

A Half-open Door: A Case Study of Canada's Special Immigration Programs for Afghan Nationals

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Abstract

In response to the political crisis in Afghanistan following the Taliban's takeover in 2021, the Canadian government promised to welcome 40,000 refugees and vulnerable individuals under special immigration programs for Afghans. The program is designed to resettle Afghan refugees through four pathways: special immigration measure for Afghan nationals who assisted the government of Canada, special humanitarian program focused on resettling individuals who fear prosecution under the Taliban regime, special family reunification program for Afghan interpreters who came to Canada under immigration programs in 2009 and 2012, and Special program to sponsor Afghan refugees without status from the United Nations Refugees Agency (UNHCR) or a foreign state . Through an examination of Canadian immigration policy documents, this article studies Canada's immigration programs created in response to Afghanistan's political crisis, shedding light on its ambiguities and disconnectedness from reality on the ground. The findings of the study suggest that Canada's immigration policies toward Afghan refugees are ambiguous and disconnected from reality on the ground, which not only makes the migration process irregular and unpredictable for Afghan refugees but also leaves them in a liminal legal limbo, making them vulnerable to violence, exploitation, and abuse. Drawing on Martina Tazzioli's reading of "grey area," which understands modes of border regimes as a set of heterogeneous and multi-layered mechanisms that contain and exhaust migrants without necessarily killing them or making them die, this study argues that the ambiguity and impracticality of the immigration pathways'

requirements are strategic and demonstrably serve the interests of Canada's discriminatory immigration politics, that determine the desirability of migrants based on their race and ethnicity.

Keywords: Afghan refugees, racism, Canadian immigration policies, qualitative document analysis

Introduction

Afghanistan's political crisis and a rapidly deteriorating humanitarian situation have displaced millions of Afghans to foreign countries over the past few decades. The sudden takeover of Kabul by the Taliban in August 2021 plunged the entire nation into a state of panic and despair as people feared for their lives and faced an uncertain future under the Taliban's regime. To respond to the crisis, the international community, especially member states of the North Atlantic Treaty Organization (NATO) launched immigration pathways for Afghans, who faced the threat of prosecution and violence. Canada, a NATO member that spent 18 billion in fighting in Afghanistan against the Taliban, was one of the first countries to launch a special resettlement program for vulnerable Afghans (Azzi and Foot 2021). In August 2021, shortly after the Taliban's takeover, the Federal Government announced its intention to resettle 20,000 Afghan nationals under humanitarian and special immigration programs. A month later, this number was doubled, with a promise to resettle 40,000 Afghans in Canada over the course of two years, starting from August 2021 (Immigration and Citizenship 2022). As of the time of writing this article, the programs have been in operation for over two years, and so far, 36,690 have been resettled in Canada. Over the past two years, Canada's response to rescue its close Afghan allies and vulnerable individuals have faced criticism from Afghan Canadians, human rights activists, and non-governmental resettlement organizations (Neve and Taheri 2021).

However, the issues in the Canadian response to the Afghan crisis go beyond the number of refugees it will admit or the number of people that have already arrived in Canada. As the Human Rights Watch (HRW) report highlighted, the main issue in Canada's response is the unclarity, lack of transparency, and accountability on the program from the Government that escalates Afghan nationals' vulnerability to violence and exploitation instead of providing them with protection and safety (Human Rights Watch 2021). Since the outset of Canada's immigration pathways for Afghans, several complaints have been filed by former interpreters and those who worked for the Government of Canada programs in Afghanistan concerning the untransparent and ambiguous application process and lengthy wait times. In one particular case, a litigant who met the "enduring relationship with Canada" requirement was kidnapped and tortured for two months by the Taliban while waiting for his application to be assessed, which took over two years (Boudjikianian 2023). Similarly, another lawsuit was filed by two Afghan Canadian men accusing the Federal Government of differential treatment and discrimination between Afghan refugees and Ukrainian refugees (Levitz 2023).

This study examines Canada's special programs Created for Afghans following Kabul's takeover by the Taliban, focusing on the programs' main requirements, characteristics, as well as their implications for Afghans seeking refuge in Canada. It aims to understand the underlying values and factors that guide Canada's response to Afghan migrants and to assess the impact of these policies on Afghan nationals, considering the critical and intricate political and economic situation of Afghanistan following the Taliban's return. Deploying qualitative document analysis research method, the study findings suggest that the requirements of Canada's immigration programs for Afghans are not only ambiguous but are also unrealistic and out of touch with the reality on the ground. The study findings suggest that the ambiguity and impracticality of the

requirements are strategic and demonstrably serve the interest of Canada's discriminatory immigration politics that determine the desirability of immigrants based on their race and ethnicity. Drawing on Martina Tazzioli's reading of "grey area," which understands modes of border regimes as a set of heterogeneous and multi-layered mechanisms that contain and exhaust migrants without necessarily killing them or making them die (Tazzioli 2021:5), this study suggests that Canadian migratory policies and practices enact harm and violence on Afghans seeking refuge in Canada without directly killing or harming them.

The paper proceeds as follows. The next section offers an overall overview of Canada's response to the Afghan crisis, exploring the four immigration pathways created following the Taliban's takeover of Afghanistan. The second section discusses the method, data collection, and outlines the analysis conducted. Drawing on Carol Cardno's understanding of policy document analysis in education, this study uses policy documents, governmental reports, and newspaper articles as a data source that uncovers the political forces and interests behind Canada's response to Afghan migrants (2019). The third section presents the study findings and a discussion of the main themes that emerged from the analysis.

The Case: Canada's response to Afghan crisis

In 2021, the Taliban regained power in Afghanistan following a twenty-year insurgency against the Western military presence and the US-backed government in the country. Given the group's highly conservative and restrictive ideology, which opposes several basic human rights, their return to power has endangered the lives of millions who have been targeted due to their gender, ethnicity, and affiliation with the former Afghan government, media, international development programs, and civil society. (Human Rights Watch 2021). The fall of the Islamic Republic Government and the Taliban's sudden takeover caused hundreds of thousands of

Afghans to rush to airports and land borders, trying to escape the country. In response to the crisis, the Government of Canada announced three streams for the resettlement of Afghan refugees, followed by a temporary immigration pathway launched in 2022.

- 1- “Special immigration measures” for individuals who assisted the Canadian government efforts in Afghanistan;
- 2- The existing permanent residence pathways for interpreters and their extended family members; and
- 3- Existing humanitarian programs that encompass Government Assisted refugees (GAR) and Privately Sponsored Refugee (PSR) programs (Immigration and Citizenship 2022).
- 4- Special program to sponsor Afghan refugees without status from the United Nations Refugees Agency (UNHCR) or a foreign state.

Table 1 provides an elaborate illustration of the four immigration pathways, outlining their respective requirements and quotas. Each pathway represents a distinct yet overlapping route for individuals seeking to immigrate.

Table 1. Canada’s Special Canada’s special programs for Afghans

Program	Who can apply	cap
Special Immigration Measure (SIM) for Afghans who assisted the Government of Canada	Afghan nationals: those with significant or enduring relationship with Canada, which could be, but not limited to interpreter and local staff at the Canadian embassy; were in Afghanistan on or After July 22, 2021; Afghan nationals who are not inadmissible to Canada	18,000

<p>Permanent residence for extended family of former Afghan interpreters</p>	<p>Afghan nationals, those who were in Afghanistan on or after July 22, 2021; have Afghan family member (interpreter) who worked for government of Canada or the Canadian armed forces and immigrated to Canada under the 2009 or 2012 public policies; must be the following family members to the Afghan interpreter: child, grandchild, parent, grandparent, sibling, sibling-in-law</p>	<p>5,000</p>
<p>Special program to sponsor Afghan refugees without refugee status from the UNHCR or a foreign state</p>	<p>Group of Five members must be: Canadian citizen, be at least 18 years old, live in the same community where the refugee is expected to settle, willing to give settlement support for the length of the sponsorship, provide settlement plan, have the required amount needed to sponsor a refugee</p>	<p>3,000</p>
<p>Permanent residence for extended family of former language and cultural advisors</p>	<p>Be an Afghan national; have been in Afghanistan on or after July 22, 2021, have a family member who: worked for National Defence, was a Canadian citizen or permanent resident when they worked for DND in Afghanistan, currently lives in Canada; must be the following family members to the Afghan interpreter: child, grandchild, parent, grandparent, sibling, sibling-in-law</p>	<p>Not specified</p>

The special humanitarian program for vulnerable Afghans listed under Canada's Special Programs for Afghans is part of Canada's larger resettlement programs that have been resettling refugees with refugee status determination document (RSD) documents issued by the UNCHR through government-assisted and private sponsorship programs. Whereas the program was included as part of Canada's response to the Afghan refugee crisis, the eligibility criteria weren't revised to address Afghanistan's unique crisis, given the Taliban's restrictions on traveling, targeted killings, enforced disappearance, and the closure of neighboring borders to Afghan nationals. In 2022, Immigration, Refugees and Citizenship Canada (IRCC) launched a new pilot program, streamlining the PSR process by enabling groups of five and community sponsors in Canada to sponsor Afghan refugees who do not have a RSD issued by a foreign state or the UNHCR (Immigration and Citizenship 2023). However, the program was designed to accept only 3,000 individuals on a first-come-first-served basis, a number that was reached within the first hour the program was opened. The temporary suspension was granted in response to the significant and timely barrier Afghan refugees often face in third countries when obtaining an RSD document from UNHCR or a third country. Whereas this pathway did not require applicants to have an RSD document, only those outside of Afghanistan who met the definition of Convention Refugee or Country of Asylum Class were eligible for the program. Below is a summary of Canada's immigration pathways for Afghans based on information collected from the IRCC official website (Immigration and Citizenship 2023).

According to IRCC reports, Canada has accepted 36,530 Afghan refugees under the listed four streams since August 2021, a few thousand short of the 40,000 the country committed to resettle (Swadden 2023). Whereas Canada was one of the first countries to launch a special resettlement program for vulnerable Afghans, the country's approach towards Afghan refugees

has been criticized by many national and international non-governmental organizations and activists. As Human Rights Watch (HRW) reported, the main issue in Canada's response is the unclarity, lack of transparency, and accountability on the program from the government. For example, reports indicate that the Canadian referral partners on the ground have been mostly interpreting the eligibility criteria of individuals, but the actuality of this process was never officially acknowledged or regulated by IRCC (Human Rights Watch 2021).

Further, Canada's special measure for Afghan refugees lacks mechanisms and strategies to respond to complex emergencies on the ground. None of the four immigration pathways created for vulnerable Afghans target those individuals inside Afghanistan that don't have the necessary resources and information to move to a third country and apply for Canada's private or community sponsorship programs. As Afghanistan's crisis following the Taliban's takeover showcases, the main issue was the removal of vulnerable individuals from Afghanistan, which has been nearly impossible given the diplomatic exodus of the international community from Afghanistan and the Taliban's harsh restrictions on cross-border movements. However, Canada's response to the crisis has been mostly centered on the removal of Afghans, especially those with existing family ties in Canada, from refugee camps in third countries. This absence of a formal and clear system not only makes the asylum procedure irregular and unpredictable for people but also makes people more vulnerable to violence and exploitation, constraining their access to basic human rights (Stel 2020:8). The ambiguity and informality in the requirements and procedure of Canada's response and the absence of laws that could address these issues left thousands of Afghans who need protection in limbo (CBC News 2021).

What is striking in Canada's response is why it designed a program that escalates individuals' vulnerability to violence and exploitation instead of providing protection and safety.

What are the main outcomes of these policies for individuals who want to migrate to Canada through one of the pathways? The remainder of this paper answers these questions by closely examining these programs and their key characteristics and requirements by situating them within the current threats, restrictions, and challenges Afghan individuals face.

Data and Methods

Following Carol Cardno's understanding of policy document analysis in education, this study employs policy document analysis as the principal method of inquiry (Cardno 2019). As a research method, documentary analysis is known as a straightforward, cost-effective, and efficient method. Whereas some scholars advise against over-reliance on documents, others consider documents as a crucial yet unnoticed part of everyday life. The method is particularly useful in qualitative case studies that aim to produce in-depth and rich descriptions of a single phenomenon, event, program, or organization (Bowen 2009). Institutional documents, including policy, are records that enable us to understand the particularities, effectiveness, and impact of institutional procedures in everyday life. In other words, as Smith notes, texts in the forms of laws, policies, and regulations are instruments that enable institutions to regulate and control actions (Smith 2001). As such, policy document analysis can contribute to understanding this paper's research questions by revealing the purpose, influential factors, and consequences of Canada's special programs for Afghan refugees. They reflect the actions and interests of political actors, uncovering the political forces and determinants behind policy development (Karppinen and Moe 2012).

Discussing the conceptual framework for policy analysis, Cardno suggests that a policy can be studied from three aspects: context, text, and consequences, providing useful insight on how to examine the everyday use and outcomes of a policy through document analysis (Cardno 2019). Policy text is the content of the policy, interrogation of which enables the understanding of

why a policy is structured in a particular way, providing in-depth and detailed textual analysis. Policy context and consequences reveal the forces and factors that shape policy and its outcome by looking behind and beyond the text. Following this approach and treating policy documents as “informants”, this study aims to examine the context and consequences of Canada’s Special programs for Afghan refugees (Prior 2008:822). It is centered on explicating the socio-political and historical forces that have driven these programs to come to being and their overall impact while shedding light on their gaps, ambiguities, and contradictions.

The data collected for this study includes guidelines, rules related to the policy, research articles on Canada’s response to Afghan refugees, Parliament of Canada special reports on Afghanistan, statical archives published by the government, and media articles. These documents were collected from different resources. The data constitutes 70 pages of texts collected from the Government of Canada’s website introducing the programs, their eligibility criteria, and reports from the Parliament of Canada discussing the overall response and its limitations. These reports were specifically included for their comprehensive and detailed description of each immigration program developed for Afghan migrants since August 2021. In addition, I collected approximately 65 articles published by Canadian Media Outlets between August 2021 and August 20223 through Factiva. These articles were selected through an iterative process of review from a pool of 700 media articles covering topics such as special immigration programs, resettlement of Afghan migrants, and the situation of vulnerable Afghans. Discussing documents as a source of data in qualitative research, Glenn Bowen (Bowen 2009) suggests that it’s crucial to evaluate policy against different resources to have a holistic view of how policy is translated into practice, which is the main reason media articles, Parliamentary reports, and Human Rights organizations reports are used in this study as data sources.

For the purpose of analysis, this study deployed thematic analysis, following Liamputtong's systematic guidelines (Liamputtong 2009). A comprehensive coding process was applied utilizing a combination of pattern coding and holistic coding strategies, which enabled categories and themes to emerge from the data. The analysis was centered on two questions: What are the key characteristics and requirements of immigration pathways created under Canada's special measure for Afghan refugees following the Taliban's return to power? And what are the overall implications of Canada's special measures for Afghan migrants in third countries waiting for resettlement and vulnerable individuals inside Afghanistan? The data analysis generated themes such as leveraging connections, applicants' dependency on authorized organizations for application submission, and ambiguity, which are explored in depth in the subsequent sections.

Findings

Allies first: Affiliation with the Canadian government or its citizens

The central theme that permeated across all the immigration streams developed in response to the situation in Afghanistan was the significance of having an affiliation with the Canadian Government or having family ties in Canada. Despite the Government's stated commitment to resettling Afghan refugees, including human rights defenders, members of religious and ethnic minorities, and women, the Canadian immigration pathways tend to prioritize Afghans who already have an established affiliation with Canada. Canada's immigration programs for Afghan demonstrates that Canada's efforts to resettle Afghan migrants are mainly centered on two groups: Those Afghan national who assisted the Government of Canada's mission in Afghanistan and individuals with prior familial ties in Canada. These groups include Afghans interpreters, local staff of the Embassy of Canada in Afghanistan and extended family members of interpreters and former language and cultural advisors who were Canadian citizen or permanent residents when

they worked for National Defence in Afghanistan. Four out of five the Canadian immigration pathways for Afghans require applicants to have employment background with the Canadian Government or have a familial tie with individuals that served Canada's efforts in Afghanistan.

In addition, prior professional and familial connections with Canada remain as important requirements even in the case of special programs to sponsor Afghan refugee without status and vulnerable Afghans (i.e., women leaders, human rights defenders, persecuted religious or ethnic minorities, LGBTI, and journalists) in need of resettlement. In the particular case of immigration program for vulnerable Afghans, individuals are required to be outside Afghanistan and register with the UNHCR or the government of the country in which they live. After receiving the refugee status determination document, refugees should be referred to IRCC by a "group of five" or a community organization that has agreement with the Government of Canada such as UNHCR or Front Line Defender (House of Commons 2022). It is important to note that private refugee sponsorship often depends on prior or establishing personal relationships and existing trust between refugees and the sponsors that make the sponsorship happen (Macklin et al. 2020). Similarly, the temporary immigration program designed to sponsor refugees without status mandated that Afghan migrants must have a group of five or community sponsors within Canada to apply on their behalf. This condition is conjoined with a stringent timeline, financial support prerequisites, and substantiation of security and admissibility verifications by sponsors. As a result of these requirements, eligible individuals, especially women who don't have the means and resources to travel to a third country and those who lack the necessary connections and resources to arrange for a group of five or community sponsorship in Canada, are deemed ineligible.

Dependency

Another common theme observed in Canada's special programs for Afghans is the imposition of reliance on organizations authorized by the Government of Canada or Canadian citizens and permanent residents for submitting an application. All five programs mandate that applications must be submitted or referred by organizations that have a pre-existing agreement with the Government of Canada or by Canadian citizens or permanent residents. For example, those interested in applying through SIM for Afghans who assisted the Government of Canada are advised to submit a web form available on the IRCC website that states:

You must be invited to apply to submit an application. Expressing an interest in the program or sending an email to us is not an application. The invitation to apply comes directly from IRCC. It gives instructions on how to complete and submit the application form and documents for you and your eligible family members (Immigration and Citizenship 2023).

Despite this instruction, the majority of applicants who applied in 2021 are still waiting for a response about their application status. According to a Canadian Lawyer who submitted applications on behalf of Afghan nationals, “the applications seem to be submitted into a black hole without a response or confirmation of receipt” (Moloo-Alam and Fatima 2023).

Similarly, in the case of humanitarian program for Afghans in need of resettlement, applicants have to depend on organizations such as the UNHCR, IOM, Front Line Defenders, and ProtectDefenders or private sponsorship in order to be able to submit an application. What is important to note here is that both the Humanitarian program for Afghans in need of resettlement and the SIM program for Afghans who assisted the government of Canada are the only pathways that are aimed at supporting Afghan individuals based on their vulnerability and need for resettlement and not familial ties in Canada. However, there is no way for applicants to apply

directly to IRCC, nor are there specific guidelines available on ways they can find and benefit from the services of organizations that are eligible to refer migrants for resettlement to the Government of Canada. Consequently, those interested in applying for these pathways are faced with the daunting task of navigating the process on their own or relying on immigration scammers to mitigate their immigration application in exchange for money. This practice is particularly challenging given the critical situation in Afghanistan, where individuals lack the necessary time, resources, and freedom to do so (Pulfer 2021).

Institutional Ambiguity

Consistent with the complaints filed by some Afghan Canadians and reports from refugee and human rights organizations, a prominent feature of Canada's immigration pathways for Afghans is their inherent ambiguity. This ambiguity not only affects Afghan migrants but also poses challenges for non-governmental refugee resettlement organizations in their efforts to provide support to Afghans. The SIM program for Afghans who Assisted Canada, for instance, indicates that individuals with a "significant and enduring relationship with Canada" are eligible to apply for the program (Immigration and Citizenship 2021). However, the policy does not define the term "assistance to Canada" and "significant relationship to Canada". Similarly, since UNHCR has no presence in Afghanistan, alternate organizations with a presence in Afghanistan were appointed to assist with the evacuation of vulnerable individuals, including female leaders, human rights defenders, and religious and ethnic minorities. Reports from Afghanistan and applicants' testimonies shared through Canadian Media indicate that this supposedly strategic decision simply raised more confusion and frustration for many Afghans trying to navigate the system because the alternative approach has not been formally announced, and the procedure is not clear for any involved party.

Whereas Canada's response to Afghan refugees has been characterized by ongoing shifts in priorities and requirements since the fall of Kabul, these changes are often not announced by the federal government. Furthermore, the information provided on the IRCC website regarding immigration programs for Afghan migrants lacks clarity on crucial details such as wait times, next steps, and avenues for assistance. This omission creates challenges for both individuals with pending applications and potential applicants who require guidance and information pertaining to the application process and their current status. Moreover, the ambiguous nature of Canada's immigration programs is regarded as a critical factor that further endangers the lives of vulnerable Afghans. Those still within the country face heightened risks as they become targets of the Taliban, while those residing in neighboring countries face deportation and detention due to their precarious immigration status. According to IRCC, the largest group of processing displaced Afghans are in Pakistan (Keung 2022). But reports from Human Rights Watch and various media outlets have highlighted a concerning trend, indicating that Pakistani authorities have been actively deporting and detaining Afghans, particularly those with expired or no visas (Walsh & Popalzai 2023).

Studies illustrate that these forms of uncertainty and ambiguity in migration policies are intentional and strategic, allowing migration governing institutions to control, expel, and exploit migrants (Ilcan 2021; Mavelli 2017; Oner et al. 2021). Nora Stel, in her study on the governance of Syrian refugees in Lebanon, suggests that the uncertainty and ambiguity are not accidental but fundamentally a strategic practice that serves states' different interests. She refers to the plurality of definitions, meanings, and interpretations that produces uncertainty among people on the move as "institutional ambiguity," which works in two mutual directions (Stel 2020:8-15). On the one hand, it locates migrants outside the protection of the law, making them vulnerable to exploitation, harassment, and abuse. The positionality of migrants outside the protection of the law is

demonstrated in Crawley and Skleparis's study on categorical fetishism, where an Afghan participant described: "In Iran, I was afraid to go out. They are treating Afghans as if they are dogs" (Crawley and Skleparis 2018). Similarly, Syrian refugees in Turkey have difficulty with social services due to ambiguous and continuously shifting policies. In some cases, even the social service providers have difficulty understanding the services refugees can claim and how they can access those services (Baban et al 2021). Systematic ambiguity and disorder is a technique of power that states use to exercise control over the bodies and lives of refugees, a practice that, over time, becomes normalized for migrants. Governing refugees through uncertainty and ambiguity has become a fundamental part of the migration regime, "serving to keep people insecure, passive, and pessimistic" (Griffiths 2013:280).

On the other hand, institutional ambiguity opens up possibilities for interpretation and maneuvering, which is not only a strategy of control but also a tactic to escape transparency and accountability. Several studies suggest that ambiguous policies make it challenging for service providers to establish which services refugees are entitled to and which they are not (Berg 2020; Cabot 2012). In the particular case of SIM for Afghans, the HRW report indicates that the Canadian referral partners on the ground are mostly interpreting the eligibility criteria of individuals based on their mandates, which in turn reduced the eligible categories of "vulnerable Afghans" to only human rights defenders (Human Rights Watch 2021). The management of refugees' admissibility through Canadian-chosen local organizations is not officially acknowledged or regulated by IRCC or any other refugee organization. This absence of a formal and clear system not only makes the asylum procedure irregular and unpredictable for people but also strips them from the "right to have right" (Stel 2020:8). The management of individuals' admissibility by non-state actors has made the asylum process for Afghan migrants irregular, unpredictable, and in some cases, more

negotiable for those who are able to navigate the informal systems in place. The ambiguity and informality in the requirements and procedure of Canada's response and the absence of laws that could address these issues left thousands of Afghans who need protection in a limbo.

Uncertain Processing Time

A common feature of the Canadian immigration programs for Afghans is the indeterminate application processing time. None of the policy documents and information shared by the IRCC and the federal government indicated the processing timeline of applications submitted after the fall of Kabul. However, the several complaints filed with the Canadian Human Rights Tribunal and media reports point to "unreasonable" delays in processing applications that, in turn, have serious implications for applicants who face risk in Afghanistan (McLeod 2022; Moloo-Alam and Fatima 2023). Whereas Human Rights organizations and advocates have criticized the federal government for long delays, ambiguous processes, and arbitrary decision-making within the special programs for Afghans, the government has denied delays in the processing of Afghan applications. In response to a lawsuit filed by 24 employees of a law firm, who have been retained by Canada since 2013, regarding "unreasonable delays," the government has stated that "Canada acknowledges that the Applicants face serious risks in Afghanistan. Those risks, however, are inflicted by foreign entities in Afghanistan, with no connection to the Government of Canada" (Keung 2022). Meanwhile, Immigration Minister Sean Fraser noted in an appearance in the House of Commons Committee that delays in processing Afghans' applications are "due to ensuring that the personal information of the individuals can be protected before the revised rules are published" (Levitz 2023). As indicated by these statements, while the government acknowledges the delays in processing applications of Afghan migrants, it does not assume responsibility for the increased risks that applicants may encounter during the waiting period for their application outcomes.

Waiting is a key dimension of mobility and migration that is produced by state policies and bureaucratic processes (Bélanger and Candiz 2020). As Karlsen and Khosravi highlight (2020), waiting becomes punitive when a person is not aware of the length of the wait, resulting in an uncertain and unpredictable life. Nevertheless, as seen in Minister Fraser's statement, the bureaucratic practices that implement "non-abusive" punitive measures are regarded as "standard procurers" of caring governmental apparatus that make people wait even in situations where they face imminent risk of prosecution and violence. In the particular case of Afghans, since its outset, the Taliban government have been carrying out torture, arbitrary detention, and executions of former security officers, human rights activist, journalists, and those who are associated with Western countries and organizations through their work (Amnesty International 2022). Meanwhile, Afghans in neighboring countries such as Pakistan and Iran live under precarious conditions and are confronted with the risk of deportation and detention. Latest reports from Iran indicate that hundreds of Afghan refugees are detained in unsanitary and inhumane conditions by the Iranian border guards who physically and psychologically torture the detainees (Amnesty International 2022).

Protracted waiting produces illegality, imprisonment, uncertainty, and unpredictability while limiting migrants' scope to assert their rights (Khosravi 2007). As suggested by migration and border studies scholars, in seeking asylum, individuals occupy a precious position between not fully legal and not fully illegal (Goldring et al. 2009). However, in the case of Afghan refugees who attempt to immigrate to Canada through UNHCR's resettlement, despite their position in between "not fully legal and not fully illegal", they are often treated as fully illegal due to turbulent political relations of Afghanistan with its neighboring countries and thus face detention and deportation. This has been the case for the hundreds of Afghans in Pakistan and Iran, who are

detained and deported despite their official and valid travel documents. Given these circumstances, imposing a lengthy bureaucratic procedure on Afghan applicants is not only impractical but also exacerbates their vulnerability to violence and exploitation.

Discussion and Conclusion

Historically, Canada has been a leading country in the global north for welcoming racialized migrants. As mentioned elsewhere, Canada has undergone substantial transformations in its political, legal, and social systems over the past 40 years to address and mitigate discrimination. However, these changes were not intended to entirely eradicate racism but to incorporate the new and modern forms and mechanisms of racial discrimination (Hassan 2022). A closer look at the immigration policies aimed at racialized migrants, especially Afghans, reveals the unequal treatment and covert discrimination on the grounds of race and ethnicity. While Canada has been attempting to showcase its multiculturalism and generosity towards racialized refugees following the Afghan conflict, its policies, and practices in managing the Afghan refugee crisis indicate that Afghan refugees' lives, even those associated with the Canadian government through their work, are not worthy enough to be saved. In fact, Afghans are treated as what Foucault calls "neutral subjects" whose life and death become a right only as a result of the will of the state (Foucault 1997). The 20-year conflict in Afghanistan indicates that the right of life and death of Afghans has been exercised by Canada and other Western countries involved in the conflict not only when Afghans attempt to flee their country as refugees but also when they remain in their country which the west was fighting in the name of peace and security for 20 years.

Judith Butler suggests that worthy and unworthy lives are divided into those who represent a threat to the state and its liberal democracy and those whose lives should be righteously defended (Butler 2009). The division between worthy and unworthy lives became even more evident with

Canada's response to Ukrainian refugees following the Russian invasion of Ukraine in February 2022. In response to the conflict, the Government of Canada launched several immigration programs to support Ukrainians fleeing the country. The Canada-Ukraine Authorization for Emergency Travel (CUAET) is one of the programs that has enabled thousands of Ukrainians to "work, study and stay in Canada until it is safe for them to return home" (Immigration Refugees and Citizenship Canada 2022). Contrary to special programs for Afghans, CUAET is an accelerated temporary residence pathway for Ukrainians seeking safety in Canada. The program eliminated normal visa requirements that enabled an unlimited number of Ukrainians to apply for the program from anywhere in the world (Hamilton et al 2022). It allows Ukrainians to apply for a Canadian visa through an expedited visa process that requires individuals to only submit an application form and their biometrics.

Under CUAET, Ukrainians are exempted from meeting the requirements of a convention refugee because they are considered temporary visitors who will receive either student, worker, or visitor status once they arrive in Canada. Additionally, in order to make the process accessible for everyone, the application fee has been waived, and mobile biometric kits are distributed in Canada's immigration offices in Europe (Choi 2022). In contrast, for Afghans, except those who directly worked with the Canadian government, all other categories are required to reside outside Afghanistan and have a UNHCR refugee status in order to be considered eligible for the program. As highlighted in the findings section, the immigration pathways for Afghans are characterized by ambiguity and impracticality, particularly in light of the current situation in Afghanistan. Moreover, these pathways tend to prioritize individuals who already have familial connections in Canada or have directly worked for the Canadian government. Canada's response to Ukraine is not without flaws as it admits Ukrainians under temporary status, which studies suggest contributes to

the economic, political, and social marginalization of migrants (Baban et al. 2021b; Goldring et al. 2009; Ilcan et al. 2018). However, the program is much more flexible, clearer, and practical than Canada's response to the Afghan crisis.

Canada has Welcomed over 175,729 Ukrainians Under CUAET since March 2022. In contrast, since August 2021, only 36,690 Afghans have arrived in Canada, 19,040 of whom are under the Humanitarian program that falls under privately sponsored refugee and government-assisted refugee program. These numbers illustrate how Canada's borders can be open for some groups while others are kept outside and away through geographic distance. This exclusion and differentiation, where individuals have to fight over access to borders, are "obscured through homogenization, criminalization, and racialization"(Mountz 2015:187). This is also where the distinction between the "normal us" and "abnormal them" are made. To retain this distinction, the modern state, rather than enforcing the disciplinary power on the population, use the modes of racialization and criminalization, through which the racialized Muslim migrant a potential threat (Foucault 1997). The comparison of Canada's two latest emergency immigration programs indicates that its policies are producing precarity for all migrant groups, but they are more open to letting white refugees enter the country because they seem more like the "normal us" than racialized Muslims who are seen as a threat.

It's important to note that Canada's immigration policies towards Afghans are not directly exclusionary and violent, as thousands of vulnerable Afghans have been resettled in Canada. However, thousands more are left in limbo and made vulnerable to violence and exploitation as a result of these policies. Requirements such as lengthy waiting periods, having refugee status determination (RSD), and familial ties in Canada for private sponsorship programs, as well as dependence on government-authorized organizations and individuals, create conditions that result

in precarity and leave migrants in a spatial and temporal limbo. In other words, these policies do not directly perpetrate violence; instead, they create conditions that facilitate different forms of violence, leading migrants to experience various forms of violence and exploitation without direct acts of harm or violence.

Pickering & Ham note, border control politics encompass a range of various contradictory practices that admit or exclude populations, measuring their qualities and quantities through different systems of social sorting (2014). Similarly, according to Collier the modern modes of subjectivation and subjection demonstrate a set of heterogeneous forms, technologies, and rationale of power that are taken up and assembled to manage the social (Collier 2009). Building on the works of these scholars, Tazzioli invites us to look at the modes of migration governance as “heterogenous political technologies that contain and exhaust migrants without necessarily killing them or making them die”. They suggest that migration governmentality consists of heterogenous and divergent political strategies that “choke and harm migrants” without directly killing or letting them to die (Tazzioli 2021:2). This is a "grey area" that cannot be fully understood through the binary oppositions of the politics of life or the politics of death. It is within the "grey area" that Canadian migratory policies and practices enact harm and violence on thousands of Afghan applicants, who may be in hiding within their own country or leading precarious lives in neighboring countries, without directly killing or harming them.

In conclusion, this study's findings illustrated that Canada's response to Afghan refugees in the aftermath of the political crisis in Afghanistan is out of touch with the prevailing realities on the ground. The immigration pathways created to protect vulnerable Afghans and those with enduring relationships with Canada are riddled with ambiguity and uncertainty, leaving refugees in a state of limbo as they navigate through multiple bureaucratic steps that ultimately determine

the fate of their application and establish their legal immigration status. Drawing on Martina Tazzioli's reading of "grey area," which understands modes of border regimes as a set of heterogeneous and multi-layered mechanisms that contain and exhaust migrants without necessarily killing them or making them die, this study argued that the ambiguity and impracticality of the immigration pathways' requirements are strategic and demonstrably serve the interests of Canada's discriminatory immigration politics, which determine the desirability of migrants based on their race and ethnicity.

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