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Economic Heroes, 'Bogus' Asylum Claimants, and Genuine Refugees: a Discourse-Historical Analysis of Recent Changes to Immigration Policy, 2010 to 2012

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ECONOMIC HEROES, 'BOGUS' ASYLUM CLAIMANTS, AND GENUINE REFUGEES: A DISCOURSE-HISTORICAL ANALYSIS OF RECENT CHANGES TO IMMIGRATION POLICY, 2010 TO 2012

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ABSTRACT

The neoliberalization and securitization of immigration policy have accelerated in recent years. My goal is to demonstrate this premise. Using the *Discourse-Historical Approach* (DHA), I chart the contemporary history of Canadian immigration policy developments and how subjects of immigration policy have been discursively produced. I then introduce changes made to immigration policy between January 2010 and June 2012, how such changes have been introduced and how they have been justified by the current government. I do this by applying the DHA to a textual sample of parliamentary speeches, CIC news releases, and articles from two major newspapers. The three main discursive policy themes explored are (1) The current economic stream is too cumbersome for the new economy (2) The refugee determination system is in need of repair and (3) Canada's immigration system is in danger of being undermined due to illicit activities. Justification patterns within these discourses are analyzed.

Key words: neoliberalism; securitization; immigration policy; policy discourse

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INTRODUCTION

At the global level, the neoliberalization and securitization of migration have been occurring but not always in tandem. How then is it that the contradictory impulses of neoliberalism and securitization come together? This is an important puzzle to consider as the former ideology calls for the banishment, erosion, or increased porosity of state borders while the latter calls for their strengthening and hardening. Most importantly, how are these seemingly contradictory goals discursively justified by those who wield power to shape immigration policy? I argue that the current government in Canada has seized on the fertile environment created by the global ascendance of neoliberalism and securitization by incrementally introducing policy changes that amount to an entirely new immigration system.

The Canadian state has been embracing both trends through immigration legislation. Announcements by the Minister of Immigration have been carefully and strategically parcelled out since the beginning of his term in 2008. Once these discursive seeds were sown, a bombardment of proposed policy changes ensued. From the family class moratorium to the controversial Bill C-31, these changes will undoubtedly affect many individuals and families wishing to immigrate to Canada. The 2001 *Immigration and Refugee Protection Act* (IRPA), the primary piece of legislation governing immigration, has provided a window through which the governing party of the day has been able to introduce desired changes to the immigration system in such a swift manner.

The IRPA has often been described as 'framework legislation' characterized by a restoration of power to the executive branch of government (Dauvergne, 2003, 2005; Kelley & Trebilcock, 2010). This has been understood as a reversion from past progress as the previous 1976 *Immigration Act* was lauded for abolishing excessive executive authority over immigration

(Kelley & Trebilcock, 2010). Dauvergne (2005) describes the IRPA as a hollow framework, a sieve into which mutating national goals can be placed depending on the order of the day. George and Young (2006) describe the hollowness of the IRPA as a necessary legislative tool that aids in responding to changing contextual circumstances as they arise. While I believe that both sets of premises are valid, I argue that the current governing party has been able to sidestep the amount of public scrutiny that would come with an entirely new piece of legislation and to instead parcel out an entirely new immigration system, piece by piece. One of the central tasks of this project is to bring together these disparate pieces, investigate how political rhetoric has been invoked to justify each piece, and to come to a united understanding of the sum of these parts and what they mean at this particular historical juncture.

The main premise put forth in this paper is that the neoliberalization and securitization of Canadian immigration policy have accelerated in recent years. These two discursive frames have been invoked by the executive branch to justify the increased power that they have wielded over determining who is allowed entry into Canada and under what conditions. More specifically, I propose that the neoliberalization of immigration policy has manifested in changes made to the economic and family classes while securitization has manifested as a central feature of refugee policy. It is important to note that these two discursive frames are not completely clear-cut as the two logics coexist and are often fused together to justify the totality of changes made by the executive, a point that will become clearer in subsequent sections. For now, it is important to understand these two paradigms as working in conjunction to help shape desired in-groups and undesirable out-groups: Those who fit the qualities of the desired neoliberal citizen will be marked as worthy and will be readily absorbed into the body politic while those that are understood as posing a security threat will be marked as undesirable and discursively produced

as a threat to state sovereignty. While the material consequences that have and may arise from these changes are absolutely vital to consider (and will be discussed to draw attention to the possible negative consequences that governmental discourse elides and/or masks), my main emphasis is on understanding the facilitating conditions that have allowed such rapid and radical transformations to occur and to investigate how such changes have been discursively justified by those granted with the power to speak authoritatively about them.

This paper is divided into the following parts: First, I delineate the methodology that will be used to investigate and demonstrate my main premises. The Discourse-Historical Approach (DHA), a branch of Critical Discourse Analysis (CDA) will be employed as a guide to aid in demonstrating the propositions introduced above. I then move on to the literature review which is comprised of two core components. The first component of the literature review will discuss the neoliberalization of immigration policy while the second component will discuss the securitization of immigration policy and how it works in tandem with the logic of neoliberal state management. Both components require an in-depth discussion of the changes that have occurred to immigration policy since the introduction of the IRPA although this discussion must necessarily begin slightly earlier in the 1980s and 1990s as the latter period marks the era when the neoliberalization of immigration policy began to unfold. I argue that temporally, neoliberalization came before securitization, yet currently the two overarching paradigms work in tandem in governmental discourse. I then present a description and analysis of the most recent changes that occurred to immigration policy from January 2010 to June 2012 followed by concluding remarks.

METHODOLOGY

Postpositivist Policy Analysis and the Discourse-Historical Approach

The central question being asked is: How has the Immigration Minister Jason Kenney (and the Conservative party overall) readied the public to accept the onslaught of changes to immigration policy that have been introduced over the last two and a half years? The method of discourse analysis that I have selected will be explained in this section. The way that it is applied to the selection of the final sample will be explained in the analytical section which describes the immigration policy changes introduced from January 2010 to June 2012 and how they have been discursively justified by the current administration. This time period captures the increasing acceleration and volume of changes introduced by the Conservative government and also captures their transition from minority to majority rule.

The decision to study policy *discourse* can be understood as a *postpositive* approach to studying policy (Howlett & Ramesh, 1998). In previous decades, positivist perspectives were dominant. A particular set of material structures (e.g. technological, geographical, economic etc.) were emphasized and said to determine the sorts of policies that would be formulated by a government. However, postpositivist approaches eventually gained prominence as well, emphasizing the importance of discursive structures in the shaping of public policy. These approaches focus on the way that "the language of politics “constructs” public policy, since the language of politics is inscribed with interpretations of what a policy “problem” is" (Howlett & Ramesh, 1998, p.467). Howlett & Ramesh (1998) discuss the concept of discourse coalitions which are formed "when members of interest groups, administrators, politicians, journalists, academics, and others argue or make policy-relevant statements with much the same content and purpose" (Howlett & Ramesh, p.468). Studying discourse becomes central to studying policy, as

language is invoked to discursively produce the targets of policy. Analysing the ways in which these subjects are linguistically produced is crucial because the 'diagnosis' shapes the policy 'solution' or 'treatment' that must follow.

Discourse analysis can be understood as a broad umbrella for many sub-disciplines depending on the genres and phenomena studied and also depending on the theoretical training and disciplinary background of the researcher (Wodak, 2008). Critical Discourse Analysis (CDA) is a branch of discourse analysis that arose following a 1991 symposium in Amsterdam which brought together several discourse scholars. CDA refers to this network of scholars and the principles that unite them and primarily involves understanding text as a site where power is exercised (Meyer & Wodak, 2009). It is problem-focused in that its aim is not simply to explain how social phenomena are discursively produced but to critique such processes in order to shed light on if and whether particular groups may be marginalized through discursive production (Meyer & Wodak, 2009). CDA examines the discourses woven throughout various texts as part of a larger process of ideological power: Particular hegemonic discourses come to be systematically circulated throughout a network of institutions to justify the current social order. These systematic ways of speaking become treated as legitimate, commonsense ways of understanding the world (Wodak, 2002). CDA aims to 'break open' these discourses in order to expose the power relations that such discourses attempt to legitimize (Meyer & Wodak, 2009).

The method that I have chosen and believe is a particularly useful tool for the research question at hand is a method that comes from the CDA school called the *Discourse-Historical Approach* (DHA) (Reisigl & Wodak, 2009; Wodak, 2008; 2011). The DHA has several distinguishing features: It is interdisciplinary in terms of theories and methods employed, it is cyclical (requiring a continual movement between theory and data), and the texts under

investigation are always grounded in social and historical context (Reisigl & Wodak, 2009). The DHA was designed as a tool to investigate political discourse ('political' is to be understood here in the narrow sense to describe utterances produced by government officials), and as a tool to address projects that span genres. Since the DHA focuses on government officials, an array of genres, and text in context, it was chosen as the methodology that best fits the project at hand. It aids in tapping into Howlett and Ramesh's (1998) concept of discourse coalitions and allows for a rich understanding of contemporary Canadian immigration policy discourse.

The terms *ideology* and *power* and how they are defined particularly in the DHA must be articulated. According to Reisigl and Wodak (2009), ideology is understood as:

> an (often) one-sided perspective or world view composed of related mental representations, convictions, opinions, attitudes and evaluations, which is shared by members of a specific social group. Ideologies serve as an important means of establishing and maintaining unequal power relations through discourse (p.88)

Power is understood as the unequal relationship between social actors and groups who are located in hierarchically differentiated social positions (Reisigl & Wodak, 2009). Reisigl and Wodak (2009) understand power as the ability of one social actor or group to exert their will over other groups who may hold divergent interests. Power becomes sanctioned or de-legitimized through discourse and texts serve as a site of this ideological struggle. Finally, power is exerted not only through language use, but through the privileged access that powerful social actors and groups have to various spheres of text production and hence over the direction and development of discourse (Meyer & Wodak, 2009). The DHA is built on the premise that "language is *not*[emphasis added] powerful on its own - it is a means to gain and maintain power by the use 'powerful' people make of it" (Reisigl & Wodak, 2009, p.88). Investigating official

government discourse becomes imperative as elected officials are in the position to assert their way of speaking as the dominant discourse regarding immigration policy.

The DHA also takes care to distinguish what is meant by the terms *text* and *discourse*. Discursive structures are not static but are open and constantly in flux (Wodak, 2002). While discourses can be understood as systematic ways of speaking about topics, subjects, and events, texts serve as concrete manifestations of the more abstract notion of discourse (Wodak, 2002).

The central pillar of the DHA is a layered or nested model in four parts (Reisigl & Wodak, 2009; Wodak, 2011). It is built around the idea that any event being investigated "could be viewed as a phenomenon that has discursive manifestations across four heuristic 'levels of context"'(Wodak, 2011, p.7). The first level is the immediate piece of text under investigation (Wodak, 2011). Examples in my analysis are a single parliamentary speech, CIC press release, or newspaper article. The second level involves investigating the intertextuality and interdiscursivity among the pieces of text and genres selected (Wodak, 2011). Intertextuality involves investigating how the texts are linked together while interdiscursivity involves exploring how different discourses connect and overlap within and between texts as well as across genres. To give a brief example, the discourse of the refugee becomes entangled with the discourse of the criminal/queue-jumper: When asylum seekers arrive at a border unannounced as opposed to being chosen by the government from abroad, they are labelled as threats to other 'bona fide' refugees as well as threats to the Canadian social body. The discourses of criminality and genuine plight are interdependent in order for the meaning of each to be conveyed, a premise that will be fleshed out in the textual analysis section.

The third level involves the social and environmental factors of a communicative event beyond the words spoken (Wodak, 2011). In my example, this would involve the facial

expressions, tone, and gestures of a speaker in parliament and the construction of the room in which s/he is speaking. This level also involves the institutional structures in place that govern a situation (Wodak, 2011) like the relationships between members of parliament and the formal and informal power relations among them. Under ideal conditions proposed by Reisigl and Wodak (2009), any project incorporating DHA should attempt to integrate ethnographic research of the institution in question in order to yield insights regarding this third level of context. However, this level is beyond the scope of my research hypotheses and goals. Nevertheless, formal power relations can still be taken into account without direct observation of a particular institutional context. As noted previously, the time frame for analysis was chosen to capture the shift in institutional power relations that occurred with the transition of the conservatives from the minority to majority governing party.

Finally, the fourth level is the overarching social and historical context in which the texts are being produced. This is where a review of historical developments and guiding theories come in to help ground the texts under investigation (Wodak, 2002). In adopting the DHA, my choice regarding the project at hand has been to place the greatest emphasis on this fourth level. The literature review is dedicated to articulating this fourth level in detail through a historical review of contemporary immigration policy which will help to thoroughly ground the texts chosen for investigation.

LITERATURE REVIEW

Part One: The Contemporary Canadian Immigration System and the Neoliberalization of Immigration Policy

Neoliberal Globalization, State Transformation, and the Role Skilled Immigration

Generally speaking, neoliberal ideology purports that individual rights must take precedence over collective responsibilities, that the market is the best way of regulating society, and that governments should withdraw from interventionist approaches in the market because such measures would limit the economic freedoms of individuals (Hackworth & Moriah, 2006). Neoliberal globalization is often understood by academics and activists as the notion that the contemporary ascendance of capitalism as a global economic system is accompanied by the erosion of state sovereignty (Findlay, 2004). Shifts towards trade liberalization between states, the rise of international financial institutions (IFIs) and multinational corporations, and the existence of various sub- and supra-state organizations are characterized as posing challenges to the sovereign state's ability to govern (Findlay, 2004). The hyper-mobility of capital and accelerated movement of goods, ideas, and people across state borders have accompanied these changes (Martell, 2010) as has an inequitable global division of labour. This latter process is not new but an enduring feature rooted in the colonial era (Manzo, 2009). What is new about this division is the facilitating role played by IFIs and other supra-state organizations (Martell, 2010).

However, some scholars have argued that neoliberal globalization does *not* diminish state sovereignty, but rather, states become reconfigured to serve the needs of global capital (Findlay, 2004; Martell, 2010; Peck, 2001). Peck (2001) argues that neoliberal globalization is a *project* as opposed to an *inevitable process*, yet, across nation-states, policy discourses that have been

espoused by elected officials tend to frame the global economy in such a deterministic way. The promotion of neoliberal reforms to transform state economies in the name of remaining 'competitive' has become the norm (Peck, 2001). As articulated by Foucault, power determines which discourses stay in circulation and are treated as legitimate and which fade away (cited in Mills, 2003). Conceivable public policy options have been narrowing across states as neoliberal policy discourse has gained hegemonic status. Policy prescriptions that fall outside of this frame are treated as inconceivable, unattainable and simply outside the realm of possibility in the new global order (Peck, 2001). Only those discourses that espouse the dismantling of the Keynesian 'nanny state' so that market forces may 'reign free' are treated as legitimate (Peck, 2001). Immigration policy becomes one vehicle through which such a vision is realized as the shift towards attracting human capital-intensive immigrants becomes one way for states to withdraw from social supports while remaining economically competitive, an insight discussed by Abu-Laban and Gabriel (2002), Shachar (2006), and Walsh (2008), whose ideas are articulated below.

Here Peck (2001) draws attention to one of the contradictions within neoliberal discourse[1]: Despite the dominant understanding of the neoliberal state as somehow less interventionist, Peck (2001) notes that this is in fact not the case, but rather, the neoliberal state "organizes and rationalizes its interventions in different ways" (p.447). He articulates this reconfiguration in the following way in regards to *wealthy* nation-states: The Keynesian welfare-state intervened in the demand-side consequences of capitalism, protecting the domestic population from the boom and bust cycles that a capitalist system inevitably produces. During periods of bust, this type of state was to invest in measures which would safeguard individuals

[1] It is important here to highlight Reisigl and Wodak's (2009) assertion that one of the most important aspects of a DHA critique is to uncover inconsistencies and contradictions in discourse-internal structures

and families from feeling these effects through increased expenditure devoted to infrastructure, job creation, and social security provisions. As states have retreated from these types of policies addressing demand-side intervention, they have shifted policy formulation towards supply-side intervention which involves securing access to resources to ensure that the state will remain economically competitive vis-a-vis other wealthy states "hence the widespread concern with flexibilizing labor markets, developing and rewarding human capital and entrepreneurship, and maintaining a 'good business environment'" (Peck, 2001, p.447). In sum, while one of the central tenets of neoliberal ideology is that the state should step back to allow the invisible hand of the market to work its magic, in practice, considerable state manoeuvring and control is involved in this supposedly self-regulating process. In global North states, governments have engaged in considerable reshaping of immigration policy to attract and reward new immigrants who can immediately contribute to the economy and generate revenue for states.

Through Shachar's (2006) concept of *competitive immigration regimes*, we can observe one popular way that neoliberal state reconfiguration has manifested through immigration policy. Shachar (2006) argues that among OECD countries (with Canada as one of the major players), an inter-jurisdictional competition has been occurring to recruit skilled migrants. This increased competitiveness has been spurred by the desire of states to gain and retain a competitive edge in the new knowledge-based economy. Shachar (2006) remarks that the recruitment of skilled migrants has become a multilevel, multiplayer game: Political leaders must not only appeal to domestic interest groups but they must also carefully observe what is occurring beyond their borders and engage in an inter-state race to secure highly-skilled knowledge workers. While policy convergence across countries is *not* the goal, the immigration laws and policies of various

OECD countries may begin to look similar as states have engaged in policy emulation to keep up with their competitors (Shachar, 2006).

While Shachar (2006) argues that prior to 9/11, the United States was the most successful recruiter of skilled immigrants, Walsh (2008) notes that Canada and Australia have actually been the primary global leaders in this recruitment process. The cases of Canada and Australia are characterized by Walsh (2008) as exceptional examples of migration policy that are being treated by various state officials as key states to observe and emulate. Through introducing points systems (officially codified in Canada through the 1976 *Immigration Act*) these states have directed and harnessed the flow of migrants in line with national interests (Walsh, 2008). Canada's borders must not be understood as either open or closed to "others", but rather, they must be understood as filters that channel economically and culturally desired immigrants into the country. Migration policies are characterized as types of social engineering that:

> ...not only delimit the social order, but often seek to strategically incorporate foreigners in the interests of reproducing that order. The aim of state policies is not to obstruct human movement but, rather, to regulate it and define the conditions under which it may legitimately occur. (Walsh, 2008, p.791)

Large-scale controlled immigration has been employed as a long-term state strategy for many reasons, a vital one being to combat the contradictions that populations like Canada face where birth rates have consistently declined: As the population continues to age, more revenue will need to be generated for social support systems while the labour force and tax base necessary to generate such revenue will continue to contract (Walsh, 2008). An incremental shift from general to targeted population growth through immigration occurred in light of this concern (Walsh, 2008). Echoing Peck's (2001) idea of the neoliberal state as engaging in supply-side

regulation, Walsh (2008) notes that Canada has used immigration policy as one of the fundamental instruments for neoliberal state management. The state has employed immigration as a tool to sustain a highly-skilled, self-reliant, and competitive population rather than engaging in measures to materially support the general public (Walsh, 2008). Highly-skilled immigrants reduce state expenditure as the costs required to raise and educate them have already been taken care of by another country. They enter Canada at an age and educational/training level where they are ready to engage in the labour force, as individuals who can immediately contribute to the economy while imposing minimal costs to the state.

This shift from general to targeted population growth manifested in important changes that occurred to the economic category specifically. Walsh (2008) notes that over time, the economic category has *intensified, expanded,* and *modified.* Intensification refers to the increased proportion of immigrants coming through the economic category. Expansion refers to new types of immigration categories introduced under the economic stream. Finally, modification refers to increasing fees imposed on immigrants which have been introduced with the intention to offset government expenditure on settlement services (Walsh, 2008). These concepts will continue to be applied throughout the rest of this paper as they provide a useful framework for understanding and categorizing changes to the economic category.

Road to the IRPA: The Chretien Administration and the Ascendance of the Ideal Neoliberal Immigrant

In 1985 at the beginning of the Mulroney administration, there were roughly 84 000 landings of permanent residents (immigrants from all three admission categories: economic, family, and humanitarian). These numbers were raised every year where by 1993, Mulroney's last year in office, there were roughly 254 000 landings (Veugelers, 2000). The proportion of

immigrants admitted under the economic stream incrementally rose where by the late 1980s, independent immigrants made up nearly half of all those immigrating to Canada, the total proportion rising from about 39% to 48% from the1981-1985 period to the 1986-1990 period (*intensification*) (Veugelers, 2000). However, because the total number of immigrants admitted increased, the *total number* of those admitted under the family and humanitarian classes were not sacrificed (Veugelers, 2000). A new investor stream was also created during this era, where immigrants with a minimum net worth of half a million dollars (Can.) and an expressed commitment to investing some of these funds in Canadian businesses were encouraged to enter the country (*expansion*) (Abu-Laban & Gabriel, 2002).

The transition from the Mulroney to the Chretien government occurred in an era where immigration became politically charged (Abu-Laban, 2004). This leadership transition coincided with a recession in the early 1990s and concomitant rising unemployment rates (Veugelers, 2000). Although the cyclical (or 'tap on/tap off') approach to admitting immigrants based on cycles of boom and bust had already been abandoned for several years, the steady annual number of permanent residents entering the country became salient and politicized. Immigration policy became the target of public scrutiny in an economically strained environment (Abu-Laban, 2004; Veugelers, 2000). Thus, shortly after coming into power, the Liberals initiated a public consultation process regarding the future of immigration policy, the Immigration Policy Review (IPR). Abu-Laban (2004) argues that this public consultation process "in keeping with consultations in other areas of policy, the one on immigration served to legitimize neo-liberal policies and practices by limiting the parameters of debate and providing the illusion of democratic decision-making" (p.142).

Abu-Laban (2004) notes that the idea of self-sufficiency was one of the central tenets instilled during the Chretien years. This manifested in several ways that immigration policy was further transformed: Following the IPR consultations, the proportion of immigrants entering under the economic category rose again (Abu-Laban, 2004) (a continued *intensification*, keeping with Walsh's (2008) terminology). Following 1996, the yearly proportional intake of immigrants from the economic class surpassed entrants under the family and humanitarian class, making up about two-thirds of the total annual permanent resident intake, with this proportion even rising to three-quarters in some years (Walsh, 2008). *Modification* occurred when the Right of Landing Fee (ROLF) was introduced in 1995 where all immigrants (including refugees) were charged $975.00 each (Abu-Laban, 2004). The administration's justification for the fee was that it would help to offset the costs of settlement and social services. However, Abu-Laban (2004) points out that both types of services had already been subject to cuts in the 1990s and that upon landing immigrants begin to pay taxes immediately and so should have a right to all social services offered (Abu-Laban, 2004).

Thobani (2000), who conducted an analysis of IPR public consultation documents, argues that not only were many people excluded from Canada materially because of the cost of the ROLF but for those accepted into Canada, the ROLF served to symbolically construct immigrants as burdens and as peripheral to the Canadian nation rather than as full, genuine members of society. Overall, Thobani (2000) found that the selection and framing of "issues" presented to the public disguised the legal/material reality of immigration policy and defined those who entered the country as "others". Six of the ten questions posed during the consultations constructed immigrants as a financial burden who may take advantage of "our" generosity. Some illustrative examples include "[h]ow far are Canadians prepared to go to

ensure their generosity and openness are not abused?" (Thobani, 2000, p.40) and "[w]hat factors should we consider in shaping our immigration programs to increase economic benefits at low cost?" (Thobani, 2000, p.40). Her central finding was that the economic class was consistently valorized and masculinised while the family category was feminized and constructed as problematic and as a financial burden on Canadian society (thereby legitimizing the intensification of the economic category). The family class was described in the IPR material as an "easy" way to gain entry into Canada, disguising the stringent admissibility criteria as well as the quotas on the family class which are subject to ministerial control (Thobani, 2000). Thobani (2000) argues that this framing of immigration policy served to mask the societal contributions of both economic and family class immigrants and also hid the reality that those wishing to sponsor individuals under the family class must assume the cost of their integration.

In 1997, an important (government-commissioned) report entitled *Not Just Numbers: A Canadian Framework for Future Immigration* was released following the IPR public consultation process, echoing the themes found by Thobani (2000). It is important to discuss how immigration was discursively produced in this advisory report as *Not Just Numbers* has been understood as a harbinger of the changes that would subsequently be ushered in with the introduction of the IRPA (Abu-Laban & Gabriel, 2002). However, before sharing their findings, Abu-Laban and Gabriel (2002) stress that first, *Not Just Numbers* was *not* a government-authored document but a government-sponsored document, and secondly, that the administration of the day adopted the suggested changes in a more restrained manner than advised in the *Not Just Numbers* report, as some of the more controversial measures it contained were not implemented.

Abu-Laban and Gabriel (2002) first found that the report characterized globalization as an inevitable economic process which erodes state sovereignty and pits states against each other for desirable resources. *Not Just Numbers* "cites growing international competitiveness for both products and labour as well as increased fiscal constraints as factors to which contemporary policy-makers must respond" (Abu-Laban & Gabriel, 2002, p.70). This reading of globalization and the role of the immigrant in this process were made particularly salient through the way that economic/independent applicants were framed: Skilled workers were valued for the human capital that they could bring to Canada which, in turn, would enhance the Canada's competitive edge in the global economy (Abu-Laban & Gabriel, 2002). This particular reading of globalization and its implications for immigration policy reflect the earlier arguments made by Peck (2001), Shachar (2006), and Walsh (2008). To reiterate, states are framed as subservient to neoliberal economic globalization. It follows from this premise that states must inevitably implement policies to attain highly-valued resources, particularly skilled immigrant labour, or risk falling behind in the new global landscape.

Abu-Laban and Gabriel (2002) also found that the report framed the family class as a burden to the new fiscally restrained, competitive nation-state and so several recommendations were directed at downloading the settlement costs associated with family-class immigrants onto their sponsors. For example, a recommendation that was *not* adopted due to the controversy it generated was the suggestion that the cost of language training for family class immigrants over the age of six be assumed by their sponsors (Abu-Laban & Gabriel, 2002, pp.71-72). Although Abu-Laban and Gabriel (2002) take great care to emphasize that the IRPA did not wholeheartedly adopt the overtly market-oriented approach that characterized *Not Just Numbers*, this observation (regarding family class measures that were *not* implemented) have been brought

forth to illustrate that the authors' insights resonate in the current context as several elements of these proposed reforms which were deemed too controversial and rejected by the government at the time have been introduced just over a decade later with full support from the current administration (as will be demonstrated in the discourse analysis). These new policies are not carbon copies of the proposed neoliberal reforms in *Not Just Numbers*, but their underlying rationales and goals are similar. To give one example for the time being, the Parent and Grandparent Super Visa which was introduced towards the end of 2011 allows parents and grandparents to come to Canada despite the moratorium placed on new sponsorship applications, provided that they purchase a minimum of $100 000 of health coverage with a Canadian insurance company. Additionally, their sponsors must meet particular minimum annual income requirements set out by the government (Citizenship and Immigration Canada [CIC], December 1 2011). The underlying rationale that unites this measure and the ones proposed in *Not Just Numbers* is the idea that family class immigration is a too great a fiscal burden for the state. In the current context, drastic measures to download this burden onto applicants and their sponsors have been implemented as a response (see *Stakeholder Consultations on a Redesigned Parent and Grandparent Program,* CIC, March 23 2012a).

The end result of the extensive 1990s public consultations and authoritative reports on immigration reform was the tabling of Bill C-31 (subsequently reintroduced as Bill C-11), which was to become the IRPA, receiving royal assent in November 2001. In a now oft-referenced remark made by then Minister of Citizenship and Immigration Elinor Caplan, the IRPA was framed as a way of balancing the two conflicting goals of immigration policy: It would serve to open Canada's 'front door' to desirable immigrants and simultaneously ensure that Canada's 'back door' would be closed to anyone attempting to enter Canada illegally (Abu-Laban & Gabriel,

2002, p.76). Based on the processes articulated above leading up to the introduction of the IRPA, 'desirable' in the Canadian context can be understood as denoting independent/economic applicants. The major change ushered in by the IRPA regarding independent applicants was the revision of the point system to attract and recruit workers who could contribute to the economy for the long-term (Alboim, 2009; CIC Evaluation Division, 2010). Previously, points were heavily awarded for occupations in demand, but this method was abandoned under the Federal Skilled Worker Program (FSWP). The point system was recalibrated to most heavily weight those skills and qualities deemed transferrable, particularly education, language proficiency, and experience, elements that would allow immigrants to quickly respond and adapt to the continually changing contours of the new knowledge economy (Alboim, 2009).

The criteria and selection processes that are used to assess potential economic immigrants are not articulated in the body of the IRPA, but rather, the legislation defers this role to regulations (Dauvergne, 2003). Here, the tension inherent in the IRPA as framework legislation comes to the fore. While it allows the government flexibility to respond to contextual circumstances as they evolve, two particular risks are taken: First, the rights of prospective immigrants may become compromised as they are not enshrined in the law. Decisions are left to a cabinet that may have a particular political agenda, expressed and enacted through regulations. Secondly, legislation can be amended significantly through regulations and practices that do not come with intense parliamentary scrutiny or debate (Abu-Laban & Gabriel, 2002), and so incrementally, an entirely new immigration system can be created. Both processes have currently been occurring and the latter process particularly has manifested through the totality of post-IRPA changes to the economic stream.

Reshaping the Economic Stream: Expansion of Programs

The *intensification* of the economic class that occurred in the mid-1990s has remained relatively stable as economic immigrants have continued to make up roughly two-thirds of annual immigration intake since this compositional shift first took place (Walsh, 2008; CIC Evaluation Division, 2010). It is the process of *expansion* that has become most important since the late 1990s as the introduction and growth of the Provincial Nominee Program particularly has subtly changed how economic immigrants are being selected and who is selecting them: Provincial nominees are chosen primarily by *employers* to address immediate labour market needs. The Provincial Nominee Program, the Canadian Experience Class, and the introduction of Ministerial Instructions through Bill C-50, the *Budget Implementation Bill* in 2008 have transformed the economic stream so that immigrant selection can be as risk-aversive as possible, in that immigrants are chosen by employers and by the executive branch primarily for their *immediate* potential labour force contribution. These significant economic stream changes have been implemented by the Canadian government to secure the 'supply-side' conditions of a competitive Canadian state.

(a) Provincial Nominee Programs (PNPs)

The first PNPs were negotiated in Saskatchewan and Manitoba in 1998, followed by the Atlantic provinces over the next four years[2] (Alboim, 2009). PNPs leave the federal government with a limited role, as they are only responsible for establishing basic admissibility criteria before permanent residence is granted to the individuals nominated in a particular province.

[2] This discussion excludes Quebec as they have negotiated their own set of immigration agreements with the federal government since 1971 and have been allowed to select their own economic immigrants since 1978 (Kinoshita & Nakache, 2010). Since Quebec's relationship with the federal government is a unique historically-produced anomaly and since this province has long had its own economic immigration selection program, their situation precludes this discussion regarding the rise of PNPs

Under these agreements, provinces have authority over admissibility criteria and quotas (Baxter, 2010) and it is not mandatory for provincial nominees to be assessed under the point system (Alboim, 2009). A provincial nominee can either be nominated from abroad or they can be selected for nomination from the pool of temporary migrants already in Canada under the Temporary Foreign Worker Program (TFWP). Usually, it is higher-skilled individuals who are hired from abroad. Most nominees, including the few low-skill individuals who are nominated, are offered permanent residency through the PNP after having spent some time in Canada as temporary foreign workers (Baxter, 2010).

While there was once a cap on the number of immigrants a province could select through the PNP, this cap was eventually removed (Albiom, 2009). What started out as a modest type of program established intended to address the labour-market shortages and population declines that provinces were facing, PNPs grew in size and popularity and so all provinces eventually negotiated their own immigration agreements with the federal government (Alboim, 2009). While in 1999, the program accounted for a miniscule 500 individuals granted permanent residence through the economic stream, this number grew to 22 800 in 2008 (Kinoshita & Nakache, 2010). As of 2011 it grew to 36 000 and plans to award permanent residence to a total of 42 000 to 45 000 has been announced as a goal for the year 2012 (CIC, January 26 2011).

While there is no cap on the number of provincial nominees that can be admitted, CIC has an annual levels plan regarding how many individuals will be granted permanent residence each year overall (CIC Evaluation Division, 2010). The CIC Evaluation Division (2010) notes that although the FSWP and PNP compete for a share of workers within the economic stream, the programs are effective as they focus on different types of individuals (those recruited for short-term vs. those recruited for long-term economic needs and purposes). It follows that the

programs work to complement each other rather than duplicate each other (CIC Evaluation Division, 2010). Alboim (2009) predicts that the PNP will eventually surpass and displace the number of individuals admitted under the FSWP. While there is nothing inherently wrong with the idea that provinces should have greater input into immigration selection, the manner in which PNP nomination takes place has allowed economic stream selection to become incrementally dictated by employers and comes at the expense of those wishing to be admitted through the FSWP. It is not quite provinces who select provincial nominees but *employers via provinces* or private employers in close partnership with the provinces who select these future permanent residents (Baxter, 2010). Baxter (2010) notes:

> The practical control that employers exert over nominee recruitment, selection and settlement processes is probably the most striking feature of the PNPs. Employers act as *de facto*[emphasis original] principals for provincial nominees, selecting workers for nomination ...and providing support and settlement services for them in Canada. (p.25)

As the employer assumes the integration costs of the individuals they have nominated, the state can gradually withdraw from and decrease its settlement spending. Additionally, as the PNP slowly grows, so too does employer control over immigrant selection. This directly affects those hoping to be selected though the FSWP as provincial nominees are given priority processing. In turn, the number of FSWP visas issued shrinks as more are allotted to provincial nominees. This has caused the FSW backlog to keep growing (CIC Evaluation Division, 2010). The PNP has been lauded by the government as well as by employers who were frustrated with the FSW backlog and its lack of responsiveness to the economy (Kinoshita & Nakache, 2010).

An initial reading of the PNP and CEC (the latter discussed next) may appear to contradict the theories made above regarding neoliberal state management and may also appear

to contradict one of my central premises regarding increased executive control as the selection of immigrants is *downloaded* on to employers. However, the federal government has played a significant role in two important ways: first, through extensive promotion and endorsement of these programs (see CIC, January 28 2010 & CIC, January 26 2012 as examples) and secondly, through the issuance of expedited processing of PNP applications. So while there appears to be a devolution of responsibility regarding the selection of permanent residents, the federal government has played an important facilitating role in this process. The result appears to be that those who can prove that they will immediately be an asset to the Canadian labour market are awarded permanent residence through the PNP. Those who apply through the FSWP who have an Arranged Employment Offer (AEO) are also given priority processing (CIC Evaluation Division, 2010). However, most applying to the FSWP have not proven that they will be immediately employed upon landing and are pushed to the back of the immigration queue as their employability cannot be determined with complete certainty. As employability cannot be completely ensured, this translates into possible increased costs that may have to be borne by the state to support new immigrants who have yet to find employment.

(b) The Canadian Experience Class (CEC)

The CEC was introduced in 2008 with the intention of giving temporary skilled foreign workers and international students a quicker pathway to permanent residency as the FSWP was designed for individuals not yet in Canada (CIC, August 8 2012). The CEC allows the state to recruit and retain temporary immigrants with a high level of human capital who would otherwise have to leave Canada and reapply through the FSWP as a way to attain permanent residency (Alboim, 2009). Temporary foreign workers must have two years of full-time Canadian work experience before applying for permanent residence and former students must have graduated

from a post-secondary institution with one year of full-time Canadian work experience. Lower-skilled workers (those in NOC C and D classified occupations) cannot apply for permanent residence through the CEC (CIC, March 23 2012b). Like the PNP, individuals who apply through the CEC are not assessed through the point system but are assessed on the Canadian work experience requirement, on language skills (through evidence of their score on a third-party language assessment), and in the case of foreign students, their duration and status as students in Canada (a minimum of two years as a full-time student) (CIC, March 23 2012b). Very recently, Citizen and Immigration Minister Jason Kenney announced proposed regulatory changes to the CEC that would reduce the work experience requirement to one year as opposed to two. One of the central goals of this proposed reform has been to target individuals in the skilled trades, as the seasonal/project based nature that is typical of this industry bars many of them from qualifying under the CEC as it is currently governed (CIC, April 16 2012).

A small number of individuals have been admitted under the CEC since its introduction although it has increased incrementally each year. About 6 000 individuals were admitted through the program in 2011 with an expected 7 000 to gain permanent residency in 2012 (CIC, April 16 2012). Alboim (2009) argues that Canada's decision to slowly move towards to 'two-step' immigration in the form of the CEC and the PNP will cause the state to lose its competitive edge (note Shachar's (2006) argument here) as one of the qualities that has made the state a leading recruiter of skilled immigrants was its immediate granting of permanent residency. It appears that the government has been heavily promoting the CEC in hopes that it will expand in coming years. The state has particularly invested in measures to aggressively promote Canada's post-secondary institutions abroad in order to attract more international students (CIC, November 2 2011). She also argues that much like the PNP, the CEC allows employers and post-secondary

institutions to select future citizens (as they determine temporary entry, the 'first step' of 'two-step' immigration). For Alboim (2009) this is problematic as employers and post-secondary institutions do not have the long-term well being of the state, citizens, and newcomers at the top of their agenda when selecting immigrants.

A further point to consider is the cost-effectiveness of the PNP and CEC and how they fit the neo-liberal state agenda. Because temporary residents do not have access to settlement services (Alboim, 2009), the state does not bear the costs of these individuals' integration as they 'settle' while providing labour or while paying hefty international student fees.

(c) Bill C-50: "Shall" To "May"

Bill C-50, the *Budget Implementation Bill* signalled a return to occupational based criteria for individuals applying through the FSWP. The bill included several changes to the IRPA, one of the most crucial being a slight change to the wording of subsection 11(1) of the IRPA which would have a great impact. Before the passage of the bill, this subsection stated that the officer *shall* issue a visa to the applicant if they met all admissibility requirements. Bill C-50 changed this key word to *may*, in effect, removing the obligation to process all immigrant applications to a final decision (Ashkar, 2011). Bill C-50 also added a subsection to the IRPA that previously did not exist (subsection 87.3). This subsection gives the Immigration Minister the right to process applications in a manner that would best fit the immigration goals established by the state (Ashkar, 2011). Following consultations with employers and additional stakeholder organizations, the first set of Ministerial Instructions was released in late 2008 regarding how to process FSW applications. According to the instructions, the only applications that would be fully processed were those with an AEO, those applying through the CEC, and those from skilled workers with at least one year of work experience in one or more of 38 "in demand" occupations,

the list compiled by the state in conjunction with employers/stakeholders (CIC, November 28 2008). Those applications not meeting the requirements of these Ministerial Instructions would be sent back to the applicant without having been processed, a measure introduced mainly to cope with the growing backlog of FSW applications (Alboim, 2009; CIC, November 28 2008). It is also important to add that Ministerial Instructions do *not* need to be articulated in the IRPA regulations and do *not* need to be gazetted before they are approved and implemented by the executive (Alboim, 2009).

The manner in which Bill C-50 amended the IRPA aroused controversy as the change was buried deep inside the budget bill, an unconventional manoeuvre in regards to parliamentary proceedings. The placement of an immigration amendment inside the budget bill was seen as manipulative by some commentators as the fall this bill would have triggered an election (Ashkar, 2011). Quoting immigration attorney Edward Corrigan, Ashkar (2011) notes that the Liberals did not vote against the bill as they wanted to abstain from triggering an election over this immigration issue. By placing these changes in the budget bill, the Conservatives were able to circumvent any substantive debate that might have taken place had the amendments been introduced in some other manner (Ashkar, 2011).

These three changes to the economic stream (the introduction of the PNP, the CEC, and Bill C-50) illustrate that the selection of prospective future citizens has become concentrated in the hands of the current Immigration Minister as well as in the hands of private employers (and educational institutions to a lesser degree). What these changes demonstrate is that future citizens are determined solely through what they can immediately contribute to the labour market. While there have long existed critiques suggesting that the point system commodifies immigrants and reproduces class inequality by barring more impoverished/low skill prospective

migrants from applying (Thobani, 2000), what makes the recent transformations under the economic stream particularly severe is the amount of control that both the executive and employers have exerted over the FSWP. When these three pieces are viewed together we see that many independent applicants with high language skills and education have an incredibly slim chance of even being considered for immigration unless there is some concrete guarantee that they can integrate without imposing significant costs on the state. Those who have already gained foreign work experience in an 'in demand' occupation, those who have an offer of employment, and those who have already spent time contributing to the Canadian labour market are rewarded with permanent residence while the applications of others are simply returned with no right to full consideration and review. This right has been removed in the name of efficiency (see CIC, November 28 2008).

Returning to the theories introduced, using Walsh's (2008) terminology, we can see that significant *expansion* of the economic stream has occurred. While *intensification of* the economic stream relative to the family and refugee streams has remained relatively stable since the mid-1990s, *intensification within* the economic stream has occurred as the PNP and the CEC have been incrementally expanding and displacing the number of FSWP visas that can be allotted. The addition of Bill C-50 amounts to a complete overtaking of the economic class by executive and employer interests.

Part Two: The Securitization of Immigration Policy

Measures signalling the securitization of Canada's immigration policy began in the late 1990s and became salient with the introduction of the IRPA. A fertile environment for such measures was created in Canada following two particular events: The first being the arrival of Chinese Fujian asylum seekers by boat on the coast of British Columbia, and the second and

most prominent being the 9/11 attacks in the United States (Korenic, Kruger & Mulder 2004; Sarbit, 2003). The latter event prompted a reversal of previous state reluctance to harmonize securitization measures with the United States (Korenic et al., 2004; Saufert, 2007). However, it was not these events in and of themselves that forged the discursive link between migrants and threat. Rather, it is the context in which these events occurred that is important to discuss as migrants have become a scapegoat for the range of new economic and political vulnerabilities that global North states and domestic populations face in the neoliberal era.

These events served as catalysts for firmly establishing a link between migrants and threat and have also served as explanations for the introduction of policies and practices that would deny the rights of future migrants and asylum seekers in the name of protecting Canada's borders and domestic population. Before articulating the multitude of securitization measures embarked on by the state in the post-9/11 environment, securitization theory, "securitizing moves" and their link to global neoliberalization will first be discussed.

The Copenhagen School of Securitization

Nation-state security and threats posed to its survival have historically been articulated through a particular dominant discourse by political leaders and international relations scholars (Dobrowolsky, Doucet, & Rollings-Magnusson, 2009). According to the traditional security paradigm, national security has been understood as "synonymous with the defence of the state and its ability to achieve its primary goal of maintaining its survival in a system of competing and potentially hostile states, each with varying levels of military might." (Dobrowolsky et al., p.15). Dobrowolsky et al. (2009) note that this form of foreign policy discourse became commonplace following WWII in response to the new world order that arose (i.e. the Cold War era and the nuclear arms race). However, this narrow conceptualization of security and threat no

longer seemed to fit the challenges accompanying the new liberal world order that arose following the collapse of the Berlin Wall (Dobrowolosky et al., 2009). In international policy discourse, the notion of human security came to the fore (Dobrowolosky et al., 2009) as did the notion that military security does not guarantee but instead often comes at the expense of human security (Lowry, 2002).

In the academic realm, this historical juncture opened up a space for critical security scholars to challenge the dominant traditional militarist paradigm and to call for a widening of the concept of security (Ulziilkham, 2009). The Copenhagen School of Securitization (CSS) (Buzan, de Wilde, and Waever, 1998) has articulated one of the most well developed theories to widen the meaning of securitization. According to the CSS, any public issue can be placed along a continuum. A phenomenon can be (i) nonpoliticized: not dealt with by the state in any way and not a subject of public debate; (ii) politicized: a subject of political debate that must be managed through public policy, requiring the state to make decisions about how the phenomenon is to be governed and to make resource allocations if necessary or (iii) securitized: framed as an *existential threat* which sanctions state use of emergency measures that fall outside the confines of routine political procedure (pp.23-24). Thus, *securitization* is explained as "the move that takes politics beyond the established rules of the game and frames the issue as either a special kind of politics or as above politics. Securitization can thus be seen as a more extreme version of politicization" (Buzan et al., 1998, p.23).

Securitization is articulated through speech acts so the way to discover whether an issue is securitized is to study how it is *discursively produced*. Three conditions must be met for an issue to be successfully securitized: There must be a securitizing *discourse*, a *referent object* to which the threat is posed, and *audience acceptance* (Buzan et al., 1998). If the third condition is

not met, successful securitization has not occurred, only "securitizing moves" have been attempted (Buzan et al., 1998). Buzan et al. (1998) stress that audience acceptance does not need to mean full support of the securitizing move but acceptance can also be passive and/or coerced if the intended audience is unable or unwilling to challenge the discourse. They also add that an emergency measure does not necessarily need to be implemented but only that the audience accepts that the emergency measure *may* have to be implemented (Buzan et al., 1998, p.25).

I add that the power of securitizing moves lie in the *context* in which they are evoked and against whom these moves are directed which help to shape whether the intended audience will be particularly receptive to securitizing speech acts. I suggest that a generally competitive and insecure economic environment created by neoliberal restructuring has made it easier for policies governing asylum seekers to become securitized in Canada.

How Do Securitization and Neoliberalism Come Together To Restrict Sanctioned Migration?

Not only did the post-Cold War era give way to new conceptualizations of security and threat but it also represented the triumph of capitalism as a global economic system (Martell, 2010), the important economic context to keep in mind when securitization of migration is discussed. Paradoxically, while discourses of human security were gaining prominence in the international arena during the 1990s (Bourbeau, 2011), many marginalized civilians in global South countries were forced to cope with decreasing means to attain human security: Capitalist expansion and economic state restructuring in line with the liberal economic tenets of International Financial Institutions (IFIs) left few substantive economic opportunities and supports (Sassen, 2000). Millions of people were also experiencing displacement due to development projects (eg. dams, luxury housing, roads, and airports) (Castles, 2003).

Castles (2003) makes several important qualifying arguments regarding economic globalization and the North-South divide that should be articulated before proceeding further with this argument: First, economic globalization needs to be understood as a process involving selective incorporation and marginalization of different nation-states and groups of people within these states. The North-South divide must be treated more as a social divide rather than a strict geographical partition. While the North-South economic fault line is the most stark manifestation of neoliberal globalization, this process involves more complex patterns as economic globalization involves growth and expansion in parts of the South and pockets of decline in parts of the North so that *within* industrialized and *within* 'developing' and 'underdeveloped' states, inequality also increases (Castles, 2003).

It is important to carefully consider the implications of this argument for groups in desperate conditions (those marginalized by processes of economic globalization in the global South) who resort to migration: If they attempt South to North migration[3] due to bleak domestic prospects, they face a great obstacle as they try to enter a society where pockets of the domestic population may be feeling particularly insecure due to declining economic conditions. As described in the first main section of this literature review, while the annual number of immigrants had already greatly increased throughout the Mulroney administration, the issue only became salient and politicized as Canada entered an economic recession in the early 1990s (Abu-Laban, 2004; Veugelers, 2000). Although the authors cited refer to Canadian immigration policy in general and not to asylum seeker/refugee policy specifically, I advocate a more holistic view of understanding how these pieces work together. As the criteria for legitimate means of entry

[3] It is important to point out that most forced migrants from the global South usually end up as internally displaced persons or in neighbouring states (Chang, 2000; Castles, 2003). Several authors have argued that the small amount of people that attempt to make the journey to industrialized nation-states are framed as invaders in political and news media discourse (eg. Chang, 2000; Gale, 2004; Ibrahim, 2005)

are continually tightened to ensure that Canada remains economically 'competitive', individuals in desperate circumstances may come to increasingly rely on informal migration routes, like recruiting the services of smugglers[4], especially since the number of refugees selected abroad by industrialized countries like Canada is incredibly tiny in proportion to the number of individuals in need of protection all over the world (Macklin, 2005). However, individuals attempting to enter a country on their own initiative are treated disdainfully as illegitimate and as violators of state sovereignty (Macklin, 2005). Castles (2003) argues that as wealthy states experience the effects of neoliberal restructuring through deindustrialization, privatization, and the like, asylum seekers become the objects onto which the host society within that state can project their fears as their presence is treated as threatening to an already economically strained social body (Castles, 2003). In this context, securitizing speech acts and legislation (Buzan et al., 1998) and technologies of surveillance intended to screen and track individuals attempting to enter a country (Bigo, 2002) may become easier to introduce and implement[5].

Processes signalling the securitization of migration began in different pockets of the global North in slightly different periods of the neoliberal era. As each state has had its own unique history and geographic position in relation to other states, securitization began earlier in some places compared to others. For example, the militarization of the U.S./Mexico border has accelerated in recent years but began in the 1970s (O'Leary, 2008). In Western Europe, policy discourses signalling the problematization of migration began circulating in the 1980s: In policy

[4] Nadig (2002) adds that as governments attempt to increasingly clamp down on illegal migration operations like smuggling, a vicious cycle is created whereby asylum seekers are put in ever greater danger as smugglers take increasingly dangerous routes to evade border authorities

[5] In the securitization literature, Bigo (2002) is understood as a critic of the CSS and their privileging of speech acts. Rather than engaging in a debate regarding whether surveillance technologies or speech acts are more important, like Bourbeau (2011) I believe that the arguments are complementary and should work in tandem to help explain the securitization of migration rather than privileging one perspective over the other. I have devoted significant attention to explaining the CSS as my central analytical task in the next major section is to investigate *discourse*

debates, migrants were increasingly becoming positioned as threats to the stability of domestic populations, as threats to the welfare state, and as threats to the cultural homogeneity of nations (Huysmans, 2000). In Canada, discourses espousing the securitization of asylum seeker flows began to increase in volume in the late 1990s. The arrival of four ships of Chinese asylum seekers from the Fujian province evoked a media spectacle[6].

However, it was the 9/11 attacks that served as a catalyst for concretizing these new imaginings of what constituted a threat to the global system of sovereign nation-state. As the United States was attacked not by another nation-state but by a rogue group operating below and between states, 9/11 made the idea of *asymmetric threat* concrete (Kaldor, 2005). The attacks had reverberations all over the world as civilians of the most powerful state in the world were left exposed to an attack orchestrated by a network of non-state actors. Castles (2003) notes that following the 9/11 attacks, refugees and asylum seekers have been discursively produced as transnational security threats, even though none of the men orchestrating the attacks were asylum seekers or refugees. Combined with this event was the global ascendance of international treaties aimed at targeting threats operating below and between states, particularly the *United Nations Convention Against Transnational Organized Crime*. Protocols on human smuggling and trafficking accompanied this convention. All came into effect in 2003 and as of 2005 had been signed by about 140 United Nations member states, including Canada (Kempadoo, 2005). Concerns regarding transnational threats to state security have been used as a justification for interdiction policies and practices (Ataner, 2004), discussed below.

[6] Many insightful media analyses have been conducted on how this event was framed. See Greenberg (2002), Greenberg and Hier (2002), and Ibrahim (2005). Also, see Sharma (2005) who conducted interviews with some of these asylum seekers before they were eventually deported or went underground

Measures Signalling Securitization: Changes brought in by the IRPA

Although discussions regarding the reformation of Canada's immigration legislation had already been taking place before 9/11, this event impacted the timing of the IRPA's introduction and framing to the public as the events of 9/11 gave the impression that external threats to the state were much closer to home than in the past (Antonius, Labelle, & Rocher 2007). During the first reading in February 2001 of what was to become the IRPA, proponents of the bill argued that its adoption would balance the goals of being tough on suspected criminals while allowing skilled immigrants to enter Canada (Antonius et al., 2007), a point mentioned in the section on the neoliberalization of immigration policy. I now extend this point to show how neoliberal and security goals were framed as complementary with the introduction of this bill. This was achieved through the discursive positioning of 'undeserving' migrants against the interests of Canada's economic and humanitarian goals.

A CIC news release following this first reading stated that: "By saying 'No' more quickly to people who would abuse our rules, we are able to say 'Yes' more often to the immigrants and refugees Canada will need to grow and prosper in the years ahead" (cited in Antonius et al., 2007, p.198). Thus, the right of some prospective migrants to enter the state and have their cases heard is directly juxtaposed against the interests of immigrants who are deemed legitimate, and by extension, against the interests of Canadian society as a whole. The phrase implies that the more resources there are allocated to processing 'bogus' claimants (i.e. 'economic migrants' disguised as asylum seekers), the less there are available for sanctioned entrants which then impacts the interests of the state and its citizens as a whole. In order to understand how this screening process has been defined and implemented, the legislation, regulations, and practices that have been developed must be explained.

(a) Changes initially ushered in with the IRPA

The IRPA expanded the grounds for inadmissibility of "foreign nationals" (i.e. anyone who is not a citizen or permanent resident) to Canada. Section 34, 36, and 37 of the IRPA restricted entry for reasons of security, serious criminality, and organized criminality (Pratt, 2005). Sections 38 to 41 restricted entry for health reasons, financial reasons, misrepresentation, and non-compliance with the act (Crepeau & Jimenez, 2004). I do not expand on how each are defined in the IRPA as several authors have already covered this and have pointed out that some of the definitions (particularly section 34) are problematic as they are too vague and can be invoked for political purposes (Crepeau & Jimenez, 2004; Crepeau & Nakache, 2006; Lowry, 2002). In terms of implementation of these clauses, particularly the first few regarding security and criminality, authors have argued that decisions have been based on information gleaned from unreliable/unverifiable security intelligence sources (Crepeau & Nakache, 2006) and have resulted in racial and religious profiling (Lowry, 2002).

While grounds for detention (listed in subsection 55(2)) remained the same as in the past (the three reasons are being a 'flight risk', being likely to pose a danger to the public, and having no documentation or improper documentation) the IRPA allowed for the detention of those with no or improper documentation after having entered Canada whereas in the past, they could only be detained for this reason at port-of-entry (Crepeau & Nakache, 2006). The IRPA also gave immigration officers the power to detain any 'foreign national' at any point in the claims process for all three reasons without a warrant (Pratt, 2005). Finally, subsection 55(3) sanctioned the detention of both permanent residents and 'foreign nationals' at a port-of-entry for reasons of "administrative convenience (for example, to continue an interview) or...when they have “reasonable grounds to suspect” inadmissibility on the basis of security or human rights

violations" (Crepeau & Nakache, 2006, p.16). The number of non-citizens detained increased in the years following the introduction of the IRPA (Crepeau & Nakache, 2006).

The IRPA brought changes to refugee determination hearings as well. Since the overseas program applies to refugees who have been selected from abroad (who are subsequently sponsored by the government or by a group of citizens who assume the costs of settlement), the IRB changes pertain only to the inland program where asylum seekers enter Canada and subsequently submit a claim to a branch of the IRB, the Refugee Protection Division (RPD), so that their claim for protection can be assessed (Saufert, 2007). Claimants usually wait for a hearing before the RPD anywhere from several months to over a year. This is largely due to a backlog that has been created as there has been a high volume of applications but a shortage of refugee determination officers (RDOs) (Saufert, 2007).

Two of the most important changes that the IRPA made to the refugee determination process were that first, RPD panels would consist of one member instead of two, and secondly, a new Refugee Appeal Division (RAD) would be created so that rejected claimants would have an avenue for recourse (Saufert, 2007). One central purpose of the RAD was to act as a corrective to the decision to cut the number of RPD panel members (Saufert, 2007). However, to this day the RAD remains nonexistent as its creation has continually been delayed[7].

Although claimants had and continue to have the option for a negative decision to be reviewed by the Federal Court (called an 'application for leave'), they must do so within a tight timeline of fifteen days of receiving the decision. However, the Federal Court rarely grants leave (Rehaag, 2011). The Court does not need to provide reasons for their rejection and following

[7] New legislation and proposed legislation call for the creation of the RAD but with severe restrictions for many claimants, a point that will be introduced in the presentation of 2010-2012 changes

this rejection there are no more avenues for appeal. For the few individuals who are granted leave, negative decisions can only be overturned by the Court and sent back to the RPD for redetermination if procedural errors are detected. They cannot be overturned based on the merits of the individual's case (Rehaag, 2011). Provincial cuts to legal aid have compounded these hurdles that asylum seekers must attempt to navigate (Atak, Crepeau, & Nakache, 2007).

(b) The security certificate regime

At the time that the IRPA was passed, the state swiftly passed the *Anti-Terrorism Act* (ATA) as well. Although the ATA has been central to the post-9/11 debate, it has rarely been used (Roach, 2005). Antonius et al. (2007) argue that its passage has largely been symbolic as the IRPA has been used instead to act against suspect terrorists. Roach (2005) argues that this has occurred because for authorities "it allows procedural shortcuts and a degree of secrecy that would not be tolerated under even an expanded criminal law" (p.521). The issuance of security certificates is articulated in section 77 of the IRPA and allows the minister of citizenship and immigration and the minister of public safety to jointly sign a document stating that a non-citizen cannot stay in Canada for security reasons. Once this certificate is signed, it serves as a warrant for the arrest and detention of the individual named in the certificate (Larsen & Piche, 2009).

The individual tried under the security certificate does not have the right to be present at their own trial nor to view the evidence being used to try them, which is why security certificate proceedings have been often referred to as 'secret trials' (Larsen & Piche, 2009). The judge can then listen to testimony from the person named and their counsel but they are left in the dark regarding what they are arguing against, as the information is withheld from them if it is believed to endanger national security. In short, the use of the immigration law as opposed to criminal law has left accused non-citizens with no right to due process (Crepeau & Jimenez, 2004).

(c) Interdiction

Interdiction policies and practices are crucial to discuss as they have been characterized as allowing prosperous states to circumvent their legal responsibilities under the 1951 *United Nations Convention Relating to the Status of Refugees* (referred to from this point as the Refugee Convention) (Atanor, 2004; Macklin, 2005). Because the Refugee Convention and its accompanying rights for asylum seekers take force once individuals are *in* Canada, many policies and procedures have been aimed at stopping prospective asylum seekers from stepping onto Canadian soil (Kernerman, 2008)[8]. These procedures have been based on the assumption that individuals without proper documentation may pose a danger or 'abuse the system' as their identities cannot be established with certainty (Lowry, 2002). Interdiction allows states greater control over migrant flows as self-selected migrants are stopped extra-territorially (Kernerman, 2008). Crepeau and Nakache (2006) argue that interdiction is not only a convenient way for states to shirk their legal obligations but they note that these measures generally attract much less attention than objectionable activities that occur within a state's borders and so scrutiny from the media and non-governmental organizations is avoided to a greater degree.

Canada's interdiction measures have included deploying dozens of Migration Integrity Officers (MIOs) at 39 locations abroad who have intercepted airplanes destined for Canada containing 'irregular migrants' (Antionius et al., 2007; Atak et al., 2007). Ships on their way to Canada have also been intercepted and fines have been imposed on both airline and shipping companies that carry individuals who are improperly documented (Macklin, 2005). The imposition of visa requirements on sending states is another convenient deterrent that Canada

[8] Many other global North countries like the U.S. and Australia have also engaged in interdiction/interception to avoid their obligations under the Refugee convention, deterring Haitian and Middle-Eastern asylum seekers from reaching their territories by boat (Crepeau & Nakache, 2006; Kernerman, 2008).

and other global North states have made use of (Mutlu & Salter, 2010). For states to be removed from the visa list they must go through a careful two-step vetting process (Mutlu & Salter, 2010). However, when states are added to the visa list, the process is relatively opaque and there are virtually no guidelines contained in the IRPA and regulations regarding how such a decision should be made (Kernerman, 2008). Canada has imposed visa requirements on particular states with the express purpose of stemming the tide of supposedly 'bogus' refugee claimants, as was done in 2009 when visa requirements were imposed on both Mexico and the Czech Republic[9].

Interdiction measures to manage the Canada-U.S. border were introduced following 9/11 as this event prompted U.S. authorities to problematize the shared border. Canada was deemed far too porous with refugee policies that were too generous, making it an ideal place for harbouring migrants engaged in illicit activity (Roach, 2005; Saufert, 2007). Both states would attempt to remedy this supposed problem in December of 2001 through the signing of the bilateral Smart Border Declaration, a 30 point action plan which contained measures to increase security coordination, like intelligence sharing and uniform procedures to screen travellers while simultaneously allowing for expedited passage of 'low-risk' individuals across borders (Barry, 2003). Another interdiction (or in this case, *deflection*) measure contained in this bilateral agreement was the *Safe Third Country Agreement* (STCA) which came into effect in 2004. It allows Canada to deny asylum seekers at the Canada-U.S. border and vice-versa (Antonius et al., 2007). There are several exceptions to the STCA, such as the individual being allowed to enter the adjoining state if they are an unaccompanied minor or have certain family members (with legitimate status) in that country (Macklin, 2005).

[9] See CIC news releases from July 13 2009a and July 13 2009b explaining why visas were imposed on each country: A clear dominant message in each news release was that these 'bogus' claimants were clogging the refugee determination system causing 'genuine' claimants to be negatively impacted

Macklin (2005) argues that the STCA is premised on the underlying faulty rationale that if asylum seekers were truly desperate, they would seek asylum in the first 'safe' destination reached. If they do not and instead attempt to exercise some autonomy over where they decide to make a claim, they are framed as 'economic migrants' and 'queue jumpers'. Disparaging terms have been used by public officials, such as the phrase 'asylum shopping' to connote this belief (Macklin, 2005). Macklin (2005) points out that there are many reasons that asylum seekers may wish to make their claim in Canada as opposed to the U.S., such as the presence of particular cultural/language communities, the belief that their claim has a greater chance of being accepted in Canada, and fear of harsh treatment in the U.S. as Immigration and Naturalization Services (INS) has been known to frequently resort to detention of undocumented migrants, including children (Macklin, 2005).

Overall, the totality of securitization practices and speech acts embarked on by the state have denied the rights of prospective migrants in the name of protecting the safety and integrity of state borders. While measures such as the security certificate regime have been used for the purpose of guarding against possible terrorist threats, other policies and practices such as interdiction and the STCA have been implemented as a way to deter asylum seekers whose 'criminality' has been defined in a multitude of ways. Individuals without proper documentation have been posed as threats to the public but also to the integrity of Canada's refugee determination system. The latter framing has been clear through the way the STCA and the imposition of visa requirements have been justified. When these restrictive policies are viewed alongside changes that have been made to channel desirable immigrants, we can see that a new immigration system has been emerging, one that aims to maximize gains for the Canadian economy while branding those who have not been selected as threats and burdens to the state.

DISCURSIVE PRODUCTION OF RECENT CHANGES (2010 to 2012)

Sample: Application of the DHA and Final Corpus

To reiterate, the central question being asked is: How has Immigration Minister, Jason Kenney (and the Conservative party overall) readied the public to accept the acceleration of changes to immigration policy that have been introduced over the last two and a half years? When applying the DHA to sample selection, Reisigl and Wodak (2009) note that it should ideally occur in a recursive manner until the appropriate sample is defined for the question at hand (the final sample cannot be known at the outset as it involves exploration of a phenomenon in the literature and across the genres being investigated to understand its content and parameters). The researcher must first conduct a wide survey of literature and media sources. Initially I skimmed CIC news releases and backgrounders from January 2008 to June 2012 as well as newspapers across Canada during this period. The purpose of this initial step was to gain a broad overview of the changes that have occurred. Resources from the Library of Parliament regarding the new bills introduced were consulted in order to understand the proposed changes at a deeper level. While constructing the literature review, I continued the process of visiting the initial data collected and refining the sampling frame.

The final corpus includes *all* CIC news releases, parliamentary speeches, and newspaper articles from the *Globe and Mail* and *Toronto Star* that discussed *any new changes* (and *proposed* changes) *to immigration policy and law announced between January 1 2010 and June 30 2012*[10]. The *Globe and Mail* and *Toronto Star* were selected as they are the two bestselling newspapers in Canada. The inclusion of these two resources allow me to observe how dominant

[10] CIC backgrounders are also used to help explain the changes that have occurred but are not part of the final sample and so are not included in the analysis of how the changes have been discursively justified

government discourses on immigration policy are understood and recontextualized by journalists for public consumption.

Exclusions

Several policy changes related to immigration have been ushered in during the sampling time frame but are not part of the final text sample as they lie just outside the scope of my question. These initiatives are shortly discussed here as they are still a part of the new immigration regime and help contribute to shaping the broader neoliberalization-securitization agenda of the current administration. First, changes regarding the TWFP have not been included in the final sample as my focus is on policy changes regarding the selection of permanent residents. In regards to TFWs, several measures were put in place to help protect them from exploitation, such as a two year TFW hiring ban on employers who have a poor enforcement record regarding labour laws (CIC, August 18 2010). While this change was articulated in CIC press releases, what was *not* articulated on the CIC website but discussed in newspapers was Diane Findlay's (now head of Human Resources and Skills Department of Canada-HRSDC) approval of a measure allowing employers to pay TFWs 15% less than the average industry wage ("Discounting Foreign Workers," 2012; Walkom, 2012).

Two further immigration-related measures have occurred that should be mentioned: The first involves the introduction and passage of legislation to regulate immigration consultants. At the end of March 2011, Bill C-35, originally called the *Cracking Down on Crooked Consultants Act*, received royal assent (CIC, June 28 2011a). The second measure that has occurred has been increased investigation of citizenship fraud and revocation of Canadian citizenship for anyone having obtained it fraudulently (see Blatchford, 2011; CIC, July 27 2011; CIC, June 10 2010 as examples). Both measures were introduced in the same manner as the policy changes below:

Preparatory announcements were parcelled out, readying the public to accept the policy changes and the accompanying discourses justifying those changes. While it is very important that a body was created to oversee immigration consultants, the underlying discourse connecting Bill C-35 to citizenship revocation and to other policies introduced below is the idea that the integrity of the Canadian immigration system is under threat and that tough measures must be implemented before the system becomes completely undermined. Again, these two changes are not a part of the final section as they are not policies *directly* governing permanent settlement but have still been important to briefly discuss.

Overview of Changes

(a) Economic stream changes

Table 1:Economic stream changes

Date Announced by CIC	Content
March 10, 2010 Effective as of April 10, 2010	▪ Change to FSWP and CEC language proof requirement: Only **one** chance to prove language ability in English or French (third-party assessment test must be submitted before being considered for permanent residence)
June 26, 2010 Effective immediately	▪ New ministerial instructions for processing FSWs: ▪ To be eligible under FSWP, applicant must have an AEO or experience in one of 29 in-demand occupations (change from list of 38 in-demand occupations articulated in previous set of ministerial instructions) ▪ Freeze on Investor stream applications until new rules are introduced
November 10, 2010 Effective as of December 1, 2010	▪ Investor stream reopened with monetary requirements doubled: ▪ Applicants under investor stream must have personal net worth of $1.6 million (instead of $800 000 under previous requirement) and must invest $800 000 in Canada (instead of $400 000 under previous requirements)
February 17, 2011	▪ CIC proposes changes to FSWP ▪ Private consultations with key stakeholders begins on this day across 5 cities (NOT open to media or general public) ▪ Online consultations with public begin as well; Allowed to submit feedback until March 17 (then extended by CIC to March 31 due to high volume of responses)

June 24, 2011 Effective as of July 1, 2011	▪ New Ministerial Instructions on how to process economic stream applicants: Cap on FSW applications without an AEO, cap on new federal investor applicants, and temporary moratorium on new federal entrepreneur applications
November 2, 2011 Effective as of November 5, 2011	▪ 1 000 spaces in FSWP allotted to international PhD students and recent PhD graduates
November 3, 2011	▪ Minister Kenney announces that Canada plans to welcome an increased number of immigrants under FSWP in 2012 (target of 55 to 57 000, up from 2011 target of 47 000)
November 7, 2011	▪ Minister Kenney announces that Canada plans to welcome an increased number of immigrants under Provincial Nominee Program (PNP) in 2012
December 15, 2011	▪ Important change announced for Live-in Caregiver program: ▪ Upon applying for permanent residence, caregiver will *immediately* be issued an open work permit (as opposed to waiting approximately 18 months for a work permit while permanent residence application was being processed)
March 28, 2012	▪ Minister Kenney proposes mandatory requirement that credentials of FSWP applicants be assessed overseas so that they are aware of how their credentials will be valued in Canada before arrival
March 30, 2012 Effective immediately	▪ Backlog of around 280 000 FSWP applications wiped out/ returned and refunded: ▪ This measure applies to all those individuals waiting in the immigration queue who applied through the FSWP before February 2008 (i.e. before the first set of ministerial instructions introduced through Bill C-50)
April 10, 2012	▪ Minister Kenney announces intention to create new assessment criteria for skilled tradespersons as many cannot immigrate due to criteria of current FSWP point system (high valuation of education favours knowledge workers and filters out most skilled trades people) ▪ New stream, to be unveiled later in the year as part of a new "modernized" FSWP, would allow individuals in construction, natural resource extraction etc. easier entry into Canada as independent applicants
April 11, 2012 Effective July 1, 2012	▪ Mandatory language testing for semi- and low-skill provincial nominees announced
April 16, 2012	▪ Minister Kenney proposes plan to change Canadian Experience Class (CEC) eligibility criteria: ▪ Instead of accumulating 24 months of Canadian full-time work experience, the requirement would be changed to 12 months ▪ Intention is to allow skilled trades people to be eligible for CEC as many do not qualify due to seasonal/project-based nature of industry

April 17, 2012	▪ Minister Kenney proposes two additional changes to the FSWP: ▪ First change would allow any new rules set out in ministerial instructions to be applied to individuals who have already submitted an application ▪ Second change (similar to first) would allow any new regulations, once passed, to apply to individuals who have already submitted an application
April 18, 2012	▪ Minister Kenney begins consultations on whether a new, specialized immigrant entrepreneur program should be created (pitching a new idea/experiment called the "start-up" visa for prospective immigrant entrepreneurs) ▪ Goal of proposed program is to link these entrepreneurs with experienced investors who can help them navigate the Canadian business environment
June 28, 2012 Effective July 1, 2012	▪ Temporary pause on new FSWP and Immigrant Investor Program applications (expected to be lifted in January 2013) ▪ Pause does not apply to those with an AEO or those coming through the PhD eligibility stream

Re-introducing Walsh's (2008) terminology, we can see that from 2010 to 2012, examples of continued *expansion* and *modification* have taken place in the economic stream. The *expansion* of economic sub-categories can be observed with the announcement that a skilled trades stream would be introduced (CIC, April 10 2012). *Modification* can be observed with changes that have occurred to the investor category, where the amount of money required to be invested has doubled (CIC, November 10 2010). Perhaps the PNP change regarding mandatory language assessment for lower-skilled nominees (CIC, April 11 2010) can also be understood as a form of *modification*. To reiterate, modification involves increasing fees for immigrants so as to download settlement costs. In this case, as employers are responsible for provincial nominee settlement costs (Baxter, 2010), the costs are still downloaded but are placed onto the employer instead of directly onto the individual immigrant. It is unclear as to whether *intensification* will continue as recent articles have reported Kenney noting that he intends to continue accepting about 70% of permanent residents through the economic stream (Friesen, 2012a).

Several changes cannot be captured using Walsh's (2008) terminology, such as those allowing the Immigration Minister to dictate the processing order of economic applicants via ministerial instructions. However, the underlying goal of neoliberal state management outlined in previous sections is the same. The passage of Bill C-50 back in 2008 has allowed the Immigration Minister to continually issue instructions and to keep changing the instructions as dictated by the immediate needs of the economy.

The most controversial change that occurred was the government's decision to clear the FSW backlog. The decision was announced at the end of March 2012 and affected roughly 280 000 applicants, all individuals still waiting in the queue who had applied before Bill C-50 was approved in February 2008 (CIC, March 30 2012). Following the same pattern in which other announcements were introduced, Kenney first hinted in weeks leading up to the announcement that the change was coming in various public appearances, reported on in both the *Toronto Star* and *Globe and Mail* (Campion-Smith, 2012; "Trimming the Queue," 2012).

The final important change was the moratorium on new FSWP applications announced at the end of June (CIC, June 28 2012). In a news article discussing this change, the *Toronto Star* noted that the news caught applicants and lawyers by surprise. However, it also appears that the effect of parcelling out announcements rather than introducing an entirely new system at once has allowed passive public acceptance to build. As an example, in the same article, despite being thrown off guard by the moratorium, one immigration lawyer stated that "we're not really surprised by anything this government does. It is rewriting the rules. It is consistent with its pattern to freeze everything to deal with the backlog" (Keung 2012b, para.5).

(b) Family stream changes

Table 2: Family stream changes

Date Announced by CIC	Content
September 27, 2010	▪ National online 'marriage fraud'/'marriages of convenience' consultations announced to complement public town hall meetings that began in Brampton, Ontario on September 1st ▪ Town hall meetings on 'marriages of convenience' continue through October in Montreal, Vancouver
November 4, 2011	▪ Phase I of "Action Plan for Faster Family Reunification" announced: ▪ 2 year moratorium on new Parent and Grandparent sponsorship applications (effective as of November 5, 2011) ▪ Introduction of Parent and Grandparent Super Visa (effective as of December 1, 2011) ▪ Consultations to eventually be launched on how to reform parent and grandparent program ▪ Canada plans to increase number of sponsored parents and grandparents admitted in 2012 (25 000, highest number admitted in nearly two decades)
March 2, 2012 Effective immediately	▪ Sponsorship bar announced to deter 'marriages of convenience' : ▪ Anyone who has been sponsored by a spouse or partner must now wait five years from the day of becoming a permanent resident to sponsor a *new* spouse or partner (if their previous relationship has dissolved)
March 9, 2012	▪ Minister Kenney announces *proposed* reform to deter 'marriages of convenience': ▪ Sponsored spouse or partner sponsored would have to live with the sponsor for two years in a legitimate relationship following receipt of their permanent resident status (permanent status of sponsored person could be revoked if these conditions are not met) ▪ This proposed condition would apply to couples in a childless relationship of two years or less
March 23, 2012	▪ Minister Kenney launches national consultations on redesign of the parent & grandparent program

As can be observed in the chart above, two major family stream changes were introduced during this period. The first was the set of changes affecting new parent and grandparent applicants and the second has been a set of measures to deter 'marriage fraud'. Changes

regarding spousal sponsorship were justified by the state through a host of town hall meetings and accompanying announcements, a circuit which minister Kenney began almost two years before the first sponsorship bar was actually enforced.

Regarding the parent and grandparent moratorium, two 'conciliatory' measures were introduced as part of CIC's *Phase I* of the *Action Plan for Faster Family Reunification*. First, the number of parents and grandparents admitted as permanent residents in 2012 would be greatly increased compared to previous years, and secondly, the Super Visa was introduced. As explained previously, it allows parents and grandparents to come to Canada if they purchase their own health insurance and if their sponsors meet a particular income level (determined by the size of the sponsoring family) (CIC, November 4 2011; CIC, December 1 2011).

(c) Refugee/asylum seeker/humanitarian stream changes

Table 3: Humanitarian stream changes

Date Announced by CIC	Content
March 29, 2010	▪ CIC Minister J. Kenney announces commitment to gradually increase annual acceptance of government-assisted refugees to an additional 500 places and privately sponsored refugees to an additional 2000 spaces BUT only if and when *Balanced Refugee Reform Act* is approved by Parliament ▪ Commitment to increasing funding of Resettlement Assistance Program (RAP) for refugees; Funding expected to come from revenue that would be saved with BRRA reforms
March 30, 2010	▪ Kenney introduces *Balanced Refugee Reform Act* (BRRA) to Parliament
June 29, 2010	▪ BRRA receives Royal Assent
August 13, 2010	▪ Arrival of MV Sun Sea on coast of British Columbia carrying 492 Tamils ▪ **No CIC news releases addressing this event**
October 21, 2010	▪ Harper government introduces Preventing Human Smugglers from Abusing Canada's Immigration System Act (Bill C-49)
June 16, 2011	▪ Preventing Human Smugglers from Abusing Canada's Immigration System Act reintroduced in Parliament (Bill C-49 died on order paper, now Bill C-4)

October 7, 2011	▪ Source Country refugee program repealed
December 9, 2011	▪ Minister Kenney announces *proposed* changes to private refugee sponsorship program: ▪ Sponsorship and permanent resident applications to be submitted together OR returned as incomplete ▪ Applicants must be recognized as refugees by UNHCR or by a state
February 16, 2012	▪ Harper administration introduces Protecting Canada's Immigration System Act (Bill C-31) ▪ Bill includes more changes to BRRA, most elements proposed in Bill C-4, and mandatory biometric data for temporary visa applicants
April 25, 2012	▪ Interim Federal Health Program (IFHP) reformed: Supplemental health-care benefits (e.g. medicinal prescriptions, dental, vision care) eliminated for refugee claimants and other protected persons
May 9, 2012	▪ Minister Kenney announces changes to Protecting Canada's Immigration System Act (Bill C-31): ▪ Initial detention review for "designated arrivals" would occur 14 days after detention as opposed to one year (and subsequent reviews every 180 days) ▪ 12 month Pre-removal risk assessment (PRRA) bar, proposed in the original bill, would be raised to a 36 month bar for individuals from "designated safe countries"
June 20, 2012	▪ Harper government introduces Faster Removal of Foreign Criminals Act (Bill C-43)
June 29, 2012	▪ Protecting Canada's Immigration System Act (Bill C-31) receives royal assent

The most controversial set of changes introduced have been those surrounding refugees and asylum seekers. The passage of Bill C-31, an omnibus bill containing all the provisions proposed in Bill C-49 (reintroduced as Bill C-4) and modifications to the *Balanced Refugee Reform Act*(BRRA), has undoubtedly been the most important development. The BRRA, which had passed in 2010, was originally hailed as an exemplar, as evidence that a minority government could operate to produce satisfactory and just results for all political parties through compromise (e.g. Clark, 2010; Scoffield, 2010). However, Bill C-31 reintroduced controversial

provisions that had been modified through compromise by the opposition parties before the BRRA achieved royal assent.

Bill C-31, otherwise known as the *Protecting Canada's Immigration System Act*, first contains provisions regarding human smugglers, including a mandatory minimum prison sentence for convicted smugglers and an amended, expanded definition of human smuggling (Bechard & Elgersma, 2012). The new definition makes it easier for judges to prosecute suspected smugglers as the previous definition was described as restrictive as it had to be proven that the smuggler knew that the individuals they were transporting did not have documentation, making it difficult to prosecute anybody for smuggling in practice (Bechard & Elgersma, 2012).

More importantly, the bill creates a new legal category: The Minister of Public Safety now has the sole authority to label any group of individuals attempting to enter Canada through illegitimate means as "designated foreign nationals" (DFNs), a category that can even be used retroactively, allowing the minister to apply this label to the Tamil groups that arrived via the *Ocean Lady* and *MV Sun Sea* (Bechard & Elgersma, 2012). When individuals are labelled as DFNs, Bill C-31 permits the state to put these individuals in detention upon arrival to Canada. Bill C-31 originally proposed one year of detention before the first detention review could be heard. The reasoning was that preparation for detention review took valuable time and resources away from the task of determining the identities of the smuggled individuals (House of Commons, 2012, para.21-22; 2010b, para.44-45). Due to much protest, this provision was changed where although the DFNs can still immediately be put in detention, the first review must come after two weeks and every subsequent review must be held 180 days later (CIC, May 9 2012). While this particular draconian measure has been defeated, most of the harmful and

restrictive provisions still remain. One major example is that DFNs will not have access to the Refugee Appeal Division (RAD) that is to be created (CIC, June 29 2012b).

Even if a designated foreign national is found to be a refugee by the RPD panel, they still cannot apply for permanent resident status for five years. In effect, they cannot travel outside of Canada nor sponsor any family members until the five year bar passes (Bechard & Elgersma, 2012). If the government decides that conditions in the DFN's country of origin have improved, they have the power to withdraw the individual's protected person. The individual's status can also be vacated if they are found to have travelled back to their country of origin. This cessation of status is a final decision as it cannot be appealed by the DFN (Bechard & Elgersma, 2012).

The reversal of Conservative concessions made during the passage of the BRRA have been brought into Bill C-31, chiefly, the contentious safe country/designated country of origin (DCO) provisions. When the BRRA passed, the opposition parties were satisfied in that all refugee claimants, whether from DCOs or not, would have access to the new RAD, something denied in the BRRA's original pre-amendment form. In parliament, these parties argued that it created a two-tier refugee system (House of Commons, 2010a). The original BRRA gave the Immigration Minister sole discretion to label a country as safe. The BRRA amendments required that the minister outline objective criteria used to make the decision (such as a particular percentage of rejected claimants) and required that a country can only be a DCO if approved by an independent panel of experts (House of Commons, 2012). Bill C-31 reversed these concessions and was easily passed as the Conservatives are now the House majority. Along with DFNs, individuals from DCOs will not have access to the RAD and the minister once again has sole discretion to label a country as a DCO. Although the government has articulated the qualitative and quantitative criteria that will be used, the quantitative criteria regarding a

rejection rate threshold is not set out in the legislation so the threshold can be changed through ministerial instructions (CIC, June 29 2012a).

Finally, DCO claimants are not only denied RAD access but must also face expedited timelines during their initial RPD hearing. Under the current system, it takes 19 months for an initial RPD hearing. Under the new system, non-DCO claimants would have their case heard by the RPD within 60 days of referral (following their determination interview) while inland DCO claimant cases will be heard in 30 days and port-of-entry DCO cases will be heard in 45 days (CIC, June 29 2012b). While all claimants (including DCO claimants and DFNs) can still appeal to the Federal Court, it is imperative to reiterate that few claims make it to the review stage. However, for DCO claimants, there will not be an automatic 'stay of removal' (meaning that deportation is suspended while the individual is waiting for the Federal Court to hear their case). DCO claimants can now be removed while waiting for news regarding whether the Federal Court will hear their appeal (CIC, June 29 2012a).

The immigration policy changes introduced in this section will be elaborated in the next. Bill C-31 was necessary to describe in greater detail due to its complexity and connection to previous bills.

Discursive Themes

DHA application involves three analytical steps. The first is to identify the dominant discourse *topics* and *content*. My paper thus far has been focused on contemporary Canadian immigration policy and contemporary discourse that has accompanied policy, both outlined in the literature review. The headings below name the topics and content that were identified, those central Canadian immigration policy discourses that were salient from 2010 to 2012. Following this, justificatory patterns regarding discourse topics are to be identified (*discursive strategies*).

These are articulated in the subheadings. Finally, *linguistic means* (patterns in reasoning/speaking about a phenomenon or subject) and *linguistic realizations* (concrete textual examples) are extracted to illustrate the first two dimensions (Meyer & Wodak, 2009, p.93).

Overall, there were substantially more newspaper articles dedicated to refugee policy changes than to economic policy changes. This in itself is an interesting finding as it appears that economic policy changes receive less attention than refugee policy changes. Counter-discourses were present in both parliamentary speeches and in newspapers while the CIC news release was the one genre adhering to a uniform discourse. Examples of all will be shared below to show how changes to immigration policy have been assigned meaning.

Policy Discourse #1: Canada's immigration system is too cumbersome, outdated, and ineffective for the new economy

This discourse topic pertains primarily to changes introduced to the economic stream.

(i) Policy changes maintain Canada's competitive edge vis-a-vis other advanced economies

The most recurrent justificatory theme has been the notion that immigration policy changes will bring Canada in line with other, much more modernized immigration systems.

In regards to the totality of economic stream changes, minister Kenney has said:

> All of the changes we are exploring will make Canada more competitive with other similarly-placed countries and more attractive to the best and brightest from around the world, and will better match our immigration system with the best interests of the Canadian economy. (CIC, April 17 2012, para. 8)

This justificatory pattern is echoed throughout CIC news releases regarding economic stream changes, the idea being that the state must be active rather than passive in its recruitment of skilled immigrants or risk fall behind to other more innovative state immigration programs. The

quote by minister Kenney (see above) illustrates Shachar's (2006) idea of *competitive immigration regimes*, an idea continually recontextualized in news articles describing the numerous changes.

When the FSWP backlog was cleared in March, the occasional news report highlighted the anger and injustice that prospective immigrants felt once the official announcement was released (Keung, 2012a). In contrast, the official government position, captured in a CIC news release quote by minister Kenney, stated that "[h]aving to process applications that are as many as eight years out of date reduces our ability to focus on new applicants with skills and talents that our economy needs today" (CIC, March 30 2012, para. 2). Following this premise, the news release argues that in the meantime, if nothing is done about the current system, the brightest and most highly skilled immigrants will end up choosing other more responsive state immigration systems that can quickly accept them and cater to their needs. Once again, it is purported that the state must change course by clearing the backlog or risk falling behind to other more innovative countries (CIC, March 30 2012).

Press releases and newspapers both frequently describe the changes as bringing Canada in line with New Zealand and Australia particularly, countries noted by Shachar (2006) (in regards to New Zealand) and Walsh (2008) (in regards to Australia) to be exemplars of neoliberalized immigration policy. Higher language proficiency testing (already mandated through the PNP, but being proposed by Kenney to be even more heavily weighted under a new revamped FSW point system)and credential assessment before arrival have been attributed to Australia. Other eventually realized proposals have been attributed to New Zealand, particularly the clearing of the FSWP backlog, something New Zealand did in 2003 (Friesen, 2012b). Another example has been in regards to reforming the Immigrant Investor Program (IIP), where

Kenney was quoted as stating "we've been massively under-pricing that program relative to our major *competitors*[emphasis added] like Australia, New Zealand, the United States and the United Kingdom" (Chase, 2012, para.5).

While many articles simply describe the economic changes (powerful in its own way as simple description of policy changes in piecemeal form leads to normalization of swift policy change), a *Globe and Mail* editorial discusses the idea of Canada as a competitor quite explicitly:

> The world has changed, and when it comes to immigration, Canada is not changing fast enough to compete in it. It is no longer possible to sit back languidly, as the best and the brightest queue on its doorstep. The global market for human capital is voracious...People with options are less and less likely to tolerate hidebound, cumbersome processes, waiting as long as eight years for their applications to be dealt with...Increasingly, elsewhere is looking better. ("Canada has to actively recruit," 2012, para.1)

Neoliberal policy changes first become normalized because they are the types of changes that other states have embarked on. The idea of selecting self-sufficient, talented immigrants becomes deemed necessary as Canada is discursively produced as part of a global network of *competitive immigration regimes*. The desire to change policy becomes labelled as a necessity as the notion of competitive states battling for talented immigrants takes on a sense of urgency. It follows that if things are not changed *now*, Canada will be left behind and already has been left behind to a degree as other states have introduced innovative, human-capital attracting policies well before Canada.

(ii) Executive power as necessary with economic immigrants as the central players (new immigration system must be rapid, flexible, and refined to attract these individuals)

This form of justification is intertwined with the first regarding competitive states and has become particularly relevant since the 2008 global economic recession. It is related primarily to Peck's (2001) notion of the neo-liberal state whose policy choices aim to secure the supply-side conditions of a competitive economy. To reiterate, Peck (2001) argued that economic globalization constricts the parameters of state policy discourse, in that neoliberal reforms come to be presented as the only or most correct solutions.

A primary goal of this particular government has been to refine policy tools to select those prospective immigrants who have the greatest chance of immediately succeeding in the Canadian labour market. Minister Kenney has clearly expressed that recruiting top talent is Canada's first priority: "the Government of Canada is committed to making economic and labour force needs the central focus of our immigration efforts" (CIC, April 17 2012, para.2). Linking economic stream changes to the material well-being of Canadians makes for a powerful justificatory pattern *because of the economic climate in which it is placed*. To give some examples, minister Kenney has stated in CIC news releases that: "Our Government's top priority remains *jobs, growth and long-term prosperity*[emphasis added]... We need to proactively target a new type of immigrant entrepreneur who...can compete on a global scale *and create jobs for Canadians*[emphasis added]." (CIC, April 18 2012, para.3) and "*[a]s we recover from the recession*[emphasis added], increasing economic immigration will help ensure employers have the workers they need" (CIC, June 26 2010, para.2).

While the language surrounding asylum seekers is direct and explicit (as will be presented shortly), coverage of economic stream changes, particularly in CIC news releases, has been expressed in a non-inflammatory way. While there exists a counter-discourse from angry prospective economic applicants in the news stories, particularly regarding the economic stream

backlog clearance (e.g. Galloway & MacKinnon, 2012), in CIC news releases particularly, the (proposed) changes are introduced as perfectly sensible, appropriate, and necessary and have been ushered in with little resistance (aside from protest by the individuals that the changes directly affect). In fact, the mediated results of stakeholder meetings give the appearance of broad consensus. For example, in a CIC news release discussing the consultation feedback regarding immigration levels and mix, it is stated that stakeholders "have identified immigration as a critical way to meet labour market needs, *citing economic factors as among the most important considerations when establishing immigration levels*[emphasis added], followed by integration concerns" (CIC, August 29 2011, para.6).

(iii) Trimming the costs that non-economic stream immigrants impose on the state

This justification can be applied particularly to the parent and grandparent moratorium and Super Visa and to the changes regarding the inland refugee determination system. In each case it is parents/grandparents and 'bogus' refugee claimants who are a fiscal burden on the state, although the message in the former case is articulated much more gently than the latter[11], but the logic of neoliberalism unites each reform as the purpose is to protect taxpayers and state coffers.

The Parent and Grandparent Program (PGP) changes are justified in a couple of ways: First, in press releases, it is argued that the backlog is far too lengthy and that the PGP must be redesigned to avoid such a backlog from reoccurring in the future. Leaving the PGP unaltered is described as a fiscally irresponsible decision by the state as the program is at risk of becoming unsustainable if changes are not made (CIC, November 4 2011; CIC, March 23 2012c). In conjunction with the first justification, supporters argue that the Super Visa in the best interest of

[11] The case of 'bogus' refugees as a fiscal burden has been placed in the next discourse-topic section as the neoliberal logic of saving state revenue is certainly present, but is discursively produced as secondary to more pressing 'compassionate' concerns (i.e. savings can be diverted to those deemed to be genuine refugees)

parents and grandparents as well who are described as not actually desiring to permanently settle in Canada but who only desire to engage in extended visits. The introduction of the Super Visa is discursively produced by CIC as mutually beneficial for the parents and grandparents as well as for Canadian taxpayers as the fiscal burden is relieved for the Canadian public and (grand)parents can be quickly united with family members (see particularly CIC, November 28 2011 news release titled *Super Visa earning rave reviews*). This way of speaking masks the reality that the price attached to a Super Visa is out of reach for most sponsors, even those considered well off, a point stressed in only one news article (Keung, 2011).

Policy Discourse #2: The inland refugee determination system is broken and must be fixed

The three justifications presented here rely on two main subjects discursively produced by the current ruling party: There is the 'bogus' refugee juxtaposed against the 'genuine' refugee and against the best interests of Canadians (particularly new Canadians) in general.

(i) Hearings and decisions take too long which is unjust for the few genuine asylum seekers

The average length of time estimated by the state for a refugee claimant to have their first hearing is 19 months and the average time to process a refugee determination case is over 1 000 days (CIC, June 29 2012b). These numbers have been presented in parliamentary speeches, press releases, and reiterated in newspaper articles that describe why minister Kenney is embarking on inland refugee reforms. The story presented in parliament is that the refugee determination backlog was at about 20 000 before the Conservatives came to power. While opposition parties and some newspaper articles have argued that the backlog has now swelled to 60 000 due to the current administration's calculated decision to leave the IRB understaffed, the Conservatives have argued that they were conducting more rigorous screening procedures so that quality decision makers could be appointed (House of Commons, 2010a).

The current administration has introduced new stringent timelines at all stages of inland refugee determination in order to clear the backlog. Claimants no longer have 28 days to fill out a personal information form (PIF) but must instead have an interview with a civil servant to whom they must tell their story within 15 days of landing (CIC, June 29 2012b). Hearings will take place quickly, as described above, as will appeals. While the opposition parties have argued that accelerated timelines are unjust for asylum seekers who will have virtually no time to seek counsel and prepare a case with proper documentary evidence (House of Commons, 2010a), the current administration has inverted this logic in order to justify the changes. This has been done by invoking two types of asylum seekers and pitting their interests directly against each other: Minister Kenney and other Conservative party members have argued that what they are doing is in fact compassionate and just because 'genuine' refugees can be quickly offered protection and permanent residence while 'bogus' refugees can be weeded out. It is 'bogus' claimants that are to blame for clogging the system. This is at the expense of the taxpayer (demonstrated in the third justificatory pattern) but also at the expense of the 'real' refugee who must wait far too long before their first hearing occurs (e.g. CIC, February 16 2012; February 22 2012; June 29, 2012).

One particular way that hostility is fostered is through presentation the most extreme examples of 'bogus' refugee cases. In one *Globe and Mail* article ("Reforming a broken system," 2010), the author highlights the case of a man from India who spent 17 years in Canada exhausting all appeals (para.2). In another *Globe and Mail* article in the same week, an author cites the example of a German couple who arrived claiming state persecution because they could not home-school their child in Germany (Simpson, 2010, para.5). Such stories become folded

into the discourse of the 'bogus' refugee who does not deserve the state's compassion, nor its social services.

(ii) People from certain countries must necessarily be in less danger than others

The first justification pattern just presented is dependent on this particular form of reasoning. It serves as the basis for justifying stringent measures regarding DCO claimants. A common claim made my minister Kenney is that many refugee claims made in Canada come from democratic countries that are part of the European Union (EU). He has never explicitly used the term Roma but newspaper articles have articulated that this is in reference to Roma claimants (e.g. "Effective but a bit,", 2012; "Refugee Bill Lacks Balance," 2012). Several remarks made by the current administration are that claimants from Hungary made 23 times more claims in Canada than in any other country in 2010 (House of Commons, 2012, para.202). Minister Kenney has argued that individuals from Hungary and the Czech Republic have other neighbouring countries in the EU where they could make a claim. The media commentary of other speakers articulating the same sentiment have been placed in CIC news releases to present the illusion of public consensus (see CIC, February 22 2012 particularly). However, this masks the point that discrimination against the Roma occurs not only within certain EU countries like Hungary and the Czech Republic but also across Europe (Caparini, 2010).

To give an illustrative example, in a parliamentary speech addressing Bill C-31, a Conservative party member cites an immigration lawyer and reads a quote of hers (House of Commons, 2012, para.34). This quote is then recontextualized and placed alongside other consenting voices in a CIC news release titled "Protecting Canada's Immigration System Act earning rave reviews" (CIC, February 22 2012). The immigration lawyer states:

> I also like the fact that he is going to fast-track these claims, so they do not clog up the refugee system for genuine claimants. I have clients who've been waiting since 2009, early 2010 to have their hearing, and I represent many claimants from, let's say Africa, the Mid East countries...and they have to wait, because the system is so clogged up with what I consider to be unfounded claims from citizens of safe country of origin. (CIC, February 22 2012, para.9)

This form of reasoning can be powerful because it pits apparently 'bogus' claimants against all other claimants and presents the change as compassionate as opposed to unjust: Once 'false' claimants from targeted countries are weeded out, other, more needy individuals can be assisted.

Additionally, the 2500 person increase in the overseas refugee program has been systematically invoked in parliamentary speeches by the ruling party to buffer opposition party claims that new reforms alter Canada's humanitarian traditions (e.g. House of Commons, 2012, para.43, 168, 198-200). I argue that this is one reason why the 2500 person increase was announced as a CIC news release just before all other news releases regarding inland reform (particularly one day before the introduction of the BRRA), to support the notion that Canada is still compassionate and is still a leader in helping refugees so long as these refugees are patient and are chosen from abroad as opposed to taking initiative to come to Canada themselves. It helps to create the perception that truly needy individuals are always somewhere far away, never quite capable of making the journey to Canada. To give one example, in regards to the BRRA a 2010 *Globe and Mail* editorial stated:

> It is absurd that democratic countries such as the United States, Costa Rica and Hungary regularly make it among the top 10 source countries for refugee claimants – even as

> refugees languish in United Nations-designated camps, unable to benefit from Canada's protection. ("Reforming a broken system,", 2010, para.2)

Such quotes can foster hostility as these claimants are positioned not only as 'bogus' but as necessarily taking resources away from other groups in need.

Another sentiment in parliament, news releases and in *some* news articles[12] is the idea that knowing what a 'safe country' looks like is highly intuitive, easy to identify, and something that a layperson can do, for example:"I have absolutely no qualms about the minister preparing such a list because, as I said, a reasonable common person in the streets can prepare such a list" (CBC radio, quoted in CIC, February 22 2012, para.12) and "Here's a skill-testing question: What country is the leading source for refugee claims in Canada? Is it Sri Lanka? Somalia? Haiti? The correct answer is Hungary, a democratic member of the European Union generally deemed to comply with human-rights". (Wente, 2010, para.1-2). Finally, in parliament minister Kenney has stated "[f]rankly, I find it a bit strange that we are receiving more refugee claims from the European Union than from Asia or Africa. It does not make any sense" (House of Commons, 2012, para.28). This way of speaking can disadvantage many claimants who may need protection as they become labelled as guilty until proven otherwise.

The logic of neoliberalism is also embedded in the 2500 refugee increase announcement by the state. As 2000 refugees are to be privately sponsored, the state can reap the benefits of appearing compassionate while only having to devote funding to a miniscule 500 additional refugees per year.

[12] It is again important to note that there is certainly a counter-discourse present in news articles arguing against the changes, although the changes did eventually pass signalling that counter-discourses were not strong enough to strike down Bill C-31

(iii) The inland system is too generous (an incentive for 'bogus' claimants) and too costly for Canadian taxpayers

This form of reasoning is where the logic of 'safe country' provisions and neoliberalism come together. Canada's 'generous' asylum policies are discursively produced as creating a strong pull for 'false/bogus' claimants. By speeding up the determination process, the state can deter so-called bogus claimants from taking advantage of social assistance, medical care, and other benefits that asylum seekers are entitled to. To give one of many examples, minister Kenney used this statement in his introduction of Bill C-31:

> Canadians are also worried when they see a large number of false refugee claimants who do not need Canada's protection, but who file refugee claims because they see an opportunity in Canada's current refugee system to stay in Canada permanently and have access to social benefits even though they are not really refugees in need of our country's protection. (House of Commons, 2012, para.11)

An important mechanism through which the guilt of European nationals is inferred is not just through the assumption that they are safe because they are from supposedly safe countries, but high IRB hearing abandonment rates are also used as an indicator of being 'bogus' (House of Commons, 2012, para.29-31) In introducing Bill C-31, Kenney stated "over 95% of EU claims were withdrawn, abandoned or rejected. If that trend continues, that means that the unfounded claims from the 5,800 EU nationals who sought asylum last year will cost Canadian taxpayers nearly $170 million" (CIC, February 16 2012, para.8). Here, supposed falsity and the fiscal price of that falsity are presented for public consumption, which generate hostility.

This way of speaking has been made palatable through appeal to the humanitarian logic of saving more bona-fide refugees, mainly through inland hearing reform where most savings

come from accelerated IRB hearings and bars to appeal mechanisms (so that the 'bogus' claimant cannot access social assistance and healthcare while waiting for a hearing). Refugee reform is about conserving constrained resources, yet it is most often discursively justified by the current administration as a good deed *that also* conserves resources. One example of this is the CIC news release announcing the royal assent of Bill C-31 (CIC, June 29 2012). In the first three paragraphs, it is stated that Canada's generous refugee system will be protected from 'bogus' individuals as they will no longer be able to take advantage of the social benefits that asylum claimants are entitled to. The swifter removal of these individuals means that others can be more quickly protected. It is finally stated in the fourth paragraph following these justifications that taxpayers will also benefit through saving 1.65 billion dollars that, without reform, would have been spent on social assistance to support these claimants (CIC, June 29 2012, para.1-4).

<u>Policy Discourse #3: The integrity of Canada's immigration system is being undermined and this must end for integrity to be restored</u>

(i) Fraudulent immigration activities are on the rise and new policies will act as a deterrent

The first fraudulent immigration activity is related to smuggling. The arrival of the Ocean Lady and Sun Sea less than twelve months apart is invoked in parliamentary speeches as evidence that human smuggling activities are on the rise (e.g. House of Commons, 2010b, para.21; para.140; para.244, 254). Examples of interdicted boats are also used, but more-so to show that new 'crime prevention' measures are being successfully implemented (House of Commons, 2012, para.14-15). Smuggling is often described with emotionally loaded terms and the Canadian state is discursively produced as an easy target for smugglers. The ruling party has argued that such a conception of Canada must end as it undermines the state's immigration system. For example, both minister Kenney and minister Toewz have described Canada as being

treated like a doormat to smugglers (House of Commons, 2012, para.13; 2010b, para.52). However, it is not just smugglers but smuggled individuals as well who become labelled as threats through securitizing moves. Going back to the CSS framework (Buzan et al., 1998), we can see that both the smuggled and the smuggler become discursively produced as threats, where extreme measures and the suspension of normal political procedure must take place. The two boats that have arrived move beyond politicization into the realm of securitization. On one hand, because the initial detention review period was eventually changed (to restate, no review for 14 days instead of one year), it can be argued that segments of the public rejected the move by the current administration to securitize smuggled individuals. However, this change, while important, is a miniscule victory compared to the consequences still attached to being a DFN. An individual found to be a refugee but labelled as a DFN would inhabit a quasi-legal space for five years, a form of treatment beyond normal politics as it involves a suspension of rights in the name of protecting future groups from recruiting smugglers, which leads to the next justification pattern.

(ii) Smuggled claimants will now think twice

When smuggling provisions were introduced in Bill C-49/C-4 and Bill C-31 by the Conservatives, opposition parties argued that the main goal was to target individuals who use the services of smugglers rather than punishing the smugglers themselves (House of Commons, 2010b; 2011; 2012). Punitive measures regarding those who have been smuggled were already discussed in the description section of Bill C-31 but how have such harsh measures (even for those found to be in need of protection) been justified? Clearly the goal is to assure that smuggled individuals are penalized for years, as even with a positive IRB ruling, their DFN legal status comes with a whole slew of consequences all due to the *manner in which they arrived*.

The Minister of Public Safety has sole authority to designate a group as DFNs and the definition is quite ambiguous, so it is difficult to predict how it *can* and *will* be applied. However, the retroactive clauses appear to target *Ocean Lady* and *Sun Sea* Tamil claimants, especially telling as the CIC news release announcing that Bill C-31 had passed contains a link where the bill can be translated into Tamil (CIC, June 29 2012c)[13].

An important point to consider is that when the IRPA was introduced in 2001 it included legal provisions to prosecute smugglers, a point made particularly by NDP member Olivia Chow (e.g., House of Commons, 2010b, para.71). She has also drawn attention to the fact that the immigration committee already worked to change the time frame that the state could prosecute smugglers from six months to ten years (House of Commons, 2011, para.93-95) before Bill C-4 and Bill C-31 were introduced. Because such provisions have already been put in place, this parliamentarian has argued that the purpose of the bills introduced have been to punish the smuggled as opposed to the smugglers (House of Commons, 2010b; 2011).

The reasoning used by the Conservatives for such harsh provisions has simply been that such measures act as a deterrent for any group considering recruiting the services of smugglers. Bill C-31 clauses that target smuggled groups become discursively produced as measures that will actually save asylum claimants as they will be less inclined to take a dangerous boat journey to Canada knowing that there are harsh consequences attached (House of Commons, 2012, para.24; 2011, para.21-22; 2010b, para.246, 253).

A frequently used and more implicit tactic for the ruling party is to state that it is new immigrants who most support human smuggling provisions (e.g. House of Commons, 2012,

[13] Additional symbolic gestures have already linked human smuggling provisions to the Tamil boats such as the initial introduction of Bill C-49, announced by minister Kenney and minister Toewz in front of the Ocean Lady vessel (CIC, October 21 2010)

para.9; 2010b, para.235, 237). One linguistic token was articulated by public safety minister Vic Toewz, who stated in his Bill C-4 introductory speech:

> It must be very frustrating to many of the new Canadians when they see criminal organizations bringing individuals here who jump that waiting time. That is disappointing for many Canadians who say that they are playing by the rules and are carrying out what they are required to do. They want to know why this is being allowed to happen". (House of Commons, 2011, para.68)

This form of reasoning requires some extra attention as it involves an implicit inference that individuals arriving by boat are not genuinely in need of protection. If immigrant groups understand smuggled individuals as 'queue jumpers', then they become angry and supportive of deterrence measures as they must wait a prolonged period to be united with their own loved ones. However, the term 'queue jumper' is deceptive and misleading. First, as mentioned by several opposition party members, there is no queue for asylum claimants to jump as all must arrive in an irregular or spontaneous way (House of Commons, 2011, para.82, para.154). However, as queue-jumping references are repeatedly used by Conservative members, it implies that there is an *immigration queue* that smuggled individuals are apparently jumping. It follows that these individuals did not leave their home because they are bona fide refugees but because they did not want to wait in a line-up and go through the sanctioned procedures that other *immigrants* (*not* asylum seekers) must partake in.

Analysis

Overall, the current administration has and continues to pursue two consistent patterns with respect to policy introduction and policy discourse. There are strategic patterned ways of introducing new immigration policies and strategic patterned ways of speaking about them.

Policy change has been about both *form* and *content* as power has been strategically exercised in regards to the manner in which policies are introduced and the manner in which they are justified. The current administration has been successful at implementing an entirely different immigration system from the one introduced by the IRPA without having to introduce an entirely new piece of legislation. This has been done through parcelling out changes in a piecemeal fashion over the last several years. When the pieces are assembled, as I have presented above, it is clear that the Canadian immigration system has been completely overhauled and will continue to be changed in the future as the current administration has been preparing the public to accept more changes, particularly regarding the economic stream that are promised to be introduced under the *2012 Economic Action Plan* (CIC, June 28 2012).

Not only has the current administration presented this new system in a fractured way but this has been done in a context where neoliberalization and securitization frames have become normalized lenses for describing policy changes. Political actors introduce policy prescriptions that attempt to address (yet simultaneously construct) immigrant classes through discursive production of their features. Investigating how these classes are linguistically constructed by those in power has been important to examine as the manner in which they are constructed informs the solutions that are to take place.

We have seen that neoliberal state management has been expressed through immigration policy and that an interstate competition for the 'best and brightest' immigrants has become an accepted way to discuss the current state of migration. The idea of migrants as threat is more difficult to grasp as layers of threat are constructed. The power to construct particular migrants, namely asylum seekers, as threats lies in the ambiguity of the type of threat posed. Smuggled individuals without identity documents are positioned as possible *immediate* threats to the

Canadian public, a point first noted by Lowry (2002) and argued by Conservative parliamentarian Vic Toewz (House of Commons, 2011, para.19-20). But more common has been the trend to discursively produce both smuggled asylum seekers and DCO claimants as a different kind of threat, as threats to the public purse. It is not that they *immediately* pose a danger, but the *eventual* danger of allowing too many claimants access to social welfare provisions becomes problematized. The primary way that this hostility is evoked against smuggled claimants and 'safe country' claimants is by positioning them first and foremost as threats to 'genuine' claimants. They are positioned as taking limited resources away from others in need. Underlying this proposition is the notion of scarcity. Canada needs to continue to uphold its humanitarian tradition but has few resources to do so in a strained economic environment. Reform measures become acceptable for those who do not know about the plight of individuals from supposedly safe countries, as the 'bogus' label serves to stigmatize these individuals and justifies restricted access to health and welfare provisions.

CONCLUSION

Policy proposals are always rooted in a particular social, political, and historical context. Examination of how the subjects of policy have been shaped in the past assists in decoding present developments. It is important to critically analyze how the need for change is invoked, how it is introduced to the public, and how the subjects that a policy intends to target are named, described, and hence constructed. Using the DHA, I outlined a contemporary history of Canadian immigration policy. In the 1990s, the discourse of the ideal self-sufficient economic immigrant came to the fore along with concrete changes where a larger proportion of economic immigrants started being admitted. Economic programs expanded and new programs were created such as the PNP and CEC where individuals would provide labour or first purchase Canadian education before becoming permanent residents. The FSWP could not be fixed to be 'speedy' like the other two programs due to the IRPA provision that bound bureaucrats to reviewing all FSWP applications to a final decision. In 2008, Bill C-50 sanctioned the use of Ministerial Instructions which minister Kenney has applied from 2010 to 2012 to fast-track desired applicants and to clear away those who cannot guarantee that they will *immediately* contribute to the labour force but who have instead been contributing to a swelling backlog.

The family class has been discursively produced as a fiscal burden as well, particularly the PGP. Family class immigrants as 'burdens' was also a discourse that arose in the 1990s but became translated into concrete policy in 2011 with the suspension of the family class and issuance of the Super Visa. Changes regarding spousal sponsorship have not been about neoliberalization but more so about deterring 'fraudsters' from using spousal sponsorship as an easy route to Canada.

The most contentious provisions introduced have been those reforming the refugee system. Bill C-31 will radically transform the system as all claimants will be subject to speedy hearings. Panic around asylum seekers on boats began in 1999 with the Fujian boat people but was reinvigorated a decade later by the current administration with the arrival of the *Ocean Lady* and *Sun Sea*. The new DFN legal category attempts to tackle this 'problem'. Additionally, safe country/DCO provisions can be seen as aimed primarily at EU claimants. However, the consequences of a radically new system for *all* asylum seekers has yet to be revealed. However, to reiterate, the point of this project has not been to primarily discuss the possible consequences although undoubtedly crucial, but my point has been to probe how such punitive policy changes have been justified through the strategic language use of those with the power to shape immigration policy.

Through a presentation and analysis of changes from 2010 to 2012, I demonstrated that changes have been introduced in a piecemeal fashion. Economic changes have been swiftly passed because structural mechanisms have been in place to do so (i.e. changes through regulations and through Bill C-50/Ministerial Instructions) but such changes have also been sanctioned through the linguistic invocation of urgency: The economic system must be changed *now* to keep up with the changing economy and to keep up with competing national jurisdictions.

With regard to refugee reform, a consistent speaking pattern by the ruling party has been to invert the logic of counter-discourses that they have been faced with: According to this party, speedy determination measures are not harmful, but in fact, afford faster protection for those who need it. Savings can then be allocated to a greater number of genuine refugees as the reforms will help to take away these resources from 'bogus' claimants. Additionally, draconian DFN

measures are not draconian at all, but will in fact save individuals from recruiting smuggling services.

It has been crucial to dissect these justifications in order to unravel the harmful assumptions that they have been hinged on. The individuals circulating these justifications are those with the power to influence discourse as has been displayed through their strategic representation of arguments in parliamentary speeches, press releases, and some news articles. Only time will tell what sorts of new changes will be in store, how these changes will be introduced and justified, and how this new immigration system will affect both the state as well as future prospective immigrants.

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