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Tanya Aberman, York University

Co-Presenters: **Philip Ackerman**, University of Toronto

Single/Seule

Learning Outside School: Shaping Alternative Education for Uprooted Youth

While the Ontario Education Act and IRPA make concessions for precarious migrant youth to attend high school without official immigration status, there are extremely limited options for these populations to pursue post-secondary education, not only in Ontario, but across Canada. Therefore, most non-status and refugee claimant students will not go to college or university, nor will they have access to financial aid should they be admitted. This weight of inaccessibility that burdens precarious migrant youth is exacerbated by additional factors including: fear of deportation, non-recognition of home country credentials, negative racialization and/or illegalization, feelings of being derailed from their professional path, and other intersections of precarity and dispossession. This paper will highlight these issues, while drawing attention to the emerging community-driven responses. Particular attention will be paid to alternatives to education, which provide opportunities for youth to continue on their paths without losing momentum. One case study that will be highlighted is Uprooted U, an open education project developed through a Toronto-based organization, the FCJ Refugee Centre. This project is unique in its capacity to value the diverse social locations of precarious migrant youth as they attempt to navigate Ontario's post-secondary institutions. It allows youth to self-define their educational program, while fitting within external needs and priorities. Links will be made to other concerted efforts to create and shape space for marginalized newcomer populations in educational settings, and how this space is impacted by manifestations of racism, discrimination and xenophobia.

Howard Adelman, Centre for Refugee Studies, York University

Co-Presenters: **Michael Molloy**, Canadian Immigration Historical Society

Naomi Alboim, Queen's University

Panel

Economic Integration and Refugee Resettlement

Recently, there has been some discussion about a fourth permanent solution to refugee resettlement – the use of refugees as temporary workers in Europe. This paper is an analysis of the development of an inversed version of such an option in Canada, that is the substitution of permanently settled refugees for programs involving temporary workers. This paper reviews the origins and development of that option into a proposal for government and the reception that proposal received by senior civil servants and politicians. It is much too early to assess the application of the idea itself but not to assess the initiative at four levels: 1) the historical background to the issue of refugee resettlement and economic integration where economic integration was attached to the back end of refugee selection; 2) the theoretical and applied wariness about bringing economic considerations into the front line of refugee selection and resettlement; 3) the development of a proposal that tried to reconcile economic integration issues with refugee resettlement (note, not selection) and the difficulties and criticisms encountered; 4) how those criticisms and shortcomings were overcome to develop pilot projects that attempted to merge economic integration with the resettlement of refugees. This paper is intended to retrace the process of the development of the idea and make clear the principles and practices that permitted an effort at reconciliation to take place both to understand the underlying principles at work as well as the actual process of getting new refugee initiatives adopted by government.

Romola Adeola, University of Pretoria

Single/Seule

The protection of internally displaced persons within the African human rights system: an institutional approach

Recognising that over half of the world's internally displaced persons reside in Africa, African leaders decided to address the issue of internal displacement through a legally binding framework. In 2009, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) was adopted. Among other things, the Kampala Convention seeks to address the root causes of internal displacement on the continent; prevent individuals against arbitrary displacement; and protect internally displaced persons from political, social and economic marginalisation experienced by these persons in many African societies. Within the framework of the Kampala Convention, this paper examines the root causes of internal displacement and how these root causes can be addressed in order to adequately protect internally displaced persons from circumstances that can heighten their vulnerability in an era of criminalisation of migration.

Yukari Ando, Osaka University

Single/Seule

Reversing Protection based on Criminalization of Migration: A Case of Japan

The 2013 number of refugee applications has marked the highest in Japan, ever since the refugee status determination system was established in 1982. The authority has announced that 3,260 refugee applications have been submitted in 2013. Only 3 persons were granted refugee status at the first level by Ministry of Justice officers. Actually 3 persons out of 3,260 applications means 0.1% recognition rate. 2,408 cases have filed the objections, after their refugee applications were denied. Then 3 persons were granted refugee status at the objection level by refugee adjudication counselors. 3 persons out of 2,408 cases means 0.3% of the recognition rate. As clearly seen, the refugee determination rate is highly severe in Japan. Why is it so severe? The hypothesis is that the standard of proof of "being persecuted" is as high standard as the criminal offence case. This presentation attempts to examine the standard among the administrative cases concerning refugee. In particular, the Rohingya cases are focused on. The Rohingya is facing many discrimination based on 1982 Burmese Citizenship Law, which is excluded national ethnic group. According to the Special Rapporteur to Myanmar "it lack of legal status, the Rohingya community continues to face systematic discrimination". For this reason, Global North States tend to grant a refugee status, if the person is truly Rohingya. The point at issue is whether the applicant is Rohingya or not. It is unlikely whether the treatment of Rohingya such as forced labors interprets being persecuted or not.

Sedef Arat-Koç, Ryerson University

Single/Seule

Geopolitics of Refugee Production and Protection: Debating Relationality and Contradictions Between Foreign Policy and Refugee Policy

Even though processes that lead to production and protection of refugees in the World are intimately connected to international politics, there has been a conspicuous but curious gap between the academic field of refugee studies and study of international relations and foreign policy. In the post-Cold War era, this gap is especially problematic as there is some limited discussion in the literature about the impacts of economic globalization and neoliberal policies on production of conditions for forced migration, but hardly any discussion of Western foreign policies. The absence of studies into this relationship lead to

the view that production of refugees are local and regional processes unconnected to foreign policies of leading World powers and therefore that refugee admission on the part of the latter simply involves a charitable relationship. The paper aims to highlight the problems with this gap in refugee studies and to explore some of the patterns and contradictions in the relationship between foreign policies and refugee policies of Western countries in the post-Cold War period.

Idil Atak, Ryerson University

Single/Seule

Challenges in the Protection of Trafficked Persons in Canada and Europe

Human trafficking is a complex criminal phenomenon affecting all countries and regions worldwide. It is estimated, at \$32 billion per year, to be the fastest growing criminal industry. In Canada, human trafficking is criminalized in both the Criminal Code and the 2001 Immigration and Refugee Protection Act (IRPA). Despite the adoption of legal mechanisms, Canada has faced major challenges when prosecuting human traffickers and protecting trafficked persons' fundamental rights. Convictions for international trafficking remain low in comparison with those for domestic trafficking. Trafficked persons are routinely detained and deported. Most states make access to assistance, including access to health care, conditional upon the willingness of trafficked persons to testify against their traffickers. This presentation assesses the challenges faced by foreign national trafficked persons who are seeking international protection and the difficulties in prosecuting those responsible for the crime of human trafficking. It adopts a comparative approach that draws on the experiences of Canada and European Union States such as France and the United Kingdom. The presentation begins by outlining how human trafficking has been criminalized in Canada and Europe. It considers the various factors that come in to play that have a deleterious effect on the detection and successful prosecution of human trafficking. It argues that a human rights based approach is essential to the efforts to combat effectively human trafficking.

Catherine Baillie Abidi, St. Francis Xavier

Single/Seule

'A Story to Tell and a Place for the Telling': Building Communities Through Storytelling

Current policies and discourse on migration are embedded within an anti-refugee ideological framework. This ideology has been constructed by infusing migration with criminality and security, resulting in the production of fear and the 'bogus refugee'. Stories of resilience, relationships, and responsibilities are underrepresented in regional, national and international refugee discourses. Given this context, how can safe spaces be created for refugees to communicate their diverse stories? What is the role of community-based organizations in building communities where the lived experiences of refugees are valued and where generalizations and stereotypes are transformed?

This presentation is based on a five year long initiative called A Story to Tell and a Place for the Telling which took place in Halifax, Nova Scotia. A Story to Tell was a collaboration among community-based and humanitarian organizations and local public libraries, and was modelled from a Vancouver program of the same name which was developed by the Canadian Red Cross. The purpose of A Story to Tell was two-fold: to create opportunities for refugees to tell their migration, settlement and learning stories; and to engage the local community in critical conversations around migration policy and settlement practices. In this presentation, I will share reflections from refugee and community participants, which speak to the importance of dialogue and community development. I will also highlight the role of

storytelling as a method to foster belonging and connections. Recommendations for policy and practice changes in the area of refugee migration will be explored.

Paula Banerjee, Mahanirban Calcutta Research Group

Co-Presenters:

1. **Paula Banerjee, MCRG, University of Calcutta**
2. **Nasreen Chowdhury, University of Delhi**
3. **Ranabir Samaddar, MCRG**

Panel

Borders and Violence: The Case of State-System in South Asia

This panel would provide critical insights into the workings of regional state-systems in terms of identifying repetitive patterns of forced migration, state management of displaced populations, and formal/informal approaches to human security.

The present state system in South Asia, in particular the state system of the sub-continent, is largely a result of the partitions in the eastern and western parts of the erstwhile united India, giving birth to three states – India, Pakistan, and Bangladesh. The borders dividing these countries are markers of past bitter history, current separate, distinct, and independent existence, and the sign of the territorial integrity of these states.

With globalisation there is another added dimension to the borders and that is the existence of thousand and one linkages across these borders that make the South Asian borders and migration across it as a unique phenomenon. South Asian borders then are lines of hatred, disunity, informal connections and voluminous informal trade, securitised and militarized lines, heavy para-military presence, communal discord, humanitarian crisis, human rights abuses, and enormous suspicion resulting in making migration a violent affair.

While migration across these borders never stops, security concerns overwhelm all other equally legitimate concerns and values. Military security dominates over human security in the border region. This is despite the fact that borders are not lines but borderlands – that is to say these are areas where people live, pursue economic activities, and lead civilian lives attuned to the realities of the borders. Human security in the borderlands would mean first security of the civilian population along the borderlines.

This panel will thus analyze the humanitarian situation on the Indo-Bangladesh border. The proposed panel will discuss some of the aspects given below:

- (a) Many immigrants are prima facie accused of illegal entry and do not get due recourse to law;
- (b) The border security forces on both sides engage in forcible push-backs – extreme harsh methods of deportation resulting in loss of limbs, lives, money, and digni
- (c) Long and undue detention at jails and sub-jails;
- (d) Rampant sexual abuses, and killings in no man's land by border guards;
- (e) Distress of inhabitants of border enclaves;
- (f) Boundaries running through villages and consequent harassment of villagers;
- (g) Fencing and electrifying the fence with high voltage;
- (h) Forcibly stranded people on the no-man's land as security forces on both sides refuse to accept them;
- (i) Communalisation of border villages and subsequent killings of apprehended immigrants;
- (j) Shifting river-borders

- (k) Different types of boundaries in different sectors (river, village, train line, no natural demarcation, hills, etc.
- (l) Existence of stateless population
- (m) Widespread trafficking in labour, sex, animals, and goods

The panel would thus provide a comparative case for the treatment of borderlands in state-systems such as NAFTA or conglomeration of states in South America. The insights driven from the discussion of the South Asian cases would also greatly benefit from the input of securitization of borders debates undertaken by Canadian and North American colleagues.

Mélanie Beauregard, Université du Québec à Montréal (UQAM)

Single/Seule

L'islamophobie médiatique québécoise: analyse critique des discours sur l'islam et/ou les musulmans dans les chroniques du Journal de Montréal

Dans le contexte des dérives sécuritaires, de la criminalisation des migrations, de la forte immigration musulmane dans les pays occidentaux et de la guerre contre le terrorisme, nous assistons à une exacerbation de l'islamophobie au sein des sociétés dites occidentales: les musulmans et les personnes associées à l'islam sont alors exclus des sociétés, et ce, à divers niveaux. Dans ces conjonctures, nous pouvons aussi constater une recrudescence de la rhétorique islamophobe au sein de la presse écrite. Notre exposé s'intéresse alors à cette thématique. Par la méthode de l'analyse critique du discours, nous avons étudié les chroniques d'un journal québécois (Le Journal de Montréal) qui traitent de l'islam et/ou des musulmans, et ce, en s'inspirant des théories qui conçoivent les médias comme étant producteur et reproducteur des discours sociaux et des théories qui perçoivent l'islamophobie comme étant un phénomène qui participe à l'impérialisme et à l'hégémonie occidentale (assurant ainsi l'exclusion et la stigmatisation sociales des musulmans et des personnes associées à l'islam). Dans le cadre de notre exposé, nous traiterons des logiques/mécanismes de fonctionnement sous-jacents aux discours sur l'islam et/ou les musulmans dans Le Journal de Montréal, nous aborderons les principaux stéréotypes véhiculés au sein de ces discours et nous analyserons comment les logiques et stéréotypes de ces discours s'articulent au concept de l'islamophobie.

Rupaleem Bhuyan, University of Toronto

Roundtable Discussion

Chair: Rupaleem Bhuyan, Social Work, University of Toronto

Discussants:

Anna Korteweg, University of Toronto

Deepa Mattoo, Staff Lawyer, South Asian Legal Clinic of Ontario

Salina Abji, Sociology, University of Toronto

Hoori Hamboyan, Counsel, Department of Justice, Canada

Panel

Criminalizing International Marriage Migration: Consequences and implications for immigrants and refugees in Canada

Roundtable Abstract:

This roundtable will address the gendered and racialized effects of the criminalization of international marriage migration in Canada. In the past decade, the Canadian government has followed global trends to increase reliance on temporary migration for work and education, while restricting pathways to permanent residence for humanitarian and family immigration. The Canadian government has also

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mobilized criminalizing rhetoric to justify the exclusion of certain groups of immigrants as “fraudsters”, “terrorists” and “criminals”. This roundtable will discuss the recent crack down on “marriage fraud” and related scrutiny of spousal sponsorship, through academic, legal and service provider perspectives. Roundtable discussants and attendees will discuss in what ways regulations that criminalize “marriage fraud” have been portrayed as a response to the threat of “forced marriage” in specific Muslim and South Asian communities, and how these measures impact their settlement and sense of belonging in Canada.

Discussant Abstracts:

Anna Korteweg will share preliminary findings from research on parliamentary debate surrounding the recent attention to “marriage fraud” and the 2012 regulatory changes to spousal sponsorship that require a two-year conditional permanent residence for spouses/partners who have been in relationship for two years or less and do not have children.

Deepa Mattoo will provide a legal analysis of issues with criminalization of the incidents of Forced marriages and systemic slippage between Forced Marriages and Fraud Marriage based on her work representing clients at the South Asian Legal Clinic of Ontario and Forced Marriage Project.

Salina Abji will share findings from her doctoral research with service providers and social movement advocates, as well as her involvement with the Rights of Non-Status Women Network in Toronto. Specifically, Salina will discuss how advocates draw from competing understandings of the state as both a protector and perpetrator of gendered violence. Access to regularized Canadian citizenship for sponsored spouses is framed by advocates as a site of protection from violence experienced at the interpersonal, familial, and community levels. At the same time, the state is framed as a perpetrator of structural violence against women i.e. through exclusionary citizenship regimes and criminalization of racialized migrant communities in ways that intensify the risks of gendered violence in the first place. Her analysis shows how differently-positioned actors are strategic in their deployment of overt and covert critiques of the spousal sponsorship legislation as a producer of structural violence. However, she argues that the capacity of state-funded organizations to address structural violence is further constrained in a climate of precarious funding and neo-liberalization of state-funded social services.

Hoori Hamboyan will discuss policy development in the Department of Justice Canada, related to domestic violence in new immigrant communities. Specifically she will address the role of service providers and family law when responding to ‘honour’ based violence and forced marriage.

Armin Boroumand, Chercheur postdoctoral à l'Université de Montréal

Single/Seule

Le Conseil de l'Europe et son engagement dans la lutte contre la traite des êtres humains, en particulier des enfants

Cette présentation propose l'examen des évolutions du cadre juridique du Conseil de l'Europe concernant la traite des êtres humains, en particulier des enfants. Le problème de la traite suscite en effet l'inquiétude de tous les chefs d'État et de gouvernement des États membres du Conseil de l'Europe depuis des années 1990. L'organisation compte parmi ses États membres des pays d'origine, de transit et de destination des victimes de la traite. L'adoption de plusieurs recommandations par l'Assemblée parlementaire et par le Comité des ministres témoigne de l'engagement de l'organisation face à ce fléau. Le Conseil de l'Europe adopte en 2005 la Convention sur la lutte contre la traite des êtres

humains. Forte d'un vaste champ d'application, de la primauté accordée à la protection des victimes et dotée d'un mécanisme de contrôle (composé du GRETA et le Comité des Parties), elle est le plus complet des instruments existants sur la traite des êtres humains. Elle comporte également d'importantes dispositions sur la prévention et l'assistance aux enfants victimes (l'identification, l'hébergement, le rapatriement ainsi que la protection particulière des enfants pendant les procédures judiciaires). Malgré les efforts déployés par le Conseil de l'Europe ainsi que d'autres institutions européennes, telles que l'Union européenne, les enfants continuent d'être victimes de la traite dans ce continent. Une question se pose ici: Les politiques menées par le Conseil de l'Europe ont-elles vraiment été efficaces pour lutter contre la traite des êtres humains?

Megan Bradley, McGill University

Single/Seule

A rising humanitarian actor: Explaining the growth and impact of the International Organization for Migration (IOM)

An inter-governmental organization outside the UN system, the International Organization for Migration remains understudied despite its dramatic growth from 67 Member States and a \$242.2 million budget in 1998, to 155 Member States and a \$1.3 billion budget in 2013. Drawing on interviews and archival research, this paper considers two inter-related questions: What factors explain IOM's dramatic growth since 1998? And, what are the implications of this growth for the international humanitarian regime? Recognizing that the vast majority of IOM's expansion is attributable to its increased involvement in humanitarian activities, this paper argues that despite its lack of a formal humanitarian protection mandate, IOM has thrived by acting as an entrepreneur, carving out distinctive roles for itself in activities including post-disaster camp management, data collection, and emergency evacuations, at the same time as it navigates controversies linked to the negative human rights implications of some of its "migration management" work. By "picking up the slack" on key issues, particularly displacement caused by natural disasters and the displacement of migrant workers in emergency contexts, IOM helps to paper over gaps in international humanitarian responses to forced migration crises, effectively enabling international organizations such as UNHCR to maintain more precisely focused mandates.

Megan Bradley, McGill University

Single/Seule

Resolving internal displacement crises: The influence of soft law

The 1998 Guiding Principles on Internal Displacement have been widely endorsed by States, international organizations and non-government organizations and are regarded in many quarters as one of the most successful examples of the use of "soft law" standards to influence responses to a human rights issue. According to the Guiding Principles, upholding the rights of IDPs entails not only the provision of humanitarian assistance, but also support for the durable resolution of displacement. Like the Guiding Principles on Internal Displacement, the 2010 IASC Framework on Durable Solutions for Internally Displaced Persons was developed under the leadership of the Representative of the UN Secretary-General on the human rights of internally displaced persons. Building on the Guiding Principles, the rights-based IASC Framework identifies three potential "durable solutions" to internal displacement: return to communities of origin, local integration, and settlement elsewhere in the country. According to the Framework, "durable solutions" have been achieved when IDPs "no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement." Building on previous

scholarship on the Guiding Principles as an influential soft law tool, this paper explores the under-examined issue of how the Guiding Principles and subsequent standards including the IASC Framework have contributed to the construction of the concept of “durable solutions” to displacement, and shaped discourse and practice on this issue. The paper considers how States and other actors including UNHCR and IOM have engaged with the concept of durable solutions and the soft law standards that underpin it, and the consequences of such engagement for the rights and wellbeing of IDPs. Drawing on fieldwork-based case studies of internal displacement and the pursuit of durable solutions in Haiti, the paper reflects on the strengths and limitations of efforts to use soft law to establish, diffuse and implement human rights norms.

Nergis Canefe, Centre for Refugee Studies, York University
Single/Seule

Canadian Approaches to the Transitional Justice and Asylum Nexus

Recent years have seen a proliferation of debates on transitional justice, ranging from truth and reconciliation formulas to various integrated approaches, combining international or internationalized trials with alternative forms of justice such as restorative justice. Many of these phenomena have been examined in individual case studies. However, few attempts have been made to put the various pieces of the puzzle together and to analyze the merits and pitfalls of different political choices of transitional justice. This panel seeks to address this shortcoming by concentrating on Canadian studies concerning transitional justice. The work of the contributors looks at different institutional designs of transitional justice from a comparative perspective and engages with the merits and pitfalls of existing Canadian scholarship on the issue. The aim is to identify some of the contextual parameters that contribute to emphasis on or dismissal of specific formulas of institutional design and approaches to long-term political and social transformation. The main premise of the panel is that transitional justice requires pluralist and complementary approaches, and even more importantly, it cannot forgo a committed engagement with an in depth and global understanding with global capitalism and neo-colonialism.

Maria Cardoso, Université de Montreal
Co-Presenters: **Laurence Guindon**, Université de Montreal
Panel

L’impact des arrêtés d’extradition sur les cellules familiales lorsqu’au moins un des enfants est citoyen canadien

La communauté internationale est grandement préoccupée par la protection et la promotion des droits de l’enfant ; la preuve étant, la quasi-totalité des États ont ratifié la Convention internationale relative aux Droits de l’Enfant, dont le Canada. Mais au-delà de cette convention, comment sont appliquées les mesures de protections accordées aux enfants dans le droit interne canadien? Plus spécifiquement, comment les arrêtés d’extradition affectent-elles les cellules familiales lorsque seuls un ou plusieurs enfants sont citoyens canadiens? Jusqu’à quel point le meilleur de l’intérêt de l’enfant est-il pris en considération lorsque un de ses parents est menacé d’extradition?

Afin de répondre à ces interrogations, nous allons d’abord examiner le droit à la libre circulation et celui de pouvoir demeurer au Canada (art. 6(1) Loi constitutionnelle de 1982). Le fait que des parents extradés du Canada aient à choisir entre amener leurs enfants citoyens canadiens mineurs avec eux ou les laisser au Canada constitue-t-il une forme d’expulsion implicite (puisque l’on convient que les parents choisiront très rarement de partir sans leurs enfants)?

Nous nous pencherons ensuite sur la responsabilité du Canada envers les ressortissants canadiens mineurs lorsque ces derniers quittent le pays suite à l'extradition de leurs parents. Selon la Constitution canadienne, l'État doit garantir la sécurité des individus étant sur son territoire (art. 7). Mais qu'en est-il des Canadiens se trouvant dans un autre État? Le Canada doit-il aussi assurer leur sécurité? Dans le cas qui nous occupe, les enfants canadiens ayant quitté le pays avec leurs parents extradés doivent-ils voir leur sécurité assurée par le Canada?

John Carlaw, Centre for Refugee Studies, Centre for Research on Latin America and the Caribbean, York University

Single/Seule

Authoritarian Populism and Refugee Policy under the Conservative Party of Canada

This paper seeks to use Stuart Hall's concept of authoritarian populism to grasp the nature of the Conservative Party of Canada's political project and its relevance for refugee policy in Canada. In addition to trying to position itself as Canada's "naturally governing party" by appearing more mainstream on questions of immigration and multiculturalism than its Reform Party predecessors, through their authoritarian discourses and policies the Conservatives have sought to reshape the balance of forces both in civil society and within the apparatuses of the Canadian state to the detriment of refugees that seek and would seek asylum in Canada. Secondly, it will be asserted that employing Poulantzas' view of the state itself as a condensation of social forces subject to struggle and change provides a useful window in grasping the current Conservative government's approach to refugee issues through both its minority and majority stages. They have significantly concentrated power in the hands of the Immigration and Public Safety Ministers and adjusted Canada's legislative and administrative framework with an eye to limiting opportunities for asylum in Canada amidst an authoritarian populist discourse of securitization and demagoguery against what it posits are "bogus refugees" and "queue jumpers" who fail to "follow the rules" while working to obscure the harsh realities of their record in this policy field.

Wendy Chan, Simon Fraser University

Single/Seule

Are we all frauds now? The ongoing criminalization of immigration in Canada

Canadian immigration policies have been subjected to widespread change in many different programs over the last several years. The Conservative government in Canada has made it abundantly clear to potential immigrants that only young, healthy, working-age applicants with several university degrees and significant financial resources, preferably from a westernized (read white) country of origin, are welcomed. The rationale provided for these reforms is the need to curb "fraud" and "abuse" of the immigration system. This paper documents the ongoing criminalization of immigrants and refugees to Canada through the policy reforms that have been both forcefully and surreptitiously passed. I argue that by conflating immigration with criminality in immigration discourse, policy and practice, the current government has been able to target a large swath of immigrants, migrants and refugees for greater surveillance and enforcement. Furthermore, the gender, race and class positioning of those targeted highlights the disregard for fair and compassionate treatment at a time when global structural inequalities are greater than ever. The anti-immigrant sentiments that underlie these recent changes has disturbing parallels to earlier eras of immigration control that sought to reproduce a "white Canada".

Ann De Shalit, Ryerson University

Co-Presenters:

Robert Heynen, York University

Emily van der Meulen, Ryerson University

Panel

Protection or Paternalism: A Look into the Anti-Trafficking Discourses of Government-Funded NGOs in Canada

The Government of Canada has dubbed human trafficking as “one of the most heinous crimes imaginable,” supporting its claim with media campaigns that deploy highly emotive language and imagery. In many respects, such campaigns influence and are influenced by those of Canadian NGOs, producing powerful discourses that promote security-based responses to migration, including stricter border controls, increased surveillance, and detention and deportation. This conference paper contends that meaningful debate over the nature of trafficking and the implications of state policies has been constrained by the stark ways in which trafficking has been framed in the media and elsewhere. In the process, such efforts have erased the nuances of migration and have failed to account for the role of the state itself in creating environments in which “assisted” or “forced” migration becomes necessary. Whether deliberately or inadvertently, we argue that these anti-trafficking discourses create a context favourable to enhanced securitization and criminalization of migrants, without recourse for state complicity. We examine this process in detail in this paper. First, we explore media representations of human trafficking more broadly and then examine the extent to which government conceptions of “human trafficking” and “trafficking victims” match those of government-funded NGOs. We conclude that campaigns focused on migrant justice must have a voice within national and international arenas so that alternative ways of thinking about human trafficking, as well as forced migration and labour, are at the forefront.

Rajwant Deo, Ryerson University

Single/Seule

The Securitization of Asylum Seekers in Canadian Political Discourse

This qualitative study examined the representation of asylum seekers in Canadian political discourse. Political discourse published between 2009 and 2012 were analyzed. During this time period, 568 Tamil asylum seekers arrived in Vancouver on the Ocean Lady and MV Sun Sea. Also, in 2010 and in 2012 Bill C-11 and Bill C-31 were introduced, which resulted in harsh changes to Canada's asylum system. This study used securitization theory in order to understand the way asylum seekers were presented as threats and the exceptional measures which were implemented to deal with the threat. This study found that asylum seekers were depicted in a negative manner where they were accused of abusing the system, burdening the economy, and conspiring with migrant smugglers. This justified the introduction of a number of policies including the designated country of origin policy, mandatory detention, and massive cuts to refugee health care. These new policies were found to be inconsistent with the Canadian Charter of Human Rights and Freedoms.

Angeliki Dimitriadi, Hellenic Foundation for European and Foreign Policy

Single/Seule

Detention in the service of asylum & return at the external borders of the Union: the case of Greece.

In 2012 a series of policy changes took place in Greece, in relation to the management of irregular migration. A dual policy of gate-fencing and gate-keeping was instituted, whereby Greece boosted its border controls, began a systematic 'show your papers' policy and imposed the maximum 18 month detention time for irregular migrants and asylum seekers alike. Detention was seen as a deterrent mechanism for would-be irregular migrants, as punishment but mainly as part and parcel of a broader effort to return migrants to their countries of origin and/or transit. Changes in border management were accompanied with a new asylum system, in line with the Common European Asylum System and its minimum requirements. Asylum in turn, became increasingly linked with nationality rather than individual assessment. Judged on the basis of where they come from rather than the circumstances of departure, and with the prospect of a lengthy detention, migrants and especially critical nationalities like the Syrians and the Afghans, shy away from lodging an asylum claim. The paper draws from fieldwork conducted in Turkey with Afghan transit migrants, and in Athens at the pre-removal detention facility. It looks at the impact of current policy measures on Afghan irregular migrants and especially detention as a deterrent in relation to the border crossing but also as a way of 'managing' asylum applications and encouraging return.

Cristiano D'Orsi, University of Pretoria

Single/Seule

Criminalization of Migrants in the “well-off” Southern Africa: Namibia, South Africa and Tanzania

My paper will constitute an accurate analysis of how, in the last decades, migrants are criminalized in Africa, a continent where human movements and economic processes have often been in conflict with State borders.

In particular, my paper will focus on the situation in three countries: Namibia, South Africa and the United Republic of Tanzania. These countries have been selected because, in the framework of the Southern African Development Community (SADC), the Sub-Regional organization that unites fifteen countries of Southern Africa, these three countries represent the three countries with the highest Gross Domestic Product (GDP) per capita in the region and thus, potentially, three very attractive countries for migrants.

This happens because people in Africa, as elsewhere in the world, migrate a lot –but not exclusively- in order to seek a more remunerative job and, thus, better life expectations. In this regard, the 1992 SADC Treaty, in its article 5.2 d) clearly stipulated that:

“2) In order to achieve the objectives set out in paragraph 1 of this Article, SADC shall:

[...]

d) Develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and the peoples of the Region generally, among Member States”

Perhaps not by coincidence, however, the three countries in question, to date, have not undertaken any action in adopting the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; a pillar of the protection of migrant-workers worldwide.

Conversely, the three main domestic instruments on immigration (the Namibian Immigration Control Act of 19 August 1993; the South African Immigration Act 13 of 2002 with amendments of 2007 and 2011 with effect from 26 May 2014; and the Tanzanian Immigration Act of 19 April 1995) tend not to favour the alien but, rather, to outlaw him/her.

That is why it will be very interesting in my opinion, to set a clear line between the legal obligations adopted by these three governments at international, regional, sub-regional and domestic level and verify the consistency, if any, of the implementation of these norms.

Geneviève Dubuc, University de Montreal

Single/Seule

La recherche d'harmonisation du traitement des demande de réfugiés au travers de l'Union Européenne

La Régulation Dublin III entrée en vigueur le 19 Juillet 2013 a été mise en application pour pouvoir remédier aux précédents problèmes de la régulation Dublin II de 2003 concernant la prise en charge des dossiers de demande d'asile au sein des pays membres de l'Union Européenne. Cette régulation a instauré plusieurs améliorations sur le traitement des demandes d'asile par des demandeurs d'État tiers. Malgré ces améliorations, le traitement des réfugiés en Europe est encore déficient, les ambitions mêmes des régulations de Dublin supposaient que le traitement des demandes de réfugiés étaient toutes équivalentes et de même qualité à travers les États Membres de l'Union Européenne alors que ce n'est pas le cas. Tous les pays frontaliers reçoivent un nombre bien plus grand de réfugiés et ont donc de la difficulté à faire fonctionner leur système de demande d'asile.

Dublin III ne règle que partiellement ce problème. De plus, certains pays n'avertissent de la possibilité d'expulsion que quand celle-ci est sur le point d'arriver. En plus de garder les possibilités de demandes d'asile extrêmement restreintes et régularisées, l'Union Européenne admet encore moins de réfugiés que le Canada par an, la régulation Dublin III est difficilement applicable en pratique et n'harmonise pas les traitements des dossiers de réfugiés à travers les États membres.

À Travers cette communication, nous allons dans un premier temps mettre en avant les améliorations faites par la nouvelle régulation pour le traitement des demandes de réfugiés Dublin III par rapport aux précédentes réglementations. Puis, nous nous pencherons sur les lacunes de cette nouvelle régulation en se concentrant plus précisément sur la façon d'améliorer l'uniformisation des demandes de traitement des réfugiés au sein de l'Union Européenne.

Angela D'Unian, Ryerson University

Single/Seule

Psycho-social adaptation of Latino immigrants in Canada

Immigration is a vital part of Canada, as immigrants contribute to the social, cultural and economic growth of the country. The Latino community in Canada is growing considerably faster than the overall population. Between 1996 and 2001, the number of people reporting Latino origins rose by 32%, while the overall population grew by only 4% (Statistics Canada, 2007). The present study recruited 200 Latino Immigrants from Central and South America. The Multidimensional Individual Difference Acculturation (MIDA) model (Safdar, Lay, & Struthers, 2003) was used as theoretical framework for examining the psycho-social adaptation of these immigrants in Canada. The MIDA model proposes Psychosocial Resources, Co-national Connectedness and Perception of Discrimination as predictors of Psychological and Socio-cultural adaptation. The results are discussed in terms of the unique settlement experiences of Latino immigrant in Canada. Support was found for the MIDA model as a measure of adaptation and integration of Latinos in Canada.

Bruno Dupeyron, University of Regina

Single/Seule

Incarcérer et bannir : l'Organisation Internationale des Migrations dans le champ du contrôle migratoire nord-américain

L'OIM assume des rôles contradictoires et multiples, qui vont de celui de mercenaire compatissant pour le compte des Etats-membres à celui de missionnaire du gospel sécuritaire des migrations internationales. Or pour analyser les apparentes contradictions internes de l'OIM, il faut se placer dans un contexte plus vaste, dans ce que l'on nomme le 'champ du contrôle migratoire' nord-américain. L'analyse du rôle de l'OIM dans ce champ permet de comprendre comment le contrôle des migrations en Amérique du Nord revêt un double caractère punitif croissant, non seulement à travers différentes formes d'incarcérations administratives et pénales, mais aussi par le biais de palettes matérielles et symboliques de bannissements. Plusieurs exemples, notamment celui des migrations d'enfants de pays d'Amérique centrale vers les Etats-Unis, montrent comment l'OIM adapte ses pratiques et discours en instrumentalisant le droit international des droits de l'homme, sans pour autant renoncer au fer rouge pénal qui permet de gérer les problèmes migratoires réels ou supposés à l'ère néolibérale.

Meghan Dwyer

Co-Author: **Samantha C. Unembu**

Single/Seule

Integration of Identity & Diversity in the Application of Migration Policy

Based on analysis of migration policies and regulations in place within the European Union and North America, this paper addresses the varying ways in which diversity is perceived by nations and how that affects the manner in which national and ethnic identity are integrated into migration policy and practices. Entrenched in migration policy are practices that support multiculturalism or drive assimilation, two significant factors in strengthening national and ethnic identity. The diffusion of such concepts and categorizations impact a larger society's perception of a migrant population as well as an individual's self perceived identity. This paper interprets the best practices for mitigating intolerance against migrants in terms of the roles played by national and regional authorities as well as the nature of a society's approach to integration, that is, whether it is primarily reactive or consistently present. The authors expound upon the nature by which a comprehensive approach to migration, that supports integration, whether the purpose of the migration was economic or humanitarian, best positions a society to avail itself to the benefits that migration creates. Though practices that negatively distinguish migrant populations are often rationalized as a means of protecting national identity, the failure to foster belonging weakens collective unity, which, in turn, renders the establishment of migrants in host countries difficult thereby creating divisions in the understanding of national identity. Redefining a nation's identity by implementing migration practices based on inclusive standards, such as shared experience, values and goals, rather than on exclusionary characteristics is paramount to integration.

Tanya (Tatjana) Elez, University of British Columbia

Single/Seule

The Role of Community in Adapting to Life in Canada for Migrant Survivors of Political Violence

This critical ethnographic study is a dissertation research focusing on the role that community plays in adaptation to life in Canada for migrant survivors of political violence. For the purpose of this study

“community” is defined as all and any relationships that participants find relevant in their process of adaptation and can include, but is not limited to, intimate relationships, family, ethnic, religious and cultural communities, and government agencies and services. Limited available literature demonstrates that “community” is relevant in coping with pre-migration trauma and that inaccessibility, lack, or loss of community are likely the most salient sources of stress during and post-migration. In addition, research points that “community” is important in resilience, successful adaptation, and post-traumatic growth and that community/societal factors such as poverty, un/underemployment, and various forms of discrimination and oppression are significant sources of stress for migrant survivors. Not much is known, however, about successful adaptation, resilience, and post-traumatic growth in migrant survivors of political violence, about the nature and role of community, how it is maintained and/or (re)built, how survivors socially re-locate themselves and the intersection of diversity, community, and adaptation. The purpose of this study was to document and describe the role and experience of community for migrant survivors of political violence who are now living in Canada, to critically examine the larger system’s dimensions affecting the experience of community and to offer recommendations for clinical and social practices and policies. Unstructured narrative interviews were conducted with 8 adult participants residing in Vancouver and Winnipeg.

Angus Grant, Osgoode Hall Law School York University
Single/Seule

Distinguishing the “smuggled” from the “smugglers” in transnational criminal law

Transnational laws prohibiting acts of people smuggling have always sat uncomfortably with the Refugee Convention which, broadly speaking, prohibits states from penalizing refugees on account of their illegal entry into a country of refuge. In Canada, this tension has recently come to the foreground in a number of cases to be heard by the Supreme Court in February, 2015. The cases raise a number of complex and troubling issues: who constitutes a people smuggler and what kinds of consequences should arise for those found to have engaged in smuggling activities? How do transnational laws related to organized crime and the desire to curtail exploitative people smuggling operations intersect with the right to seek asylum and the criminalization of migration? How do anti-people smuggling laws affect the work of those who provide humanitarian assistance to refugees in their sojourns to safe lands? In my presentation, I will trace the background of Canadian immigration laws related to people smuggling and transnational crime and illustrate how their (overly) broad interpretation has affected the fundamental, and universal right to seek asylum.

Saïd Hammamoun, Université de Montréal
Single/Seule

De la dignité humaine comme notion fondatrice du statut des migrants irréguliers ?

Le point autour duquel gravite cette communication consiste à s’interroger sur la notion du respect de la dignité humaine : s’agit-il d’un nouveau curseur d’appréciation des conditions de gestion de l’immigration illégale par le juge européen ?

Cette communication vise, à travers l’analyse de quelques récentes décisions du juge européen (Cour de justice de l’Union européenne et Cour européenne des droits de l’homme) à mettre sous lumière ce nouveau positionnement à l’égard du respect des droits fondamentaux des migrants irréguliers. Basé sur une interprétation téléologique, ce positionnement semble suggérer une refonte des garanties

procédurales à la lumière de la notion du respect de la dignité humaine. Il en est ainsi en ce qui concerne l'effet suspensif des décisions d'éloignement des migrants irréguliers. Il en est de même pour ce qui a trait à leurs conditions de rétentions.

L'intérêt que suscite ce nouveau positionnement du juge européen dans un contexte marqué par l'urgence migratoire incite à questionner la portée de cette notion de la dignité humaine en tant que notion fondatrice permettant d'assurer le respect des droits fondamentaux de migrants irréguliers indépendamment de leur statut juridique.

Charity-Ann Hannan, Ryerson University

Co-Presenters: **Harald Bauder, Ryerson University. (Chair)**

Albert Scherr, University of Education in Freiburg/Germany

Julie Young, York University

Jennifer Ridgley, Carleton University

Charity-Ann Hannan, Ryerson University

Panel

Sanctuary Cities and Sanctuary Provinces

Albert Scherr

Dealing with unwanted migrants in Germany within the context of the European Union leads to frictions between conflicting concepts: On the one hand, the European Union claims to be a human rights based community of values. On the other hand, unwanted migration is politically considered to be an economic as well as a security threat. This tension causes political and legal conflicts regarding the appropriate way to deal with those who have entered the member states of the European Union as unwanted migrants. Tensions arise, inter alia, with regard to the following questions: Who can claim the status of legitimate asylum seeker or the status of refugee according to the Geneva Refugee Convention? Under what conditions should other migrants (those, who are not accepted as asylum seekers or as legal refugees), be granted a legal residence status? And last but not least: Who can and who cannot be forced to leave, when he or she is not in possession of a legal right or a formal title to remain in the country?

These issues are discussed controversially. On the basis of a case study the envisioned contribution will illustrate, which are the means, conditions and limits of successful resistance against illegalisation and deportation. By example of the solidarity work with Roma refugees from Serbia and Kosovo in Freiburg/Germany the repeatedly successful efforts to protect and to prevent planned deportations

Julie Young

Scott (1988) coined the term "seeing like a state" to capture how the state governs. Through the power of categorization, states draw stark boundaries around who belongs and under what conditions – but we know that categories don't capture how we live, understand ourselves, and enact ourselves as political subjects. Moreover, focusing only on state categories that define migration and citizenship empowers those categories. Magnusson (2010) asks us instead to "see like a city" – by which he means "as inhabitants rather than governors." As Isin (2007) argues, we don't live in the state: we inhabit the city, where we feel the effects and navigate the policies of the state, and it is through these everyday spaces and relations that the state's borders materialize and are both reproduced and contested. Moreover, the city is a key space of politics – where individuals and groups make claims of the state and of other residents. In this paper, I examine whether there are different possibilities for claims-making and for conceptualizing membership and solidarity in places at or near international boundary lines (i.e. in border cities and towns) than in cities further removed from these lines. Drawing from the example of

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the Detroit-Windsor border city during the 1980s Central American refugee “crisis,” I reveal: 1) how local advocates re-conceptualized the border in their city at this time, authorizing individual entries even as they left the Canadian refugee policy framework intact; and, 2) what lessons this historical moment offers for contemporary Cities of Sanctuary.

Jennifer Ridgley

During the 1980s, sanctuary cities in the United States emerged as a strategy to support Central American refugees and undocumented migrants facing deportation. Local governments passed sanctuary policies that restricted data sharing with federal immigration authorities, limited police involvement in immigration law enforcement, and strengthened access to municipal services. Drawing on archival research and key informant interviews, this paper compares and contrasts early legal, institutional, and grassroots campaigns to establish sanctuary cities in the US, with specific attention to their relevance for current organizing efforts in Canada. The history of US sanctuary cities suggests their effectiveness is shaped not only by the capacity to enact policy change, but also a) the involvement of local service providers and b) engagement with broader processes of criminalization in the city.

Charity-Ann Hannan

While Sanctuary Cities aim to provide illegalized migrants “access without fear” to municipal services and agencies, activists and scholars have argued that illegalized migrants should also be given “access without fear” to Provincial-level resources and agencies (Solidarity City Network, 2013). These include access to PSE, driver’s licenses, and the labour market. Goldring & Landolt (2012) for example, have argued that labour and workplace policies need to be updated to protect “illegalized” migrants. Not only would this put the bargaining power back in the hands of “illegalized” immigrant workers, it would vastly improve illegalized migrants’ labour market outcomes, and quality of life (Gomberg-Munoz & Nussbaum-Barberena, 2011). How to become a Sanctuary Province that provides “access without fear” to the labour market however, is not yet clear. This paper will therefore examine the English language literature on labour market policies, programs, and service delivery pertaining to “illegalized” migrant workers. Findings will identify changes that the Ontario government can make to its current labour market policies, programs and service delivery to ensure that illegalized migrants can participate in the labour market without fear of being caught, arrested, and/or deported.

Charity-Ann Hannan, Ryerson Univesity

Organizers:

1. Harald Bauder, Ryerson University
2. Charity-Ann Hannan, Ryerson University

Roundtable Participants:

1. Idil Atak, Ryerson University
2. Ayesha Basit, Solidarity City Network
3. Chris Brillinger, Executive Director, Social Development, Finance & Administration, City of Toronto
4. Kim Turner, Cities of Migration & Ryerson Maytree Global Diversity Exchange
5. Francisco Rico-Martinez, Co-Director, FCJ Refugee Centre

Panel

Sanctuary City - Why Now and How?

Roundtable Abstract:

In February 2013, the City Council of Toronto voted to make Toronto Canada’s first Sanctuary cities. This vote signified that all people residing within municipal boundaries are considered Torontonians, independent of their national statuses. Correspondingly, all Torontonians should receive equal and fair

CARFMS15/ACERMF15 - Abstracts

access to municipal services. This panel will discuss why the idea of this initiative arose, why it was necessary, how it was implemented, what the challenges were and still are, and what the lesson may be for other municipalities in Canada and internationally. The panelists represent the perspectives of the migrant organizers, the City of Toronto, the civic community, and academia. After brief opening statements by each panelist, the panel will engage in a discussion and answer questions from the audience.

Caroline Hemstock, Alberta Association of Immigrant Serving Agencies

Single/Seule

Send them West: Strategies for the Integration of Refugees in Alberta

Traditionally, Alberta attracts a small percentage (11% in 2014) of Canada's Government-Assisted Refugees (GARs) compared to eastern Canada where the majority settles. Nonetheless, during an interview in December, 2014, Minister of Employment, Social Development, and Multiculturalism, Jason Kenney, revealed that the Canadian government is considering increasing refugee resettlement to Alberta in order to improve employment outcomes and address a tight labour market. With a strong, resource-based economy, Alberta has outpaced the rest of Canada with a gross domestic product growth of 3.8% in comparison to Ontario's 1.3%. Provincially, labour market demands have resulted in a substantial dependence on Temporary Foreign Worker program to fill unskilled positions that could be occupied by incoming refugees who are not evaluated by Citizenship and Immigration Canada on their skills. Though this program may address short-term labour market shortages, the provincial government hopes to create permanent solutions. Taking into consideration the United Nations High Commissioner for Refugees' resettlement service priorities of housing, employment, income support, health care, and social orientation, the successful integration of more GARs in Alberta cannot depend solely on labour market integration. Significant barriers such as language must also be assessed when increasing Alberta's refugee commitment. With an emphasis on Service Provider Organizations and programs, this paper will analyze case studies and best-practices from agencies across Alberta, namely Calgary Catholic Immigration Society, Catholic Social Services (Edmonton), and Central Alberta Refugee Effort or C.A.R.E. (Red Deer), to identify adaptive regional settlement strategies to foster belonging among refugees in Alberta.

Zahra Hojati, Theory and Policy in Education Department, OISE

Single/Seule

Criminalization of our body; Feminism, globalization, and social justice. The case of Iranian immigrant women's identity challenges in the Canadian context

This presentation draws on a qualitative research which I documented in 2011 of 11 first generation Iranian immigrant educated women in Canada. The challenges these women face in the multicultural Canadian higher education and work place was analyzed from a critical integrative anti-racist feminist perspective. These women's migration to Canada apparently was permissible however, because of Iran's political condition, they were forced to migrate. They were looking for social justice and equity, concepts which they were deprived of in Iran. Finding of this research released that while these racialized women had challenges for adaptation in the host society, their identity, was suspicious because of their nationality, religion, gender, and language. In addition, global North uses "War on Terror" as a strategy to justify its domination and injustice over the South. When people from the South immigrate to the North the politics of placing will be raised and simultaneously the concepts of

"identity" and "belonging" become controversial as it is related to immigration's policy as well. In addition, multiculturalism inherently is connected to exclusion and discrimination, as there is a dominant Culture, and Others (Galabuzi, 2005; Ng, 2005, 2004). Through the process of cultural assimilation one's identity has to be dissolved in the mainstream's culture and then identity's crisis will appear. In this presentation, I will share some of my research findings with the audience and at the same time challenge the concept of "racialized immigrants women's identity" in the social-economic – cultural development of Canada. Further question is while eligible minority people are encounter exclusion, and injustice how underrepresented refugee, would achieve their own rights to raise their own voice? And in this context how "Canadian nationality" will promote?

Dan Horner, Ryerson University

Single/Seule

Migrant Spaces: Assessing the Impact of Mass Migration on City Governance and the Urban Landscape in Mid-Nineteenth-Century Montreal

The middle of the nineteenth century was a period of contentious transition in Montreal. In the span of roughly thirty years, what had once been a relatively contained commercial and administrative town transformed into a bustling and tumultuous hub of global trade and transatlantic migration. As the city's physical, demographic and economic structures were transformed, Montreal's political elites and the broader public were forced to continuously re-think the way that the city functioned as a hub of transatlantic migration. This paper takes a spatial approach to thinking through this transformation by addressing the impact that this process of rapid growth had on the urban landscape. It examines the administration of two specific urban spaces that were pivotal in shaping how Montreal worked as a hub of migration- the harbourfront and the emigrant sheds built along the banks of the Lachine Canal. The harbourfront was where transatlantic migrants first set foot in the city, and where they made their first efforts to negotiate their place in the broader community. The emigrant sheds, meanwhile, were used to house migrant labourers hired to work on the Lachine Canal and served as quarantine stations during outbreaks of epidemic disease. It was in relation to these two spaces that the public evaluated the efforts on the part of the authorities to maintain public order in the midst of transformative processes that placed enormous strain on their project of creating an orderly and prosperous city. These spaces were also where migrants themselves carried out acts of resistance that were both subtle and overt. By examining the changing administrative approach to these two spaces, this paper aims to shed light on the contested parameters of liberal urban governance during this period.

Graham Hudson, Ryerson University

Single/Seule

As Good as it Gets? Security and Asylum after Harkat v. Canada

This presentation uses the Supreme Court's judgment in Harkat v. Canada to reflect on the nature, authenticity, and effectiveness of recent changes to the structure and operation of the certificate regime. It suggests that legal institutions have imposed meaningful (albeit imperfect) constraints on the ability of the executive to label persons named in certificates security risks. It attributes these improvements to the institutional architecture, resources, and commitment of the Federal Court, as well as to extrinsic factors, such as powerful legal and human rights advocacy, media awareness, and social and political mobilization. However, it also suggests that the subsequent ability of the executive to deport security risks to face the substantial risk of torture remains largely unconstrained. It concludes by arguing that the rights of all asylum seekers subject to security-based deportations (whether pursuant to

a certificate or not) would be more effectively protected if certain procedures and practices used in the certificate regime were extended to more “ordinary” immigration and refugee law settings.

Michaela Hynie, York University

Co-Presenters: **Aditya Bastola**, Women and Environment, Nepal

Sanjeev Poudel, Women and Environment, Nepal

James MacLellan, University of Toronto

Saurabh Sood, Seghal Foundation (India)

Prateep Kumar Nayak, University of Waterloo

Dragos Flueraaru, University of Toronto

Sumit Vij, SaciWATERS (India)

Panel

Living With Climate Change: The Lived Experience of Environmental Displacement in Canada and South Asia through Multiple Lenses

Environmental changes can vary in terms of a number of characteristics; they can be severe or gradual, due to natural or anthropogenic events, can be temporary or permanent, and can be intentional or accidental. Bates (2002) notes that the different kinds of environmental changes result in different kinds of environmental displacement along a continuum of voluntariness and control, ranging from forced migration where the migrants have no control (e.g., following a volcanic eruption or a nuclear incident) to voluntary migrants, who have complete control over the timing and condition of their migration, with the situation studied most frequently in the context of climate change, that of gradual environmental degradation, in the middle of this continuum. In the latter situation, migration is often a response to the loss of economic resources and livelihood and these kinds of “compelled migration” are often perceived as voluntary by governments and policy makers although the migrants and/or their families may have little choice but to migrate, in order to survive. The Living With Climate Change (LCC) partnership is a network of research programs studying environmental changes in South Asia and Canada in order to link the lived experience of community members with policy responses, locally, nationally and internationally. Compelled migration has emerged as a dominant concern across these different settings. In this panel, we present case studies from several LCC sites in order to explore drivers and patterns of environmental displacement, consequences for migrants and the communities left behind, and possible policy implications.

James MacLellan, Michaela Hynie

Forced migration due to extreme weather events and sea level rise in New Brunswick, Canada: Linking community vulnerabilities with climate change planning

In New Brunswick, Canada, climate change impacts such as flooding and sea level rise will put many inhabitants at risk of forced migration. In 2012, the New Brunswick government mobilized \$8 million to relocate or flood-proof low-lying homes in Perth-Andover that were hit by record flooding. Yet, in some smaller coastal communities such as St-Stephen, which have been hit by several record setting floods in the last 5 years, families and businesses have had to relocate (temporarily and permanently) without such financial support from the province. Forced migration decisions are complex and linked to the capacities for climate change planning of local governments and the multi-faceted vulnerabilities of their inhabitants. Our study examines relocation planning in coastal communities of New Brunswick in the face of extreme weather events and sea level rise to better understand the links between community

vulnerabilities and climate change planning at different levels of decision-making. Our analysis identifies potential policy interventions to prevent the negative outcomes and regional disparities that can occur in response to environmental changes, and particularly disparities that result in forced migration.

Dr. Aditya Bastola and Sanjeev Poudel

Implications of climate induced migration, its recognition, and measures in building community resilience in Nepal

Migration in Nepal is little understood as a strategy of adaptation with the changing environment. The associated issues of decade long political insurgency; poverty and lack of development opportunities failed to reflect the slow on-set of climatic changes to migration. The deprived conditions force migration of women and men to urban and foreign lands particularly to India (migration rate unrecorded) and Gulf Cooperation Council (GCC) countries. The remittances contribute a quarter of the national economy and are increasing every year. Yet, the Government fails to protect the migrant labors particularly women in their host countries from criminalization in informal sector. The paper explores the nuances in migration patterns and mobility, what are the drivers, how do community response and what implication does it have on the women and men from the Mountain region where migration rate is comparatively high. The paper discusses the consequences of migration and the coping patterns at households. It also illustrates the nature of women's workload in a forced migration situation of male counterparts. The paper reflecting the debates on climate-induced migration aims in providing the vital insights for diversification of income (as remittances) for building individual and community resilience. It argues income diversification towards agriculture sector to secure food and to recognize the forced migration due to unproductive agricultural lands and erratic rainfall. Thereby, minimizing vulnerability of mountain communities.

Saurabh Sood

Environmental Migration and Social Resilience: A Symbiotic Link

Neil Adger proposes and defines social resilience as the ability to cope with social, political and environmental stresses. The paper utilizes this definition to discuss two case studies of agrarian communities in Madhya Pradesh, India to look into– the dynamic nature of social resilience that lead to migration and its consequence. Social resilience links with the ability of ecosystems to tolerate environmental stress, and the dependence of rural livelihoods on them. When subjected to agricultural drought conditions, a community dependent on limited water resources migrated to a village with a relatively abundant ecosystem. The host community agreed to offer their land to the migrant community on an equal produce sharing basis. Social resilience shares the social dimension with migration observed through this social contract negotiated between the two communities to extend support at the time of distress. The nature of resource dependency as factor causing environmental migration is a result of reduced social resilience. Other features of a community may also contribute towards reduced resilience. The community that previously hosted environmental migration is now subjected to forced migration (due to absence of property rights over their resource) that places both this community and the dependent community susceptible to future environmental stress. How to protect them against such present and future threats? The projected environmental changes are bound to trigger outcomes that call for inclusion of environmental migration into the research agenda. The conclusion is a pathway for an integrated approach in the study of environmental change, migration and resilience research.

Prateep Kumar Nayak

A Forced Response to Environmental Change: The Politics of Outmigration on the East Coast of India

Human migration in natural resource dependent societies is often linked to the physical condition of the resource from which local communities derive their livelihoods, sustenance and cultural identities. Healthy environmental conditions offer a solid foundation for creating a sense of place for these communities and provide them with avenues to engage in multiple economic and cultural activities. However, a process of disconnection of people with their natural environment ensues with the degradation of the resource base, potentially causing occupational displacement and loss of cultural identity. In such circumstances outmigration is often used as a forced response to the adverse outcomes of environmental change which physically disconnects and displaces these communities, often against their choice. In this paper, I posit that the literature on migration offers limited scope to conceptualise the plight of these communities and highlight the need to combine it with existing literature on refugee studies to examine the drivers, meaning and consequences of environmentally forced migration. Using Chilika Lagoon on the East Coast of India as an empirical case study, I will examine the processes of environmentally forced outmigration by the fisher community, their ecological, economic and policy drivers and outcomes. Data from a longitudinal study will be used to conclude that the nature of forced migration in Chilika makes the migrating fishers “environmental refugees” and their condition is comparable to the “internally displaced people” as used in the refugee studies literature. The analysis also helps to emphasise that addressing the concept of “refugee” from an environment stand point and linking it with environmentally forced migration can foster integrative theory and inclusive policies to deal with migration issues.

James MacLellan, Dragos Flueraru, Aditya Bastola, Sumit Vij, Nicole Klenk

Including the drivers of forced climate-induced migration in scenario-planning: A critique

Comprehending the relationship between knowledge producers and users is central to the challenge of climate change ‘adaptation’. Although typically understood in terms of the flow of information from scientists to end-users, we suggest that a more nuanced understanding of the multi-directional aspects of the relationship will facilitate both decision-making, and the production of actionable science. In this methodological paper, we seek to unpack the implicit assumptions of scientific knowledge production, by presenting the products of science in a manner that encourages discussion among decision makers and scientists.

In the first stage of our work we developed simplistic representations of local historic and projected climate profiles based upon IPCC scenarios. A critical element of such representations was the identification of variation between model projections which was used to identify relative uncertainties across sites (i.e. results suggest difficulty in modeling both the North Atlantic and Asian Monsoon climatic systems). Identifying such uncertainties allows policy makers to internalize the limits to the regionalization of climate projections.

In this second stage we examine the utilization and interpretation of the socio-economic data upon which our climate projections are based. In particular we will examine the assumptions that are implicit in regional demographic projections in light of the field work undertaken in Canada and Nepal. This will be accomplished by assessing the degree to which demographic projections can account for the possibility of forced climatic migration. In so doing, we seek to identify windows for local interpretation (i.e. storylines) of broad scale scenario projections.

Kinga Janik, Université de Montréal

Single/Seule

Untitled

Si aujourd'hui la perception négative à l'encontre des réfugiés et des migrants en général est évidente, on peut se demander quelles en sont les causes. La notion de sécurité est certainement une piste abondante offrant beaucoup de possibilités analytiques.

Les courants humanistes, qui prévalaient dans les années 70 et 80, ont influencé l'orientation de la politique extérieure canadienne et plus directement l'attitude du Canada à l'égard des réfugiés et des étrangers (Douglas A. Ross, 1996). L'impulsion insufflée par les groupes pacifistes, accompagnée de la levée des mouvements communautaires et syndicaux au Canada, remit en cause le maintien des forces militaires et les alliances du gouvernement canadien avec les super puissances (Hunt and Haycock, 1993). Dans les années 80, la conscientisation des problèmes humanitaires et écologiques à l'échelle mondiale a déplacé l'objet de la sécurité sur celle du bien-être des populations (Commission Pearson (1969), Rapport Brandt (1980), Palme (1982) et Bruntland (1987)). A cette époque, le Canada décida de rééquilibrer sa politique de défense et de donner une importance considérable à sa politique d'aide étrangère (Gervais et Roussel, 1998).

Ainsi, plusieurs initiatives humanitaires ont permis de répondre à des situations nécessitant une intervention internationale qui dépassaient le cadre de la protection offerte par la Convention relative au statut des réfugiés. Ces programmes administratifs offraient un accès rapide aux personnes qui ne pouvaient se réclamer de la protection du Canada en tant que réfugiés, tel que les classes désignées en faveur d'une population opprimée. Le pouvoir ministériel de mettre sur pied de tels dispositifs existe toujours en vertu des articles 7, 13(2) et 25 de la LIPR, par exemple. Toutefois, l'article 25 - l'unique programme de compassion humanitaire - enregistre des taux d'acceptation si faibles qu'il ne parvient pas à offrir une réponse réelle à la détresse d'individus qui ne souffrent pas de persécution mais sont forcés de fuir leur pays.

Les années 90 marquent plutôt un revirement de perception et une fermeture des frontières. Depuis le début du nouveau millénaire, on assiste à l'usage expansif des mesures coercitives et d'interdiction des étrangers. Nous proposons dans cette discussion de revenir un instant sur les programmes spéciaux de nature humanitaire. Nous détaillerons leur utilité et exposerons certaines critiques dans leur mise en oeuvre. Enfin, nous proposerons leur réintroduction dans une solution globale offrant, à la fois, une réponse aux préoccupations sécuritaires et une voie tangible à la protection de personnes vulnérables.

Sharalyn Jordan, Envisioning Project, York University

Co-Presenters: **Eric Gitari**, Gay and Lesbian Human Rights Commission of Kenya

Sharalyn Jordan, Assistant Professor, Simon Fraser University

Rohan Sajjani, PhD Candidate, York University

Panel

Envisioning Protection & Belonging for LGBT forced migrants

From departure, through determination and settlement, Lesbian Gay Bisexual Transgender (LGBT) forced migrants face a complex of constraints on their access to refugee protection and possibilities for belonging in Canada. This panel uses perspectives from advocacy and community-engaged research in Kenya and Canada to trace the forces impeding those fleeing homophobic or transphobic persecution and to highlight the resistance and resilience of LGBT refugees in the face of these constraints. Each panelist raises implications for policy and practice of refugee protection and refugee settlement in Canada. The panel begins with a report from an LGBT human rights advocate based in Nairobi. This

presentation situates homophobic and transphobic persecution in the colonial and geopolitical context. Examples show the everyday challenges to safety and access to protection and resettlement for LGBT asylum seekers in East Africa. Drawing on community-engaged research conducted through the Envisioning global LGBT human rights project, the subsequent presenters discuss the legal and psychosocial constraints on protection and belonging for LGBT refugees in the Canadian context. In the second presentation, the particular implications of 2012/2013 overhaul of the refugee system for LGBT refugees are discussed. The final presentation uses examples from focus groups and interviews to explore ways that the intersectionality of racialization, refugeeness, poverty, stigma, and trauma impinge on LGBT refugees' efforts to access and participate in community resources both during and after their claims.

Co-founder of Gay and Lesbian Human Rights Commission of Kenya, Eric Gitari, reports on his work in Nairobi, Kenya. He situates the on the ground experience of LGBT forced migrants in the geopolitics of homophobia in East Africa, tracing current struggles to the colonial imposition of heteronormativity, Christian missionaries, and the British Penal Code, through the current intensification of criminalization, political, media, and faith-based homophobia. The report highlights the importance, and complexity, of extending meaningful refugee protection to LGBT asylum seekers in camp and urban contexts in Kenya. The critique identifies both promising and problematic practices. The presentation concludes with recommendations to strategic humanitarian agents and states.

Canada has been lauded for its leadership in refugee protection for those fleeing persecution related to sexual orientation or gender identity. However, recent changes to the refugee protection system undermine this protection. As the new refugee system under Protecting Canada's Immigration System Act (PCISA) was implemented, the Envisioning project was in early stages of community based research with service providers and advocates who support LGBT refugee claimants in Toronto Canada. Working with community partners, the project held focus groups with LGBT refugee claimants and post-determination LGBT refugees from 2012 through June 2014. Findings speak directly to the particular challenges LGBT refugee claimants face under the new refugee regime. The increased use of detention creates particular threats to safety for LGBT refugee claimants. The challenge of documenting and proving a hidden and stigmatized identity is intensified under expedited processing times. The restriction on access to appeal for claimants from countries on the Designated Country of Origin list holds particularly troubling ramifications given the unevenness and flux in the in human rights protection for LGBT persons. Current efforts and potential strategies for community and legal advocacy to address these issues will be discussed.

In focus groups with community partners affiliated with the Envisioning project, LGBT refugee claimants and refugees settling in Metro Toronto described their efforts to access community supports, claim, to participate in local community, and to rebuild lives. Their accounts illustrate the importance of psychosocial supports during and after refugee determination. Examples highlight the intersectionality of racialization, refugeeness, heterosexism, and transphobia as exclusions to support, safety, and belonging. Participant's articulated complex negotiations of demands to claim, narrate, and perform normative Western LGBT identities to access protection and participate in community supports. LGBT refugees navigate these social exclusions, poverty, stigma, and impacts of trauma as they seek refugee protection, while trying to rebuild lives in their new locale. Using examples from these accounts, this presentation will identify promising and problematic practices among community organizations.

Sara Kahn, McGill University
Single/Seule

Understanding manifestations of intersecting trauma experiences for LGBT refugees: Implications for policy makers and service providers

Although empirical studies have documented psychological reactions for refugees in general, this study is the first to consider the research questions: What are the mental health needs of LGBT refugees/refugee claimants in Canada? How might service providers help mitigate psychological symptoms and foster resilience for LGBT refugees/refugee claimants? Objectives are: 1) to explore the mental health problems and needs of LGBT refugees and claimants in Canada; 2) to inquire about emerging or promising practices; and, 3) to solicit recommendations for knowledge-building and service development. A Grounded Theory methodology was chosen; semi-structured interviews were conducted with 20 service providers and 6 LGBT refugees in Canada. Data analysis of transcripts proceeded from line-by-line coding to conceptual coding to the development of themes conducted by co-coders. Findings suggest that LGBT refugees/claimants share mental health challenges common to all refugees; however LGBT refugees' histories of abuse by family/community members and state actors during childhood and adolescence in the home country set them apart; psychological symptoms may include suicidality, depression, and so-called complex trauma. Implications include: short deadlines for filing LGBT-related refugee claims may exacerbate underlying mental health issues and preclude time for claimants to address those issues productively; resettlement schemes need to be sensitive to re-traumatization from structural homophobia/transphobia; service providers may benefit from guidance on promising practices aimed at mitigating mental health challenges and fostering resilience for this population. Future research will build upon this knowledge by expanding the sample across Canada and the US, and include the voices of refugees/refugee claimants themselves.

John-Bosco Kaikai, Brock University

Single/Seule

Deconstructing Canadian Mainstream Newspaper Depictions of Refugees and Detention (2008-2013): Xeno-Racism and the Criminalization of Refugee Claimants

This paper examines the construction of refugees as frauds, queue jumpers and security threats by focusing on representations of the practice of refugee detention. It does so through a critical discourse analysis of Canada's two mainstream English language national newspapers, the Globe and Mail and the National Post during the period of Canada's latest refugee policy reform, between 2008 and 2013. The paper aims to answer the basic question of how refugees and detention are represented in Canadian mainstream English language newspapers and how these representations of refugees and detention can be understood in the broader context of the criminalization of refugees and migration, prevalent in neoliberal, white settler nations. The history of Canadian white settler nationalism and refugee/immigrant detention/exclusion, implications of neoliberalism, xeno-racism and conservative policies over the last five years provide context for the findings of the research. The findings suggest that refugee claimants in Canada are largely depicted as criminals with ties to acts of terrorism and as an economic drain on the Canadian refugee system, a system that is in need of overhaul to prevent further abuses. Attention is paid to how these constructs of refugee detention in Canada are tied to the global context in which western nation-states similarly construct refugees as dehumanized bodies in need of penalization.

Julie Kaye, The King's University

Single/Seule

Theorizing Internal versus International Trafficking: Naturalizing Criminalization and National Entitlements

Canada enacted laws to criminalize the trafficking of persons through the Immigration and Refugee Protection Act in 2002 and the Criminal Code in 2005. The initial focus of the counter-trafficking legislation and the corresponding anti-trafficking awareness campaigns emphasized stereotypic images of “international” trafficking that portrayed images of young Eastern European or Asian women “deceived into sexual slavery” (Sikka 2009: 1; Sanghera 2005). In response to early conceptions of human trafficking in Canada, advocates and researchers raised concern that “internal” or “domestic” trafficking – trafficking within Canadian borders – had not received similar attention to “international” trafficking and mainstream understandings of trafficking largely ignored the trafficking of Aboriginal women and girls (Sethi 2007; Sikka 2009). It was argued that a trafficking frame could undermine colonial derived images that portray Aboriginal women and girls as perpetrators of crime, rather than as victims. While critical research on the relationship between migration and human trafficking traces the demonstrably long history anti-trafficking policies restricting migratory movements and excluding “foreigners,” similar critique has not been applied to understand “internal” trafficking. Yet, as Sharma (2003: 62-63) argues, rejecting “the power of the state to differentiate amongst ‘citizens’ and ‘foreigners’” should inevitably connect “pro-migrant politics” to struggles over indigenous self-determination (Sharma 2003: 62-63). This presentation theorizes what happens when Canadian anti-trafficking discourses produce and define an “internal” versus “international” trafficking dichotomy. Drawing on my working book manuscript, I argue the dichotomy naturalizes national entitlements by rendering invisible indigenous nations, while simultaneously facilitating policies that restrict and criminalize migratory movements.

Julie Kaye, The King's University
Single/Seule

A Socio-Legal Examination of the Canadian Anti-Trafficking Offence: Restricted Applicability in Cases of Labour Trafficking

Despite early ratification of the United Nations Trafficking in Persons Protocol, the Criminal Code offence of trafficking in persons in Canada has received little analytical or interpretive attention to date. Adopted in 2005, this offence has resulted in successful convictions in a limited number of cases and criminal justice authorities have continued to rely on alternate or complementary charges in cases of human trafficking. In particular, prosecutions for cases involving non-sexual labour trafficking remain extremely low. This presentation provides a socio-legal examination of why the offence of trafficking in persons in Canada is under-utilized in labour trafficking cases. Based on an analysis of data generated from 56 one-on-one interviews gathered from a variety of actors involved in counter trafficking response mechanisms and a legal examination of the key components of the offence, the presenters will argue that definitional challenges have resulted in narrow understandings and problematic interpretations of the Criminal Code offence. Such narrow interpretations have resulted in restricted applicability, particularly in cases of labour trafficking.

Alexie Taguekou Kenfack, University of the Western Cape
Single/Seule

Realising the socio-economic rights of refugees under human rights law: a case study of South Africa

The focus of this paper is on the challenges refugees face in accessing their rights in South Africa. In particular, it analyses the legal framework for the protection of the socio economic rights of refugees under international law, regional and domestic law and the extent to which the rights have been realised. The main hypothesis of the study centered on the fact that the social protection of refugees in South Africa is in conformity with international standards. To test this hypothesis, the qualitative research method was applied. Refugee related legal instruments were analysed as well as academic publications, organisational reports and internet sources. The data analysed revealed that there has been enormous progress in meeting international standards in the areas of education, emergency relief and assistance, protection of women and refugee children. The results also indicated that much remain to be desired in such areas as nutrition, shelter, health care, freedom of movement and very importantly, employment and social security. The paper also seeks to address the obstacles which prevent the proper treatment of refugees and to make recommendations as how the South African government can better regulate the treatment of refugees living in its territory. Recommendations include the amendment of the legal instruments that provide the normative framework for protection and improvement of protection policies to reflect the changing dynamics.

Meagan Kinsella, McMaster University

Single/Seule

Migrant Managers and Irregularity in Gaborone, Botswana: Exploring Policy Implementation in Everyday Practices

By and large, irregular migrants are not overly welcome in Gaborone, Botswana yet continue to be a reality in the everyday comings and goings of the country's largest city. Based upon my dissertation fieldwork completed between January-June 2014, this paper explores the tensions and dynamics at play in the environment surrounding migration management in Gaborone, Botswana. I ask: what officials are responsible for managing migrants in an urban context and in what capacity? What are the everyday concerns of these managers? How do migrant managers respond to the problems they are trying to solve? I argue the tensions of migration management need to be approached from a postcolonial feminist perspective that considers those actors – migrant managers - and factors that are actually involved in the policy implementation (or lack thereof) practices and those entering into such a space of (ir)regularity. Within this environment, the role of documentation and who is considered an irregular migrant represents a significant and underlying challenge for migration managers and migrants alike.

Mustafa Koc, Ryerson University

Single/Seule

Armed Conflict, Ungovernability, Forced Migration and Food Insecurity: A Tragic Chain of Causality

Using a sample of case studies from the Balkans, Middle East and North Africa this paper examines the relationship between armed conflict and food insecurity. Defined as a condition when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, food security has been an important global priority since mid-1970s. A commitment at the World Food Summit in 1996 was made to reduce hunger to 400 million by 2015. Sadly as of October 2014, this number stands at 805 million, which may not

faithfully represent the situation of millions of internally displaced or forced refugees, as finding reliable figures for these categories are very difficult under conditions of ungovernability. While many factors from lack of productive capacity, to ineffective distribution and storage mechanisms have been discussed widely among the causes of food insecurity, one of the wide spread and preventable causes of food insecurity is among the least studied. The paper will explore some case studies from the Middle East, Balkans and North Africa to examine the relationship between armed conflict, ungovernability, forced migration and food insecurity and argues for peace making as an important tool for food security.

Ashley Korn, YMCA and York University

Co-Presenters: **Michaela Hynie**, York University

Panel

The roles of gender and employment in refugees' perceptions of belonging in Ontario

Refugee integration is a complex and holistic process in which the different dimensions (i.e., structural, social, interpersonal, functional and subjective) all influence one another (Hynie & Korn, 2014). An intersectional analysis of these integration processes is required because they unfold in different ways as a function of refugees' social identities, such as their age, gender or sexual orientation (cf. Hynie, Baldeo & Settino, 2013). Using data from a recent evaluation of Client Support Services, we present findings on how gender moderates the relationship between employment and sense of belonging for Government Assisted Refugees in six cities in Ontario. The subjective sense of belonging has been found to be a strong predictor of both well-being and self-identification as a member of one's new community (Correa-Velez, Gifford, & Barnett, 2010; Phillimore & Goodson, 2008). In focus groups with adult refugees from multiple communities (Afghan, Democratic Republic of Congo, Iraqi, Karen, Nepali, Somali), employment was a frequent and urgent concern. Respondents reported frustration with their inability to find any employment, or to find jobs that were commensurate with their skills and education. Several men, but not women, explicitly linked employment to feelings of belonging and their ability to be full members of Canadian society. The results are discussed in light of traditional gender roles and of strategies to support integration in refugees.

Micheline Labelle, Université du Québec à Montréal

Single/Seule

Remarques critiques sur la nouvelle approche de la mobilité dans le champ de l'immigration internationale

Dans l'opinion publique, la mondialisation a ouvert grand les vannes de l'immigration internationale, les migrants circulant désormais aussi facilement que les capitaux et les marchandises. En phase avec cette représentation relevant du sens commun, le champ d'études de la migration internationale tend à subir l'influence de la théorie de la mobilité qui jouit d'un véritable effet de mode. Cette pensée emprunte aux cultural et aux postcolonial studies qui, au cours des dernières décennies, ont mis l'accent sur les notions de travel, de déplacements transfrontaliers, de fluidité, d'hybridité, d'identité rhizome, autrement dit de circulation émancipatrice des personnes, des réseaux et des idées. Cependant, le concept de «mobilité» semble reposer sur deux thèses contradictoires. La première suppose que les populations se déplacent de plus en plus librement à travers les frontières pour vendre et négocier leurs «capital social» (éducation, formation professionnelle, expérience de travail), là où les avantages économiques et sociaux sont les plus grands. Autrement dit, ils font un choix rationnel. Les migrants développeraient ainsi une déconstruction identitaire en règle, voire une conscience globale, une

sociabilité ou une sensibilité cosmopolite. La seconde s'arrête aux obstacles à la mobilité qui seraient la cause de nouvelles inégalités et de nouvelles hiérarchies dans le système mondial; par exemple entre travailleurs migrants qualifiés et non qualifiés. Cette communication examine les insuffisances de ces thèses en s'appuyant sur les analyses critiques de spécialistes de la migration internationale qui estiment que les facteurs historico-structurels à l'œuvre dans les pays d'émigration et d'immigration ont une plus grande pertinence explicative et que ces facteurs doivent davantage retenir l'attention des chercheurs que la mobilité/circulation dans le système monde.

Sabine Lehr, University of Victoria

Single/Seule

Whitestreaming Canadian society? A covert return to the overtly racist immigration policies pre-1962

The last three years have brought sweeping changes to Canada's immigration and refugee policy framework. Essentially all components of the Immigration and Refugee Protection Act have undergone significant revisions. In this presentation, I examine recent policy changes that have a covert racial dimension. I argue that these changes could, over time, affect the composition of immigration to Canada in ways similar to the overt country-of-origin barriers that were in effect prior to 1962. I closely examine the Temporary Foreign Worker Program and International Mobility Program, Federal Skilled Worker and Federal Skilled Trades Programs, Family Sponsorship Program, and Canadian Citizenship regulations in regard to eligibility and selection criteria that favour particular countries and regions of origin over others. These selective mechanisms either work to prevent potential applicants from accessing immigration avenues to Canada; deny them full rights as Canadian citizens; or put them at risk of losing their right to remain in Canada (especially through the cessation clause for protected persons). Many of these changes have been justified by the Canadian Government either on economic grounds (i.e., easing the economic burden on taxpayers) or system integrity (e.g., avoiding fraudulent use of Canada's immigration system). Little attention has been given to the fact that, collectively, these new measures disproportionately affect persons from non-European and non-Anglo backgrounds, thus having considerable potential to alter the face of immigration over time.

Dietmar Loch, Université Lille

Single/Seule

Les «jeunes de banlieues» en France: entre criminalisation et sentiments d'appartenance

Comme « jeunes de banlieue » sont - dans le langage républicain français - désignés surtout ceux issus de l'immigration. Leur processus d'intégration s'opère - schématiquement et d'une manière segmentée - entre une insertion socio-économique plus ou moins réussie pour la majorité, et une exclusion économique et sociale pour une large minorité d'entre eux. Culturellement assimilés, cette population se sent appartenir à la France, mais est confrontée à de multiples discriminations. L'écart perçu entre les promesses du modèle français d'intégration et l'exclusion vécue conduit une partie de ces jeunes à déclencher des émeutes urbaines ou aussi à développer de nouvelles mobilités et appartenances transnationales.

Cette communication se propose de montrer comment l'exclusion de cette population est renforcée par leur criminalisation, qui se produit à la fois par des discours populistes sécuritaires et islamophobes du Front national et par des politiques sécuritaires d'un Etat « social » qui ne protège plus ces populations mais les punit comme dans un « Etat pénal ». Dans ces nouveaux processus d'exclusion, les sentiments

d'appartenance de ces jeunes Français se développent aussi dans l'auto-organisation des quartiers et vont dans l'extrême jusqu'à un « homegrown-terrorism » transnational et islamiste. Pourtant, les institutions de l'Etat-nation et la politique de la ville continuent à offrir à ces « jeunes » des identifications nationales et des sentiments d'appartenance à la ville ainsi que des moyens de lutte contre l'exclusion et les discriminations raciales et spatiales.

Narintohn Luangrath, Boston College

Single/Seule

No Date on the Door: Direct Provision Housing, Child Asylum Seekers, and Ireland's Violations of the United Nations Convention on the Rights of the Child

While waiting for their asylum applications to be evaluated, the living arrangements for asylum seekers in Ireland vary considerably: some are detained in prisons, some are held in direct provision housing, and some are held in other accommodations with periodic reporting requirements. The paper focuses on the negative impact of direct provision (full-board) accommodation centers on asylum seeker children in Ireland. Given concerns over asylum seeker children's health and safety, why is the system of direct provision still in place? Which articles of the 1989 UN Convention on the Rights of the Child (CRC) does direct provision uphold (or not uphold) and to what extent does it do so effectively? The paper argues that limiting asylum seeker children's freedom of movement and passively denying them access to education and other services insinuates their inferior status relative to Irish children. Asylum seeker children are dehumanized and designated as "the other," while the State absolves itself of direct responsibility for their care by contracting for-profit private businesses to run the day-to-day operations in direct provision centers. Direct provision also allows the government to subvert criticism on its continued use of prison detention as "housing" for some asylum seekers, as direct provision is promoted as a more "humane" alternative for children and families. With support from the Irish Human Rights Commission, research for the paper was conducted in Ireland from June-July 2012, and concludes with recommendations for reforming Ireland's asylum processes and policies.

Shaun Mabry, York University

Single/Seule

"Civil" Proceedings? An Overview of Removal Proceedings and Illegal Re-Entry in the United States.

In the United States, immigration proceedings are civil, not criminal, proceedings. However, the civil nature of immigration proceedings is more a matter of nomenclature than reality from a respondent's perspective. Respondents face (i) lengthy "civil" detention, (ii) limited access to bond hearings, (iii) a unique legal position of simultaneously being "accused" while having the burden of proof, and (iv) a right to counsel only for those who can afford it. These, and other factors, cause many respondents who might otherwise seek protection (asylum, withholding of removal, or CAT) to simply accept deportation rather than fight their, in many cases, viable claims. Once respondents have been deported from the United States, their subsequent illegal re-entry is not only a crime, but also a bar to nearly all forms of relief from removal. This research explores the impact of "quasi-criminal" removal proceedings and the criminal and immigration consequences of deportation and illegal re-entry into the United States.

Michelle Majeed, University of Toronto

Co-Presenters: **Beyhan Farhadi**, Department of Geography, University of Toronto

Single/Seule

Whose Knowledge? A Case for the Use of Autobiographical Fiction in Migration Research

The politicisation of the movement of people across borders has, in tandem, generated new technologies of surveillance: bodies are now tracked, quantified and researched throughout the migration process. How does the researcher respond to her imbrication within this international surveillance state, particularly as it relates to her relationship with the 'subjects' of her research -- migrants? Building from feminist research on standpoint theory within the social sciences, this presentation questions the role of the researcher within the context of surveillance, particularly as it relates to methodology, by provocatively situating autobiographical fiction as a source for understanding the nuanced life history of migrants and migration. As an exemplar, we use Canadian autobiographical fiction as a source for understanding factors that affect the use of mental health services for the Chinese Canadian community in Toronto in both historical and contemporary times. While the research is specifically concerned with the use of mental health services among this population, we will more broadly demonstrate how autobiographical fiction can provide researchers access to situated knowledge (Haraway, 1988). Ultimately, we take whose knowledge? to be the central question for an egalitarian politics in which the migrant is methodologically positioned as a partner in research. Through our exemplar, we will demonstrate how autobiographical fiction facilitates a better understanding of the relationship between the Chinese Canadian community, the Government of Canada and the majority Canadian population, and how this understanding can complement other methods of researching how mental health services offered to this community are perceived and used.

Michele Manocchi, Centre for Research on Migration and Ethnic Relations, Western University

Single/Seule

Mind the gap. The social consequences of the denied access to housing for refugees in urban settings

In absence of formal patterns of spatial and social segregation (refugee camps), the majority of refugees in Western countries live in urban areas and local institutional and regulatory arrangements have therefore a decisive role in supporting or impeding the enjoyment of rights by refugees. The access to housing is acknowledged as a crucial step in the path of social inclusion and it is often a precondition for the enjoyment of rights and social services. Without this, refugees may experience new forms of marginalization and exclusion, especially whenever international and national laws are not properly enforced by actual policies.

Although the right of asylum in Italy is governed by a number of national laws and European directives, and despite the incessant action of awareness and control carried out by third sector associations, the situation in the country is still very challenging. The system inefficacy, together with the processes of dehumanization and labelling, can be so pervasive and protracted that the refugees' conditions may get worse in time, and they could run into situations of increased vulnerability. Within the existing Italian legal framework and refugees reception system, and considering the local institutions' role, it is possible to highlight many issues in accessing adequate accommodation and in obtaining residency and public services. In such context, different coping strategies may take form, even the squatting, with different degrees of success, and often resulting in vulnerable situations, unable to support the integration paths, and resulting in a gradual social weakening of the refugees.

Patrícia Martuscelli, Universidade de Brasília

Single/Seule

Dangerous people and vulnerable people: how does Brazil understand migrants and refugees?

Brazil is considered by United Nations High Commissioner on Refugees (UNHCR) as a regional leader in the thematic of the refuge with one of the most advanced laws of the world to protect his population. By the other hand, the country has no migratory policy designed to receive and integrate the other migrants. Besides that, the law used (Foreigners Statute) in the case of other migrants was created in 1980 in a logic of national security that considers migrants as potential threats to the State. However qualified migrants are seen as desirable people and they have no documentation problems in the country. In this sense, this papers shows that Brazil is not prepared to deal with the new migration realities because it considers migrants as "dangerous" people and refugees as "vulnerable" people without voice. These understandings make that these groups do not have all their rights, including participation ones, guaranteed by the Brazilian State which impacts directly in their integration processes.

Gabriela Medici, University of Zurich / LLDRL McGill University

Single/Seule

Counterbalancing the legislative precariousness of domestic carework in Switzerland through civil rights – potentials and limitations of the human-rights-centred approach

The extension of the free movement of persons recognized by the members of the European Union to Switzerland has led to an increasing number of women coming from Eastern Europe to provide care for the elderly in Swiss private households. The care work is mostly performed by migrant women and takes place in an informal or semi-legal setting. It is often associated with precarious working and living conditions. These Live-In-Caregiver-arrangements are heavily debated in media, politics and social science. However, so far, they have not been a topic in legal science.

In this paper, the growing international discussion about the impact of human rights on labour law is related to the current Swiss constitutional and labour regulatory framework for domestic workers. Over the past years, a development towards the recognition of core labour rights in the form of positive state obligations to regulate and implement traditional civil rights guarantees (such as the right of privacy and family life, personal and economic freedom, the prohibition of servitude and forced labour) as well as procedural guarantees and the prohibition of discrimination may be observed. Unlike social and economic human rights guarantees, these rights are firmly enshrined in the Swiss constitution and in justiciable international human rights instruments – especially in the ECHR. I argue that this development may make a valuable contribution towards understanding and counterbalancing the current legislative precariousness of migrant caregivers in Swiss households. Nevertheless, I also discuss the limitations of using this approach towards advancing their protection and empowerment.

Natasha Miletic, University of Toronto

Single/Seule

Downtrodden and Marginalized: Human-Trafficking in Canada and Switzerland

Varying degrees of the welfare state system have undergone challenges and criticism by citizens who perceive immigrants as abusers of a collectivist system of protection and rights to which they are not entitled to. Many nations around the world have responded to these concerns by increasing the value of citizenship, and imposing strict restrictions to social benefits and rights for immigrants who are increasingly viewed as 'the other'.

In 2014 the Canadian Conservative government has sought to pass Bill-C585 which aims to limit social benefits to refugees. Moreover, the debate regarding the legalization of prostitution in Canada continues. In Switzerland, citizenship is difficult to obtain and the legalization of prostitution has arguably pushed victims of human trafficking without access to rights further underground. This paper seeks to explore the ways in which victims of human trafficking are being pushed further towards criminal activity both in Canada and Switzerland as a result of stricter citizenship laws. This comparative study between Canada and Switzerland will draw upon exclusive interviews with trafficked women and law enforcers from both Toronto and Geneva in order to offering a keen insight into the migrant perspective. This comparative research will illustrate the ways in which host society politics can contradict themselves and will propose ways in which these policies need to be reconciled with reality.

Petra Molnar, University of Toronto Faculty of Law

Co-Presenters: **Stephanie Silverman**, University of Toronto

Single/Seule

Access to Justice in the Immigration Holding Centre: A Discussion of the Obstacles to Fair and Equal Treatment Facing Canadian Immigration Detainees

Canada is often not at the forefront of the discussion on the global expansion of immigration detention systems. Unlike the academic and popular attention that focuses on quasi-legal practices in Australia's multiple detention sites or the immigrant incarcerations in Fortress Europe, Canadian detention practices are escaping sustained scrutiny. Yet, the legal and normative acceptability of this system spanning prisons, immigration holding centres, and a variety of other sites warrants sustained legal and normative inquiry.

The rubric of "access to justice" is an increasingly common lens to discern why facets of the legal treatment of minorities and vulnerable people seem unjust. Although it is an admittedly ambiguous tool, access to justice refocuses attention on obstacles to fair and equal treatment that are hidden, assumed, or otherwise reproduced in the legal system. If law is meant to govern the lives of all members of a community, immigration detainees should not be placed outside its reaches. We aim to show that this displacement is exactly the case in Canada, and that this situation is wrong. With the increase in incarceration rates, geographic segregation of detainees, and lack of access to options of legal counsel and information, the obstacles to access to justice are incredibly harmful. Our findings indicate that the supposedly justifiable discretionary tools of detention are facets of an extremely costly and ineffective system of incarceration that often contravenes international norms, laws, and conventions.

Delphine Nakache, School of International Development and Global Studies (SIGDS),
University of Ottawa

Co-Presenters: **Idil Atak**, Ryerson University

Graham Hudson, Ryerson University

Panel

The changes to Canadian immigration and refugee law and their implications for irregular migration in Canada

In the last four years, Canada made important changes in the field of immigration and refugee law and strengthened its cooperation on border control with other countries, notably the United States, and European and Southeast Asian States. Several of these changes have been publicly criticized for putting the human rights of migrants at risk, but not much attention has been paid so far to the linkage between these changes and the rise of irregular migration in Canada, which is important given that the stated objectives of these changes are to protect the so-called “integrity” of Canada's immigration and refugee system and to fight against irregular migration. In this paper, we will fill in this gap and we will show that one counter-productive effect of these changes could well be an increase in irregular migration in Canada. We will also discuss the consequences of this increase, both for the migrants and the Canadian citizens.

Tiffany Narducci, Dept. of Political Science, Carleton University

Single/Seule

Why global politics has no room for the refugee

This paper will demonstrate that the charitable/optional nature of donor funding at the UNHCR has ensured the agency is subject to the will of its most affluent donors. By allowing UNHCR funding to remain characterized as discretionary, the organization's top donors are thus able to perpetuate the characterization of migrants as “outside” the state system.

The paper begins by establishing the refugee project as a humanitarian cause, bearing a moral imperative to promote human welfare. This is followed by a discussion of UNHCR donor practices over the last thirty years (demonstrating the restricted nature of the agency's mandate), supplemented by an overview of the domestic policy goals of the agency's top three donors (the United States, Japan and the European Union), which are largely biased towards a policy of containment. This paper concludes with an overview of alternative approaches to measuring donor funding to lessen the influence of affluent donors.

Mostafa Naser, University of Chittagong

Single/Seule

Securitization and Criminalization of Irregular Migration: Shifting Paradigms of Human Rights and Humanitarian Considerations in Migration and Refugee Legislation in Australia

In response to the mounting irregular migrants globally, states' tendency towards securitization and criminalization of migration has certainly been heightened in recent years. The response to September 11th attack has exacerbated this tendency to promote law enforcement and security paradigms at the expense of human rights frameworks. Since 2001, in line with global hype of “war against terrorism”, migration has been transformed into an issue in the context of national security policy in Australia. However, the international legal framework sets out clear guidelines to ensure that irregular migrants are protected and treated with dignity. While the international community aims to promote a balanced and human-rights-centred approach to migration, being influenced by counter terrorism, migration policies and practice in Australia have increasingly shifted from human rights protection towards law

enforcement, humanity to securitisation and criminalisation. In this context, this paper investigates the question - to what extent international law and human rights norms contribute to, or are being sidelined when shaping migration governance in Australia? This paper aims to examine the human rights issues which arise from securitization and criminalization of border crossing by people and of their presence on the territory of a state, and demonstrate how the rights of non-citizens have been eroded in recent years against the background of the criminalization and securitization of migration in Australia. It also highlights the need to better protect migrant rights and ensure human rights principles, rather than just security and border concerns, are “mainstreamed” into government migration policies.

Alex Natuhwera, Institute for Research and Development in Africa (IRDA)

Single/Seule

From Voluntary Repatriation to Local Integration. Towards a lasting durable Solution for the Refugees in Nakivale Refugee Camp in Uganda

UNCHR earlier on proposed the three durable solutions i.e. voluntary repatriation, local integration in the country of first asylum or resettlement in a third country. These are, undoubtedly, the options available for the long lasting resolution of the refugee crisis in Africa and the entire world. All the three are regarded as durable solutions since they attempt to put an end to refugees’ suffering and their need for international protection and dependence on humanitarian assistance. Nevertheless there has been a debate on which pre-conditions to consider when determining that the country of origin is safe for the return of refugees and this has for example made it hard for most of refugees in Nakivale Refugee Camp to willingly accept to be voluntarily repatriated to their country of origin. The failure to find the suitable durable solution for refugees leads precisely to all kinds of protracted situations that degrade human rights of the displaced.

In this paper, the author presents empirical evidence to show that voluntary repatriation has been of less impact in as far as solving the vicious cycle of refugee crisis is concerned. The pre perceived results of voluntary repatriation have not mattered and there is therefore a need to adopt local integration as a durable solution.

Using desktop research and face to face interviews with selected respondents from Nakivale Refugee Camp, the author clearly shows the merits and demerits of voluntary repatriation as a method of putting an end to the refugee crisis in Uganda. In the final part of this paper, baseline recommendations are made on how local integration could be used to save the situation.

Charly Delmas Nguéfack Tsafack, Université de Dschang-Cameroun, Département d'Histoire

Single/Seule

Le Cameroun et la gestion des migrations forcées : le cas des réfugiés centrafricains à l’Est-Cameroun

Depuis 2007, la République centrafricaine est en proie à une guerre civile. Suite à de multiples accords signés entre le Gouvernement et les rebelles, un gouvernement d’union nationale fut formé en 2009. Malgré cela, les rebelles ont continué leur offensive contre le Gouvernement centrafricain sous la houlette d’une coalition dénommée Séléka. Le 23 mars 2013, François Bozizé est chassé par les forces de la Séléka et remplacé par Michel Djotodia, un des chefs rebelles qui s’est alors auto-proclamé chef d’État le 25 mars. Après la prise du pouvoir par les armes, la situation est devenue très grave avec l’afflux massif des réfugiés au Cameroun et au Tchad voisins. Depuis Décembre 2013, 108.000 nouveaux réfugiés centrafricains sont arrivés sur le territoire Camerounais. A la date du 20 juillet 2014, un total de

48.875 (soit 45% des nouveaux arrivants) représentant 8.272 familles sont relocalisés dans 7 sites aménagés par le HCR en collaboration avec le Gouvernement camerounais.

Cette communication qui est le résultat d'une recherche de terrain a pour objectif de présenter la stratégie camerounaise de gestion des migrants forcés en se focalisant sur l'exemple des réfugiés centrafricains sur son territoire. Elle présentera les instruments juridiques et institutionnels mis sur pied par le Cameroun pour faire face aux migrations forcées. Aussi, elle montrera comment les populations de l'Est-Cameroun cohabitent avec les réfugiés centrafricains. L'étude insistera sur la collaboration entre le Gouvernement camerounais et les organisations humanitaires.

Tamara O'Doherty, University of the Fraser Valley

Co-Presenters: **Alison Clancey**, SWAN Vancouver Society

Hayli Millar, University of the Fraser Valley

Single/Seule

Exclusion, Access to Justice and Empowerment: Centering dominant human trafficking discourse on the voices of migrant women through academic-community collaboration

This presentation shares our preliminary findings for an academic and community research partnership critically evaluating the stated intentions and actual effects of national anti-human trafficking laws. The project features collaborative action-based methods connecting academic researchers and a local community-based non-profit organization, SWAN Vancouver Society, to address issues related to sex work and the exploitation of women in immigrant communities. The three phase study involves: 1) obtaining and analyzing empirical data on the use of anti-human trafficking legislation, 2) employing focus groups and interviews to compare the empirical data to the experiences of those who work directly with migrant sex workers and those who are involved in enforcing anti-trafficking laws, and 3) developing an advocacy tool with SWAN Vancouver to disseminate the findings to relevant stakeholders with the goals of working more effectively to prevent and combat human trafficking. We adopt a knowledge-uptake model to policy reform, relying on the experiences of those who work directly with migrant women to challenge some of the dominant discourses about human trafficking in Canada. This process facilitates the transmission of SWAN's experiential knowledge to academic and legal audiences, especially those involved in enacting and enforcing human trafficking laws. This collaboration seeks to advance marginalized groups' access to justice by supporting the development of evidence-based and human rights responsive policy and practices that reflect the lived experiences of migrant workers. Further, this methodology contributes to community empowerment by supporting non-profit organizations' ability to be actively involved in the social construction of knowledge about their members.

Ecem Oskay, McGill University

Single/Seule

Conceptualizing Refugee Agency

Critical voices in academia and policy circles have increasingly drawn attention to refugee agency, questioning the prevalent image of refugees as silent, powerless subjects. Drawing on the literature in social and political theory on human agency, this paper explores the concept of refugee agency and argues that it is intrinsically shaped by structural conditions and vice versa. It contends that refugees exercise a distinct form of agency in response to unique legal, institutional and political structures: 1) the refugee camp as a state of exemption, 2) refugeehood as a special legal status, 3) the refugee's

broken political relationship with his/her country of origin. A preliminary typology of refugee agency is developed in order to enable a systematic analysis of the ways in which refugees exercise agency. Four types of refugee agency are identified and discussed in detail: bypassing, rejection, manipulation and assimilation.

Ariane Picard, University de Montreal

Co-Presenters: **Alexandre Marcotte**, Universite de Montreal

Panel

Les obligations internationales du Canada quant à la mise en œuvre de mesures venant en aide aux victimes de traite

L'arrêt Bedford c. Canada a forcé le gouvernement canadien à réformer ses lois criminelles sur la prostitution. Le projet de loi proposé, C-36 ou loi modifiant le Code criminel pour donner suite à la décision de la Cour suprême du Canada dans l'affaire Procureur général du Canada c. Bedford et apportant des modifications à d'autres lois en conséquence, offre, en plus d'amendements aux dispositions du Code criminel sur la prostitution, des amendements aux dispositions portant sur la traite des personnes. En particulier, on y trouve notamment des modifications quant aux peines d'emprisonnement minimales ainsi que l'ajout de sentences minimales pour ces crimes.

Certes, des sentences sévères doivent accompagner un crime aussi sévère que la traite des personnes. Par contre, la GRC reconnaît que l'aide des victimes est d'une valeur inestimable afin de poursuivre les trafiquants avec succès. Or, la loi proposée n'offre aucun amendement à la loi sur l'immigration et la protection des réfugiés. Il nous semble que, sans filet de sécurité pour les victimes dénonciatrices, ces nouveaux amendements, quoique bien intentionnés, seront voués à l'échec.

Cette présentation tentera d'exposer l'évolution du droit canadien à la lumière des obligations internationales du Canada découlant du Protocole visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants afin d'établir les lacunes de la mise en application des obligations en découlant. Elle s'attardera notamment aux conséquences des mesures prises par le Parlement fédéral quant à la régularisation du statut des victimes en vertu de son article 7.

Emilia Piętko-Nykaza, University of West of Scotland

Single/Seule

Refugees' integration into their professions: experiences of refugee doctors and teachers in the UK

While the process of refugee integration has been widely debated within the academic and political spheres, still further research is needed to investigate dynamics and complexity of this process. This paper therefore will report on research, which considers refugees in the UK who were teachers or doctors by professions in their country of origin, and have lost this status after arrival in the UK, and are seeking to regain their professions. The two professional groups, teachers and doctors, were selected for this research to emphasise the differences in social status and attitudes assigned to individuals while talking about doctors, teachers and refugees.

Drawing on 39 in-depth interviews with refugee doctors and teachers, this paper explores refugees strategies of re-integrating with their professions following migration to the UK. By so doing, it provides insights how refugee themselves approach the process of integration into their professions, and finds that refugees personal factors including their age, gender, parenthood, time of arrival in the UK and professional aspirations had further impact on how refugees had responded to encountered barriers.

This paper concludes that refugee integration programmes and services need to focus on individual employability as well as measures to overcome personal and structural barriers to the labour market. By so doing, it provides a set of policy recommendations concerning asylum policies, professional structures of the teaching and medical professions and refugees' integration services in general.

Shayna Plaut, University of British Columbia

Co-Presenters: **Gina Csanyi Robah, President and Director of the Canadian Romani Alliance**
Panel

Roma as Political Puppets: Delegitimizing Romani Refugee Claims in Canada and Europe

Far from the political and economic promises offered by the European Union, Roma – the largest ethnic minority in Europe -- have increasingly become marginalized throughout the continent. In fact according to the World Bank, the United Nations Development Program and UNICEF, the standard of living for Roma have decreased drastically since the fall of the socialism with many living as, “third world citizens in first world countries.” In addition, according to the European Court of Human Rights, hate crimes against Roma have escalated over the past five years with real threats of physical violence and pogrom-like conditions in many European countries including: Hungary, Greece, Romania and Italy. This, in addition to the systemic racism and discrimination that limit Roma opportunities to live a life of decency, let alone dignity, is the reality of many Roma today. Within this context, some Roma have exercised their right to seek protection through the asylum process. But rather than being recognized as vulnerable people, Roma have had to fight against cultural explanations for political and economic problems, what Mamdani (2004) refers to as “culture talk.” This presumption of guilt rather than vulnerability has not only taken place in Europe but increasingly in Canada as well as can be seen in Minister Kenny’s reference to Roma as “bogus refugees” coming from “safe countries.” Our presentation, offered from a joint practitioner (Gina Csanyi Robah) and academic (Shayna Plaut) perspective will walk through the effects of “culture talk” and de-legitimization and offer ways that Roma, and allies, are reframing and responding.

Morgan Poteet, Mount Allison University

Single/Seule

Not boxed in: Acculturation and ethno-social identity for Central American male youth in Toronto

This paper examines the formation of ethno-social identities as part of the acculturation process for Central American male youths Toronto. Using a qualitative approach, we explore how youths from this minority community respond to the threat of marginalization at school and among peers. It is observed that many of the youths respond by consciously broadening their social relations to include other students from diverse backgrounds and by developing new ethno-social identities that better “integrate” them in multicultural schools. Yet, a move toward integration does not take place for all the youths studied. Some youths are “marginal” (neither affiliated with their ethnic group or with national groups). Others tend at times to be “ethnic” in their social relations and ethno-social identities. Throughout their high-school experience, the youths report on-going shifts in their friendships, social relations and ethno-social identities, with “integration” being the preferred outcome, if possible. Significantly, all participants reveal self-awareness that their dynamically shifting social relations and ethno-social identities are in part matters of choice, even when the options to shape these outcomes

are constrained. These findings add to research on acculturation and efforts to understand and improve outcomes for “at risk” minority youth in a multicultural city.

Morgan Poteet, Mount Allison University

Single/Seule

Schooling Goals and Social Belonging Among Central American-origin Male Youth in Toronto

Following a pattern observed elsewhere in North America, male Central American-origin youths in Toronto are, on average, less likely than others to do well in high school and less likely to go on to post-secondary studies. In an effort to better understand how these outcomes emerge, this study examines variation in academic goals between individuals, changes in individual academic goals over time, and social-relations factors associated with such variation and change. Qualitative interviews with sixteen Central American-origin males on their schooling aspirations and social relations in high school point to structural forces that lead minority students to feel marginalized academically and socially in school. More importantly, however, the interviews also point to opportunities for resisting marginalization and for belonging more fully in school. Youths who broaden their social relations and friendships to include those outside their own ethno-social background generally also want to do better academically, and vice versa. These findings on schooling process contribute to the understanding of theoretical models and research priorities for addressing the schooling experiences and outcomes for “at risk” minority youth.

Simon-Pierre Poulin, Université de Montréal

Single/Seule

Le recours au profilage racial – à la frontière entre la liberté et la sécurité

Depuis les événements du 11 septembre 2001, le gouvernement américain a mis en place des mesures anti-terroristes qui ciblent les personnes arabes et musulmanes. Accepté aux États-Unis au nom de la sécurité publique, ce type de profilage racial a été fortement dénoncé par les Cours canadiennes. Plus récemment, dans le contexte de la menace de l'État Islamique, certains arguent qu'il faudrait faire encore plus de profilage racial.

Ce discours au parfum alarmiste soutient une culture de racisme et de discrimination arbitraire justifiant un sentiment de xénophobie qui affecte sans aucun doute l'accueil et l'intégration des migrants.

Bien qu'à première vue cela semble être une caractéristique d'une minorité conservatrice américaine, quel est l'état du droit vis-à-vis du profilage racial en sol canadien? La nécessité du profilage raciale se justifie-t-elle au Canada? Où se manifeste le profilage racial à l'ère de la charte des droits? À notre avis, ce débat mérite une réflexion particulière qui renvoie à notre compréhension de la partialité, de la sécurité et de la liberté qui n'est pas sans rappeler Oakes :

«les mesures adoptées doivent être soigneusement conçues pour atteindre l'objectif en question. Elles ne doivent être ni arbitraires, ni inéquitables, ni fondées sur des considérations irrationnelles.»

Soorej Jose Puthooppambal, Uppsala University

Single/Seule

'It is a thin line to walk on': Challenges of staff working at Swedish immigration detention centres

Detention of irregular migrants awaiting deportation is widely practiced in many countries and has a profound impact on health and wellbeing of detainees. Additionally, stressful work environment in detention centres affects the health of the staff which in turn has a direct impact on the health and wellbeing of detainees. Hence work environment and staff challenges in providing care at detention centres should be explored.

The objective of the study was to explore the experiences of staff working at Swedish immigration detention centres. Fifteen semi structured interviews were conducted with staff in three Swedish detention centres and were analysed using thematic analysis.

Fear of being assaulted by the detainees was a major concern for the staff. The perception of danger gave rise to fear and made the detention environment stressful. Moreover, they struggled to manage their dilemma in simultaneously being a migration officer and a fellow human being who ensured the detainees' deportation while providing humane care.

It is important to address staff challenges in providing care for the detainees to ensure good health and wellbeing for both parties. There is need to support the staff to manage their dilemma and improve their communication techniques in order to circumvent their fear and provide good care for detainees.

Aditya Rao, University of Ottawa

Single/Seule

Why the war on refugees?

Reforms that took effect in 2012, brought about by the federal Conservatives, included sweeping changes to the Interim Federal Health Program denying some refugee claimants health care coverage. The changes were announced by then Immigration Minister Jason Kenney as an effort to save money and prevent "bogus" claimants from receiving "gold-plated" healthcare. These cuts were ruled unconstitutional by the Federal Court in 2014, and the Government has announced its intention to appeal the ruling. According to some experts, the savings are low and hard to quantify, but the effects are costly and devastating. There is widespread opposition to these cuts from across party lines as well as major organizations representing health care professionals, lawyers and others. This paper will attempt to ask why the cuts were made in the first place: Why the war on refugees, why the IFHP, and how does this fit into the 2015 federal election?

Galya Ruffer, Northwestern University

Single/Seule

U.S. Deterrent Strategies for so-called mass migration: the illogic of the no-bond policy for women and children arriving from Central America

In a refugee crisis where people are motivated to leave their countries on account of persecution and fear of torture and death, does a deterrence strategy of detention and no bond lead to a policy of complicity in persecution (murder, domestic violence, smuggling/trafficking and undo suffering for those who are detained)? Though a case study of the use of a detention and no-bond policy as a deterrence strategy for the mass migration of Central American women and children, the paper draws on statistical analysis to examine the question "on what does the decision to flee depend" and, through a qualitative analysis of determinants in the case of women and children detained in the family detention centers of Artesia and Karnes, calls into question the logic and ethics of the deterrence strategy.

Ranabir Samaddar, Mahanirban Calcutta Research Group

Single/Seule

Returning to the History of the Late Nineteenth and Early Twentieth century Immigration

Recent studies on aspects of welfare state and schemes suggest a different way of understanding modern governance in which the study of the nation is not at the centre of political understanding. Instead, of significance in such studies is the inadequately explored history of governing a mobile, unruly world of population flows. These works have given us a sense of the hidden histories of conflicts, of desperate survivals, and of networks new and old. Studies of hunger in the nineteenth century, of itinerant movements and preaching, transportations of coolies, spread of famines, shipping of children and adult girls, trafficking in sex and labour, and pieces of welfare legislation to cope with this great infamy tell us how actually we have arrived at our own time of subject formation. This is certainly different from conventional nation-centred histories. Working within this new strand of history-writing, labour historians have tried to recognise the political significance of labour migration in the late nineteenth and early twentieth century. Their works suggest a different way of writing the history of the nation-form in the last two centuries, where the extra-nationalist narrative of mobile labour constitutes a different universe.

The late nineteenth and early twentieth century was the period of several changing modes of labour process – the slave, the indentured, the contract, and finally the free. These modes historically never appeared as pure types, because much of the availability of labour depended on labour's mobility. In fact, it was largely on the condition of making labour mobile that globalisation would proceed at that time. Transit labour then too, as it does now, occupied a crucial place in capitalist production. The late nineteenth and early twentieth century was a period of globalisation when migration controls were put in place. It was in that age that control of mobile bodies began constituting one of the most critical aspects of governance. The emergence of some of the different forms of labour subjectivities marking our world today can be traced back to that time.

Markéta Seidlová, Charles University in Prague, Faculty of Science, Department of Social Geography and Regional Development, Geographic Migration Center (GEOMIGRACE)

Single/Seule

The attitude of local governments towards the immigrants: Paris and Montreal compared

The point of start of this paper is the statement that the social integration of immigrants into mainstream society always has a strong local dimension and that the practices of local councils significantly affect the process of integration. This practice is then compared in two cities: Paris, the capital of France, and Montreal, the capital of Quebec region. Montreal itself is then also the second biggest city in Canada and also the second biggest city in the world in terms of French speaking born population.

The research has shown that in the case of Paris, the local policy of city districts was influenced by the existing policy on the whole city level. However, the particular applications of local integration policies which were favourable to the immigrants proved to be statistically depending on the political persuasion of the city/district leaders. The importance of other considered factors has not been confirmed. In the case of Montreal, there is no policy itself which has been formulated, but the number of undertaken actions is even bigger than in the case of Paris. The approach of city leaders is hence more practical and

also philosophic. But, due to the existing national model of integration of immigrants, the difference in the attitude of city itself and of the policy declared on national level is not in the Canadian case so striking as both are multicultural. On the other hand, the province itself is another very important actor who sets this policy more to the assimilative direction.

Stephanie Silverman, University of Ottawa

Co-Presenters: **Christina Clark-Kazak, Associate Professor, York University's Glendon College.**
Single/Seule

'Impostor children'? Age assessments, immigration detention, and ethics in Canada

As part of its larger efforts to curb smuggling, trafficking, and other illicit flows, Canada has begun transforming its immigration detention system from a relatively open process into a stricter, more closed practice. Large-scale policy changes implemented since 2010 have meant sweeping changes to answering the questions of when, how, why, and for how long non-citizens are detained in Canada. Although Canada has acceded to numerous conventions and treaties prohibiting the arrest and detention of vulnerable people, such persons will be caught in this wide net being cast by the government to arrest and detain. Canada's detention of children, particularly unaccompanied minors, has rightfully demanded much scholarly and popular concern. Other age groups, most notably the elderly, have thus far not gained such a level of attention, either in Canada or abroad.

Based on preliminary findings from an ongoing research project, this paper will attempt to pull back the veil on detention of elderly people in Canada. It will discuss methodologies used to try to gain information on the Canadian situation. The paper will also explore and evaluate the official rationales for detaining elderly non-citizens.

Stephanie Silverman, University of Ottawa

Co-Presenters: **Amrita Hari, Carleton University**
Single/Seule

Slipping from Consent to Coercion: A Study of the Seasonal Agricultural Workers Program from an Ethical Perspective

The Seasonal Agricultural Workers Program (SAWP) invites farm and agricultural employers to import foreign nationals to fill short-term vacancies in the Canadian labour market. The majority of SAWP enrollees have historically been minoritised men from Jamaica although they currently hail largely from Mexico. Unanimous in their critiques of the SAWP as unfair, migration studies scholars point to neglect across a broad spectrum of basic living standards.

This paper enters into the conversation by arguing for a complementary, ethical theory-based way of locating the injustice of the SAWP. We argue that a variety of local and structural factors limit the abilities of workers to give true consent when signing their agreements to come to Canada. We examine the sending state's role in this coercion, and place blame at its door. We also draw on feminist critiques of human sex trafficking that highlight the undue vulnerability attributed to sex worker migrants. We flip this logic and point out that it is perhaps the fact that SAWP workers are stereotyped as "strong men" that obfuscates the coercion to which they are being subjected. Ultimately, we argue that responsibility for the coercion of thousands of people through the SAWP lies with the Canadian government, even if the hands are not directly its own.

Stephanie Silverman, University of Ottawa

Co-Presenters: **Nancy Hiemstra and Deirdre Conlon**, Stony Brook University and the University of Leeds

William Walters, Carleton University

Alison Mountz and Keegan Williams, Department of Geography and Environmental Studies, Wilfrid Laurier University

Ćetta Mainwaring and Stephanie J. Silverman, Waterloo University and the University of Toronto
Panel

Controlling Migration: The Roles of Non-State Actors

Controlling Migration: The Roles of Non-State Actors brings together a diverse group of scholars to examine key case studies and theoretical approaches towards developing a deeper understanding of a specific subfield of inquiry: the increasingly large and diverse role of non-state actors in the operation of migration control. Through engaging intermediaries, a national government can shirk political, moral, and financial responsibilities for their migration control systems. The brokers also gain much in the way of legitimacy, profit and power through successfully discharging their responsibilities in place of government officials. Indeed, the brokers contracted often claim that their services provide the much-needed pastoral and welfare care that would otherwise be absent. However, the presence of these non-state actors and the relationship between them and the state has been criticized widely and may alter meanings of profit and voluntariness. This panel explores the contours of this complex relationship and further our knowledge of the roles played by actors such as detainee labourers, charter flight operators, International Organization for Migration and Frontex officers, and national militaries.

Nancy Hiemstra and Deirdre Conlon

Detainees as captive consumers, laborers, and commodities: Understanding micro-economies of migrant detention in the United States

Securitization of immigration, the rise of interior immigration policing, and forces of carceral privatization have occasioned a remarkable expansion of immigrant detention throughout the United States. Previous studies and reports have drawn attention to the importance of the daily rates paid by the federal government to individual facilities in driving the emphasis on detention. This paper, in contrast, argues that tracing the political and economic geographies of money inside detention facilities is also critical for understanding the role of non-state actors in detention expansion and its consequences. We define the processes, mechanisms, and practices of generating profit above and beyond the 'per bed' daily rate as 'internal micro-economies' of migrant detention. Drawing on an ongoing examination of migrant detention facilities in the greater New York City metropolitan area, we identify a range of micro-economies evident in detention facilities. These economies show how detained migrants' needs and daily routines are tailored in ways that produce migrants as both captive consumers and laborers. Recognition of multiple micro-economies also highlights the fact that the numbers of individuals and entities invested in the incarceration of immigrants proliferate in tandem with the objectification of detainees. The paper further suggests that attending to relationships embedded in the inner workings of detention exposes economic links between government, private companies, and publics.

William Walters

The flight of the deported: On the missing vehicles of deportation

This paper calls for migration, borders and deportation studies to pay closer attention to the practices and dynamic spaces of transportation. While modern deportation is unthinkable without vehicles, transport is a blackbox for the interdisciplinary literature on the state-enforced movement of population. This paper focuses on deportation by air and engages largely with policies and practices relating to the UK deportation experience. It has two aims. First, to offer a critical analysis of the techniques and tactics that are used to turn commercial and charter flights into machineries of deportation. Second, to show that aviation is not a mere instrument that puts deportation policy into practice, but, like other places in the deportation and detention world, an irreducible zone of knowledges, struggles, and politics. A proper understanding of the deportation complex is radically incomplete without an account of the mobile places of transportation.

Alison Mountz and Keegan Williams

Managing life, death, and territorial control through public-private partnership in the Mediterranean

Recent increases in deaths of migrants crossing the Mediterranean have reached historical highs among those trying to land on the sovereign territory of southern member states of the European Union (IOM 2014). The reported number of losses reached 3,079 between January and August 2014. Most recognize that this is likely a gross underestimate. Increases in deaths have also been accompanied by significant increases in resources dedicated to enforcement operations in the annual budgets of Frontex and the International Organization for Migration (IOM). In this paper, we test the long-asserted claim by social scientists that greater enforcement at sea intensifies precarity and risk-taking among migrants attempted unauthorized entry (Koser 2000, Nadig 2002, Hiemstra 2012). We accomplish this by analyzing data collected on losses of life at sea in the Mediterranean and on resources allocated to enforcement operations to intercept, rescue, and detain. We begin our analysis by asking what state and non-state actors and institutions are involved in policing migration in the Mediterranean. We ask how non-state, 'third' or 'intermediary' parties contribute to productions of sovereignty, territoriality, and exclusion at sea. Our analysis of these public-private partnerships heeds Walters' (2008) call for migration scholars to pay closer attention to the sites where land meets sea. We ask what can be learned about the management of life, death, and territorial control in the interstitial zones of crossing between states.

Çetta Mainwaring and Stephanie J. Silverman

Profit and penalization in the realm of detention-as-spectacle: Observations from Malta and the United Kingdom

In this article we develop three mutually reinforcing ideas to help explain the expansion of immigration detention policies and practices across the European Union. The first concept is the penalization of detention: namely, state governments are increasingly engaging the military, the police, and private companies to manage their detention estates, and this relationship strengthens the penalizing aspects of an administrative measure. Second, studying the rise of detention requires more expansive understandings of profit and penalization to encompass the social and political power that is conferred upon private companies and the military through their roles in detention practices. Finally, we introduce the concept of 'detention-as-spectacle' to encompass states' sovereign power to impress, intimidate, and garner concessions from citizens, non-citizens, and other states. Our research findings

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suggest that the reinforcement among the penalization effect, this innovative understanding of profit, and detention-as-spectacle applies equally across our different case studies, Malta and the United Kingdom. The applicability of our conclusion across such different states indicates its relevance for observers of detention and immigration control more generally.

James C. Simeon, York University

Co-Presenters: **Round Table Chair: Furio De Angelis**, UNHCR Representative to Canada, UNHCR Canada, Ottawa, Ontario, Canada

Lorne Waldman, Barrister & Solicitor, Lorne Waldman & Associates, Canadian Immigration and Human Rights Law, Toronto, Ontario, President, Canadian Association of Refugee Lawyers (CARL), Part-Time Professor, Faculty of Law, University of Ottawa, Ottawa, Ontario, Canada

Nancy Weisman, Senior Counsel, Refugee Appeal Division, Immigration and Refugee Board of Canada (IRB) – TBC (Requires the approval of the IRB to participate in this panel and this request is currently before the Board.)

Dr. Joseph Rikhof, Senior Counsel and Manger of the Law, Crimes Against Humanity and War Crimes Unit, Justice Canada, Part-Time Professor, Faculty of Law, University of Ottawa, Ottawa, Ontario, Canada

Dr. Jennifer Bond, Associate Professor, Faculty of Law, University of Ottawa, Ottawa, Ontario, Canada

Dr. James C. Simeon, Associate Professor, CRS Scholar, Director, School of Public Policy and Administration, Faculty of Liberal Arts and Professional Studies, York University, Toronto, Ontario, Canada

Justice James O'Reilly, Federal Court of Canada, Ottawa, Ontario, Canada (TBC)

Panel

Recent Jurisprudential Trends in the Interpretation of the Exclusion Clauses in Canada: Dramatic Changes or Subtle Shifts?

This Round Table will review a series of IRB and leading court judgments, including at the Supreme Court of Canada (SCC), that will cover the application and interpretation of Article 1F (a), (b), and (c), the so-called Exclusion Clauses, of the 1951 Convention relating to the Status of Refugee that have been fully incorporated in Canadian law in the Immigration and Refugee Protection of Canada (IRPA). The SCC of Canada has rendered, or will soon have rendered, major judgments on each of these subsections under Article 1F, including:

Article 1F(a) -- *Ezokola v. Canada* (Citizenship and Immigration), [2013] SCC 40;

Article 1F(b) -- *Luis Alberto Hernandez Febles v. Minister of Citizenship and Immigration* (Federal Court) (Civil) (By Leave);

Article 1F(c) -- *Pushpanathan v. Canada* (Minister of Citizenship and Immigration), [1998] 1 S.C.R. 1222.

These judgments have now been applied at various instances of the court system in Canada and, accordingly, it would be appropriate to consider how the jurisprudence on the Exclusion Clauses has responded since these SCC decisions were released.

The objective of the Round Table will be to discern and assess whether the courts have undertaken a dramatic new approach to the application and interpretation of Article 1F or whether the courts have made, rather, a subtle shift in the application and interpretation of the Exclusion Clauses.

This panel session, comprised of a number of leading legal practitioners and scholars in the field, will review these recent judgments of the courts from a number of different perspectives, including, normative, comparative, and critical, in assessing the Canadian jurisprudence under Article 1F.

James C. Simeon, York University

Co-Presenters: **Round Table Chair: Dr. James C. Simeon, Associate Professor, Director, School of Public Policy and Administration, Faculty of Liberal Arts & Professional Studies, York University, Toronto, Ontario, Canada**

Dr. Joseph Rikhof, Senior Counsel and Manager of the Law, Crimes against Humanity and War Crimes Section, Justice Canada, and Adjunct Professor, Faculty of Law, University of Ottawa, Ottawa, Ontario, Canada

Dr. Jennifer Bond, Associate Professor, Faculty of Law, University of Ottawa, Ottawa, Ontario, Canada

Dr. David James Cantor, Director, Refugee Law Initiative, University of London, London, United Kingdom

Dr. Joris van Wijk, Director, Centre for International Criminal Justice (CICJ), Department of Criminal Law and Criminology, Free University, VU, Amsterdam, The Netherlands

Dr. Sarah Singer, Refugee Law Initiative, University of London, London, United Kingdom

Dr. Geoff Gilbert, Head of School of Law, School of Law and Human Rights Centre, University of Essex, Editor-in-Chief, International Journal of Refugee Law, Essex, United Kingdom

Judge Judith Gleeson, Upper Tribunal (Immigration and Asylum Chamber), Field House, London, United Kingdom

Panel

Excludable from Refugee Protection but Neither Prosecutable Nor Removable From the Country of Asylum: Policy Conundrum or Impunity from Justice?

When there is sufficient evidence to exclude a refugee claimant from Convention refugee status or refugee protection but insufficient evidence to prosecute successfully the failed refugee claimant for their serious criminality, yet, the person cannot be removed from the country where they have sought asylum due to a well-founded fear of persecution and/or severe breach to their human dignity, what should be done for these people who are caught in legal limbo? Moreover, can it be said that these failed asylum seekers have achieved effectively impunity for their very serious criminality? This Round Table will seek to explore what has been described as the “post-exclusion dilemma,” where a person is clearly excludable from refugee protection but cannot be prosecuted or removed from the country of asylum because the person’s most fundamental human rights and human dignity will be violated in their country of nationality or former habitual residence.

States have approached this problem differently and, generally, in an ad hoc manner. For instance, some States refoule the failed refugee claimant, others negotiate bilateral memoranda, while others establish “restricted leave” policies that regularize temporally their migration status. States’ policy responses to this “post-exclusion dilemma” have, thus far, been less than satisfactory. The principal aim of this Round Table will be not only to canvass the policy responses of States to this situation of legal limbo for excluded refugee claimants but to search for more satisfactory outcomes that will avoid any semblance of impunity from the failed asylum seekers criminality that led to their exclusion from refugee protection.

The Round Table panelists are all participants in a UK Arts and Humanities Research Council (AHRC) funded research project titled, “Undesirable and Unreturnable? Policy Challenges around Excluded Asylum Seekers and Other Migrants Suspected of Serious Criminality but who cannot be Removed,” that is being jointly led by Professor David James Cantor, Refugee Law Initiative (RLI), University of London, UK, and Professor Joris van Wijk, the Centre for International Criminal Justice (CICJ), Free University, VU, Amsterdam, The Netherlands.

James Simeon, York University

Single/Seule

Refugee Law Judges and the Exclusion of Those Asylum Applicants Who Fall Under Article 1F(a) in Canada

This paper is based on a database comprised of 92 Article 1F(a) refugee law judgments rendered at the Federal Court and the Federal Court of Appeal in Canada and the judges who made the decisions in each of these cases. Article 1F(a) cases deal with those asylum applicants where there are “serious reasons for considering” that they have committed “a crime against peace, a war crime, or a crime against humanity.” These types of refugee hearings involve, typically, a Ministerial intervention and are adversarial proceedings where the onus is on the Minister to establish that the asylum applicant should be excluded from refugee protection. The database is a component of the broader “War Crimes and Refugee Status” research project, a comparative jurisprudential research project, that is examining Article 1F(a) judgments in five common law jurisdictions: Canada, UK, US, Australia and New Zealand. The paper will seek to examine what demographic variables and factors may be associated with the outcomes (or decisions) of Article 1F(a) cases. Such variables as sex, age, region of origin, educational background, years on the bench, and previous occupation or work experience may have a bearing on the outcome of these types of refugee appeal cases. The paper is exploratory in nature and involves a first detailed examination of the War Crimes and Refugee Status research project’s Canadian refugee law decision-makers and jurisprudence datasets on Article 1F(a).

James C. Simeon, York University

Co-Presenters: **Round Table Participants will include:**

Chair: Dr. Nanette Neuwahl, Faculty of Law, University of Montreal, Montreal, Quebec, Canada, and Director of Studies, European Interdisciplinary Studies Department (Natolin, Warsaw Campus), College of Europe, Warsaw, Poland

Dr. James C. Simeon, Associate Professor, Director, School of Public Policy and Administration, Faculty of Liberal and Professional Studies, and affiliated faculty, Centre for Refugee Studies, York University, Toronto, Ontario, Canada

Dr. Idil Atak, Assistant Professor, Department of Criminology, Faculty of Arts, and affiliated faculty, Ryerson Centre for Immigration and Settlement, Ryerson University.

Dr. Heather L. Johnson, Lecturer, Politics and International Studies, School of Politics, International Studies, and Philosophy, Queen’s University, Belfast, Ireland.

Dr. Galya Ruffer, Director, Centre for Forced Migration Studies (CFMS), International Studies, Department of Political Science, Buffett Centre, Northwestern University, Evanston, Illinois, United States

Panel

Developing and Sustaining Multi-Functional Web Platforms in Refugee and Forced Migration Studies Through Associational Affiliation, Knowledge Generation and Dissemination, Experiential Education, and eLearning

There are many challenges confronting those who initiate, design, operationalize, maintain and constantly develop and refine web platforms for multi-functional use in the field of refugee and forced migration studies. Chief among these is their long-term sustainability due to limited financial resources. While initial start up funding is more likely to be obtained for the development of a multi-functional web platform as a central component to a broader research project, once initiated and launched, and the funding has expired, its long-term viability and sustainability come to the fore. This Round Table will examine in detail the experience of CARFMS/ACERMF’s Online Research and Teaching Tool and Practitioners Forum (ORTT&PF) and how it has managed to sustain itself through global associational

affiliations and partnerships, experiential education, e-learning and through very limited seed funding and resources. The Round Table will seek to outline, through the experience of a number of principal researchers over the last several years, that one possible means for the long-term viability and sustainability of multi-functional web platforms is through their use in support of e-learning and experiential education (EE). Research instructors who have been involved in the ORTT&PF will describe how they have used the ORTT as part of their course instruction and how they have engaged their students in an EE research assignment as part of a 'live' major research endeavor that has furthered their knowledge and understanding of the multi and inter-disciplinary field of refugee and forced migration studies.

Victoria Simmons, Carleton University

Single/Seule

Divide and conquer: Brigandage and the politics of migrant protection in Mexico

"...the delinquents get on the train just like any migrant, and then when it is in movement, they pull out their weapons and begin to charge an illicit 'toll' or 'tax' (derecho de piso) which involves paying \$100, \$300 or \$1,750 dollars. As a last resort, they take all of their belongings. All the men and women have to pay. If not, they start to throw them from the train while it is moving. They use guns and machetes to intimidate and make the migrants pay." (OEM, 7 May 2013, author's translation)

Incidents of contemporary brigandage, such as the one described above, are regular occurrences on the railways of southern Mexico today. While horrific, they have become a normal part of the journey for the thousands upon thousands of migrants who travel by train to the United States in search of sanctuary and subsistence. Such acts, and the migrant protection measures employed to counter them, have also become a focal point in political struggles over free movement which play out en route among armed bandits of many stripes, state migration and police officials, transit migrants, church and human rights activists, among others.

This paper will map out the current landscape of migrant protection as it plays out on the railways of southern Mexico. The paper will identify state and non-state interventions aimed at protecting transit migrants from brigands. It will furthermore reflect on how, within this ever-changing political context, transit migrants are differentiated and sorted into threats and victims, which are then channeled away from the US-Mexico border in different manners.

Gustavo Simões, Universidade de Brasilia

Single/Seule

Social Integration of Colombian Refugees in Toronto

Social integration is a widely used concept in Social Sciences. However, a common definition is difficult consensus, given that these concepts can mean different terms at different times. In this sense, the definition of integration UNHCR (2002) is broad and highlights the importance of being a two-way and multifaceted process. The definition of integration is still characterized by being an ongoing process that requires duties of refugees and States, but does not indicate what those duties are.

This article seeks to understand the different forms of social integration of Colombian refugees in Toronto. The Colombian refugee population in Canada is the highest among Latin American and despite a decrease in asylum applications, the Colombians are still the group most affected by forced migration in the Americas. Data collection occurred through eight interviews with Colombian refugees, dividing

them into gender and origin in Colombia (rural or urban) and interviewing two people from these categories.

With the goal of maintaining the objective of the semi-structured interviews, respondents were asked social aspects of integration defined by Anger & Strang (2008) such as: Markers and Means (Housing, Employment, Education and Health); Social Connections; Facilitators (Language and Security) and Rights and Citizenship. The paper is divided in four sections: Forced Migration in Colombia; Canada's Refugee Policies; Social Integration of Refugees and Interviews with eight Colombian refugees in Toronto.

Esmeralda Smith Romero, University of Ottawa

Single/Seule

Criminalization of Migration and the Void of State Responsibility: (Re)Developing Theoretical Frameworks

The current legal, political and ethical framework under which the international system operates is to negate responsibility for the rights of the most vulnerable. In such a framework, states maintain their sovereign prerogative to insulate themselves from responsibility for the supposed “other” and in so doing violate the Social Contract and the legitimacy of government. Since anarchy in the international system is what –states make of it, according to Wendt, therefore by current convention states criminalize behaviour that they frame as parasitic. In our current context we see the Canadian Federal Government doing everything they can to close our borders and furthermore to deny Charter Rights to refugees who are already here, such is the current case with Health Care.

The UNHCR's attempts to mitigate the harm and metaphorical, if not actual, cleansing of millions of refugees and IDPs are simply not sufficient as they have fallen into a role of permanently running what are meant to be temporary emergency programs. The UNHCR's state dependence in an neo-liberal world means they are left not to effect preventative, restorative and peaceful collaboration, but rather to manage the urbanization of the world's discarded people who are criminally seen as not economically viable and therefore parasitic.

David Campbell's analysis of the Deterritorialization of Responsibility within a Levinasian framework offers a legitimate alternative to our understanding of responsibility. Instead of the Hobbesian State of Nature there is inherent responsibility to the other.

Anna Snyder, University of Winnipeg

Single/Seule

Refugees as Transnational Activists: Building Capacity for Conflict Transformation

This chapter examines the transnational bridgebuilding capacity of women in a small diasporic Karen community recently (within the last eight years) relocated to Canada in order to understand how and if women are contributing to peacebuilding, broadly defined, during the settlement process. Most countries in the Global North, including Canada, develop conflict-refugee policy based on the assumption that diasporas will support conflict parties fueling the on-going conflict rather becoming part of the solution. Government policy does not reflect the diversity of diasporic political views nor the capacity for diasporas to contribute to peace in their homelands. Research shows that some refugees/diaspora have become transnational activists, playing key roles in peacemaking. Moreover, recent studies indicate conflict diaspora possess unique characteristics/skills that could contribute to peacebuilding, specifically, their transnational networks. However, little is known about the significance of refugees' transnational networks for peacemaking. In the Canadian context, I found government policy

hinders the study of transnational networking because refugees without citizenship fear criminalization; that is, deportation and arrest if they become involved in what the government considers political, and therefore illegal or terrorist, work. Studies have shown that the more conflict diaspora are marginalized, the more likely it is they become extreme in their political activities. This study of Karen women (originally from Myanmar/Burma) reinforces my earlier conclusions that supporting women's transnational bridgebuilding, that is, facilitating contact between diaspora, refugee, and country of origin women's organizations interested in conflict transformation, is of strategic importance for peacebuilding.

Chantal Spade, Ryerson University

Single/Seule

The 'Good' Refugee is Traumatized: Post-traumatic stress disorder as a measure of credibility in the Canadian Refugee Determination System

Through a social construction theoretical framework, it is explored how the Immigration and Refugee Board utilizes a diagnosis of PTSD as a measure of credibility during the refugee determination process, and how this is deemed problematic due to the barriers that exist for the refugee population in the mental health system. This research project was framed around two primary research questions: (1) how does a mental health diagnosis of PTSD impact the refugee determination process in Canada? And, (2) is a diagnosis of PTSD for a refugee claimant accurate and appropriate? Semi-structured elite interviews were conducted with health care professionals who interact with the refugee population in Toronto. The findings indicate that there is an identifiable paradox between PTSD being utilized as a measure of credibility and PTSD being a social construction that is rendered inappropriate for individuals who originate in a non-Western culture. This research project demonstrates the existence of the paradox by analyzing the multi-faceted barriers that refugee claimants face in proving that their stories are credible, and the barriers in the accessibility and delivery of mental health care in Canada.

Key words: Refugee determination system; Post-traumatic stress disorder.

Djordje Stefanovic, Saint Mary's University

Single/Seule

Way Home in Bosnia: Refugee Returns after the 1993-1995 War

While sustainable return is generally recognized as the preferred and durable solution of the refugee problem, how the displaced actually manage to return is relatively understudied in the academic literature (Bradley 2007: 154). Once there is a realistic possibility of going home, what influences a displaced person's decision to return or stay away?

On the basis of existing studies, we postulate three hypotheses. First, the security thesis states that the decision to stay away because of a fear of ethnic violence is likely associated with a sense of vulnerability, which might tend to be greater for women and those who suffered war time victimization. Second, the sense of home hypothesis argues that older displaced people, with positive memories of pre-conflict local inter-ethnic relations will be more likely to return than the young or those with negative memories. Finally, the community effort hypothesis draws on social capital literature to emphasize the role of informal neighbourhood associations to facilitate and coordinate return actions. We use a 2013 Bosnian representative sample which involved 1,007 respondents to test these hypotheses. Our findings give support to the hypotheses, but with some qualifications. Net of other factors, women and those who experienced war time victimization are indeed more likely to return. As well, older Bosnians with positive memories of pre-conflict inter-ethnic relations are more likely to

return than younger or those with negative memories. Finally, displaced persons from areas of high return are also more likely to return themselves.

Matthew R. Stevens, York University

Single/Seule

Refugee Space, Government Space, and the Criminalization of Displacement: A Geographical Approach to Refugee Studies in the Context of Displaced Syrians in Urban Jordan

Syrian refugees living in urban Jordan once enjoyed protections and rights virtually unparalleled in the history of UNHCR. With freedom of movement throughout the country, Syrians were nominally tolerated in the informal workforce and allowed to settle in cities. However, those protections are steadily eroding under the pressures of protracted displacement. Camps were established; since, de-facto rights to residence and work have been increasingly criminalized and movement has been increasingly restricted.

Applying Doreen Massey's theory that space is a circumstantial convergence of "trajectories" in time and geographical location, I argue that refugees, NGOs, the United Nations, and governments operate in distinct spaces which nevertheless overlap in geographical location. The logic which results from interacting forces in "government space" or "NGO space" is coherent, though it is incongruous with that of "refugee space". As an engaged researcher attempting to shift policy emphasis towards the needs of refugees, the logics of various spaces must be understood and included in the formation of recommendations and the pursuit of lobbying and activism.

This research, based on six months of fieldwork in Irbid Governate in the northern reaches of Jordan, excavates the increasing criminalization of displaced Syrians living in urban centres. The Syrian refugee crisis, in the context of Jordan, is taken up as a case study to explore the disparity between "refugee space" and "government space". Opportunities to draw these spaces closer together are considered to produce a sustainable response that caters to the needs of both Syrians and the host community.

Stephanie Stobbe, Menno Simons College at the University of Winnipeg

Single/Seule

Going Beyond Criminalization: Recognizing Forced Migrants' Fundamental Rights

Canada is considered a global leader in refugee protection and has a long tradition of resettling refugees and other forced migrants through government and private sponsorship programs. In 1979-1980, Canada settled over 60,000 Indochinese refugees, more refugees per capita than any other nation. According to UNHCR's 2013 report, there are 51.2 million forcibly displaced migrants worldwide, the highest level since 1994. In the last few years, Canada and other countries have created legal and policy barriers for forced migrants who require the basic needs of safety and security. Issues of limited funding, extended family separation, and systemic discrimination are common. In light of these numbers and policies, the issue of criminalization of migration in the global era is of paramount importance in ensuring human rights and protection of forced migrants. This paper explores the laws that make it difficult for refugees to resettle and integrate in their new host countries; examines the obstacles forced migrants face in education, employment, and community settlement; and provides recommendations on how governments, organizations, and communities can effectively address these issues in ways that meet fundamental rights.

Sule Tomkinson, Université de Montréal

Single/Seule

The Politics of Immigration Control and Public Administration of Refugee Claimants in Canada and the United States

Controlling international immigration is one of the biggest challenges liberal democracies face today. Despite the expansion of human rights, border control remains among the most important principles of state sovereignty. Refugee claimants constitute an exemplary case within this dynamic. Unlike immigrants and overseas refugees, who are selected for settlement before their arrival, refugee claimants, whose claim for refugee status is based on their right to escape persecution, are nonsolicited. Liberal democracies maintain that they will offer protection to 'genuine' refugees but claim that their administrative systems that determine refugee status are under considerable abuse. These challenges signify the difficulties states face in striking a balance between human rights and state sovereignty. Literature on state responses to international immigration gives some insights into policy-making, but the focus on the legislation neglects policy implementation. Furthermore, this literature does not offer us the tools to study the administration of public policy. Public administration literature that focuses on policy implementation paid little attention to immigration control. Notwithstanding its empirical significance, we know very little about the functioning of public administration in relation to refugee status determination and its impact on refugee claimants. The question arises: How do the contextual dynamics and implementation of refugee policy affect the refugee claimants' ability to engage with the process? This article proposes a comparison of Canadian and American Refugee Determination Systems and their impact on refugee claimants by focusing on (1) the complexity of the administrative system, (2) the volume of the backlog and (3) the procedural time limits.

Sule Tomkinson, Université de Montréal

Co-Presenters: **Sharalyn Jordan**, Assistant Professor, Simon Fraser University

Co-presenters: **Liana Chase**, MSc, anthropologist, managing editor, *Journal of Transcultural Psychiatry* & research coordinator, Intercultural Research and Intervention Team, CSSS de la Montagne

Prudence Caldaïrou Bessette, PhD, clinical psychologist, postdoctoral intern, Intercultural Research and Intervention Team, CSSS de la Montagne

Co-Presenters: **Juliana Cortes Lugo** and **Chloe Raxlen**, Canadian Council for Refugees Youth Network Panel

Emotionally charged moments in refugee and forced migration research; contaminations or sources of insight?

Sharalyn Jordan

Voiced affect and emotion in Queer Refugee Research: The meaning, potential and ethical responsibility of working with emotionally charged moments

In collaboration with community group Rainbow Refugee, I conducted narrative interviews and ethnographic fieldwork with refugee survivors of homophobic and transphobic persecution in Vancouver, BC between 2008-2011. We mobilized findings in briefs presented to parliament, affidavits for federal court, submissions to UNHCR consultations, and public presentations in response to the radical overhaul of Canada's refugee system. I reflect on this project, and some of its emotionally charged moments. Informed by dialogical constructivist scholarship in psychology and critical narrative

inquiry, I research from an understanding that affect and emotion are critical organizers of experience that constitute and convey meaning. Rather than viewing fieldwork as an objectivist project of information gathering, I understand research interactions as a relational process of co-constructing meaning. The voiced selves that come into emotionally-live, dialogical contact in research interactions is a focus of analysis. I will present excerpts that demonstrate strategies from dialogical and narrative inquiry for analyzing affect/emotion. My case for paying attention to emotion in research goes beyond arguing that it is meaningful and possible. It is also necessary. Fieldwork with forced migrants is emotionally charged, as well as value and power laden. As researchers we have an ethical responsibility to acknowledge the potential for charged emotions, prepare ourselves, and structure research interactions to reduce risks of retraumatization for participants. Drawing on my training in Counselling Psychology, and specifically narrative psychotherapy, I will discuss some of the ethical responsibilities and potentials for working with emotion, bearing witness to survival, strength, and resistance in research with forced migrants.

Sule Tomkinson

Making sense of tears: emotionally charged moments in refugee decision-making

Social science research idealizes the fieldwork as a detached, objective and neutral practice. Within this framework, emotions are external to the research process. They are seen as disturbances that contaminate the systematic collection, categorization and dissemination of ‘facts’. That is why they must be managed, controlled and confined. This view is often in conflict with the realities of field research in sensitive sites. In refugee research, fieldwork provides a fertile ground for emotionally charged moments. It requires close human contact which can evoke disturbing emotions in the researcher and the participants. In this paper, I reflect on emotionally charged moments of the ethnographic research that I undertook at Immigration and Refugee Board of Canada, on Board members’ discretionary practices in refugee hearings. Here, I will particularly focus on how analytical focus on intense emotions such as anxiety related to access to the research site, loathing towards certain Board members, and strong attachment to refugee claimants transformed during the research process and helped me in providing a realistic account of the object of inquiry.

Liana Chase & Prudence Caldairou Bessette

Ethical and methodological reflections on emotional engagement in mental health research with refugees

This paper explores the complexities of affective engagement by the researcher in relationships with refugee participants in mental health research. The authors present two case studies as a platform for considering some emotional, methodological, and ethical challenges such engagement poses, as well as the insights it might afford into experiences that have been said to exceed the limits of the “clinical imagination” (Kirmayer, 2003).

Chase describes a relationship that emerged during ethnographic fieldwork at a shelter for recently arrived refugee claimants and transformed when the participant’s closest friend committed suicide. Bessette reflects on an interview with a refugee child separated from his family. Indirect questions about family appeared to cause the child distress, and personal questions were addressed by the child to the researcher, resulting in an emotionally charged moment that changed the course of data collection.

In the field of psychology, given its historic aspiration to objectivity, the development of close relationships with research subjects is often viewed as problematic, although scholars increasingly call for “participatory” approaches that involve researchers and participants as collaborators. Anthropology,

on the other hand, has traditionally encouraged immersion in the social worlds of informants. The work of Devereux (1980) on « research counter transference » may help us to explore these tensions. Yet rather than resolving them, this paper seeks to interrogate framings of researcher-participant engagement along binaries of right vs. wrong, adaptive vs. maladaptive, or methodologically advantageous vs. unsound, while also considering questions of reciprocity and validity.

Juliana Cortes Lugo and Chloe Raxlen

Emotionally charged sites as valuable sources of insight

The value of supposed objectivity in the social sciences has long been a source of debate and controversy. Can one really be objective? If so, how can that be measured and tested? Who decides what is objective? This valuing of objectivity has meant de-legitimizing of other ways of knowing and the delegitimizing of emotionality as well emotionally charged experiences. Drawing on feminist research (Messing, 1983) and our experiences within Canadian Council for Refugees Youth Network, a collective of self-identified newcomer youth, we will argue that by considering emotionally charged moments as contamination one runs the risk of excluding migrant and refugee perspectives in the research and consequently the knowledge generated will reproduce forms of marginalization, as well as current power structures. It not only excludes important voices but potentially valuable sources of insight.

Sule Tomkinson, Université de Montréal

Single/Seule

Contextualizing Discretion: Micro-Dynamics of Canada's Refugee Determination System

In this first Canadian study of refugee decision-making from an organizational and street-level perspective, I focus on Canada's largest independent administrative tribunal, Immigration and Refugee Board of Canada. This paper seeks to understand why Board members have such divergent refugee status grant rates. Informed by street-level organizations theoretical framework, I explore discretionary decision-making with an ethnographic methodology. Based on direct observation of 50 closed refugee hearings, 30 in-depth interviews with adjudicators (previous), refugee lawyers, claimants and interpreters, and analysis of the IRB's internal documents, I argue that while refugee policy is important in refugee status determination, it is not implemented as coherently and consistently as politicians and public policy scholars often assume. Departing from political control and patronage speculations, I illustrate the extensive power of evaluation and reasoning the Board members enjoy and its implication for refugee claimants. They test not only whether the claimant fits the legal definition of a refugee, but also their own conception of what constitutes refugee status. This is not simply a bias for or against refugees. It an analytical conception that is formulated as a result of personal and professional experience and is a product of a cumulative understanding of the organization and the claimants. I have documented how Board members apply different approaches to the refugee hearing, ranging from rigid interrogation to the more lenient interview style. Ultimately, the way the members use their discretionary powers and reasoning may matter more than the strength of the claim in the determination of refugee status.

Araceli Turmo, Université de Paris-2, Panthéon-Assas

Single/Seule

The Impact of Pre-Removal Detention on the Protection of Forced Migrants in the EU

Recent case-law mirrors the concerns of national and local actors faced with the penalisation of refugees and other forced migrants in the European Union. European legislation notably allows for the pre-removal detention of migrants, even during asylum procedures, and many Member States have been quick to make use of this possibility. Detention is one of several tools, albeit perhaps the most striking, which contribute to a general trend towards the criminalisation of migrants in the EU. However, according to the same provisions, human rights protection must be guaranteed to all persons within the European Union. This has led to the development of a growing body of case-law, as the European Court of Justice attempts to limit the extent of the human rights violations caused by this policy. The Court is now dealing with increasingly specific issues, such as the criminalisation of the use of human smugglers, or the confinement of migrants in prisons in the absence of specialised detention facilities.

Building on this case-law and on experiences of immigration detention, particularly in France, this paper will attempt to assess the EU's impact on the practice. It will seek to determine whether EU policies are merely contributing to the trend of criminalising migration, or whether they can also help contain and regulate the trend towards detention, thus improving the protection of forced migrants.

Onar Usar, York University

Co-Presenters: **1. Onar Usar, Critical Disability Studies Program, York University, Toronto.**

2. Derya Demirdizen Cevik, Assistant Professor, Department of Public Administration, Kocaeli University, Kocaeli, Turkey.

3. Fiona Cheuk, OISE, University of Toronto, Toronto.

4. Louise Tam, Women's and Gender Studies Program, Rutgers University-New Brunswick.

5. Kusha Dadui, Trans Program Coordinator, Sherbourne Health Centre, Toronto.

Panel

Constructing and Regulating Migrant Bodies in a Global Era of the Criminalization of Migration

Onar Usar

This paper centers on my personal experiences as a disabled and chronically ill international graduate student with a precarious legal status in Canada, in order to illustrate the tenuous and constantly shifting boundaries between state-defined "legal" and "illegal"/"irregular" migrant categories. Through a critical examination of the specific regulations, discourses, and processes of Canadian immigration system that grants temporary residence to "foreign students" for higher education purposes along with formal disability accommodation processes of Canadian post-secondary education institutions, I trace my non-linear trajectory of "irregularization, regularization, and illegalization" (Goldring and Landolt, 3) during my 16 years in Canada. Throughout this investigation I discuss the intricate ways through which higher education institutions, as well as rights-based, liberal disability accommodation legislation and discourse are implicated in the contemporary production of migrant illegality and criminalization. This analysis is contextualized within a particular historical moment where Canadian government has put unprecedented effort for the internalization of education and aims at doubling the amount of international students, specifically from the Global South, while simultaneously stricter and uneven rules for permanent residence has been introduced. Thus, further consideration will be given to ways institutional actors and non-citizens with precarious legal status can and do negotiate, challenge, and transgress the boundaries between migrant legality and illegality across various migrant categories.

Fiona Cheuk

Disciplining Bodies at the Borders

Immigration has always served as a site where bodies are divided into includable and excludable on account of race, gender, age, class and physical and/or mental states. In the last decade some of the more visible cases were Abdelkader Belaouni, a blind man who sought sanctuary for over three years in a Montreal church in order to evade his deportation orders before finally being granted a legalized status in 2006; the Chapman family, who were denied visitation visas to Canada because their daughter had an intellectual disability in 2005; Laibar Singh, a man who became a wheelchair user due to a spinal infection incurred within Canada was forcefully deported to India in 2007; and finally Chris Mason, a man who became paraplegic due to workplace injuries and was deported to the UK on the basis that he would become an “undue economic burden.” In this paper, I will analyze the significance of disciplining of migrant bodies through the Canadian Immigration and Refugee Protection Act s. 38.1 (c) and consider what type of migrant body this process constructs. I contend that such discriminatory practices create a legal and political “state of exception” (Agamben 2005) towards all persons with disabilities, thus placing disabled bodies outside the boundaries of legality and criminalizing disability in transnational bodies.

Derya Demirdizen Cevik

A Meaningful Reform or Indentured Labor in Disguise? A Comparative Study on Migrant Labor Regulations in Turkey and Canada

This paper will discuss the results of a comparative study on migrant labor policies of Canada and Turkey in relation to actual experiences of female domestic workers. Canada, as a country with a long history of labor migration has a specific program for domestic workers. Even though this program is accepted as one of the best examples in the world, it has many structural problems that leave the female migrant workers vulnerable to exploitative work conditions. On the other hand, until very recently migrant domestic labor in Turkey was largely unregulated and considered to be a part of the undocumented migration. Migrant domestic workers were either deported or taken advantage of in various ways. As a result, in recent years the Turkish government has made attempts to bring some regulation in this area. Through in-depth interviews our comparative study investigates the experiences of female migrant domestic workers in Turkey after the new regulations have taken effect. It compares their experiences with those of female migrant labourers in Canada and argues that despite some considerable differences in policy context, migrant workers in both countries face similar challenges and concerns, which can be best understood within a framework of indentured labor that leads to further criminalization and exploitation of migrant workers.

Kusha Dadui

Trans Migration

This paper describes and centers on the changes that I have seen in the Canadian immigration and refugee system since I came to Toronto as a refugee in 1994. I will be looking at Canadian history of immigration policy and how it makes evident the way Canadian population has been constructed in terms of race, gender, ability and sexuality. This allows the current discourse around “immigrants”, legality and illegality. My main focus would be on the LGBTQI community and how that is directly connected to homonationality and how this arises as one effect as settlement neutralization and defense of queer modernization in Canada. This is also considering that Canada is on Indigenous land and Indigenous notions of two-spiritedness have existed well before European colonization. Queer and Trans communities of color who are refugees and newcomers only belong if we conform to an identity

that is aligned with the view of queer liberation in the west and if we join “nationhood” that centralizes around whiteness. A great example of that would be the questions that are asked in the refugee hearing process. I will illustrate how the racialized immigrant communities are constructed as inherently homophobic and transphobic during this process. I will connect this discussion to how trans bodies of color are treated within the immigration system and being forced to conform to the western concept of gender identity in order to receive adequate support, which further alienates them from their communities of origin.

Louise Tam

The Cost of Harmful Behavior is Inadmissible

Transnational analysis of immigration and public health in Feminist Science Studies tends to focus on medically verifiable, infectious diseases such as TB, syphilis, and AIDS as examples of grounds of inadmissibility such as ineligibility for permanent residency (Briggs, McCormick, & Way, 2008). Scholars of gender, race, and science rarely consider how pathology, especially mental disorder, is actively constructed in the contemporary securitization of state borders. Building on literature that documents cases of medical deportations in the United States, this paper calls for a deeper examination of the institutional production of mental health symptoms in the state’s economic exploitation of migrant labor. I explore how civil surgeons actively construct race and mental disorder in the process of reporting a Green Card applicant’s past, present, and future risk of harmful behavior to U.S. Citizenship and Immigration Services (USCIS). To do this, I draw on a preliminary analysis of the Center for Disease Control and Prevention’s (CDC) (2010) Technical Instructions for Medical Examinations of Aliens in the United States. This paper intervenes in compulsory able-bodiedness as a “modern” specification of economically developed nation states, in which citizenship is increasingly framed in terms of productivity and economic burden.

Tanja van Veldhuizen, Maastricht University, the Netherlands / University of Gothenburg
Single/Seule

Credibility assessment of claims about origins: the validity of measuring knowledge of places

The majority of asylum seekers are unable to substantiate their claim about origins. Origin is central to an asylum request. European immigration services therefore often assess credibility of the claims by asking questions that test knowledge about the country, city and region of origin. Until now, uncertainty remains about whether the questions help to discriminate between veracious and fabricated origins claims. An empirical validation of the questions asked is lacking.

Two studies were designed to fill this gap. In a qualitative study, Swedish asylum officials formulated questions that they would ask to assess credibility of claims about origins in response to a vignette story. With a thematic analysis categories of questions that the asylum officials used to assess the veracity of origin claims were identified. In a second study the validity of typically used questions was examined experimentally. Three groups of participants - Swedish truth-tellers, Swedish liars, and Non-Swedish liars - were asked to convince an interviewer that they originated from a small Swedish town. Liars had never been in that town before. Half of the participants got the opportunity to prepare for the interview, whereas the other half was unprepared.

It was assessed whether the questions are discriminatory in the sense that they elicit cues to be used for discrimination between unprepared truth-tellers and prepared liars. It was also explored whether new

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lie detection techniques can be applied to credibility assessment of origin claims in the asylum procedure. Preliminary results will be presented.

Joris van Wijk, VU University

Single/Seule

Post Exclusion in the Netherlands

The Netherlands are internationally at the forefront of applying article 1F of the Refugee Convention. It has resulted in the existence of a group of hundreds of mainly Afghan and Iraqi asylum claimants who are excluded from refugee protection due to their alleged involvement in international crimes, such as war crimes, crimes against humanity, and genocide. Although determining whether the exclusion clause applies is challenging in itself, this article demonstrates that developing a consistent post-exclusion policy appears to be even more complicated. A lack of harmonization in international law results in those excluded persons who cannot be prosecuted, or deported to their country of origin due to human rights concerns, being left in limbo. On the basis of interviews with twenty-four excluded asylum claimants in the Netherlands, I will present an insight into the effects of this fundamental system error and analyze the (ad hoc) measures the Dutch government has taken in an attempt to resolve this issue, as well as the informal strategies deployed by the excluded persons themselves.

Paloma Villegas, University of Toronto, Scarborough

Co-Presenters: **Jenna Blower, University of Toronto, Scarborough**

Single/Seule

Precarious status migrants, healthcare, and deservingness in the media

In the past few years, access to healthcare for precarious status migrants in Canada —those who are not permanent residents—has undergone a number of changes. On the one hand, we have seen a number of actions to improve access for those who are uninsured. On the other, recent policy changes have limited, or at least complicated, access to healthcare for a number of refugee claimants. This paper presents preliminary findings from a research project investigating the representation of precarious status migrants' access to and use of healthcare services in Canadian media outlets. Using discourse analysis, the paper proposes that media outlets, and the actors and events about which they report, draw on two sets of representations: depicting precarious status migrants as “victims” or as “criminals.” We examine how both of these sets of representations draw on understandings of deservingness, moral value as well as how they influence understandings of citizenship.

Nili Sarit Yossinger, Georgetown University

Co-Presenters: **Nili Sarit Yossinger, Office of the Senior Vice President for Research, Georgetown University**

Lara Kinne, Office of the Senior Vice President for Research, Georgetown University

Abbie Taylor, Institute for the Study of International Migration, Georgetown University

Eleanor Swingewood, Institute for the Study of International Migration, Georgetown University

Emily Scott, Department of Political Science, University of Toronto

Lama Mourad, Department of Political Science, University of Toronto

Craig Damian Smith, Department of Political Science, University of Toronto

Panel

Using Open Source Data to Inform Humanitarian Responses to Forced Migration

Abbie Taylor, Eleanor Swingewood, Nili Sarit Yossinger

Innovative Approaches to Humanitarian Response: The Case of Iraq

Over the last quarter century, Iraq has existed as both a source of, and destination for forcibly displaced persons. In 2014 alone, over 1.8 million people have been internally displaced, adding to the many already forced to flee across Iraq's borders. The crisis in Syria has further compounded this crisis. For many, this is not their first experience with forced displacement; displaced persons frequently experience multiple stages of movement, meaning there is no homogenous 'refugee experience.' Given that a fixed structure or pattern of forced migration does not exist, predicting or preparing for onward flight or return movements is increasingly difficult.

Utilizing our knowledge of past emergencies, how can we inform future humanitarian responses? This paper uses open-source qualitative data in Arabic and English from Georgetown University's Raptor database to identify leading indicators and drivers of forced migration to unpack past and present displacement in Iraq, paying attention to the multiplicity of local, national and regional dynamics. This paper examines the interrelated web of exogenous and endogenous factors over time, including state governance, political and demographic power struggles in Iraq, and fundamental issues of Iraqi politics, including natural resources, minority and majority rights, citizenship and national allegiance. It also considers the increasing regional instability embodied in the advance of militant Islamist groups and the spillover of conflict in Syria. Rather than attempting to ascertain specific estimates of internal or external displacement, our work aims to provide a comprehensive analysis of displacement trends and causes in Iraq, leading to the present.

Lara Kinne, Nili Sarit Yossinger

Creating a New Model: Reconceptualizing Responses to Forced Migration

Early Warning mechanisms are not novel in the domain of refugee and forced migration studies; however, systems that provide warning and scenario planning options are innovative. While a plethora of regional, national and international mechanisms are currently in place across the globe to predict potential mass displacement, there has been little success in accurate forecasting, and even less capacity to supply service organizations with the information needed for an adequate response to sufficiently meet the needs of the affected population. This paper will detail one part of a multi-pronged research project that seeks to create a model that will yield accurate information for warning and scenario planning.

The paper offers preliminary findings from a study of refugee movements and internal displacement in Somalia from 2006-2008 that draws on open-source data in combination with domain expertise in identifying latent and leading indicators of forced migration. The work is a reflection of ideas from an interdisciplinary team of social and computational sciences, whose combined subject matter expertise has shaped the unique research methods in this project. This paper will incorporate analysis of news articles, blogs and other open-source resources that comprise a massive data archive at Georgetown University, called Raptor. Raptor data analysis, coupled with expertise from scholars, practitioners and policymakers form the foundation of the simulation used to model forced migration in Somalia. Reactions to, assessments of, and comments for the research methods and preliminary results for this paper will be solicited.

Lama Mourad

Forecasting Displacement: The Case of Syria

As the civil conflict in Syria marks its third year, over three million displaced people have found shelter in neighbouring countries, and over six million have been internally displaced. While host states, international organizations, and local NGOs struggle to cope with the demands of the existing population, many more Syrians are being displaced every day. This paper analyzes the past displacement of Syrian refugees and IDPs and outlines a set of parameters that can inform the development of a model to anticipate future displacement. By identifying the triggers and decision-making processes that are part of the displacement process in the Syrian case, we aim to provide improved information regarding where and when populations are likely to move. It makes use of English and Arabic open-sourced data, including over 6 million articles and documents available through RAPTOR, and social media data. This will not only allow for a greater understanding of forced displacement, both in the Syrian case and in comparable cases, it will also allow for an improved humanitarian response that is based on increasingly nuanced assessments of future need. This paper is part of a broader project in collaboration with the Institute for the Study of International Migration at Georgetown University that aims to build a decision-making tool to improve understanding of, and response to, forced migration.

Where Are We Needed? The Boundaries of Organizational Response to Forced Migration

This article explores the processes of response adopted by organizations such as UNHCR, IOM, ICRC, and MSF to forced migration during humanitarian crises. Focusing on the case of Iraq in the wake of the US withdrawal in 2009 and migration in response to the emergence of ISIL, it asks: first, what indicators and mechanisms these organizations use to predict, identify, and respond to forced migration; second, what processes drive their response; and third, where they meet obstacles and successes? It aims to understand the weight organizations place on certain warnings, how this informs their response type, and how anticipating displacement might improve planning and aid delivery. International and humanitarian organizations work to establish networks with local actors, develop regional expertise, and can be self-reflective and self-critical. Knowledge of organizational experience, debates, and institutional learning and adaptation surrounding migration can guide scholars of displacement to where they are needed. By understanding where there are gaps in organizational response we can identify how best to contribute to improving real-time planning of shelter, food aid, or protection for forced migrants. This research is conducted in collaboration with the Institute for the Study of International Migration, which is working toward the creation of a large-scale, data intensive system for anticipating forced migration. These findings will support recommendations for where using open-sourced big data might improve anticipation of forced migration and response planning.

Craig Damian Smith

Asking the Right Questions: Mining Migration Theory to Query Open-Source Big Data

This paper describes the process of developing concise Social Science research questions to effectively query open-source big data on the drivers of forced migration in Iraq. The project under consideration is a partnership between the Institute for the Study of International Migration (Georgetown), the Refugee Studies Centre (York), and a number of other North American and international partner institutions with over 30 contributing researchers. The purpose of the project is to develop and operationalize the database to enhance situational awareness of the complex factors that contribute to forced migration, with the goal of aiding the capacity of relevant humanitarian agencies. It represents an innovative and perhaps unprecedented effort to develop a data-driven approach to the study of forced migration.

The truly interdisciplinary nature of the project presents interesting challenges since the methodology of our Computer Science colleagues is fundamentally different from our own. From a Social Science perspective, our Computer Science colleagues select cases based on the availability of data, and accumulate massive datasets and develop tools for its analysis in the absence of a guiding research question or executable research design. The role of the Social Scientists on the project is therefore to adjudicate between the range of agent and system level theories of migration to develop substantive research questions, which, in turn, allows our colleagues to develop suitable analytical tools and relevant data mining techniques. The ultimate goal is to design and implement a field work project to test its findings.

Jona Zyfi, Ryerson University
Single/Seule

The Criminalization of Migration in a Canadian Context

This paper will argue that the criminal justice system is increasingly being used as a tool to criminalize and control immigration in Canada. In the government's attempt to control and rectify the immigration problem, the criminal justice practice of detention has been on the rise, the procedural safeguards that follow have been eroded and deportation is increasingly being used as a tool of banishment. With stricter regulations being adopted, not only has immigration detention in Canada increased, but so has the use of penal institutions which significantly impacts both human rights and the well-being of detainees. Heightened concerns about security and state sovereignty have led to increased reliance on criminal law as a tool of dealing with immigration, itself a civil regulatory field. However, as immigration becomes more and more "criminalized" the procedural safeguards that accompany the criminal justice system have been discarded. Through the deportation practices that have resulted from criminalization, states not only assert their sovereignty and borders but also regulate group membership. It is a method of identifying and separating the desirable immigrants from the undesirable. In conclusion, it is apparent that the immigration system in Canada has become increasingly criminalized. The subtle racialization and the use of criminal justice system measures to detain and deport non-citizens, and the weakening of procedural safeguards and protections guaranteed under domestic and international law, have led to an asymmetrical system that has impacted human rights and the well-being of people seeking a better life and in need of protection.