

# **Refugee as Sovereign Value: Staunching the Flow in a Time of Drought**

**by**

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B.A., University of Victoria, 2008

Thesis Submitted in Partial Fulfillment  
of the Requirements for the Degree of  
Master of Arts

in the

School of Communication

Faculty of Communication, Art and Technology

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**SIMON FRASER UNIVERSITY**

**Summer 2012**

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## Abstract

Since the early 20<sup>th</sup> century refugees have possessed strategic value by virtue of their country of origin and the inherently political nature of the acceptance of refugees. Historically, as the definition of “desirable” and “undesirable” citizens changes, so too does Canadian immigration policy. Investigating the sociopolitical climate in which refugees are situated today, this paper outlines theories concerning the nation-state, human rights, and power. These conceptual issues are then applied to a case study of media discourse surrounding the *MV Sun Sea*, a ship transporting over 400 Tamil asylum seekers to Canada in August of 2010. The analysis of three Canadian newspapers concluded that the event was captured as a “smuggling event” with dominant frames of asylum seekers as illegal, a danger, and a threat to law and order. Congruently, the *MV Sun Sea* fuelled a moral panic surrounding Canadian European identity and sovereignty. I also argue that this event was an impetus to the Conservative government legislating the mandatory detention of refugees that arrive via ship to Canada.

**Keywords:** asylum seeker; *MV Sun Sea*; discourse analysis; refugee policy; Canadian immigration policy; human smuggling

## Dedication

*This paper is dedicated to those refugees who find their struggle situated in politics rather than human integrity.*

## **Acknowledgements**

I would like to thank my senior supervisor, Rick Gruneau, for his intellectual and practical advice that prevented me from making a mountain out of a mole hill. Also, I thank Kathleen Cross for her careful and well considered thoughts on my earlier work.

Thanks to my parents and Grandma for always being my light and inspiration. I am also grateful to my close friends, Nicole, Justin, Kendra, Ayumi, and Graeme for their encouragement and interest in my research. Lastly, an entertaining, educating, and distracting graduate cohort should not be forgotten.

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## List of Acronyms

BCGEU	B.C Government and Service Employees' Union
BRRRA	Balanced Refugee Reform Act
CBSA	Canadian Border Services Agency
CBC	Canadian Broadcasting Corporation
CCR	Canadian Council for Refugees
CIC	Citizenship and Immigration Canada
CNCR	Canadian National Committee on Refugees
DFAIT	Department of Foreign Affairs and International Trade
DNS	Department of National Security
FMLN	Farabundo Marti National Liberation Front
ICD	International Classification of Disease
INS	Immigration and Naturalization Service
IRB	Immigration and Refugee Board
IRPA	Immigration and Refugee Protection Act
LTTE	Liberation Tigers of Tamil Eelam
NOII	No One Is Illegal
RCMP	Royal Canadian Mounted Police
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States of America
VIHA	Vancouver Island Health Authority
Bill C-4	Preventing Human Smugglers from Abusing Canada's Immigration System Act
Bill C-11	Balanced Refugee Reform Act
Bill C-31	Protecting Canada's Immigration System Act
Bill C-49	Preventing Human Smugglers from Abusing Canada's Immigration System Act
Bill C-55	Refugee Reform Bill
Bill C-84	Refugee Deterrent and Detention Bill

# 1. Introduction

This thesis contains three objectives. The first objective is to provide a broad discussion of contemporary writing on human rights and refugee policies, with specific reference to the nation-state and to the discursive power of media. The second objective is to locate this more general conceptual and theoretical discussion within Canada. Finally, the third objective is to conduct a relevant case study, guided by the research question, “what is the current media discourse surrounding asylum seekers within Canada?” The overall purpose of this thesis is to understand the interconnectedness of the state, refugee policy, and media discourse within Canada, hypothesising the sociopolitical direction in which refugee policy is headed.

The discursive event chosen for the case study is the arrival of the *MV Sun Sea*, a ship transporting 492 Tamil asylum seekers to Canada from Sri Lanka in August of 2010. This was the largest number of asylum seekers on one ship in Canada’s history, and the event acted as a direct challenge to Canada’s sovereign power to control its borders. The *MV Sun Sea* story exemplified what I argue is an increasing moral and political imperative in recent years to protect Canadian borders. An accentuated passion around immigration policy is not old news, arguably part of the ever-elusive Canadian identity. While Canada is a nation of immigrants, in many respects, it also has a long history of changing categories, definitions, and regulations in order to keep “undesirable” out and “desirable” in. The definition of these undesirables appears to have hardened over the past decade, for many reasons, including: the global geopolitical “war on terror,” led by the United States; increases in refugee demands in the Global North due to ongoing regional conflicts, drought and famine in the Global South; moral panics over the potential “cost” of new immigrants to national governments, in a time of high public debt; perceived threats to the job prospects of existing citizens due to the international mobility of cheap labour, in an era of globalized free trade.

It is clear, however, that without the movement of people into Canada, the population would be declining. In 2010, Canada had 280,681 new permanent residents (CIC, 2011a). The same year, Canada also had 98,380 refugee claimants (CIC, 2011b). Citizenship and Immigration Canada (CIC) states that Canada settles 10,000 to 12,000 refugees every year (CIC, 2011c). Throughout this writing I refer to asylum seekers and refugees interchangeably. However, it should be noted that an asylum seeker is a person who is seeking asylum and has not yet gained full “refugee” status from the receiving country. The specific asylum seekers researched are referred to as “asylum seekers” because they have not been given full refugee status at this time.

Why are refugees such an important and politically charged aspect of immigration? First, those who are forced to migrate are different than those who choose to migrate. A refugee is by definition, a person who is forced to flee for reasons of persecution or threat to life. With the dramatic increase in refugees during World War One and World War Two, the Refugee Convention was drafted as a mechanism to hold states accountable to the protection of refugees, namely under the *non-refoulement* clause. However, words are easier to write than actions to enact. Hannah Arendt (1966) points out that “the construction of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human” (p. 299). The refugee illuminates the conflict between human rights and the nation-state. Namely, if one is not a citizen do they have rights?

Secondly, the illegality of the refugee is produced by the state. This means that the state defines the parameters by which entrance may be completed. The importance of the refugee then also lies in the indicative nature of their acceptance or rejection. What arguments are made for the rejection of refugees? This is dependent on the political relationship between the receiving country and country of origin’s political leader and/or oppositional groups. Foreign policy plays a significant role in the acceptance of refugees in that by recognizing a state as refugee producing, the receiving country is condoning these actions, effecting further international relations. This concept was exercised during the Cold War, giving refugees strategic value. Furthermore, the treatment of refugees upon arrival is typically indicative of the ideologies of the ruling

political party of the receiving country. Historical and political knowledge goes to show that right leaning governments (Prime Minister Mulroney for example) are overall more restrictive with immigration than centre to left leaning parties (Prime Minister Trudeau for example).

Finally, refugees are an important issue because they have the ability to bring state power, as exercised by the government, into crisis. Whether it be the wolf knocking at the door, a state of emergency, or a state of exception (Agamben, 2005), in times of crisis extreme measures are not only allowed but viewed as necessary. Today, rarely is immigration discussed in terms of soft questions of nation building and nationhood, focusing instead on hard questions pertaining to securitization, criminalization, and efficiency.

Chapter two fulfils the first objective by investigating the nation-state and human rights, concepts of illegality, definitions of power, news media in relation to the public, and categorization as a form of power. The understanding of these conceptual issues is necessary for its application to previous literature and an empirical site of refugees within media discourse. I argue that both Hannah Arendt (1958; 1966) and Giorgio Agamben (1998; 2000; 2005) provide a useful foundation for understanding the refugee. The refugee is a person which for various reasons has lost the right of protection from her/his country. If a person is no longer protected by their nation-state does this mean that they are void of rights? This can be answered in one of two ways. Arendt (1958), in *The Human Condition*, approaches human existence as inherently political. We are human because we engage with others. This engagement is always politics in Arendt's perspective. Agamben (1998), on the other hand, divides human existence into the biological and the political, effectively removing the rights of the individual, creating what he labels *homo sacer* or 'bare life.' Just as the definition of a conflict determines the type of solution, so too does political theory determine the approach. Being aware of the ideological stance of both Arendt and Agamben, I move forward hoping for this research to give clarity to these thoughts.

Asylum seekers are often understood and referred to as illegal. How is this illegality produced? Illegality is dominantly a sociopolitical process in that there is nothing biological that determines a person's legal status. Illegality is produced by the state

(DeGenova, 2002) and enforced at the level of the individual and the border (Sassen, 1998). This enforcement depends on the individual's citizenship and the relations that the receiving country has with that state. Increasingly, the political practices of the individual are thrown into question in a current climate of terrorist threat. Threat is defined by that state and as such the state has the power to exclude or include refugees. Deportation is exercised through illegality in large part due to the *non-refoulement* clause of the Refugee Convention. Just as identification is a political formation, illegality is formed socially through the power to construct meaning within society (Hall, 1981). The meaning is constructed through discourse.

Following van Dijk, (2008) I argue that discourse may indirectly control one's attitudes, knowledge, ideologies, and values. Social positions are re-affirmed through the production of symbolic power within discourse. Media discourses specifically, tell society *what* to think about through a process of agenda setting (McCombs & Shaw, 1972; McCombs, 2004), as well as *how* to think about it through the processing of framing (Althiede & Snow, 1979; Gitlin, 2003). If power is situated within the construct of meaning, then media discourse does exert and contain power. For example, McCombs (2004) argues, journalists influence their audience's picture of the world. This picture is constituted by incomplete stories and images. However, with the power of classification and categorization, audiences are able to take shortcuts in defining others, situations, and all together reality. Bowker and Star (1999) argue that classification systems change temporally as social norms shift. Bringing refugees back into the discussion, this shift has been seen through the historical definition and redefinition of what constitutes a "desirable" immigrant and more significantly, what constitutes a "good refugee," further outlined in Chapter three. Historically, political refugees have had strategic value, by the connotation of accepting a refugee from specific political regimes. If a refugee asks for asylum at the border, are they different than refugees who apply for asylum while in a refugee camp? Contemporarily, what value do the refugees at borders have?

According to the 1951 United Nations (UN) Convention Relating to the Status of Refugees and its 1967 Protocol (from here referred to as the Refugee Convention), a refugee is defined as an individual who,

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR, 2010).

Currently, under the *Immigration and Refugee Protection Act* (IRPA) Canada recognizes “Convention refugees,” as those that meet the criteria of a Refugee Convention refugee, and “person in need of protection,” as those that do not meet the criteria to be a Convention refugee but still face significant risk in returning home (IRPA, 2002). For the purpose of this research, both classes of refugee are simply referred to as refugees.

Under the *non-refoulement* clause of the Refugee Convention, no refugee is allowed to be deported back to his or her country of origin once within or at the receiving countries border. However, a refugee may be refused status under Article 1F of the Refugee Convention and thus deported if:

- (a) he [or she] has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) he [or she] has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) he [or she] has been guilty of acts contrary to the purpose and principles of the United Nations (UNHCR, 1951, p. 16).

With political moves to fight terrorism, section (a) of the article noted above is frequently used to deny refugee status. Mechanisms are also in place to keep asylum seekers from reaching the borders. These include visa requirements, airline sanctions, and extraterritorial migratory controls (Gammeltoft-Hansen, 2011), making it increasingly difficult to enter Canada through regular means. This in effect has led to individuals seeking asylum through “irregular” means. These irregular means almost always involve the use of a smuggler or a professional in the movement of goods and/or people across borders secretively (Mountz, 2010).

University of Toronto Law professor Audrey Macklin (2004; 2011), argues that the refugee is discursively disappearing through the enactment of policy change. Macklin

(2004) states, in principle, "...why someone crosses a border bears no necessary relation to how they cross it" (p. 367). However, to prevent, stop, and deter refugees from showing up at the border, the Canadian government is currently using this combination of refugee status with method of transport. As outlined above, entering Canada through regular means (i.e. airport) is difficult, making irregular transport (i.e. by ship) among the only options given for mobility. Proposed in February of 2012 was Bill C-31, the *Protecting Canada's Immigration System Act*, legislating the mandatory detention of all "irregular arrivals" to Canada. The *MV Sun Sea*, the site of my research, was one of the most high profile cases of "irregular arrivals" of the past five years, and arguably history, of Canada. Along with this was the *Ocean Lady* of 2009 with 76 Tamil asylum seekers. And historically, the *Kamagata Maru* of 1914 should not be forgotten.

Making the connection from the *MV Sun Sea* to this legislative change, I argue that moral panic was spread through the media, throwing Canadian immigration policy into crisis. This occurred in a political climate that was ripe for legislative change that effectively increased Canada's sovereign power of exclusion. The fact that Canada gained a majority Conservative government in May of 2011 also should be recognized inasmuch as Conservative leadership within Canada has dominantly led to tighter immigration policies and a majority in the House of Commons allows for more efficient legislative change.

Moral panic and immigration are not a new pairing. Immigration has long been viewed as a direct threat to society, as in the case of Asian immigrants settling in Vancouver until the 1960s (Indra, 1979). After which date, Asian immigrants were discursively presented as a "problem" or "issue" within the Vancouver press. Jasmin Jiwani (2006) states, "[a]s threats to the social order, immigrants have often been stereotyped as transgressing normative rules by jumping the immigration queue...and engaging in criminal behaviour that violate the law and order of the dominant society" (p. 49). Previous research has resulted in similar emerging refugee frames within the press. Refugees are viewed as a threat to security, national identity, and economic stability. They are also presented as criminals through discourses of illegality. Both general frames leave little space for humanitarian discourse, using it only when recognition of past inhumane mistakes calls for a humanitarian response. Van Dijk (1991) argues that these issues, as presented in the press, persuade the public to resent immigrants,

leading to adequate public reaction “...later used as a legitimization by the conservative Press and the authorities to continue their anti-immigration policies” (p. 2); thus, making a direct connection between discourse, public opinion, and legislative change.

Chapter four brings the background and conceptual issues, as well as history of Canadian refugee policy and discourse, into the present to fulfill the third objective of the application of these issues to a relevant case study. A discourse analysis was conducted of mainstream newspaper articles surrounding the arrival (August 13, 2010) and following month of ensuing events concerning the *MV Sun Sea* and the 492 Tamil asylum seekers (women, men, and children) using it as a mode of transport to Canada. Seventy-three news pieces were analysed from the *Vancouver Sun*, *Globe and Mail*, and *Toronto Star*, with four news pieces found within an alternative online newspaper, *Rabble.ca*. The latter of these news sources acted as a counter example of how the event could have been presented, discussed, and framed. The limitations of discourse analysis are understood as offering hypotheses and “likely” readings based on, at the minimum, a certain level of frequency (Deacon et al., 1999). Tamils offer an interesting population to investigate in that some Tamils are part of the LTTE (Liberation Tigers of Tamil Eelam), which has been fighting for separate territory in the north of Sri Lanka for over 25 years. To be clear, the LTTE has committed numerous attacks on Sri Lanka and India; however, by no means are all Tamils members of this organization. As well, the Canadian government has recognized that the Sri Lankan government should be held accountable for the civil war due to its overall lack of co-operation with foreign governments and the LTTE (Standing Committee on Foreign Affairs and International Development, 2009). Regardless, the 25 year civil war officially ended in May of 2009, meaning the return of some 146,000 (as of mid-2010) UNHCR registered refugees is officially possible (UNHCR, 2011). Unofficially, displaced persons are said to reach in the millions, with Tamils fleeing Sri Lanka even after the war ended (Kingsbury, 2012, pp. 8-10). The reality of Tamil refugees is difficult due to the possibility that some Tamils are or were members of the LTTE while others have directly faced persecution by both the LTTE, for perhaps not joining the cause, and the Sri Lankan government by virtue of their ethnicity.

Through the emerging discourse frames surrounding the *MV Sun Sea*, I argue that news media discourse surrounding refugees within Canada is dominantly about

protecting Canada's sovereignty and keeping its citizens safe in a climate of possible terror. Furthermore, today, more than ever, refugees demonstrate an ability to throw the moral imperative of sovereignty into crisis; thus, necessitating legislative change. In their flight from persecution, herding into camps, or forced migrations abroad, refugees lose their human rights. Arendt (1966) states, [i]t seems that a man who is nothing but a man has lost the very qualities that make it possible for other people to treat him as a fellow-man" (p. 300). Still, if a refugee has lost all human rights perhaps the refugee can assume a degree of agency by recognizing their ability to challenge sovereignty. This notion is what is at the heart of the issue with refugee mobility as hypothesised through the discourse analysis of the *MV Sun Sea*.

## 2. Human Rights, State, and Power

Viewed most simply, an asylum seeker is an individual who is seeking asylum or refuge from her or his country of birth or citizenship. However, the construction of the asylum seeker is interwoven in a history of political and economic ideology that is situated in an environment of news media discourses and public opinion. Where is power situated in the discursive construction of the asylum seeker? Through an analysis of theoretical approaches to power, as well as the application of this to media effects theories, an understanding of the influence of discourse on public opinion and in turn political action, can be generated. Giorgio Agamben's (1998) use of *homo sacer* or bare life is used to examine the essence of a person without rights. The refugee as a figure exemplifies the paradox of existing within the law yet outside the nation-state as a non-citizen. Through the movement and politics of refugees, sovereignty is often challenged, throwing the state into crisis and bringing about a state of exception (Agamben, 2000; 2005). Adding to this, Hannah Arendt (1966) provides a historical analysis of the removal of rights. Currently, a dialectic of rights and illegality are at play in the realm of asylum seekers. This chapter provides an examination of the theoretical basis of the production of illegality, along the lines suggested by Arendt and Agamben.

The chapter also focuses on the construction of the asylum seeker, as a facet of the sociopolitical process, that is mediated through news media discourse. Cultural theories view power as situated within the construction of meaning (Hall et al., 1978); thus, framing and agenda setting are utilized as mechanisms through which meaning is generated around the asylum seeker. Throughout communication literature there is an inherent power recognized within classification systems and categorization. Geoffrey Bowker and Susan Star (1999) provide a detailed understanding of these systems as necessary, yet symbolic and significant to representations of reality. Providing a theoretical framework for the history of the asylum seeker, as well as power and the situation of this power within the construction of the asylum seeker, provides the foundation for further investigation into current discourses surrounding asylum seekers.

## 2.1. The Nation-state and Human Rights

“The construction of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human” (Arendt, 1966, p. 299).

“Inasmuch as the refugee, an apparently marginal figure, unhinges the old trinity of state-nation-territory, it deserves instead to be regarded as the central figure in our political history” (Agamben, 2000, p. 21).

I begin this chapter with a move similar to recognizing the ownership of the land on which one is speaking or active. Tyler (2006) has presented a theoretical critique of studies concerning the asylum seeker. In our desire to draw out the political nature of categorization and exclusion, have academics co-opted the refugee or asylum seeker as simply an abject object used to exemplify a site of resistance? This resistance that is often felt, but never completely explained, is that of society controlled by the rule of law. Inherent in law is the assumption that there is an absolute truth, a right and a wrong. While such dichotomies and legal realities can be subject to judicial interpretation, the law operates on a set of legislated principles that shape social reality in powerful ways. Even so, the law is often at odds with the lived experience of events that are not quite so easily classified.

What does it feel like to be considered illegal in body by virtue of the location in which you were born? This individual experience is something not brought into my research, but should be recognized and remembered throughout. The asylum seeker is an individual wrapped up in politics and power relations. Just as media frames can arguably act to naturalize the public fear of asylum seekers, this research too can act to naturalize the asylum seeker as a distinct category. However, it is important to note at the outset that each individual has a different story and circumstance that has led himself, or herself, to be classified as such. On a basic level of defining right from wrong, inclusive from exclusive, I do not believe there to be one right answer. In a reflexive manner I understand that this research might have an ethnocentric bias and a general feeling of wrongful appropriation for the sake of larger theoretical musings. In this sense, I am sensitive to Tyler’s (2006) warning about the theoretical turn that has appropriated the asylum seeker as a need for a figure to represent “our” desires and notions of

displacement. Within this, Tyler (2006) states that we must "...resist the temptation to construct the imagined 'victims' of [state] violence as narcissistic figures of 'our own' political hope" (p. 199). With this being said, I move forward, presenting theories of law, legitimacy, and exclusion as a useful frame from which to demonstrate that there is no objective right and wrong, rather subjective and geographical sites of versions of right and wrong.

Before entering into a discussion on rights and the state it is important to have set definitions to work from. The state as used here is a compulsory political organization with a centralized government that maintains a monopoly of the legitimate use of force within a certain territory. A sovereign state has independent authority over the given territory, which can be challenged from the outside or the inside. These challenges may be directed at both the borders and the heritage of a state. A nation is a community of people that share a common culture. Defining Canada as a Nation becomes difficult when considering its multicultural nature. I recognize that Canada is not a nation-state because the nation and the state do not coincide; however, Canada does have specific cultural and social characteristics that may be defined by their difference. In this sense, I do relate Canada to a nation-state in that it has a people and a state.

Giorgio Agamben (1998) offers a theoretical approach to power as situated within biopolitics. Biopolitics is the inclusion of the biological body within mechanisms of state power (Foucault, 1978). Agamben (1998) moves away from the biological elements of the body and presents the body as the site of which to understand the mechanisms of politics. It is here that the intersection of institutional and biopolitical notions of power join. Agamben (1998) utilizes the Latin translation to investigate the root of politics. He states that the Aristotelian definition of *polis* can be viewed as the opposition between life (*zoe*), which is biological, and good life (*bios*), which is political (Agamben, 1998, p. 7). If this is so, then it is politics that constitutes the good life. This is where Agamben diverges from Arendt (1958). Arendt (1958) argues that the conditions for human existence necessitate the political. Dividing the human condition into labour, work, and action, it is the action of people that is political.

Action, the only activity that goes on directly between men without the intermediary of things or matter, corresponds to the human condition of plurality, to the fact that men, not man, live on earth and inhabit the world.

While aspects of the human condition are somehow related to politics, this plurality is specifically *the* condition – not only the *conditio sine qua non*, but the *conditio per quam* – of all political life (Arendt, 1958, p. 7).

Owens (2011) argues that with the advent of the modern nation-state, the distinction between *zoe* and *bios* becomes blurred. In ancient times, the political body did not care for the biological body; however, within the nation-state today, one of the main components of politics is that it must care for and protect the biological body. This in effect creates a more nuanced version of *zoe*, the biological, what some may point to as humanity.

Agamben (1998) uses a figure in Roman law, *homo sacer*, or 'bare life,' to illustrate a paradox of law and exclusion. *Homo sacer* is a man banned from society that can be killed by anyone due to his crimes, but not sacrificed (Agamben, 1998). This figure then represents a paradox within law. How is it that something can exist outside of society, yet remain legally included? This is the difference between *zoe* and *bios* that is dictated by politics. Rabinow (2006) comments that once a profession is entered into within the state (i.e. lawyer, doctor, teacher), those positions become where the power over bodies is exerted. Thus, in the case of immigration law, for example, the state has the power to exclude bodies from the nation, yet include them in the laws of removal or acceptance.

The refugee camp is a space utilized by Arendt and Agamben to exemplify bare life and a state of exception. Rather than using Arendt's (1966) term "abstract nakedness," Agamben uses bare life to represent the biological body subject to laws, while not considered citizen. Owens (2011) states that "[t]he refugee camp is an exemplary zone of in-distinction where individuals can be subject to various forms of violence without legal consequences on territory that is outside the normal juridical order" (p. 140). The lifting of these regulations occurs within a "state of exception," as outlined by Agamben (2005). Thus, being reduced to bare life and stripped of citizenship, also means being excluded from protection and included in specific laws. Agamben (2005) argues that the refugee is always in a state of exception.

According to Agamben, human rights act as the bridge by which subject becomes citizen (Agamben, 1998). Agamben (1998) uses the refugee as a figure to

exemplify this notion. That figure is 'bare life.' Thus, through declarations of human rights and humanitarian actions it is possible to situate the refugee as citizen. Theoretically, this is simple; however, in practice this becomes complicated by the First World War, the French Revolution, Nazism, Fascism, and the general necessity to define and redefine "citizen" during times of conflict (Agamben, 1998).

In *The Origins of Totalitarianism*, Hannah Arendt (1966) outlines the removal of human rights during the First World War. She states that it was an abstract nakedness that increased suffering "...to whom the rules of the world around them ceased to apply" (p. 267). The point at which human rights were lifted occurred with the recognition that "...the transformation of the state from an instrument of the law into an instrument of the nation had been completed..." (Arendt, 1966, p. 275). Thus, the state was no longer representative of legal obligations but rather, national interests. The refugee is a figure of the law that the state should protect. Arendt (1966) points out that the refugee has always been protected through the right of asylum. It was not until after World War Two that the refugee "...was felt to be an anachronism and in conflict with the international rights of the state" (Arendt, 1966, p. 280). Similarly, Saskia Sassen (1998) notes that although there are international laws in place, such as the 1951 Refugee Convention (outlined further in Chapter three), these laws are currently not paired with the right of asylum. During and after the World Wars, within Europe it was common for the state to smuggle refugees out of its territory, and into others, rather than provide refuge. Historically, increased political conflict has led to an increase in statelessness, or refugees, which is mutually constitutive of changing declarations, laws, and sovereignty set against political conflict.

Arendt (1966) was the first to provide an in-depth analysis of the struggle between human rights and sovereignty. Agamben (1998; 2005), influenced by Arendt, rejects "the right to have rights," utilizing the dichotomy between bare life and citizen (or sovereignty) to outline a "state of exception" that the refugee is situated. The "state of exception" is not a law in itself, but a definition of law's threshold (Agamben, 2005). The nation-state often declares a state of exception in order to suspend normal legal order in a time of crises, defined by sovereignty under threat (Landau, 2006, p. 326). Agamben (2005) agrees that the state of exception, the point at which government becomes law

and the constitution is set aside, has in fact become the norm, rather than the exception (p. 9).

Arendt affirms that the refugee must not be viewed within the dichotomous relationship but be understood as human, which is by interaction, political (Owens, 2011). "The right to have rights" denotes the lack of an inherent right in the face of no community. Rights in themselves can only come out of a community with relations between people. Thus, as Arendt (1966) argues, rights come out of the inclusion within a political community and are provided under the framework of the values of that community, or democratic group. "...[T]he existence of a right to have rights...means to live in a framework where one is judged by one's actions and opinions...and a right to belong to some kind of organized community..." (Arendt, 1966, pp. 296-297). Commenting on the definition of rights, Arendt (1966) argues for the necessity of a political community because without it, rights are defined by what is good for humankind. This is problematized when "illegal" action is considered "good for" one person and not the other. Thus, rights must be defined by the political community, rather than God, as Christian theology follows.

While both Hannah Arendt and Giorgio Agamben provide important entry points for any consideration of human rights and the refugee, their definitions of rights, in and of themselves, differ. Arendt argues the need for a political community of belonging in order for one to have the right to be heard and seen. Agamben, on the other hand, uses the refugee as a construct of bare life that has mixed with political life, often involved in states of exception. Furthering this notion, through a state of exception it becomes possible for governments to act with impunity. As Chandra Mohanty (2011) notes, democratic regimes act "...to kill, imprison and deploy multiple forms of intimidation and violence in the name of a war on terror and 'security and protection' of the nation" (p. 76). The issues of threatened identities and security, in particular, create conditions where laws can be passed relatively quickly and unquestioned. Agamben (2000) argues that,

[i]f the refugee represents such a disquieting element in the order of the nation-state, this is so primary because, by breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary function of sovereignty to crisis (p. 20).

Thus it would seem that the refugee challenges sovereignty while at the same time being situated within a state of exception. Can the refugee then be understood to have strategic value? The value in refugees today is that they bring sovereignty into crisis, instigating a state of emergency, leading to quick and unquestioned legislative change. Agamben (2000) argues,

[t]he refugee should be considered for what it is, namely, nothing less than a limit-concept that at once brings a radical crisis to the principles of the nation-state and clears the way for a renewal of categories that can no longer be delayed (pp. 21-22).

With the refugee as sovereign value as a guiding theoretical framework, I move forward into how the refugee is produced, situated within power, and categorized.

## **2.2. The Production of Illegality**

In order to investigate the exclusion of refugees, it is necessary to outline some key theoretical approaches to the formation of illegality. The most documented scholarship in this area is associated with Nicholas DeGenova (2002; 2007; 2010). DeGenova (2002) seeks to problematize terminology and the methodological approach towards undocumented immigrants. Previous research has largely been directed at policy initiatives in order to make immigration law more effective; however, DeGenova (2002) asserts that there needs to be a focus on the migrant's experience of being the "undocumented" and recommendations set forth for the people rather than the state. With this in mind, DeGenova (2002) presents the notion of "illegality," as a way to understand the process of becoming illegal, as sociopolitical rather than individual. In so doing, DeGenova is able to provide an anthropological critique of the state. This problematizes the formation of illegality as a sociopolitical process in favour of the state.

Some of Saskia Sassen's work (1998) augments the work of DeGenova. Sassen states that the movement of emigrants is patterned and produced by the state. Whether it is Japan, the EU, or Canada, the flows of emigrants follow a pattern that is dictated by the political and economic situations of the receiving countries (Sassen, 1998). She also made explicit that the control and regulation of immigration is enforced at the level of the

*border* and *individual*. The acceptance of the individual relies on both the state policies in place and the unique situation of the migrant. Reaching for a global perspective on immigration policy, Sassen (1998) states that migration is embedded in economic internationalization, or globalization. While the scope of my own research does not venture into globalization (other than the reality of its large scale effects), it is here that a networked understanding of migration processes is available.

DeGenova (2002) builds from the idea of migration as something produced and patterned, stating that migrant situations within the United States are produced by immigration law, which is also heavily constituted by history. DeGenova (2002) prefaces this by commenting that as a meta narrative, migrants within the United States are also shaped by ideologies of labour and capital. With specific reference to refugees, he notes how the illegality of refugees is produced by immigration law. Refugees are not commonly referred to as “illegal” refugees (this is an oxymoron), but are viewed as “bogus” or “nongenuine.” Moving this concept into refugee discourse it can then be understood that the exclusion of a refugee is also produced by immigration law. DeGenova (2002) outlines the work of Susan Coutin (2000) with Salvadoran refugees in the United States as an approach that outlines illegality as constituted by the law, *but* misses the historical formation of immigration law.

In the Canadian context, Goldring, Berinstein, and Bernhard (2007) theorize illegality as something having “precarious legal status” due to the many definitions in status and paths towards being labelled illegal. Following DeGenova, Goldring and colleagues (2007) view illegality as produced by the state rather than the individual. Foucault (1995) states that “...the existence of a legal prohibition creates around it a field of illegal practices” (p. 280). Thus, the stricter immigration policy becomes, the more likely that illegal avenues will open to counter this. The rise of human smuggling networks is a contemporary example of this phenomenon (Mountz, 2010). The recognition that illegality is produced by the state brings the distinction between legitimate and illegitimate immigrants into question and provides a lens through which one can create a more nuanced understanding of the social and political processes involved.

What are the mechanisms in which illegality is produced by the state? This question has many assumptions written into it that become difficult to grapple with theoretically. For example, one dominant perspective in the literature in political science would be to view the nation-state as the most important location of the exercise of power over the definition of illegality in respect to immigration. An alternative view, more favoured by sociologists and cultural studies scholars, would be to see illegality as also produced by social and cultural factors. My work is more influenced by the latter perspective than the former, which is why I feel it necessary to bring the analysis of media discourse into the discussion. For that reason, the following sections explore the connection between power and discourse. Discourse is the site of investigation into the sociopolitical construct of the asylum seeker.

### **2.3. Understanding Power**

In order to consider the state, or the media, as sites of power, a definition of power is necessary. There are numerous conceptualizations of power throughout the social sciences. For the purpose of this thesis, I have chosen to use cultural theorist Stuart Hall's (1978; 1981) definition of power as the ability to construct meaning. In a hegemonic manner this can involve both coercion and the less coercive naturalization of knowledge and ideology. Power is discursively produced and reproduced (Jiwani, 2006). While Hall's concept of power is pertinent, other theorists also offer valuable insight. For instance, Lukes, Foucault, and Giddens outline structures of power situated within a dichotomous or trichotomous relationship with society.

Steven Lukes (1974; 2005), one of the first major theorists of power, produced a three-dimensional concept of power to investigate the capacity of ruling elites. This concept has been criticized as a theory of domination and not power (Morriss, 2006), but provides a useful political perspective. Lukes argument for the three dimensions goes as follows: The first dimensional view looks at the behaviour involved in making decisions where conflict exists, whereas the second dimension is the power to make decisions and not make decisions as well as have control over the political agenda (Lukes, 2005). Taking from Gramsci's theory of hegemony, the third dimension involves the first and second dimension but extends into situations without conflict and may occur without the

other's awareness (Lukes, 2005). Still, in Lukes' three dimensional approach, there is a tendency to view power too closely with the capacities of ruling classes or elites.

While at times overused and misquoted, Foucault allows for a view of power as more dispersed, while still connected to discourse, knowledge, and historical relations. For Foucault (1995), power is positive as well as negative. That is, power can exclude, repress, conceal, etcetera, but it can also produce. Power has the ability to produce realities and truths that are within the dominant framework of rules or standards (Foucault, 1995). These standards are normalized through administrative practices in institutions such as education, justice, and medicine. This is exemplified through the use of discipline in order to control sexuality, speech, and activity of prisoners, but at the same time, Foucault extends his concept of power to society as a whole (1984). Power is "productive" and "makes things happen" and it flows in "capillary form" throughout the practices that form the social body. Foucault's concept also extends power into the discursive realm, emphasizing how power, knowledge and discourse become integrated into particular "formations" in differing time "epistemes" or time periods.

This perspective on power is useful insofar as it broadens the concept of power beyond a focus on coercion. Foucault's view of history is also useful in the way that it makes discursive formations a key aspect of the historical process. Manokha (2009) utilizes Foucault's notion of genealogy, taken from Friedrich Nietzsche's *Genealogy of Morals*, as a way to understand the history of human rights discourse. Each historical moment is constitutive of its own power relations and does not necessarily progress in a linear fashion or align with inevitable trends to current times. In other words, there is a "...discontinuity of knowledge/power configurations within which individuals exercise power over others and over themselves..." (Manokha, 2006, p. 434). In reference to discontinuity, Foucault (1984) states that "...the important thing here is not that such changes can be rapid and extensive, or rather it is that this extent and rapidity are only the sign of something else: a modification in the rules of formation of statements which are accepted as scientifically true" (p. 54). Following Foucault, I argue that discontinuity, as well as configurations of knowledge, are important in the outline of the historical moments in immigration policy pertaining to asylum seekers. Each change in policy is a reflection of dominant power relations and political views of the time, exemplified through the proposal of policy that twenty years prior was rejected by cabinet ministers.

A third influential theorist of power is Anthony Giddens. Giddens (1984) outlines power as implicated in the struggle between structure and agency. Power, for Giddens, is the way that rules and resources of different types are mobilized to secure outcomes. Structures are institutionalized complexes of rules and resources, which may be resisted and contested by knowledgeable human agents. The coordination of institutional rules and resources is set in place by the current social system. Giddens (1984) believes that structures are created and recreated in and out of human agency. In that sense it is important to recognize that institutions may be resisted. Giddens wants to get past the tendency to see structure and agency as things that stand in contrast to one another. Institutions, rather, are forms of (temporarily) “structured” agency, and are therefore much more fluid and amenable to change than one might expect.

Stuart Hall and colleagues (1978), congruent with cultural studies, recognize that structure has an influential role within society; however, they also see that agency can be an effective force. In his earlier works, Hall (1981) pushes aside the Marxist theories of base and superstructure, leaning towards the mutually constitutive relationship between culture and society. In other words, instead of an economic approach to historical materialism, Hall emphasizes the extent to which social formations are constituted by a dialectic between social consciousness and social being (Hall, 1981). In reading Hall, a concise two sentences explaining what power is considered within cultural thought is not offered. However, in my interpretation of Hall he seems to suggest that power can often be viewed as the ability to construct meaning within society and to make *some* meanings become more dominant than others. Meaning is the basis of culture and as such the entities that do not produce meaning, but the ones that construct meaning, form and represent meaning, are the location of power relations.

## **2.4. Discourse as Power**

Michel Foucault is the most prominent scholar in the field of discourse and power. While he does not place power within any specific entity, he does theorize that discourse, the presence and lack of, is an important location of power. Foucault states that “discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it” (1978, p. 101). Thus,

while investigating discourses surrounding the refugee, it is necessary to find which discourse is present and which is not. Foucault (1978) also states that an understanding of discourse will not point towards dominant ideologies, but rather the strategic intent of discourse. Hall and colleagues (1978) on the other hand, argue for a more Marxian-influenced approach to discourse where ideology and intent may be found within the text. Somewhat similarly, cognitive linguist Teun van Dijk (2008), states that discourse may indirectly control one's attitudes, knowledge, ideologies, and values. From these notions, questions of what knowledge is produced and reproduced through discourse, and how that knowledge influences the public, should be asked.

For the purpose of studying discourses of race, van Dijk (2008) theorizes that discourse is power. Elite positions are re-affirmed through the means of production of symbolic power within discourse. Van Dijk (2008) narrows power to "social power," stating that all power is used as a form of control over, and against the interests of, another person. Power can be a form of abuse, which van Dijk (2008) seeks to investigate throughout the control of discourse. Van Dijk provides a strong framework for understanding discourse as a form a power.

Van Dijk (2008) articulates a review of power relations within discourse. This review includes dialogical discourse then moves to discourse within written text. For instance, conversations take on different structure depending on the gender and social position of the speakers. As an example, doctor-patient discourse is controlled by the medical practitioner who dominates conversation and refers to the patient by his or her first name (van Dijk, 2008, p. 48). Power relations within written text are exemplified through the news media, as discussed below, and textbooks within the education system. Van Dijk (2008) states that textbooks tend to be conservative, ethnocentric, and portray the other as in need of help. This relationship is also often present within media accounts in the press.

## 2.5. Relationship Between Media Accounts and Public Discourse

A theoretical framework that identifies the location of unequal power relations between news media accounts and public discourse aids in the analysis of media discourse concerning the asylum seeker. Sites of power include access, language, and context. These three aspects act to uphold dominant social institutions and to a larger extent, societal structures. Adding to this, the concept of media frames and agenda setting theory are presented in the section that follows as lenses through which to understand the mechanisms of power. Framing is a way to understand *how* one thinks about events, while agenda setting investigates the relationship between news and *what* the public thinks about.

At the outset, it must be noted that news media organizations are bound to specific structural dynamics that influence their reporting. Time pressures as well as rules of 'objectivity' and 'impartiality' within statements often give rise to "...those in powerful and privileged institutional positions" being accessed for news stories (Hall et al., 1978, p. 58). These individuals are known as primary definers, placing news media organizations within a secondary role of "...*reproducing* the definitions of those who have privileged access, as of right, to the media as 'accredited sources'" (Hall et al., 1978, p. 59). Hall and colleagues (1978) also note that the organizational structure of the press, both the organization of employees and categorization of news (sport, health, Canada, etc.), sets parameters for topics reported. The ranking and selection of news based on news values also influences reporting. A primary news value is 'extraordinariness' while others include 'unexpected,' 'dramatic,' 'human tragedy,' or 'recurrent theme' (Hall et al., 1978, p. 54). Reporting is also influenced by commercial norms and interests through ownership and advertising (Herman & Chomsky, 1988). Thus before a story is reported, news media organizations are already bound by scheduling, primary definers, news values, corporate interests, and the organization of employees and the newspaper.

Discourse genres (such as education or immigration) may be situated within public opinion, the press, and popular media such as film and music. Van Dijk (1991) states that the press reproduces power "...through its specific discursive and cognitive strategies of selection, emphasis, focusing, exaggeration, relevance assignment,

description, style or rhetoric...” (p. 42). This is done in an active manner to uphold elite positions on facts and definitions. Outlining van Dijk's own case studies of discourse analyses of news concerning marginal populations within the press (1985; 1987), he states:

The general conclusion of these studies is that these and other outgroups [minorities, refugees, and squatters] (a) tend to have less access to the dominant mass media, (b) are used less as credible and routine sources, (c) are described stereotypically if not negatively, primarily as a 'problem', if not as a burden or even as a threat to our valued resources, (d) are assumed to be 'deficient' or 'backward' in many ways, as compared to our norms, goals, expertise, or culture, and, therefore, (e) need our (altruistic) help, understanding, or support, assuming they adapt to our social and political norms and ideology (2008, p. 56).

Thus discourse is used within the news to reassert and re-establish dominant power relations within society. These power relations are situated within access, language, and context of the subject matter.

Issues of access involve who tells the story and which sources are viewed as credible. Gaye Tuchman (1978) argues more generally that news is a social institution in and of itself that is embedded within other social institutions. Through her sociological analysis of the news environment, Tuchman (1978) found that news professionals acted to uphold the organizational needs of the media, only coming into conflict with other media outlets when it comes to who obtains the story first. Thus, issues of access are only a concern within the organization and are not extended into the broader public. Credibility is another facet of access. Hall and colleagues (1978) state that dominant institutions are reproduced through the media due to the dependency on powerful and privileged institutions for news credibility. These are called the “primary definers” of news topics. Power relations within access are then unequal between structure and society as it is the dominant institutions that control the organizational needs of news and assignment of credibility to news stories.

The language used is also a site of power relations. Hall and colleagues (1978) state that the media use language as a communicative device to push dominant ideologies and ideals of consensus into society in a connotative manner (p. 62). This can be exemplified through the terms used to identify immigrants. The terms used in the

discourse will reflect structural desires while at the same time pushing forward assumptions about the history and credibility of the migrant. This can be found between the use of “refugee” and “economic immigrant” or historically with the use of “displaced” versus “stateless” person (Arendt, 1966).

Contextualization of the news is one of the primary ways in which the stories are made comprehensible (Hall et al., 1978, p. 55). This process, while necessary, is also a site of contestation in that it is based on the assumption that everyone in society has the same perspectives on events. However, it seems clear that most events contain multiple perspectives. Hall and colleagues (1978) outline how dominant institutions operate to maintain ‘consensus’ and equality. This includes law, government, and economic systems, such as the ‘free market.’ News, following from this idea of a consensual society, is then situated within a role of producing frameworks of reference around events that are not directly experienced by society (Hall, 1982). Hall and colleagues (1978) state that “...the media define for the majority of the population *what* significant events are taking place, but, also, they offer powerful interpretations of *how* to understand these events” (p. 57). This also extends to the commonly cited statement by Bernard Cohen (1963) that the news media do not tell you what to think, they tell you what to think *about*. Similarly, Todd Gitlin (2003) states that the media tell you *how* to think about a story.

### ***Framing***

The format, or frame, that news media accounts contain act to socially construct meaning. Gitlin (2003) and Althiede and Snow (1979) are theorists drawn upon throughout for this research. Framing is a process that constructs meaning within society, yet it is the individual that is the producer of meaning (Gitlin, 2003). From an economic perspective, Gitlin suggests this occurs through labour. Individuals produce goods through farming, however the cost, or meaning attributed, to the goods is defined by structural forces such as the market. In a similar sense, it is individuals who produce meaning, but it is institutional and organizational forces that construct the meaning. In this case, those forces are news media organizations.

Gitlin (2003) utilizes Hall and colleagues (1978) and Tuchman's (1978) notions of media frames in order to investigate how the New Left was featured in the media. He defines media frames as "...persistent patterns of cognition, interpretation, and presentation, or selection, emphasis, and exclusion, by which symbol-handlers routinely organize discourse, whether verbal or visual" (2003, p. 7 emphasis removed). This is an intentional heuristic method; however, it also acts to categorize/construct meaning around an event. Gitlin's work (2003) has been utilized by many scholars partaking in discourse analysis. For example, Greenberg (2002) uses Gitlin's work as a rationale for the importance of investigating immigration cartoons in the press. Media frames have the ability to naturalize events and as such are powerful tools within the social construction of meaning.

Altheide and Snow (1979) use the term "media logic" to identify specific formats of media. These formats, more commonly viewed as frames, are "...a way of 'seeing' and interpreting social affairs" (Altheide & Snow, 1979, p. 1). Altheide and Snow (1979) state further that the format becomes a perspective used in order to understand phenomena (p.10). Thus, if a news story is framed as a political issue, the event itself will be thought of as political. Altheide (2002) himself applies the use of frames to the production of fear through the media. He argues that the use of an entertainment frame acts to increase emotions at the expense of social and historical context. Fear can be one of those emotions accentuated. Thus, it is through the format, or frame, that a news story is understood and reacted to.

### ***Agenda Setting Theory***

Returning to the notion that the news media tell you *what* to think about, agenda setting theory argues that news media have the ability to influence the salience of topics on the public agenda (Baumgartner & Jones, 1995; McCombs & Shaw, 1972). This is not to say that people are blank slates, absorbing all information without critical analysis, but simply states that what is on the agenda of the news media and most prominent within these, will become the focus of public attention and thought (McCombs, 2004). The power within the act of agenda setting is the ability to "give respectability" to perspectives (Morey & Yaqin, 2011, p. 63). Within political communication, and outside of Marxist political economy, agenda setting was the first contemporary media effects

theory that viewed the media as having a large influential impact on the shaping of reality (Scheufele et al., 2007). However, as a critique to agenda setting theory Erbring and colleagues (1980) argue that not enough emphasis is put on the individual knowledge and experience that each audience member holds. Thus, agenda setting theory is best used in combination with other media effects theories. In contrast, McCombs (2004) disputes the agency of audience members by stating that the general proposition supported by previous research is that journalists “significantly influence their audience's picture of the world” (p. 19). This idea of a “picture” of the world is taken from Walter Lippmann's use of the term “pseudo-environment,” a reality constituted by incomplete stories and understandings (McCombs, 2004). This environment is produced in a large part by the fragmentation and cherry picking of news accounts. McCombs and numerous others have applied agenda setting theory to political campaigns (Takeshita, 1993; Weaver, 1996), civil rights (Winter & Eyal, 1981), immigration (Dunaway et al, 2010; Salwen & Matera, 1997), and other topics.

Agenda setting is a useful perspective to understand how public opinion is constructed by what the press chooses to feature and how often. It has been used in social research investigating the salience of immigration issues within the United States. Agenda setting theory was applied by Dunaway and colleagues (2010) to investigate the reason why immigration was viewed as a more important issue in states within the US near Mexico than other non-bordering states. They conclude that this perception of importance was due to the increased number of articles on immigration, as well as the negative framing of the story. Their work demonstrates how agenda setting theory, used in tandem with framing analysis, allows for a strong theoretical stance and methodological practice.

## **2.6. Categorization and Power**

Asylum seekers are classified and categorised in a variety of ways through media. At times they are represented as refugees and others as illegal migrants. Categorisation has the ability to mask important moral and ethical issues while inflating political and bureaucratic tendencies. Bowker and Star (1999) take a theoretical approach that understands the ability of classification to produce political and moral

issues, namely invisibility. In *Sorting Things Out*, Bowker and Star try to “...find tools for seeing the invisible...,” stating that every “...standard and each category valorizes some point of view and silences another” (p. 5). Classification systems are viewed as inherently powerful; however, they see the necessity of classification for the sake of infrastructure. Three broad categories of classification given include universal systems (such as race classification), large-scale systems (such as the International Classification of Diseases (ICD)), and small-scale systems (such as within specific professions). The act of classifying has political and ethical concerns, acting as a tool to study, predict, and rationalize the world in an imperfect, yet necessary, manner (Bowker & Star, 1999). Bowker and Star (1999) warn of the normalization and invisibility of classification systems as infrastructure and the ability of these systems to both describe action and define possibility of action. In other words, categories are both symbolic and material.

Classification can be defined as temporal or spatial segments of the world, while a classification system “...is a set of boxes (metaphorical or literal) into which things can be put to then do some kind of work – bureaucratic or knowledge production” (Bowker & Star, 1999, p. 10). In order to analyse and invert classification systems, stated as infrastructure, Bowker and Star (1999) outline the necessity of understanding the ubiquity, materiality, temporality, and political nature of classification. Classification is ubiquitous. This seems obvious, but a library can exemplify this quite well. A library’s location will dictate the size and the amount of resources present, following certain city planning standards and codes. Within the library, resources are categorized on their subject matter and genre. Employees are categorized by seniority; the public is categorized by residents and non-residents, and so on. This becomes complicated as the infrastructure becomes more transparent. There is an obvious material dimension to this infrastructure. However, many of the classifications associated with libraries are symbolic, as well as material (Bowker & Star, 1999). For example, in libraries, metaphors, such as slippery or fluid, are used commonly to describe the characteristics of a classification. This is a way to understand the embeddedness of these systems in the built environment (Bowker & Star, 1999). Classification is temporal in that it changes through time as social norms shift. The classification of race exemplifies this. These

systems are also inherently political. Politics play into how the systems are formed and what parts are made visible (Bowker & Star, 1999). Bowker and Star (1999) state that

These ubiquitous, textures, classifications and standards help frame our representation of the past and the sequencing of events in the present. They can best be understood as doing the ever local, ever partial work of making it *appear that science describes nature (and nature alone) and that politics is about social power (and social power alone)* (p. 46 emphasis added).

This is a very telling statement about the perception of classification containing the power of scientific truth, removed from cultural or political influence.

Foucault (1970; 1984) also recognizes the power of categorization. Scientific knowledge contains the ability to classify diseases, influencing the public perception and discourse around affected persons. This is exemplified through a form of objectification in which “mental” patients are scientifically classified (Foucault, 1970). In *The Order of Things*, Foucault (1970) uses a fable by Jorge Luis Borge to exemplify how classification of animals can be based on social experience, rather than scientific differences. Within this fable, animals were classified by such things as “fabulous,” “belonging to the Emperor,” and “having just broken the pitcher” (p. xvi). This of course shifted through the period of Enlightenment as scientific reasoning trumped common and local knowledge.

Inherent power within classification and categorization is applicable to the classification of situations within society. Situations and events are framed in a manner that acts to categorize them as political, cultural, economic, etcetera. Hall and colleagues (1978) note that crime, as portrayed by the press, is less based on fact than on ideological frames that act to define a situation and construct social reality (p. 29). Classification of individuals, as well as the categorization of the situation (framing), are sites of unequal power relations within discourse concerning asylum seekers.

## **2.7. Discussion**

The above outline of concepts and theoretical frameworks is a useful signpost to guide research on the politics of refugee policy as well as the discourse surrounding

asylum seekers. Asylum seekers can only be excluded from Canada if they are deemed illegal. This illegality is produced by dominant social institutions and the state. The consent for this production of illegality is supported by the power of news media organizations to set agendas and to frame issues in particular ways. Much of the work discussed in this chapter suggests that news discourse is a form of power in its ability to reproduce and to legitimate dominant ideologies. News media in itself has the power to influence what is thought about and how it is thought about. This then sets up a set of discursive relations in which the asylum seeker is situated. The asylum seeker may be a knowledgeable human agent, as Giddens might suggest, but he or she has limited capacity to command rules and resources in comparison to the institutional and discursive powers exercised within Canada. Smith (2004) states that discourse gives moral credibility to politics of exclusion. Bigo (2002) also states that discourse legitimates the state processes. What are the current discourses of exclusion within Canada? How is the asylum seekers framed within media discourse and what state processes are involved?

### 3. Refugee Policy and the Framing of Refugee Discourse

Canada's history of refugee policy is relatively short. An official definition of "refugee" did not come into effect until the *1976 Immigration Act*. Prior to this, the refugee was situated within the category of migrant. Definitions of refugee can follow a humanitarian line of reasoning or a legislative and jurist line of reasoning (Dirks, 1977, p. 3). In 1922, refugees were defined as those who no longer were protected by their governments. This arose out of the lack of protection encountered by those within the Soviet Union (Dirks, 1977, p. 4). In Canada's early years, refugees were accepted based on their economic value. Specific large scale cases of refugees have historically followed from the World Wars and Cold War, situating the refugee as a strategic value to Canada. Humanitarian action flourished following WWII in the creation of the UN 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (known as the Refugee Convention). While not legislating the mandatory acceptance of all refugees, this legislation does stipulate that no refugee may be returned to their country of origin if facing persecution (the *non-refoulement* clause). Still, overall, Canada has had a dark past in terms of their treatment of refugees, as indicated by such high profile cases as the *Kamagata Maru* in 1914 and the internment of Jewish refugees during WWII. Regardless of humanitarian efforts, refugee policy is a balance between restrictive and liberal policies, largely dictated by Canada's economic stability, political party in power, and its ability to process refugee claimants. The latter of which is questionable as a legitimate reason for restricting the acceptance of refugees given that it is based on the premise that many refugee claimants are "bogus." According to law professor, Audrey Macklin (2004; 2011), Canada is currently circumventing its international duties under the Refugee Convention by making it increasingly difficult for asylum seekers to claim status at the border or from within Canada. Following Macklin, it seems credible to suggest that the enactment of policy is effectively working to discursively eliminate the refugee. This chapter considers this argument by reviewing the key historical moments

that have influenced refugee policy within Canada. A genealogical outline leads to a consideration of the current situation of increased security at the borders and increased criminalization. This raises the question of what value is left in the “refugee,” if at all.

### 3.1. History of Canadian Refugee Policy and Exclusion

Even though Canada is a nation of immigrants, the Canadian state has a long history of restrictive policies over immigration, which have largely been influenced by public discourse. Political positions on refugees have slowly been written into these policies. Indeed it has often been difficult to separate refugee policy from the history of refugee exclusion because they are one in and of themselves. By the definition of inclusion, as seen in immigration policy, there is a creation of exclusion. In terms of the state and refugee policy, inclusivity involves the welcoming and protection of asylum seekers within a given territory. However, in defining territorial borders, an “outside” is created. This outside is then excluded from the rights and protection of the state.

Still, as noted in the last chapter, the refugee was not included officially in Canadian immigration policy until the *Immigration Act of 1976* came into effect in 1978. Historical changes have occurred most prominently through the United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating the Status of Refugees (the Refugee Convention and Protocol), *Immigration Act of 1976*, the *Immigration and Refugee Protection Act of 2002 (IRPA)*, and the *Canada-US Safe Third Country Agreement*. Legislative and policy enactments have come out of economic recessions, war, and security threats. These historical changes have either led to public disfavour or are heavily influenced by public outcry. Thus, the formation of refugee policy is both sociopolitical and economical, with humanitarian, economic and political discourses all used at varying times to leverage policy.

Post Confederation, Canada's first change in immigration came with the notion that agriculture and resettlement were inextricably linked. In the late 1800's numerous Europeans immigrated to Canada to occupy large areas of land that could be utilized to increase agricultural exports (Dirks, 1977). This was done through the passage of the *Dominion Lands Act of 1872* (CIC, 2006). At this point, the Ministry of Immigration was

located within the Department of Agriculture (Dirks, 1977; Knowles, 2007). Of the first large grouping of refugees many were Mennonites, Doukhobors, Hutterites, and Mormons (Dirks, 1977). Escaping Czar Alexander II's Russification mission, Russian Mennonites chose Canada for its liberal policies and subsidized migration. Notably, the province of Manitoba experienced a rise of 6,500 Mennonites between the years of 1874 and 1877 (Dirks, 1977). During 1899, 7,363 Doukhobors were also given refuge in Canada along with special transportation arrangements from the Canadian government (Dirks, 1977, p. 33). Mormons also sought refuge in Canada due to the United States having intolerant views on polygamy at this time. In 1905, under the *Dominion Land Act*, Mormons settled largely within Alberta. Unlike the Mennonites and Doukhobors arriving at this time, Mormons did not seek military exemptions (Dirks, 1977). Thus, the acceptance of refugees into Canada was initially based on actively pursuing groups of people who might be beneficial to the economic development of Canada. Indeed, specific concessions were often made to these groups.

Between 1869 and 1906, immigration policy became more selectively restrictive, generally responding to public outcries. For example, in 1885 the Canadian government introduced the Chinese Head Tax in order to regulate Chinese immigrants. Chinese migrants were used largely for the construction of the Canadian Pacific Railroad (CPR) between the years of 1880 and 1884 where an estimated 15,701 Chinese came to British Columbia specifically to work on the railroad, as well as in gold mines (Knowles, 2007). By 1903 the \$50 head-tax had been raised to \$500 (Knowles, 2007). Five hundred dollars at the time amounted to two years of work for Chinese immigrants (Dyzenhaus & Moran, 2005). In 1923 this act was replaced by the *Chinese Immigration Act*, commonly referred to as the Chinese Exclusion Act, banning all Chinese immigration to Canada. This of course would include refugees. Racism, discrimination, and the faltering economy ruled immigration policy during this time. Little, if any, recognition of refugees as a humanitarian necessity was made.

Frank Oliver, Minister of the Interior and Superintendent of Indian Affairs, instituted the *Immigration Act* of 1906, acting to restrict settlement throughout the Canadian prairies by requiring "landing money" and the allowance of deportation (CIC, 2006). Oliver's mission was to allow immigration, but ensure the "quality" of those immigrants. The Act of 1906 allowed this through discriminatory stipulations, such as the

law requiring that no migrant could be “mentally retarded, insane, blind, or a prostitute” (Knowles, 2007). While previous immigration acts were also discriminatory, this act contained vastly more categories of “undesirable” persons (Knowles, 2007). To further this discrimination, Oliver introduced the “continuous journey regulation” to the Immigration Act. This 1908 amendment stated that no migrant ship would be accepted into Canada if it stopped in any other country during its voyage (Knowles, 2007). This in effect excluded all migrants from India and led to the *Komagata Maru* incident of 1914 where 376 Sikhs, Muslims, and Hindus arrived by ship, were rejected, and sent back to India, with some being killed upon return (Johnston, 1989). The public at the time supported this decision, reinforcing a highly anti-Asian discourse (Mann, 2010). By 1910, a new Immigration Act gave all powers of choice to Cabinet ministers, including restrictions based on ethnicity, volume, and occupation (Knowles, 2007, p. 110). In addition the 1910 Immigration Act specified that immigrants could be rejected if they were not suitable for the “climate” of Canada (Triadafilopoulos, 2004; Kelley & Trebilcock, 2010). Thus, Canadian policies were highly exclusionary, yet still open to those that had the right funding, were “desirable,” and were deemed suitable to agricultural practices, as well as the “climate” of Canada.

The First World War produced more political refugees than ever before. Lippert (1999) argues that WWI was the first time that the refugee became a concern of Western authorities. During this time, over 2 million Russians were displaced from the Russian Revolution and WWI. Over 2 million Greeks were also displaced during the Turkish overthrow in 1922 (Arboleda & Hoy, 1993). Relief organizations, such as the Red Cross, found themselves under stress and looked to national governments for help. Under the League of Nations an office of the high commissioner for refugees was created in 1921. The League of Nations created the Nansen passport, or certificate, in order to give specific rights to Russian and Armenian refugees within Europe who were unable to return to their home countries (Lippert, 1999). This enabled the refugee to work and to receive social, medical, and economic assistance (Kaprielian-Churchill, 1994). Canada refused to recognize the Nansen passport as it struggled with the tension between its international relations, national policy, and sovereignty in the 1920s (Kaprielian-Churchill, 1994).

Between the beginning of WWI and the end of WWII, Canada developed the strictest and most exclusive immigration policies in its history. Amendments to the *Immigration Act* in 1919 were created in response to returning veterans and an overall anti-foreigner sentiment (Dirks, 1977, p. 37). Cabinet ministers were given the authority to restrict immigration based on such broad categories as race, nationality, or class (Kelley & Trebilcock, 2010). This remained until shortly after Mackenzie King was elected Prime Minister in 1921 and the economy recovered (Kelley & Trebilcock, 2010, p. 191). During the 1920s, in relative prosperity, Canada accepted more immigrants than during WWI and the years leading up to the Great Depression (Kelley & Trebilcock, 2010, p. 168). Deportation rose as the Great Depression ensued (Kelley & Trebilcock, 2010).

Still, the discriminatory nature of Canadian immigration policy remained throughout WWII in the form of deportation, detention, and restrictions. A refugee crisis marked this era with Canada recognizing the situation of increased refugees, yet remaining restrictive. Before WWII, Germany had produced over 300,000 Jewish refugees (Kelley & Trebilcock, 2010), of which, neighbouring European countries took responsibility, while Canada refused to provide permanent sanctuary. Numerous groups encouraged the Government to provide refuge for those in need, including the Canadian National Committee on Refugees (CNCR) (formed in 1938), Jewish Liberal MPs, and the Co-operative Commonwealth Federation (CCF) (Kelley & Trebilcock, 2010, pp. 257-258). Even in the face of this pressure, Canada only accepted 5,000 Jewish refugees during the war years, less than half the acceptance rate out of any country that could accept refugees (Abella & Tropper, 1982). The press at this time supported Canada's position on refugees, providing a sign that if policy were to be loosened, there would be public outcry (Kelley & Trebilcock, 2010).

Kelley and Trebilcock (2010) state that with the history of deportation, detention, and restriction, the 1930s and the ensuing wartime were the darkest years for Canada's immigration policy. At perhaps the lowest point in Canada's treatment of refugees, in the Summer of 1940 around 2,000 Jewish refugees were placed in Canadian internment camps in order to fill a quota of 7,000 internees, living in Britain of German or Austrian descent, thought to be Nazi sympathizers (Iacovetta et al., 2000; Igersheimer, 2005; Kelley & Trebilcock, 2010). While Britain recognized that it was a mistake to send the

refugees to Canada, they remained within Canadian internment camps until 1943 when the camps were closed (Draper, 2000). Internees within Britain had been cleared of all suspicion and released two years prior to this (Draper, 2000). While Dirks (1977) categorizes xenophobia, racism, and discrimination as political, the blatant social aspects to this process must also be recognized. Aiding in the release of the Jewish refugees were individuals speaking with the Prime Minister, as well as an increase in public support of their release (Draper, 2000). The post-war years within Canada were met with an increase in refugee inclusion in part due to the first international piece of refugee legislation in 1951.

One of the largest pieces of international legislation is that of the 1951 UN Convention relating to the Status of Refugees, and the supporting 1967 Protocol (simply referred to here as the Refugee Convention). Created in order to ease the burden of WWII refugees, this convention stipulates that Canada has a legal obligation to protect refugees that have a well-founded fear of persecution within their country of origin. Canada is not mandated to provide asylum, but is not permitted to remove the asylum seeker under the *non-refoulement* clause, Article 33 (Price, 2009). However, while adhering in practice to the Refugee Convention, Canada did not sign it until June of 1969 because the RCMP had feared that they would not be able to deport refugees that were suspected of criminality (Kelley & Trebilcock, 2010, p. 365). In the early years of the Cold War, security was, and still is, viewed as an issue within Canada. One year later, the 1967 Protocol amended the convention in order to remove all temporal and geographical stipulations concerning the criteria of a "refugee." Today, there are Convention Refugees, who are situated within the category of refugee as outlined by the Refugee convention, and there are others who may not fit the definition under the Refugee Convention, but are, in fact, refugees (Macklin, 2011). The definition of Convention Refugee is abstract and used, as Arboleda and Hoy (1993) argue, differently by different interest groups. Here, a refugee is defined as an individual who,

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (UNHCR, 2010).

Questions of what defines persecution, as well as what level of protection should be provided by the home country, are common. Arboleda and Hoy (1993) comment that at the time of drafting the Refugee Convention, “persecution” was meant to express in legal terms what is faced by political refugees (p. 78). At the time of drafting, given the turmoil of WWII, political refugees were the most prominent class of asylum seekers. However, today, refugees are created out of environmental and social disturbance as well, if not more so. In addition, with many acts of defining, each refugee determination case is different and judgements are often made under legal frameworks that disregard the context and story behind each case (Arboleda et al., 1993). These problems hold true today but are somewhat softened by the right to an oral hearing for each refugee applicant within Canada. Similarly, what happens when the state is not fully involved in persecutory actions but is complicit in persecution? Each country has its own regulations surrounding state complicity. For example, Canada follows the principle that if non-state persecution occurs, this does not qualify as persecution unless the State cannot or chooses not to, protect the citizen (UNHCR, 2006).

The UN Refugee Convention has given thousands of refugees the right to asylum where they would previously not be eligible under regular immigration policy. This being said, there are numerous cases of “non-genuine” refugees using this legislation as a way to gain residency in a faster manner than through economic migrant avenues (Price, 2009). This overuse is one of the factors that has made the refugee determination process in Canada a lengthy bureaucratic and legal process that no asylum seeker should have to go through. All things considered, Canada has changed its refugee policy through the years to make it more difficult for refugees to enter on the grounds that many of the asylum seekers are not actually refugees.

Before Canada acceded to the Refugee Convention, refugees became accepted in large groups that Canada sought out. For example, in the postwar years of 1956 and 1968, Canada admitted thousands of East European refugees (Hungarian and Czechoslovakian) in part due to public discourse, but also “...from a desire to embarrass the Soviet Union...” (Dirks, 1977, p. 255). Knowles (2007) affirms that it was the public's reaction to the Soviet invasion of Hungary in 1956 that ultimately led to relaxed and “generous” admissions program. The public, some newspapers, and religious groups pushed the Government to loosen immigration procedures even further, leading to free

transportation for refugees to Canada. The *Winnipeg Free Press* is quoted as stating 'we have a mouth of paralysed humanity to make up for' (Kelley & Trebilcock, 2010, pp. 346-347), referring back to the treatment of refugees during WWII. Kelley and Trebilcock (2010) also note that Canadian newspapers at the time of the Soviet uprising against Czechoslovakia (in 1968) were calling for assistance to these refugees (p. 366). The fact that Eastern Europeans were considered a good fit for Canada's economic needs should not be overshadowed by the humanitarian rhetoric of this time. Nonetheless, it was also during this time that refugee protection was a conscious political move, to show ideological superiority of democracy over communism (Price, 2009). In this sense, Refugees from the Soviet Union had strategic value (Loescher, 2001), something that those from Right-wing countries, in Central America for instance, were lacking.

The UN initiative of World Refugee Year was set in place for 1959 in order to resettle refugees still within European camps. During this time, Conservative Prime Minister Diefenbaker had appointed Fairclough as head of Citizenship and Immigration. Much to the Prime Ministers dislike, as well as the public, Fairclough admitted 325 refugees with tuberculosis, including 501 members of their families (Knowles, 2007, p. 183). Largely from Yugoslavia, Poland, and Ukraine, the acceptance of these refugees, while not supported at the time, is one of Canada's finest historical moments in refugee policy (Knowles, 2007). During the 1960s, refugees were chosen for their health and fit into Canadian society. An External Affairs officer commented that refugees were selected 'like good beef cattle' (Kelley & Trebilcock, 2010, p. 344). The White Paper of 1966 was published, calling for reform that accepted refugees in fairness and equal terms (Library of Parliament, 1994). Success stories of Canada's treatment of refugees come in few, yet dense, groupings. 12,000 Czechs in 1968, 226 Tibetans in 1970, 7,000 Asians from Uganda in 1972, and 7,000 Chilean refugees between 1973 and 1974 (Kelley & Trebilcock, 2010, pp. 353-354), all of which were political refugees.

The 1976 *Immigration Act* was both the first time refugees appeared within a class of their own and the beginning of relatively liberal immigration policy. Four classes (family, assisted relative, independent, and humanitarian) were presented in the new act (Kelley & Trebilcock, 2010). Creating a humanitarian class acted to aid Canada in its effort to uphold its duties under the Refugee Convention. This class is defined congruently with the Refugee Convention definition of refugee.

In 1979 the humanitarian class was divided into the Indo-Chinese, the Eastern European Self-Exiled Persons, and the Latin American Political Prisoners and Oppressed Persons (Kelley & Trebilcock, 2010). The Eastern European class had more relaxed criteria for admission in comparison to the Latin American class (Kelley & Trebilcock, 2010). This was a political and economic move given that Canada did not support Leftist governments and Eastern Europeans were viewed as easily adaptable to Canada. The Government was also less willing to provide refuge to Central American (namely Salvadoran) refugees due to the ideological and political nature of the authoritarian regime (Price, 2009). Belonging to the Indo-Chinese class of immigrants, between 1978 and 1980, nearly 60,000 Vietnamese, Laotian, and Cambodian refugees were settled in Canada (Kelley & Trebilcock, 2010, pp. 397-398). A Refugee Status Advisory Committee was also created in order to review applications (Knowles, 2007). A high majority of refugees were chosen while still overseas with very few migrating to Canada before being accepted.

Within the immigration literature, the 1980s and into the 1990s are often referred to as a refugee crisis. Knowles (2007) comments that “improved communications, cheaper transportation, and the growing gulf between rich and poor nations...” were the main drivers of an increase in both refugees and migrants applying for status (p. 221). Genocide, internal conflict, and poverty were also major reasons for refugees during this time (Schmeidl, 2001). The “crisis” did not come so much from the increase in the numbers of refugees as it did from the number of refugees applying for status at the border, or once already in Canada (Knowles, 2007; Price 2009). This created backlogs in the admissions process as well as a fear that Canada's refugee policy was failing.

In 1986, a ship containing around 150 Tamil refugees arrived in Newfoundland, Canada. According to the “B1 List” the Government was legally bound to accept the Sri Lankan refugees and could not give removal orders unless they were found to be criminals (Aruliah, 1994; Mann, 2010). Thus, in part also due to the *Komagata Maru* incident, the Mulroney Government accepted these refugees. Less than one year later a ship containing Sikh refugees arrived. The Mulroney Government, in response to this, drafted Bill C-84, the *Refugee Deterrent and Detention Bill*, that would allow Canada to turn back a ship before landing if refugees were suspected to be aboard (Kelley & Trebilcock, 2010). This Bill also imposed airline fees if passengers arrived without proper

documentation. Due to public outcry from Churches, humanitarian organizations, and immigration lawyers, this Bill was amended, yet still passed (Hardy, 1999).

Backlogs in the refugee process continued to increase in all western countries as Canada struggled to find a balance between fairness and efficiency. In 1985, known as the Singh Decision, the Supreme Court ruled that all refugees must have a full oral hearing. This in effect gave refugees the same rights and freedoms as Canadian citizens as outlined in the Charter of Rights and Freedoms (Knowles, 2007), thus, demonstrating a humanitarian logic in the face of an inefficient determination process. Public outcry to this decision was intense. What the Singh Decision has done for Canada is to recognize universal human rights in the face of sovereignty. This is something fought for by humanitarians and human rights advocates for centuries (Arendt, 1958). In 1987, Mulroney put forth Bill C-55, forming the Immigration and Refugee Board (IRB) and a maximum of two years given for refugee determination (Kelley & Trebilcock, 2010). By the time this Bill came into effect in 1989, 125,000 people were backlogged in the determination process (Knowles, 2007, pp. 227-228).

Interestingly, during this time Canada also enacted numerous special measures to accept refugees from countries at war. This included 11,000 Lebanese refugees throughout the 1980s, Salvadoran refugees, Polish refugees, and some Chinese refugees in 1989 (Kelley & Trebilcock, 2010, pp. 399-400). However, Kelley & Trebilcock (2010) also note that Canada did not give special permission to Afghan refugees, which by 1990 had reached over 6.3 million, again, pointing to the political nature of refugee acceptance.

A time of relatively liberal immigration and refugee policies began to change at the turn of the millennium with the *Immigration and Refugee Protection Act* (IRPA) replacing the *Immigration Act* of 1976. IRPA was given royal assent in 2001 and came into effect in 2002, defining three classes of refugees, the Convention Refugee Abroad Class, Country of Asylum Class, and Source Country Class (Kelley & Trebilcock, 2010). The act also provided a Refugee Appeals Board that could be used if the IRB denied residency. Furthermore, the act included protection for those in risk of torture in line with Canada's duties under the 1984 Convention against Torture (Kelley & Trebilcock, 2010; Knowles, 2007). IRPA also states that a review of the refugee claimant's case must be

done within 48 hours of being detained (IRB, 2011; Mann, 2010). Two years later, the Safe Third Country Agreement with the United States was signed, stating that asylum seekers must apply for refugee status in the first safe country they enter, either Canada or the United States (Kelley & Trebilcock, 2010). This effectively dropped refugee claims by 19 percent the following year (Kelley & Trebilcock, 2010). This agreement largely acts to restrict refugees from Central and South America because direct flights into Canada are rare (Adelman, 2002). Rights advocates oppose this agreement, stating that the United States does not recognize certain countries as asylum producers, such as Columbia, while Canada does (CBC, 2007). Exceptions to this agreement will be granted if the asylum seeker is an unaccompanied minor, or has family within Canada that is awaiting refugee status or has obtained status (Macklin, 2004, p. 372). An increase in security measures after the September 11<sup>th</sup> bombing of the World Trade Centre and Pentagon also led to a change in deportation procedures. If any non-citizen of Canada is found to be a security threat or involved in crime, they are to be removed without legal review (CIC, 2004; Kelley & Trebilcock, 2010). Asylum seekers are also included in this new regulation.

Recent changes in Canada's refugee policy have mainly been post-9/11 security measures. Kaushal and Dauvergne (2011), as well as James Simeon (2011), have outlined an increase in the number of refugees refused entry into Canada on the grounds that they pose a threat to security. Article 1F of the 1951 Refugee Convention states that refugee status may be refused if:

- (a) he [or she] has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) he [or she] has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) he [or she] has been guilty of acts contrary to the purpose and principles of the United Nations (UNHCR, 1951, p. 16).

Kasuhah and Dauvergne (2011) state that while the September 11<sup>th</sup> attacks acted to solidify the discourse of refugee as 'other,' the movement towards this was already in motion prior to this event. While the term refugee has always been a legal construct, the term terrorism, inherently political, has already been adopted into the legal framework of

immigration policy (Kaushal et al., 2011). They then state that terrorism is equated to a “crime against humanity,” as written in Article 1F(a). In these cases, problems arise when defining “terrorist organizations.” For example, in May 2010, Salvadoran refugee Jose Figueroa was given a deportation order due to his affiliation with the FMLN during the civil war in El Salvador (IRB, 2010) even though he had been settled in Canada for 13 years and the UN had recognized the FMLN as a legitimate political party in 1992. Cases like the one of Jose Figueroa are relatively common in Canada. Issues also arise when dealing with child soldiers as refugees (Happold, 2002). Should they be viewed as violators or victims? These complicated cases can be avoided, and arguably ignored, by decreasing the amount of asylum seekers applying for status at the Canadian border.

Beginning in the 1980s there was a drastic increase in the numbers of refugee claims being made once already in Canada or at the border. This, in conjunction with the Refugee Convention and 1967 Protocol, in effect challenged Canada in its ability to control the flow and acceptance of asylum seekers. Therefore, today asylum seekers are restricted and controlled before they enter Canada through a process of outsourcing, extraterritorialization, and increased visa requirements. Gammeltoft-Hansen (2011) argues that processes such as airline sanctions and offshore migration control act to stop asylum seekers before claiming asylum. Airline sanctions involve fees imposed on the airline if they transport undocumented passengers into Canada. Thus, the responsibility of checking documentation is put onto the airline carrier. Offshore migration control involves intercepting ships at high seas or in other territorial waters (Gammeltoft-Hansen, 2011). Simplified, refugee rights are said to dwindle the farther a refugee is from the territory of asylum (Gammeltoft-Hansen, 2011). These migratory controls ultimately hinder asylum seekers from being privy to the Refugee Convention (namely the *non-refoulement* clause) and create increasing illegal practices around entering the country of refuge, such as fraudulent documentation or “irregular transport.” Adelman (2002) notes that in December of 2001, Canada added eight new countries to the list of visa required countries. These included Zimbabwe, Hungary, Dominica, Grenada, Kiribati, Nauru, Tuvalu, and Vanuatu. Nauru is where Australia sends boats of refugees that are seeking asylum (Adelman, 2002; Mezzadra & Neilson, 2003). It was from this island that refugees could gather local passports in order to enter into Canada.

The mandate of visa requirements for individuals in effect restricts this type of movement.

Refugee policy has been formed under sociopolitical influences and economic necessity. The Refugee Convention and Protocol have effectively provided legislation for Canada to abide by within the refugee determination process. Through the Singh Decision, asylum seekers have the same rights of Canadian citizens as laid out in the Charter of Rights and Freedoms; thus, creating the necessity of a legal oral hearing on the part of the refugee. Thus, from the international organizations there is a realisation of the necessity of refugee rights and protection, yet, the IRB is challenged by backlogs of applications and the public continues to see the refugee issue as an immigration issue. Before the 1980s, procedures were easier for Canada because there were fewer asylum seekers applying at the border, providing Canada with the control in choosing the refugee on their own terms. The asylum seeker has been used as a political and ideological message through the recognition of need for refuge from one's home country (Price, 2009). However, Price (2009) argues that there is a shift away from political action towards a more humanitarian approach. How successful can policy be if left to political values alone? According to Price, majority public sentiment today leans toward the view that Canada is not strict enough with its immigration policy and perhaps asylum is merely "...a welfare program for the rest of the world" (Price, 2009, p. 11).

### **3.2. Migrant Categorization**

Alison Mountz (2010) states that "[i]mmigration policies are not ad hoc, but rather the strategic positioning of groups of people in relation to the global economy through their identification as particular types of transnational subjects" (p. xxvi). This in effect means that the treatment of asylum seekers signifies not only Canada's international relations to the public, but also Canada's implicit opinion held of the individual. This holds true for both public discourses as well as official, or political, discourse. Referring back to Chapter two, Bowker and Star (1999) outline the inherent power of classification as the power to represent scientific truth while rendering the social and cultural factors of classification as invisible. Thus, it is here that the social implications of migrant classification are investigated. The acceptance of asylum seekers without subjecting

them to a lengthy determination process would signify to the public that a.) Canada does not believe that the individual is trying to “abuse” the immigration system and b.) asylum seekers do not pose a threat to society. This works both ways. Just as action speaks volumes, so too does the way in which refugees are categorized and judged.

Canada has three main categories of immigrants. While necessary for clarity reasons, these labels are used discursively and rhetorically to support statements that largely go unquestioned. Citizenship and Immigration Canada (CIC) recognize three formal categories, Economic Immigrants, Family Class, and Refugee External to Canadian policy. These refugees may be labelled as internally displaced persons (IDPs), “tsunami” refugees, “war” refugees, and so on (Zetter, 2007). All of which carry value judgements as to the viability of these individuals as Refugee Convention refugees. The categories, or a more nuanced approach would use a “label” as outlined by Zetter (2007), applied to those without status vary subjectively and informally. “Undocumented,” “illegal,” “unauthorized,” and “alien” are some of the terms used to describe those without status (Goldring et. al, 2007). Goldring and colleagues (2007) argue for the use of “precarious status” or non-status in order to remove discursive biases and create understanding around the reality of asylum seekers and others seeking protection in Canada.

In actual fact, it is difficult to classify a refugee as any of the informal terms above. Only economic migrants can be illegal or unauthorized. Regardless, the Canadian public has an idealized vision of refugee identity, being produced through discursive struggles (Phillips & Hardy, 1997). This image of the “good refugee” is that of the refugee that is chosen from a refugee camp bordering a designated unsafe country (Kampmark, 2006; Macklin, 2011). From here, that refugee goes through the paperwork and is brought to Canada. The “bad refugee” on the other hand is the one who shows up at the border with or without proper identification. Macklin (2011) argues that this refugee was not chosen by the Government and appears to be a threat to the sovereign ability to control the border. The Government then cannot control which refugees come to Canada, providing only the power in deciding whether or not the refugee claimant is in fact a refugee (Macklin, 2011). Thus, the idealized refugee does not challenge the receiving countries sovereignty, while the “bad refugee” does.

The process of identifying a refugee as “legitimate” contains its own judgements and interpretations on the part of the Canadian Border Services Agency (CBSA) guard. In the American context, Heyman (2001) argues that the ways the undocumented “...are known inflects their movement, treatment, and identities, in highly unequal ways” (p. 130). He divides legal classes of migrants as overt and covert. The covert classification happens in the space of the Immigration and Naturalization Service (INS), now dissolved and taken up by the Department of National Security (DNS), determining a migrant’s status through interviews. Judgements are made on visible cues such as “tattoos or large muscles,” the latter of which could be a sign of being in American prisons (Heyman, 2001). Ultimately, Heyman (2001) states that it is necessary to understand the political and symbolic suggestiveness inherent in the legal classification of migrants, as well as the interpretive practices involved in assignment.

While this is an American analysis, it still holds relevance for the Canadian system of legal classification and assignment. A certain level of judgment does need to be exercised within the determination process; however, an educated understanding of what refugees face during and before the process is needed on the part of the CBSA guard. In 2010, the Canadian Council for Refugees (CCR), in partnership with the Sojourn House, conducted interviews with asylum seekers concerning the CBSA interview experience. In the process of determining the asylum seekers eligibility to be heard by the IRB, the CCR (2010) found that the people were fearful of being deported, mistrusting of interpreters, and at times treated as though they were liars. This adds to the intensity of the interview and acts to delegitimize claims. Should the asylum seeker be found to be involved in crimes, be entering through the United States, or have previously been rejected by the IRB or CBSA they will not be eligible for an IRB hearing (CCR et al., 2010). Thus, an asylum seeker must first make it through the CBSA interview, avoiding misclassification in times of stress, just to see if he or she is eligible for refugee status.

This is not to say that there are never any people who claim to be refugees, but who in fact are migrants simply trying to move to improve their economic situation. My concern is more the issues surrounding the classifications of asylum seekers. Are asylum seekers migrants? Are asylum seekers immigrants? From a macro perspective, yes, refugees and asylum seekers are both immigrants, surely. They are situated within

the Ministry of Citizenship and Immigration of Canada. This is the same for asylum seekers as migrants. Indeed, it is common within the literature to differentiate refugees and migrants exactly this way, “refugees and migrants.” O’Doherty and Lecouteur (2007) state that the use of “migrant” within media discourse acts to “trivialise the motivation for this groups ‘request to stay’ by portraying the reason for migration as inherent to the ‘migrants’ rather than as motivated by social and political pressures. ‘Migrants,’ by definition, migrate” (p. 7). Goodman and Speer (2007) argue that the classification of asylum seekers is based around legitimacy, having “...the effect of constructing all asylum seekers as immigration ‘cheats’ and as untrustworthy and dishonest people whom we are right to treat with doubt and contempt” (p. 179). They found that asylum seekers were conflated with “immigrants” and “economic migrants” in the British media, acting to delegitimize all asylum seekers and overlooking the traumas endured and aid that could be offered (Goodman et al., 2007). Thus, while an asylum seeker is a “migrant” from a macro perspective, they are first and foremost asylum seekers. The rhetorical move to equate asylum seekers with migrants acts to delegitimize their asylum claims and downplay their social and political reasons for movement. Goodman and Speer (2007) conclude by offering a differentiation of asylum seekers in the media based on those who have been tortured and those who have not been tortured. This sort of rhetorical move may incite a more humanitarian response from the public and policy makers.

How refugees are understood, represented, and categorized is an important aspect to the study of refugees. Refugees are situated within their own immediate situation and experience, but their treatment and reception is almost always dependent on the receiving country’s policies and ideals. The categorization of refugees seems “objective,” but this apparent regulatory objectivity is parcelled into many subjective judgements along the process of refugee determination and integration. The CBSA agent makes his or her own value judgements during the intake interview; the public reads reports about refugees or “migrants” entering Canada; and policy defines the space in which a refugee can be situated. These are just some of the steps along the refugee experience that have the power to re-define judgement, to re-define reporting, and to re-define space for refugees.

## ***The Discursive Disappearance of the “Refugee”***

Audrey Macklin (2004) argues that in the past decade the “refugee” has disappeared from discourse. This has notably occurred due to the desire to circumvent the obligation that states have to the refugee through the Refugee Convention. Macklin (2004) states that “...this erasure preforms a crucial preparatory step toward legitimating actual laws and practices that attempt to make them vanish in reality” (p. 369). According to Macklin (2004) steps have already been made to reduce the number of refugees being accepted into Canada through legislation. The Safe Third Country Agreement effectively prevents refugees from entering Canada through the US (Macklin, 2004) and the enactment of Bill C-11 as well as Bill C-4 challenge the asylum seeker through the determination process (Macklin, 2011). The creation of laws may then in effect restrict numerous legitimate refugees from applying for status, provided they get to the point of application, increasing transnational systems of exclusion.

As this thesis is being written, the majority Conservative government in Canada is in the process of instituting legislative changes that discursively equate refugees to smugglers. This began with Bill C-11, the *Balanced Refugee Reform Act* (BRRA), and is continuing through what is now labelled Bill C-31, previously Bill C-49, as well as Bill C-4, introduced in February of 2012. Currently, Bill C-11, BRRA, gaining royal assent June 2010, and planned to be in effect in June of 2012, acts to limit the numbers of refugees who show up at Canada's borders. This Bill, while proposed as a way to make the refugee claim process more efficient, acts to shorten the time frame of appeals (Macklin, 2011). While the shortened time-frame acts to make the process shorter, it also set time limits for paperwork to be done which is challenging due to language barriers and bureaucratic tendencies. BRRA also includes a list of non-refugee producing countries that if ones country of origin is listed they will have a different review process (Liew, 2009). James Liew (2009) has noted how this becomes problematic because the IRB uses the democratic status of home countries as the defining factor in whether or not the country of origin is safe. Constitutional liberalism has led to democracy, but democracy does not always lead to Constitutional liberalism. There is an apparent rise in democracy in the world's political order, but not necessarily a rise in liberal democracy. In refugee cases between Canada and Mexico, for instance, it becomes very difficult for any Mexican to gain refugee status within Canada because their country is viewed as able to

protect the rights of its citizens (Liew, 2009). What happens when this is not true, yet legislated? Thus, this legislation, while stated to be for the inclusion of refugees, acts to shorten time allotted to provide paperwork and effectively dismisses asylum seekers from certain “democratic” countries of origin.

Currently, one of the most controversial pieces of legislation, acting to equate refugees to illegals is the Anti-smuggling Bill, also known as the *Preventing Human Smugglers from Abusing Canada's Immigration System Act* (Bill C-4), formerly known as Bill C-49. As of February 2012, this bill has been changed to Bill C-31, *Protecting Canada's Immigration System Act*. The legislative summary states that Bill C-31

...replaces the interview that had been introduced into the refugee determination process by the BRRA with a different procedure; bars certain groups of refugee claimants from appealing refugee protection decisions; changes the process and criteria for designating countries; and expands the restrictions on applications to remain in Canada after a negative refugee determination decision (Parliament of Canada, 2012).

The change to the designated countries list means that the Ministry of Citizenship and Immigration holds the power of designation without external review (Parliament of Canada, 2012). Clause 23 and 24 stipulate the mandatory detention of all human smugglers, as well as those smuggled, for one year given that they are defined as “irregular arrivals” (Parliament of Canada, 2012). Clause 81 of Bill C-31 allows for retroactive designation of “irregular arrivals” back to March 31 2009.

The retroactive provisions of this Bill mean that all those who were involved in the *Ocean Lady* and *MV Sun Sea* cases will be included in the new legislation. Detention includes men, women, and children. While in detention, they are allowed to make a refugee claim; however, they will not be allowed to access the Refugee Appeals Division as set out by Bill C-11 (Parliament of Canada, 2011). If they are denied refugee status, they will be removed. Humanitarian organizations and others highly oppose this Bill, stating that it goes against the Charter of Rights and Freedoms, as well as the Refugee Convention. Recent research by McGill University found that the detention of asylum seekers within Montreal, and the case of the *MV Sun Sea* in Vancouver, led to higher levels of psychological stress and post-traumatic stress than other non-detained asylum

seekers (Cleveland, Rousseau, & Kronick, 2012). Thus, worries of the health and safety of refugees are warranted.

Refugees can enter Canada by means of smuggling; however, this does not make them illegal. Macklin (2011) argues that the media has discursively situated the refugee as *either* a refugee *or* a smuggled person. The discursive connection between transport and identity is exemplified through the use of “boat people” to signify refugees and migrants who have arrived to Canada via ship (Bradimore & Bauder, 2011). Mountz (2010) argues that these events are inflated and viewed as crises through the media, acting to allow faster and stronger legislative changes. Bill C-4 is viewed by Mountz (2010) as a legislative reaction to a few high profile cases of human smuggling. Macklin (2011) is doubtful that this Bill, now Bill C-31, will be passed due to it going against the Refugee Convention and Canadian Charter of Rights and Freedom. However, it effectively sends a message to the public that the government is getting strict about immigration and it is the judicial system, not the government, who does not support these actions.

Audrey Macklin (2004; 2011) has provided a foundation to investigate refugee policy with reference to the discursive disappearance of the “refugee.” What is the purpose of refugee policy? First, it can be understood that policy is created in order to concede to the Refugee Convention and to uphold Canada's humanitarian intentions. Beginning in the 1980s, as the amount of refugee claims increased, policy changed to a) reduce the amount of fraudulent claims and b) restrict asylum seekers from “showing up” at the border. Thus, policy becomes about making the determination process more efficient, while remaining fair. IRPA, as well as the proposed amendments, acts to make the process of gaining refugee status more difficult as well as punish the asylum seeker for coming to Canada through irregular means. As refugee policy shifts so too does public discourse, favouring either restrictive or more liberal reform.

### **3.3. Refugees, Moral Panic, and Crisis**

Moral panic was first introduced by Stanley Cohen (1972) with his understanding of the uproar surrounding youth gangs in Britain. In 1998 Kenneth Thompson argued,

“[i]t is widely acknowledged that this is the age of moral panic” (p. 1). Moral panic is the problematization of an event, which is symptomatic of deeper and broader social, economic, and political issues, acting to engage readers in the connection of the event to the broader ideological frames, such as security or policy (Hay, 1995). A crisis is then constituted by the connection between a problematized element of the event (i.e., the asylum seekers) and the larger societal issues (i.e., refugee policy) and ideological stances (i.e., us versus them). This in effect creates a moral panic and crisis surrounding Canadian immigration policy. Moral panic is used here as defined by Hall and colleagues (1978) as an “ideological displacement” where an event represents a symbolic or perceived threat, creating a societal reaction that becomes more of a problem than the actual problem in itself (p. 29). Refugees, as well as immigrants as a whole, are commonly subjects of moral panic. Yasmin Jiwani (2006) pointedly states “[a]s threats to the social order, immigrants have often been stereotyped as transgressing normative rules by jumping the immigration queue...and engaging in criminal behaviours that violate the law and order of the dominant society” (p. 49). This threat has changed through time; however, fundamentally remaining. These include threats of “an invasion,” gangs, and illegal support of war or warlords, juxtaposed with the liberal Canadian state being challenged (Jiwani, 2006). This moral panic surrounding the social order gives leverage to new policies. Van Dijk (1991) utilized the arrival of Tamil refugees to the Netherlands to exemplify this process. He states:

[t]he official panic of the political elites about what they saw as a deluge of poor Third World peoples arriving at their doorsteps soon led to corresponding media panic. Before long, this barrage of negative media coverage, especially in the conservative Press, also affected large parts of the public, which expectedly was easily persuaded to resent the 'threatening' presence of another non-white, foreign group....These reactions were later used as a legitimation by the conservative Press and the authorities to continue their anti-immigration policies (p. 2).

Moral panic surrounding immigration within the press has become less explicitly about race and ethnicity; however, remaining subtlety and implicitly as the central concern. Within the press of Vancouver, Canada, Doreen Indra (1979) found that the discourse concerning South Asian immigrants from WWI through to the 1930s pertained to the apparent threat they posed to Vancouver society. This included representative headlines such as “Hindus secretly burn their dead” in 1906 and “Hindu murder ring

again active” in 1931 (Indra, 1979). Interestingly, in the following 50 years, South Asians were featured as a “problem” within the Vancouver press, equating “immigration” with “Asian immigration” and highlighting problems with those who were “culturally different” (Indra, 1979). Thus, the idea of direct threat is covered in a subtle denotation of “problem.” Indra (1979) also observed that throughout the research, the *Vancouver Sun* never brought its white, middle-class, male-oriented perspective into question within the news or opinion pieces. The shift found within the Vancouver press was congruent with the simultaneous changes to immigration policy. The *Immigration Act* of 1967 removed restrictions on race, nationality, and ethnicity, while placing rigorous screening of education and skills (Indra, 1979, p. 177).

Moral panic is discursively constructed through the media. Hay (1995) outlines the rhetorical strategies and discursive practices that create panic through the cases of two childhood murders in Britain. These include the media coverage of a “crime survey” presenting hysterical voices of the public, acting to implicitly state that “we” all feel the same way (Hay, 1995, p. 210). Secondly, an advertisement in *Good Housekeeping* called for people to sign a petition to keep children safe, “...channeling a groundswell authoritarian popular backlash of their mobilization of a moral crusade” (Hay, 1995, p. 213). The media also equated the parents of the children involved in the crime to “bad parents,” in a process of othering and an exercise of morality.

Refugees can often times be understood as a “symptom” of decline to the social order or cultural identity. Through the prominence of immigration or refugee “issues” within the press, as well as rhetorical and discursive practices, this group becomes the explicit reason for moral panic in that they are thought to *represent* moral decline or threat within society. Pijpers (2006) states,

[e]ager to keep the fragile order secure, control mechanisms are installed and enforced upon those feared because of their very 'being' as well as their being in a migratory position, either excluding them from a territory or restricting their freedom of movement once inside (p. 93).

This fits well into Hall and colleagues (1978) use of Cohen (1972), “[s]ometimes the panic is over...at other times it has more lasting repercussion and might produce such changes as those in legal and social policy...” (p. 28, cited in Hall et al., 1978, pp. 16-17).

Thus, moral panic has the ability to construct crisis which in turn leads to formal changes to law. Moral panic is produced by the press as well as public, becoming the topic of concern rather than that of the initial event or “symptom.” This discussion is important to keep in mind throughout further investigations of refugees within the media.

### 3.4. Framing of Refugee Discourse

The media discourses used surrounding asylum seekers and refugees shift, signifying to the public certain ideologies that are a product of current sociopolitical processes. Here, the rendering of the individual down to a political discourse “about” or “on” refugees is the norm. Through a discourse analysis of newspaper articles and parliamentary debates, Alexandra Mann (2010) found that the discourse around three controversial ships containing refugees, the *Kamagata Maru* in 1914, the 1986 boat of around 150 Tamils, and the *Ocean Lady* in 2009, shifted. In 1914, the refugees were seen as a threat to security, possibly igniting anti-oriental riots. This event was largely an issue of race, something not surprising for its time. In 1986 there was a strong emphasis on humanitarianism and the courts rejected any connection between terrorist groups and the 150 Tamils on board (Mann, 2010). Official discourse then shifted to issues of criminality, human smuggling, and security threats with the arrival of the *Ocean Lady* in 2009 (Mann, 2010). No longer were the refugees seen as “refugees” but more as “illegal migrants” (Mann, 2010). This categorization of refugees within discourse is a form of power in itself. Goodman and Speer (2007) state that the terminology used to refer to asylum seekers has implicit meaning; “Illegal migrant” and “economic migrant” deflate the situational understanding of what a refugee is and acts to lay blame on the individual. In actuality a “migrant” can be deported, whereas a “refugee” must be considered for protection (Macklin, 2004). A migrant desires movement whereas a refugee is forced to move. The refugee is framed in media discourse in order to signify the way in which the public should think about the individual or group, largely related to the sociopolitical moment. The ‘propaganda model’ of media states that politicians present specific media discourses in order to influence public opinion and in turn gain support for legislative change (Klocker & Dunn, 2003). While I have not fully engaged with this model in my own research on the *MV Sun Sea* incident, it does provide some useful points of orientation for analysis. Within Europe, Canada, and the United States,

existing research suggests that the refugee is commonly outlined variously as a threat, a criminal, or more positively as an individual with rights. These three representations appear to be dominant themes within media discourse.

### ***Refugee as Threat***

The figure of the refugee is often referred to in media discourses as a threat. While in years past, this has been the threat of disease, today the refugee is viewed as a threat to security, national identity, and economic stability. The refugee is increasingly viewed as a security threat through public and official discourse (Bigo, 2002; Hier & Greenberg, 2002; Klocker & Dunn, 2003; Mountz, 2010; Whitaker, 1998). Didier Bigo (2002) offers an argument against the 'securitization' of immigration, stating that it is perpetuated by "speech acts" used to increase support for the state while masking its failures. Bigo (2002) asserts that "the 'migrant' is seen as both a public enemy breaking the law and a private enemy mocking the will of the politician" (p. 70). Asylum seekers are increasingly represented as a threat to the sovereignty, national interest, law, health, and economic stability of the receiving country (Every & Augoustinos, 2008). The threat that a migrant poses to a nation-state is defined as an inversion of the perfect citizen. Examples given by Bigo (2002) include Germany viewing migrants as deviants and revolutionaries and the UK viewing migrants as rioters. The process of securitization is accomplished through political discourse of threats being validated by media discourse and other "truth institutions" (Bigo, 2002). By the same token, refugees have long been discussed as a threat to Canada's sovereign ability to control its borders.

Historically, immigrants, including refugees, have been viewed as security threats. The ideal citizen can and should be viewed as a fluid construct defined by historical and political moments. An example of this is the reference to migrants as a "terrorist threat," where during the Cold War this would be congruent to a "communist threat" (DeGenova, 2007). During WWII this was seen with the Canadian internment of Jewish refugees even after they were cleared of all possible threat by the British (Abella & Tropper, 1982). In a post 9/11 era, an increased panic around refugees as a threat to security has arguably occurred. Whitaker (2002) argues that previous trends of refugee exclusion have been accelerated since 2001. In Canada, IRPA gained royal assent in 2001 and essentially acted to deter criminals through a broad definition of security

threats (Whitaker, 2002). Attaching refugees with terrorism is the 1999 case of Ahmed Ressam who was caught at the Canada-US border with explosives and the intent to bomb the Los Angeles airport. Due to Ressam entering Canada through the refugee system, he became a high profile case supporting the need for Canada to tighten its refugee policy. An article by *The Associated Press* is titled "Ressam's arrest reveals cracks refugee seekers slip through" (Cohen, 1999). However, Ressam was recruited into the bombing plot *after* being denied refugee status from within Canada, revealing cracks in Canada's treatment and resettlement of refugees more-so than flaws in refugee policy (CBC, 2007).

Regardless, Ressam acts as a platform for furthering restrictive refugee policy due to terrorist threat. In support of this, Whitaker (2002) argues that by having tighter security measures within refugee policy, Canada is upholding its humanitarian commitments. The argument follows that these policies keep the Canadian public safer from violence and intimidation of terrorist groups and act to hinder the work of terrorist groups. However, the Canadian Broadcasting Corporation (CBC) (2007) questions why a terrorist would enter into Canada through the refugee system when this entails finger printing and being heard in front of a judge. Most terrorists have the funds to get fraudulent passports (Adelman, 2002) and to make the journey into Canada in a faster and more secretive manner. Thus, worries of terrorists using the refugee system to gain entry into Canada are common but can be calmed by understanding the policing involved in the refugee process.

Regardless of how far the public may think that society has come from the racism and discrimination of the early 1900s, media discourse is still heavily racialized, Othering the refugee from Canadian society or "Us." The racialization of discourse acts to outline the refugee as a threat to national identity. This threat was found in the work of Hier and Greenberg (2002), Mann (2010), and KhosraviNik (2010). Through the investigation of newspaper accounts of Chinese asylum seekers coming to Canada via ship in 1999, Hier and Greenberg (2002) argue that Canada's Euro-Canadian identity is viewed as threatened with the increase of Asian immigrants, as well refugee policy, health, safety, and federal expenditures were also threatened. This specifically became a fear of the Chinese in the case of numerous ships containing Chinese "undocumented" migrants in 1999. During this time "...news coverage of migrants relied upon historically-laden,

homogenizing racialized imagery...to construct a perception of international human migration predominantly in terms of a Chinese/Asian phenomenon, and ultimately, a phenomenon to which Canada is 'vulnerable'" (Hier & Greenberg, 2002, p. 499). More recently, in 2009 the *Ocean Lady* contained 76 Tamil refugees that were all detained and suspected of being members of the Liberation Tigers of Tamil Eelam (LTTE) (Mann, 2010). Mann (2010) argues that race implicitly played a role in the accusation of the refugees as security threats due to their ethnicity and country of origin. If the refugees on the *Ocean Lady* were white, the news discourse and public reaction would arguably be very different. Canada has a long history of xenophobia towards Chinese, where-as Tamils are more readily and easily categorized as a terrorist threat than a cultural threat. No matter how the threat was portrayed, research suggests that race played an implicit role in the discourses.

KhosraviNik (2010) also found the threat to national and cultural identity to be a discourse frame within the British press concerning refugees, asylum seekers, and immigration between 1996 and 2006. This was understood through the reference to the identity of "existing populations" being under pressure by the newcomers, as well as topics of discourse concerning current residents leaving London, being replaced by "immigrant populations" KhosraviNik (2010, p. 17). Discourses of threat are also commonly defined by economic threats. Throughout the literature, refugees are discursively viewed as an economic threat through the burden put on housing and social services (KhosraviNik, 2010). In the Australian press, Cheryl and colleagues (2011) found discourses of costs associated with refugee policies and public health concerns, some of which were in connection to the cost of detaining asylum seekers. In an analysis of letters to the Editor within British newspapers, Lynn and Lea (2003) found an overall resentment towards asylum seekers in that they were given housing while other citizens were not able to access such services.

Refugee as "threat" is a common discourse that contains notions of security, identity, and cost. Throughout the literature, media accounts have been analysed demonstrating concerns for refugees being terrorists or affiliated with terrorists. Cultural and national identity are challenged in an implicit xenophobic manner, while media discourse creates worry around costs and economic challenges associated with housing

and providing for those seeking asylum. Closely related to the refugee as “threat” is the refugee as “criminal.”

### ***Refugee as Criminal***

There are also discourses of criminality connected to asylum seekers (Hier & Greenberg, 2002; Horsti, 2007; Pickering, 2007). This is first seen through newspapers and news television framing the asylum seeker as terrorists or members of organized crime and secondly by equating those who are smuggled as illegal due to their means of transport. As mentioned above, if an asylum seeker is found to be criminal, he or she is allowed to be removed without going against the *non-refoulement* clause in the Refugee Convention. As well, the Conservative Government of Canada under Harper is trying to pass Bill C-31, opening up discourse equating refugees to illegal.

Pickering (2007) argues that refugee protection has been lost in the discourse of transnational crime. She delineates narratives within transnational crime as “internal challenges” and “external threats.” The main internal challenge for asylum seekers is first transport and then obtaining refugee status, both of which are becoming increasingly difficult through visa requirements, airline sanctions, and offshore migration control (Gammeltoft-Hansen, 2011). Pickering (2007) states that as the borders become tighter, the necessity of human smuggling increases for asylum seekers. As Foucault (1995) argues, the creation of laws will consequently create more illegal activities around that law. Thus, the internal challenge, or individual challenge, of being a refugee is increasing along with discourses of criminality and associated legislation.

The external narrative, or frame, is a process of *othering* the asylum seeker and focusing on illegality. These individuals are considered to be outside the state and illegitimate, with a focus given to their movement versus the persecution faced in the home country (Pickering, 2007). This is exactly what Macklin (2004; 2011) states in regards to Bill C-31. Pickering (2007) notes that the external threat narrative is common with human smuggling cases where asylum seekers are assumed as guilty as the organizers of the voyage. “[It] is assumed that those who seek mobility through people smugglers are at best pawns in transnational organized crime and at worst comprise a critical part of the criminal enterprise that increasingly threatens the stability of the

region” (Pickering, 2007, p. 51). Within media discourse, the fear of refugees becoming or being a part of organized crime is common (Hier & Greenberg, 2002). Imagery of asylum seekers being handcuffed and detained adds to this discourse amongst the public (Hier & Greenberg, 2002; Horsti, 2007). In Finland, Horsti (2007) found that the production of the illegality of asylum seekers through media discourse was a dominant theme, acting to support a second theme of control over the borders and migration processes. Illegal activities create chaos, in turn constructing the need for increased regulation and authority (Horsti, 2007, p. 158). Or from the viewpoint of Mountz (2010), these discourses construct a crisis that allows for faster legislative change. Commonly featured as less important to these discourses are discourses concerning universal human rights.

### ***Refugee as having Rights***

Discourses of humanitarianism and human rights are difficult to separate within the context of refugee policy. Humanitarianism is the moral obligation to help those who are less fortunate or in need of aid, which is in itself also concerned with human rights. The refugee can be a product of lack of access to basic rights, such as the right to the choice of religion and/or free speech. Both humanitarianism and human rights are dominant discourse frames surrounding the refugee; however, not as common as threat and criminality. The acceptance of refugees is viewed as an inherent humanitarian action that must be balanced with threat, while human rights discourses are in constant struggle with discourses of sovereignty.

Through history there have been very few moments when humanitarian discourse has trumped discourses of threat and criminality. This largely occurred post WWII and through the 1970s with 1976 *Immigration Act* as well and the presence of Liberal leader Pierre Trudeau. Due to the lack of humanitarian efforts during the World Wars, the public and government generally felt they had to make up for past mistakes (Kelley & Trebilcock, 2010). Additionally, the acceptance of refugees during the Cold War sent an ideological message to the Soviet Union, while also supporting Canada’s Euro-Canadian identity (Whitaker, 1998; 2002). Today, on the other hand, discourses of human rights and humanitarianism are lacking. The Refugee Convention and humanitarian intervention are often referred to as a “technocratic distraction” for asylum

seekers to avoid the consequences of their illegal actions (Pickering, 2007, p. 52). This again is due to the legal obligation of *non-refoulement* under the Refugee Convention, unless found to be involved in criminal activity, among other regulations.

There has long been a discursive struggle between human rights and sovereignty (Arendt, 1966; Hardy, 1999). There is a fundamental contradiction between human right and national sovereignty, something that Hannah Arendt (1966) outlined over forty years ago. Human rights, necessary yet highly rhetorical, challenge a sovereign states ability to regulate its borders. This struggle has materialized through refugee policy. This can be understood through Canadian refugee policy with the *Refugee Deterrent and Detention Bill* in the mid-1980s, which effectively imposed airline sanctions and allowed the Coast Guard to send migrant ships away, in tandem with the 1985 Singh Decision that gave non-citizens the same rights as Canadians under the Charter of Rights and Freedoms. Within a globalized world it is difficult to understand how commodities and money can increasingly flow freely, yet people are being increasingly restricted (Banerjee, 2010). This is understood within the discursive push and pull between sovereignty and human rights, the former of which usually dominates.

Just as Canada did not want to sign the Refugee Convention for fear of a threat to border controls, the rights of the refugee are being overshadowed by discourses of threat in other jurisdictions. For example, Worth (2002) investigated human rights discourse within the acceptance of Somalian refugees to New Zealand in 1993. Discourses of disease dominated human rights, influencing the institution of mandatory HIV testing for all refugees. Those found to be HIV positive were refused entry rather than offered medical service. Every (2008) distinguished humanitarianism as the dichotomy between “cost to self” and “cost to others,” arguing that this dichotomy is acting against humanitarianisms moral imperative of protecting those less fortunate. In the case of HIV positive asylum seekers within New Zealand, the “cost to self” was considered too high to accept the refugees. In Australian politics, humanitarian discourse has gone as far as to be viewed as impractical and guided by emotion (Every, 2008). Within Canada, a residual humanitarianism is balanced strongly by a concern for threat. In the case of the 1986 ship containing Sri Lankan Tamils, it was humanitarian discourse that dominated political discourse, leading the acceptance of these individuals (Mann, 2010). Mann (2010) states that while official discourse was humanitarian, it was the

Mulroney Government's recognition of its mistake in the exclusion of Jewish refugees during WWII that persuaded this decision.

During the Cold War, specific refugees contained strategic value that favoured their inclusion in Canada. Today, however, what motivates the inclusion of refugees? In an idealistic world one could say that the moral duty of protection should and does create inclusion. However, history has shown that inclusion on humanitarian basis is contingent on mode of transport, country of origin, health, Canada's own history of refugee acceptance, economic stability, and xenophobia. Left to support humanitarian action is the Refugee Convention and the idea of moral good. Where is Canada today in its treatment of refugees? What are the current discourses surrounding refugees? Are refugees viewed as an avenue to increase Canada's humanitarian reputation? Can the Refugee Convention be surfaced once more within discourse as a positive intervention rather than a "technocratic distraction?" Or as Macklin (2004; 2011) argues, is the refugee discursively disappearing into rhetoric of sovereignty and crime?

## **4. *MV Sun Sea*: A Discourse Analysis**

For this thesis I have applied the methodological practice of discourse analysis as outlined by Jager and Maier (2009) with the purpose of investigating how asylum seekers are represented within Canadian newsprint. Discourse analysis is a reputable method, being used by scholars (Hier & Greenberg, 2002; Jiwani, 2009; KhosraviNik, 2010; Lynn & Lea, 2003) to investigate and analyse discourse within newsprint. Discourse is defined by Deacon, Pickering, Golding, and Murdock (1999) as "...writing seen from the point of view of the beliefs, values, and categories which it embodies; these beliefs (etc.) constitute a way of looking at the world, an organization or representation of experience..." (p. 147). Jager and Maier (2009) state that the exercise of power is written into discourses "...because they institutionalize and regulate ways of talking, thinking and acting" (p. 35). Hence, an analysis speaks to larger structures than that of which is written on paper. Jiwani (2006) states that news media shape public opinion, influence policy makers, and have an impact on socialization, limiting morality and mobility (p. 37). Through the outline and analysis of the discursive event of the arrival of the *MV Sun Sea* on August 13<sup>th</sup> 2010 to the shores of southern British Columbia, Canada, frames of danger, law and order, and illegality fanned a moral panic surrounding Canada's immigration system, while downplaying the sociopolitical situation of those aboard that sought asylum.

### **4.1. Discourse Analysis: Rationale**

The purpose of conducting a discourse analysis around the event of a ship transporting asylum seekers to Canada is to first understand what the current discourse frames are at the time surrounding refugees and asylum seekers, and secondly to begin to illuminate how this discourse is situated within a sociopolitical milieu of its time. As Lynn and Lea (2003) argue, the media have a pivotal role in establishing a societal consensus. By investigating media discourses surrounding asylum seekers, the

dominant views held by society may be inferred. Phillips and Hardy (1997) state that "[d]iscourses do not reveal some hidden, pre-constituted reality, but rather provide concepts, objects and subject positions that actors use to fashion a social world" (p.166). Here it can be seen that the talk and text used around a subject acts to contextualize and generate knowledge around an event or individual. Following from a critical discourse analysis approach, Jager and Maier (2009) state that the power of discourse is that it produces what is sayable and in effect what is not sayable. They also argue, as do many other discourse scholars, that "[a]s flows of knowledge through time, discourses determine the way in which a society interprets reality and organizes further discursive and non-discursive practices..." (p. 37). Discourse analysis provides an organization of knowledge similar to the ways in which framing and agenda setting act.

Discourse analysis was chosen over content analysis due to differing questions asked and results desired. The quantitative method of content analysis provides answers to questions in the form of statistics (Deacon et al., 1999), whereas discourse analysis is qualitative, leading to emerging ideas and hypotheses. Deacon and colleagues (1999) argue that content analysis provides an overall picture of a large body of texts. By contrast, I am more interested in the many meanings within a smaller body of writing. While it is necessary for counts to be taken within discourse analysis to determine frequency and thus conventionality of terms, frames, or topics, discourse analysis investigates latent rather than manifest meanings. Evidence is provided in both forms of analysis. As Hall (1975) states "...[linguistic types of analysis] point, in detail, to the text on which an interpretation of latent meaning is based; they [linguistic types of analysis] indicate more briefly the fuller supporting or contextual evidence which lies to hand.... Content analysis assumes repetition...to be the most useful indicator of significance" (p. 15). Thus discourse analysis is used because latent meaning and meaning between texts will be investigated for emerging hypotheses.

The use of discourse analysis contains certain limitations. Deacon and colleagues (1999) state that discourse analysis "...cannot make safe assertions about the intentions of a text's producers, nor can it validly infer the impact of the text on readers, viewers or listeners. All such analysis can do is offer provocative and productive hypotheses about these processes" (p. 182). Any claims that emerge out of these hypotheses can lead to "likely" readings of the text but must be followed up with further

research in order to be understood as actual readings. Speaking to representative samples, Deacon and colleagues (1999) assert that a "...news story's relative conventionality as a discourse type is dependent on – at the very least – some basic proof of frequency" (p.183). Thus, elements of the analysis will contain counts of specific features. In short, discourse analysis on its own can offer hypotheses and "likely" readings based on a certain level of frequency.

## 4.2. Discursive Event: *MV Sun Sea*

The discursive event chosen was the arrival of the boat *MV Sun Sea* on August 13, 2010 at the Northwest shore of Vancouver Island British Columbia. The time frame for the analysis begins the day before the *MV Sun Sea*'s arrival into territorial waters and just beyond one month afterwards (August 9, 2010 – September 13, 2010). The minority Conservative Government in Canada had passed the *Balanced Refugee Reform Act* (BRRRA) less than two months prior to the arrival of the *Sun Sea*. Ten months prior to the arrival, the *Ocean Lady* had arrived, carrying 76 Tamil asylum seekers. As of March 2012, about 12 of those asylum seekers have been given refugee status, at least one has been deported, and the others are still awaiting hearings, with the continuing possibility of being returned to Sri Lanka (Johnson, 2012).

The Sri Lankan civil war *officially* ended May of 2009, ensuing for 25 years, killing over 100,000 people (Standing Committee on Foreign Affairs and International Development, 2009, p. 3). The war has been framed as either an ethnic conflict or a terrorist problem, dictating variable national and international responses (Bandarage, 2009). Majority Sinhalese rule the country while minority Tamils desire a separate territory in the North. A separatist group, the Liberation Tigers of Tamil Eelam (LTTE), formed in the 1970s, commonly referred to as Tamil Tigers, carried out high profile attacks on Sri Lanka, such as the national airport and army headquarters (Bandarage, 2009, p. 14). The LTTE is also responsible for the assassination of Indian Prime Minister Rajiv Gandhi in 1991 (Bandarage, 2009). Immediately after this attack, those Sri Lankan refugees housed in Indian camps were put under 24 hour surveillance and withdrawn from educational facilities (Valatheeswaran & Rajan, 2011), creating a state of exception as outlined by Agamben (2005). By the mid 1980's the LTTE had killed more Tamils than

Sinhalese and more of their own militants than the Sri Lankan army, indicative of a move for political power rather than ethnic struggle (Bandarage, 2009). While the LTTE carries much of the blame for the situation in Sri Lanka, it is the Sri Lankan government that is often viewed as responsible. The Department of Foreign Affairs and International Trade (DFAIT) of Canada commented in 2009 that "...'Canada holds the Sri Lankan government to a higher standard for its actions and obligations than it would the terrorist organization it is fighting'" (Standing Committee on Foreign Affairs and International Development, 2009, p. 4). Here it is stated that Sri Lanka is to blame to the extent that the government largely ignored international calls for restraint. Canada is among the top ten countries housing Sri Lankan refugees with 19,143 refugees, while official numbers in India are 73,269 (UNHCR, 2011).

To be sure, the event of the arrival of the *MV Sun Sea* only illuminates a discourse surrounding the asylum seekers entering Canada through irregular transit and not the discourse surrounding asylum seekers in general. This methodological problem is solved with a deeper look into the process and situation of gaining refugee status. As mentioned in Chapter three, Audrey Macklin (2011) delineates the "good" refugees from the "bad" refugees, based on their mode of transport. The "good" refugees are those in camps overseas who are chosen by Canada, through their application, and are brought to Canada. The "bad" refugees are the individuals that show up at the border and challenge Canada's sovereign power to protect its borders. The arrival of the *MV Sun Sea* created a media event focused on "bad" refugees. This reproduces the ideological stance that asylum seekers can be differentiated by their mode of transit, which is exactly the discursive mechanism that Macklin (2004; 2011) argues is used to make asylum seeker disappear. There is no effective difference between asylum seekers coming to Canada by boat or entering Canada through the airport. With this in mind, my research maintains a broad focus on the current media discourse within Canada surrounding asylum seekers, as exemplified by press coverage of the *MV Sun Sea*,

### **4.3. News Media and Coding**

Newspapers chosen for analysis include the *Vancouver Sun*, a provincial paper owned by Postmedia, the *Globe and Mail*, a national daily newspaper owned by

Thompson, the *Toronto Star*, a provincial daily owned by Star media, and Rabble.ca, an online Canadian newspaper. These three newspapers contain subtle differences in perspective, as well as notable geographical differentiations. The *Toronto Star* has the audience of the Toronto region as it is a provincial paper. The *Vancouver Sun* is a provincial paper within the Lower Mainland region of British Columbia. The *Globe and Mail*, similar to the *National Post*, has an intended audience of middle to upper class readers, in addition to members of the corporate elite (Bradimore & Bauder, 2011), reaching across Canada. Rabble.ca is a non-profit and social justice focused online newspaper with a national readership and headquarters in Toronto, Ontario.

### ***Data Collection***

I searched for articles on the *MV Sun Sea* incident, from the *Vancouver Sun*, *Globe and Mail*, *Toronto Star*, and Rabble.ca. Editorials, op-eds, and letters to the Editor (referred to as opinion pieces) were not included in the discourse analysis; however, they were read over in a preliminary analysis. Hier and Greenberg (2002) argue that editorials and op-ed pieces are "...not bound by conventional journalistic standards of objectivity, fairness and balance..." (p. 495). Still, these media items are useful for mapping opinions and perspectives in a preliminary analysis and they offered a comparative discourse of "opinion" versus that of official news reports. Research suggests that opinion pieces often illuminate the newspaper in question's ideological stance (Hall et al., 1978; Jiwani, 2006). Thus, the inclusion of opinions allows for an investigation into how a few members of the public, as chosen by the editors, view the event/issue and the salience of topics. Also, in order to draw comparisons, Rabble.ca, an alternative online daily news site, as a form of alternative media, was examined to identify potentially alternative ways to represent the event. Alternative media is defined as one that is non-mainstream, social justice focused, and that challenges dominant power structures (Groshek & Han, 2011).

Jager & Maier, (2009) note that the major sectors of the newspaper "discourse plane" are news, editorials, op-eds, and letters to the Editor. The character if these sectors are as follows:

News: News is based on what is newsworthy. Following Gitlin (2003) this would be something that involves a rare occurrence, such as a crime or arrest. Scharrer (2002) states that “news value” is identified by the Editor based on its proximity, timeliness, importance, conflict, and unusualness (cited in Abu-Laden & Trimble, 2010, p. 137). News appears in the beginning sections of the paper, with the intended audience as the public at large. For the scope of the discourse analysis in the study at hand, I chose to investigate news. News format, as van Dijk (1991, p. 121) argues, contains the most important and relevant information at the top, including actors mentioned and quoted. As a news article continues, it tends to fan out into less relevant or dated details at the bottom.

Editorials: Editorials follow an argument that is a reflection of the given newspaper’s viewpoint (Gitlin, 2003), giving the writer the chance to give his or her full opinion on a topic (van Dijk, 1991). Hall and colleagues (1978) use the editorial to investigate the range of explanatory arguments concerning crime and sentencing, as well as type of judgments made, indicating the ideological position of the newspaper, within the piece (p. 89). Typically, editorials appear in the back of the first section of all newspapers investigated. They follow an argumentative structure and have a persuasive function (van Dijk, 1991). Van Dijk (1991) characterizes editorials as either defining the situation, explaining the situation, or deciding what should be done to deal with the situation (p. 133). Social actors are also divided into “us” and “them.”

Op-ed: Op-eds pieces are located on the opposite page of the editorials and are written by experts, the public, and policy makers in a manner that presents different perspectives on salient issues (Day & Golan, 2005). Op-eds must first pass through the Editors in order to make it to print. This form of “gate keeping” is dictated by “...the personal views and roles of media workers; media routines, media organizations, external pressures, and ideology” (Day et al., 2005, p. 62).

Letters to the Editor: Letters to the Editor usually argue against or act in support of a previous news articles or editorials. This discourse plane tends to be more emotive than hard news and editorials. Hall and colleagues (1978) points to the obvious by stating that letters to the editor are in no sense an accurate representation of public opinion because they are “highly structured” (Hall et al., 1978, p. 121). “Their principle

function is to help the press organize and orchestrate the debate about public questions. They are therefore a central link in the shaping of public opinion – a shaping process the more powerful because it appears to be in the reader’s keeping and done with his or her consent and participation” (Hall et al., 1978, p. 121). Hall argues that letters to the editor are public communications that act to “...shape policy, influence opinion, swing the course of events, defend interests, [and] advance causes” (p. 121). Letters to the Editor are featured sometimes in the editorial section or the following page with the specific newspapers chosen for my research.

### ***Collection Method***

Using the Canadian Newsstand Major Dailies database (due to LexisNexis not containing the *Vancouver Sun*), I conducted searches for stories concerning the event of the *MV Sun Sea*, including the public reaction and debate surrounding this event. News and opinion pieces were found using the word “Sun Sea,” “Tamil,” “refugee,” and “immigration.” The articles were then exported to RefWorks in order to categorize along discourse planes. After sorting through the articles for duplicates, I had 146 articles in total. The 146 articles included 60 opinion pieces and 73 news stories. Through using the search mechanism on Rabble.ca, 14 articles were gathered within the same time frame as the mainstream media (see Table 1). Once filtering these for planes of discourse, 4 news articles remained. The others consisted of polls, forums, video blogs, advertisements of events, and a podcast.

The remaining 13 articles of the 146 total newsprint pieces were news and opinions that related to the Toronto municipal elections and, the current Mayor of Toronto, Robert Ford’s anti-immigration comments. While this could offer an interesting analysis of how asylum seekers can be given strategic value in political debates, they were excluded on the grounds that the rhetoric branched out to larger issues of immigration, with little attention given to the *MV Sun Sea* event. Many of these articles would not have been found if I had not searched the word “immigration” in the Canadian Newsstand database.

**Table 1: Date Range and Frequency of News Articles**

Date Range	Vancouver Sun	Globe and Mail	Toronto Star	Rabble.ca	Total Articles
09/08/10-15/08/10	12	5	11	0	28
16/08/10-22/08/10	11	9	4	2	26
23/08/10-29/08/10	3	1	0	2	6
30/08/10-05/09/10	1	0	0	0	1
06/09/10-14/09/10*	8	5	3	0	16

\*Note: Date range extended by two extra days

### ***Preliminary Analysis and Coding***

A preliminary analysis consisting of scanning the given articles led to news discourse frames tentatively labelled as crime, crisis, humanitarian, and policy. Within the opinion pieces there appeared to be clear frames of race, us versus them, and hysteria. However, due to the time constraints of my research, a preliminary analysis was all that was conducted of the opinions.

From the preliminary analysis, I created a coding sheet of questions to consider while reviewing the articles. Choosing the medium of newspaper to conduct a discourse analysis allows for specific questions to be asked. Van Dijk (1991) outlines topic, topic order, quotation patterns, naming the participants, and the distribution of grammatical agency as key categories of investigation (cited in KhosraviNik, 2010). Coding questions were in part adapted from Abu-Landén and Trimble (2009) in their investigation of Muslim Canadian representation in newsprint media. Other questions were taken from Hier and Greenberg (2002), KhosraviNik (2010), Bradimore and Bauder (2011), and Cheryl and colleagues (2011). A pilot discourse analysis using the code sheet, led to the inclusion of the category “other” due to a few outliers. Later, the “other” category was used to create the category of police and refugees, as done by Bradimore and Bauder (2011), within the “voice” section. I also found that the question “is the event framed as a crisis?” needed to be clarified. What is it that constitutes a crisis? At first, all articles did

seem to be framed as a crisis; however, this was subjective and variable for many reasons. The common underlying deciding factor was that the event of the *MV Sun Sea* was problematized through such frames as smuggling, refugee legislation, and detention. Looking into the work of Hier and Greenberg (2002) and the discursive construction of a crisis (Hay, 1995), crisis is preceded by a problematization of the event, which then points towards deeper and broader social, economic, and political issues, acting to engage readers in the connection of the event to the broader ideological frames of security or policy, for example. A crisis is then constituted by the connection between a problematized element of the event (i.e., the asylum seekers) and the larger societal issues (i.e., refugee policy). This in effect creates a moral panic surrounding Canadian refugee policy. Moral panic is used here as defined by Hall and colleagues (1978) as an “ideological displacement” where an event represents a symbolic or perceived threat, creating a societal reaction that becomes more of a problem than the actual problem in itself (p. 29). In this case, the event is the arrival of the *MV Sun Sea* and the moral panic and crisis surrounding Canadian refugee policy (as one example), which, based on previous research, is a constructed and subjective crisis.

In conducting the discourse analysis I identified the newspaper, location of the story, reporter, story type, date, and story length. These variables act as explicit indications of the geographical reach of the news, importance of the article, credibility of the story, newness of the event, and the depth and resources given to the news account. Although I had decided to only analyse news articles, it was beneficial to have the code for story type to make sure the article was in fact news and not an opinion piece.

Questions were further asked of the text concerning the headline, subtopics, tone, and frames. Following Cheryl and colleagues’ (2011) analysis of refugee issues in the New Zealand and Australian press, I asked what the tone of refugee coverage was. This includes critical/negative, positive, neutral, or mixed. Interestingly, given the circumstances of the discursive event, the tone was generally critical or otherwise positive. The category of positive tone was largely constituted by portraying the refugee as victim. This certainly qualified the use of the word “positive.” The news was also coded for the implicit reference to the Tamil refugees as terrorists or affiliated with terrorists. Themes and frames investigated include smuggling (danger), legislation (law),

detention, civil war, history, and health. Thus, this section investigated deeper thematic discourses.

I decided to look into the formation of a crisis within the articles. As outlined above, upon preliminary research, I detected that the articles gave an impression of perceived panic around the event that was realistically uncalled for. If the event was framed as a crisis, it was then categorised into what constituted the crisis. This includes smuggling, legislation, health, detention, ill treatment of asylum seekers, race, and other.

I also included a code for voices used in the articles, following the work of Bradimore and Bauder (2011). This included direct quotes and paraphrases sectioned off into Safety Minister Vic Toews, government (including Conservative, NDP, and Liberal MPs, ministers from federal departments and the Immigration and Refugee Board), lawyers, academics, humanitarian organizations, police (including CBSA, US coast guard, RCMP, BCGEU, and BC Corrections), refugees (including those from the *MV Sun Sea* and the Tamil community settled in Canada), and an “other” category.

Individual reference and secondary reference were also coded in the discourse analysis. One of the key mechanisms to understand how asylum seekers are represented in the media, is by how they are referred to. If referred to as a refugee, this implicitly means that the asylum seekers are thought to be “genuine” or “legitimate,” but if referred to as migrants, as the Tamil asylum seekers predominantly were, this then indicates that the asylum seekers are categorized as either immigrants or refugees, downplaying the situation and experience of the Tamils. “Refugee,” “asylum seeker,” “boat people,” “Sri Lankan,” “Tamil,” and “other” were used as coding categories for individual reference as well. Secondary reference was utilized to investigate the presence of objectification (Hier & Greenberg, 2002) and/or dehumanization (KhosraviNik, 2010) of asylum seekers. Applicants or claimants, numbers, and gender or age were used as indicators of this frame. I also coded for the implicit or explicit reference to the asylum seekers as illegal. As the analysis continued, it became more apparent that a vast majority of the articles implicitly stated that the Tamil asylum seekers were in fact illegal. This was done through reference to the asylum seekers as detainees or looking at the “detention” of the “migrants.” Through individual and

secondary reference, as well as underlying illegality, the implicit and explicit representations of asylum seekers can be understood.

The *MV Sun Sea* itself can act as an object in the story to both dehumanize the asylum seekers and dramatize the event through the voyage. Because the event contains a ship it becomes categorized as an “irregular transit” event rather than an event of refugees seeking asylum. Within the category of “irregular transit” there is a wealth of historical analogues that are brought forward. Arguably it is then that the ship becomes a primer for discourse concerning the history of ships of “migrants” arriving at Canada’s shores. Thus a further code was used for the indication of the ship used as a historical point of reference.

Given that historically asylum seekers have contained strategic political value (Price, 2009), “strategic value” was coded for by asking whether or not this event was used as a topic of political debate. An indicator of this was the inclusion of quotes or paraphrases of the oppositional political parties, namely the NDP or Liberals. Strategic value also becomes apparent when Conservative Prime Minister Harper began to use the arrival of the *MV Sun Sea* as leverage for the approval of amendments to IRPA under Bill C-11 (BRRRA), which gained royal assent two months prior in June of 2010, and Bill C-4, now Bill C-31.

A pilot discourse analysis was conducted after the coding sheet was created. I identified the author(s), the format, structure, thematic structures, frames, rhetorical devices, and ideological assertions. This proved useful in that it indicated where categories of “other” should be included and acted as a test run for how to highlight text and save articles in an organized and efficient manner. Also, I quickly realized that a firm definition of “crisis” and “political debate” were necessary before continuing. With adjustments made to the coding sheet and a well thought out system of organization, I began coding.

#### **4.4. Findings**

The analyses of news pieces surrounding the *MV Sun Sea* were indications of generalized frames, dominant voices, and specific absences. The findings presented

below are categorised by voice, dominant frames, absences and silences, and alternative media. Throughout the 73 mainstream news articles voice was dominated by official statements given by Safety Minister Vic Toews, as well as government officials. Dominant frames emerged representing the asylum seeker as illegal, danger, and a threat to law and order. The main noted silences were those pertaining to the refugee situation and civil war within Sri Lanka, as well as an overall absence of the use of “bogus”/“genuine” rhetoric to label the asylum seekers. The discursive stage is set with an introductory analysis of an article written by *Vancouver Sun* reporter Stephen Hume (2010a), illuminating what was found in the preliminary analysis of opinion pieces as well as dominant frames in the news. Hume (2010a; 2010b), a humanitarian, acts as a representation of the kinds of debates that occurred, within the opinion as well as news pieces, surrounding the *MV Sun Sea* and Tamil asylum seekers aboard. Throughout the news articles the event was framed as a “smuggling event” with possible terrorist threat woven in, while humanitarian discourses of compassion were excluded.

### ***Setting the Discursive Stage***

Stephen Hume, a columnist for the *Vancouver Sun* wrote a controversial and argumentative piece on August 21<sup>st</sup>, at the height of the news coverage of the event, concerning the xenophobic and racist nature of the discourse surrounding the Tamil asylum seekers. He states that the demands of the public are “mean-spirited” and tainted with resentment. Using the historical counts of refugees entering Canada, as well as the lack of refugees in Canada, “[m]easured as a ratio of refugee claims to population...,” Hume (2010a) argues that the reaction to the Tamil refugees is “perhaps” because they are not white.

Why this unseemly furore over a few Tamils? Perhaps it's because they aren't white. Raise this uncomfortable theory and a din of sanctimonious denial rises...[I]ike it or not, skin pigment seems a common denominator. Perhaps this is not surprising. Racial xenophobia has a long and vicious history in British Columbia. (Hume, 2010a, p. A6).

Hume (2010a) reduces the Tamil asylum seekers to numbers to make an argument. “Why such rage directed at such a miniscule group? These 492 refugee claimants

amount to about 1.3 per cent of the refugees who come to Canada each year” (p. A6). Concerns about the Tamils and Canada's refugee system are also surfaced.

...[L]et a small group of Tamils arrive by boat begging mercy and all the bogeymen crawl out of the closet; They might be terrorists; they were brought here by criminals – as were many people escaping East Germany, the Soviet Union, Iran, Argentina, you name the dictatorship; if they are allowed entry, Canada will be overwhelmed by refugee claimants. What a load of bosh. We have a tough, effective review system to weed out criminals and terrorists among asylum-seekers – although a smart terrorist would arrive by air wearing a three-piece suit and garner much less scrutiny (p. A6).

Hume (2010a) ends the news piece by stating that how we respond “...to a few Tamils seeking safety and a future for their children says far more about us than it does about them” (p. A6).

Given the polemical nature of Hume's column there were many letters written to the *Vancouver Sun* in reaction (Hume, 2010a); however, Kim Harrison's (2010) letter titled “Is skin colour an issue in our response to asylum-seekers?”, was the only letter published. She sympathized with Hume (2010a) by stating, “[n]o doubt there are racists among the critics, just as there were property-destroying anarchists...” during the 2010 Vancouver Olympics (p. A10). This rhetorical move equated racists to an unwanted few that seek to stop all that is good, missing the structural issues of racism. She raised the question, “[w]hy didn't they stay in the Thai refugee camps?” (p. A10). Harrison (2010) recognized that the Tamil asylum seekers were intelligent, stating, “[t]hey are intelligent people. They knew that having women and children on board would engage our tradition of compassion and minimize suspicion of terrorists arriving by sea” (p. A10).

On August 30th, Hume (2010b) wrote another column made up of many different letters that had been written to the *Vancouver Sun* in response to his first article mentioned above. Exemplifying Bhaktin's (1981) notion of heteroglossia, defined simply by Li (2009) as “...the competition of different voices, identities, and positions to maintain, adopt, or abandon power and control” (p. 91), numerous excerpts from letters to the Editor were chosen by Hume and placed in his column as a way for him to prove the argument posed in his August 21<sup>st</sup> column. This column of 12 excerpts includes quotes shaming Hume for his humanitarian rhetoric, categorizations of all Asian

immigrants as criminal, explaining why Tamils are not welcome, and overall stating that they are not welcome for reasons *other* than race. A selection of these quotes follows:

Gee, could it be that we are sick of being played for Patsies? ... You might sing a different song if your community was flooded with Hindus, Vietnamese, etc., who brought such worthy skills with them like drive-by shootings, drug wars, murder of their own wives and daughters...

It has nothing to do with the race card. You should be ashamed of yourself. Read the comment pages, listen to the call in radio shows, read the editorials....

...The other thing, you mention events that happened over a hundred years ago. Get real a-----! I say ship them back and so do a few million other people ... F---You.

...You know as well as the majority of the population that if we just send the Tamils on their merry way to Toronto, they will not assimilate into Canadian culture...

Are you so idealistic as to propose bringing in every stray dog on the face of the earth? If not, where would you draw the line? (Hume, 2010b, p. A9).

Clearly Hume (2010b) published this to make his point that indeed the public is reacting in a racist manner; however, the article lacks any reference to those letters that may have supported his first argument. Arguably, there could have been none. This conversation comes to an official end on September 1<sup>st</sup> when a letter by Cheryl Katnich (2010) outlines that some arguments should be heard and that Hume is “pompous” and “condescending.”

A discourse analysis of this body of opinions published in the *Vancouver Sun* demonstrates an argument for those opposed to the acceptance of the Tamil asylum seekers and Stephen Hume, who is reacting to the moral panic surrounding the *MV Sun Sea*. On the surface then this is a comparative analysis of the discourse of those opposed to the support of the Canadian immigration system. However, more than this, the initial article by Stephen Hume (2010a) demonstrates how ingrained the dominant news frames are within opinion pieces. Here, the rendering of the individual down to a political discourse “about” or “on” refugees with frames of numbers, threat, danger, and law, are applicable. Numbers, danger (encompassing threat), and law are frames used

in the discursive construction of a crisis relating to the *MV Sun Sea*, specifically criminality and acceptance of refugees.

### ***Voice***

Through an investigation into quotes and paraphrases, space given for individuals, groups, and organizations to be heard within the news articles was highly centralized around government officials and authority organizations (see Table 2). Safety Minister Vic Toews was the most frequently quoted individual, used for his often quoted reference to the Tamil asylum seekers as human smugglers and possible terrorists. Surprisingly, the safety minister was quoted more than Citizenship, Immigration, and Multiculturalism Minister Jason Kenney, furthering this event as a security issue rather than refugee issue. Authority organizations were also highly recognized voices in the event, inclusive of the CBSA, RCMP, BCGEU, and US Coast Guard. Humanitarian organizations, such as the Canadian Tamil Congress, were heard less than the above mentioned, with the *Toronto Star* almost doubling the amount of articles containing these voices as compared with the other newspapers. Lawyers, academics, and refugee voices were also heard. Consistently throughout the newspapers, law was the dominant voice.

**Table 2: Source Quotes and Frequency of Reference**

Source	Vancouver Sun	Globe and Mail	Toronto Star	Total
Vic Toews	14/35 = 40%	5/20 = 25%	13/18 = 72.2%	42/73 = 57.5%
Government*	17/35 = 48.6%	10/20 = 50%	6/18 = 33.3%	33/73 = 45.2%
Lawyers**	12/35 = 34.3%	7/20 = 35%	8/18 = 44.4%	27/73 = 36.0%
Police***	10/35 = 28.6%	6/20 = 30%	7/18 = 38.9%	23/73 = 31.5%
Humanitarian****	13/35 = 37.1%	4/20 = 20%	11/18 = 61.1%	28/73 = 38.4%
Refugee*****	4/35 = 11.4%	2/20 = 10%	4/18 = 22.2%	10/73 = 13.7%
Academics	4/35 = 11.4%	2/20 = 10%	2/18 = 11.1%	8/73 = 11.0%

Notes: \* Government: Includes Conservative, NDP, and Liberal MPs, ministers from federal departments, Immigration and Refugee Board, and District of Maple Ridge. Excludes Safety Minister Vic Toews.

\*\*Lawyers: Includes immigration lawyers, and lawyers representing humanitarian organizations. Excludes law professors.

\*\*\*Police: Includes RCMP, CBSA, BCGEU, US Coast Guard, Navy sources, and BC Corrections.

\*\*\*\*Humanitarian Organizations: Includes the UNHCR, Canadian Tamil Congress, BC Civil Liberties Association, Tamil-Canadian advocacy groups, Canadian Human Rights Voice, RSD Watch, and BC Legal Services Society.

\*\*\*\*\*Refugee: Includes asylum seekers from MV Sun Sea and Tamil refugees and relatives within Canada

Safety Minister Vic Toews was repeatedly quoted within the first few paragraphs of a news article, if quoted at all. This is significant because the most important and relevant voice to a news story is featured at the beginning (van Dijk, 1991). A montage of these quotes follows:

I don't view this as an isolated independent act," said Toews. "There are others who are watching this particular situation to determine the reaction of Canadian authorities and they will be making decisions based on the reaction (Fong, 2010a, p. A1).

Public Safety Minister Vic Toews said Friday he considers the MV Sun Sea a 'test boat' to probe Canada's receptiveness to ship-borne refugee

claims - part of a wider human smuggling operation with designs on sending more illegals here (Chase, Youssef, & Lindell, 2010, p. A1).

The RCMP will investigate the passengers and crew of a newly arrived Tamil refugee ship to see if criminal charges are warranted, Public Safety Minister Vic Toews said as Ottawa searched for ways to keep the boat people from overwhelming Canada's refugee system (Whittington, 2010, p. A6).

Mr. Toews said he is worried by reports from his officials that the journey could have been organized by the Liberation Tigers of Tamil Eelam (Leblanc & Youssef, 2010, p. A1).

Concerns of increasing amounts of “ships” were voiced by Toews, as well as possible Liberation Tigers of Tamil Eelam (LTTE) members aboard the ship, altogether allowing for security concerns to be heard first, over those of health and safety of the Tamil asylum seekers. Government officials, such as Prime Minister Harper and Mr. Kenney, were also quoted in regards to policy changes necessary to keep future ships from arriving. Fong (2010b) reports that “Prime Minister Stephen Harper said Tuesday the federal government ‘will not hesitate’ to strengthen Canada's human smuggling laws.” (p. A4). Regarding irregular arrival, Harper states, “[i]t's a fundamental exercise of sovereignty. We are responsible for the security of our borders and the ability to welcome people or not welcome people when they come.” Fong (2010b) states, “Harper noted Canada is a land of refuge, but when hundreds of people come to the country outside the proper channels, it leads to ‘significant security concerns,’ he said” (p. A4). “...Immigration Minister Jason Kenney [said] on Monday that the government intends to toughen penalties against human smugglers and is considering adopting minimum jail sentences” (Quan, 2010c, p. A5). These official voices were dominantly heard first.

Lawyers, arguably having a more first-hand experience with the asylum seekers, provided a compassionate voice in favour of the rights of the Tamils. In the *Globe and Mail*, Leblanc and colleagues (2010) state that

Lawyers who visited the detained migrants yesterday said they survived desperate conditions during about 100 days at sea. They described living on just one litre of water a week and having to gather rain water to boil for tea. Gary Anandasangaree, a lawyer representing the Canadian Tamil Congress, said those he met were teachers, engineers, journalists, fishermen, farmers and businessmen (p. A2).

This reference to the asylum seekers by their professions was the only of its kind within the news articles. However, the empathetic voice was common. *Vancouver Sun* reporter Douglas Quan (2010b) wrote a short piece entitled “boy’s plight touches Lawyer helping Tamils” about a lawyer who delivered a letter from a boy in a detention centre to his father in a Maple Ridge prison. Another news report quotes lawyer Dyonisius “pleading” for the release of a pregnant woman who may give birth at any time (Youssef, 2010). Beyond these personal narratives, Lawyer Gary Anandasangaree is quoted saying “[l]et’s not paint everybody as a human-smuggler or a terrorist. There’s a five-year-old here. There are two unborn children” (Valiante & Hanson, 2010, p. A2). In a similar voice, immigration lawyer Lorne Waldman is paraphrased by Aulakh (2010a) from the *Toronto Star* saying that “Canadians will be gentler and more inclusive once they hear the stories of these people [asylum seekers]...” (p. GT1). The voice of lawyers, if presented and not the main topic of the article, was regularly given after government or specifically Mr. Toews, was heard. Therefore lawyers, representing justice, were secondary to criminal frames and speculations.

Next to academics, the lowest percentage of voices heard were those of the Tamil asylum seekers or the Tamil community within Canada. Only 10 out of the 73 articles investigated quoted or paraphrased the group labelled as refugees. The voice was featured in a defensive and victimized manner, pleading for the public to not view them as terrorists and to let their stories be heard. Five paragraphs down, this *Toronto Star* article reads:

In two letters released Monday through lawyers for the migrants via the Canadian Tamil Congress, the migrants on board the Sun Sea asked Canadians and the Canadian government to have faith in them and believe that “we are innocent civilians who have been affected by the conflict. We are not terrorists.” “We have undergone severe hardships with very little or no access to basic necessities such as food, water, sleeping space, medicine and sanitary facilities. We have travelled for almost four months with much suffering and pain,” said the letter, which was signed Tamil People from the Sun Sea ship (Fong, 2010e, p. A6).

Valiante and Hanson (2010) from the *Vancouver Sun* also quote pieces from this letter. Tamil asylum seekers as victims is furthered through reference to the detention and court hearings. Fong (2010b) writes “‘Okay,’ she [a Tamil refugee] said with a meek

smile when asked how she is doing after being held in detention for a fourth straight night” (p. A4). And the ending paragraph of a *Globe and Mail* news piece states “The women at Friday’s hearing complained to Ms. Dyonisius, who speaks Tamil, that they are being made to sit for long hours on chairs and not being allowed to stay in the trailers where they can lie down” (Youssef, 2010, p. A9). Possible relatives of the asylum seekers are also heard through a concerned voice, “Now all I can do is pray that he made it” (Aulakh, 2010b, p. A3) says one relative, while another, surprised at a nephews arrival, says “[h]e hasn’t seen him for six years, since he was still a teenager in school. The last he heard from the boy’s mother was that they were in a camp for people displaced by the Sri Lankan civil war, which ended in May, 2009” (Frieson, 2010, p. A3). This use of voice from the Tamil asylum seekers and Tamil community victimises the individuals through their experience in Sri Lanka, their Canadian reception, and treatment within detention centres. However, based on a news story by Leblanc and colleagues (2010) these asylum seekers are also trained professionals, being the only reference of its kind. Language barriers as well as a lack of access to the Tamil asylum seekers due to their detention may have reduced the opportunities for their voices to be heard.

An Angus Reid poll, taken August 17<sup>th</sup> to August 18<sup>th</sup> and published on August 19<sup>th</sup>, was mentioned in four news articles. This survey was conducted towards the end of the height of media attention around the event (see Table 1). Two very interesting statistics contained in this poll are that 48% of the 1,019 “randomly selected Canadian adults” would deport the refugees even if they had no ties to terrorist activity and they were “legitimate” refugees (Angus Reid, 2010, p. 1). Secondly, 83% agree that the refugees are jumping the immigration queue and “should apply like any other foreigner that wants to relocate to Canada” (p. 4). From the *Toronto Star*, Fong (2010f) reports that “[i]n a new poll by Angus Reid Global Monitor, nearly half of respondents believe the Tamil migrants who arrived Aug. 13 should be deported.” And furthermore, “Three in five Canadians believe the ship should have been turned back and not allowed to reach the country” (p. A10). Fong (2010f) continues the critical view of the *MV Sun Sea* asylum seekers by adding to the salience of the “unwelcomed.” A “pollster” from a different Angus Reid poll states in the *Vancouver Sun* that the difference in numbers between 2009 and 2010, being that 5% more of those surveyed stated that immigration is having

a negative effect on the country, "... likely has more to do with economic pressures, than something more sinister, like racism" (Hansen, 2010b, p. A7). The Angus Reid poll acts as a voice for the public within four news articles.

Thirty-nine out of the 73 articles carried a negative or critical tone. This can be best exemplified through an outline of headlines. A representative selection of articles that were categorized as negative or critical had the following headlines:

Jails on alert as ship of Tamil migrants nears B.C (Youssef & Bailey, 2010)

Officials prepare for arrival of Tamil ship (Coyne, 2010)

Tamils sick with TB (Fong, 2010c)

Ottawa warned of rebels on ship (Woods, 2010)

Government hopes to stem tide of refugees; Terrorists may be abusing the system (Greenaway & Stone, 2010)

Migrants met by heavy security; Terrorists and human smugglers feared to be among the hundreds on board (Westad & Shelton, 2010)

Harper vows to toughen laws as Tamil migrants zip through hearings; Crying toddler is only interruption to quick reviews for a quarter of ship passengers (Youssef & Leblanc, 2010)

The above headlines bring the event and individuals into a shadow of threat, understood as negative.

Seventeen articles had a positive tone; however, eleven of these featured the asylum seeker as a victim while defending them, bringing the tone into question. In differentiating between immigrants and refugees for the sake of the Tamil refugees, Hume (2010c) states that "Refugees are desperate people in flight. They have often been forced from their homes, subjected to human rights abuses, persecuted by the very authorities to whom they'd have to apply if they wished to obtain documents required to emigrate" (p. C5). In a report concerning the detention of the Tamil refugees, Quan (2010f) reports "Vasan said she spoke to one mother this week who was carrying an infant who had a piece of shrapnel embedded in his head. She said it upsets her to hear that some Canadians believe the migrants should be sent home" (p. A7). The refugees are thus understood as victims of their detention and the persecution faced in Sri Lanka.

The understanding of the *MV Sun Sea* event was determined by the voice given within the beginning paragraphs, as well as headlines. Safety Minister Vic Toews was heavily featured in the first few paragraphs questioning the asylum seekers legitimacy and attributing the ship to being part of a human smuggling and terrorist enterprise. Lawyers and the asylum seekers presented a voice of humanity, featured deep in the news articles and at times presenting the refugee as victim. The voice of authority dominated as unwelcoming public opinion made news through the Angus Reid polls.

### ***Dominant Frames***

After analysis, the questions of subtopics covered and the constitution of crisis, revealed four main themes, or frames. As outlined in Chapter two, frames are defined as "...persistent patterns of cognition, interpretation, and presentation, or selection, emphasis, and exclusion, by which symbol-handlers routinely organize discourse, whether verbal or visual" (Gitlin, 2003, p. 7). Frames, in effect organize *how* the reader is to interpret the event. This contextualization is one of the key manners of which ideology and meaning are made out of reality, in this case the arrival and reality faced by the Tamil asylum seekers. The dominant frames in the news accounts include asylum seeker as illegal, discourses of danger, and discourses of law and order. Both danger and law are generalized umbrella terms used to signify many sub-frames.

### ***Asylum Seeker as Illegal***

Fifty-six out of the 73 news articles either implicitly or explicitly referred to the refugees as illegal. This was done through the inclusion of detention, jails, and courts, as well as voice given to police authority. Macklin (2011) states that the process of refugee determination implicitly treats the refugee as illegal; however, following this thought, all news articles framed the refugees as illegal. Outside of this theoretical corner, illegality was produced at most points along the procession of the event. Organizing this in a temporal manner, the *MV Sun Sea* was first boarded by national defence, RCMP, and CBSA officials, as well as the enforcement of airspace restrictions (Spencer & Stone, 2010). Following this statement, Spencer and Stone (2010) state that "[t]here was no sign of resistance by the Sun Sea to directions given by the Navy. But the condition of the passengers...was not known" (p. A4). This indicates that resistance was a concern.

Tamil asylum seekers were then taken off of the ship in handcuffs where buses awaited to transport them to detention centers. News accounts provide a picture of a criminal investigation occurring at the shore. “They are being kept far from public view and can only be seen through high-powered camera lenses” (Fong, 2010a, p. A1). Fong (2010a) also outlines the off boarding process involving being “held” in tents as refugee claims were made, followed by being “...fingerprinted and questioned by CBSA agents to determine their identities” (p. A6). Fong (2010b) also states that the asylum seekers were handcuffed as led off the ship. Before the ship had arrived, the *Globe and Mail* printed a front page news article with the headline “Jails on alert as ship of Tamil migrants nears B.C” (Youssef & Bailey, 2010). Within this article, a spokesman for Maple Ridge, the municipality in which the jails are located, is paraphrased as stating, “...the briefing from correction officials suggest the Tamil migrants will be at the jails for at least two to four months of processing” (p. A4). Thus, before the ship had even been boarded, the asylum seekers were marked as being illegal. Furthermore, under the Refugee Convention, asylum seekers cannot be detained unless they pose a risk to society, through such reasons as affiliation with criminal organizations or lack of proper documentation. Thus, it is safe to say that not only were the asylum seekers thought to be illegal, but it was *necessary* for them to be framed as illegal in order to accede to the Refugee Convention and Charter of Rights and Freedoms.

As the event proceeded, the news media focused on the necessity of identification and documentation as the dominant reason for sustained detention. This is similar to the evolving narrative that Bradimore and Bauder (2011) found of the news discourse concerning the *Ocean Lady*, where assertions of no documentation evolved into valid passports and phone numbers of relatives in Canada. The illegality, produced through a lack of documentation, was disproved as the narrative of the *MV Sun Sea* proceeded. On August 18<sup>th</sup>, five days after the arrival, Hansen (2010a) states in a news article for the *Vancouver Sun* that “[o]ne woman arrived in Canada with an original copy of her national identity card and a birth certificate” (p. A7) with her father and mother aboard the ship and still she was not released after review. In the following paragraph, immigration lawyer Vasan is quoted:

[w]e have to protect national security. In order to verify that these people are not a threat to the Canadian Government, [the government] has to

make sure their identities are established. No one is going to say 'Stop it' (p. A7).

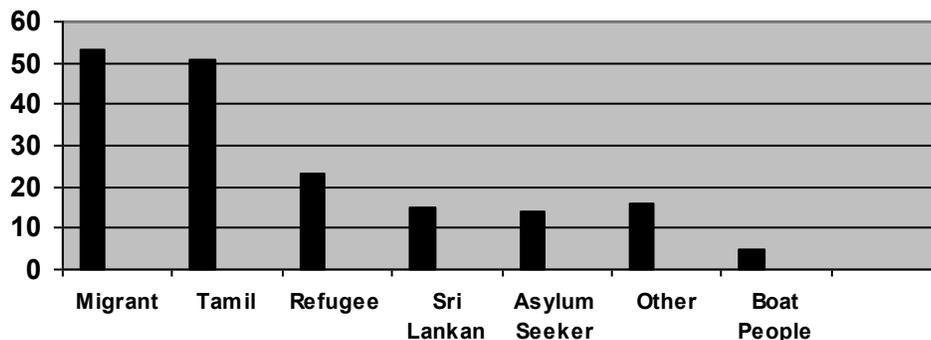
It is here that the necessity of identification becomes linked with the possibility that the Tamil asylum seekers are involved in issues of national security. Youssef (2010b) reported that on August 19<sup>th</sup>, “[w]hen the 492 migrants disembarked from the MV Sun Sea last week, their identification documents and belongings were stored inside the two U-Hauls, but no record was made connecting the documents with their particular owners” (p. A3). By August 20<sup>th</sup>, according to Jackson (2010a), detention reviews continued and “[a]ll were ordered to remain in custody until Canadian Border Services Agency can determine their identities” (p. A8). On August 25<sup>th</sup> the *Vancouver Sun* reported that “while some migrants carried their documentation with them as they disembarked [the ship], others left paperwork on the ship...” (Quan, 2010a, p. A5). Documentation “left” on the ship is more readily understood as a mistake than an intentional act. On September 13<sup>th</sup>, the *Globe and Mail* commented at the end of an article concerning the *MV Sun Sea* that “[o]fficials said they found destroyed and unclaimed identity documents on the MV Sun Sea, evidence, they say, the refugee claimants may be wanting to conceal their identities” (Grant, 2010, p. A2). In a similar commentary on destroyed documents Quan (2010a) reported, “...CBSA lawyer Ron Yamauchi said authorities had difficulty accessing some of the woman's documents because of a "pest infestation" in her personal belongings” (p. A5).

As seen in Table 2, voice was also given to police authority through statements being made by the CBSA and RCMP. Youssef (2010c) in regards to an asylum seekers viewed as a security threat, reports, “[t]he CBSA said the man, who cannot be identified under a publication ban, was named in a newspaper report about a fundraising effort by the Liberation Tigers of Tamil Eelam” (p. A4). In a similar strand, Quan (2010e) states, “[t]he CBSA is exercising due diligence in the screening of all irregular migrants for both security and criminal threats. This is an ongoing investigation, and the CBSA cannot comment at this time,” said spokeswoman Esme Bailey in an e-mail” (p. B2). Concerning human smuggling, Quan (2010c) reports “[i]f they are unable to make payment, sometimes the smuggling turns to trafficking,” said RCMP deputy commissioner Raf Souccar” (p. A5). Drawing comparisons with the *Ocean Lady*, Fong (2010f) comments “[t]he RCMP say the investigation is continuing into the alleged smugglers who

organized the Ocean Lady's voyage but no arrests have been made. A new investigation into the alleged smugglers for the Sun Sea is in its preliminary stage" (p. A10). Thus, illegality was produced through the attention given to the event as an investigation portrayed through authoritative voice.

Asylum seeker as illegal was also implied as the passengers remained in detention centres and parallel discourses of stopping future ships and smugglers, sharing intelligence, and possible links to the LTTE proceeded. Meanwhile, only a few articles gave notice to the Sri Lankan civil war and the reasons for the Tamil's persecution. The asylum seekers were mostly referred to as "migrants," inclusive of "Tamil migrants," reflecting the media's tendency to downplay the representation of the individuals involved as refugees as well as the hardships they faced both in Sri Lanka and in trying to reach Canada. For a further discussion of discursive categorization of refugees in the media, refer back to Chapter three. Thirty-three out of the 73 mainstream news articles referred to the refugees as either refugees or asylum seekers (see Figure 1).

**Figure 1: Counts of Individual References to Asylum Seekers (73 articles)**



However, many of these used "Tamil migrant" as the introductory reference. Exemplifying this, Valiante and Hansen (2010) refer to the refugees as migrants throughout the article, including the headline, and use "asylum seekers" half way through the article stating "...Toews said the Sun Sea had been refitted expressly for transporting asylum seekers..." (p. A2). Thus, although Valiante and Hansen (2010) refer to the refugees as "asylum seekers," this reference has minimal meaning when "migrant" was

the dominant reference. In summary, through initial reports of boarding the *MV Sun Sea*, along with the reports of detention, identity, and security threats, constituted by the use of “migrants”, the Tamil refugees were understood and represented as illegal. Frames of illegality also bleed into frames of threat and danger.

### **Danger**

For lack of a better word, the label “danger” is given to the media frame that encapsulates threat, criminality, and security. The act of smuggling is understood as a threat to Canadian security, as well as a highly criminalized and criminal activity. The arrival of the *MV Sun Sea* was increasingly viewed as a crisis of human smuggling, at times confused with trafficking, and a security threat, as smugglers were reported as being part of the LTTE. The *MV Sun Sea* was thus viewed as a test of the refugee system. Headlines read “More ships coming” (Fong, 2010a), “Government hopes to stem tide of refugees; Terrorists may be abusing the system” (Greenaway & Stone, 2010), “Harper 'will not hesitate' to change laws; Tamil migrant ship; PM says people-smuggling 'trend' a threat to Canada's borders as asylum seekers continue to be detained” (Hanson, 2010b), and “Ex-spymaster asked to help fight human smuggling” (Greenaway, 2010). The danger frame was also created by discourses of terrorists and disease.

The most dominant frame concerning the *MV Sun Sea* was smuggling, highlighting irregular transit and criminal enterprises. Safety Minister Vic Toews is repeatedly quoted stating that the ship was “...part of a larger human-smuggling and human-trafficking enterprise” (Westad & Shelton, 2010, p. A4). The day the ship was boarded the front page of the *Globe and Mail* quotes the government as stating, “[t]here is an increasing concern that we are becoming the target of international smugglers’...” (Ibbitson, Chase, & Youssef, 2010, p. A1). Mr. Toews also stated, “[w]e will send a message loud and clear to other criminals’...” (Yaffe, 2010, p. A2). Along the same rhetoric of “tides of refugees,” Mr. Toews is paraphrased as saying that “Canada’s response to the latest influx of Tamils is being watched carefully in Asia, and that similar voyages are expected” (Hanson, 2010b, p. A7). The transport of asylum seekers was also connected to terrorist activity by stating that the “\$40,000 to \$50,000” that each person paid, went straight to the LTTE.

On the front page of the *Globe and Mail*, four paragraphs down, “Mr. Toews said he is worried by reports from his officials that the journey could have been organized by the Liberation Tigers of Tamil Eelam” (Leblanc & Youssef, 2010, p. A1). The prospect of an LTTE organized initiative was compounded by the possibility that LTTE members were among the passengers. “Federal authorities are concerned that some of the migrants might be members of the Tamil Tigers, a terrorist group outlawed in Canada” (Hanson, 2010b, p. A7). Also, “Ottawa warned of rebels on ship,” read a headline of the *Toronto Star* on the day of the ships arrival (Woods, 2010, p. A6). Through these two mechanisms, 80% of news articles analysed framed the asylum seekers as possible terrorists. However, Bradimore and Bauder (2011) write that in the earlier *Ocean Lady* case the intelligence “expert” for many media reports, Rohan Gunaratna, had strong ties to the Sri Lankan government, not the LTTE. Greenaway and Stone (2010), as well as Quan (2010e), quote Gunaratna as the main “expert” source of information that the ship was part of a larger LTTE criminal operation. Gunaratna was also cited as a source in the *MV Sun Sea* incident, but in an opinion piece in the *Vancouver Sun*, Harsha Walia (2010) reminds readers that Gunaratna was discredited during all *Ocean Lady* proceedings and should not be used in the *MV Sun Sea* debate. Intelligence contributions in the *Sun Sea* case were also made by John Thompson of the Mackenzie Institute and the Sri Lankan High Commissioner Chitrangenee Wagiswara (Woods, 2010; Leblanc, Friesen, & Youssef, 2010). The Mackenzie Institute is known as a conservative group and Wagiswara is part of the Sri Lankan government that was just one year prior at war with the LTTE. Greenaway and Stone (2010) comment:

...Peter Chalk, a senior analyst with the U.S.-based policy institute Rand Corp. in Santa Monica, Calif., said Canadian officials should take information from Sri Lanka with "a grain of salt, because they've got a vested interest in portraying most of the people who have fled the country as being ex-terrorists (p. A4).

The danger frame was constituted by allegations of suspected terrorists and terrorist involvement. But, the terrorist “expert” who was widely cited was questionable, as were claims made by the Sri Lankan High Commissioner. Interestingly, the only discretionary voice came from a single opinion piece.

Discourses of disease surfaced before the ship arrived but quickly died out as nothing more than dehydration was found to be a concern. “Tamil migrants sick with TB; Victoria hospital preparing separate ward to treat unknown number of passengers aboard cargo ship” read the front page of the *Toronto Star* on August 12<sup>th</sup> (Fong, 2010c). Two days later Fong (2010a) comments that “the health authority [VIHA] is not releasing information about the migrants’ health conditions. There had been concerns that some migrants were infected with tuberculosis” (p. A6). On the same day, it was reported by the *Vancouver Sun* that only a few people were ill with such things as dehydration, nothing more than you “...would see at a walk-in clinic” (Westad & Shelton, 2010, p. A4). The following day was the last of discourses of disease as the *Toronto Star* reported that Tamils were in good health (Fong, 2010d). Danger was then constructed through the mention of tuberculosis, a highly contagious disease, as a possible health risk. Arguably, the media is presenting health as a humanitarian concern; however, this could have been accomplished without the use of tuberculosis as a disease, in which Fong (2010c) explicitly reports in the headline as present.

The other danger created around the Tamil asylum seekers was brought forth in a few reports of the identities of the asylum seekers being stolen from the Canadian Tamil Congress office in Toronto. Grant (2010), one month after the arrival of the Tamils, reported that the theft was a security risk for the relatives of the asylum seekers as they may be threatened or punished in Sri Lanka. A British Columbia representative for the Transnational Government of Tamil Eelam stated that they are worried that the Sri Lankan government may punish the relatives that live in Sri Lanka (Grant, 2010). In this same news article (Grant, 2010), the Canadian Tamil Congress also showed concern for the relatives, but did not explicitly state that the Sri Lankan government is to blame.

Discourses of danger were created out of connections to human-smuggling and the LTTE, possibilities of tuberculosis infected passengers, and criminal repercussions for the asylum seekers relatives in Sri Lanka. A closer investigation into these fears reveals conflicts of interest in sources, unfounded fears, and contradictions between who is enemy and who is ally. This danger frame encouraged discourses of law and legislation as a way of considering the *MV Sun Sea* incident.

## Law and Order

Discourses of law include refugee legislation, the process of refugee determination, and ways in which to prevent this event from happening again. Problems are presented within refugee legislation that have led to other countries viewing Canada as “soft” on refugees, thus creating the space for proposed changes and tightening of border controls. The process of refugee determination was presented as a long and arduous task with stressed resources both giving the government ample grounds to change the review process and a valid reason for the continued detention of the asylum seekers. In solving the “problem” of refugees arriving by ship, Canada turns to Australia as an exemplary in turning all refugee ships away. The discourse of danger compliments the discourse of law in that it provides a rationale for a culture of impunity (Mohanty, 2011), or a state of exception (Agamben, 2005) in which authority trumps all human rights.

On August 14<sup>th</sup> Greenaway and Stone (2010) stated that “[t]he Harper government is pushing senior policy-makers and bureaucrats to find ways to keep illegal migrants from landing on Canadian shores, and preventing human-trafficking and other criminal and terrorist organizations from abusing Canada's 'generous' asylum system” (p. A4). Understandably, Canada does not want criminal enterprises being funded by smuggling people in through the refugee system, but the media accounts and the government equate the two different issues as the same in order to gain more ground in legislative change. The discourse does call for legislative changes. “Sources within the government say that federal officials are pursuing a two-pronged strategy to combat shiploads of human cargo from arriving off Canada's shores” (Ibbitson et al., 2010, p. A4). This strategy was said to involve looking to Australia for recommendations and gaining legal tools to stop more ships from coming (Ibbitson et al., 2010). Yaffe (2010) of the *Vancouver Sun* gave more space to this discussion:

Australia directs refugee boats to Christmas Island, far from its coast, where migrants may be detained for months.

Last April, Australia announced it would no longer be accepting refugees from Sri Lanka given that the situation in that country has improved since its civil war ended last year. Writing on the weekend in a Toronto newspaper, prominent Conservative supporter Ezra Levant labelled the Tamil asylum seekers "gatecrashers" who chose Canada over Australia

because “Canada, internationally [is] known as a soft touch with generous welfare and free health care.”

Our navy didn't stop the Tamils. We escorted them in, like ushers in the theatre.

Levant says Canada should set up a refugee-processing centre on Haida Gwaii and handle Tamils as Australia does.

And judging from commentary this weekend on websites discussing the Tamil arrivals, Levant has captured the spirit of the public's reaction to the Sun Sea (p. A2).

On September 8<sup>th</sup> Mr. Toews and Immigration Minister Kenney announced the beginning of a campaign raising awareness of human trafficking and promoting new legislation “...which follows new mandatory minimum sentences for human-traffickers [and those trafficked]...” (Smith, 2010, p. A10). This is in reference to Bill C-4, with the short title of *Preventing Human Smugglers from Abusing Canada's Immigration System Act*, introduced into parliament in June of 2011; however, as of February 2012 changed to Bill C-31 (Parliament of Canada, 2012a). Along with a critique of current legislation, discourses of law included a focus on the refugee determination process.

The refugee determination process is another legal discourse strand within the law frame. While some articles explain the logistics of the process, others demonstrate the stresses put on resources. Ibbitson and Youssef from the *Globe and Mail* state that

Parliament passed new legislation in June [Bill C-11] to reform refugee laws, making it quicker for both legitimate refugees to obtain asylum and for illegitimate claimants to be deported. The goal is to have claims heard within 60 to 90 days of arrival and for illegitimate claimants to be out of the country within two years. But federal officials estimate that it will take 12 to 18 months more to upgrade computers, train public servants, and otherwise prepare for an official switch to the new rules. In the meantime, the ships keep coming, while immigration, border security and police puzzle how to staunch the flow (2010, p. A10).

This is in reference to the *Balanced Refugee Reform Act* (BRRA) that was passed in June of 2010; however, with the current majority Conservative government, it is being amended. Jackson (2010a) writes about the stress put on the CBSA and IRB to find interpreters and reviewers, as well as B.C.'s Legal Services Society worry about funding, as they have to hire more lawyers to aid in the review. Jackson (2010b) later reports that

the slow process of reviewing each applicant is due to a lack of interview rooms. Meanwhile, women (some pregnant) and children remained in detention centres and the men in jails.

Discourses of law were dominant throughout the news articles, presenting issues in legislation and process that gave leverage to new policies, such as BRRRA and Bill C-31. The overall discourse followed that changes were necessary in migration controls in order to stop a perceived “flow” of migrants entering through means of smuggling. The discourse supported the BRRRA, calling for faster review processes and gave leverage to further changes to IRPA in order to reduce human smuggling (Bill C-31).

The dominant discourse frames found were those of asylum seekers as illegal, danger produced through smuggling, disease, and identities, and law. It is useful here to refer back to the article by Hume (2010a) that asked the public to rethink their reasons for not wanting refugees in Canada. Hume also situated his argument within the dominant frame of illegality and resources. For example, Hume (2010a) stated: “[w]e have a tough, effective review system to weed out criminals and terrorists among asylum-seekers – although a smart terrorist would arrive by air wearing a three-piece suit and garner much less scrutiny” (p. A6). Thus, Hume criticized the security frame, ending his piece by explicitly stating that the reason for the public uproar was because the Tamils are not white. “Why this unseemly furore over a few Tamils? Perhaps it’s because they aren’t white” (Hume, 2010a, p. A6). Arguably, yes, racism and xenophobia are underlying reasons for the media attention; however, this was an easy way out of a much deeper discussion of the state versus human rights. The media attention was a “setting of the stage” for the state to dominate rights and bring about legislative change.

### ***Absences and Silences***

Thus far my review of discourses around the *MV Sun Sea* in the press has focused on the presence of certain voices and frames. However, there were also a number of key absences of discourses I anticipated finding. For example, absences from news discourses include the lack of reference to the Tamil asylum seekers as “bogus,” an argument involving economic burden, and a decreased amount of attention given to the Sri Lankan civil war.

As seen above concerning reference to the Tamil asylum seekers, the terms “boat people” and “asylum seeker” were rarely used. Since the discourse was overall critical and negative towards the asylum seekers with 39 out of 73 articles found to be critical/negative, largely equating the *MV Sun Sea* to security concerns rather than humanitarian concerns, one would expect to find a reference to the asylum seekers as “bogus.” This use of explicit reference was lacking in the news articles, as well as the use of “illegitimate.” Instead of finding the use of these words, I found “would-be refugees” and “illegal migrants,” situated in the “other” category of coding for individual reference. Four out of the 73 articles used “would-be refugees,” while 5 out of 73 articles used “illegal immigrant” or “illegal migrant.” These five were featured within articles printed between August 10<sup>th</sup> and August 16<sup>th</sup>. An example includes a *Vancouver Sun* article published on August 13<sup>th</sup> with the first sentence “Canadian authorities boarded a Tamil migrant ship carrying 490 would-be refugees...” (Spencer & Stone, p. A1). Towards the middle of the same article, the High Commissioner of Sri Lanka is quoted, “What we would like Canada to do is not accept these people, these illegal immigrants, because these are criminal elements that are trying to come into the country, and abusing the Canadian system’...” (p. A4). On August 14<sup>th</sup> the *Globe and Mail* reported that the Government was grappling “...with screening nearly 500 illegal migrants intercepted off the B.C. coast...” (Chase, et al., 2010, p. A1). On the same day, the *Vancouver Sun* reports that “[t]he Harper government is pushing senior policy-makers and bureaucrats to find ways to keep illegal migrants from landing on Canadian shores...” (Greenaway & Stone, 2010, p. A4). While this is not a direct reference to the Tamil asylum seekers, it does imply that the *MV Sun Sea* contained illegal migrants and thus the need for finding ways of stopping them from coming.

There was also a lack of discourse about any alleged economic burden that the Tamil asylum seekers have and could potentially have on Canada’s social services, such as the welfare program. Within discourse concerning the review process, there was some reference to the stress put on resources for reviewing cases, but little in concern to the cost of this process. Also, initial concerns about the health of the Tamils did mention the need for quarantines and health professionals. A few articles gave voice to a refugee from the *Ocean Lady* stating,

[w]hile he waits for his turn to appear at a refugee hearing, the young father passes his days taking English classes. He has applied for a work permit. He says he does not like collecting welfare from the government and being a "burden" on taxpayers (Quan, 2010d, p. A5).

On August 12<sup>th</sup>, the day prior to this, the *Globe and Mail* quoted perhaps the same man stating the same thing. Other than these few comments there was nothing in terms of economic pressure the asylum seekers may create in the employment sector or on health resources.

Lastly, news articles were missing discourses about the Sri Lankan civil war, with only 23% of articles giving one sentence or more to the possible circumstances of Tamils within Sri Lanka. Due to word restrictions on news pieces this could have been viewed as a topic to cover within the opinion pieces. Looking at the gathered op-ed pieces, a total of 11, a majority were written by lawyers and academics with concern for refugee legislation and not for the human right violations or civil strife within Sri Lanka. Angelo Persichilli (2010), the political editor of *Corriere Canadese*, gave some attention to the civil war within a paragraph:

We know that in Sri Lanka human rights are not a top priority for the Colombo government. But at the same time, some of the people revered by Tamils are not Franciscan friars. They killed innocent people including women, seniors and children with bloody bombings all over the country to promote a cause, separatism, that in our country is not very popular (p. A13).

Waldman and Macklin (2010) wrote:

Today, Tamils seek asylum because of the conflict in Sri Lanka and its ongoing aftermath. Since the Sri Lankan government proclaimed that it won the civil war, it's done nothing to redress the Tamils' legitimate demands. Instead, it has continued a campaign of intimidation and persecution that has produced a mass exodus from the country (p. A13).

Gordon Weiss (2010), a former senior United Nations (UN) officer in Sri Lanka, provided a lengthy (1589 word) op-ed in the *Globe and Mail* commenting on the start of the civil war:

In 1956, the Sinhalese-dominated government made Sinhala the official language. Tamil passports, degrees, legal judgments and land titles were issued in a language they could not understand. In 1972, the government further marginalized Hindu Tamils by making Buddhism the state religion. That same year, the government introduced legislation that discriminated against Tamil entry to university. In 1983, an orchestrated pogrom killed between 2,000 and 3,000 Tamils, and burned tens of thousands of others out of their homes and businesses. Over the following year, the Tigers grew from a rag-tag team of 50 men into an army of thousands (p. A15).

Weiss (2010) also gave a reason for why Tamils are seeking asylum:

Persecuted by whom? By the same people who are trying to dupe Canadians into turning the boats back. Sri Lanka is now one of the most highly militarized societies in Asia - quite a claim to fame if one considers China, Burma and Pakistan. It also features on lists of societies that kill their journalists and humanitarian workers. It manages public dissent and supplements law enforcement with death squads. The UN is currently reviewing 5,749 cases of Sri Lanka's "disappeared." The UN has also called for a meaningful inquiry into allegations that thousands of civilians perished in the final months of the war. The government says that it did not spill a drop of civilian blood (p. A15).

These three opinion pieces gave more space to the civil war than all the news articles combined.

Seventeen out of 73 news articles mentioned the Sri Lankan civil war. A representative report of those few follows:

The Tamil Tigers, the military arm of the Tamil separatist movement, fought a bloody civil war with Sri Lankan government forces for nearly 26 years before being defeated in May 2009. The organization is considered a terrorist group by many countries, including Canada.

The war is over but allegations of ethnic cleansing of the Tamils, a minority in Sri Lanka, continue (Fong, 2010c, p. A7).

...[T]he Tamil migrants said they were fleeing mass murders, disappearances and extortion in Sri Lanka. The country emerged in May 2009 from a long civil war between its Tamil minority and Sinhalese majority.

The United Nations has estimated that the fighting killed at least 7,000 civilians during the final five months of the conflict, and displaced about 280,000 people (Carlson & Hanson, 2010, p. A7).

When civil war was mentioned, it would dominantly include the time it lasted (varying between 25 and 26 years within the articles) and the ending date (May 2009). Lacking in all news discourse was the cause of the civil war and an identification of the groups involved in the persecution of the Tamil population.

None of the news articles I reviewed referred to the Tamil asylum seekers as “bogus” or as an economic burden. At the same time, there was little attention given to the situation of Tamils within Sri Lanka. The only comparison to “bogus” that I drew was the use of “would-be refugees” as this implies the necessity of desire and aspiration and not a current state of being. As well, “illegal migrants” and “illegal immigrants” was used in five articles, implicitly stating that they are not refugees, as no refugee can be illegal, and furthermore, they should be deported. Very little attention was given to the stress that the Tamil asylum seekers will have on employment, health, or housing services. The civil war was rarely mentioned and if so, missed the reasons for the war and the groups involved in the persecution of Tamils.

### ***Alternative Media***

Thus far mainstream media accounts of the arrival and ensuing issues of the *MV Sun Sea* have been covered. The *Globe and Mail*, *Toronto Star*, and *Vancouver Sun* provide a mildly ideological division of the right (*Globe and Mail*) and slightly left leaning (*Toronto Star*) newspapers. Rabble.ca, an online newspaper, provided an alternative viewpoint and opinion that acts as a sounding board for the way that the event could have been presented within the mainstream media. The data set here was recognizably smaller with only 4 news articles versus 73 within the mainstream media. Drawing comparisons, Rabble.ca defended the Tamil asylum seekers through following such rational as “innocent until proven guilty” and giving space to discuss the political situation in Sri Lanka. Common for alternative media, the Rabble.ca articles were in opposition to the moral panic surrounding smuggling and terrorism, voicing other issues of concern.

Speaking to the frame of danger constructed in part by the threat of possible terrorist involvement and/or aboard the ship, Uzma Shakir (2010) writes:

...[I]f the issue comes down to who is a "terrorist" and who is not --  
Canada absolutely must follow its own dictates and not those of the Sri

Lankan government. In this dubious world established by "Bushisms," like "you are either with us or against us," we cannot declare the world to be divided between us and them because determining either is treacherous and highly subjective (para. 15).

...[T]hose passengers must be seen as Tamil refugees, and not be accused of terrorism unless they are shown to have committed a crime against the state of Canada or be subject to some international investigation based on a transgression deemed to be criminal in nature by some legitimate international agency to which Canada is a signatory. One person's terrorist is another person's freedom fighter! (para. 17).

Amarnath Amarasingam (2010), a doctoral candidate at Wilfred Laurier, wrote an article providing a narrative from an *Ocean Lady* refugee, similar to other mainstream articles mentioned above in the voice section; however, more words were given here and a Tamil community organizer voiced his opinion on who was involved in the smuggling operation:

There has also been speculation about whether the smugglers are Tamil Tigers or members of the Sri Lankan army. The true story is probably less elegant. The smugglers are more likely petty criminals. As one Tamil community organizer told me, "They are not Tigers. These guys just hang around Thailand and other countries waiting for an opportunity like this" (para. 9).

In reference to the Sri Lankan government providing intelligence about the *MV Sun Sea* and possibly more ships to follow, Shakir (2010) states:

What hasn't been mentioned much in this country is the living conditions for the Tamils following the end of the bitter civil war in 2009. The Sri Lanka government was condemned by the Obama administration in the U.S. earlier this month for an inquiry into the war that was seen by the Americans as failing to "produce any discernible results" (para. 7).

From the few articles concerning the topic of the Tamil asylum seekers, Rabble.ca engaged in the danger frame by giving space to topics of terrorists, smugglers, and intelligence gathering. This was different than the mainstream media in that the news articles argued for evidence needed in order to accuse the asylum seekers as involved with or members of terrorist groups. As well, refugees were understood to be part of the concern, exemplified through Shakir (2010) reporting that "[the] Canadian government has stated it is concerned to make a distinction between 'terrorists,' human traffickers

and real refugees” (para. 5). This statement gives room to the notion that there could be refugees aboard, rather than reporting that possible terrorists and/or smugglers may be aboard or involved. Intelligence from the Sri Lankan government was also questioned, something that only one mainstream article gave voice to.

On August 20<sup>th</sup>, No One Is Illegal (NOII), a migrant advocacy group, published an article titled “Seven Myths about Tamil Refugees.” Point by point, NOII (2010) states that the Tamils are not illegal, nor are they jumping the immigration queue, anti-immigration campaigns facilitate human smuggling, the Tamils are not terrorists, the situation in Sri Lanka is not improving, tax dollars go more towards detention than the well-being of the asylum seekers, Canada has a strict refugee system, and that this is Canada’s problem in that “[w]e need to rethink what function and whose interests the state border actually serves” (para. 17). Speaking to the framework of law and order, Seth Klein (2010) supported the claim that Canada has a tight immigration system. Arguing in numbers, Klein wrote, “Canada accepted fewer than 20,000 refugees last year -- a drop in the global bucket (about 0.1 per cent of world refugees) -- and our acceptance rate has been declining in recent years...” (para. 8). This argument was similar to that of the Hume (2010a) article discussed at the beginning of the findings. Otherwise, statistics on acceptance of refugees was absent. Nonetheless, some mainstream articles did give a sentence or two to the statistics on acceptance of Tamil refugees. A representative example includes Carlson and Hanson (2010) with the second to last paragraph of a *Vancouver Sun* article reading “Canada has a high acceptance rate when it comes to refugee claimants from Sri Lanka. Since January, 85 per cent of claimants from that country have been accepted” (p. A7).

Both Klein and NOII opposed the public’s outcry to the *MV Sun Sea*, turning the issue around to temporary workers and how treatment of refugees is an indication of Western domination and political insecurity. Klein (2010) stated that temporary workers should be a concern to Canadians because “...their indentured status makes them unable to exercise key employment rights and leaves them highly vulnerable to exploitation and unsafe conditions, and they are unable to make the same claims to the social and economic rights...” (para. 11). NOII (2010) argued that the arrival of asylum seekers to Canada is the problem of Canadian citizens because:

The current trends of global migration reveal the ways in which patterns of Western domination and corporate globalization have enriched some countries by creating economic and political insecurity that forces people indigenous to their lands to migrate. The Canadian government continues to maintain economic and diplomatic ties with the government of Sri Lanka, instead of supporting those who have survived the brutality of that government, which makes us complicit in their displacement (para. 17).

Both Klein and NOII bring forth deeper systematic and structural issues to debates surrounding migration, laying blame on Canada as much as other countries. Mainstream news articles regularly assigned blame to smugglers, terrorists, and a flawed immigration system. While both strands of discourse have aspects of credibility, public reaction can be increasingly variable between each strand. Namely in the approach to asylum seekers.

Although Rabble.ca provided only four news articles to draw comparisons, it demonstrated how the event could have been covered within mainstream media. The articles had a justice focus, not speculating beyond what they were given and being critical of information sources.

In summary of my findings, the discursive stage was set with a news piece by Stephen Hume (2010a) reacting to the moral panic surrounding the *MV Sun Sea* both engaging in the same frames found within the mainstream news articles and reducing the asylum seekers to numbers. Hume orchestrated opinion pieces relating to this article in a later column (2010b) to further his argument that this is a xenophobic reaction. As voiced by the Angus Reid polls, the unwelcoming reaction was reflective of public opinion. In the news articles that I reviewed Public Safety Minister Vic Toews was given the dominant voice, framing the event as an issue of smuggling and terrorism. By contrast, most lawyers and Tamils in the news stories were humanitarian voices asking for fair treatment.

The dominant discourse frames were divided into asylum seeker as illegal, danger, and law and order. The asylum seekers were predominantly understood, often implicitly, to be illegal through the use of criminally descriptive imagery, within initial reports of boarding the *MV Sun Sea*. This was accompanied by reports of detention, identity, and security threats, constituted by the identification of asylum seekers as

“migrants,” all of which overshadowed the sociopolitical reality of the individuals. Danger was constituted by connections to human-smuggling and the LTTE, possibilities of tuberculosis infected passengers, and criminal repercussions for the asylum seekers relatives in Sri Lanka. Thirdly, frames of law and order were evident through the problematization of legislation and processes in place to deal with the perceived “flow” of asylum seekers and the necessity of new legislation to restrict smuggling. Lastly, discourse concerning the sociopolitical situation in Sri Lanka was absent along with a very low number of explicit references to the asylum seekers as “bogus.” An argument concerning economic burden was also absent. Using Rabble.ca as an alternative source of news surrounding the event, frames emerged of justice and truth, as seen through the declared falsity of mainstream reports and what was missing in those reports.

## 5. Conclusion

I began this thesis by noting three objectives: 1) to provide a broad discussion of contemporary writing on human rights and refugee policies, with specific reference to the nation-state and to the discursive power of media; 2) to locate this more general conceptual and theoretical discussion by discussing refugee policy in Canada; and 3) to conduct a case study of media discourse surrounding asylum seekers within Canada. To do this I undertook a discourse analysis of Canadian news media coverage of the *MV Sun Sea*, a boat that arrived in Canada with more than 400 Sri Lankan refugees. In these concluding remarks I want to draw some of the key themes and issues of the thesis together.

What does the discourse analysis presented in the previous chapter give us? How do the findings relate to other discourse analyses? Bringing the past forward, how is the political moment surrounding refugees defined? And, how can my research contribute to an informed discussion of the state of refugee policy in Canada. To answer these questions it is useful to return to some of the key themes that emerged in my research on media discourse surrounding the *MV Sun Sea*.

My data search revealed 73 news articles in reference to the *MV Sun Sea*. Reports were dominantly “on” or “about” the people aboard the ship, although ship passengers were rarely referred to as people in favour of terms such as “migrants” or “Tamil migrants.” In perspective, this ship carried with it the largest number of asylum seekers out of any to reach the shores of British Columbia. Next to this was the *Komagata Maru* in 1914 carrying 376 passengers. A comparative discourse analysis between these two events would draw some intriguing findings. This remains as further research.

The discourse analysis allowed for the investigation into how the event of the arrival of the *MV Sun Sea* was reported and what the discourses surrounding the refugees were at this time. Understanding the limitations of this method, only hypotheses

and further research questions may emerge. The data showed an overall discourse of law and order. Voice was dominated by Safety Minister Vic Toews, giving him prominence over Citizenship, Immigration, and Multiculturalism Minister, Jason Kenney. During Canadian settlement, Canadian immigration policy was viewed and institutionalized as the responsibility of the Department of Agriculture. Today, in the United States, the Immigration Naturalization Service, responsible for matters of immigration has been subsumed under the Department on National Security (Mohanty, 2011). Both of the above facts point to an ideological shift in state policy on immigration. If the Safety Minister is given more voice than the Immigration Minister (see Table 2), I argue, this also is an ideological assertion of how refugees should be dealt with. Yes, the *MV Sun Sea* could be viewed as a smuggling concern, but first and foremost this event was an immigration, more specifically a refugee, concern. Refugees have used smugglers for decades; arguably because of laws preventing refugees from gaining entry into the country through regular avenues (Gammeltoft-Hansen, 2011). Because Mr. Toews was the first voice provided within a majority of the news reports, the event of 492 women, men, and children seeking asylum in Canada was represented as a threat to national security and humanity. The understanding of the event as a human smuggling event dictated much of the discourse that surrounded the asylum seekers.

The asylum seekers themselves were noticeably framed as illegal. This illegality was produced first and foremost out of the fact they had arrived by ship. The discourse drew attention to the fact that the people were handcuffed, held, detained, and identified. The reasons for being held were due to a lack of identification with the process of identification taking long due to the documents being taken from the asylum seekers and placed all together, which the media alluded to as weeks passed. The people were continued to be held even after proper identification had been presented. This was said to be for concern that they may pose security threats. Meanwhile, the sociopolitical situation within Sri Lanka was silenced with little more than one sentence given to the civil war. As Figure 1 demonstrated, those seeking asylum were largely referred to as “migrants” (inclusive of “Tamil migrants”), downplaying the situation faced by the passengers, as well as implicitly inferring that movement was desired as if travelling and was not undertaken for other reasons.

The *MV Sun Sea* incident became an argument about law and the assignment of blame. Intelligence was sought out to find who was responsible for the ship, Australia was looked at as a solution to the smuggling problem, and Canada's immigration system was questioned. Rabble.ca provided a humanitarian focus that acted to disprove many of the assumptions of the mainstream media. The articles reviewed in Rabble.ca were more likely to suggest that the asylum seekers were neither illegal, nor terrorists, and had legitimate reasons for seeking asylum.

Interestingly, the news media refrained from the explicit reference to the asylum seekers as illegal. The term "bogus," a negative term that equates asylum seekers to deception, was found in previous research concerning asylum seekers in the media (Lynn & Lea, 2003; Goodman et al., 2007). This was not found here; however the use of "illegal" and "would-be" was. These were found in only 8 of the 73 articles. If an asylum seeker is found to be fraudulent, they are deported, in the same manner that if an illegal migrant is found to be illegal, they too will be deported. Thus, "bogus" and "illegal" may be viewed as different means with the same end. Also, the use of "would-be" allows for the reader to understand the asylum seekers as wanting to be considered a refugee. Oxford dictionaries defines "would-be" as "desiring or aspiring to be a specific type of person" (Oxford Dictionaries, 2012). Arguably, the label of a refugee is not something desirable, unless a person is wishing to benefit from it.

Canadian news media may not have referred to "bogus" asylum seekers, but there were some references in the discourse to "illegal" migrants or refugees aspiring to be treated differently than an immigrant. This rhetoric addresses some of the challenges in being recognized as a refugee but it should also be monitored for its slippage into regular discourse concerning asylum seekers. Hall and colleagues (1978) state that language is a communicative device used to push dominant ideologies into society in a connotative manner. This can be enacted through classification. Bowker and Star (1999) state that classification has the ability to construct reality. As well, Bourdieu (1991, p. 223) argues that power in categorization is the power to create, use, and trade categories to achieve specific goals. These ideas illuminate the concern for asylum seekers being classified as "illegal."

Following Macklin's (2004; 2011) work on the discursive disappearance of the refugee, I am left to wonder if the lack of use of "bogus"/"genuine" is due less in part to the need for more politically correct language, and more in part due to the perceived lack of need for such dichotomies. Macklin (2004) argues that through legislative change there has been an "...erosion of the idea that people who seek asylum may actually be refugees" (p. 365). The *MV Sun Sea* discourse demonstrated that the notion of the possibility of refugees is eroding within Canada.

Human smuggling was one of the major themes in media coverage of the *MV Sun Sea*. As a result the frame of danger dominated as concerns about terrorism, more ships, and disease arose. On April 5<sup>th</sup>, 2012 the *Vancouver Sun* reported that a Sri Lankan man had been arrested in France, being accused of the "mastermind" behind "...the MV Sun Sea human smuggling case..." (Lee, 2012, para. 1). There is no mention in this article about the LTTE or any connection for that matter to a terrorist organization as many suggested in August of 2010. Once again, perhaps there were "likely" connections to the LTTE, in the same manner that it was "likely" the passengers of the *Sun Sea* were just migrants. More migrant ship did not enter into Canada's territorial waters after this event. Whether this was due to Canada's response to the *Sun Sea* is yet to be proven. Worry about the asylum seekers health is a humanitarian reaction; however, inciting panic through the inference that the passengers had tuberculosis, was not. There was no necessary reason for the media to report that the refugees possibly had tuberculosis, or definitely did have in the case of Fong (2010c), other than to create a moral panic around disease, or to relay the panic that VIHA was experiencing in preparation for the possibly sick and infected.

When defined as a human smuggling incident, media frames of law and order were necessarily present. This is where the event connects itself to theories of state and sovereignty. On March 29<sup>th</sup>, 2012 CBC news published an article online entitled, "Human Smuggling and Trafficking Big Business in Canada: Smugglers said to have helped more than 10 percent of illegal immigrants" outlining cases of human smuggling within the past two years. This included six cases with the *MV Sun Sea* being the largest of all in terms of numbers of people involved (Johnson, 2012). The headline makes an explicit conflation of "refugees" with "illegal immigrants." However, what is it about this event that

allowed it to be viewed primarily as a smuggling issue? Why is the Conservative government pushing for legislative change to stop human smuggling?

News media organizations construct meaning through framing. Overall, the asylum seekers were featured as a security threat. Consent for the production of illegality in the *MV Sun Sea* case was supported by the power of the *Vancouver Sun*, *Toronto Star*, and *Globe and Mail* to increase the salience and dictate the frame of the “migrant issue.” As moral panic concerning social order and Canadian sovereignty increased, the Canadian government utilized this as credibility and leverage to politics of exclusion.

Citing Chomsky (1989, p. 269), Klocker and Dunn (2003) assert that “...intentionally inducing fear of a ‘terrifying enemy’ is a standard device used ‘to whip the domestic population of any country into line’ behind contentious policies” (p. 72). Since 9/11, terrorism has been understood as the enemy of the state. The connection of the *MV Sun Sea* refugees to the LTTE is yet to be proven, even if so, this would be questionable as grounds for deportation. Reports thus far have not connected the smugglers involved in the *MV Sun Sea* case to any terrorist organization (Lee, 2012). What remains within Canada is a moral panic surrounding control over the borders, of which the *MV Sun Sea* was symptomatic. As quoted in Chapter three, van Dijk (1991) states:

[t]he official panic of the political elites about what they saw as a deluge of poor Third World peoples arriving at their doorsteps soon led to corresponding media panic. Before long, this barrage of negative media coverage, especially in the conservative Press, also affected large parts of the public, which expectedly was easily persuaded to resent the ‘threatening’ presence of another non-white, foreign group....These reaction were later used as a legitimation by the conservative Press and the authorities to continue their anti-immigration policies (p. 2).

Parallels may be drawn here. The Tamil refugees were viewed as a “flow” and “tide” that was necessary to stop. The reasons for this necessity were reported as, and remain, as based on the “problem” of human smuggling. Just as Indra (1979) found that racism in the Vancouver press became more subtle between the early 1900s until the 1970s, I too infer that the reason for panic surrounding the *MV Sun Sea* was because the refugees

challenged Canadian European identity and, in an explicit manner, threatened Canada's power to exclude. Issues of race are more covert today than the days of the *Komagata Maru*. Hume (2010a) demonstrated a xenophobic reaction through an outline of opinion pieces. And the Angus Reid poll effectively communicated that "we" all feel the same way about the exclusion of refugees. Overall, Tamil refugees were presented as an issue of smuggling, terrorism, and policy, following an ideological stance of Us versus Them and sovereignty as a moral good.

Just as the continuous journey regulations sought to keep Asians from coming to Canada in the early 1900s, and kept the *Komagata Maru* refugees from seeking refuge, and just as the *Refugee Deterrent and Detention Bill* (Bill C-84), drafted by the Mulroney government in order to keep Sikh refugees and more Tamil refugees from entering Canada by ship, acted to exclude refugees, so too is the *MV Sun Sea* an event that is being used to leverage further exclusionary practices surrounding refugees. Bill C-31 is an exemplary of these practices. *The MV Sun Sea* was outlined negatively as a smuggling event because this allowed for a change in how illegality was produced. This event gave weight to legislative change that couples asylum seekers mode of transport with their legal status (Bill C-31). Due to the *non-refoulement* clause, this coupling was necessary for the furthering of restrictive refugee policy. In a global climate of fear, regional conflict, drought, and high public debt, I argue that instead of strategic value the refugee is given a kind of sovereign value. Agamben (2000) states, "[i]nasmuch as the refugee, an apparently marginal figure, unhinges the old trinity of state-nation-territory, it deserves instead to be regarded as the central figure in our political history" (p. 21). It is the refugee that allows for the state to be thrown into crisis and thus necessitating social and policy changes that protect the nation-state.

Hannah Arendt (1966) states that human rights disappeared "...at the very moment when those who professed to believe in them were for the first time confronted with people who had indeed lost..." their political context, humanity thus being the only remnant left (p. 299). What value does humanity have if all living beings possess it? The only value in this is integrity. This value is constantly challenged in an unequal world, divided by race, divided by borders, and divided by politics. Those who stand up for human rights are standing up for the integral value in recognizing and acting in a humanitarian manner. The refugee calls into question, what is humanity? What is bare

life? The problem is that answers to these questions are intertwined with politics. So long as there is a necessity to uphold political integrity as a prime value, the integrity of humanity will always be challenged. Nevertheless, if the refugee, the figure of repressed humanity, is understood as having strategic value, the integrity of humanity will arguably find leverage and space within a world governed by law and order.

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## **Appendices**

## Appendix A.

### Methodological Steps

1: Searched Canadian Newsstand Major Dailies under individual newspapers (Vancouver Sun, Globe and Mail, and Toronto Star) for “Tamil,” “Sun Sea,” “Immigration,” and “Refugee” within the time frame of August 9, 2010 and September 14, 2010.

2: Saved all articles as PDF in RefWorks and categorized based on story type. Read over all opinion pieces (op-ed, comment, letter to the Editor) and took notes based on overall themes and tone.

3: Conducted a preliminary analysis of the news pieces and removed any duplicates and articles that were not directly related to the MV Sun Sea. Afterwards, headlines were read over and notes taken on emerging frames.

4: All news pieces were read and notes taken as to emerging frames, who was quoted, and the overall tone of the piece. Afterwards, attributes and attribute values were formed based on these notes.

5: Forming a excel spreadsheet, five news articles were chosen for a pilot media analysis using above mentioned coding sheet. Articles were read and key phrases, quotes, and words were highlighted to aid in the coding. Learning from the pilot analysis, terms were clarified, the category of “other” was added, and the attributes of “IndRef” and “De/Hum” were changed in order to not have overlap between categories.

6: Media analysis of 73 new articles was then conducted over the course of three weeks (February 2012 to March 2012) with information stored in an excel spreadsheet. Once completed, the attribute values for each attribute were investigated for dominant patterns and irregularities. Once those were identified, I chose articles that were representative of the said patterns. These articles then acted as evidence of my findings. Microfilm was used in order to gather the correct page numbers for quotations.

7: Moving on to Rabble.ca, I searched the same terms and dates as used for the newsprint within the search feature of Rabble.ca. This returned 14 articles, of which only four were news pieces. The others were excluded on the grounds that they were polls, forums, video blogs, advertisements of events, and a podcast. The four news pieces were then subjected to the same analysis as the newsprint pieces.

## Appendix B.

### Attributes and Attribute Values for Coding

Variable Name	Values and Value Labels
Paper	1-Vancouver Sun 2-The Globe and Mail 3-The Toronto Star 4-Rabble.ca
Location	What is the location of the story? 1-Front Page 2-Front Section 3-Editorial section 4-Ideas/Comments 5-Other (Specify)
Report	Who is writing the story? 1-Journalist for the Newspaper 2-Columnist for the Newspaper 3-Someone from within the immigrant community 4-Canadian Resident 5-Other (Specify)
Storytype	What type of story is it? 1-News 3-Editorial 4-Letter 5-Op-ed guest column 6-Other (Specify)
Date	What date was the article published?

	dd/mm/yy
StoryLn	<p>What is the story length?</p> <p>1-50-100</p> <p>2-100-300</p> <p>3-300-600</p> <p>4-600-1200</p> <p>5-1200 +</p>
HeadLn	<p>Is "Tamil" in the headline?</p> <p>1-Yes</p> <p>2-No</p>
Subtopic	<p>What are the subtopics of the media piece?</p> <p>1-Smuggling (Danger)</p> <p>2-Legislation (Law)</p> <p>3-Detention</p> <p>4-Sri Lanka civil war</p> <p>5-Solutions to "problem"</p> <p>6-Personal story</p> <p>7-History</p> <p>8-Other (Specify)</p>
Tone	<p>What is the tone of refugee coverage?</p> <p>1-Critical/negative</p> <p>2-Positive</p> <p>3-Neutral</p> <p>4-Mixed</p>
Extreme	<p>Are asylum seekers framed as possible terrorists?</p> <p>1-Yes</p> <p>2-No</p>
Crisis	<p>Is the event framed as a crisis?</p>

<p>FCrisis</p>	<p>1-Yes 2-No</p> <p>If yes, what constitutes the crisis?</p> <p>1-Smuggling 2-Refugee Legislation 3-Health 4-Detention 5-III treatment of Asylum seekers 6-Race 7-Other (specify)</p>
<p>Voice</p>	<p>Who is quoted?</p> <p>1-Vic Toews 2-Government officials 3-Lawyers 4-Academics 5-Humanitarian Organizations 6-Other (Specify) 7-Police 8-Refugees</p>
<p>IndRef</p>	<p>How is the asylum seeker referred to?</p> <p>1-Migrants (including Tamil migrant) 2-Refugee 3-Asylum seeker 4-Boat people 5-Sri Lankan 6-Tamil(s) 7-Other (specify)</p>
<p>De/Human (dehumanize or humanize)</p>	<p>Secondary to IndRef, how are they referred to?</p> <p>1-Applicants (including claimants) 2-Numbers 3-Gender or child 4-Other (Specify)</p>

Legal	Are the asylum seekers implicitly or explicitly referred to as illegal? 1-Yes 2-No
Ship	How is the ship used in the story? 1-Voyage 2-P.O.R for history 3-Dehumanizing asylum seekers 4-Not used
StratVal	Is the event used as a topic in a political debate? 1-Yes 2-No

## Appendix C.

### Example of Coded Article

Document 1 of 1

More ships coming

Petti Fong. Toronto Star [Toronto, Ont] 14 Aug 2010: A.1.

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#### Find a copy

Where can I get this?

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#### Abstract

"I don't view this as an isolated independent act," said [Vic Toews]. "There are others who are watching this particular situation to determine the reaction of Canadian authorities and they will be making decisions based on the reaction."

"What I am concerned about is that the generosity of Canada's immigration and refugee laws are not taken advantage of," he said. "There seems to be a deliberate attempt to thwart Canadian laws."

"They're expressing concern for the health and livelihood of loved ones," said Gary Anandasangaree, a lawyer who plans to represent some of the migrants as they begin their refugee process. "This has been an incredibly hard journey for them."

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#### Full Text

The only Canadians they've encountered so far wear health masks. The only view they've had of Canada has been under the watch of armed guards.

Some of the nearly 500 Sri Lankan men, women and children (including alleged terrorists) who arrived about 6:30 a.m. Friday under navy escort appeared solemn and relieved as they stood on the deck of the MV Sun Sea. They are being kept far from the public view and can be seen only through high-powered camera lenses.

The Public Safety Minister, Vic Toews, speaking Friday in Victoria, said more ships - and more migrants - are headed toward Canada.

"I don't view this as an isolated independent act," said Toews. "There are others who are watching this particular situation to determine the reaction of Canadian authorities and they will be making decisions based on the reaction."

At least two other ships are believed to be heading this way in hopes of landing dozens, perhaps hundreds, of migrants from war-torn Sri Lanka who are seeking political asylum.

Toews said he believes Canada is being tested.

"What I am concerned about is that the generosity of Canada's immigration and refugee laws are not taken advantage of," he said. "There seems to be a deliberate attempt to thwart Canadian laws."

The Canadian Tamil Congress said there are families waiting to contact the new arrivals. "They're expressing concern for the health and livelihood of loved ones," said Gary Anandasangaree, a lawyer who plans to represent some of the migrants as they begin their refugee process. "This has been an incredibly hard journey for them."

The 490 men, women and children on board the 59-metre Sun Sea, flying under the Thai flag, were escorted to a dock at CFB Esquimalt after the ship was tracked for 21/2months by Canadian and American authorities.

The RCMP boarded the vessel around 7 p.m. Thursday night and travelled with it from Port Alberni down the coast of Vancouver Island to the naval base just west of Victoria. It was towed by two Canadian navy ships and followed by at least half a dozen other vessels while a military helicopter hovered overhead.

For the first few hours, the migrants were kept on the ship but were gradually taken out by border security agents and military officers wearing medical masks. An ambulance took some migrants to Victoria General Hospital, where a special emergency ward and floor had been organized to monitor and treat the sick.

Shannon Marshall, a spokeswoman for the Vancouver Island Health Authority, said Friday afternoon that only a "small number of patients" were brought in and most are expected to be discharged. There has been no impact on services to the public, she said.

The health authority is not releasing information about the migrants' health conditions. There had been concerns that some migrants were infected with tuberculosis.

Released migrants are being temporarily held in tents at the base while their refugee claims are assessed.

Within the next few days, they are expected to be transported to the mainland, where they will be housed in two jails in Maple Ridge, a Vancouver suburb.

Toews has hinted that the people involved in human trafficking will face criminal charges and anyone who is linked to the Tamil Tigers will be turned away.

At a technical briefing Friday, the Canadian Navy, the Border Services Agency, Foreign Affairs and the RCMP provided few details about the interception and the boarding of the Sun Sea. They said many questions must still be asked.

All the migrants will be fingerprinted and questioned by CBSA agents to determine their identity. All those on board are making refugee claims.

RCMP Insp. Tracey Rook said it will take time to even confirm identities of those on board. Officials would not give a breakdown of how many women, men and children there were.

Navy Capt. Patrick Mulholland said Sun Sea was mechanically sound despite its long cross-Pacific journey, which began in Sri Lanka in April and touched Thailand and Australia before ending in Canada. The navy security and navigational crews that commandeered the vessel had no difficulty piloting the ship.

The migrants were calm and compliant when Canadian authorities boarded the ship, said Mulholland. It will be days before all the refugee claims are formally filed.

According to figures from the Immigration and Refugee Board, Sri Lanka is among the top 10 source countries for arrivals who make refugee claims.

In the first six months of 2010, there were 1,163 pending cases and 345 of those claims have been accepted.

Sri Lankan applicants have an 85 per cent acceptance rate, the highest rate of all the top-10 source countries.

Credit: Petti Fong Toronto Star

#### **Illustration**

Caption: Migrants, one carrying an infant, are taken off the MV Sun Sea after the ship was escorted into CFB Esquimalt in Colwood, B.C., on Friday. Some of about 490 suspected Tamil migrants aboard MV Sun Sea peer out from underneath a tarp after police and Canadian Border officials brought the ship into Canadian Forces Base Esquimalt in Colwood, B.C., Friday. Jonathan Hayward/THE CANADIAN PRESS ANDY CLARK/REUTERS

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#### **Indexing (details)**

People	Toews, Vic
Title	More ships coming:Canada being tested, Toews says, as some Tamil refugee claimants taken to hospital for treatment
Publication title	Toronto Star
First page	A.1
Publication year	2010
Publication date	Aug 14, 2010
Year	2010
Dateline	Esquimalt, B.C.
Section	News
Publisher	Toronto, Ont.
Publisher	Torstar Syndication Services, a Division of Toronto Star Newspapers Limited
Place of publication	Toronto, Ont.
Country of publication	Canada
Journal subject	General Interest Periodicals--Canada
ISSN	03190781
Source type	Newspapers
Language of publication	English
Document type	News
ProQuest document ID	743993642
Document URL	<a href="http://proxy.lib.sfu.ca/login?url=http://search.proquest.com/docview/743993642?accountid=13800">http://proxy.lib.sfu.ca/login?url=http://search.proquest.com/docview/743993642?accountid=13800</a>
Copyright	Copyright (c) 2010 Toronto Star. All Rights Reserved.
Last updated	2010-08-16
Database	2 databases

-Canadian Newsstand Major Dailies  
-CBCA Complete

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