

“Canada Is Not a Hotel” Debating the Hospitality Of the Canadian Asylum System

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History seems to repeat itself more up north: the increase in Mexican migrants, many requesting asylum in Canada,¹ prompted greater restrictions in immigration and asylum legislation under Stephen Harper's Conservative government. One clear example of this trend is Law C-31, in effect since December 15, 2012, making protection for refugees in Canada dangerously vulnerable to political whim.² Among other measures, it gives the government more authority to jail asylum-seekers for long periods of time.

“Canada is not a hotel,” is a phrase that exemplifies these changes. Coined by Jason Kenney, Canada's minister of Citizenship and Immigration from 2008 to 2013, this refers to Canadian generosity and to privileges rather than the respons-

ibilities of migrants seeking asylum. The discourse of Conservative politicians about the Canadian asylum system's excessive hospitality is frequently used to justify anti-immigrant policies rooted in racial criteria.³

Canada manages immigration largely through its asylum policies, seeking to diminish both requests and the number of refugees who arrive at its doors to invest, study, work as skilled or manual laborers, but also as refugee claimants, fleeing precarious living conditions, discrimination, persecution, and violence in their places of origin. Often they are not accepted in their destinations, prompting them to seek refugee protection and await the decision of the Refugee Board of Canada.

With the world's largest economy next door, Canada has received a growing number of migrants, many undocumented Mexicans, who, fleeing from anti-immigrant U.S. policies or the economic crisis that began in 2007, crossed its southern border seeking asylum.⁴ In 2008, 2 305 asylum requests

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were submitted in Canada by individuals who had been in the United States.⁵ However, due to the Safe Third Country Agreement, which came into effect December 29, 2004, if a person enters Canada from the United States, he or she cannot request asylum.

Table 1 details the selection criteria for admitting immigrants. Those who arrive for economic reasons are by far the most often accepted and are selected according to their ability to contribute to the economy; this category includes “business immigrants.” It also shows a downward trend in the number of refugees, who are allowed to reside permanently when their claims are granted. This decrease coincides with the years of the economic crisis and the hike in deportations from the United States. Before Mexicans were required to request a visa in 2009, Canada was already limiting the acceptance of refugees.

In 2008, their numbers dropped almost 22 percent *vis-à-vis* 2007. These figures lead us to think that imposing the visa requirement was not the result of too many Mexicans requesting asylum and “abusing the excessive hospitality of the Canadian asylum system.” Rather, it looks like the intention was simply to decrease the number of requests from

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Mexico and therefore not have to deal at their ports of entry with refugee claims they considered fraudulent and costly. This coincides with the idea that the political discourse about Canadian hospitality is frequently used to justify anti-immigrant policies.

In 2012, Mexico was still leading asylum requests, with China in second place, and Hungary in third, although the number of Mexican requests had dropped 62 percent *vis-à-vis* 2009.⁶

Policies to control migration and asylum more strictly have gotten the desired results and they seem to have been specifically targeted: as Minister Kenney put it, Mexicans “are actually trying to immigrate to Canada through the back door of the refugee system and I think that’s unacceptable,” qualifying it as an abuse of the Canadian system’s generosity.⁷

TABLE 1
PERMANENT IMMIGRANTS TO CANADA BY YEAR OF ARRIVAL AND CATEGORY

	Economic Immigrants	Family Class*	Refugees
2000	136 282	60 613	30 091
2001	155 716	66 785	27 917
2002	137 863	62 290	25 110
2003	121 046	65 120	25 983
2004	133 746	62 272	32 686
2005	156 313	63 374	35 774
2006	138 248	70 515	23 499
2007	131 244	66 240	27 954
2008	149 067	65 583	21 859
2009	153 491	65 207	22 850
2010	186 915	60 224	24 697
2011	156 118	56 449	27 873
2012	160 821	65 010	23 099
2013	184 181	79 684	24 049

Source: Citizenship and Immigration Canada, <http://www.canadaimmigrants.com/immigration/statistics/canada-permanent-immigration-1989-2013/>, accessed June 30, 2015.

* Family reunification sponsored by a family member resident in Canada.

TABLE 2
REQUESTS FOR ASYLUM BY MEXICANS (2003-2013)

	New Claims	Finalized ^a	Accepted	Rejected	Abandoned	Withdrawn ^b	Accepted (%) ^c
2003	2556	2240	601	953	280	406	27
2004	2916	2703	672	1338	244	449	25
2005	5346	3699	714	2286	225	474	19
2006	4951	3288	930	1694	153	511	28
2007	7074	3651	385	2132	281	853	11
2008	8115	5705	604	3397	357	1347	11
2009	9313	6098	508	3393	435	1762	8
2010	1314	5876	655	3480	325	1416	11
2011	803	6109	1029	4195	281	604	17
2012	389	3038	570	2152	113	203	19
2013	114	1016	182	686	65	83	18
January-September 2014	71	261	73	157	9	22	28

Notes:

- a. The term “finalized” refers to successful requests, including those dating from previous years.
- b. “Withdrawn” requests are those cancelled by the government because the claimant was excluded from the protected status or for other reasons, such as the claimant’s death.
- c. The acceptance rate is the percentage of all requests finalized.

Source: Immigration and Refugee Board of Canada, <http://www.vancouver.sun.com/life/Take+Mexico+safe+list+immigration+protesters+urge/10396363/story.html>, accessed June 20, 2015.

While in 2008 an average of 10 000 Mexicans made asylum requests, by 2014, under the new laws, fewer than 100 were filed.⁸ This decrease resulted in Canada’s dropping to last place on the list of the 15 nations that receive the most asylum requests. Requests have increased worldwide by 45 percent, rising to 866 000 in the first months of 2015, but Canada only received 13 500 in that period. Meanwhile, Germany, in first place, received 434 300; the United States, 403 300; and Sweden, a nation with 9.6 million inhabitants (one-fourth of Canada’s population), 75 100 requests.⁹ Canada has designed strategies to stop being a preferred refugee destination.

Evidence cannot be ignored that shows that the recent changes in immigration and asylum legislation aimed to restrict the entry of a particular ethnic community, as happened on different occasions in the twentieth century when measures against Chinese, Jews, or Japanese were put in place.¹⁰ Or rather, the changes are aimed at restricting a socio-economic layer of that ethnic community: the Mexicans requesting asylum, whose motivations have changed over the years.

In the second half of the 1990s, persecution for sexual orientation and domestic violence were the main justifications for claims;¹¹ by the second half of the first decade of the twenty-first century, most of the requests (13 700 to the United States and 30 142 to Canada) were the result of the negative effects of the war against drugs.¹²

The media played an important role, particularly in demanding Mexicans be required to obtain visas in 2009, by presenting the refugee issue as a “crisis” and portraying our compatriots as criminals and fraudulent asylum seekers, as well as by exaggerating the high cost to the state of every approved asylum application (under certain circumstances, some

Those who arrive for economic reasons are by far the most often accepted and are selected according to their ability to contribute to the economy; this category includes “business immigrants.”

The intention of the visa requirement seems to have been to cut the number of requests from Mexico to not have to deal with refugee claims they considered fraudulent and costly.

claimants are eligible for help with housing, social benefits, health coverage, and work permits), as well as the costs of detecting illegitimate requests. It seems the discourse of “the illegality and criminality” associated with Mexicans in the United States migrated north.¹³

Table 2 shows that one of the effects of the visa requirement was that the number of new requests dropped significantly from 2009 to 2010. The downward trend in asylum request approvals is clear starting in 2012, with a marked drop in 2013. This trend is very probably on-going, judging by the results in 2014.

Another effect of the changes in immigration and asylum policies is the drop in the percentage of migrants *vis-à-vis* the rest of the population (see Table 3). According to these numbers, and considering that Canada’s birth rate has been very stable over the last five years, increased deportations (12 006 from 2004 to 2005, rising to 13 249 from 2008 to 2009) will probably mean that the migrant percentage of the population will continue to drop.

FINAL COMMENTS

The anti-immigrant policies and the U.S. crisis in the second part of the century’s first decade, together with the violence unleashed by the Mexican government’s war on organized crime, increased the migration of Mexicans to Canada, many

seeking exile status. Like its neighbor to the south, the Canadian government has begun closing its doors to these migrants.

The visa requirement for Mexicans imposed by this government in 2009 arguing a supposed abuse of Canada’s benevolent asylum system is actually one of the actions to better manage the denial of asylum claims since the number accepted every year has been very similar over the last decade, with a marked drop only in the last two years. This confirms that it is having an effect. The discourse by Conservative politicians about the benefits of Canada’s asylum system is frequently used to justify anti-immigrant policies there, and its current target seems to be Mexicans. ■■■

NOTES

¹ Asylum is offered to persons with a well-founded fear of persecution for reasons of race, religion, nationality, political views, or membership in a specific social group, as well as to those in danger of torture, cruel treatment, or unusual punishment. “Glossary,” Citizenship and Immigration Canada, <http://www.cic.gc.ca/english/helpcentre/glossary.asp>, accessed June 15, 2015.

² Carrie Dawson, “Refugee Hotels: The Discourse of Hospitality and the Rise of Immigration Detention in Canada,” *University of Toronto Quarterly* vol. 83, no. 4 (Fall 2014), pp. 826-846.

³ Ibid.

⁴ Monica Davey, “Illegal Immigrants Chase False Hope to Canada,” *The New York Times*, September 21, 2007, <http://www.nytimes.com/2007/09/21/us/21refugees.html?pagewanted=all&r=0>, accessed July 1, 2015.

⁵ James Bisset, “Abusing Canada’s Generosity and Ignoring Genuine Refugees. An Analysis of Current and Still-needed Reforms to Canada’s Refugees and Immigration System,” Frontier Centre for Public Policy Series no. 96 (October 2010), pp. 1-47.

⁶ Refugee Claimants, <http://www.canadaimmigrants.com/immigration/statistics/refugee-claimants/>, accessed June 22, 2015.

⁷ “Mexicans Trying to Immigrate through the Back Door, Says Kenney, Canada’s immigration minister,” CBC News, <http://www.cbc.ca/news/canada/calgary/mexicans-trying-to-immigrate-through-the-back-door-says-kenney-1.792456>, accessed May 22, 2015.

⁸ Peter Rakabowchuk, “Ottawa Makes It Easier for Mexicans to Come to Canada,” Huff Post Politics Canada, http://www.huffingtonpost.ca/2014/05/12/mexican-immigration-canada_n_5310130.html, accessed June 27, 2015.

⁹ Nicolas Keung, “Global Asylum Claims Rise 45%, but Canada Lags in Receiving Refugees,” *The Star.com. Immigration*, <http://www.thestar.com/news/immigration/2015/03/26/global-asylum-claims-rise-45-but-canada-lags-in-receiving-refugees.html>, accessed June 10, 2015.

¹⁰ Yolande Pottie-Sherman and Rima Wilkes, “Anti-immigrant Sentiment in Canada,” in Mónica Vereá, ed., *Sentimientos, acciones y políticas anti-inmigrantes* (Mexico City: CISAN, 2012), pp. 275-289.

¹¹ George Usha, “Mexican Migration to Canada: Case Study Report,” *Journal of Immigrant & Refugee Studies* vol. 6, no. 3 (2008), pp. 463-474.

¹² Liette Gilber, “Canada’s Visa Requirement for Mexicans and Its Political Rationalities,” *Norteamérica* year 8, no. 1 (January-June 2013), pp. 139-161.

¹³ Liette Gilber, “The Discursive Production of a Mexican Refugee Crisis in Canadian Media Policy,” *Journal of Ethnic and Migration Studies* vol. 39, no. 5 (2013), pp. 827-843.

TABLE 3

PERCENTAGE OF MIGRANT POPULATION *VIS-À-VIS*
TOTAL CANADIAN POPULATION (2000-2011)

	2000	2010	2011
Migrants as a Percentage of the Total Population	18.9	21.2	20.6

Source: For 2000 and 2010, Secretaría de Gobernación, “Observatorio de migración internacional,” http://www.omi.gob.mx/es/OMI/1_Migracion_Mundial. For 2011, Statistics Canada, “Foreign-Born Population, As a Proportion of the Total Population,” <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/2011001/c-g/c-g01-eng.cfm>.