

WEATHERING THE (NORTHERN) STORM: TRUMP ADMINISTRATION IMMIGRATION POLICIES, IRREGULAR MIGRATION TO CANADA, AND CONSEQUENCES FOR SOLIDARITY AND RESPONSIBILITY-SHARING WITH LATIN AMERICA

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Introduction

In winter 2016, Canada began to experience its first large-scale cross-border influx of asylum-seekers since the mid-1990s. Almost 55,000 people walked across the border between small towns in New York state and the province of Quebec until the border was closed in response to the COVID-19 pandemic. It is no coincidence that this flow emerged on the heels of the election of Donald Trump—in fact, research I carried out with asylum-seekers who used the route at Roxham Road in upstate New York provides strong evidence that the flow was initially comprised of people with precarious immigration status in the U.S., for example those with pending asylum cases, people with Temporary Protected Status, or undocumented immigrants. Thereafter, routes to Canada became far more transnational as people used the U.S. as a transit state. Many reported that they avoided claiming asylum in the U.S. after taking long, overland journeys from or through Latin America.

The Roxham Road case provides evidence for the ways in which Trump administration immigration, asylum, and border policies reverberated throughout the Western Hemisphere and beyond. And while the scale of asylum cases is paltry compared to the number of displaced people in Latin America and the effects on state policies and communities there, it is remarkable in that Canada had signed a bilateral Safe Third Country Agreement (STCA) with the U.S. with the express goal of preventing such an influx. As the Trump administration all but ended access to asylum and refugee resettlement, and thus defected from the international refugee regime, resulting policy

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differentials with neighboring states altered asylum-seekers' decision-making and shifted the burden to neighboring states.

In the remainder of this chapter, I begin by outlining the emergence of the Roxham Road route and how it was facilitated by the STCA and point out some general trends about the people arriving in Canada. In the next section, I provide evidence from original interviews with over 300 asylum-seekers who used Roxham Road to show that Trump administration policies caused that route to emerge. I then argue that Canada has, in turn, shirked its commitments to responsibility-sharing in the region by curtailing official development assistance and failing to take advantage of new avenues for resettling displaced people from Latin America. I conclude that, despite wanting to keep its head in the sand, Canada is implicated in hemispheric migration dynamics and has an interest in helping address growing displacement crises in Latin America.

Roxham Road and the Canada-U.S. Safe Third Country Agreement

Similarly to the European Union's Dublin Regulations, the 2004 Canada-U.S. Safe Third Country Agreement (STCA) stipulates that people must claim asylum in the first safe country of arrival. It mutually recognizes both states as safe countries for international protection and stipulates that asylum-seekers can be turned back at the border if they try to enter from an adjoining state, with exceptions for unaccompanied minors, people with immediate family in either country, or those facing the death penalty (UNHCR, 2006; Macklin, 2003). While often overlooked in academic and advocacy literature, the STCA is predicated on the norm of responsibility-sharing for international protection. The preamble recognizes "both countries' traditions of assistance to refugees and displaced persons abroad, consistent with the principles of international solidarity that underpin the international refugee protection system, and committed to the notion that cooperation and burden-sharing with respect to refugee status claimants can be enhanced."¹ Importantly, the STCA only

¹ See full text of "Canada-U.S. Safe Third Country Agreement" (December 5, 2002) at <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement/final-text.html>.

applies to official ports of entry on the land border. People who arrive at airports or cross the border between ports of entry are eligible to claim asylum.

Canada's institutions and practices around the border, immigration enforcement, and asylum were significantly influenced by asylum-seekers entering from the U.S. in the late 1990s. Presaging Roxham Road, a "border rush" of Central and South Americans in the mid-1990s led to asylum backlogs, anti-refugee sentiment, and criticism of government policy (Garcia, 2006). From 1995 to 2001, between 8,000 and 13,000, or roughly one-third of all asylum-seekers, arrived via the U.S. given Canada's more permissive asylum system (Crépeau and Nakache, 2006). Only 200 per year entered the U.S. from Canada (Cowger, 2017). Despite Canadian efforts, the U.S. had no interest in signing an agreement to limit the northward flow. After September 11, 2001, Canada seized the opportunity to include the STCA in a bilateral Smart Border Accord. It came into force at the end of 2004. While framed in terms of mutual responsibility, its fundamental purpose was to prevent asylum-seekers from entering Canada.

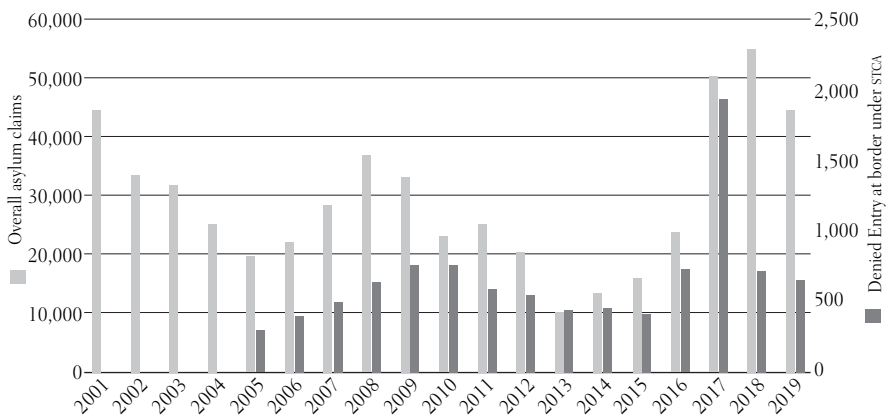
As illustrated in Figure 1 below, overall asylum claims dropped dramatically after 2004, largely due to the STCA. Canadian asylum rates fluctuated in the intervening years given exogenous factors like wars in the Middle East; the European Union's enlargement into Central and Eastern Europe in 2004 and 2007; and visa restrictions for countries with high numbers of asylum-seekers like Mexico and the Czech Republic in 2009 (Yeates, 2018: 12).

From 2005 to 2019, 9,836 people were denied entry at the Canadian border and returned to the U.S. While this was a very small number in terms of overall asylum claims in Canada, various federal governments have claimed that the STCA is effective in controlling asylum venue shopping. It remains an open question as to how many people would have made the decision to claim asylum in Canada in the absence of the agreement. What is clear from the data is that ineligible claims under the STCA were low in global terms (an average of 730 per year from 2005 to 2015) and fluctuated more or less in tandem with overall asylum claims.

Overall asylum claims and people turned back at the border rose dramatically after the Trump's election in 2016. Beginning that winter, a small number of asylum-seekers began to cross the U.S. / Canadian border between Mid-Western states and Manitoba. Several people lost fingers and toes to frostbite before the flows shifted to the more accessible Roxham Road route, on

the New York / Quebec border. Once that route became popularized, the number of people turned back at the border dropped precipitously from an all-time high of almost 1,800 in 2017, to 700 in 2019. Roughly 53,000 people claimed asylum at Roxham Road from the spring of 2017 to March 2020, when the route was effectively closed as a result of the border closure and domestic U.S. travel restrictions in response to the COVID-19 pandemic.

FIGURE 1
TOTAL ASYLUM CLAIMS AND STCA INELIGIBLE ASYLUM CLAIMS (2001-2019)



SOURCES: Annual STCA data transmitted to author from Immigration, Refugees, and Citizenship Canada. Annual asylum statistics from Immigration and Refugee Board.

While Canada felt relatively significant domestic impacts from the flow, particularly refugee status determination backlogs, major governmental expenditures, stress on municipal reception capacities, and intergovernmental burden-shifting, it is more salient to address the fact that the flow was caused by policy changes in the U.S. The first major cohort of people arriving at Roxham Road were U.S.-resident Haitians, who feared losing Temporary Protected Status under the Trump administration and were spurred to move by misleading social media posts about Canada’s asylum policies (Noël, 2017; Stevenson, 2017). They were soon joined by co-nationals arriving from Brazil, Chile, Mexico, and Venezuela, as well as from Haiti itself. This latter cohort were spurred to claim asylum in Canada as a way to permanently regularize their status.

TABLE I
TOP 25 COUNTRIES OF ORIGIN AND YEARLY TOTALS AT ROXHAM ROAD

	2017																									2018																									2019																									2020																																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18																																						
	Haiti	Nigeria	U.S.	Turkey	Eritrea	Syria	Yemen	Brazil	Sudan	Djibouti	Burundi	Pakistan	Colombia	Chad	Angola	Azerbaijan	DR Congo	Palestine	Nigeria	Colombia	U.S.	DR Congo	Pakistan	Haiti	U.S.	Turkey	Sudan	Angola	Bangladesh	Eritrea	Burundi	Venezuela	Sri Lanka	Yemen	Chad	Yemen	Chad	Stateless	Nigeria	Colombia	DR Congo	Pakistan	Haiti	U.S.	Sudan	Angola	Turkey	Venezuela	Yemen	Burundi	Egypt	Rwanda	Sri Lanka	Stateless	Libya	Bangladesh	2,915	1,470	995	980	865	855	715	700	425	405	320	280	280	280	275	235	230	220	Haiti	Nigeria	Colombia	Pakistan	Angola	DR Congo	Sudan	U.S.	Sri Lanka	Venezuela	Afghanistan	Turkey	Yemen	Ethiopia	Rwanda	Brazil	Zimbabwe	Burundi	395	320	320	255	150	140	135	125	75	65	60	55	55	50	45	45	45	40

TABLE 1
TOP 25 COUNTRIES OF ORIGIN AND YEARLY TOTALS AT ROXHAM ROAD
(continued)

	2017		2018		2019		2020	
19	Egypt	100	Egypt	200	Chad	205	Nicaragua	35
20	El Salvador	90	Palestine	195	Brazil	190	Liberia	35
21	Venezuela	90	Ethiopia	160	Zimbabwe	185	Stateless	30
22	Libya	45	Zimbabwe	150	Nicaragua	175	Palestine	30
23	Bangladesh	40	El Salvador	145	Palestine	155	South Africa	30
24	Ethiopia	40	Rwanda	130	Ethiopia	150	Eritrea	25
25	Iraq	40	Libya	125	El Salvador	140	Cameroon	25
Totals	(Apr.-Dec.)	16,040	(Jan.-Dec.)	18,310	(Jan.-Dec.)	15,985	(Jan.-Mar.)	2,935

SOURCE: Data transmitted to author by Immigration, Refugees, and Citizenship Canada

Mainstream media attention quickly popularized Roxham Road, and routes to Canada became more transnational with a wider array of source countries. Internal government estimates suggest that roughly 40 percent of those who arrived at Roxham Road were U.S. residents, and the remaining 60 percent had transited through the U.S. with the intention of claiming asylum in Canada. While those who already had or were able to obtain visas flew directly to the U.S., by late 2018 a significant number, predominantly from sub-Saharan Africa, were flying to South America to join other migrants on the long overland route to Mexico, the U.S., and eventually to Canada. Asylum-seekers from Latin America were well-represented in claims at Roxham Road, as evidenced by the top twenty-five source countries per year (see Table 1). Canada thus endured the impacts of U.S. policy changes and was brought in to long-standing mixed migration routes

The *STCA* has twice been challenged in Canadian courts. In 2005, the first challenge, brought by advocacy organizations, centered on an anonymous Colombian national who had not sought asylum in Canada, given the understanding that he or she would be turned away at the border. The appellants argued the *STCA* breached Canada's constitutional obligations under the Charter of Rights and Freedoms and its international legal responsibilities under the 1951 Refugee Convention and Convention Against Prohibition Torture because the would-be asylum-seeker would face persecution in Colombia if removed from the U.S. While the trial judge upheld the challenge, a Federal Appeals Court judge struck down the decision on the grounds that the appellant did not have standing to bring the case, that the trial judge ruled on a hypothetical scenario given that the asylum-seeker never attempted to enter Canada, and that the case was moot because he/she had received protection in the U.S. in the interim. The Supreme Court of Canada declined to hear the case in 2008, thus ending the appeals process.

A second Federal Court case, heard in late 2019, centered on asylum-seekers who faced removal to the U.S. after entering Canada at a port of entry. Importantly, it argued that Trump administration asylum and immigration policies had fundamentally changed the nature of access to protection in the U.S. to the extent that the safe country designation could no longer stand and that rejected asylum-seekers would face punitive detention in the U.S. In July 2020, the court declared the *STCA* invalid, arguing that Canada was responsible for returning asylum-seekers to conditions of inhumane,

arbitrary, and punitive detention and possible refolement.² The decision focused narrowly on detention and did not address broader changes to the U.S. asylum system or growing divergence with Canadian procedures. Though it was considered a victory for refugee rights, Canada's minister of public safety announced the government would appeal the decision on the grounds that the STCA was effective and the U.S. remained a safe country. In effect, the STCA now ties Canada's commitment to international protection to the policies of a neighbor with a clear policy agenda of dismantling its domestic asylum system, defecting from the international refugee regime, and containing migrants in Mexico and Central American transit states where protection standards are low and from which large numbers flee.

Trump Administration Policies as Drivers of Asylum in Canada

Immigration was a central plank of the Trump election campaign. Once in office, President Trump enacted a series of sweeping executive orders (EOs) and presidential proclamations. Seven of seventeen EOs in the first two months focused on immigration, several of which were drafted during the transition period before Trump's inauguration with an eye to immediately fulfilling his platform (Davis and Shear, 2019). In contrast to immigration-related EOs of previous presidents, these were "substantive policy-making documents" focused on curtailing immigration and refugee resettlement, militarizing the southern border, increasing inland enforcement, incarcerating asylum-seekers, and defunding sanctuary cities (Waslin, 2020: 55). My findings suggest that four major policy changes in those first months caused the emergence of the route.

On January 27, one week after his inauguration, President Trump signed the so-called "travel ban" barring travel and resettlement from seven Muslim-majority countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Though the announcement had a delayed effect on Canada, several respondents relayed how their mobility decisions were spurred by the fact they could not leave the U.S. to renew visas.

² For the full Federal Court decision, see <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/482757/index.do>.

The second major policy change came one day after the travel ban, when the Department of Homeland Security (DHS) announced a “last in, first out” system, suspending pending asylum cases indefinitely. The stated goals were to reallocate resources to the southern border, avoid contributing to a national backlog of over 320,000 cases, and “deter those who might try to use the existing backlog as a means to obtain employment authorization” (DHS, 2018). It also spurred people to look for options. Respondents relayed how loss of employment authorization meant they were unable to pay for legal representation. Thirty-five percent of respondents reported barriers to asylum influenced their decisions, which often included a clear process of weighing information about Canada. Eight respondents avoided filing claims altogether given the cost and duration of the process.

Third, beginning in late April 2017, the Trump administration made public pronouncements about terminating Temporary Protected Status (TPS) for roughly 2,500 Nicaraguans and 58,600 Haitians.³ In late May, the DHS announced an extension until January, but stipulated it was only to allow Haitians to get their affairs in order before deportation (Blitzer, 2018b). Haitians accounted for 5,785 out of 15,915 asylum claims (36.3 percent) from April to December 2017. Roughly one-third resided in the U.S. and were spurred by TPS announcements.

While the travel ban, asylum policies, and TPS termination created enabling conditions, immigration enforcement had the most widespread impacts on asylum in Canada. Fifty-eight percent cited inland enforcement as central to their decision. Interviews conveyed a palpable sense of anxiety among unauthorized communities (Lind, 2017). Respondents were driven by the substance of policies, but also by the pace of policy change and perceived climate of discrimination, which many framed as a result of Trump administration rhetoric (Czaika and de Haas, 2015).

In the first week of his presidency, President Trump signed a sweeping EO, “Enhancing Public Safety in the Interior of the United States,” to increase the number of Immigration and Customs Enforcement (ICE) agents, defund and target sanctuary jurisdictions, and increase workplace raids to

³ The DHS originally deferred termination for 250,000 Salvadorans and 57,000 Hondurans, but later announced it would allow TPS to expire in late 2019. Other nationalities would lose status throughout 2019 and 2020. A court injunction in *Ramos v. Nielson* meant TPS was extended to January 2020 for recipients from El Salvador, Haiti, Nicaragua, and Sudan.

apprehend “all removable aliens” (Pierce, 2019). While arrests varied across jurisdictions, the overall number escalated dramatically given new policies to detain and deport regardless of criminal record or compelling reasons to remain (Capps et al., 2018). In June 2017, the head of ICE testified before Congress, stating, “If you’re in this country illegally and you committed a crime by being in this country, you should be uncomfortable, you should look over your shoulder. You need to be worried” (Blitzer, 2018a). The quote and aggressive exchanges with House Democrats were widely circulated in U.S. media.

Respondents often considered immigration enforcement and Trump administration discourse as a precursor to harsher policies and decided to get ahead of the curve. They took pains to illustrate how precarious status was made increasingly untenable by enforcement measures. Eighteen percent reported limited access to services, and thirty-one percent reported lack of employment opportunities informing their decisions, but that they ultimately made the decision to leave because of immigration enforcement.

The most prevalent narrative was anxiety about arrest and deportation, regardless of immigration status. Respondents reported that anxiety about arrests permeated immigrant communities around the U.S., with detailed stories of how these anxieties around rumors of impending ICE raids drove people from New Jersey, New York, Texas, and throughout the U.S. South. Non-immigration-related experiences with authorities also led to fear of deportation, for example, simple traffic stops or the need to interact with authorities for other matters. Anxiety was often tied to experiences of racism, which long-term residents in particular felt was emboldened by Trump’s election.

For most, precarious status, anxiety, and awareness of Roxham Road were necessary, though not sufficient, conditions for mobility. The majority (58 percent) were prompted by personal catalysts around immigration enforcement, most of which centered around friends, family, and community members being swept up in ICE raids. Several reported that until 2016 they had felt prosperous and protected by sanctuary policies, but that stories of immigration enforcement and pervasive media accounts that sanctuary jurisdictions would be targeted made them feel as if they would no longer be protected. Indeed, sixteen respondents recounted how friends or family members had been arrested and deported from within sanctuary jurisdictions. Catalysts also included lack of access to healthcare for chronic and acute

medical conditions, being asked for ID at hospitals or schools, and threats from employers.

While policy changes created an enabling environment, awareness of Roxham Road was a necessary condition for the rapid expansion of asylum claims. Seventy-one percent reported that new knowledge about the route contributed to their decisions. Media attention meant detailed information was readily accessible online and shared via social media and did not require smugglers or other facilitators. The majority of respondents relayed how Roxham Road was a consistent topic of conversation among undocumented communities or people with pending asylum claims. Videos and articles were shared widely on social media and messaging apps. Several echoed a chain of events progressing from anxiety, to searching for mobility options, to considering Roxham Road.

One of the more sensitive findings is the role of Canadian policy in people's mobility decisions, particularly given global trends of curtailing asylum and social support to deter arrivals. Respectively, 48 percent and 44 percent of respondents said perceptions of Canada's asylum system and society affected their choices. Most were aware they would be eligible for employment, social assistance, and healthcare, and that children would immediately be enrolled in school. But Canadian and U.S. policies did not weigh equally in mobility decisions. While Canadian asylum policy remained largely consistent and the government refused to deem the U.S. unsafe for refugees, in the early days of the Trump administration, Canadian political pronouncements responded quite directly to U.S. policy. Most significantly, on January 28, 2017, one day after the travel ban, Prime Minister Trudeau published a tweet reading, "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada." Conservative opposition politicians and media claimed the tweet was responsible for Roxham Road.⁴

My research suggests there is little reason to think this type of elite signaling affected peoples' decisions.⁵ Only 3 percent of respondents reported

⁴ This argument was made by the Conservative immigration critic, the Honourable Michelle Rempel (2017), and Diane Francis (2018).

⁵ The most relevant comparison is Chancellor Angela Merkel's 2015 suspension of EU Dublin Regulations. While suspending Dublin did not cause irregular migration to Europe, migrants already *en route* chose Germany over other states (Spijkerboer, 2016; Pries, 2019).

knowledge of Trudeau's tweet, while more than half reported being spurred by U.S. policies. Asylum claims at Roxham Road remained constant at roughly 500 per month until May 2017, four months after the tweet, when they increased dramatically. Volume peaked during Canadian government attempts to deter potential migrants in the U.S.⁶ In general, irregular mobility decisions are often made quickly, under duress, from narrow options. Research in Europe shows asylum-seekers' preferences determined by existing social and family networks, immediate physical security, access to legal protection, and expectations for employment opportunities (Crawley and Hagen-Zanker, 2018; Kuschminder, 2018). Our interviews confirmed similar dynamics, though significantly simpler given the two viable options of staying *in situ* or claiming asylum in Canada.

In contrast, rumors of more restrictive Canadian policies directly influenced mobility decisions. Our final round of interviews took place over two months in Montréal. These were unique in that they were conducted at frontline shelters in the first weeks after respondents' arrival, immediately preceding the November 2019 Canadian federal election. The Conservative Party of Canada, the only viable opposition party, had spent two years employing rhetoric around "illegal" and "crisis" migration; their election platform included extending the STCA to the entire border, and potentially incarcerating asylum-seekers (Hill, 2019). Nine respondents accelerated plans because of rumors of what they referred to as a "Canadian Trump" and "anti-refugee" party vowing to "close the border." Respondents from throughout Latin America, particularly Colombia, urged friends to make the journey lest Canada harmonize policies with the U.S.

Canada's Non-Response to Burden-Sharing in Latin America

The Canadian government has done remarkably little to address Latin America's significant displacement crises, particularly the exodus of almost five million refugees and migrants escaping economic collapse, food insecurity,

⁶ Members of Parliament conducted nine missions to U.S. cities with large undocumented populations in 2017 and 2018 and placed ads in minority-language media (*Global News*, 2017; *The Toronto Star*, 2017).

and political repression in Venezuela, and the regional displacement of more than 400,000 people from the countries of the Northern Triangle of Central America (NTCA) (El Salvador, Honduras, and Guatemala). This means that roughly 10 percent of the world's displaced people reside in the Western Hemisphere. To date, Canada's efforts at responsibility-sharing in the region have predominantly taken the form of modest financial support and political activism, in stark contrast to its engagement with other crises.

Canada takes part in the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (rv4), and a Regional Interagency Platform. Canada contributed Can\$2.2 million in emergency humanitarian relief for Latin America from 2017 to 2019. In 2019, it pledged Can\$52.9 million in longer-term support to regional responses, including humanitarian and development aid, with an additional Can\$27 million promised in May 2020 to assist host states during the COVID-19 pandemic, for a total contribution of Can\$80 million. The regional response framework has a current funding gap of over US\$1.1 billion.⁷ From a more political standpoint, Canada has taken a lead role in the Lima Group, a group of fourteen states allied in their calls for regime change in Venezuela, which recognizes the opposition politician Juan Guaidó's claim as the country's leader. The Lima Group is predominantly made up right-wing governments with poor records on human rights, good governance, and rule of law, in addition to often brutal persecution of indigenous peoples, opposition politicians, civil society groups, and protestors. These dynamics have led to democratic backsliding in countries with which Canada is allied (Amnesty International, 2019; Kimber and Kirk, 2019; Freedom House, 2020).

The international community has recognized that traditional, short-term humanitarian "care and maintenance" approaches are failing displaced and host populations alike and that return to countries of origin and international resettlement for most refugees is exceedingly unlikely. In September 2016, all UN member states signed the New York Declaration for Refugees and Migrants. The declaration initiated the process of drafting two global compacts on migrants and refugees. The content of the compacts, signed in 2018, are geared toward inclusive and sustainable development for refugees

⁷ For up-to-date statistics see the rv4 website, <https://r4v.info/es/situations/platform>.

and host communities, and safe, orderly, and productive migration management. The Global Compact on Refugees is framed around “predictable and equitable burden and responsibility-sharing” and “collective outcomes and progress” toward easing pressure on host states, enhancing refugee self-reliance, expanding access to third country solutions (that is, resettlement), and supporting conditions for return to countries of origin.

Tools for effective responsibility-sharing are encapsulated in the Compact’s Comprehensive Refugee Response Framework (CRRF), which calls for collaboration between humanitarian and development actors. It proposes novel international finance and development mechanisms to support host-state development, plus livelihoods, educational programs, and inclusion in social systems to foster refugee self-reliance rather than short-term humanitarian assistance. Linking humanitarian and development assistance is necessary given that the majority of the world’s refugees will spend decades displaced close to their countries of origin. It is also particularly important given that most refugees live alongside host populations, rather than in camps.

Latin America has the world’s most urbanized displaced population, with roughly 95 percent living in urban areas, making traditional humanitarian assistance challenging (Devictor, 2017). The UN, member states, the World Bank, international financial institutions, civil society organizations, and some private sector actors have begun to engage in partnerships in pilot states. Importantly, the CRRF calls for the creation of *new, and additional* funding mechanisms “over and above regular development assistance.” While calls to link humanitarian and development are not new, the CRRF offers a novel avenue for responsibility-sharing at a unique historical moment (Crisp, 2001).

Six countries in Central America have signed on to a regional implementation of the CRRF. The Brazil Declaration and Plan of Action, signed in December 2014 by twenty-eight countries and three territories, included “Solidarity with the NTCA in Seeking and Implementing Durable Solutions.” In July 2016, Costa Rica hosted a high-level round table with the UNHCR and the OAS, resulting in the San José Action Statement on regional displacement. Through the San Pedro Sula Declaration, six states (Belize, Costa Rica, Guatemala, Honduras, Mexico, and Panama) signed the Comprehensive Regional Protection and Solutions Framework, known by its Spanish acronym MIRPS (*Marco Integral Regional para la Protección y Soluciones*).

Canada has yet to meaningfully contribute, or promise to contribute to any unique funding or responsibility-sharing through MIRPS. Canadian development projects included in official MIRPS documents are merely existing programming repackaged as “root-causes” interventions rather than new or additional support (UNHCR, 2018b). Canada’s responsibility-sharing through financial support is complicated by rather paltry official development assistance (ODA) to Latin America and the Caribbean. This is partly due to the fact that most countries in the region are considered middle-income states, and thus not considered a high priority for Canadian assistance (Macdonald, 2019). The NTCA sub-region accounts for a total of 7 percent of Canadian ODA. Canada’s global development assistance will remain stagnant at 0.26 percent of GNI (a significant decrease from 0.31 percent from the 2012 assessment), and thus is set to decrease in real dollar terms against inflation and economic growth (CCIC, 2018; OECD, 2018).

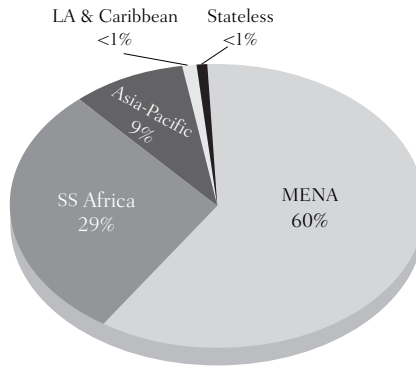
Canada’s only genuine engagement with MIRPS was through Immigration and Refugee Board (the IRB, Canada’s independent, quasi-judicial tribunal that conducts refugee status determination) projects to increase protection and refugee status determination capacity in Mexico, by sending senior decision-makers to advise COMAR (Mexico’s asylum agency). The IRB’s 2019 budget listed Can\$60,000 for the project. In addition, Canada is cooperating with the UNHCR’s Asylum Capacity Support Group, which is geared toward U.S. and Canadian support for COMAR (UNHCR, n.d.). The idea is to support COMAR through country-of-origin information, translating IRB country-of-origin profiles to Spanish and developing institutional plans to increase COMAR capacity.

Marginally increasing Mexican asylum capacity pales in comparison to the scale of the problem. More to the point, Mexico is far from a safe country for migrants, and it systematically deports vulnerable people. Deportation of gangs from the U.S. and Mexico demonstrably destabilized the region and significantly contributed to displacement. More than 800,000 people were deported from the U.S. to NTCA countries between 2007 and 2016, when gang violence and displacement spiked. During this period deportations were offset by Deferred Action on Childhood Arrivals and Temporary Protected Status in the U.S., both of which were at risk of being cancelled by the Trump administration.

Given the scale of displacement in Latin America and Canada’s well-established practices in global refugee resettlement, it might be assumed that Canada would play a lead role in facilitating resettlement from the region

in the absence of meaningful financial commitments. From January 2015 to June 2020, Canada resettled a total of 154,820 people from around the world. Of those resettled during this period, 93,270 were from the Middle East and North Africa, 45,725 from sub-Saharan Africa, and 13,420 from the Asia-Pacific region. Only 1,215 were resettled from the Western Hemisphere, amounting to just under 1 percent of resettlement over the five-year period. Of those, 945 were from Colombia. Canada, therefore, all but ignores the prospect of resettling refugees from Latin America.

FIGURE 2
REFUGEE RESETTLEMENT TO CANADA BY REGION OF ORIGIN
(JANUARY 2016 - JUNE 2020)



SOURCE: Government of Canada (n.d.).

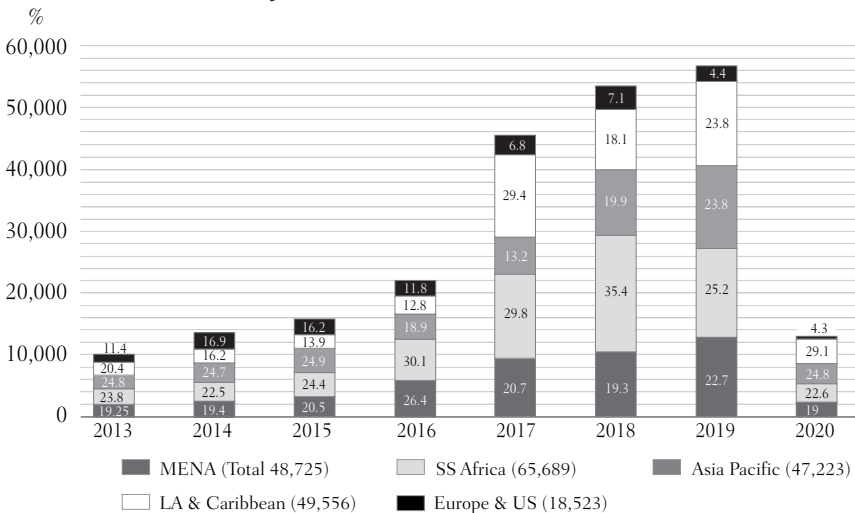
While resettlement from Latin America and the Caribbean is hampered by limited capacity to identify and register refugees with the UNHCR or host states, by the end of 2020, the UNHCR projects a total of just over 377,000 registered refugees and 1.4 million asylum-seekers in Latin America, in addition to the 4.1 million displaced from Venezuela, and over 6 million other people of concern or in refugee-like situations (UNHCR, 2020). The region's displaced population are therefore not out of reach.

Canada, however, has largely ignored new resettlement programs under the MIRPS process. The Protection Transfer Arrangement (PTA), an agreement for increased responsibility-sharing between UNHCR, IOM, and host state governments, was designed to resettle people identified as particularly vulnerable (UNHCR, 2018). The UNHCR recommended 785 people for resettlement

in 2016, the first year of the program, 150 of whom were resettled to the United States. Since then, 3,100 people have been identified as requiring immediate resettlement. Canada accepted eleven people in 2017, zero in 2018, and zero in 2019. In 2020, it quietly ended its engagement with the PTA. The Canadian government also largely ignored appeals from the UNHCR in Mexico to resettle vulnerable people trapped there, particularly LGBTQ asylum-seekers (Blanchfield, 2019).

It is worth noting that while the numbers are small relative to displacement in the region, asylum-seekers from Latin America continue to arrive in Canada and are well-represented in overall refugee claims. Just over 230,000 people claimed asylum in Canada from 2013 to 2020. Disaggregated by region of origin, asylum-seekers from Latin America and the Caribbean comprised the second largest regional group overall, slightly more than from the Middle East and North Africa, but fewer than from sub-Saharan Africa. Their proportion of overall asylum claims has grown consistently in recent years, representing almost 30 percent of asylum claims in both 2017 and 2020. Yearly totals have increased dramatically since 2016, driven by both the scale of displacement in the region and likely Trump administration immigration and asylum policies.

FIGURE 3
ASYLUM CLAIMS IN CANADA BY REGION OF ORIGIN
(JANUARY 2013 - MARCH 2020)



SOURCE: Immigration, Refugees, and Citizenship.

While some evidence exists to show that the increase in asylum claims from Latin America and the Caribbean are an indicator of growing need, the situation is complicated by the strong correlation between Canadian visa policies and the number of asylum-seekers. The removal of the visa requirement for Mexico in 2016 as part of bilateral trade and tourism flows was followed by an almost immediate spike in asylum claims from that country. In 2020, Mexicans lodged the highest number of asylum claims and were among the top three countries since 2016. This closely follows previous trends. The visa was imposed by the Harper government in 2009 after Mexico became the single largest country of asylum-seekers in Canada, with acceptance rates far below the average for other states (Yeates, 2019). While recognition rates for Mexican asylum-seekers have increased modestly since 2016 to 36.5 percent in 2019, so have the number of claimants abandoning or withdrawing claims.

TABLE 2
MEXICAN ASYLUM STATISTICS IN CANADA
(JANUARY 2013-MARCH 2020)

<i>Year</i>	<i>Referred</i>	<i>Accepted</i>	<i>Rejected</i>	<i>Rate (%)</i>	<i>Abandoned / Withdrawn</i>	<i>Backlog</i>
2013	128	16	39	29	24	53
2014	86	28	43	39.50	9	58
2015	111	40	39	50	12	78
2016	250	29	53	35	46	200
2017	1,459	111	221	33.50	99	1,221
2018	3,157	190	363	34	295	3,525
2019	5,634	602	1,045	36.50	672	6,829
2020 (March)	1,518	291	448	39	191	7,427

SOURCE: Immigration and Refugee Board of Canada (n.d.).

While Mexican claims skew statistics from Latin America and the Caribbean, so do similar trends in recognition rates and abandoned claims from some states for sub-Saharan Africa, particularly Nigeria. The major lesson is that with the exception of European countries, Canada resettles far more

refugees from other regions of origin with large numbers of asylum-seekers arriving in Canada, particularly sub-Saharan Africa and the Middle East and North Africa. Latin America and the Caribbean are the major outliers, even when we account for the significant increase in resettled Syrians in 2015 and 2016. Asylum-seekers arriving in Canada from most regions are a symptom of the global need for international protection.

Conclusions: The Moral Hazard of Deference to U.S. Policies

That the Canadian government wants to avoid change is understandable given the Trump administration's record of cross-issue retributive responses toward neighboring states, for example threatening crippling tariffs against Mexico or withdrawing development aid to Central American states if they did not contain or take back asylum-seekers. These policies have had significant effects on migration enforcement, asylum dynamics, and protection standards throughout the region (Ruiz Soto, 2020). But perhaps more importantly from a domestic perspective, the Canadian government sees the STCA as a tool to insulate Canada from the types of large-scale asylum flows that severely undermined protection norms and emboldened anti-immigrant populism in other liberal democracies (Stockemer, 2016; Donnelly, 2017).

Canada's response to irregular migration and the changing situation in the U.S. is politically and ethically complicated. While the government has refused to overtly call out U.S. policy changes, it also has resisted domestic calls (and international precedent) to close Roxham Road or extend STCA rules to the whole border (cf., Mercier and Rehaag, 2020). While the non-response to U.S. policies drew fierce criticism from refugee rights groups, it also helped preclude the types of coercive and retributive immigration policies that the Trump administration had levelled against Mexico, Guatemala, and Honduras, as well as at jurisdictions and civil society groups within the U.S. Though not by design, Roxham Road became a *de facto* port of entry and humanitarian corridor for people with precarious status. The absence of hard border controls meant Canadian authorities did not engender a cat-and-mouse game by pushing routes to multiple points of entry (Koser, 2010; van Hear, Bakewell, and Long, 2018). The route was predictable and safe and thus

characterized by remarkably little corruption or smuggling operations compared to other irregular routes (Carling, Paasche, and Siegel, 2015; Reitano and Tinti 2015). In turn, conservative critics and the Canadian security establishment had no recourse for blaming irregular migration on criminal actors as is the case in Europe, the U.S., and Australia.

However, it also means that Canada is benefiting from the downstream effects of U.S. immigration enforcement, creating a moral hazard by which the Canadian government is incentivized to ignore the effects of U.S. border and asylum policies in Latin America. Large numbers of people who might consider asylum in Canada are effectively trapped as a result of U.S. policy interventions. Canada's stance thus represents an acquiescence to U.S. policy priorities to close the door to asylum-seekers and effectively ignore the need for international protection, in stark contrast to its robust responsibility-sharing in other regions.

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