

Refugees and Racism in Canada

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Abstract

The terms race and racism are defined, and the history of their use in Canada since Confederation is examined. A distinction is made between “macro” and “micro” racism. Examples of interpersonal and systemic racism in Canada are considered in the context of multicultural policies and the Charter of Rights and Freedoms. Changes in Canadian immigration law and regulations are examined and their implications for refugee movements reviewed. It is concluded that there are unintended consequences of stricter control over borders and the “faster, fairer, firmer” treatment of asylum-seekers, that constitute institutional racism.

Résumé

L'article commence par définir les termes « race » et « racisme » et retrace l'histoire de leur utilisation au Canada depuis la Confédération. Les exemples de « macro-racisme » et « micro-racisme » sont différenciés. Des cas de racisme interpersonnel et systémique au Canada sont examinés dans le contexte des politiques multiculturelles et la Charte des droits et libertés. Sont aussi passés en revue, les changements intervenus dans la Loi canadienne sur l'immigration, ainsi que dans les règlements s'y rapportant, et leurs implications sur le mouvement de réfugiés. La conclusion est que des conséquences non intentionnelles ont découlé des mesures de contrôle plus strictes exercées aux frontières, ainsi que du traitement « plus vite, plus équitable et plus ferme » des demandeurs d'asile, et que ces conséquences constituent en soi un racisme institutionnel.

Definitions of Terms

The UN Convention definition of a *refugee* is “owing to a well-founded fear of persecution 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.” For purposes of this paper the term *refugee* goes

beyond the UN Convention definition to include all those reactive migrants—whether their apparent motives are political or economic—who have come to Canada since the end of World War II, escaping crises in their former countries. The term *reactive migrant* is used in contrast to *proactive*. The latter are the “voluntary” migrants whose decisions to move are made within a “rational-choice” framework. The former are all those whose decisions have been severely constrained by economic or political pressures and situations largely beyond their own control. They include those admitted to Canada under Special Measures Programs and Designated Classes, as well as Convention refugees. In its broadest sense, the term *refugee* may include anyone escaping a life-threatening situation, such as an environmental disaster.¹

Originally, in both English and French, the term *race* simply meant any aggregation (of people or animals) with common characteristics, whether biological or cultural in origin. The identification of race with hereditary traits began in the nineteenth century, and was accelerated by the influence of Social Darwinism. In a strictly biological sense, *race* is synonymous with *species*; thus there is only one human race in this sense, with gene pools determining the statistical distribution of particular characteristics. However, the cultural connotation persisted, particularly in French, as illustrated by the publication, in 1906, of André Siegfried's *Le Canada: les deux races: problèmes politiques contemporaines*, a study of French Canadians and their relations with the English. It was published the following year, in English, under the title *The Race Question in Canada*.²

Racism is a controversial concept whose precise meaning varies according to the writer concerned. In popular and journalistic language it has assumed a pejorative significance, applying to almost any example of prejudice, discrimination, or disadvantage experienced by individuals, or groups, who can be distinguished by physical or cultural characteristics. The term *ethnocentrism* would be more accurate, but the word has not gained currency in

English. In French, the term *racisme* refers to anti-Semitism, and to hostility toward immigrants and ethnic minorities. Neo-Marxist writers either treat racism as an ideology designed to divide workers against each other, or as a “relation of production” in cases of unfree labour. Some scholars argue that the terms *race* and *racism* should be confined to situations where genetically determined phenotypical characteristics are used as social markers to define group boundaries. However, to limit discussion of race relations to those situations where hereditary differences are involved, would exclude many conflict situations when race is *perceived* to be an issue. When people are victims of differential treatment and subordination, in which the characteristic basis of differentiation is not biologically determined, in fact or belief, it may still warrant description as racist in its consequences.³

Racism may take institutional forms and occur independently of the attitudes or intentions of those involved, if the consequences of certain actions are seriously disadvantageous for certain groups. For example, in the case of refugees and asylum applicants, requiring valid passports, visas, work permits, literacy tests, medical examinations, DNA tests, “continuous journey” regulations, “points” systems of selection, fees for documents, landing fees, security checks, the strict application of the Convention definition of a refugee, and the selective use of interdiction to prevent undocumented persons reaching Canada’s borders, all may be racist in their consequences if they create differential opportunities for some nationalities, or ethnic groups, to escape from intolerable crises in their former place of residence.

Terms such as *institutional racism* and *systemic racism* recognize that discrimination may occur as an unintentional consequence of particular social policies. When hiring for employment or when admission to educational establishments requires minimal or maximal age, gender, physical, educational, or language criteria, these may be difficult for certain groups of people to meet. At the same time, preferential hiring or admission, designed to compensate for past discrimination against minorities, may in time have a detrimental effect on members of other communities, including a majority or dominant group. In some cases, affirmative action, quota systems, and “positive discrimination” may generate a backlash and increase prejudice against certain groups.

It is useful to differentiate between *macro-racism* and *micro-racism*. The latter may occur in the everyday relations of people in the workforce or the neighbourhood,

including outbreaks of violence against immigrant and other ethnic minorities. Stereotypes that stigmatize certain groups, and the “profiling” of particular crimes and behaviour patterns, may lead police and immigration officers to stop, search, or otherwise harass innocent individuals who appear to fit a certain description. It is the task of complaints authorities, Human Rights Commissions, Employment Equity Programs, and Multicultural Directorates to combat such forms of hatred, prejudice, and discrimination. Macro-racism is institutionalized in the barriers that states erect when rigidly controlling borders, refusing entry to particular ethnic or racial groups, exterminating or expelling minorities, and endeavouring to reunite diasporic populations. Macro-racism is practised by political and military leaders who seek to establish territorial domination by force, in the name of national pride or purity. In its most extreme form it is manifest in genocidal policies such as those that occurred in Nazi Germany, and more recently in Cambodia, Rwanda, and the former Yugoslavia. It is a major source of refugee movements. Before 1962, Canada’s exclusionary immigration policies could be described as macro-racist, but since then have exhibited varying degrees of micro-racism.

Race and Racism in Canada

When the first census of Canada was conducted in 1871, attempts were made to distinguish *birthplace*, *citizenship*, and *origins*. The significance of the last term was not made clear to enumerators, and confusion arose because there was already evidence that many people were of mixed descent, including French-English, French-Aboriginal, and other combinations. The 1881 and 1891 censuses retained the term *origins*, and were mainly concerned with distinguishing the French Canadian population, but even then failed to account for Acadians in New Brunswick and the Métis in the West. It was not until 1901 that the term *racial origin* was introduced into the census. Anyone of mixed European-Aboriginal origins was designated as such. Others of mixed origin were defined by paternal ancestry alone. *Race* in this context referred to language or geographic region of origin, as well as physical differences, such as skin colour.

In the 1921 census, an attempt was made to clarify the concepts being used; the term *race* was defined as “a subgroup of the human species related by ties of physical kinship.” Specific mention was made of physical characteristics such as skin colour, stature, and shape of head as criteria. However, the census definition of *origin* continued

to combine biological, cultural, and geographic characteristics into one classification, largely reflecting conventional perceptions of ethnic divisions within the community. However, it was later noted that many people who had reported themselves as of German ethnic origin in 1911, must have preferred to be enumerated as Dutch by 1921, presumably to avoid the prejudice created by hostilities in World War I.⁴ Those conducting and analyzing the census continued to have difficulty classifying people of mixed origins, preferring to use *paternal* ancestry only, as a proxy marker. In 1991, census respondents were permitted to indicate more than one ethnic origin, but the emphasis was still on ancestry. By 1996 there were two census questions, one referring to *ancestors* in the plural and another requesting a self-definition as “white,” “Chinese,” or one of nine other categories designed to identify “visible minorities.”

In 1941 the census showed that half of the population was of British origin (by paternal ancestry), 30 per cent French, and 18 per cent of other European origins. Those of Asian origin made up 0.64 per cent. All other groups, including Aboriginals (labelled “Indian”) and Negroes, account for the remaining 1.7 per cent of the total. All “coloured” people combined formed slightly under 2 per cent.⁵ By 1996, census data indicated that “visible minorities” made up 11.2 per cent of the population, the proportion rising to almost a third in Toronto and Vancouver. It is expected that the 2001 census will reveal an even larger proportion of Asians and other non-Europeans resident in Canada.

Ironically, as the proportion of immigrants and their descendants in Canada who were not of British, French, or other European ancestry increased, the term *race* crept back into the vocabulary of political discourse, as part of the campaign for affirmative action, employment equity, and non-discrimination. Familiar euphemisms such as *black*, *visible minority*, and *persons of colour* have been used almost synonymously with the way that *race* was used earlier. Such terms rely on physical markers that aggregate people who may have little in common culturally, except perhaps their exposure to prejudice and discrimination. Unfortunately, attempts to rectify the effects of past discrimination, and eliminate its current practice, gave misplaced legitimacy to the social constructs that feed racism. Thus, requiring employers to enumerate “visible minorities” in the workplace, and using census questions to enumerate and quantify groups “at risk,” may have had the unintended consequence of reinforcing the artificial boundaries that created the victimized cat-

egories in the first place. In Canada, the term *racism* has widened its connotation to include hostility between other ethnic groups, including the English and French, as well as antagonism between ethnic minorities that were engaged in civil war, or other conflicts, in their former country. In this respect, the term has reverted to an earlier, very imprecise, cultural usage.

Domestic Racism and Multiculturalism

Superficially Canada appears to have undergone a transformation from a racist and Anglo-conformist society to one that embraces ethnic diversity and “multicultural” policies, but the change is by no means complete. Human rights legislation, at the federal and provincial levels, includes the federal Bill of Rights, 1960. Federal and provincial Human Rights Commissions were established, and programs were instituted at that time to combat discrimination in employment, housing, public accommodations, and government services. The “equality rights” clause (15:1) of the Charter of Rights and Freedoms became an entrenched part of the Constitution, when the amended British North America Act was repatriated in 1981, although it did not come into force until three years later, giving federal and provincial governments time to implement the measures necessary to make the clause effective. It specifically allowed for the possibility of affirmative action based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. Subsequently, federal and provincial jurisdictions implemented legislation to promote employment equity and to strengthen the powers of existing Human Rights Commissions. The effectiveness of these measures in combating discrimination depends upon the interpretation placed on the Charter provisions by the courts. The record to date is not consistent, and the federal Human Rights Commission itself has been criticized for failing to deal expeditiously with cases brought before it.⁶

Various Liberal and Conservative administrations have indicated their determination to eradicate manifestations of racism in Canada. In 1984, the House of Commons *Report of the Special Committee on Visible Minorities in Canadian Society* made eighty recommendations ranging from increasing the representation of visible minorities in the public service to strengthening the law concerning the “promotion of racial hatred.” The Conservative Minister responsible for multiculturalism indicated in May 1988 that his department would have a budget of \$192 million for “new directions in the multicultural policy of Canada,” and later outlined his

plan to spend a substantial part of that budget (about 60 per cent) on public education and other efforts, such as support for community advocacy, to improve race relations in schools, workplaces, the health-care system, the social services, and the media. A federal statute (Bill C-93), passed in July 1988, reiterated Canada's commitment to the International Convention on the Elimination of All Forms of Racial Discrimination and to the International Covenant on Civil and Political Rights. Differences remain between theory and practice in the implementation of these statutes and their interpretation by the courts.

Racist Attitudes and Behaviour

There are a number of different levels at which racism and other forms of ethnic prejudice and discrimination, however defined, may express themselves toward refugees and other immigrants. There is a hierarchy of "social distance," which places British, French, and other Western European peoples high, and Jews, blacks, Asians, and other "visible minorities" low on a preference scale. Canadians appear to reject explicit racism, although physical differences are important in the perception of groups. Although not synonymous with *racism*, it is reasonable to suppose that there is a high correlation between anti-Semitic sentiments and antipathy towards racial minorities. The term *democratic racism* has been used to describe the ambivalence of many people in contemporary societies that simultaneously subscribe to liberal democratic values, and to implicitly racist attitudes and practices. There is a "discourse of denial and political correctness" that contrasts with the everyday experiences of ethnic minorities who are aware of latent hostility and subtle discrimination.⁷ Studies have shown that in renting accommodation, applying for jobs, and in the treatment by law enforcement agencies, including immigration officers, visible minorities are likely to experience subtle forms of differential treatment, explicit discrimination, and sometimes outright violence. As in other countries, the police in Canada are often accused of racism. Visible minorities are under-represented in the police forces, but it is not clear whether this is due to discriminatory recruitment or disinclination on the part of blacks and Asians to join the police. Several dramatic incidents where police have used firearms, wounding or killing a black person, have led to special investigations, which generally exonerate the officer involved.⁸

Ethnic minorities and recent immigrants experience "structured inequality" due to a combination of factors that include language difficulties, non-recognition of

qualifications, limited social networks, as well as explicit discrimination. After experiencing some initial disadvantage during their first few years in the country, immigrants from European countries generally recover a good deal, while still not reaching the Canadian average. Caribbean and Asian immigrants have more serious difficulties. A study of metropolitan Toronto, based on 1996 census data, suggested that recently arrived immigrants from some European countries suffered economic difficulties, as did the recent arrivals from Africa and Asia. However, overall, visible minorities experienced much more severe economic deprivation than others. There was considerable variation *within* the non-European immigrant groups. For example, the Vietnamese were five times more likely to be in poverty than the Japanese. The most severely disadvantaged were the Ethiopians, Ghanaians, Somalis, and "other African nations." Others who were severely disadvantaged included Tamils, Pakistanis, Bangladeshis, Sri Lankans, Vietnamese, and a combined "other Asian group" that included those from Cambodia. What is notable about those ethnic groups, experiencing the most severe poverty and disadvantage, was the high proportion of refugees and asylum applicants among them. In contrast, "selected" immigrants from Asia and elsewhere were relatively well off, having brought with them money to invest, or human capital in the form of education and English language skills. However, education and professional qualifications earned abroad do not bring the same economic return as similar qualifications obtained in Canada. A comparison of 1991 and 1996 census data showed that "visible minority status" correlated with the incidence of poverty, and that returns to education were significantly lower among recent immigrants, many of whom were of non-European origin, including refugees.⁹ Various studies have drawn attention to the barriers that provincial licensing bodies and professional organizations place in the way of newly arrived immigrants.¹⁰ The non-recognition of qualifications obtained outside Canada, and the need to undertake further studies and examinations in this country, seriously disadvantages immigrants. Refugees who have lost money and property as a result of their persecution and displacement are particularly disadvantaged in these circumstances.

Refugee Policies and Legislation

Historical evidence is conclusive in its demonstration of racism in the administration of Canada's immigration laws in the nineteenth century and the first half of the twentieth. Anti-Semitism was rife, and there were systematic

efforts to exclude blacks from the USA and elsewhere. Chinese, Japanese, and East Indians were all victims of systemic discrimination, instigated and supported at all levels of the bureaucracy. Until 1962, Canada pursued a “white Canada” policy at least as racist as its Australian counterpart. At the end of World War II, Canada’s immigration policies were still governed by an Act of 1927, which included clauses dating back to the practices of the nineteenth century. Largely due to the economic depression of the inter-war period, immigration to Canada had been severely restricted before and during the war. There was a growing recognition that more people would be needed once the war was over, but there was a strong preference for British immigrants and a reluctance to accept a large number of “displaced persons” from Europe. Notwithstanding Nazi pogroms and the Holocaust, anti-Semitism was still evident among politicians, officials, and the general public, so that the response to the needs of Jewish refugees was limited. Canadian immigration officials were encouraged to issue visas to Protestant and Catholic refugees but to limit the number of Jews admitted, largely by insisting that those accepted should have “agricultural experience,” or be prepared to work as domestic servants. International Refugee Organization records confirm the anti-Jewish bias in Canada’s “bulk labour” schemes for domestics, woodworkers, mining, and railroad maintenance in 1948. In fact, approximately 8,000 Jewish refugees were admitted in the first three years after the war, representing about 12 per cent of the intake at that time, when an estimated 30 per cent of the refugees in Europe were of Jewish origin. In the following decade (1947–58) less than 18,000 Jews, out of nearly a quarter million refugees, displaced and stateless persons, were admitted as immigrants. Between 1945 and 1960, only 3.3 per cent of all immigrants to Canada were of Jewish ethnic origin.¹¹

A new Immigration Act came into force in 1953 (325, R.S.C. 1952). It listed the “prohibited classes” and further provided that the Governor in Council might make regulations “prohibiting or limiting of admission of persons by reasons of:

- (i) nationality, citizenship, ethnic group, occupation, class or geographic area of origin,
- (ii) peculiar customs, habits, modes of life or methods of holding property,
- (iii) unsuitability having regard to the climatic, economic, social, industrial, educational, labour, health or other conditions or requirements existing temporarily or otherwise, in Canada or in an-

other country from or through which such persons come to Canada, or

- (iv) probable inability to become readily assimilable or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their admission.

There was no explicit provision for the admission of refugees, and Canada did not subscribe to the UN Convention of 1951. Refugees were subject to the same selection criteria applied to all immigrants. The regulations introduced at this time remained in force until 1962. These gave explicit preference to immigrants from the British Isles, France, and the USA, followed by those from northern and Western European countries, Eastern and southern Europe, and the rest of the world, in that order. In the case of non-European countries, sponsorship by a Canadian citizen was generally required, effectively excluding almost anyone from Africa, Asia, the Caribbean, or Latin America. There were token “quotas” for immigrants from Commonwealth countries such as India, Pakistan, and Sri Lanka, but the requirements were so stringent that the numbers (less than 300 from each country) were rarely achieved. A scheme for admitting Caribbean women as domestic workers was instituted in the mid-1950s and began a chain migration that continues to this day.

Without introducing a new Immigration Act, an Order in Council (tabled in 1962) abolished the explicit racial discrimination in the regulations, although it left potential immigrants to Canada from Third World countries at a disadvantage, at least in part because there were numerous offices in Britain, the USA, and Western Europe capable of handling visa applications, but very few in Africa, Asia, or Latin America. This is still true today. Refugee movements originating from traditional sources in Europe included Hungary (1956–7) and Czechoslovakia (1968). By 1967 a “points system” of selection had been adopted, emphasizing education and occupational qualifications and eliminating ethnic preferences. This opened the way for Canada to respond to the crisis in Uganda in 1972, when Idi Amin expelled large numbers of Asians, many of whom had a good education and business experience. The evidence suggests that Canada tended to select the “cream,” leaving less well-qualified Uganda Asians to find asylum in Britain or elsewhere.¹² A small number of Tibetans were admitted in 1970.

In 1974, the government published a green paper on immigration policy, instituted research, and instigated a public debate on immigration issues as a first step toward

formulating new legislation. The green paper was followed by a Joint Parliamentary Committee which made further recommendations. The debate over the green paper in 1974 is typical of the veiled forms that racism can take. There were references to the demographic consequences of increased immigration, urban overcrowding, environmental pollution, and threats to the conservation of resources, as well as the need to be cautious about making fundamental changes in “national identity.” The subtext of these themes was clear enough and warranted their description as racist in the wider sense of that term. After the new Immigration Act came into force, the use of temporary employment permits increased, and the “enforcement branch” of the department grew substantially in personnel and resources, ensuring that the majority of visitors and short-term workers coming to Canada from Third World countries left again when their visas expired. There was also a growing concern, among bureaucrats and politicians, about the alleged scale of “illegal” (i.e., undocumented) immigration and persons travelling on forged documents. That problem appears to have become even more serious in the last decade. From time to time there are allegations of differential treatment of black and Asian persons by immigration officials at airports and border crossings, where they may be more likely to undergo searches for drugs or to have their documents questioned.¹³

A new Immigration Act was passed in 1976 and came into force in 1978. Like its predecessors, it gave considerable discretionary power to the Minister through Orders in Council and Minister’s Permits, but the new Act carefully avoided any suggestion of ethnic preference. For the first time, Canada’s commitment to the UN Convention and Protocol on Refugees (as amended in 1967) was confirmed in the legislation and special procedures instituted for refugee status determination, including an appeal mechanism for those who applied for asylum in Canada. Special refugee movements admitted abroad, and arriving in Canada as “landed immigrants,” included Vietnamese, Cambodians (1975–8), and Indochinese, the last numbering over 60,000 in 1979–80. The decade since Canada’s new refugee policy was introduced, in 1978, was a critical one globally. The number of refugees rose to an estimated 12–14 million. Access to air and sea transportation, together with the movement from Central and South America, through the United States, to Canada, brought more and more refugees across Canadian borders, whereas traditionally there had always been the luxury of careful selection abroad to protect Canada from becoming a country of “first asylum.”

The administrative machinery established under the 1978 legislation to deal with refugee status determination proved inadequate. A backlog of applications and appeals built up. The sympathetic reception at first accorded to the Vietnamese “boat people” faded in the face of economic difficulties, including inflation and unemployment.¹⁴ Annual immigration “targets” declined steadily, while the use of temporary employment visas replaced reliance on the economically motivated “independent” migrant scheme to a large degree.¹⁵ The government became increasingly concerned with the security aspects of immigration control as global terrorism, organized crime, and drug dealing became more widespread. The unexpected arrival on the Atlantic coast of “boat people” from Sri Lanka via Germany in 1986, followed by a similar ship carrying Sikhs in 1987, was exploited by the media in ways much less sympathetic than in the case of the Vietnamese. Government reaction was at first ambivalent and later, when public opinion was clearly negative, led to the introduction of two new Immigration Bills in Parliament, each designed to give more power to officials to turn away potential immigrants and refugee claimants.

Bill c-55, which redefined the concept of *refugee* and established new machinery for determining refugee status, received its first reading in May 1987 and, after much criticism at the Committee stage and in the Senate, received royal assent July 21, 1988. A further piece of legislation, even more controversial because of its potential criminalization of church workers and others involved in “sanctuary” type movements, was Bill c-84, tabled in August 1987. It was also amended before receiving royal assent at the same time as Bill c-55. Both statutes were proclaimed and fully implemented in January 1989. A list of “safe countries” to which those found ineligible for refugee status may be deported has yet to be drawn up. Neither piece of legislation is explicitly “racist” in the way that the 1952 law governing immigration clearly was. In fact, Bill c-55 refers specifically to the Canadian Charter of Rights and Freedoms, which is a constitutional document. However, the relevant clause [3(f)] is amended to read “to ensure that any person who seeks admission to Canada on either a permanent or temporary basis is subject to standards of admission that do not discriminate *in a manner inconsistent* with the Canadian Charter of Rights and Freedoms.” At first sight this formulation appears broader than in the previous (1976) Act, which prohibited discrimination on grounds of “race, national or ethnic origin, colour, religion or sex.” However, it could also be interpreted as permitting discrimination if, under

the Charter, such action could be “demonstrably justified in a free and democratic society,” or is subject to clause 33 of the Charter subsection (1) which permits a provincial legislature to override certain provisions of the Charter.

Bill c-84 amended the Immigration Act, 1976, and the Criminal Code. One of its objectives was to “control the widespread abuse of the procedures for determining refugee claims, particularly in the light of organized incidents involving large-scale introduction of persons into Canada to take advantage of these procedures.” It was also designed to “deter the smuggling of persons into Canada” and “to respond to security concerns.” Clause 8 originally empowered the Minister to direct a ship believed to have “illegal immigrants” on board to leave, or not to enter, Canadian waters. Although an amendment now requires ships suspected of carrying illegal immigrants to be escorted into port, rather than being forced to leave Canadian waters, there is no guarantee that asylum will be granted to any of the passengers on such a ship. Clause 9 made it an offence to “organize, aid, or abet” the coming to Canada of a group of ten or more persons not in possession of valid or subsisting visas, passports, etc. Clause 11 gave increased powers of search, seizure, and forfeiture of vehicles or premises where undocumented immigrants may be found. It is not necessary to attribute explicit racist motives to policy makers and administrators in order to recognize the potentially negative consequences of the restrictive measures that have been adopted to deal with organized crime and “people smuggling.” The list of countries whose nationals now require a visitor’s or transit visa includes virtually all Third World countries known to have generated reactive migration flows in recent years. It excludes all Western European countries, except Portugal from where a number of Jehovah’s Witnesses have sought refugee status in Canada. When Roma from central and Eastern Europe began to seek asylum in Canada, visas were also required from their countries of origin.

These two pieces of legislation (Bills c-55 and 84) were widely regarded as having threatened the civil liberties of Canadians and potential refugees alike. The rise of politically influential Islamic fundamentalism, Sikh militancy, and other nationalist or ethno-religious political movements not only introduced a new element into the Canadian “multicultural mosaic” but also generated a perceived security threat, as well as complicating Canada’s external relations with other countries. At the time of writing, yet another piece of legislation, Bill c-11, is pending. This is a revised version of Bill c-31, which died on the Order Table when Parliament was dissolved before the election in

2000. The Bill has been criticized by human rights advocates, and by the Canadian Refugee Council, because it will make it harder for asylum applicants to reach this country and receive a fair hearing. Following the precedents set in Britain and the European Union, new laws and regulations are intended to be “fairer, faster, and firmer” in dealing with asylum applicants and undocumented migrants. In practice they are part of a concerted effort by developed countries to harmonize immigration policies and to discourage migration from the Third World. In fact, the legislation may breach Canada’s obligations under the UN Convention on Refugees, as well as the Rights of the Child.¹⁶ Against those who criticize government plans for failing to live up to humanitarian obligations are those who believe that Canada is not controlling its borders strictly enough and that Canada’s border “is a sieve.” There are those who believe that the Charter of Rights should apply only to citizens and permanent residents and that “the refugee program is facing widespread abuse.”¹⁷

Trends in Refugee Movements to Canada

In the first two decades after World War II the principal flow of refugees was of persons displaced in Europe, and the UN Convention was intended to apply only to European refugees. The Convention was not amended to cover non-European until 1967. In the decade 1971–80 Canada admitted approximately 100,000 refugees, including over 7,000 Uganda Asians, and over 70,000 Vietnamese, Indo-Chinese, and Cambodians. In the following decade, 1981–90, a total of 219,720 refugees were admitted, the principal source countries being “Iron Curtain” countries such as Poland, together with Latin America. From 1991 to 1999 a total of 243,264 refugees were admitted. In this period the leading source of refugees and asylum applicants was the former Yugoslavia, including Bosnia-Herzegovina, and Croatia. The following table shows the leading source countries for refugees admitted, 1996–9. In this period Bosnia and Croatia ranked high, while Sri Lanka, Iran, and Afghanistan followed close in the numbers admitted. The numbers from central and southern African countries were much smaller, despite the crises on that continent, reflecting the difficulties faced by refugees in that region in obtaining visas and other necessary documentation and qualifications for selection abroad or asylum in Canada.

Conclusion

There are obvious contradictions between the humanitarian and egalitarian ideologies Canada espouses and the institutional practice of micro-racism in immigration

Refugees by Source Area
 Leading Source Countries 1996–99

COUNTRY	1996	1997	1998	1999
Bosnia Herz.	4,960	3,677	3,590	2,692
Sri Lanka	3,603	2,564	2,130	2,606
Iran	1,724	1,665	1,472	1,440
Afghanistan	1,787	1,674	1,278	1,814
Croatia	—	996	1,285	1,187
Somalia	800	729	1,195	1,376
Iraq	1,337	1,346	947	915
India	1,223	770	829	694
Pakistan	652	752	723	1,088
Sudan	—	678	614	399
Algeria	675	558	564	743
Bangladesh	825	795	566	387
Total (top 12 only)	17,586	16,204	15,193	15,341
Total (others)	10,762	7,926	7,507	9,026
TOTAL REFUGEES	28,348	24,130	22,700	24,367

Source: CIC, *Facts and Figures 1999: Immigration Overview* (adapted)
 (Numbers include principal applicants and dependants)

policy, including the treatment of immigrant minorities. Refugees and asylum-seekers in some parts of the world are victims of these contradictions because of the obstacles in the way of their selection abroad, or their inability to reach Canadian shores with appropriate documentation, including evidence of their actual or potential persecution in their home countries. At the same time, those who are deemed admissible to Canada are exposed to the prospect of further systemic discrimination, personal prejudice, and structured inequality when they attempt to settle in their new country. The contradiction between the provisions of the 1981 Constitutional Charter of Human Rights and Freedoms and these micro-racist practices constitutes a genuine Canadian dilemma. The closing of borders, by the more advanced industrial countries of the world, has been described as a form of global apartheid, designed to preserve the wealth and power of Western societies and to segregate their people from the crises in the Third World. Although Canada's response to the growing numbers of asylum-seekers in the last decade has been more generous than some other

countries', attempts to eliminate racism from this country's immigration and refugee policies remains a "work in progress."¹⁸ There is a danger that concerns about security, and the attempts to deter undocumented migration, prevent human smuggling, and combat terrorism may seriously disadvantage those who genuinely need protection from persecution.

Canada's immigration policies and its treatment of refugees cannot be considered in isolation from the global context and actions of other countries and agencies. The economically advanced countries of the world have welcomed temporary and permanent migrants (including refugees) when their own economies were in need of labour and skills, and imposed restrictions when economic and political conditions changed. Furthermore, the involvement of the super-powers in Third World conflicts, the global arms trade, together with the actions of multinational companies, banks, and international agencies (such as the World Bank and the International Monetary Fund) through "structural adjustment programs" have contributed to the economic hardship, social problems, and civil unrest, that precipitate refugee crises.¹⁹ The fact that a large majority of the estimated 12 million refugees in the world today are of non-European ethnic origin and are still located in Africa, Asia, and the Middle East, raises the question of racism, when compared with the more sympathetic response to refugee crises in Yugoslavia. A "non-exodus" approach to global migration from developing countries, and the use of deterrents by Canada and other wealthy countries, to protect their borders, are forms of institutional racism, despite the numbers of refugees actually admitted from the Third World.

Notes

1. The terms *special measures* and *designated classes* refer to Canada's programs for bringing refugees to Canada under humanitarian criteria, who would not necessarily have met the strict UN Convention definition. An example was the program for Eastern Europeans in the 1980s. For a discussion of the relation between environmental crises and refugee movements see Thomas Homer-Dixon, *Environment, Scarcity and Violence* (New Jersey: Princeton University Press, 1999).
2. André Siegfried, *The Race Question in Canada* (London: E. Nash, 1907).
3. As defined in the International Convention on the Elimination of All Forms of Racial Discrimination (article 1), *racial discrimination* "refers to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in

- the political, economic, social, cultural or any other field of public life." For a discussion of the various uses of the term *racism*, see Michael Banton, *The Idea of Race* (London: Tavistock, 1977), and John Rex, *Race and Ethnicity* (Milton Keynes: Open University Press, 1986.)
4. See N. B. Ryder "The Interpretation of Origin Statistics," *Canadian Journal of Economics and Political Science* 20, no. 4 (1955): 466–79.
 5. See *Ethnic Origin and Nativity of the Canadian People*, 1941 Census Monograph (Ottawa, Queen's Printer, 1965).
 6. Ian Hunter, "Equality's Bloated Bureaucracy," *Globe and Mail*, 25 May 2001, 15(A). For a discussion of the Charter of Rights and its implications for Canadian federalism see a special issue of the *International Journal of Canadian Studies*, 7–8, (1993); also vol.14, 1996.
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 8. *Race and Ethnic Relations in Canada*, ed. Peter Li, rev. ed. (Don Mills, ON: Oxford University Press, 1999).
 9. See Michael Ornstein, *Ethno-Racial Inequality in the City of Toronto: An Analysis of the 1996 Census* (Toronto: Access and Equity Unit, 2000), and A. Kazemipur and S. S. Halli, "The Changing Colour of Poverty in Canada," *Canadian Review of Sociology and Anthropology* 38, no. 2 (2001): 217–38.
 10. For example, P. A. Cummings, et. al., *Access! Task Force on Access to Trades and Professions* (Toronto: Ministry of Citizenship, 1989).
 11. I. Abella and H. Troper, *None Is Too Many* (Toronto: Lester and Orpen Dennys, 1983).
 12. Freda Hawkins, "Uganda Asians in Canada," *New Community* 11, no. 3 (1973): 268–75.
 13. A recent example was reported in the media. A British-born woman of African descent, carrying a British passport, was handcuffed, detained, and interrogated at Pearson International Airport by an immigration officer who doubted the authenticity of her documents. Similar cases have been reported. See Maureen Murray, "Pain Still Persists Seven Years after Pearson Ordeal," *Toronto Star*, 6 June 2001: 17(A).
 14. G. E. Dirks, "A Policy within a Policy: The Identification and Admission of Refugees in Canada," *Canadian Journal of Political Science* 17, no. 2 (1984): 279–307.
 15. L. Wong, "Canada's Guestworkers: Some Comparisons of Temporary Workers in Europe and North America," *International Migration Review* 18, no. 1 (1984): 85–98; M. Boyd et al., "Temporary Workers in Canada: A Multi-faceted Program," *International Migration Review* 24, no. 4 (1986): 929–50.
 16. See Canadian Council for Refugees, "Report on Systemic Racism and Discrimination in Canadian Refugee and Immigration Policies," online: <<http://www.net/~ccr/antiracrep.htm>> (date accessed: 26 June 2001).
 17. See J. C. Best, et. al., "Canada Must Stand on Guard: Open Letter to Jean Chrétien," *Globe and Mail*, 6 June 2001, 17(A).
 18. For a discussion of the changes in policy and their implications, see Sharryn Aiken, "Racism and Canadian Immigration Policy," *Refuge* 18, no. 4 (1999): 1–7, and A. H. Richmond, "Global Apartheid: A Postscript," *Refuge* 19, no. 4 (2001): 8–13.
 19. Although the negative effects were not confined to that continent, it has been shown that structural adjustments imposed by the IMF and the World Bank, in the name of fiscal responsibility, aggravated social conditions in Africa and "ended in a considerable fiasco." See Manuel Castells, *End of Millennium* (Oxford: Blackwell, 1998), 113–5. See also A. Adepojo, ed., *The Impact of Structural Adjustment on the Population of Africa* (Portsmouth, NH: Heinemann, 1993).

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