. This study provides a snapshot of racialized peoples' encounters at the border. In order to better understand the treatment of racialized populations at the border and the role of race and risk in these encounters, a larger scale study would be beneficial. Specifically, interviewing racialized populations across Canada rather than only in Vancouver would not only give a breadth of experiences, but also could produce generalizable findings regarding the treatment of racialized populations at the border. In addition, by making the study nationwide, it could speak more directly to the pervasiveness of racism in Canadian society more generally and at the border specifically. Lastly, expanding this study would illuminate whether the intersection of race and gender significantly contributes to the experiences of racialized women crossing the Canadian border.

Vancouver is a populous, multicultural city, which may have skewed the way participants perceive Canada and Canadian society more generally. It would thus be beneficial to interview racialized populations in smaller cities across Canada that are more racially homogenous in order to better understand the

diversity of experiences at the border and as well as in perceptions of racism in Canadian society.

An in-depth qualitative approach and analysis is necessary to understand the experiences of racialized populations. In particular, critical race theory emphasizes the use of voice and it was thus necessary to engage in interviews with the participants in order to determine how racialized populations perceived their encounters at the border. However, this subject matter could also benefit from a quantitative approach in order to address several issues that were unable to be addressed in this study due to time constraints, and would provide a more complete analysis of the experiences of racialized populations crossing the border. I would recommend conducting a survey in conjunction with conducting interviews for several reasons. Firstly, in the post 9/11 climate, racialized populations are hesitant to respond to questions regarding their border experiences and racism due to fear of retaliation. Indeed, one participant in this study withdrew consent due to fear of her status in Canada being jeopardized. In conducting a survey, this problem could be eliminated, and participants may be more willing to divulge information about their perceptions of the border experience and Canada more generally. Secondly, collecting and generating data through a survey could complement a larger sample by providing a statistical counterpart to the qualitative findings, and provide a deeper analysis of the experiences of racialized populations at the border.

The benefits of expanding this study are two-fold. By gaining a better understanding of the experiences of racialized populations crossing the border,

we can address the problems with *IRPA* and the actions of enforcement officers more directly, and provide recommendations to the federal government regarding border enforcement policy. In addition, by widening this study to include cities across Canada, it provides more in-depth and nuanced insight into the different manifestations of racism in Canadian society, and its impact post 9/11 on racialized populations.

This subject matter could also benefit from a media analysis to determine the impact of the media discourses on terrorism, migration, immigration, and race. An analysis of the media's conceptualizations of these issues and inclusion of the impact of media in interviewing participants could illuminate how media discourses on terrorism and race in particular affect racialized populations. While Jiwani (2006) has studied the media's gendered and Orientalized discourses post 9/11, it would be beneficial to expand this research to extend to the present day and examine the role of media post 9/11 in affecting the opinions of racialized populations and their perceptions of race and immigration in Canadian society.

# APPENDICES

## Appendix A

### Interview Schedule

*I'd like to start with a few questions about how frequently you travel across the border into Canada. To be clear, I am primarily concerned with your experiences on the Canadian side of the border (i.e. when you are entering Canada), not the American side.*

#### Part One: The Border

- 1) How often do you travel outside of Canada/ cross the Canadian border?
- 2) How often (approximately how many times) did you cross the border into Canada before 9/11?
- 3) How often (approximately how many times) have you crossed the border since 9/11?
- 4) When was your first border crossing post 9/11?
- 5) When was your most recent border crossing experience?
- 6) Where do you usually cross the border (i.e. at the airport, by boat, by car at land crossings)?

*Now I'd like to ask some questions about your experiences crossing the border into Canada.*

#### Part Two: The Border Experience

- 1) How much time, on average, do you usually spend at a border check?
- 2) How are you typically treated by border officials at the border? (maybe provide some adjectives if they get really stuck)
- 3) Are there specific times where you have had a particularly positive or negative experience at the border? What happened to make you feel that way? Do you tend to have more positive or negative experiences?
- 4) Do you find your experiences at the border differ based on your method of travel (For example, is the border experience different when you fly versus

- when you drive)? Do you prefer one over the other as a result of past experiences or does that factor in to your decision in crossing the border?
- 5) Do you think your racial, ethnic, or religious background impacts your treatment by officials at the border? If so, describe how you think it affects your border experience.

*The next series of questions will address issues of racism in Canada and Canada post 9/11.*

### **Part Three: Racism**

- 1) How would you define racism? What does racism mean to you?
- 2) Do you think Canada is a racist society?  
-If so, why? How do you see racism in Canada? Where do you see racism in Canada?  
-If not, why?
- 3) Have you ever experienced racism in Canada? If so, describe how and from whom.
- 4) If you have experienced racism, did it occur prior to or post 9/11? Or both?

### **Part Four: Post 9/11 Canada**

- 1) Can you briefly summarize what 9/11 means to you? What is your understanding of what happened?
- 2) Do you know of any changes in border laws in Canada post 9/11? If so, what do you know about these changes? Do you agree with them? Describe the impact (if any) you think they may have had on you.
- 3) As a (insert racial or ethnic group here), has 9/11 affected you in any way? If so, how?
- 4) Has 9/11 changed the way you view yourself or your identity as a (insert racial or ethnic group here)? If so, how?
- 5) Do you think (insert racial or ethnic group here) have been treated differently by law enforcement officials in Canada post 9/11? By the general public?
- 6) Do your past experiences at the border impact your future travel plans? If so, how?

*We are almost finished. I would just like to ask some questions about you and your background.*

### **Part Five: Personal Information**

- 1) Age
- 2) Gender
- 3) What is your class background?
- 4) Racial/ethnic background (what racial/ethnic background do you identify with?)
- 5) Religion (if applicable)
- 6) Citizenship? If not Canadian, what is your status? (i.e. Permanent resident, landed immigrant, etc.)
- 7) How long have you lived in Canada? If not born here, what other countries have you lived in?

*These are all the questions that I wanted to ask you. Is there anything else you would like to add?*

*Thank you for taking the time to talk to me today.*

## REFERENCE LIST

- Abu-Laban, Y. and Gabriel, G. (2002). Selling Diversity: Immigration, Multiculturalism, Employment Equity, and Globalization. Peterborough, ON: Broadview Press.
- Abu-Laban, Y. And Stasiulis, D. (2000). "Constructing "Ethnic Canadians": The Implications for Public Policy and Inclusive Citizenship: Rejoinder to Rhoda Howard-Hassmann". Canadian Public Policy. 26:4, pp. 477-487.
- Adelman, H. (2002). "Canadian Border and Immigration Post 9/11". International Migration Review, 36:1, pp. 15-28.
- Aiken, S. (2007). "Risking Rights: An Assessment of Canadian Border Security Policies." Pp. 180-208 in Grinspun, R. and Shamsie, Y. (eds). Whose Canada? Continental Integration, Fortress North America, and the Corporate Agenda. Montreal & Kingston: McGill-Queen's University Press.
- Afshar, H. & Maynard, M. (eds). (1994). The Dynamics of 'Race' and Gender: Some Feminist Interventions. London: Taylor & Francis Ltd.
- Andreas, P.(2005). "The Mexicanization of the US-Canada border: Asymmetrical interdependence in a changing security context". International Journal. 60:2, pp. 449-462.
- Angel-Ajani, A. (2003). "A question of dangerous races?" Punishment and Society. 5:4, 433-448.
- Anti-Terrorism Act, S.C. 2001, c.41
- Aylward, C. A. (1999). Canadian Critical Race Theory: Racism and the Law. Halifax: Fernwood Publishing.
- Bahdi, R. (2003). "No Exit: Racial Profiling and Canada's War Against Terrorism". Osgoode Hall Law Journal. 41, pp. 293-317.
- Bell, Jr., D. (1995). "Racial Realism" pp. 302-312 in Crenshaw, K., Gotanda, N., Peller, G., and Thomas, K., (eds). Critical Race Theory: The Key Writings That Formed the Movement. New York: The New Press.
- Berrington, E. (2002). "Representations of Terror in the Legitimation of War."

- pp. 47-54 in Scraton, P. (ed). Beyond September 11: An Anthology of Dissent. London: Pluto Press.
- Bhattacharyya, G., Gabriel, J., and Small, S. (2002). Race and Power: Global Racism in the Twenty-First Century. New York: Routledge.
- Borovoy, A.(2006). Categorically Incorrect: Ethical Fallacies in Canada's War on Terror. Toronto, ON: Dundurn Press.
- Boyko, J.(1995). Last Steps to Freedom: The Evolution of Canadian Racism. Winnipeg: Watson & Dwyer.
- Canada Border Services Agency. Retrieved 11/21/08.  
Available: <http://www.cbsa-asfc.gc.ca/agency-agence/who-qui-eng.html>
- Cotler, I. (2007). "From Professor to Justice Minister: Charter Rights and Anti-Terrorism". Policy Options. 11:10, pp.69-74
- Crenshaw, K. (1995). "Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-discrimination Law" pp. 103-122 in Crenshaw, K., Gotanda, N., Peller, G., and Thomas, K., (eds). Critical Race Theory: The Key Writings That Formed the Movement. New York: The New Press.
- Crenshaw, K., Gotanda, N., Peller, G., and Thomas, K. (eds). (1995) Critical Race Theory: The Key Writings That Formed the Movement. New York: The New Press.
- Creswell, J. (2003). Research Design: Qualitative, Quantitative, and Mixed Methods Approaches. Thousand Oaks: Sage.
- Crepeau, F. and Nakache, D. (2006). "Controlling Irregular Migration in Canada: Reconciling Security Concerns with Human Rights Migration". Choices. 12:1, pp.1-42.
- Delgado, R., and Stefancic, J. (eds). (2000). Critical Race Theory: The Cutting Edge. Philadelphia: Temple University Press.
- Delgado, R. (1995). "The Imperial Scholar: Reflections on a Review of Civil Rights Literature" pp. 46-57 in Crenshaw, K., Gotanda, N., Peller, G., and Thomas, K., (eds). Critical Race Theory: The Key Writings That Formed the Movement. New York: The New Press.
- Denzin, N. and Lincoln, Y. (2003). "Introduction: The Discipline and Practice

- of Qualitative Research” pp. 1-45 in Denzin, N. K., and Lincoln, Y. S. (eds). Strategies of Qualitative Inquiry. Thousand Oaks: Sage Publications.
- Denzin, N. and Lincoln, Y. (2003). Strategies of Qualitative Inquiry. Thousand Oaks: Sage Publications.
- Dey, I. (1999). Grounding Grounded Theory: Guidelines for Qualitative Inquiry. San Diego: Academic Press.
- Dhruvarajan, V. (2000). “People of Colour and National Identity in Canada”. Journal of Canadian Studies, 35:2, pp. 166-204.
- Douglas, M. (1992) Risk and Blame: Essays in Cultural Theory. London: Routledge.
- Eagly, A. (1987). Sex Differences in Social Behaviour: A Social Role Interpretation. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Fenstermaker, S. & West, C. (eds). (2002). Doing Gender, Doing Difference: Inequality, Power, and Institutional Change. New York: Routledge.
- Foucault, M. (1991). “Governmentality” pp.87-104 in Burchill, G. et al (eds). The Foucault Effect: Studies in Governmentality. Chicago: The University of Chicago Press.
- Garner, S. (2007). Whitness: An Introduction. London: Routledge.
- Glaser, B. G. (1978). Advances in the Methodology of Grounded Theory: Theoretical Sensitivity. Mill Valley, CA: The Sociology Press.
- Gustavsson, B. (2007). “Grounded Theory” pp. 66-86 in Gustavsson, B. (ed). The Principles of Knowledge Creation: Research Methods in the Social Sciences. Cleltenham, UK: Edward Elgar.
- Henry, F. and Tator, C. (2006). The Colour of Democracy: Racism in Canadian Society. Toronto: Nelson.
- Hill Collins, P. (2002). “Symposium on West and Fenstermaker’s “Doing Difference”” pp. 55-80 in Fenstermaker, S. and West, C. (eds). Doing Gender, Doing Difference: Inequality, Power, and Institutional Change. New York: Routledge.
- Howard, R. (1998). “Being Canadian”. Citizenship Studies. 2:1, 133-152.
- Hudson, B. (2006). “Beyond white man’s justice: Race, gender and justice in late

- modernity". Theoretical Criminology. 10:1, pp. 29-47.
- Ibrahim, M. (2005). "The Securitization of Migration: A Racial Discourse". International Migration. 43:5, pp. 163-186.
- Jakubowski, L. (2002). Immigration and the Legalization of Racism. Halifax: Fernwood Publishing.
- Jimenez, E. and Crepeau, F. (2002). "The Immigration and Refugee Protection Act." Horizons. 5(2), pp. 18-20.
- Jiwani, Y. (2006). Discourses of Denial: Mediations of Race, Gender, and Violence. Vancouver: UBC Press.
- Johnson, K. (2002). "Race and the Immigration Laws: The Need for Critical Inquiry" pp. 199-220 in Valdes, F., Culp, J., and Harris, A., (eds). Crossroads, Directions and a New Critical Race Theory. Philadelphia: Temple University Press.
- Kelley, N., and Trebilock, M. (1998). The Making of the Mosaic: A History of Canadian Immigration Policy. Toronto: University of Toronto Press.
- Khalema, N. & Wannas-Jones, J. (2003). "Under the Prism of Suspicion: Minority Voices in Canada Post-September 11". Journal of Muslim Minority Affairs. 23:1, pp. 25-41.
- Kimmel, M. (ed.) (2000). The Gendered Society Reader. Oxford: Oxford University Press.
- Kruger, E., Mulder, M., and Korenic, B. (2004). "Canada after 11 September: Security Measures and "Preferred" Immigrants". Mediterranean Quarterly. 15:4, pp. 72-87.
- Laxer, J. (2003). The Border: Canada, the US and dispatches from the 49<sup>th</sup> parallel. Toronto: Doubleday Canada.
- Li, P. (2003). Destination Canada: Immigration Debates and Issues. Don Mills: Oxford University Press.
- Lowry, M. (2002). "Creating Human Insecurity: The National Security Focus in Canada's Immigration System". Refuge. 21:1, pp. 28-36.
- Lyon, D. (2006). "Airport Screening, Surveillance, and Social Sorting: Canadian Responses to 9/11 in Context". Canadian Journal of Criminology and Criminal Justice. 48:3, pp. 397-411.
- Lopez, I. (2000). "The Social Construction of Race" pp. 163-175 in Delgado,

- R., and Stefancic, J. (eds). Critical Race Theory: The Cutting Edge. Philadelphia: Temple University Press.
- Lupton, D. (1999). "Introduction: Risk and Sociocultural Theory" pp.1-11 in Lupton, D. (ed). Risk and Sociocultural Theory. Cambridge: Cambridge University Press.
- Lupton, D. (1999). Risk. London: Routledge.
- Lupton, D. (ed.) (1999). Risk and Sociocultural Theory. Cambridge: Cambridge University Press.
- Lyon, D. (2006). "Airport Screening, Surveillance, and Social Sorting: Canadian Responses to 9/11 in Context". Canadian Journal of Criminology and Criminal Justice. 48:3, pp. 397-411.
- Martin, P. (2006). "The Mounting Costs of Securing the "Undefended" Border". Policy Options. 10:8, pp. 15-18.
- Maynard, M. (1994). "'Race', gender and the Concept of 'Difference' in Feminist Thought" pp.9-25 in Afshar, H. and Maynard, M. (eds). The Dynamics of 'Race' and Gender: Some Feminist Interventions. London: Taylor & Francis.
- Mason, J. (2005). Qualitative Researching. London: Sage.
- Mawani, R. (2004). "'Cleaning the Conscience of the People": Reading Head Tax Redress in Multicultural Canada". Canadian Journal of Law and Society. 19:2, pp. 127-150.
- Mawani, R. (2002). "In Between and Out of Place: Mixed-Race Identity, Liquor, and the Law in British Columbia, 1850-1913" pp.47-70 in Razack, S. (ed). Race, Space and the Law: Unmapping a White Settler Society. Toronto: Between the Lines.
- Mythen, G. & Walklate, S. (2006). "Communicating the terrorist risk: Harnessing a culture of fear?" Crime Media Culture. 2:2, pp. 123-142.
- Mythen, G. & Walklate, S. (2006). "Which Thesis? Risk Society or Governmentality?" British Journal of Criminology. 46, pp. 379-398.
- Netherton, A., Seager, A., and Froschauer, K.(eds).(2005). In/Security: Canada in the Post 9/11 World. Burnaby, BC: Centre for Canadian Studies, Simon Fraser University.
- Parker, L. and Lynn, M. (2002). "What's Race Got to Do With It? Critical Race

- Theory's Conflicts with and Connections to Qualitative Research Methodology and Epistemology". Qualitative Inquiry. 8:1, pp. 7-22.
- Phillips, J. (2005). "Improving Border Management". International Journal. 60:2, pp. 407-415.
- Plaw, A. (2005). "Why We Would be Better Off Without an Anti-Terrorism Act" pp. 231-262 in Netherton, A., Seager, A. and Froschauer, K. (eds). In/Security: Canada in the Post 9/11 World. Burnaby, BC: Centre for Canadian Studies, Simon Fraser University.
- Pratt, A. (2005). Securing Borders: Detention and Deportation in Canada. Vancouver: UBC Press.
- Pratt, A., and Thompson, S. (2008). "Chivalry, 'Race' and Discretion at the Canadian Border". British Journal of Criminology. 48, pp. 620-640.
- Ramraj, V., Hor, M. and Roach, K. (eds). (2005). Global Anti-Terrorism Law and Policy. New York: Cambridge University Press.
- Razack, S. (1998). Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms. Toronto: University of Toronto Press.
- Razack, S. (1999). "Making Canada White: Law and the Policing of Bodies of Colour in the 1990s". Canadian Journal of Law and Society. 14, pp. 159-185.
- Razack, S. (2002). Race, Space and the Law: Unmapping a White Settler Society. Toronto: Between the Lines.
- Razack, S. (2002). "'Simple Logic': Race, the Identity Documents Rule, and the Story of a Nation Besieged and Betrayed" pp. 199-220 in Valdes, F., Culp, J., and Harris, A., (eds). Crossroads, Directions and a New Critical Race Theory. Philadelphia: Temple University Press.
- Razack, S. (2002). "When Place Becomes Race" pp.1-20 in Razack, S. (ed). Race, Space and the Law: Unmapping a White Settler Society. Toronto: Between the Lines.
- Reinharz, S. (1992). Feminist Methods in Social Research. New York: Oxford University Press.
- Reitz, J. (2007). "Immigrant Employment Success in Canada, Part I: Individual and Contextual Causes". International Migration and Integration. 8, 11-36.

- Roach, K. (2005). "Canada's Response to Terrorism" pp. 511-533 in Ramraj, M. and Roach, K. (eds). Global Anti-terrorism Law and Policy. Oxford: Cambridge University Press.
- Roach, K. (2003). September 11: Consequences for Canada. Montreal & Kingston: McGill-Queen's University Press.
- Rock, N. (2002). Enforcing Federal Statutes. Toronto: E. Montgomery.
- Russo, R. (2008). "Security, Securitization and Human Capital: The New Wave of Canadian Immigration Laws". International Journal of Social Sciences. 3:4, pp.299-308.
- Satzewich, V. (ed). (1998). Racism and Social Inequality in Canada: Concepts, Controversies and Strategies of Resistance. Toronto, ON: Thompson Educational Publishing, Inc.
- Satzewich, V. (2007). "Whiteness Studies: Race, Diversity, and the New Essentialism" pp. 67-84 in Hier, S. and Singh, B. (eds). Race and Racism in 21<sup>st</sup>-century Canada: Continuity, Complexity, and Change. Peterborough, ON: Broadview Press.
- Scraton, P. (2002). "The Politics of Morality." pp. 40-46 in Scraton, P. (ed). Beyond September 11: An Anthology of Dissent. London: Pluto Press.
- Seidman, I. (2006). Interviewing As Qualitative Research: A Guide for Researchers in Education and the Social Sciences. New York: New York Teachers College Press.
- Simmons, A. (1998). "Racism and Immigration Policy" pp. 87-114 in Satzewich, V. (ed). Racism and Social Inequality in Canada: Concepts, Controversies and Strategies of Resistance. Toronto: Thompson Educational Publishing, Inc.
- Silverman, D. (2000). Doing Qualitative Research: A Practical Handbook. London: Sage.
- Silverman, D. (2006). Interpreting Qualitative Data. London: Sage.
- Scraton, P. (ed). (2002). Beyond September 11: An Anthology of Dissent. London: Pluto Press.
- Scraton, P. (2002). "Witnessing 'Terror', Anticipating 'War'" pp. 1-9 in Scraton, P. (ed). Beyond September 11: An Anthology of Dissent. London: Pluto Press.

- Smith, P. (2005). "Anti-Terrorism and Rights in Canada: Policy Discourse on the 'Delicate Balance'" pp. 169-204 in Netherton, A., Seager, A. and Froschauer, K. (eds). In/Security: Canada in the Post 9/11 World, Burnaby, BC: Centre for Canadian Studies, Simon Fraser University.
- Smith, C. (2007). Conflict, Crisis and Accountability: Racial Profiling and Law Enforcement in Canada. Ottawa: Canadian Centre for Policy Alternatives.
- Stovall, D. (2006) "Forging Community in Race and Class: Critical Race Theory and the Quest for Social Justice in Education". Race, Ethnicity and Education. 9:3, pp. 243-259.
- Stubbs, J. (2004). "The Bottom Rung of America's Race Ladder: After the September 11 Catastrophe are American Muslims Becoming America's New N....s?" Journal of Law and Religion. XIX, pp. 115-151.
- Tanovich, D. (2006). The Colour of Justice: Policing Race in Canada. Toronto: Irwin Law.
- Tator, C. And Henry, F. (2006). Racial Profiling in Canada: Challenging the Myth of 'A Few Bad Apples'. Toronto: University of Toronto Press.
- Thobani, S. (2007). Exalted Subjects: Studies in the Making of Race and Nation in Canada. Toronto, ON: University of Toronto Press.
- Valdes, F., Culp, J. and Harris, A., (2002). Crossroads, Directions and a New Critical Race Theory. Philadelphia: Temple University Press.
- Van Brunschot, E. and Kennedy, L. (2008). Risk, Balance and Security. Thousand Oaks: Sage Publications.
- Vickers, J. (2002). The Politics of Race: Canada, Australia, The United States. Ottawa: Golden Dog Press.
- Wark, W. (2006). National Security and Human Rights Concerns in Canada: A Survey of Eight Critical Issues in the Post-9/11 Environment. Ottawa: Canadian Human Rights Commission.
- West, C. & Fenstermaker, S. (2002). "Doing Difference" pp. 55-80 in Fenstermaker, S. and West, C. (eds). Doing Gender, Doing Difference: Inequality, Power, and Institutional Change. New York: Routledge.
- Whitaker, R. (2003). "Keeping up with the Neighbours? Canadian Responses to 9/11 in Historical and Comparative Context". Osgoode Hall Law Journal. 41, pp. 241-264.

- Williams, P. (2000). "Alchemical Notes: Reconstructing Ideals from Deconstructed Rights" pp. 80-90 in Delgado, R., and Stefancic, J. (eds). Critical Race Theory: The Cutting Edge. Philadelphia: Temple University Press.
- Williams, Jr., J. (1971). "Interview-Respondent Interaction: A Study of Bias in the Information interview" in Franklin, B. J. And Osborne, H. W. (eds). Research Methods: Issues and Insights. Belmont, California: Wadworth Publishing Company.
- Wortley, S. and Tanner, J. (2004). "Discrimination or Good Policing? The Racial Profiling Debate in Canada" Our Diverse Cities. 1, pp. 197-201.
- Ulin, P., Robinson, E., and Tolley, E. (2005). Qualitative Methods in Public Health: A Field Guide for Applied Research. San Francisco: Jossey-Bass.