Mexicans and Canadian Immigration Policies
Less Exile, More Undocumented Migrants and Deportations

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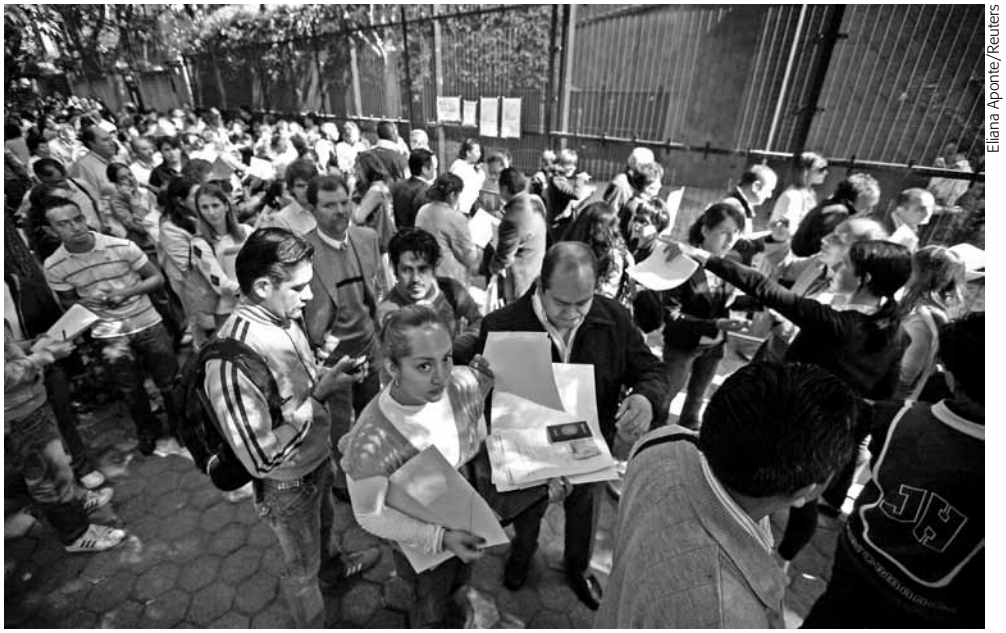
In the last decade, migration to the United States and Canada has grown considerably. The largest number of immigrants arrived in the United States; this group grew slightly over one percentage point compared to the overall population.[1] Slightly fewer than a million and a half people arrived to Canada. The 7.2 million migrants who were living there in 2010, 21 percent of the total population, represented one of the highest percentages among migrant-receiving countries (see Table 1).

September 11, 2001 was a watershed in the development of migratory policies in North America: as a result, more selective and restrictive laws and policies were created to contain and decrease undocumented immigration.



Eliana Aponte/Reuters

Visa applicants in front of the Canadian Embassy in Mexico.

Little is known about the measures the Canadian government is taking in the case of Mexicans beyond the imposition of visa requirements in mid-2009. This means that fewer persons travel there to ask for asylum, and that therefore the requirement is having the desired effect: migration is being contained from Mexico itself.

From 2001 to 2008, the number of Mexicans entering Canada demanding asylum increased from 1 704 to 9 527.

This figure dropped to 1 221 in 2010.[2] According to Jason Kenny, until July 2013 the minister of citizenship, immigration, and multiculturalism, before the visa requirement went into effect, between 1 400 and 1 500 asylum requests from Mexicans were received per month; after the visa requirement was put in place, only 30 were received a month.[3] It should be noted that Mexicans are the most numerous of all asylum applicants, more than those from Haiti, Colombia, Nigeria, the Democratic Republic of the Congo, the Republic of Somalia, Zimbabwe, Guyana, etc. International asylum applicants jumped from 3 645 in 2001 to 20 858 in 2009, and dropped again in 2010 to 15 770.[4]

Mexican applicants have given different reasons for requesting asylum: public insecurity, gender violence, poverty, repression by the Mexican state, and organized crime, among others. However, fewer and fewer reasons are being accepted as valid for remaining in Canada, and the requests are seen more and more as attempts to abuse the generosity of the immigration system, to benefit from traditional Canadian social advantages, like its health system.

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On February 14, 2013, Mexico was included on the list of safe countries drawn up by the Canadian government, called the Designated Country of Origin List, which includes, for example, the United States, Denmark, Finland, Belgium, Luxemburg, Spain, and the United Kingdom, among others.[5] Therefore, applicants from those countries do not have the opportunity to appeal a negative reply from the Canadian Ministry of Citizenship, Immigration and Multiculturalism and can be deported more quickly than before.

It should be mentioned that while the hearing process lasts, refugee applicants will not have access to basic health care or permission to work before being accepted or for 180 days after making the application. The new immigration system and the way asylum requests are dealt with include tougher measures like Law C-31.[6]

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TABLE 1
TOTAL IMMIGRANTS IN MAIN RECEIVING COUNTRIES (2000 AND 2010) (THOUSANDS)

	TOTAL POPULATION		NUMBER OF IMMIGRANTS		PERCENT OF TOTAL POPULATION	
	2000	**2010**	**2000**	**2010**	**2000**	**2010**
United States	283 230	310 384	34 988	42 813	12.4	13.8
Russia	145 491	142 958	13 259	12 270	9.1	8.6
Germany	82 017	82 302	7 349	10 758	9.0	13.1
Saudi Arabia	20 346	27 448	5 255	7 289	25.8	26.6
Canada	30 757	34 017	5 826	7 202	18.9	21.2
France	59 238	62 787	6 277	6 685	10.6	10.6
Great Britain	59 415	62 036	4 029	6 452	6.8	10.4
Spain	39 910	46 077	1 259	6 378	3.2	13.8
Ukraine	49 568	45 448	6 947	5 258	14.0	11.6
Australia	19 138	22 268	4 705	4 711	24.6	21.2
Italy	57 530	60 551	1 634	4 463	2.8	7.4

Source: Conapo estimates based on United Nations, Population Division, Department of Economic and Social Affairs, "International Migration 2002," October 2002; "International Migration 2006," October 2006; "International Migration 2009," December 2009; and "World Population Prospect: The 2010 Revision," April 2011.

People from the countries on the list have a 75-percent rejection rate.[7] This means the deportations of Mexicans can be expected to increase, as well as the number of undocumented persons. However, Minister of Citizenship, Immigration, and Multiculturalism Chris Alexander has the capacity to change this list at any time.

It is important to point out that the Immigration and Refugee Protection Act (IRPA) approved in 2001 authorized the Canada Border Services Agency (CBSA), created in 2003 as the equivalent to the U.S. Immigration and Customs Enforcement (ICE), to arrest foreigners suspected of non-compliance with immigration law. These detainees can be held in correctional facilities or detention centers.[8] The IRPA also authorizes federal authorities to sign agreements with the provinces to facilitate coordination and implementation of immigration policies and programs. It is important to underline that, today, U.S. and Canadian public security systems are very similar and include the idea of the potential danger represented by the presence of foreign criminals on their soil (see Table 2).

In recent years, deportations have increased in Canada. This is due in part to the fact that more and more asylum requests are being rejected, thus increasing the number of undocumented migrants.

These data are only a brief summary of the laws and government actions that have led to the deportation of a growing

number of Mexican citizens. It should be pointed out that in the United States, Barack Obama's Democratic administration has deported more Mexicans than Republican George W. Bush's. ICE deported 291 060 immigrants in 2007[9] and 409 849 in 2012.[10] By 2010, 70 percent of deportees were considered non-criminal, but 75.8 percent of those classified as criminals were Mexican. Increasingly, detentions leading to deportation were carried out by local police and not immigration authorities.

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The judges at the Immigration and Refugee Board of Canada have a marked tendency to refuse asylum. For example, between 2004 and 2009, of a total of 135 cases of women who requested asylum due to domestic abuse, only three were resolved favorably. That is, 98 percent of cases were rejected because the applicants could not convince the judges that the state in their country of origin was incapable of protecting them from their abusers.

Of all the asylum applications from Mexicans between 2011 and 2012, only 19 percent per year were granted. This means that more than 6 000 people who were rejected are facing deportation orders. Nevertheless, Mexico continues to be one of the three countries with the greatest number of applications granted.[11]

It is difficult to know how many undocumented Mexicans are residing in Canada if we take into account that some have arrived from the United States and the Canadian government does not have them registered as applicants for refugee status. The Mexicans United for Regularization collective

TABLE 2
LAWS AND ACTIONS THAT HAVE INCREASED DEPORTATIONS IN NORTH AMERICA

	Law	Program	Agency	Actions
United States	• Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA, 1996 reform) • Section 287 (g). • U.S. Patriot Act, passed in 2001	• Safe Cities	• DHS ICE, 2003	• Section 287 (g) of the law allows state and local law enforcement to partner with ICE, which can delegate to them authority in immigration matters within their jurisdiction. • The possibility exists for apprehension of undocumented immigrants, with a priority placed on deporting all the "deportable" immigrants.
Canada	• Immigration and Refugee Protection Act (IRPA) 2001	• Keeping Canada Safe	• CBSA, 2003	• The law authorizes the federal government to sign agreements with the provinces to facilitate the coordination and implementation of immigration policies and programs. • CBSA agents are authorized to arrest foreigners who may have broken immigration law, if they pose a danger to society, or if their identity is in doubt.

Source: Developed by the author with data from Khalid Koser and Frank Laczko, eds., "World Migration Report. The Future of Migration: Building Capacities for Change" (Geneva: International Organization for Migration, 2010), http://www.ice.gov/about/overview/ and http://www.ice.gov/287g/, and http://www.cbsa-asfc.gc.ca/media/facts-faits/055-eng.html.

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thinks there are between 20 000 and 25 000 undocumented Mexicans living in Canada, mostly in Montreal.[12]

Precise data do exist on the number of Mexicans deported since 2006: 21 637, deported for having presented refugee applications that the Canadian government considered fake. In 2012 alone, on average, seven Mexicans a day were deported.[13]

It is also necessary to remember that the Canadian government has been encouraging temporary migration of Mexican workers. To do this, it has adjusted its immigration policy to the requirements of the capitalist system, designing it according to each province's labor and population needs. In 2003, 10 595 Mexican agricultural workers went to work in Canadian fields; in 2012, that number climbed to 17 626. That is, the number of workers and the length of stay increased. Thus, the Ottawa government stimulates controlled, temporary immigration to satisfy above all the specific needs of the labor markets, with return practically assured.

Final Comments

Despite the increase in temporary laborers, a result of a bilateral agreement, Canada's response to Mexican immigration has been harmonizing with that of the United States over the last decade: unilateralism moving toward a re-borderization policy; and increasingly restrictive laws that tend to greater control or over-protection of the border through costly operations or actions to deport the largest possible number of immigrants. VM

Further Reading

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Notes

[1] I want to thank Romina Hernández, a member of the Mexicans United for Regularization collective in Montreal, for information and her collaboration in writing this article.

[2] Citizenship and Immigration Canada, http://www.cic.gc.ca/english/resources/statistics/facts2010/temporary/25.asp, accessed March 1, 2013.

[3] Pablo A. Ortiz, "Ministro de Inmigración habla sobre el sistema de refugio, el caso de México y la lista de países seguros," http://noticiasmontreal.com/83240/ministro-de-inmigracion-habla-sobre-el-sistema-de-refugio-el-caso-de-mexico-y-la-lista-de-paises-seguros/, February 13, 2013, accessed March 2, 2013.

[4] Citizenship and Immigration Canada, http://www.cic.gc.ca/english/resources/statistics/facts2010/temporary/26.asp, accessed March 1, 2013.

[5] Interview by Romina Hernández, a member of the Mexicans United for Regularization collective in Montreal, which fights for immigrants' rights, April 1, 2013.

[6] A series of measures that close the door to thousands of people who want to request refugee status.

[7] "Canadá revela lista de 27 países seguros en el marco de nuevas reglas para refugios," http://noticiasmontreal.com/75369/canada-revela-lista-de-27-paises-seguros-en-el-marco-de-nuevas-reglas-para-refugios/, December 14, 2012, accessed March 14, 2013.

[8] Canada Borders Services Agency, http://www.cbsa-asfc.gc.ca/media/facts-faits/007-eng.html, accessed March 1, 2013.

[9] U.S. Department of Homeland Security Seal, http://www.ice.gov/doclib/about/offices/ero/pdf/ero-removals1.pdf, accessed February 15, 2013.

[10] U.S. Department of Homeland Security Seal, http://www.ice.gov/removal-statistics/, accessed February 15, 2013.

[11] Canadian Council for Refugees, http://ccrweb.ca/en/one-five-mexicans-found-be-refugees, accessed March 10, 2013.

[12] According to Romina Hernández, a member of the Mexicans United for Regularization collective, a Montreal-based group that fights for migrants' rights, the number of undocumented Mexicans in Canada is increasing due to the system's legal restrictions and increasing numbers of them are going underground. This collective is proposing the regularization of the thousands affected who are facing deportation proceedings. Interview with the author on April 1, 2013.

[13] Víctor Hugo Michel, "A diario siete mexicanos son deportados desde Canadá," http://www.milenio.com/cdb/doc/noticias2011/a47f9a2ae3be54c547c84ed3e9baa7ff, August 30, 2012, accessed March 2, 2013.