

HOW THE DISCOURSE OF ABLEISM FUNCTIONS IN CANADIAN  
IMMIGRATION POLICY: UNDOING DISCRIMINATION AGAINST PERSONS  
WITH DISABILITIES

by

Jenna Blower, BA (Honours), University of Toronto, 2015

A Major Research Paper

presented to Ryerson University

in partial fulfillment of the

requirements for the degree of

Master of Arts

in the Program of

Immigration and Settlement Studies

Toronto, Ontario, Canada, 2016

© Jenna Blower 2016

AUTHOR'S DECLARATION FOR ELECTRONIC SUBMISSION OF A MAJOR RESEARCH PAPER (MRP)

I hereby declare that I am the sole author of this Major Research Paper. This is a true copy of the MRP, including any required final revisions, as accepted by my examiners.

I authorize Ryerson University to lend this MRP to other institutions or individuals for the purpose of scholarly research

I further authorize Ryerson University to reproduce this MRP by photocopying or by other means, in total or in part, at the request of other institutions or individuals for the purpose of scholarly research.

I understand that my MRP may be made electronically available to the public.

How the Discourse of Ableism Functions in Canadian Immigration Policy:  
Undoing Discrimination Against Persons with Disabilities

Jenna Blower  
Master of Arts 2016  
Immigration and Settlement Studies  
Ryerson University

**ABSTRACT**

This paper makes a strong case arguing that Canadian immigration policy discriminates against persons with disabilities and their families due to Ableist modes of thought. Ableism is a discourse that can be understood as humans' capacity to be productive (El-Lahib, 2015). Immigration policies, such as the excessive demand clause, can forbid persons with disabilities to enter Canada since they may rely on health care or social services. The excessive demand clause does, however, make exceptions to persons and families who can prove they can incur the necessary costs associated with one's "disability" (Government of Canada, 2016a). Though efforts have been made to make Canadian immigration policy more inclusive, immigration policies still discriminate against persons with disabilities (El-Lahib & Wehbi, 2012; Hanes, 2009). This paper emphasizes how the discourse of ableism hides from view the many ways persons with disabilities contribute to the economy and act as valued members of society.

Keywords: Ableism; Disability; Canada; Immigration Policy; Neoliberalism

## Table of Contents

<b>Author's Declaration</b>	ii
<b>Table of Contents</b>	iii
<b>Abstract</b>	iv
<b>Introduction</b>	1
<b>Methodology</b>	3
Sample Selection	4
Data Collection Tools and Procedures	6
Table 1.1	6
Recording and Organizing Data	7
Table 1.2	7
Data Analysis	7
Interpretation	8
<b>Theoretical and Conceptual Frameworks</b>	9
Defining Disability	10
Critical Disability Theory	11
Ableism	12
Neoliberalism	13
Intersectionality	14
Anti-oppressive frameworks	15
Governmentality	16
Rights Based Approach	17
The Social Model	18
<b>The History of Canadian Immigration Policy and How it Affects Persons with Disabilities</b>	19

Historical Timeline, Table 1.3	20
Economic Rationalism	27
Figure 1.1	30
Excessive Demand(s): Immigrants as a resource with limited resources	30
Canada as Multicultural: Recognizing Disability as a Culture	32
Experiences of persons with disabilities migrating to Canada	35
Canadians with disabilities: the reality of living on social assistance	36
Case Study	38
A Utopian Future	40
Conclusion	42

## **Introduction**

Immigration in Canada is a controversial issue because many have competing views about our nation's goals and the criteria that should be established and enforced upon entry into Canada. Immigration policy is an important aspect from which to envision national goals because it is a mechanism responsible for deciding what people gain entry into Canada (Shields & Bauder, 2015). Immigration policies have a tendency to create constructs that deem certain people "desirable" or "undesirable" based on individual characteristics and generalizations about certain groups of people.

This paper makes a strong case arguing that immigration policy discriminates against persons with disabilities and their families due to Ableist modes of thought and the position that maintains that persons with disabilities will depend on the welfare system becoming a "drain" on society (Hanes, 2009). The immigration system fails to account for newcomers that may acquire a "disability" while residing in Canada (Tony Dolan, Chairperson at the Council of Canadians with Disabilities, 2012). The immigration system also fails to acknowledge the human capital of the family members of principle applicants seeking to migrate, as well as persons with disabilities ability to contribute.

Historically and presently, it is evident that the inflow of migrants is often dependent on the state of the labour market. If the labour market is in need of workers the inflow of migrants has been encouraged (Siemiatycki, 2015). In contrast a labour market under hard economic times has often led to immigration policies that are more restrictive. This approach to immigration heavily aligns with

neoliberal ideologies that center on the human capital and market profitability of immigrants, evident in our current migration policies and national goals (Siemiatycki, 2015). Looking at the past trajectory of immigration acts and policies, it is evident that there has been a shift from selection processes reflective of race, gender, and country of origin preferences to a selection process based on human capital and socio-economic class (EI-Lahib & Wehbi, 2012; Hanes, 2009). The emphases on human capital and income in migration policy have discriminatory effects on persons with disabilities and their families (EI-Lahib & Wehbi, 2012; Hanes, 2009).

Immigration policies, such as the excessive demand clause can forbid persons with disabilities and their families from entering Canada due to the fact that they may need health care or social services (Government of Canada, 2016a). An “excessive demand” according to the Government of Canada is “a demand on health services or social services for which the anticipated costs would likely exceed average Canadian per capita health services and social services costs over a period of five consecutive years immediately following the most recent medical examination required” (Government of Canada, 2016a). The excessive demand clause does, however, allow entry to persons and families who can prove that they can incur the cost of any health care and social services one may need (Government of Canada, 2016a). The excessive demand clause disadvantages persons with disabilities and low-income families, based on ideologies that persons with disabilities cannot contribute to society and will be a “drain” on the system (Hanes, 2009). This paper seeks to re-conceptualize the

value of persons with disabilities as full members of society. In an effort to move away from neoliberal ideologies, that value human capital in accordance to profitability, the last section, a utopian future, will examine the various ways people are valued members of society.

This paper will first provide an overview of the methodological approach adopted within the paper. I will then review various conceptual and theoretical frameworks pertinent to understanding the context in which I seek to emancipate persons with disabilities from a marginal status in society. I will then examine the history of immigration policies in Canada and evaluate the progressiveness of immigration strategies in regards to persons with disabilities and the impact this may have on their own livelihoods and one's family. The following section will highlight the realities of individuals currently living in Canada with a "disability" and families seeking to migrate to Canada with a member who has a "disability". The final section will emphasize the need to re-conceptualize persons with disabilities in relation to inclusiveness in society and immigration policy.

## **Methodology**

I have conducted a critical literature review for this study, as it is beneficial to a topic on immigration and persons with disabilities because it allows for the opportunity to examine issues of power, marginalization, and oppression. A critical literature review will be conducted to analytically reflect on the immigration selection process and the ways in which it creates barriers for persons with disabilities and migrant families with "disabled" members. A critical literature

review allows one to explore the existing information on this topic and formally assess the extent to which this topic has been studied. A critical literature review will allow me to identify who the key experts are on this topic and also address questions and themes that are missing within the literature.

The strategy that will be employed in this study is grounded theory. Grounded theory is a methodology that assesses a “theory, a pattern, or a generalization that emerges inductively from data collection and analysis” (Creswell, 2014, p. 75). Grounded theory will be useful for this research project because an extensive amount of scholarly literature has already been produced demonstrating the link between immigration selectivity and preference for “abled” bodies (Hanes, 2009; El-Lahib & Wehbi, 2011; El-Lahib, 2015). By assessing the experience of immigrants and immigrant families characterized by “disability”, I will be able to further identify how a neoliberal immigration selection process impacts their ability to enter into Canada and attain citizenship. With this framework I suggest that: 1) Immigration policies that align with narrowly defined economic interests negatively impact persons with disabilities and their families; and 2) New ways of contribution and belonging in society need to be conceptualized in order to create inclusiveness amongst persons with disabilities.

### Sample Selection

The sample frame of the documents being collected will come from online sources such as the Ryerson University Library Archive, Google Scholar, the

University of Toronto Library online database, and Sociological Abstracts. The following keywords and phrases were used in various combinations to collect data: critical disability theory, discourse of ableism, immigration, immigration selection criterion, Canada, point system, persons with disabilities, immigrant families, settlement experience, economic burden, immigration policy, and marginalization. The criteria for selection was focused on articles and books from 2000 onward. Assessing literature from the last fifteen years helps to assure the relevance of this topic. The demographic addressed in the publications cannot be narrowed due to limited publications on this specific issue. A clustering technique was employed for this study because it is “impractical to compile a list of the elements composing the population” (Creswell, 2014, p.158). Specific characteristics such as gender, age, country of origin, and race are evaluated when assessing families and individuals with a “disability” looking to migrate to Canada. In addition to those characteristics, I paid close attention to the education level and income level of the individual and family migrating to Canada. It was important to keep in mind factors such as race and education level because such characteristics contribute to the intersectionality of “disability” and other statuses and labels that can work to marginalize one in society. I collect some thirty sources and of those sources, further narrowed down the amount of literature I examined based on the content of the sources and its relevance to the topics of CDT, immigration policy, and persons with disabilities. Another parameter of this sample is that it only used sources in English.

## Data Collection Tools and Procedures

For this research study I collected and assessed literature on the topic of immigration selection and persons with disabilities. The benefit of collecting such documents is that it enables the researcher to be unobtrusive in collecting information. In addition the researcher can closely examine data, which may be representative of a specific population that has already received attention, i.e. immigrants with “disabilities” in Canada. Moreover, the researcher is analyzing published documents that have already been processed which mean it is a cost-effective and time-effective approach. Some limitations of looking at documents can be issues of accessing the information, and assessing whether the document is complete, authentic and accurate (Creswell, 2014).

I first collected thirty sources and organized them according to the keywords used, the source engine, the author and title, and the abstract in a table format (See Table 1). Following this I assessed the abstracts and summaries based on the content, i.e. policy review, case study, or theory elaboration and its overall connection to immigration policy and persons with disabilities. This gathering of literature and organization of scholarly sources allowed me to collect information based on a broad search and then narrow down my results according to my specified interest.

Table 1.1

Keywords	Search Engine	Citation of Publication	Abstract/ Summary
----------	---------------	-------------------------	-------------------

## Recording and Organizing Data

While assessing the literature I organized the content of each piece of literature according to specific characteristics and sub themes that were pertinent to my analysis of immigration selection criterion and persons with disabilities (see Table 1.2). Collating a table of the content in each piece of literature allowed me to easily identify themes and cross reference issues and working definitions. Another procedure utilized to ensure full and accurate records of the data was the separation between descriptive notes and reflective notes. A benefit of conducting a qualitative study is the ability to personally reflect on the issues, however, practicing this technique ensures that I do not confuse my own impressions with actual facts.

Table 1.2

Publication	Issues/ Problems	What does it say about persons with disabilities?	What does it say about Canadian immigration policy?	Who is represented? I.e. gender, age, income	Tone	Theory/ Definitions
-------------	---------------------	---	--	---	------	------------------------

## Data Analysis

In an effort to achieve complete qualitative validity, i.e. accurately assessing the findings in a procedural manner, I analyzed different data sources of information and examine evidence from the sources to build on a coherent justification for themes (Creswell, 2014). By showing that specific themes are relevant to more than one study I add validity to the study. In addition, I will consistently reflect on my own bias opinions that shape the way I interpret the findings i.e. my background, gender and socioeconomic status as previously

addressed in the conceptual framework section. To enhance the validity of the study I will also present themes that are counter to my findings. It is important to address outliers and different perspectives because it adds credibility to the study.

In addition, I constantly reviewed the working definitions and the main frameworks to ensure I was not confusing the meaning of the findings. Creswell (2014) suggests “this can be accomplished by constantly comparing data with the codes and by writing memos about the codes and their definitions” (p. 203). The table collated to assess the themes and issues addressed in each piece of literature allowed me to compare the data seamlessly.

## Interpretation

By contextualizing my findings through an extensive literature review I was able to build on the anti-oppressive framework put forward by the CDT. My hypothesis is that immigration policies that align strongly with narrow economic interests work to exclude persons with disabilities and their families without acknowledging the many ways people contribute to society. My work is centered around the discriminatory immigration selection process and its negative impact on persons with disabilities and their families. Through an in-depth analysis of Canadian immigration policy and the experiences of persons with disabilities I will propose policy changes that are more inclusive of this marginalized population. Moreover, I will attempt to fill the gaps between theory and practice and suggest new ways in which society can re-conceptualize what it means to be a

“productive” member of society, and elaborate on the different ways persons with disabilities contribute to society.

This research project will be most useful for academics and policymakers with interests in immigration policy and persons with disabilities. In addition, societal institutions such as the labour market and education system can benefit from knowledge about persons with disabilities, in an attempt to remove structural barriers and create spaces where persons with disabilities are valued and included.

### **Theoretical and Conceptual Frameworks**

This section on theoretical and conceptual frameworks is useful to understand why and how social inequalities, such as the discrimination of persons with disabilities, is prevalent in society. A discussion of theories and concepts in the literature related to the inequalities faced by persons with disabilities is important because it helps us to understand how social inequalities persist. This section will explain a range of theories and concepts that can be used in conjunction with one another to explain the hardships faced by persons with disabilities and their families, especially in regards to the immigration process in Canada. Throughout this literature review these theories and concepts will be applied to the exclusionary Canadian immigration policies that discriminate against persons with disabilities and their families.

## Defining Disability

The literature, aside from providing several definitions of disability, provides insight on how the term “disability” is a fluid and social construct dependent on the context in which it is being defined and the person defining it (Withers, 2012). Withers (2012) describes that the “Ways in which disability is viewed are always informed by class, gender, race, and age, among other marginalities”. “Disability” is best understood as “a sense of abnormality, a deviation from the norm” (Withers, 2012, p. 2). Withers (2012) explains that disability is not a fixed category, it is a fluid a definition, where different models work amongst one another to construct persons who are viewed as “abnormal”. Models such as the “eugenic model, the medical model, [and] the charity model” all work to marginalize persons with “disabilities”. For instance, the eugenics model believes that “certain people are genetically superior to others and that people deemed inferior pollute the gene pool, diminishing the strength and desirability of the entire population” (Withers, 2012, p.3). The eugenics model is pertinent to the understanding of immigration policies, as this rhetoric is manifested in the way selection processes occur (Withers, 2012). For instance, in Canada, “the 1886 Immigration Act prohibited ‘the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous or infectious disease or malady’” (in Chee, 1905 as cited by Withers, 2012, p.19). The eugenicist model puts forward a rhetoric, embedded in policies, that bars people who are “physically or intellectually disabled” from entering Canada (Withers, 2012, p. 19).

Moreover, the medical model “views disability as an individual tragedy and as based within the body”. The medical model “focuses on curing disability” which further depicts persons with disabilities as a problem. Complementary to the eugenics and medical model, is the charity model which believes that “if enough people come together... disability can be ‘fought’, ultimately eradicating disability and, therefore disabled people” (Withers, 2012, p.4). What is worth noting, is that there is no universal definition of “disability”, thus when migrants seek citizenship in Canada, officials risk subjecting someone to a particular, marginal identity by labelling someone as “disabled” (Withers, 2012). These models are helpful in understanding how “disability” is socially constructed in society to marginalize certain people that are deemed to be “abnormal”.

### Critical Disability Theory

A useful framework for discussing the issue of migration and persons with disabilities is the Critical Disability Theory (CDT). CDT highlights two important insights: power(lessness) and context. CDT is a macro-level theory explaining that “issues of disability are not just questions of impairment, functional limitations, or enfeeblement; they are issues of social values, institutional priorities, and political will” (Devlin & Pothier, 2006, p. 9). CDT emphasizes context to realize people’s lived realities and examine persons with disabilities from the bottom up. CDT acknowledges how society negatively constructs “disabled” persons; to the extent where there is prenatal technology in place determining that “certain kinds of lives are not worth living” (Devlin & Pothier,

2006, p. 10). Moreover, CDT seeks to create a framework that does not focus on pity or charity for persons with disabilities, but specifically equality and inclusion in society. CDT is useful in explaining issues of migration and citizenship regarding persons with disabilities because as scholars Devlin & Pothier (2006) explain “[there] is a tendency to assume that genuine citizenship entails a capacity for productivity, and if one cannot be productive, one is not worthy of full citizenship” (p. 17). CDT recognizes that citizenship attainment needs to be dismantled from ideals about efficiency and productivity, as society has put forward an ableist discourse that inherently condemns people with disabilities to an “inferior status” (Devlin & Pothier, 2006, p. 18). CDT is similar to the radical model of “disability” because it understands the power systems in place that condemn people as “disabled” in order to keep “those power structures in tact” (Withers, 2012, p. 6). Throughout this research project CDT will be further examined as it applies to the issue of migration and persons with disabilities.

## Ableism

Ableism can be described as a “socially constructed limitation” (El-Lahib, 2015, p. 213). Ableism is a way in which we understand a humans’ capacity to be productive (El-Lahib, 2015). The discourse of ableism also reveals the power imbalances that take place in the construction of the “disabled” body. The literature states, “the discourses of dependent bodies are used to maintain the dominance of those who are constructed as independent and able-bodied” (El-Lahib, 2015, p. 213). Scholar El-Lahib (2015) on a critical note expands to say

that “the body and body politic are intertwined and therefore we must consider the ways that ableism functions at the discursive, rhetorical and material levels” (p. 213). Thus, the discourse of ableism explains that it is more than just categorizing people into “able” and “disabled” groups; the construction of these classifications has material effects, such as the ability to attain citizenship in Canada. The discourse of ableism and the study of persons with disabilities is interesting because it relates to the ways that society constructs human identities, puts value to health and worthiness, and structures daily life. Whether or not “disability” affects you directly, McWhorter (2005) assures that it will impact your life one way or another.

### Neoliberalism

Neoliberalism as a theory can provide context to the increasing ways in which persons with disabilities are excluded by immigration policies. Bauder and Shields (2015) describe immigration policy as a tool reflecting “who gets in and how many are permitted” (p.14). Therefore, immigration policy is discriminatory because it often favours the economic interests and needs of a country (Bauder and Shields, 2015, p.14). Neoliberalism as a theoretical framework exemplifies the government’s role “as promoting business profitability and wealth accumulation by enacting policies most in keeping with ‘free market’ business principles” (Siemiatycki, 2015, p.106). Neoliberalism has influenced immigration policies, contributing to the emphasis on human capital and labour market skills (Siemiatycki, 2015).

Human capital has become the crux of migration policies due to the fact that entry is conditional to what people can economically contribute to Canada (Siemiatycki, 2015). The emphasis on economic class immigrants is problematic, however. For instance, the focus on economic migrants has fostered a “brain drain”, by which Canada selects highly educated persons from poorer countries, obscenely taking capital and human resources from another country (Siemiatycki, 2015). Persons with disabilities and their families continue to be at a disadvantage, as neoliberal ideologies characterize migration policies and favour economic-class migrants. Luis Aguiar (2006) reflects on Canada’s immigration policies and argues that it continues to be characterized by “social eugenics’, still based on assumptions of desirable and undesirable immigrants, with social status (education, occupation, income) now replacing race and nationality as key selection criteria” (as cited by Siemiatycki, 2015, p.107).

### Intersectionality

Intersectionality is useful to understanding persons with disabilities and the Canadian immigration system. The theoretical lens of intersectionality poses that there are multiple ways that people experience marginalization in society (Withers, 2012). An intersectionality framework also understands the multiple sites of power that work to marginalize people (Withers, 2012; McWhorter, 2005). When multiple institutions and discourses marginalize persons with disabilities, this power can often “result in distributions of resources, that produce and maintain the ways we think about human normality and abnormality” (McWhorter,

2005, p. xiii). When advocating for persons with disabilities, it is important to realize the many ways in which society has excluded them. Withers (2012) sheds light on to the fact that “disability studies” has often been referred to as “white disability studies” (p. 99). Introducing intersectionality as an appropriate lens to address persons with disabilities can help scholars understand how people are multiply oppressed (Withers, 2012). For instance, Chris Bell (2010) suggests that when scholars do not account for multiply oppressed people, “their ethnicity and race are erased” (as cited by Withers, 2012, p. 100). In accordance to race, scholars illustrate concern over the fact that “white people don’t acknowledge that they are part of a culture because it is so pervasive and dominant that it can be hard for some people to recognize” (Bell 2010 as cited by Withers, 2012, p. 101). Thus, when addressing persons with disabilities it is important not to “erase the many cultures that many disabled people are part of” (Withers, 2012, p. 101). In relation to immigration, it is pertinent that scholars approach issues of disability with an intersectional lens, as the many subjectivities that are embodied by a person and their family influence their context of reception in Canada.

#### Anti-oppression framework

Anti-oppression frameworks considers “oppression as a manifestation of practices of power that target particular individuals by virtue of their belonging to specific social groups (El-Lahib & Wehbi, 2011, p.97-98). From an anti-oppressive framework, persons with disabilities “are seen to face barriers to inclusion in society not because of their own individual ‘deficits’ or impairments,

but because of their belonging to a minority social group in a society shaped by power relations” (El-Lahib & Wehbi, 2011, p. 98). An anti-oppressive framework is useful because it views the many institutions and policies that work together to marginalize certain social groups (El-Lahib & Wehbi, 2011). An anti-oppressive framework will be employed throughout this paper, as it seeks to emancipate persons with disabilities from their marginal status in society. In addition, the anti-oppressive framework, similar to other theories and concepts, understands the power relations that subject people to a minority social group.

### Governmentality

The application of Foucault’s theory of governmentality is useful to understand how power relations subject persons with disabilities to a marginal status in society (Tremain, 2005). A key concept to explain governmentality as a form of power, is bio-power. Bio-power “involves a set of measurements such as the ratio of births to deaths, the rate of reproduction, and the fertility of a population” (Tremain, 2005 p.4). Bio-power attributes economic and political problems to demographics and seeks to control such phenomena (Tremain, 2005). Power in this sense has the ability to influence “practices, procedure, and policies [that] have created, classified, codified, managed and controlled social anomalies through which some people have been divided from others and objectivized as physically impaired, insane, handicapped, mentally ill, retarded, and deaf” (Tremain, 2005, p. 5-6). Foucault explains that the term ‘government’ can be understood as “any form of activity that aims to shape, guide, or affect the

conduct of some person or persons” (Tremain, 2005, p.8). Government is powerful because it conveys “a mode of action which does not act directly and immediately on others. Instead it acts upon their actions” (Tremain, 2005, p. 8). Governmentality thus relates to modern power which inhibits and controls subjects by “guiding, influencing, and limiting their conduct in ways that accord with the exercise of their freedom” (Tremain, 2005, p.10). In relation to persons with disabilities and Canadian immigration policies, the theory of governmentality helps to illustrate the ways in which policies and institutions are informed to reject certain peoples based on productive capacity and social norms.

#### Rights-based approach

The rights based model, as described by Withers (2012), is important in understanding “disability” as it applies to immigration because “the rights model of disability focuses on human citizenship rights and ensuring that disabled people have equal access to these rights” (p. 81). The rights based approach defines “disability” as a “characteristic, or a perceived characteristic, for which an individual is treated unequally in society” (Withers, 2012, p. 82). The rights model views “disabled people as a minority group entitled to all of the same rights and freedoms as non-disabled people. This model focuses on ending discrimination- including linguistic, social and physical barriers- so that disabled people can access their rights” (Withers, 2012, p.82). In Canada, many strides have been made in order for persons with disabilities to assert their rights. The Council of Canadians with Disabilities (CCD) was founded in 1976, in which they have

fought to achieve inclusion “through law reform, litigation, public education and dialogue with key decision-makers” (Withers, 2012, p. 85). The CCD fought to include persons with disabilities in the Canadian Charter of Rights and Freedoms, which now prohibits governments from “discriminating against disabled people and disabled people are granted equity rights” (Withers, 2012, p.85). Although, this is a major step in the right direction, the problem with rights movements is that it is “about accessing the privileges that a person would otherwise be able to access if they were not a member of an oppressed group” (Withers, 2012, p. 85). Due to the fact that the citizenship process in Canada still discriminates against persons with disabilities and their families, more work needs to be done in asserting access to all rights.

## Social Model

The social model, similar to the rights based approach, seeks to include persons with disabilities in society by first stating that “disability is created by a ‘society which disables physically impaired people’” (Oliver, 1996 as cited by Withers, 2012, p. 86). The social model stresses that “disability is the oppression that people with impairments face”. For example, “your impairment is not having legs, your disability is that you can’t get in a building because there is a flight of stairs” (Withers, 2012, p. 86). The social model is an important tool used to reshape the way society thinks about persons with disabilities. Not only does the social model help society reconceptualize persons with disabilities, but the social model is a major factor influencing how persons with disabilities see themselves.

The social model is important in assessing the Canadian immigration system because the “social model is about society, not the body, so not only do people not have to talk about the body, it would be inappropriate to do so” (Withers, 2012, p. 91). The social model provides an interesting perspective and unique approach to asserting the inclusion and equality of persons with disabilities in society.

### **The History of Canadian Immigration Policy and how it Affects Persons with Disabilities**

A discussion examining the history of Canadian immigration policy is pertinent to understand the marginal status persons with disabilities occupy in today’s society. By taking a look at the past, one is able to understand and critically analyze Canada’s progressions and shortcomings regarding immigration inclusiveness and anti-discriminatory legislation. Although there have been many strides to discourage discrimination in immigration policy, there still exists biases and exclusionary measures toward persons with disabilities and their families. The history of immigration policy in Canada favors policies in pursuit of economic gains and class privileges (El-Lahib & Wehbi, 2012; Hanes, 2009). Through the lens of ableism it is thus evident that historically, immigration policy is unfavorable toward persons with disabilities and their families because of their perceived inability to participate in the labour market and contribute to the economy (Lahib & Wehbi, 2012; Yu, 2014) and because of perceived costs to the health and social system. Rhetoric and clearly defined statements in immigration policy depict persons with disabilities as a “drain” or “burden” on Canadian

society (Whitaker & the Canadian Historical Association, 1991; Hanes, 2009). An overview of Canadian immigration policy helps us to understand the categorization of persons with disabilities as an ‘undesirable’ immigrant class.

Table 1.3 is a brief exploration of Canadian immigration policy throughout history. This table highlights only a few significant events that provide a background to how immigration policy is shaped and how it affects Canadian society. The following section will explain how immigration policy, historically and presently, influences the marginalization of persons with disabilities and their families.

**Table 1.3 A Historical Reflection of Canadian Immigration Policy**

Date	Action	Significance to Canadian society
1869	The First Federal Immigration Act	This immigration act “gave the Federal government authority to deny entry to paupers and the mentally or physically disabled” (Whitaker & the Canadian Historical Association, 1991, p. 4).
1878	Tories in government	It is observed “when the Tories returned to office in 1878, they brought with them a broad economic development agenda... some of this would be met by internal migration from declining rural sectors, but ultimately it would require immigrant labour as well” (Whitaker & the Canadian Historical Association, 1991, p. 4).
1881-1885	Canadian Pacific Railway (CPR)	Immigration processes at this time were notably linked to private corporations and market forces, the CPR is influential to immigration in Canada because “it was designated not only to build the transcontinental railway, but also be the main instrument of immigration and settlement” (Whitaker & the Canadian Historical Association, 1991, p. 5).
1896	Liberals in office- Clifford Sifton becomes the first Immigration Minister	Sifton brought forward ideals about classism. Sifton though “sought to encourage non-British British immigrants... Urban industrial workers were not to be officially encouraged to immigrate” (Whitaker & the Canadian Historical Association, 1991, p. 5).

Historical Association, 1991, p. 7).

1900	Chinese Exclusion Act	First established in 1885- the head tax was raised from \$50.00 to \$100.00 and in 1903 it was raised again to \$500.00 (Canadian Council for Refugees, 2000).
1905	Frank Oliver becomes the new Immigration Minister	Changes in immigration policy “reflected a growing backlash against ‘foreign’ or ‘alien’ immigrants” (Whitaker & the Canadian Historical Association, 1991, p.8). Racial and class origins were recognized as a “determining factor in the capacity of ‘foreigners’ to assimilate into the Canadian community” (Whitaker & the Canadian Historical Association, 1991, p. 8).
1906	A new Immigration Act is passed	The act included more grounds for exclusion. It prohibited classes including those were deemed to be “feeble minded’, those ‘afflicted with a loathsome disease’, ‘professional beggars’, prostitutes and those living off their avails, persons convicted of crimes of ‘more turpitude’, anyone ‘likely to become a public charge’, or who ‘may become dangerous to the public health’” (Whitaker & the Canadian Historical Association, 1991, p. 11).
1910	More immigration restrictions outlined	It was established that “women or girls coming to Canada for any immoral purpose were barred” (Whitaker & the Canadian Historical Association, 1991, p. 11).
1914	The War Measures Act	“The War Measures Act was passed, giving the government wide powers to arrest, detain and deport. ‘Enemy aliens’ were forced to register themselves and subjected to many restrictions. In the course of the war, 8,000-9,000 ‘enemy aliens’ were interned. Many were subsequently released in response to labour shortages” (Canadian Council for Refugees, 2000).
1919	More immigration restrictions outlined	It is established that “persons suffering from alcoholism, mental or physical defects or a condition of ‘constitutional psychopathic inferiority’” would be prohibited from entering Canada (Whitaker & the Canadian Historical Association, 1991, p. 11).

In addition, a “women’s division was created...

created... Immigrant women who engaged in sexual relationships outside marriage were liable to be liable to be deported (sometimes on the grounds of grounds of prostitution, or if they had an illegitimate illegitimate child, on the grounds that they had become had become a public charge, since they would would generally be forced out of their job)” (Canadian (Canadian Council for Refugees, 2000).

1919            Naturalization Act            The Naturalization Act was established so that “[c]itizenship could be revoked if anyone were found to be ‘disaffected’ or ‘disloyal’ or if the person ‘was not of good character at the date of the grant of the certificate” (Canadian Council for Refugees, 2000).

1923            Chinese Immigration Act            This act, produced by incessant racism throughout Canada “virtually halted immigration from China” (Whitaker & the Canadian Historical Association, 1991, p. 12).

1930            Conservative Party came into power under PM R.B. Bennett            Immigration policy was affected as “immigrants, along with their dependents, could be deported for a number of reasons: criminality, medical causes, being a ‘public charge’, or for ‘other civil causes” (Whitaker & the Canadian Historical Association, 1991, p. 13). It is recognized that “over 28,000 persons from Canada from 1930 to 1935” were deported (Whitaker & the Canadian Historical Association, 1991, p. 13). In addition, people speculated that there was a disguised guest worker system in place as “deportation served as a stabilizing mechanism in times of depression, when immigrants could not find work and became charges on the public welfare or were politically troublesome” (Whitaker & the Canadian Historical Association, 1991, p. 13).

1939            St. Louis, a ship arrived in Canada            St. Louis was a ship “bearing 907 German Jews [that were] refused embarkation anywhere in South and North America” (Whitaker & the Canadian Historical Association, 1991, p. 13).

1939-1945    World War Two            It is recognized that during WW2 immigration to Canada came to a halt, in addition “anti-Asian racism assumed its ugliest form ever with the

		with the confiscation of property and forcible relocation of the Japanese Canadian population of the West coast to concentration camps in the interior” (Whitaker & the Canadian Historical Association, 1991, p. 13-14). 14).
1946	Canadian Citizenship Act	The Canadian citizenship unified the country as a nation. “The government had also hoped the creation of Canadian citizenship would alleviate racial and ethnic tensions in Canada and foster a sense of unity amongst its increasingly diverse population” (Chapnick, 2007 as cited by Canadian Museum of Immigration at Pier 21).
1947	Prime Minister Mackenzie King came into power	King made it “quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not a ‘fundamental human right’ of any alien to enter Canada. It is a privilege. It is a matter of domestic policy” (Whitaker & the Canadian Historical Association, 1991, p.14). In addition, “‘large-scale immigration from the Orient’ would not be permitted to ‘change the fundamental composition of the Canadian population’” (Whitaker & the Canadian Historical Association, 1991, p. 14).
1952	A new Immigration Act became law	Under a new immigration act there was “extreme discretion granted to the minister and thereby his senior officials, the heavy emphasis placed upon the enumeration of classes of applicants prohibited from entry and the powers of exclusion, arrest, detention and deportation. No appeals were possible, under the principle that immigration was a privilege, not a right” (Whitaker & the Canadian Historical Association, 1991, p. 17).
1956	New immigration regulations were enacted	It was established that the “‘landing in Canada of any person is prohibited’ except for four categories, arranged in a hierarchy of most to least welcome national origins”, emphasis was exceptionally exclusionary toward Asian populations. (Whitaker & the Canadian Historical Association, 1991, p. 17).

1962	New immigration regulations were enacted	There became new mechanisms in place to deter overt racial discrimination within immigration policy (Whitaker & the Canadian Historical Association, 1991).
1967	The point system was introduced	The introduction of the point system meant, “independent applicants were ranked according to certain objective criteria concerning education, skills and resources” (Whitaker & the Canadian Historical Association, 1991, p. 19). There was still a focus on labour market needs.
1971	Multiculturalism was adopted as an official policy	Canadian multiculturalism, according to the Government of Canada “is fundamental to [the] belief that all citizens are equal”. Canada also assures that “a multicultural, integrated and inclusive citizenship will be every Canadian’s inheritance” (Government of Canada, 2012).
1978	Immigration Act became both more liberal and positive	The immigration act of 1978 was put in place to “promote demographic goals established by the government; enrich the cultural and social fabric of Canada, taking into account its federal and bilingual character; facilitate family reunification; foster intergovernmental cooperation to assist the adaptation of immigrants to their new home; facilitate visits to Canada by foreigners; ensure non-discrimination among immigrants on grounds of race, national or ethnic origin, colour, religion and sex; fulfill Canada’s international obligations with regard to refugees and “uphold is humanitarian tradition with respect to the displaced and persecuted”; foster a viable economy and regional prosperity; maintain the health, safety and good order of Canadian society; and promote international order and justice ‘by denying the use of Canadian territory to persons who are likely to engage in criminal activity’” (Whitaker & the Canadian Historical Association, 1991, p. 20).
1978-1980	Attention was given to the refugee crisis	“The plight of ‘boat people’ adrift in pirate-infested infested waters or interned in squalid camps touched touched Western consciences, and during 1979-80 1979-80 about 900,000 were resettled, with Canada Canada taking over 60,000, a figure which roles to

roles to about 100,000 throughout the 1980s. This was This was the largest single refugee movement in movement in Canadian history, and 54 per cent of the cent of the Indochinese refugees were privately privately sponsored” (Whitaker & the Canadian Canadian Historical Association, 1991, p. 21). 21).

1982	The Charter of Rights and Freedoms	The Charter according to the Canadian Government “sets out the values that Canadians live by and describes the kinds of personal human rights and freedoms” to be expected in this country (Government of Canada, 2016b).
1986	An “investor” division was established	An investor division amidst immigration policy “allowed persons to enter Canada who possessed a half million dollars worth of net personal wealth who promised to invest at least a quarter of a million dollars over a three-year period in Canadian business” (Whitaker & the Canadian Historical Association, 1991, p. 24).
1989	Bills C-55 and C-84 came into effect	Bills C-55 and C-84 heightened Ministerial discretion in regards to refugee hearings and the refugee determination process. The bills were aimed at deterring smugglers and illegal trafficking (Bourbeau, 2011).
1994	Immigration announcement	The government addressed “lowering of immigration levels and shift away from family reunification” (Canadian Council for Refugees, 2000).
1998	In Unison: A Canadian Approach to Disability Issues Report	The vision of the report articulates: Persons with disabilities participate as full citizens in all aspects of Canadian society. The full participation of persons with disabilities requires the commitment of all segments of society. The realization of the vision will allow persons with disabilities to maximize their independence and enhance their well-being through access to required supports and the elimination of barriers that prevent their full participation. (Federal/Provincial/Territorial Ministers Responsible for Social Services Canada, 1998).
2002	Immigration and Refugee Refugee Protection Act	Objectives of this act in respect to immigration is “to immigration is “to permit Canada to pursue the

Act was passed	the maximum social, cultural and economic benefits of benefits of immigration” and “to promote the successful integration of permanent residents into into Canada, while recognizing that integration integration involves mutual obligations for new new immigrants and Canadian society” (Canada (Canada Justice Laws Website, 2016).
----------------	---

2011	Super Visa Introduced	The “Parent and Grandparent” Super Visa “is a temporary resident permit that allows parents and grandparents to stay for up to 2 years in Canada per visit. It is valid for up to 10 years” (Settlement Organization, 2016). Also noted, is the need for financial support from their child or grandchild and the purchase of medical insurance (Settlement Organization, 2016).
------	-----------------------	--

Table 1.3 is significant because it is a display of people and events throughout Canada’s history that have shaped current day migration policies. A historical reflection on the progressions and setbacks of migration policies in Canada is pertinent to understand policies today and envision where immigration policies might be headed. In regards to persons with disabilities, the historical timeline displays how discrimination has become less overt and has shifted according to the goals of the country. Factors such as gender and race now play less of a role in determining one’s entry into Canada, however discrimination occurs according to one’s perceived human capital and potential contributions to Canada. Due to an increasing emphasis on economic class migrants and one’s human capital, persons with disabilities continue to face discrimination in the immigration selection process. Advancements to protect persons with disabilities are evident through the Charter of Rights and Freedoms and the In Unison report, however neoliberal ideologies that favor high incomes, high education,

and one's occupation continue to limit persons with disabilities in their chance to migrate to Canada. Policies that are still in place, such as the excessive demand clause, justify the discrimination of persons with disabilities.

The historical overview also demonstrates how people in power, such as the Prime Minister or Minister of Immigration, influence the trajectory and goals of migration, sometimes further marginalizing persons with disabilities within the system. Other aspects of Canadian history such as multiculturalism and its affect on persons with disabilities will be expanded on in subsequent sections.

### Economic Rationalism

An overview of Canadian immigration history reveals that economic modes of incorporation have always been sought after when integrating immigrants into Canada. Historically, as the timeline explains, persons with disabilities have been excluded on the premises of eugenics and ableist theories. Unfortunately, for persons with disabilities, this has meant a long history of exclusion and discrimination. With economic rationales heightened in current immigration policies, the exclusion of persons with disabilities and their families continue. Present day immigration policies align with ableist modes of thought, wherein policies and immigration officials discount a person with disability's human capital. This section will not reiterate the exclusionary immigration policies from the past, but will warn that with the rise of neoliberalism discrimination of persons with disabilities will persist.

Society undervalues the human capital of disabled people, as there is no adequate labour market with appropriate accessibility and accommodation

needs, ideals about persons with disabilities and their dependence on the welfare state persists. Wilton (2006) also addresses the state of the labour market as it reflects neoliberal ideologies. Due to “the increasing use of short-term contracts and part-time work in recent decades [it] may hold particular implications for women and men with disabilities, especially if the sectors and occupations most affected by this trend are those in which people with disabilities are disproportionately located” (Wilton, 2006, p. 130). Wilton (2006) explains that the

“changes in the nature of employment confront individuals with work and workplaces that are increasingly disabling. This is not only in terms of the wages paid and the job (in)security offered, but also in terms of work environments and labour processes geared to provide flexibility to employers at the expense of individual workers” (p.130).

The changes in the nature of the labour market, in combination with immigration policies that focus on narrow economic imperatives have resulted in barriers that exclude persons with disabilities. In Canada, economic immigration routes such as the Provincial Nominee Program and the Canadian Experience Class are only increasing. Moreover, due to the hostile economic climate in Canada, new immigrants over the last few decades have been experiencing difficulties in the labour market (Lewchuk et al., 2015). Though this paper does not seek to address the shortcomings of the labour market and the lack of success amongst newcomer immigrants in recent decades, these experiences in the labour market reflect the marginal status that persons with disabilities occupy. My concern is that if highly educated, highly skilled migrants are having difficulties entering the labour market what will this mean for migrants with disabilities and their families who already fare below the average in obtaining

opportunities in the labour market and successfully mitigating Canada's immigration system? Moreover, if current Canadian immigration policies are geared toward economic migrants, what will this mean for persons with disabilities who are viewed as incapable of contributing to the economy?

Scholar Yu (2014) similarly discusses these concerns in relation to Australia's immigration system. It is recognized that an immigration system "underpinned by ableism and economic rationalism, [renders] the assessment process to determine immigration eligibility patently discriminatory against people with disabilities and their families" (Yu, 2014, p. 254). Moreover, Yu draws on El-Lahib and Wehbi (2011) who discuss the Canadian immigration system in similar strokes,

"Economic motivations have become central considerations in the immigration policies of receiving countries (Henry, 2009). This translates to categories of preferences as to who is allowed into receiving countries as an immigrant, with the potential for economic contribution, or the lack thereof, built into the calculus for assessing immigration applications (El-Lahib & Wehbi, 2011). The end result is the exclusion of people deemed 'unfit' for entry into the country, such as those who do not have the right language and professional skills and those who are seen as posing a potential burden to the Australian welfare state" (Yu, 2014, p. 255).

As the historical timeline of Canada's immigration system displays, many strides have been made to create processes in immigration that are transparent and non-discriminatory. However for persons with disabilities, the continuous focus on narrow economic imperatives results in the continuation of "institutional, state-sanctioned ableist discrimination informed by a rigid application of economic rationalism" (Yu, 2014, p. 254).

Figure 1.1 The Affect of Precarious Work on Persons with Disabilities and Migration Policy



Figure 1.1 describes a circular process and its affect on persons with disabilities based on an economy that is increasingly characterized by non-standard work. Non-standard work marginalizes persons with disabilities, impeding their ability to secure a stable income. This leads to one having to rely on welfare. The nation then views persons with disabilities as a “burden” providing justification for exclusionary immigration policies. Exclusionary immigration policies work to marginalize persons with disabilities further reinforcing one’s dependence on the state, all amidst an unsteady economic climate, with non-standard occupations being the norm.

#### Excessive Demand(s): Immigrants as a resource with limited resources

The excessive demand clause is worth exploring because it heavily influences the outcomes of many immigrants with disabilities trying to migrate to Canada. In addition, the excessive demand clause shapes ideologies about persons with disabilities contributing to the discourse that a person with a “disability” will be a drain or burden to society. As stated previously, the Government of Canada under Section 1 of the Immigration and Refugee Protection Regulations (IRPR) outlines an “excessive demand” as “a demand on health services or social services for which the anticipated costs would likely exceed average Canadian per capita health services and social services costs over a period of five consecutive years immediately following the most recent medical examination required” under the Immigration and Refugee Protection Act

(IRPA) (Government of Canada, 2016a). The excessive demand clause is based on the premise that “a demand on health services or social services that would add to existing waiting lists and would increase the rate of mortality and morbidity in Canada as a result of an inability to provide timely services to Canadian citizens or permanent residents” (Government of Canada, 2016a). The excessive demand clause then refuses people admission to Canada if the government believes that their medical and/or social care will cost more than \$31,935 over the course of five years (Government of Canada, 2016a). Admission can still be granted if the applicant is a refugee or if one can prove to have the financial resources to support themselves (Government of Canada, 2016a).

The excessive demand clause contributes to the discourse that persons with disabilities are a “problem”. McColl et al. (2006) defines disability in two categories, the biomedical definition and the economic definition. The biomedical definition “portrays disability as existing exclusively within the individual, and resulting directly from medically diagnosable conditions” (McColl et al., 2006, p. 42). The economic definition “portrays disability as a social condition; more specifically, as a function of the ability of individuals to be economically independent and productive” (McColl et al., 2006, p. 42). The excessive demand clause then uses the biomedical definition to identify the person, but utilizes the economic definition to exclude people on the basis that a person will need health care or social services and cannot function independently and efficiently. The problem is not that one has a “disability”; the problem is that the “disability” one

inhabits threatens Canada's resources and potential of being a productive working member of society.

The excessive demand clause further marginalizes poor people and ultimately forgoes the recognition of one's ability to contribute to society, despite their "disability". Neoliberal ideologies that shape immigration policies construct people as resources and commodities in hopes to increase business activity and profit (Siemiatycki, 2015). One can be resourceful to Canada, only until one needs resources. This ideology is limited to viewing people as economically productive, failing to see the many ways people contribute to the wellbeing of society. For instance, grandparents are often discriminated against according to the excessive demand clause. When in reality, grandparents who migrate to Canada often take on the role of caretaker to grandchildren and family members, playing a vital role in society. In a neoliberal time, it is important to evaluate the demands Canada puts on potential immigrants.

#### Canada as Multicultural: Recognizing disability as a minority culture

A reflection on Canadian history in regards to immigration trends and immigration policies allows one to recognize the ways in which Canada has progressed in relation to non-discriminatory acts and modes of inclusion. Although there have been movements toward equality and inclusiveness in immigration policy, there really has been no movement to inclusiveness for persons with disabilities and their families as many face ideological and institutional barriers when seeking to migrate to Canada. This section seeks to

address an innovative way to think about persons with disabilities in hopes of emancipating this group from a marginal status in society. In addition, this section will highlight the immigration system and its apprehension for selecting migrants with disabilities.

The Canadian Charter of Rights and Freedoms, adopted 1982, are founded on principles of equality, justice, and freedom (Lee, 2006). In accordance to persons with disabilities, when the Charter was adopted Canada “became the first country to ‘accord persons with disabilities constitutional recognition and protection’ (Goundry & Peters, 1994, 10, note 25 as cited by Lee, 2006, p. 88). Since the Charter was enacted, persons with disabilities gained rights and privileges in social spheres such as workplace environments (Lee, 2006). In relation to the social model, as discussed in the theoretical frameworks section, the charter enabled society to rethink institutional barriers and prompted society to make adjustments to better accommodate persons with disabilities. Such adjustments include making workplaces accessible by wheelchair and realizing personal needs to better excel in a desirable occupation. Michael Lynk (2002) suggests “At the heart of the accommodation duty is the recognition that employment is central to an individual’s aspirations and self esteem” (p. 56 as cited by Lee, 2006, p.88). Inclusiveness in social realms such as the labour market is one important factor crucial to the recognition of persons with disabilities. But what is of more importance is that mainstream society “figure not how we [persons with disabilities] fit in, but how we can be of benefit exactly the way we are” (Lee, 2006, p. 91).

This leads me to a discussion on multiculturalism, and how both Charter of Rights and Freedoms and the Multiculturalism policy in Canada can work to create spaces of inclusion for persons with disabilities. Scholars have recently re-conceptualized persons with disabilities in relation to cultural minority rights (Lee, 2006). Multiculturalism policies, like the Charter, inspire us to embrace diversity and create inclusive equitable communities. An emerging tactic to help persons with disabilities gain recognition as a marginalized group in society is to consider the population of persons with disabilities in the same way as cultural minority groups in Canada (Lee, 2006). While persons with disabilities are all unique, it is observed that group identification can be “seen as an act of empowerment that enables the disabled to redefine the terms of their relationship with society” (Lee, 2006, p. 91). Shapiro (2002) argues “Ontarians with disabilities are a ‘cultural minority’ and are therefore no different from ‘other minority groups such as people of colour, Jews, Muslims, and Gay and Lesbians’” (p. 1 as cited by Lee, 2006, p. 88). Moreover, it is recognized that “disability, like gender, race, or ethnicity, should be ‘seen as an ordinary human variation’ and as such disability is a ‘constant state’” (Ramirez, 1997 as cited by Lee, 2006, p. 90).

Multiculturalism policies adhere “to the ideal that differences between groups should be accommodated rather than eliminated” (Lee, 2006, p. 92) and re-conceptualizing persons with disabilities as a minority group could allow for recognition that leads to more inclusiveness in society.

To provide further context relating persons with disabilities to minority groups, Kymlicka argues, “the historical assault on sign language is nothing less

than the persecution of a cultural minority” (as cited by Lee, 2006, p. 92).

Kymlicka acknowledges that “for the Deaf as a cultural group... sign is not only their mother tongue: it is also what unites them as a culture” (as cited by Lee, 2006, p. 92).

In relation to immigration policies, it is evident that persons with disabilities and their families are excluded and discriminated against due to narrow economic imperatives and Ableist modes of thought. Canadian immigration policies do not reflect the ways in which the Charter of Rights and Freedoms and Multicultural policies serve to embrace diversity and create inclusive communities. The eligibility criteria upon entering Canada does not acknowledge the social model, in reference to the ways society is meant to accommodate persons with disabilities. By rejecting immigrant applications due to disability, we are forgoing the potential that persons with disabilities can offer. Given that Canada prides itself on principles of diversity and equality, maybe the recognition of persons with disabilities as a culture will create more grounds for inclusion. Recognizing a disability culture amidst immigration policy may warren more sensitivity just as issues of racial and gender discrimination have become less overt.

### **Experiences of persons with disabilities migrating to Canada**

By shifting to a micro-level analysis to view the personal impacts of the discriminatory immigration policies I hope to shine light on the realities of being inadmissible due to a perceived or real disability. This section will first provide context to how Canadian citizens with disabilities fare within the welfare system.

It is important to analyze the current state of persons with disabilities in Canada because the excessive demand clause is based on the average cost of medical and social care of persons with disabilities. By addressing Canadian citizen's issues of obtaining adequate support and being marginalized in society, one can contrast this fragile state to an immigrant's reception upon arrival to Canada. This section will then discuss specific cases of people trying to migrate to Canada and facing barriers due to their disability, or a family members' disability. I will then emphasize how the immigration system discriminates persons with disabilities due to the focus on human capital and wealth.

#### Canadians with disabilities: the realities of living on social assistance

An initial reflection on how Canadian citizen's fare in society will provide context to the realities of new immigrants. In addition, the reality of Canadian citizens with disabilities will reflect the adequacy of the excessive demand clause. In addition, the systemic and institutional barriers that prevents persons with disabilities to sustaining a livelihood demonstrates that the marginalization of persons with disabilities in society contribute to their need for social assistance.

Withers (2012) describes personal hardships of obtaining support under the Ontario Disability Support Program (ODSP). As previously discussed, the construct of being "disabled" is constantly changing and is a fluid definition according to the person/community defining what is "disabled" (Withers, 2012). Withers (2012) explains that this shifting construct makes it particularly difficult to fall within the parameters of being "disabled" in Ontario. Withers (2012)

recognizes that “the definition of disabled to qualify for social assistance is incredibly narrow, so a very limited number of people receive any money” (p. 2).

In addition, once one qualifies for ODSP, the money received is in line with poverty rates. It is recognized that “a single person on ODSP has an income of only 71 percent of the poverty line” (Withers, 2012, p. 2). To provide context to the amount received on ODSP, Withers (2012) suggests “a basic ODSP cheque amounts to roughly \$100 more than the average rent of a one-bedroom apartment in Toronto” (Withers, 2012, p. 2). Not only is the income received on ODSP less than adequate, it can take years for one to qualify for such support. Withers (2012) states “I was on welfare for many years, just like the many disabled people who cannot find accessible work, who are waiting to receive ODSP or who don’t qualify for ODSP” (p. 2). It is recognized that “about half of those who apply for the Ontario Disability Support Program... are initially denied” (West End Legal Services of Ottawa, 2009 as cited by Withers, 2012, p. 1). Moreover it is noted, “60 percent of applications submitted [for ODSP] are accepted on appeal” (Social Benefits Tribunal, 2008-2009 as cited by Withers, 2012, p. 2). Withers also describes the strings attached to government aid, as the declaration of disability had come with a \$12,000 cheque, however, “all but \$5,000 must be spent in six months without acquiring any non-exempt assets” otherwise the money would be suspended (Withers, 2012, p. 1).

What one can take away from this particular experience is that: 1) Marginalization in society often leads persons with disabilities to seek social assistance because of their inability to obtain work and sustain their livelihood;

and, 2) The process to qualify for support as a “disabled” person is lengthily and can still amount to living in poverty. These observations are significant because persons with disabilities who receive social assistance are often portrayed as a “drain” or “burden”. In reality we are describing a group of people who face systemic barriers to sustaining their own livelihoods and are often living in poverty.

### Case Study

This section introduces a story that displays the hardships families and individuals with a “disability” migrating to Canada to face. Advocates such as the Council of Canadians with Disabilities have long sought to amend the excessive demand clause that excludes persons with disabilities and their families from migrating to Canada based on the premise that they will be a “burden” to the nation. The following case studies display the barriers people face in migrating to Canada according to this legislation. The cases ultimately show how Canada fails to recognize the contributions that persons with disabilities and their family members can make. In addition, failed migration cases exhibit Canada’s lack of dedication to the Charter of Rights and Freedoms, as the government fails to treat everyone equally.

In March 2016 the Montoya family received the news that their application for permanent residency was inadmissible due to a family member with Down syndrome. The Montoya family, Felipe and Alejandra Garcia-Prieto and children, Tanya and Nico have sought permanent residency status for three years. The

thirteen-year-old boy, Nico, has Down syndrome and due to the posed burden to Canadian taxpayers, the family cannot receive status unless they can cover the costs associated with Nico's Down syndrome. The father, Felipe Montoya, a professor at York University, was told in an email from Citizenship and Immigration Canada spokesperson Nancy Caron, that his family needs an "individualized plan to demonstrate that no excessive demand will be imposed on Canadian social services due to the medical inadmissibility" (CBC News, 2016). Caron states "If an applicant is deemed inadmissible... he or she can provide a 'credible plan' to offset the costs to Canada's health-care system" (CBC News, 2016).

This case elaborates on the issues of Canada's immigration policies that inherently focus on human capital and class. The denial of the Montoya family displays Canada's unwillingness to view the human capital of each family member, including Nico. Father Felipe in defense of Nico states, "He is not ill, he has no sickness. He is completely healthy. The fact that he has a disability is different than having an illness" (CBC News, 2016). It is then important to realize that "disability" does not equate to an illness or even a measure of one's productivity. In addition, the excessive demand clause also "ignores the fact that any newcomer could acquire a disability or chronic illness, which would place a demand on health care and social services" (Chairsperson Tony Dolan, Council of Canadians with Disabilities, 2012). While privileging those who can incur the cost of health care and social services, families and persons with disabilities are left at the margins. The excessive demand clause aligns with neoliberal

ideologies that focus on human capital and profit maximization, such cases also make evident the need to re-conceptualize persons with disabilities as full participants of society and re-evaluate immigration policy accordingly.

## **A Utopian Future**

This section focuses on the inherent need to visualize persons with disabilities as full members of society. As per anti-oppression and social model frameworks, there is a need to recognize society and forms of institutional discrimination as acting barriers for persons with disabilities in their effort to participate in social realms such as the labour market (Devlin & Pothier, 2006). The initial marginalization that is felt in social realms in Canada must be overcome in order to influence any policy change that deems persons with disabilities as a “burden” or an “undesirable” immigrant.

Social exclusion can be defined “as the lack of resources and/or inability to participate in the activities and relationships that a majority of people in society would consider normal (Levitas, 2000 as cited by Paez & Farber, 2012, p. 1055). The need for more spaces of inclusion has been an ongoing priority for persons with disabilities (Parez & Farber, 2012). It is unreasonable to expect persons with disabilities to be full members of society when most lack access physically, in terms of public transportation and accessible buildings, and in social institutions such as the labour market (Parez & Farber, 2012).

In a futuristic society, persons with disabilities would be treated the same as persons who are perceived to be “normal”. It is important to remember that

even being “normal” is a construct that is constantly changing (Devlin & Pothier, 2006). Persons with disabilities would have full access to participate in society, this will include accessible transportation and easy access into and around buildings. In addition, there will have to be non-discriminatory policies in place in order to allow any persons with disabilities the opportunity to achieve the occupation one desires and the level of education one desires. Persons with disabilities should have full access to participate in any social activity. These visions can be true if the paradigm is shifted to put the onus of the “disability” onto society. Referring back to the social model, which shifts the “blame” from the individual and expresses ones’ disability as lacking access into a building and not a broken leg. This equitable mode of thought, when practiced, can allow persons with disabilities to become contributing members to society.

In regards to neoliberal immigration policies that focus on one’s human capital, I stress the need to also consider the different ways people contribute economically and socially to society. Not all duties that people perform daily have a wage put on it, for instance voluntary activities such as childcare, reading to the elderly, cooking for the homeless and tutoring youth. Though volunteering does not directly contribute to today’s economy, it is extremely vital to the social fabric of every community. It is time to re-think the ways in which immigration policies attribute value people’s lives and recognize that this kind of discrimination is unjust.

In a utopian Canada, immigration policy will implement the UN Convention on the Rights of Persons with Disabilities which is meant to purposefully

“promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1 of UN convention as cited by Kaiser, 2012, p. 26). To enact this vision, state parties will have to “take all appropriate measures to eliminate discrimination by any person, organization or private enterprise” (Article 4(1)(e) of the UN Convention as cited by Kaiser, 2012, p. 26). In addition to implementing the UN Convention on the Rights of Persons with Disabilities, there is an urgency to shift immigration policy away from neoliberal ideologies in order to fully realize the different ways in which people make up the social fabric in society.

## **Conclusion**

Immigration is a major determinant affecting one’s livelihood and though the process is never easy, this paper seeks to explain how persons with disabilities and their families undergo hardships due to discriminatory migration policies. I then by extension provide reasoning to why persons with disabilities are undeserving of this treatment as they are full members of society. This paper ultimately seeks to reinforce ideologies that work to emancipate persons with disabilities from a marginal status in society. I initially introduced conceptual and theoretical frameworks that align with anti-oppressive motives. I then provided a historical overview of immigration policy in Canada to display the progressiveness and discriminatory legislations that remain in policy today. I continued to elaborate on personal triumphs and hardships within the welfare

state and immigration system in Canada. I then emphasized the different ways in which society can re-conceptualize persons with disabilities and become accountable for persons with disabilities. Finally, I examined the UN Convention on the Rights of Persons with Disabilities as a suggestion for Canada to achieve full inclusiveness in immigration policy.

## Bibliography

- Bauder, H. & Shields, J. (2015). Immigrant experiences in North America: Understanding settlement and integration Canadian Scholars' Press.
- Devlin, R. F., & Pothier, D. (2006). Critical disability theory: Essays in philosophy, politics, policy, and law UBC Press.
- Canadian Council for Refugees. (2008). A Brief Historical Overview. Retrieved from: <http://ccrweb.ca/files/ccrhistory.pdf>
- Canada Justice Laws Website. (2016). Immigration and Refugee Protection Act. Retrieved from: <http://laws.justice.gc.ca/eng/acts/i-2.5/page-1.html>
- CBC News. (2016). "Family whose son has Down syndrome can appeal immigration 'inadmissibility,' Ottawa says". Retrieved from: <http://www.cbc.ca/news/canada/toronto/down-syndrome-immigration-1.3492810>
- Chapnick, A. (2007). The Gray Lecture and Canadian Citizenship in History. American Review of Canadian Studies 37, no. 4: 444.
- Creswell, J. (2014) Research Design. Thousand Oaks, CA: Sage Publications
- Council of Canadians with Disabilities. (2012). Immigration and Disability. Retrieved from: <http://www.ccdonline.ca/en/socialpolicy/immigration/immigration-and-disabiity-23March2012>
- El-Lahib, Y. (2015). The inadmissible "other": Discourses of ableism and colonialism in canadian immigration. Journal of Progressive Human Services, 26(3), 209. doi:10.1080/10428232.2015.1063355
- El-Lahib, Y., & Wehbi, S. (2012). Immigration and disability: Ableismin the policies of the canadian state. International Social Work, 55(1), 95-108. doi:10.1177/0020872811407941
- Federal/Provincial/Territorial Ministers Responsible for Social Services (Canada). (1998). In unison: A canadian approach to disability issues : A vision paper Federal/Provincial/Territorial Ministers responsible for Social Services.
- Government of Canada. (2012). Canadian Multiculturalism: An Inclusive Citizenship. Retrieved from: <http://www.cic.gc.ca/english/multiculturalism/citizenship.asp>
- Government of Canada. (2016a) Excessive Demand on Health and Social Services. Retrieved from: <http://www.cic.gc.ca/english/resources/tools/medic/admiss/excessive.asp>
- Government of Canada. (2016b). Human Rights. Retrieved from: <http://www.cic.gc.ca/english/newcomers/before-rights.asp>

- Hanes, R. (2009). None is still too many: An historical exploration of canadian immigration legislation as it pertains to people with disabilities. *Developmental Disabilities Bulletin*, 37(1-2), 91
- Kaiser, H. A. (2012). The convention on the rights of persons with disabilities: Beginning to examine the implications for canadian lawyers' professional responsibilities.(giving voice 2: Advocacy & mental health). *Health Law Review*, 20(2), 26.
- Lee, T. M. L. (2006). Multicultural Citizenship: The Case of the Disabled, Chapter 4, in Devlin & Pothier edited *Critical disability theory: Essays in philosophy, politics, policy, and law*. UBC Press.
- Lewchuk, W., Lafleche, M., Procyk, S., Cook, C., Dyson, D., Goldring, L., Lior, K., Meisner, A., Shields, J., Tambureno, A., Viducis, P. (2015). *The Precarity Penalty: The impact of employment precarity on individuals, households and communities*. United Way.
- McColl, M., James, A, Boyce, W., Shortt, S. (2006). *Disability Policy Making: Evaluating the Evidence Base*, Chapter 1, in Devlin & Pothier edited *Critical disability theory: Essays in philosophy, politics, policy, and law*. UBC Press.
- McWhorter, L. (2005). Foreward, in Tremain edited *Foucault and the government of disability*. University of Michigan Press.
- Páez, A., & Farber, S. (2012). Participation and desire: Leisure activities among canadian adults with disabilities. *Transportation*, 39(6), 1055-1078. doi:10.1007/s11116-012-9385-x
- Siemiatycki, M. (2015). Continuity and Change in Canadian Immigration Policy, Chapter 3, in Bauder and Shields edited *Immigrant Experiences in North America: Understanding Settlement and Integration*, Canadian Scholar's Press Toronto. Pp 93-117.
- Tremain, S. (2005). *Foucault and the government of disability* University of Michigan Press.
- Whitaker, R., & Canadian Historical Association. (1991). *Canadian immigration policy since confederation* Canadian Historical Association.
- Wilton, R. D. (2006). Working at the Margins: Disabled People and the Growth of Precarious Employment, Chapter 6, in Devlin & Pothier edited *Critical disability theory: Essays in philosophy, politics, policy, and law*. UBC Press.
- Withers, A. J. (2012). *Disability politics and theory* Fernwood Pub.

Yu, N. G. (2014). Ableism and economic rationalism in Australian immigration. *International Journal of Social Welfare*, 23(3), 254-261.  
doi:10.1111/ijsw.1205