DECOLONIZING IMMIGRATION:
ADDRESSING MISSING INDIGENOUS PERSPECTIVES IN CANADIAN IMMIGRATION POLICIES

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ABSTRACT

Despite the fact that their presence in the country has long pre-dated immigration, Indigenous people's views on immigration policy and the impact immigration continues to have on them is rarely discussed in modern day Canada. In this Major Research Paper, I investigate whether or not Canadian immigration policies of the past and present may be written and enacted in ways that contribute to the marginalization of the country's Indigenous population. By conducting a literature review of works that examine and critique immigration policies and practises as well as by performing a critical discourse analysis on the *Immigration Act of 1910* and the 2002 *Immigration and Refugee Protection Act* considering critiques of settler colonialism and perspectives on decolonization, I explore the ways that inequality may be reproduced in an institutional level through immigration policy.

Key words:

Immigration; Indigenous; decolonization; settler-colonialism; policy; inequality

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A Note on Terminology

In the context of this paper, the terms “Indigenous” and “First Nations” will be utilized interchangeably to refer to individuals who are or are descended from the original occupants of what is now known as Canada and whose presence on the land predates that of colonizing European populations. The word “indigenous” in the lower case will refer broadly to any group of people who originally inhabited an area of the globe, including but not limited to First Nations peoples.

The term “settler” will be used in this paper to refer to European colonizers who settled on First Nations peoples’ homelands and displaced, subjugated and marginalized the Indigenous population in the process, as well as the descendants of these people. Additionally, the term “settler” will be used to refer to immigrants and their descendants from around the globe who have continued to take up residence in Canada from early colonization through to the present. This includes racialized people as well as those of European descent.

Chapter 1: Introduction

Canada is often conceptualized by both its state and citizens as a nation built by immigrants. Indeed, since the initial arrival of European colonizers and through to the present day, increasingly diverse settlers from across the globe have relocated to Canada and shaped its often celebrated image as a multicultural society. However, despite the fact that Indigenous people have resided upon the land long before this process began and that it is their sacred homeland upon which immigrants continue to settle, Indigenous peoples' opinions about immigration and the affect immigration has on them is rarely discussed outside of a historical context.

Harald Bauder calls attention to the fact that public and academic discourses consistently fail to make the connection between immigration and Indigenous narratives despite the fact that the two are intrinsically related in the Canadian context, as the colonization and displacement of Indigenous people made way for the next waves of immigration to occur without their consent (Bauder, "Parallax Gap" 518). The perception of immigration issues and Indigenous perspectives as fundamentally distinct and incompatible despite their factually related nature is what he refers to as the "parallax gap" (517), and he suggests that academic scholarship must take on a leading role in bringing these two concepts into contact. One author who carries out this goal, Yasmeeen Abu-Laban, explains the claim that as a settler colony, all immigrants –whether European or not, born in or outside of Canada – are implicated in the colonialism of the country and must address this reality in order for justice to be achieved ("The Future and the Legacy" 271). Bonita Lawrence and Enakshi Dua take this premise further in their paper "Decolonizing Antiracism" by asserting that that all newcomers, regardless of their

social and material circumstances or place of origin, take part in imperialism in Canada and the marginalization of Indigenous people because by nature of their settling on stolen land they are “inserted into the geography of colonialism,” (122) receiving the ability to make decisions that affect Indigenous people. Despite this reality, many settlers and their descendants do not regard themselves as responsible for the struggles of Indigenous people and fail to support them in their resistance. These ideas, along with other calls for the discursive gap to be closed and for the narratives of immigration and Indigenous issues to be considered academically, provide some of the major inspirations for this paper.

Indigenous people have long been situated unequally in relation to the Canadian state through the acts of government policy designed to assimilate, exterminate or significantly disadvantage this population. The Indian Act, first passed in 1876 and still in force in amended form in the present day, formalized a body of laws that regulated all aspects of Indigenous life including reserves, bands and Indian status (“The Indian Act” np). This paternalistic model rendered Indigenous people wards of the state, as policymakers considered them unable to make their own decisions and believed they required state direction in order to adopt “civilized” colonial ways of life. The extent to which these attitudes continue to be expressed and maintained in policy is a major concern of this paper as it analyzes immigration policy documents.

Sylvia Kasparian explains that the philosophies inherent to many Indigenous cultures, including a respect for all living things and the importance of sharing abundant resources and land among all people, have provided inspiration for some of what Canadians deem to be the central values of their society, such as respect for diversity and a commitment to hospitality (3).

However, despite the important contributions First Nations peoples have made since Canada's foundation and through to contemporary times, they continue to suffer from the legacy of forms of cultural destruction, forced assimilation and genocide initiated by European colonizers and their descendants as part of a colonial agenda (Hongyan 53). Meanwhile, the exclusion of Indigenous voices in decisions regarding immigration policy further limits their control over their own destinies and the fate of their ancestral homeland. In the face of centuries of marginalization, however, Indigenous people have continued to fight for justice and demand fairness, reparation and recognition in Canadian settler society (Abu-Laban, "The Future and the Legacy" 268). As First Nations scholar and activist Taiaiake Alfred explains, Indigenous people's continuous resistance against colonizers' self-proclaimed right to exploit their land and people has increasingly drawn public interest and sympathy in recent years as the injustice of colonization is made known on a public level (Alfred, "Peace, Power" xiii).

Informed by the awareness that all settlers are implicated in the marginalization of Indigenous people, it is my intent to make apparent the connection between the processes of immigration and colonialism in the modern day by closely examining the language of immigration policy documents. Specifically, I will investigate whether or not immigration policy is written and enacted in ways that produce and reproduce marginalization and are contrary to Indigenous goals of self-determination. The main question guiding this paper is: *Does immigration policy reproduce and reshape settler colonialism in Canada?*

To situate myself as a researcher addressing this topic, I disclose that I am not of First Nations descent but am a white, Canadian-born settler of European background, and as such do not possess first-hand experience with racial and cultural marginalization in Canada. As a result,

I have attempted to centralize Indigenous scholars and voices in my research as much as possible and let them guide my work as I assume a critical settler perspective. My personal awareness of and interest in topic is a product of the work of Indigenous people fighting for their rights and making their struggles and experiences known to settlers such as myself, who possess the privilege of ignoring the reality of colonialism in Canada while Indigenous people are constantly confronted with the conditions that colonialism has created. As a result of this knowledge, I believe it should be the duty of all Canadians to challenge colonialism even if they personally benefit from it, and I hope to do so in this paper. My bias lies in my desire for change and justice for First Nations peoples, and, aware of the continued lack of action toward these issues by government institutions, I enter this project with a critical eye regarding the intent of policy. Furthermore, I believe that the lack of research connecting immigration and policy specifically to issues of Indigenous marginalization and self-determination makes this an important project to undertake. In order to challenge colonial processes, it is important to understand how they are reproduced on an institutional rather than merely individual level, and I will explore this matter by examining Canadian immigration policies, the discussions surrounding them, and their implications in detail.

I begin my study by explaining and exploring the theoretical concept of settler colonialism as it applies specifically to Canada, as well as by reviewing the literature of prominent scholars in the field of decolonization studies, centralizing Indigenous voices as much as possible while also calling upon the voices of their allies. I also examine some prominent critiques of immigration policy to inform my own analysis of policy documents. By performing a critical discourse analysis and examining the language used in two Canadian policy documents, the *Immigration*

Act of 1910 and the *2002 Immigration and Refugee Protection Act*, I will attempt to observe immigration policy reinscribes colonial logic, reveal some of the implicit assumptions made in the documents, and examine how myths may be perpetuated in immigration policy to the detriment of First Nations peoples and at the expense of Indigenous nationhood. I will also seek to determine the extent to which immigration policies may be designed to integrate newcomers into colonial structures that disadvantage First Nations people, contributing to the maintenance of a nation in which Indigenous rights and goals are pushed further and further into the background. I will conclude by summarizing my findings, exposing some of the problems inherent in attempting to decolonize immigration policy, and making some suggestions for future study.

Chapter 2: Theoretical Frameworks and Literature Review

In this section I outline the two theoretical frameworks through which I will examine the *Immigration Act of 1910* and the *2002 Immigration and Refugee Protection Act*. I review and analyze some of the key points and arguments by prominent authors in these fields, and address areas that could benefit from some expansion. The first concept is “settler colonialism”, which is essential to understanding how power structures in Canada have been set up in ways that attempt to erase Indigenous people’s histories and deny their struggles. I will then look at perspectives on “decolonization” which, as a response to the conditions of settler colonialism, theorizes methods for resisting and reversing its effects. Finally, because there is a lack of literature that explicitly connects immigration policy to Indigenous issues, I will examine three authors’ critiques of immigration policy as it affects migrants and make connections between their lines of thinking and the topic of this paper.

Settler Colonialism

The country that is now referred to as Canada was established on Indigenous land through a process called settler colonialism. Adam J Barker explains that, unlike other forms of colonialism, this term is unique in that it is premised on the concept of elimination ("Locating Settler Colonialism" np). While all forms of colonialism involve newcomers expanding their populations into new territories, forcibly placing themselves in positions of power and exerting control over the existing people, settler colonialism additionally involves an active attempt to eliminate indigenous populations altogether through violence, displacement and assimilation. Barker illustrates the important distinction between settler colonialism and colonialism

generally by comparing the colonization of India to that of North America. While European settlers invading India set up disruptive and violent hierarchies amongst the people residing there and exploited the land for its resources, the population of the country remained largely indigenous. In North America, meanwhile, the violent European invasion was accompanied by an intentional effort to substitute Indigenous people with European settlers, who then came to be considered the legitimate inhabitants of the continent. Patrick Wolfe sums up this process with the phrase, “settler colonialism destroys to replace.” (388)

An important characteristic of settler colonialism is that it is built upon a number of popular myths that have been spread to justify the subjugation of Indigenous people and the theft of their land. It is to the extent that the colonizing population and subsequent generations buy into this mythology that the oppressive practices of settler colonialism are allowed to continue. In Canada, settlers promoted the claim that the land was “discovered” by European explorers, and used this assertion as an opportunity to establish their own communities and spread their way of life in an already inhabited location (Snelgrove, Dhamoon and Corntassel 13). This fiction, called the “Doctrine of Discovery” or “terra nullius”, meant that colonizing forces regarded the land as technically unoccupied prior to their arrival and thus fair game for the taking, attitudes which erase Indigenous people’s histories while suggesting that their presence was marginal or altogether invalid. Along these lines, Lorenzo Veracini explains that essential to the logic of settler colonialism and an additional justification for the seizure of Indigenous people’s homeland is the falsehood that settlers are superior human beings, while First Nations peoples are inferior by nature (627). Writings of liberal theorists such as John Locke, who asserted that ownership of the natural world was part of the “law of nature” (Locke 147), and

that the earth was given to man by God to farm and “subdue” (148), were used as evidence of the inferiority of Indigenous people, who were supposedly not properly or efficiently making use of the land by developing its natural resources in a European fashion. Additionally, Locke’s writings also asserted that Indigenous political structures were primitive as to be comparable with “the First ages in Asia and Europe” (162). Because settlers believed that their treatment of the land and organization of society would be more fruitful for agricultural production and the creation of prosperity, they saw it as their moral right and responsibility to take ownership of it to reshape it in their desired image.

The emphasis on making “efficient” use of land and natural resources is what Snelgrove, Dhamoon and Corntassel describe as one of the main driving forces of settler colonialism (13). They explain that the elimination of Indigenous people in Canada is largely motivated by the desire to use their land for the gain of the colonizers, who take ownership of it and then sell and develop its resources for profit without opposition. Essential to highlight here is the fact that settler colonialism, when focused on ownership, property and unrestrained economic gain, has direct links to capitalism. In the Canadian context, for First Nations peoples whose way of life are often based on a connection with the land and shared use of it rather than the focus on individual ownership and private property, settler and Indigenous ways of life become irreconcilable. Taiaiake Alfred emphasizes this disconnect by explaining that in Western society, “Trees, rocks and fish become commodities whose value is calculated solely in monetary terms without reference to the spiritual connections between them and indigenous peoples.” (Alfred, “Peace, Power” 61) With the establishment of a British-style state with its individualistic and capitalist focus on free trade distribution of goods throughout the empire, Indigenous people’s

philosophies of life were effectively rendered invalid by settlers in Canada as a result of the processes of settler colonialism.

In the dichotomy of settler versus indigenous person that characterizes settler colonialism, not only does the self-proclaimed superiority of colonizers allow them to take over First Nations people's homeland, populate it, and exploit its resources without guilt, but it also provides justification for the actual extermination of the "primitive" Indigenous population. The logic of settler colonialism inferiorizes Indigenous people and renders their history and connection to the land irrelevant due to their failure to conform to European ways of living and thinking (Wolfe 388). As a result, First Nations populations have been killed, assimilated, relocated and systematically denied opportunities in Canada. Indigenous author Glen Coulthard, in his text, "Red Skin, White Masks", details the efforts taken by settlers throughout history to destroy Indigenous people and erase their ways of life:

"...through institutions such as residential schools, through the imposition of settler state policies aimed at explicitly undercutting Indigenous political economies and relations to and with the land; through the theft of Aboriginal children via racist child welfare policies, and through the wholesale dispossession of Indigenous peoples' territories and modes of traditional governance in exchange for delegated administrative powers to be exercised over relatively miniscule reserve lands." (4)

To maintain the national myth that settlers are the only legitimate population of Canada and that their way of life is the best way of life, these measures have undermined Indigenous people's ability to live, express their culture and have a say in the fate of their homeland. Abu-Laban explains that from early on, colonizers emphasized the importance of white, British identity in Canada and embedded a disproportionate amount of power toward this group into the workings of the state (Abu-Laban, *Future and Legacy* 265). The structured inequality

resulting from centuries of colonial dominance and upheld by the actions and attitudes of the state and population continues in the present day. Indeed, settler colonialism in Canada has been so successful that the perception of the authentic “Canadian” as white still remains largely persistent in the minds of both the population and the international community. The founding myth of Canada as a discovered space became the official history of the land, and has chiefly been regarded as the country’s authentic starting point by subsequent generations of settlers.

Glen Coulthard explains that although in recent years the government has made attempts to “negotiate with” and recognize First Nations peoples and their history on a public level, it simultaneously continues to access, exploit, develop and settle the land that is spiritually connected to Indigenous people (“Red Skin” 7). For example, Harsha Walia details the Canadian government’s approval of a Sun Peaks Ski Resort development plan upon unceded Secwepemc territories, resulting in the destruction of Indigenous sweat lodges and homes and the displacement of numerous people (24). Taiaiake Alfred, meanwhile, asserts that while overtly racist laws have been eliminated by the state, power is still kept in the hands of white society through the continued emphasis on the importance of market and capital expansion, concepts which disproportionately benefit this population and disadvantage Indigenous people while denying their ways of life (“Peace, Power” xiii). It is key to recognize that settler colonialism is an ongoing process, and one that is allowed to continue in contemporary Canada through the government and population’s denial of its existence or the relegation of it conceptually to the past. Alfred points out that although colonialism has largely lost its political legitimacy worldwide, the internal colonialism ongoing in Canada fails to be acknowledged because it is founded on a myth so pervasive that it is unable to be intruded upon (99). Harald Bauder, on a

similar note, explains that the national identity of modern Canada as a settler nation is dependent on the denial of Indigenous people's presence in the land prior to European settlement, and as such there is no room in the national imagination for the acknowledgement of colonialism ("Parallax Gap" 517). This denial of colonialism's occurrence allows for the maintenance of colonial structures in Canada in the present-day to the benefit of governments and corporations whose authority is maintained within these systems. Adam Barker suggests that one contributing factor to this is that the population collectively fails to acknowledge that land can be taken unjustly in ways other than military intervention ("Locating Settler Colonialism" np). As noted by Walia, political legislation and the expansion of corporations have allowed additional portions of Indigenous land to be taken over without their consent in modern times. However, because these processes of expansion are seen as standard practise in the West—even worthy of praise for their role in the creation of jobs and wealth for individuals—colonialism continues to affect, displace and oppress Indigenous people with little opposition. Those who benefit economically from the exploitation of land have little incentive to challenge it.

To the extent that colonialism in Canada is recognized, it is identified by both state and settlers as a singular event located in history that has already been completed (Snelgrove, Dhamoon and Corntassel 9). Because Canadians are now seen to be removed from this perceived event by hundreds of years they are able to deny responsibility for it, and disavow their complicity in its occurrence despite the fact that they continue to benefit from it. Even those who recognize the colonization of Canada as a negative event often perceive Indigenous people as having become virtually extinct, powerless, and irrelevant to present-day matters.

Lawrence and Dua explain that this pervasive attitude wherein First Nations peoples are considered relics of the past prevents settlers from perceiving them as real people in the present day, and recognizing their politics and visions for the future (123). As a result of a history of colonialism combined with present-day indifference, Indigenous people are disempowered within the state and face significant barriers to affecting change. The extent to which Indigenous people are removed from policy decisions is a subject that requires further examination and is taken up in this paper specifically with regards to immigration policy.

Decolonization

Despite the fact that settler colonialism has attempted to silence and extinguish Indigenous people in Canada for hundreds of years, they have continued to survive and develop modes of resistance. The concept of “decolonization” refers to these processes of resistance and theories for dismantling colonial systems and discourses while promoting a resurgence of Indigenous philosophies and ways of life. Although the term decolonization will be used in the context of this paper to describe these efforts, it is important to note that the term itself has been problematized by some scholars because on the surface it seems to suggest that colonialism and its effects can be undone in a literal sense. I wish to clarify that the use of this term does not imply a belief that colonization in Canada can be reverted but instead speaks of challenging colonial relations of power and re-forging connections that colonialism has attempted to destroy.

While many authors who have written on decolonization describe ways that First Nations peoples can decolonize themselves by reconnecting with their cultures, histories and

spiritualities, decolonization importantly also requires action by all the groups who inhabit Canada. Adam Barker explains that settler colonialism does not just negatively affect Indigenous people, but it also marks a wound on settlers who must address their complicity in this wrongdoing or forever be defined by it ("Locating Settler Colonialism" np). Meanwhile, Hayden King states that the fundamental goal of decolonization is for settlers, white and racialized alike, to rid themselves of a mindset that "others" First Nations peoples as fundamentally inferior ("Intervention" np). Instead, he promotes that all people remain open to understanding Indigenous perspectives that colonial ideologies have attempted to invalidate. Taiaiake Alfred clarifies the goals of decolonization further by explaining that:

In order to decolonize, Canadians and Americans have to sever their emotional attachment to their countries and reimagine themselves, not as citizens with the privileges conferred by being a descendent of colonizers or newcomers from other parts of the world benefitting from White imperialism, but as human beings in equal and respectful relation to other human beings and the natural environment. ("The Radical Imagination" 4)

One of the important facets of decolonization is thus creating a shift in the mindsets of the settlers of Canada, who must undertake the often difficult step of refusing to benefit from the structures of imperialism wherein they profit at the expense of Indigenous people. Part of this is recognizing their responsibility to each other as members of a community, a concept that is derived from Indigenous philosophies and ways of life. While Alfred asserts that re-empowering First Nations peoples requires "strengthening family ties, sharing knowledge, and celebrating the power of traditional teachings," ("Peace, Power" xii) it also involves emphasizing a shared responsibility to one another in Canada, with a focus on group decision making. If settlers

adhere rigidly to Western values and modes of thought espoused by colonial institutions, they may become resistant to such Indigenous philosophies which advocate very different values.

Particularly, the concepts of individualism and personal gain are heavily emphasized and normalized in the West, allowing settler colonialism to operate undetected by those who share its values. Shaun Atleo explains that the focus on individualism to the exclusion of the group makes Western societies very distinct from Indigenous ones that have historically been tribal in nature (9-10). When societies value all their members and feel personally responsible to their communities, however, no longer is the exploitation of some members for the gain of others as is central to a capitalist economy justifiable. On the contrary, it is this type of action that is understood to poison and weaken communities. Decolonization thus recognizes the isolation that colonialism fosters, and advocates bringing people together and connecting them co-operatively rather than competitively. Ultimately, this means rejecting Western individualism and replacing it with respectful and peaceful coexistence not just amongst Indigenous people but with settlers of all backgrounds as well.

While decolonization emphasizes the importance of connections between people, this concept is additionally and equally as importantly about reconnecting to the land and natural world that we live upon. Taiaiake Alfred explains that:

Indigenous philosophies are premised on the belief that earth was created by a power external to human beings, who have a responsibility to act as stewards; since humans had no hand in making the earth, they have no right to “possess” it or dispose of it as they see fit—possession of land by man is unnatural and unjust. (“Peace, Power” 60)

An important note that Alfred further mentions is that taking up the mentality of respecting nature does not mean rejecting modernization in a material and cultural sense (134). However,

doing so does involve resisting excessive and unrestrained economic expansion and development for its own sake beyond assisting communities achieve health and stability. Along these lines, Glen Coulthard's asserts that in order to combat the destructive effects of capitalism there must be a resurgence of Indigenous thought that focuses on developing a close relationship with land and the development of sustainable communities. Part of the ideology driving settler colonialism is the concept that humans may take ownership of the land and use it as they wish. This mentality needs to be challenged in order to work towards decolonization in Canada. Seema Ahluwalia explains that decolonization demands that all settlers recognize the land of Canada as a people's sacred homeland worthy of respect rather than a commodity to be abused (Ahluwalia 47). It is not just the responsibility of Indigenous people to be accountable to the land, but settlers, who have no historic spiritual connection to it, must also understand the need to treat it with respect as a place that sustains them.

Settler colonialism is not a neutral process but a destructive and marginalizing one. Corey Snelgrove explains that the label of "settler" in Canada, "...is a sign that demands, that alludes to an accounting of, responsibility for, and nothing less than the destruction of settler colonialism." (Snelgrove, Corntassel and Dhamoon 5) Recognizing the presence of these destructive practises and institutions, it is the responsibility of all the settlers of Canada to become allies in decolonization. Adam Barker suggests that in addition to original European colonizers and their descendants, non-Indigenous populations in Canada are implicated in this process regardless of racial origin or date of arrival. When immigrants intentionally come to settle in Canada on Indigenous land, they benefit from colonialism and the oppression of First Nations peoples ("Locating Settler Colonialism" np). However, despite this fact, supporting

decolonization does not mean pitting newcomers against Indigenous people or ceasing new immigration to Canada. In fact, it is important to recognize that processes of migration and of colonialism are not necessarily one in the same. Sharma and Wright explain, for example, that many settlers in Canada have themselves been subject to forced movement or displacement in their own countries of origin (1). Instead of villainizing all migrants, which is unproductive and risks being itself racist and marginalizing, more important is remaining “vigilant of those who adopt and legitimize a way of thinking with an imperialist’s mind” (Snelgrove, Dhamoon and Corntassel 2). It is the promotion of a specific “Canadian” identity to newcomers, one which denies a history of colonialism and ignores Indigenous people, that contributes to settler colonialism’s maintenance in the present day. Ultimately, in decolonization’s call to reconnect people, it is essential to reject an “us vs. them” mentality and instead seek out similarities between people and locate sites to build coalition. This can only be successful if all populations recognize their responsibility to challenge colonial frameworks in institutions, the economy, and society at large (King, “Intervention” np).

Critiques of Immigration Policy

This final section of the literature review focuses on the work of authors who have critiqued the aims and effects immigration policy has had throughout history, specifically Yasmeen Abu-Laban, Rita Dhamoon and Sunera Thobani. These perspectives were selected for evaluation because they identify issues within immigration policy as it privileges or alienates different types of newcomers, which can be extrapolated to the treatment of Indigenous people in Canada. Additionally, some of these authors address the inherently problematic nature of

policies that settle newcomers on forcibly occupied Indigenous land, which is an important starting point for examining Canadian policies as is the project of this paper.

In reviewing the critical literature on immigration policy, its regulations and practices, one of the prominent themes that arises is that of exclusion and how individuals are differentially valued within the system. Abu-Laban emphasizes that it is first and foremost important to acknowledge that immigration policy in and of itself is inherently exclusionary in nature because “the primary purpose of immigration policy is to deny Canadian citizenship to the majority of the world’s inhabitants.” (“Keeping ‘Em Out” 70) She goes on to explain that these policies have from their inception been used in Canada as a tool to select specific people with the aim of creating an idealized imagined nation. In the early years of immigration policy in Canada, the criteria for selection were based chiefly on considerations of religion, race and ethnicity which favoured white individuals of British origin. Abu-Laban says that this adherence was only ever relaxed in order to meet labour needs that were not being met by the limited settler population, reaching its peak in the 1960s when government officials decided that “a selective immigration policy today must be planned as a steady policy of recruitment based on long-term considerations of economic growth,” and subsequently opened immigration to applicants of all ethnic backgrounds with the introduction of the point system (74). The implication of this change, while on the surface appearing to be a positive shift away from racism and discrimination, is that racialized people become valued only for their ability to contribute to a capitalist economy which privileges a white population socially, politically and economically. Abu-Laban asserts that the point system awards applicants for socially constructed indicators of their worth and acts as a “contemporary form of head tax” (77) by

keeping out populations who cannot afford the capital and educational costs required to be deemed worthy of entry. Finally, she posits that the increasingly economic focus of immigration policy has turned it into a form of purchasing citizenship for those who can afford the privilege of doing so.

While the author does not examine how Canadian immigration policies may affect Indigenous people specifically in this article, Yasmeen Abu-Laban's analysis of the focus on white nation-building and economic prosperity helps illuminate how it may also be a tool of settler colonialism. While its exclusionary methods have long impacted potential immigrants who do not conform the ideal mold, the policy's implicit suggestion of what constitutes the ideal citizen as is evaluated in the point system also fails to align with many First Nations values. Finally, an additional area that the author fails to address but that this article brings into question is the possibility that economically focused policies, rather than merely marginalizing certain immigrant groups, may also favour types of newcomers best suited to uphold settler colonial structures which disadvantage Indigenous people.

Rita Dhamoon more explicitly addresses how Indigenous people are impacted by the exclusionary nature of Canadian policies with her concept of the "internal foreigner" (Dhamoon, "Dangerous Internal Foreigners" 169). She explains that an internal foreigner is a person who has legal status as a member of the state but is deemed and treated an outsider, discriminated against and is regarded as threatening (169). While certain immigrant populations in Canada have faced the effects of these negative perceptions throughout history, it is Indigenous people who have been perpetually treated as the internal foreigners in Canadian discourses through the denial of their self-determination and their labelling as savage

(176). Despite the fact that Indigenous demonstrations of resistance as exemplified in the Oka Crisis and other protests have caused the Canadian government deem them threats to national security, Dhamoon explains that unlike many immigrants, First Nations peoples cannot be deported and instead can only be “managed” by inferiorization and criminalization (178). This analysis of the location of Indigenous people in the eyes of the Canadian state is an important starting point in determining whether immigration policy may implicitly re-inforce their marginalization. Additionally, Dhamoon’s identification of marginalized immigrant groups and their related treatment by the state points to possible sites of coalition building in the fight for decolonization. Finally, her point that the public acceptance of some “undesirable” populations by the state is a tool for maintaining the myth of Canada as a welcoming, multicultural country while simultaneously privileging white subjects (178) will inform my analysis as I seek to identify evidence of mythmaking in policy documents.

The final author who I engage with in this section is Sunera Thobani. Similarly to Abu-Laban, Thobani explains that the Canadian state’s desire to create and maintain a white, European imagined nation came into conflict with its desire to ensure that labour and economic goals were met, an issue that persists through to the present day (35). However, she goes on to make a unique point about mythmaking by asserting that the establishment of the British and French as the official “founding races” of Canada was largely made possible due to the fact that it was these groups who intentionally kept other populations out with racist, exclusionary immigration policies (36). The power that these “founding” nations set up for themselves continues to characterize immigration policy in the present which in turn continues to spread these myths with its discourse. Thobani continues by examining the language in the “Immigration Policy

Review”, which was undertaken in the mid-1990s to restructure the immigration programme. By revealing that the Immigration Policy Review discursively separates “Canadians as members of the nation” from “immigrants as the ‘new’ problem under consideration,” she explains that the myth of “Canadians” as having never been an immigrant population themselves is alive and well (38). This myth is not only detrimental to racialized immigrants who are inherently othered and seen as inferior to “authentic” white Canadians from this perspective, but the glaring absence of reference to Indigenous people in the document makes it clear that policymakers do not consider them a legitimate demographic of Canada at all. On this note, Thobani remarks that First Nations peoples were not consulted in the policy review, which points to the larger problem of how this population is disempowered within the state through their absence in policy decisions. She also explains that the document describes “our way of life” as involving “increased consumption,” a concept she identifies as inherently detrimental to Indigenous people (44). Thobani problematizes the fact that these documents recommend that immigrants take up narrow views of nationhood and economic gain as their own values should they wish to become a part of Canada. However, this premise could be taken further in the analysis of the implications for Indigenous people should new immigrants accept this mentality. Finally, Thobani makes the critical point that there can be no justice in Canada for migrants and racialized people when the country itself is premised on the colonization of Indigenous land and the marginalization of First Nations peoples. I take up this same mentality as I analyze immigration policy in this research paper.

Chapter 3: Methodology

Keeping in mind the aims of bringing all people together in co-operation and respecting the land that Canada is located on as the sacred homeland for Indigenous populations, the methodology of critical discourse analysis was selected for the project of analyzing Canadian immigration policy. This qualitative approach involves a close analysis of the language that, when conducted considering critiques of settler colonialism and perspectives on decolonization, will serve to reveal and explore some of the hidden themes present in immigration policy documents that act to the detriment of Indigenous people and their goals.

Canada has produced over a dozen versions of the Immigration Act since 1869, each reflecting the social, political and economic atmospheres of their times. Of these policies, the specific documents I selected for analysis are the *Immigration Act of 1910* and the 2002 *Immigration and Refugee Protection Act*. The *Immigration Act of 1910* was specifically chosen for analysis because it represents the most comprehensive of Canada's early immigration acts and has provided one of the main frameworks upon which subsequent legislation was built. The 2002 policy document, meanwhile, was selected for analysis because it represents a recent form of immigration policy in which major shifts took place, many of which are still in effect in the present day at the time of this paper's writing. As well, because the 2002 *Immigration and Refugee Protection Act* occurred almost 100 years after the *Immigration Act of 1910*, it serves as a point of comparison to gauge whether or not ideological changes have taken place as the nation of Canada has aged. While a more comprehensive look at immigration policy documents in each of their major incarnations through to the present would be ideal to fully examine and chart how the goals of the policies of government have changed, due to size and time

constraints of this paper, I decided that comparing two distant points in immigration history was an appropriate starting point for the project of linking Indigenous and immigration narratives through policy analysis.

Critical Discourse Analysis

As a method, Critical Discourse Analysis (CDA) is premised on the theory that language is a form of social practise that is shaped by society and that also serves to shape society (Hewitt 1). By analysing discourse, this method aims to explore and reveal the many positions and identities expressed in the language of a document or narrative. Central to CDA is the concept of power relations and how they are expressed, maintained or challenged through discourse. Understanding power is central to this methodology as it explores how language, in the hands of certain people with specific interests, may be used as a tool of influence or authority over others often even in subtle ways (Fridkin 115). This method demands that researchers ask questions about whose interests are served and whose are negated by the positioning expressed in discourse, and that they attempt to expose these power dynamics. When it comes to policy documents specifically, a key task in CDA is to examine the underlying assumptions that contribute to policy formation (119).

Ruth Wodak and Michael Meyer explain that because CDA involves challenging hidden power relationships in discourse, it is an important tool for advocating for groups who experience social discrimination and marginalization (15). This is one of the reasons that it was selected as the methodology for the project of analyzing immigration policy in an attempt to work toward decolonization. While it is beyond my ability to offer a comprehensive alternative

vision of immigration policy that centralizes Indigenous people's voices and goals in this paper, I hope to take a step toward this goal by first revealing some of the biases, myths and colonial power relations that may be expressed in policy through Critical Discourse Analysis. One of the most problematic aspects of settler colonialism is that its permeation into structures and institutions renders it largely invisible to those who live within it. Adam J Barker explains that "understanding settler colonialism by definition requires piercing this invisibility, revealing that which colonial power would obscure for its own interests." ("Locating Settler Colonialism" np)

As such, CDA, with its focus on revealing the invisible embedded in language, is a fitting methodology for exposing settler colonial discourse in policy documents. I will examine how different populations are treated differently by policy, and attempt to reveal which perspectives and worldviews are and are not included in this discourse. If power is held and distributed disproportionately by one group in the realm of policy at the expense of First Nations people, it is essential to expose this reality through policy analysis so that further research may build upon it and work to revert it. In my own research I ask: What groups are being targeted in immigration policy? What qualities appear to be valued by the government in their selection process? How does the selection of newcomers impact other groups such as Indigenous people who are not immigrants?

A key part of Critical Discourse Analysis is the location of the researcher. Alycia Fridkin explains that "ideological and political transparency are essential for ensuring rigour" (Fridkin 118), and emphasizes the importance of identifying the ideas, values and experiences that are brought to a policy analysis by the person undertaking it. Hilary Janks continues by suggesting that it is often beneficial for a researcher to be in opposition to the spirit of a text because they

are then able to better question it and identify its flaws (Janks 331). While I as the researcher am not personally on the receiving end of the negative consequences of colonialism as a white settler, my critical view of immigration policy and desire for decolonization and justice for Indigenous people drives my work and contributed to the selection of this research method. Additionally, I hope to critically reflect on the perspectives that the Canadian government representing me publically embraces. I seek to provide support for these aims by attempting to understand Indigenous views and concerns and by applying these perspectives to policy documents to deconstruct them.

As part of the practise of CDA, a researcher's job is to examine discourse and then identify the themes and patterns that appear within it (Janks 329). This paper involves analyzing the full texts of *The Immigration Act of 1910* and the *2002 Immigration and Refugee Protection Act* and looking for evidence of settler colonial ideology. Hilary Janks explains of CDA that "situational context and the intertextual context [are] central to the process of interpretation." (338) This means that one must ask questions about the context in which a document was written as well as track how specific themes may continue or change over time when comparing multiple related documents. In the case of my analysis, I briefly locate both policies historically before I begin the textual analysis, and compare the two keeping in mind their differing locations in time. I seek to reveal which aspects of the 1910 immigration policy document remain consistent and which may have become hidden or altered one hundred years later in the 2002 version, and ask what the implications of these similarities and differences may be.

I obtained the *Immigration Act of 1910* and the *2002 Immigration and Refugee Protection Act* in electronic format through online database searches and on the Government of Canada's

website, respectively. For the latter document, the version that came into effect in January 2003 was selected as it was the earliest version of the document available in its entirety on the Government of Canada's official website. In order to conduct my analysis, I read through both policies and coded the data by underlining key words and phrases based on the themes I expected to encounter. Due to a striking absence of reference to Indigenous people in the document as well as language reflecting the goal of decolonization, I was required to read beyond what was present in the text in order to define how marginalization of First Nations people is perpetuated through policy. To identify the conflicting aims of the government, I sought out references to the state and monarchy as well as evaluated the stated values of Canada as a nation. Additionally, I sought out words related to the economy and the implied qualities desired of immigrants. Finally, I counted the frequency of specific terms and reported these findings. I then organized my analysis according to these chosen themes, explaining how the concepts present work directly against Indigenous rights and goals.

One limitation of Critical Discourse Analysis is that, when applied to immigration policy, it is difficult to make definitive statements about how the texts are interpreted or acted upon, and instead one can only look at what they appear to do and say. However, the reason that CDA remains a suitable method for this project is because rather than simply examining existing scholarly literature and theorizing about how immigration may contribute to colonization of First Nations peoples, I believe I can make more explicit how government action directly contributes to this reality and requires a change. This methodology allows for a critical insight into policy which then can be supplemented with other forms of research in the future to examine the claims made in further detail. The ideological assessment of these documents may

be helpful for future researchers to discuss to understand their political motivations and to make a clear link between immigration, policy and Indigenous narratives. If Canadian immigration policies deny, exclude or further marginalize Indigenous people and their voices, this is a matter that demands attention in a nation where the two subject matters have long been artificially discursively separated.

Chapter 4: The Immigration Act of 1910

Background

The *Immigration Act of 1910*, formally titled “An Act Respecting Immigration”, was notable for making a number of changes that more tightly regulated immigration to Canada. Additionally, this act provided the framework upon which subsequent legislation in the 20th century was built (Kelley and Trebilcock 329). Kelley and Trebilcock explain that one unique feature of this act was that it formalized admissibility and deportation processes and allowed for a greater selectivity in the admissions process, with the federal Cabinet and boards of inquiry receiving increased power to exclude any type of applicant they decided was not “in the best interests of the country.” (15) Minister of the Interior Frank Oliver, who served during this period, explained the thinking behind the act: “We want to be in such a position that, should occasion arise, when public policy seems to demand it, we may have the power, on our responsibility as a Government, to exclude people whom we consider undesirable.” (Knowles 110) Under this legislation, the list of prohibited types of immigrants was expanded, and the courts were forbidden from reviewing or overturning immigration decisions made by the decision boards (“The Canadian Museum” np). Additionally, the *Immigration Act of 1910* was the first to introduce the concept of “domicile”, where immigrants could obtain permanent status after remaining in Canada for a specified number of years.

Unlike the previous versions of the Canadian immigration policies from 1869 onward, the *Immigration Act of 1910* is often recognized as one of the first steps toward a commitment to economic values in immigration by the government (Kelley and Trebilcock 15). Although Frank Oliver was outspoken in his opposition to importing diverse unskilled labourers into Canada and

instead favoured white, British agriculturists, the 1910 Act allowed for rising numbers of these “undesirable” populations to gain entry into the country in order to assist with both economic projects and the nation building project of settling Western Canada through the construction of the railway (119). Historian Valerie Knowles explains that while this act dramatically increased the decision making powers of Cabinet and individual government officers, it was not a particularly controversial piece of legislation in the House of Commons or with the settler population at the time as it reflected prevailing Canadian values (112). However, despite the existence of records on the reception of the policy by government employees and settler populations, there is little documentation or analysis available on Indigenous people’s reactions to the passing of this act that facilitated increased expansion onto their homelands.

Findings and Analysis

In this section, I report the results of a Critical Discourse Analysis on the *Immigration Act of 1910* and according to themes observed by doing a close textual analysis of this policy document considering critiques of settler colonialism and perspectives on decolonization. These themes include the emphasis on white British identity and Western values, a focus on the concept of “undesirability” as well as the importance of economic goals and money as a tool of status. Additionally, in my analysis I call attention to instances of hypocrisy in the discourse when it comes to its stated values and goals versus the nation’s historical treatment of Indigenous people and colonial occupation of their land.

The first theme I analyze in the *Immigration Act of 1910* is that of the establishment and maintenance of a white, British-European nation. This can be observed both in references to

the crown and British nation itself, as well as through the implicit emphasis on Western-style values observable in the phrasing of the document. In particular, there is a clear focus on individual decision-making and personal responsibility rather than shared responsibilities and group decision-making, which, as previously discussed in the literature review, is directly oppositional to many Indigenous perspectives and ways of life. Adherence to these types of attitudes and values and their promotion in policy serves to further sever the bonds that tie individuals to one another and to the land, and keeps power in the hands of the settlers who uphold them.

The *Immigration Act of 1910* states in its very first line that it is enacted by “His Majesty” and “with the advice and consent of the Senate and House of Commons of Canada”(205), establishing at its outset the authority of the British crown and that of the Canadian parliament. On the following page, the text continues in a similar vein by explaining that the possession of Canadian citizenship requires that one be “a British subject who has Canadian domicile”, and states that an “alien”, inversely, is as a person “who is not a British subject” (206). This language establishes the importance of Britishness not just as a desirable quality but with the implication that it is an inherent attribute of being a part of Canada, with the oppositional language of “alien” referring to those who do not fit this criteria. Indigenous people are in no form mentioned in the entirety of the document, and their long-standing occupancy of the land and connection to it is erased by language that suggests that those of British background represent the most legitimate population. While Indigenous people during this period would legally have been considered British subjects, they remained unequal subjects in the eyes of the state and possessed far fewer rights than settlers, including the right to vote (“Government Policy” np).

Additionally, this designation of subject imposes upon them a loyalty to their colonizer and fails to take into account their special relationship to the land pre-dating European invasion.

For immigrants, meanwhile, who are defined in this document as “[people] who enter Canada with the intention of acquiring Canadian domicile”, their reward is also receiving a place in Canada and status as a British subject. An interesting point to be made regarding this definition is that it is “domicile”, which is defined as a person’s “place of present permanent abode, and not for a mere special or temporary purpose,” (205) that is the basis for awarding rights to individuals within Canada. This emphasis on permanency is a clear indication of continued settler colonization through the introduction of permanent settlers of British loyalty to the nation. The concept of permanent immigration regulated by British monarchs and settler Canadians infringes on Indigenous people’s ability to decide who uses and is welcome on the land, upon which they have been established for centuries longer than the required three years of residence required to receive Canadian domicile in this policy. Additionally of note is the fact that the emphasis on permanency and the lack of movement necessary for gaining citizenship is incompatible with Indigenous people’s historic movements around Canada and across the Canadian/US border, which are limited by the concepts and regulations found in the *Immigration Act of 1910*. On page 214 of the document under the “Special Provision as to Passengers by Land” section, for example, it is explained that the Superintendent of Immigration is given the right to regulate the entry and exit of persons along the border of Canada and may detain and inspect travelers. This government-imposed detention of individuals along the borders interferes with First Nations peoples’ right to move and enforces

borders that they did not consent to and may not recognize as legitimate. However, absent from the policy entirely, Indigenous people appear not to be taken into account.

While overt language such as over a dozen combined references to “Britain”, “British” and “His Majesty” throughout the document overtly indicate a perpetuation of the mythology of Canada as a distinctively British nation, an adherence to oppressive Western-style values are also apparent in the *Immigration Act of 1910* in more subtle ways. For example, analysis of the text shows that the concept of individuals as decision-makers, as opposed to groups or communities, is considered natural and just in the worldview of the colonizing government. The individuals who make up the Boards of Inquiry are appointed specifically by the Governor in Council or the Minister (210), and possess the ability to “determine whether an immigrant, passenger or other person seeking to enter Canada or detained for any cause under this Act, shall be allowed to enter or remain in Canada, or shall be rejected and deported.” (211) The hearing of cases occurs “separate and apart from the public” with “no appeal”, and the “burden of proof shall rest upon the immigrant, passenger or other person” claiming the right to enter Canada, with “no court and no judge” (213) allowed the power to interfere with a decision made. These phrases indicate that the public at large is given no say on immigration laws and practises that select new members for their communities, and are not informed as to the reasons that a person may be denied or accepted by these individual decision-makers who are presumed to display fair judgement.

The Act goes on to state that every individual officer possesses the power to arrest, detain and deport potential immigrants, and multiple sections of the document specifically indicate that a single officer is allowed to undertake the duties of a Board of Inquiry acting on their

behalf in certain circumstances (212). Finally, the text also states that, “The Minister may issue a written permit authorizing any person to enter Canada without being subject to the provisions of this act.” (209) In these regulations, not only are individuals able to make decisions that even according to the act itself usually require group deliberation, but specific powerful people such as the Minister are able to go beyond the outlines of the policy and accept whoever they wish into the country. In a system where those in positions of authority are able to unilaterally make decisions and may selectively bestow power upon other individuals of their choosing, there is no transparency or accountability to the community. This type of power and decision-making is not only inconsistent with Indigenous concepts of community and group responsibility but in fact serves to further marginalize this group directly. During the time that this document was produced, those possessing decision-making authority in government would be exclusively white individuals of British origin, and it is certain that these officials would appoint those like-minded and ethnically similar to judge potential applicants in order to continue the nation-building exercise that replaces Indigenous people. Thus, in this document, the power to decide the fate of the land continues to be taken from First Nations peoples and given without their consultation to those who directly oppose their interests. These actions are an example of what Abu-Laban described as “policies and practices that [maintain] the power and advantage of white, particularly British-origin, males” (“The Future and the Legacy” 256), setting up a foundation upon which future exclusionary and marginalizing policies can continue. As such, Western colonizing discourses are evident in the *Immigration Act of 1910*, promoting isolation rather than connection and offering a

paternalistic model where appointed elites are given the power to decide who deserves to be the future population in their vision of the country.

The second, related theme present in the *Immigration Act of 1910* is that of “undesirability”. While the word “undesirable” itself appears in the document eleven times alone, the theme of what are and are not considered desirable attributes for access into Canada as a nation can also be determined through the implicit language of the text. Ultimately, what constitutes undesirability in *The Immigration Act of 1910* generally appears to be those of non-British or European ethnic background, those who question the government’s authority, and those who cannot contribute financially to the nation according to the government’s chosen standards.

In section 38 of the document, the Act states that the Governor in Council may prohibit “for a stated period, or permanently, the landing in Canada of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada or of immigrants of any specified class, occupation or character.”(218) In addition to this being another instance of an individual settler possessing the power to make significant decisions on behalf of a varied group and without consulting Indigenous people, another problem with this line of the document is that it is unclear what the “requirements” of Canada are or how they are determined. While the document makes vague references to race and climate as important determining factors for suitability to Canada with the implicit suggestion that it is white Europeans who are the most appropriate candidates for immigration, the obvious question that arises is why this group is the preferred ethnicity to reside on land that has been naturally inhabited for centuries by Indigenous people, and who, by this logic, would be most suited to the geography. First Nation’s people and their history on the land is erased by the language of the document which

perpetuates the myth that white settlers are the deserving inhabitants of the land, and the intentional vagueness of this phrasing once again allows for those in power to maintain it based on their own standards of acceptability. The “Prohibited Classes” (208) section of the act, meanwhile, indicates that those possessing mental illness, medical conditions, or deemed threats to “public health” are not permitted to land in Canada, presumably by reasons of suitability to the nation and its requirements. In addition to being generally discriminatory, these regulations are particularly hypocritical given the disastrous effect European migration had on the physical and mental health of First Nations peoples, not just through the transmission of new communicable diseases by settlers but also through the deliberate genocide of the Indigenous population undertaken with the intent of their removal from the land. In this, it is apparent that the Canadian government here only considers the health of certain populations worth protecting.

An additional section of the *Immigration Act of 1910* that can be examined to determine what constitutes undesirability in the eyes of policymakers is the “Deportation of Prohibited and Undesirable Classes” section (218). Although it does not explicitly specify what type of immigrant Canada requires, the preferred “character” of potential immigrants can be inferred through the explanation of punishable and deportable behaviours and attributes. In section 40, someone who “has been convicted of criminal offense in Canada, or has become a prostitute” (218) is defined as undesirable and worthy of referral for re-evaluation by immigration officials. In this, the government suggests that the undesirable person is one who does not obey Euro-Canadian laws, and uses immigration policy to enforce these laws by physically deporting those who disobey. An important point to note is that no consideration is made for the conditions of

colonialism that may marginalize specific people and criminalize their actions regardless of whether they are immigrants or not. Additionally, this statement does not take into account Indigenous forms of governance and decision-making but assumes the settler government as the only legitimate authority. The description of undesirable classes in this section continues with the condemnation of anyone who:

advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada... or shall by word or act create or attempt to create riot or public disorder in Canada (219)

While it is unclear from the document what constitutes the broad term of “public disorder”, it is critical here to emphasize that the type of behaviour forbidden by the act is that which is perceived to involve criticism of the Canadian or British governments. The silencing and punishment of dissenting political views is a key component of colonization wherein the indigenous population is forcibly subject to an invader’s laws, ideologies and forms of governance. The fact that the above phrase explicitly prohibits an opposition to Britain’s colonies and “possessions”, language that suggests other nations are considered property of the British government, further indicates colonial discourse. While this section of the act does not affect Indigenous people inasmuch as they cannot be investigated by the immigration Boards of Inquiry and deported, it contributes to their marginalization by attempting to integrate immigrants into ideologies irreconcilable with theirs. In doing so, policymakers encourage support of systems that violently take over Indigenous territory. Not only does this stipulation of the Act reinforce the maintenance of a homogenized British-style population that

supports the government, but it also may mean that any newcomers who are openly in support of First Nations sovereignty and who represent potential sites for solidarity and coalition are punished and removed. The racial and ethnic prohibitions found in the document may contribute to this outcome, such as the barring of all immigrants who “come to Canada otherwise than by continuous journey” (218). This provision at the time of the document’s production specifically made immigration impossible for those travelling from India, another country that had been colonized by Britain and whose population shared in the struggle of European domination. Thus, not only does the *Immigration Act of 1910* act as a tool of white nation-building, but it also contributes to the exclusion and marginalization of colonized people, Indigenous and not.

A final point of note on the theme of “undesirability” in the *Immigration Act of 1910* is the section of the document that states that, “any person ... who enters Canada by force or misrepresentation or stealth or otherwise contrary to any provision of this Act” (215) shall be punished, as will those who “interfere” (216) with immigration officials conducting their duties. In this example, individuals of European origin bestow upon themselves the right to deport and punish anyone they deem to have entered the country illegitimately, or who disrupt their chosen methods of assessing newcomers. Once again, there is heavy irony in this section, as the invasion of Canada by settlers occurred through extreme force and deception and interfered with Indigenous people’s ability to decide who would enter their lands. However, it is in the interests of those who wish to maintain their power to prevent the same from happening to them.

The final important theme present in *The Immigration Act of 1910* that ties into that of “undesirability” is the emphasis on economic considerations. In the entire document, the word “money” is mentioned 22 times, “cost” 26 times, and “fine” appears 44 times in total. Not only does the possession of certain amounts of money afford decision making power to individuals, but it also contributes greatly to the desirability of prospective newcomers and helps determine their eligibility for entry to the country. Additionally, those who commit an offense according to the Act are often punished with fines.

For newcomers seeking to enter Canada, the Act states that as a condition of landing, “immigrants and tourists shall possess in their own right money to a prescribed minimum amount, which amount may vary according to the race, occupation or destination of such immigrants.” (218) This line indicates not only that different ethnicities of people are quite literally valued differently in the eyes of the settler Canadian government, but the focus on class and occupation is also suggestive of a deliberate attempt to build the nation in a specific, economically focused manner. Additionally, this type of thinking does not judge newcomers by their willingness to respect the land, each another, and share within communities as is commonly valued in Indigenous knowledge systems, but instead seeks to integrate them into a structure wherein they are valued for financing for the government. Under these guidelines wherein one must effectively purchase entry into Canada to be a valid member of the nation, with increased costs applied to certain ethnicities such as those of “Asiatic origin” (239), the *Immigration Act of 1910* displays its goal of building a capitalist, settler colonial nation that favours a European population.

When it comes to undesirable classes of immigrants meanwhile, such as those with disabilities, it is possible to overcome barriers by use of financial means. If “they have sufficient money, or have... a legitimate mode of earning a living that they are not liable to become a public charge,” (217) supposedly “defective” people are permitted entry. This language indicates that individuals are considered by the authors of the document to be burdens unless they are financially independent by the government’s standards. The logic underlying these types of claims is that a burden is not someone who exploits the land for personal gain, but who costs the government financially should they require assistance to survive. The rhetoric of the document suggests that caring for members of a community and assisting those in need are not valued qualities in the type of society that policymakers envision for Canada. This philosophy is evident in the document to the point that those who are unsuccessful in their claims and are deported must pay the cost of their own ejection so as not to cause the government expense. The cultural incompatibility with Indigenous values inherent to the *Immigration Act of 1910* not only results in the perpetuation of attitudes that work against strengthening community bonds and sharing responsibility, but the focus on employment and economic prosperity further disadvantages First Nations peoples, who suffer from capitalist expansion when their land is sold, farmed and developed for profit. The document continues along this line by explaining that it is the job of the Governor to “safeguard the interests of immigrants seeking employment” (229). Meanwhile, the government also punishes those who provide “false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada” (225). In these phrases, the authors indicate that

employment is essential to their vision of immigration in Canada; so much so that its misrepresentation is punishable by law, lest the nation end up with financial dependents.

In summary, a close analysis of the language of the *Immigration Act of 1910* considering critiques of settler colonialism and perspectives on decolonization suggests that immigration policy at this time was written in a manner intended to facilitate the establishment of a specific racial, cultural and economically focused nation. The document's evident aim is to increase the colonial spread of influence by promoting Western values and culture in Canada, and by attempting to import an employable, British-origin population that refrains from challenging the colonial views that the policymakers represent, while fining, imprisoning or ejecting those who do. The Act utilizes vague language to allow individuals to pick and choose immigrants based on racist assumptions in the name of white nation-building, and uses economic considerations to reinforce this end by deterring "undesirables" with costs and fines. When it comes to Indigenous people, who are directly affected by this policy that brings newcomers to their homeland but who were not consulted in its creation, not only does the document make no reference to protecting the land but it also writes this population out of history altogether, replacing them with the implied mythology of European settlers as the just governors of the territory. For a colonizing government that achieved its power through violence, exploitation and racism, its object is uphold it by preventing others from doing the same, maintaining its illegitimately gained authority by integrating newcomers into a system that promotes its same interests.

Chapter 5: 2002 Immigration and Refugee Protection Act

Background

The context of the 2002 *Immigration and Refugee Protection Act* differs greatly from the 1910 *Immigration Act* in that, almost one hundred years later, many changes had taken place in Canada in the realm of government, society and the way policymakers viewed the nation. In 1966, the Canadian government produced the “White Paper on Immigration”, which recommended that immigration policy “must involve no discrimination by reason of race, colour or religion, and consequently must be universally applicable.” (Abu-Laban, *Keeping ‘Em Out* 74) In 1971, meanwhile, Canada adopted an official policy of multiculturalism, which became law in 1988, with the stated aims of ensuring equality among all Canadian citizens regardless of race, culture and religion, and of recognizing the rights of Indigenous people in Canada (Citizenship and Immigration Canada, np). As such, immigration policies from 1976 onward shifted to an emphasis on a universal points system that assessed applicants’ skills, education and training rather than country of origin or personal character (Abu-Laban, “Keeping ‘Em Out” 74). While the 2002 act maintained this style of seemingly open selection, as a response to the September 11, 2001 terrorist attacks in the United States it was noted to have become more restrictive than its recent predecessors as the public became increasingly anxious about refugees and border security (Knowles 248). Grounds for removing and deporting newcomers were expanded, and economic requirements were increased for immigrants (Kelley and Trebilcock 425). Authors Kelley and Trebilcock explain that the 2002 Act, similar to the 1910 version, was a broad framework of policy that could be altered through regulations and without examination by parliament, making it much less transparent than

policies of the previous few decades (425). Additionally, business groups became major players in immigration policy at this time as they sought out new investors and employees to improve their industries. In a post September 11th environment, the Canadian public became increasingly fearful of newcomers and called for more immigration restrictions due to heightened paranoia regarding terrorists entering the country (423). However, some were outspoken in their criticism of the policy stating that the changes appeared to subtly restore racial biases in the immigration system through things such as lengthened processing times for applicants from specific, non-white nations (428). Additionally, concerns arose over the increasing emphasis on certain occupations and an intense business focus which denied opportunity for many people who did not possess job experience to fit those requirements specifically.

When it comes to the place of First Nations peoples in Canada during the implementation of the *2002 Immigration and Refugee Protection Act*, there is once again little documentation available as to their reception of or contributions to the policy document itself. Evidence indicates that First Nations communities continue to not be involved in discussions and decisions regarding these policies at all (Kasparian 1), despite the nation's self-purported advances in the area of Indigenous rights in the 20th century such as the inclusion of First Nations treaty rights in the Canadian constitution and the abolishment of residential schools. Bauder explains that unlike European countries whose debates on immigration tend to focus on ethnic belonging, Canadian governments intentionally avoid this realm of discussion because it acknowledges Indigenous peoples long-standing presence in Canada pre-dating settler invasion (Bauder, "Immigration Dialectic" 205). Conceivably, this anxiety of the settler population is

again accountable for the gap in the literature regarding the reception of this policy document.

Findings and Analysis

The three major themes that emerge through a critical analysis of the *2002 Immigration and Refugee Protection Act* utilizing critiques of settler colonialism and perspectives on decolonization are: the continued emphasis on Western-style values paired with a new focus on integration into Canada, a strong promotion of mythology regarding Canada's imagined character as a humanitarian country, and a further emphasis on the significance of economic considerations and goals for newcomers and the nation. Despite their distance in time, the 2002 Act shares and repeats many of the themes found in the *Immigration Act of 1910*, albeit in more subtle forms. My findings demonstrate that, despite the nation's supposed appreciation of diversity and the more open-seeming language utilized in the document, Indigenous people continue to be marginalized through an immigration policy that selects newcomers based on a specific perception of the nation, and which remains contradictory in its claims about Canada's values in contrast to its treatment of First Nations peoples.

The first theme I discuss that appears in the *2002 Immigration and Refugee Protection Act* is, once again, an adherence to Western values and identity in the language of the policy. The presence of narratives promoting individual over communal style decision-making and responsibility strongly persist. Additionally, while the term "undesirability" is completely absent from this incarnation of the policy, the characterization of what makes an applicant fit or unfit for access into the country is replaced with language regarding "inadmissibility" and an emphasis on "integration" into Canadian society instead. While there are fewer references to

the British monarchy in the 2002 Act than in the 1910 document, over a dozen remain, explicitly maintaining the colonial origins and ties of the government. Although the policy ceases to be overtly discriminatory in the language it uses compared to the 1910 policy, Western nation-building goals endure with the implied suggestion that diverse people are only acceptable should they conform to policymakers' visions of Canadian values.

At the beginning of the Act in its "Objectives and Application" section, the document explains that its objective as a policy is "to permit Canada to pursue the maximum social, cultural and economic benefits of immigration," (Immigration and Refugee Protection Act 3.1.a) as well as to "to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada." (3.1.b) While these two phrases appear very positive in nature, it is important to question what policymakers consider to be "social" and "cultural" benefits to the nation. While this is left ambiguous within the document, examining the implicit language of the policy reveals the specific vision of the nation that the policymakers hope to strengthen. For example, by advocating respecting the "federal" character of the country, the document recognizes Canada as a nation state, something many Indigenous people do not acknowledge as legitimate and a concept that often intrudes upon the sovereignty of their own nations and their right to govern their own lands. Secondly, the "bilingual" character of Canada that the act promotes reinforces the mythology of the British and French as founding nations of the country by suggesting that an inherent part of Canada's culture is its connection to these languages. The aim of entrenching this myth through policy discourse is furthered in the statement that one of the policy's goals is to explicitly "enhance the vitality of the English and French linguistic minority communities in Canada" (3.3.e). This

type of desired community development by the government through immigration is not one that support Indigenous people's goals or celebrates their cultures, but instead promotes the introduction of newcomers who can sustain an identity that is in reality a product of European settler colonialism.

The document goes on to state that one of its objectives is "to support... the attainment of immigration goals established by the government of Canada in consultation with the provinces." (3.1.f) While these goals are once again unclear, it is key to note that the population of Indigenous land without the consent of First Nations peoples has always been and continues to be the effect of immigration in Canada as a settler colonial nation. In this document, this occurs through the introduction of permanent and temporary residents selected by policymakers to further their cultural and economic interests.

It is ironic that the text mentions of its federal-provincial agreements that it will "...take into consideration the effects that the implementation of this act may have on the provinces" (10.1), when this concern was not had for Indigenous people during initial colonization and beyond. However, it is again apparent that Indigenous people were not taken into consideration in the making of this document as they are perceived to be irrelevant to issues of immigration. The single reference to First Nations peoples in the policy appears in a section which states that, according to the Citizenship Act, every "Indian" "has the right to enter and remain in Canada" (19.1). By granting Indigenous people the so-called right to remain in Canada, something they have always had of their own accord for centuries predating colonization, the settler government again inserts itself not just in a position of power over Indigenous people but promotes the myth of an institutional level of settlers as the natural and

most legitimate population, who can selectively bestow rights even upon the original population of the land.

When it comes to the characteristics used to select future residents of Canada, meanwhile, multiple of the undesirable qualities, here redefined as “inadmissible”, mirror those of the *Immigration Act of 1910*. For instance, immigrants must submit to medical examinations upon request (16.1.b), and can be denied if considered a “threat to public health” (38.1.a) or an “excessive demand on health or social services.” (38.1.c) This tool of nation-building continues to suggest that Canada is not a place wherein individuals are taken care of by their communities but who are considered invalid if they require assistance, contrary to Indigenous community values. Additionally, individuals are considered inadmissible should they be charged with “engaging in... an act of subversion against a democratic government, institution or process as they are understood in Canada.” (34.1.a) While in the 1910 document, it is an opposition to the British government and colonies that is specifically condemned, it is important to notice that in the *2002 Immigration and Refugee Protection Act*, all so-called democratic governments are protected by the policy. This serves as another point of mythmaking, where the concept of democracy is deemed worthy of protection globally with the implication that is a just form of governance. However, it is known that many democratic societies including Canada, the United States and Australia were established by colonizers and built on the oppression of indigenous people who are not represented and protected within these systems. The document continues by stating that newcomers may be punished and removed if there are “reasonable grounds to believe” that an individual or group will engage in these subversive behaviours against democratic governments (34.1.f). However, this phrasing is again vague and able to be broadly

applied based on individuals' opinions and interests. As in the 1910 Act, it is conceivable that such language could be used to exclude anyone openly critical of the government. In recent decades, in fact, it has been the case that Indigenous people in Canada have begun to be regarded by settler governments as potential terrorists due to their opposition to the occupation of their lands and protests against their disenfranchisement (Vardalos 276). As a result, it is possible that those who share the struggles of Indigenous people and offer points of solidarity may be denied, such as migrants displaced from their homes by global capitalist expansion. For example, the construction of megadams on the River Narmada in India without the consent of those affected displaced thousands of people who were not sufficiently compensated and suffered hardship including increased death rates (Walia 22). Walia notes that such displaced people share similar patterns of resistance as Indigenous people in Canada, including peaceful protests against incursions into their homes, making them fitting allies in decolonization.

The *2002 Immigration and Refugee Protection Act* goes on to mention that a permanent resident or foreign national may be "inadmissible on grounds of violating human or international rights" (Immigration and Refugee Protection Act 36.1). Once again, this is a contradictory claim made by policymakers. While they condemn outsiders who commit these acts, the internal abuse and ongoing colonization of Canada is not addressed, and is in fact protected and obscured by policy that turns the gaze outward. Newcomers are ejected if "a removal order made against them comes into force" (46.1.c). However, there has been no mandated removal of white settlers privileged by colonial abuses because, through the establishment of Canadian myths as a result of centuries of settler colonialism, these agents

and their descendants have come to be considered the natural population of Canada. This includes by way of jus-soli citizenship legislation, wherein citizenship is granted to individuals on the basis of their place of birth rather than ethnic origins which protects them from being removed from Canada (Bauder, "Immigration Dialectic" 235). As such, the presence of generations of settlers has become accepted globally. It is this power that settler governments have built up over centuries of mythmaking that allows them to tightly control who is and is not permitted into the country.

Also similar to the *Immigration Act of 1910* is the 2002 policy's focus on individualism, references to the nation's British ties, and the lack of transparency in the textual discourse. Many punishable acts in the document result in forfeiture of property or debts to "Her Majesty" (137, 145, 146, 148.2, 150), which not only displays the importance of monetary compensation in the eyes of government, but also reminds readers that the country's colonial ties still persist, as does the dominant image of Canada as a white nation of British origins. Despite the country's supposed advances in addressing First Nations issues and making amends, by maintaining these colonial references, the policy is inherently problematic for Indigenous people. The "enabling authority" of the Act is an appointed Minister, who is notably a "member of the Queen's Privy Council." (4) Some of the Minister's many powers include creating any regulations related to the Act (5.1), designating "any persons... as officers to carry out any purpose of any provision of this Act", specifying "the powers and duties of the officers", (6.1) and personally making stay or removal orders on individual cases (53.d). Also of significance is the fact that the Minister may make exceptions for inadmissible applicants, as long as they "[satisfy] the Minister that their presence in Canada would not be detrimental to

the national interest.” (34.2) Once again, these statements represent evidence of a disproportionate amount of authority vested in one individual on matters that affect entire communities who are not given a say in or access to the reasons for this person’s decisions. Additionally, the rhetoric of “the national interest” re-appearing is significant to note. It is questionable whether a single individual may decide what is in an entire country’s interest, particularly when it comes to the interests of Indigenous people whose goals are often vastly different than those of settler governments. What appears to continue to be the interest of the nation according to an analysis of this policy is the maintenance of disproportionate power for settlers and an adherence, ironically, to undemocratic decision making. The government confers upon itself the right to decide who may enter Canada and remain permanent residents (27.1) on Indigenous land, using the authoritative language that “a permanent resident must comply with any conditions imposed under the regulations.” (27.2) The Immigration Division, meanwhile, consists of officers who can arrest or detain without a warrant, (55.2) and who during proceedings are “not bound by any legal or technical rules of evidence.” (173.c) Additionally, the members of the Refugee Protection Division are all appointed rather than selected through group deliberation (153.1.a), as are many other powerful agents referenced in the policy. These actions amount to an over-concentration of power in these circles, with these individuals selected to match the political interests of the party in power. As such, it is clear that in the *2002 Immigration and Refugee protection Act*, lack of transparency and the absence of communal decision-making in favour of personal autonomy continue to be implied as the nation’s values, allowing individuals with authority to select who they consider appropriate new settlers for Canada according to its vision of its self-proclaimed identity.

A final point on the imposition of Western, Euro-Canadian values upon the population in the 2002 *Immigration and Refugee Protection Act* is the new focus on “integration” in the policy. While contrary to the 1910 Act the nation adopts the adjective of “multicultural” (3.1.b) as one of Canada’s core characteristics and forgoes negative references to “race”, “character” and requirements of “climate”, exclusionary language is replaced with the stated objective of “[promoting] the successful integration of permanent residents into Canada” (3.1.j). The question that once again here arises is exactly what characterizes this Canadian society that newcomers are expected to integrate into according to the policy. As previously discussed, by analysing the discourse of the document it becomes evident that Canada is considered a federal and bilingual nation (3.1.b) in the eyes of the settler government. The policy insists that integration is a “mutual obligation” (3.1.b) of immigrants and Canadian society, which suggests that not only is it the job of the nation to Canadianize newcomers, but in order to be selected and accepted, newcomers must be willing to conform to the vision of Canada and Canadian values that policymakers promote. These definitions of Canadian society are not in line with Indigenous people’s conceptions of their own nations, their relationship with the land or a mutual respect for living things but instead espouse upholding the power of colonial governments and promoting Western individualism and capitalism. As such, it is critical to note that through immigration policy, by enforcing the requirement that immigrants “integrate” into values that are contrary to Indigenous ways of life and goals, the act attempts to invite newcomers into processes of Indigenous marginalization, reproducing settler colonialism in the present day.

The second, closely-related theme found in the 2002 *Immigration and Refugee Protection Act* is the mythmaking of Canada as a benevolent and humanitarian nation. In the entirety of the document, the word “justice” appears 14 times, “humanitarian” appears 15 times while “protection” occurs 139 times, primarily in reference to refugee protection. A positive peacekeeping identity is strongly and repeatedly taken up in the document as central to Canada’s character, with the effect of further obscuring a history of human rights abuses against Indigenous people and ongoing colonialism in Canada, while also seeking validation of the country’s settler government on the world stage. This type of narrative is a tool for settler colonialism’s subtle maintenance because it reinforces an implied denial of wrongdoing in the national imagination.

The centrality of Canada’s humanitarian identity can first be observed in the title of the policy itself: the *Immigration and Refugee Protection Act*. The use of the word “Protection” in the title immediately sets up the document as a piece of legislation designed to help and care for newcomers, and the very first line of the policy that follows explains that the act regards “the granting of refugee protection to persons who are displaced, persecuted or in danger.” As previously mentioned, this is immediately hypocritical considering the nation was founded upon the extermination and displacement of Indigenous people. The phrase also raises the question of what makes a person worthy of being “granted” protection by the government, as historically those inhabiting land desired by settlers have not been afforded this right. The policy continues on the same note by asserting that one of its objectives is to fairly assess persecuted applicants “as a fundamental expression of Canada’s humanitarian ideals,” (3.2.c) and states that the nation has “respect for the human rights and fundamental freedoms of all

human beings.” (3.2.e) While it is not stated specifically what these human rights are in this text, in its “Application” section the policy explains that all decisions made are “consistent with the *Canadian Charter of Rights and Freedoms*” (3.3.d). Notably, it is Canadian laws established by white settlers that are the guidelines upon which applicants and behaviours are judged. This charter, which also ensures “the equality of English and French as the official languages of Canada,” (3.3.d) may be a questionable authority for issues of human rights. By promoting the myth of founding nations, it would seem that equality is only truly reserved for settler populations who reflect this concept. Policymakers directly counter the previous exclusionary attitudes put forward in the *1910 Immigration Act* and take on a humanitarian role by explaining that a refugee in need of protection is a someone who risks “persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion” (96). However, as previously discussed, the 2002 policy simultaneously condemns those considered threats to democracy, and the internal discrimination against and marginalization of Indigenous people long documented in Canada continues rarely addressed and not alluded to in the policy at all. While the document considers it an offense to “communicate... false or misleading information or declarations with intent to induce or deter immigration to Canada,” (127.b) asserting the importance of policymakers’ control over entry into a colonized country, the nation’s dominant institutions continue to communicate the national myths that ignore the origins of Canada as a settler nation and the inhumane practises that accompany this reality.

The mythmaking process surrounding Canada’s image as benevolent and friendly nation continues in the discourse regarding Canada’s relationships with other nations. One of the policy’s stated goals is to facilitate the entry of visitors and temporary workers into Canada in

the interests of commerce and “international understanding” (3.1.g). While this clearly suggests economic interests are essential to international relations for Canada, receiving the understanding of other governments also means receiving international acceptance of a country that exists in its present form due to the forceful takeover of Indigenous land. While the policy “[promotes] international justice and security by fostering respect for human rights,” (3.1.i) this justice does not appear to be applied to internal abuses and continued settler colonialism within the country. However, the international community is invited to accept Canada as a compassionate nation. Finally, the Act also states that the Minister may “enter into an agreement with the government of a foreign state or with an international organization” (7) for the purposes of the Act, and it also explains that Canada possesses extradition agreements with other nation’s governments (105.1). These international agreements between nations seem to evidence agreement over what constitutes acceptable and unacceptable behaviour in the eyes of multiple governments, meaning that the plight of First Nations peoples appears to be overlooked on the world stage for the mutual benefit of the settler and foreign governments. Thus, not only does Canada maintain power for settlers and exclude Indigenous people by promoting national myths within, but by pursuing agreements with other nations regarding prosecuting criminals and fostering tourism it implicitly receives recognition as the humanitarian nation it presents itself as.

The final and most prominent theme that appears in the *2002 Immigration and Refugee Protection Act* through a Critical Discourse Analysis is the emphasis on economic prosperity as a central goal of immigration policy. Concepts similar to that of the 1910 policy persist and are further heightened, such as need for applicants to finance the government through deposits,

fees and by conforming to other economic criteria in order to be considered, the suggestion that those who cost the government money are considered burdens to the nation, and the use of fines to punish offenses according to the act.

Meanwhile, the presence of different “classes” of immigrants in the Act, as is explained in more detail in the accompanying *Immigration and Refugee Protection Regulations*, demonstrates the intense focus on economic contribution as the most essential determiner of human value. The consequences of these details for Indigenous people not only means increased expansion onto their homeland, but risk of further exploitation of the land for resources and profit by settler governments seeking to integrate newcomers into a system that is designed to thrive on capitalist development.

The policy states in its objectives section that one of its central aims is to pursue the maximum “economic benefits of immigration” (3.1.a) and “to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada.” (3.1.c) In these statements, rather than simply implying as was the case in the 1910 document, policymakers directly establish economic prosperity as a key factor in their selection of newcomers, while also promoting a positive image by suggesting that these benefits will be shared. However, not only is it not the case that in capitalist societies economic benefits tend to be shared broadly, but it has long been documented that Indigenous communities in Canada are under-funded and under-served by governments, with First Nations peoples disproportionately suffering from poverty. Additionally, economic prosperity as a goal in and of itself is not in line with Indigenous philosophies that focus on stability and engaging in equal and respectful relationships rather than surpassing others and accruing individual wealth.

The Act further expands upon its economic focus by stating that, similarly to the 1910 Act, applicants are inadmissible if they cause the aforementioned “excessive demand” on health or social services (38.1.c), and are also “inadmissible for financial reasons if they are or will be unable or unwilling to support themselves or any other person who is dependent on them” without relying on social assistance (39). The fact that both “health services” and “social services” are defined in the *Immigration and Refugee Protection Regulations* as “services for which the majority of the funds are contributed by governments,” (1.1.b) makes it clear that these essential services for survival are considered property of the government. Policymakers then restrict the distribution of these services to those deemed worthy of them, with this worth apparently measured primarily through an individual’s potential for monetary contribution, without which they cannot enter Canada at all. In the “Fees” section (Immigration and Refugee Protection Act 89), meanwhile, the text explains the fees that must be paid, with the amount dependant on immigration class, for services such as application forms, visas, and work or study permits. The *Immigration and Refugee Protection Regulations* clarify that not only must an applicant pay a high cost just for the opportunity to apply for permanent residency in Canada, for instance (295.1), but once accepted the applicant is faced with an additional, equally expensive fee (303.1). Evidently, in order to gain entry into Canada one must have the money to cover these expenses. Those who cannot afford numerous costs, consequently, appear to be unwelcome in Canada. Additionally, the Minister may individually choose to waive fees for specific applicants (Immigration and Refugee Protection Act 89) as a form of hand-picking new members of a nation envisioned by a settler government. As with the previously analyzed 1910 legislation, it is possible that these mandatory fees may be imposed with the intent of selecting

those deemed most likely to integrate successfully into an intensely capitalist economy. These structures, however, remain largely incompatible with Indigenous goals and philosophies.

The most significant, related economic focus that characterizes the *2002 Immigration and Refugee Protection Act* is the presence of distinct immigration classes. These classes, such as “economic class”, quite literally assign a numeric value of “points” to applicants based on their perceived capacity to be economically productive. Additionally, the ability for newcomers to sponsor family members for entry into the country represents an additional significant economic theme. In the “Requirements Before Entering Canada” section of the document (11), it explains that if a person seeking to sponsor a family member “does not meet the sponsorship requirements of this Act” (11.2), this person is unable to receive a visa or other document permitting them entry. While the document earlier proclaims the humanitarian goal of family reunification, this is evidently conditional on the finances held by a person and their relatives. In this, the government suggests its priorities are not community and family oriented as is valued in Indigenous philosophies that focus on interpersonal relations, but merely individual wherein people are judged outside of their families on their economic output.

When it comes to the “classes” of immigrants, meanwhile, the policy states that “a foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada.” (12.2) The *Immigration and Refugee Protection Regulations* detail the lengthy criteria for determining an applicant’s “ability to become economically established”. It explains that the economic class consists of myriad sub-classes of immigration, including the “federal skilled worker class”, the “investor class”, the “self-employed persons class”, and more (70.2.b). All of these categories represent avenues for

individuals to enter Canada on the basis of their finances and their potential to make money for governments. Within the skilled worker class, the most commonly applied to of the economic classes, points are awarded based on education, language ability, work experience, age, adaptability and available funds possessed without debts (76.1). Meanwhile, the Minister is individually responsible for deciding the minimum number of points required of all classes of applicants to be accepted into Canada (76.2), and is also tasked with determining “restricted occupations... taking into account market activity on both an area and a national basis” (73). In these detailed regulations regarding admissibility of potential applicants, the settler government is able to decide what is valued and what is not, with a clear message being sent that the primary value is economic prosperity rather than respect for all living things and supportive community living. Points are allotted based on age, education, etc. in order to ensure that young, healthy, English or French-speaking people are able to enter Canada to contribute to the economy for as long as possible before retiring, while also burdening the government as little as possible through the use of healthcare or other social services.

An important point of note is that, other than in the case of refugees, it is the economic class of immigrants who must apply as the “principal applicant” in immigration proceedings, while “family class” immigrants must be sponsored by this person and accounted for financially. Even the use of the word “principal” in regards to these applicants suggests that those of the economic class are considered the primary and most important immigrants, while their family members, who have not proven themselves by these economic criteria, are secondary and only allowed in if sponsored. The regulations indicate that a “family member” is defined only as a primary applicant’s spouse, child or parent (3), and are the only relations eligible for

sponsorship under the family class (117.1). This detail suggests that, as is typical of Western culture, only immediate or nuclear family is of primary importance, a concept which fails to promote or respect the extended family systems common to Indigenous perspectives and ways of life. While the presence of “refugee classes” of immigration appears to provide evidence of Canada’s humanitarian character with its claim to protect the “vulnerable” (139.2), as previously mentioned, it is unclear what policymakers consider to be political persecution with respect to applicants deserving protection. Additionally, the regulations state that refugees are to be examined and admitted based on their “[ability] to become successfully established in Canada” (139.1.g). This includes an evaluation of “their resourcefulness and other similar qualities that assist in integration in a new society” (139.1.g.i), “their potential for employment in Canada, given their education, work experience and skills” (139.1.g.iii), and even the possession of “sufficient financial resources” to support themselves and their family members (139.1.f.iii). Evidently, economic considerations are paramount and applied even to instances where the government claims to be assisting and supporting persecuted people who, in reality, are often unlikely to be financially stable and conform to these criteria. In the discourse of the *2002 Immigration and Refugee Protection Act*, individuals, regardless of their immigration class, are selected with the intention of maximizing economic activity based on current trends and individualist values without long-term consideration for the type of social community created by this intense focus on productivity or the subsequent implications for the environment upon which these newcomers are sustained. While Indigenous philosophies focus on healthy communities and families in which all individuals, particularly the elderly, are cared for and appreciated, the discourse in the *2002 Immigration and Refugee Protection Act* envisions a very

different society within Canada that focuses on the young, productive and assimilable. While there is an absence of overt racial discrimination in the policy and the aim of exclusively white nation-building appears to have been abandoned, the guidelines surrounding the selection of newcomers in the policy increasingly demonstrates strong Western capitalist values.

A final point on the theme of economic prosperity in the *2002 Immigration and Refugee Protection Act* is the presence of fines to punish behaviour and the use of deposits to indicate compliance from applicants. The Act explains that an immigration officer may request a deposit or guarantee from an applicant if he or she considers it necessary (Immigration and Refugee Protection Act 44.3), further demonstrating not just individual decision-making in the policy but also suggesting once again that applicants must essentially pay their way into Canada. When it comes to offenses such as human smuggling and trafficking, meanwhile, defined in the document as the act of bringing individuals into the country “who are not in possession of a visa, passport or other document required by this Act” (117.1), a person can be fined up to one million dollars (117.2), with the amount dependent upon, among other criteria, if “the commission of the offence was for profit” (121.1.c). The perceived power of money in the eyes of policymakers is evident in their use of fines as punishment. Additionally, it demonstrates the extent to which the government values maintaining tight control over the selection of newcomers and of the country’s borders. It is once again highly hypocritical that the act condemns committing these activities for profit, when colonizers took over Indigenous land precisely for their own financial gain and many of the structures set up by these processes remain firmly in place. However, it is in the interest of the settler government to perpetuate the

mythology of its legitimately gained authority through policy in order to uphold this power into the modern day.

Finally, the Act goes on to also impose heavy fines on individuals who “[employ] a foreign national in a capacity in which the foreign national is not authorized under this Act to be employed” (124.1.c), or who commit a ticketable offense according to Canada’s Criminal Code (144.4). In the text of the *2002 Immigration and Refugee Protection Act*, employment is evidentially of the utmost importance for the immigration goals of policymakers; however, this employment is restricted to that which is decided upon by settlers in positions of authority, and all applicants must comply with the Euro-Canadian laws that these governments have written in order to be eligible for entry.

In sum, a thorough analysis of the *2002 Immigration and Refugee Protection Act* and its accompanying regulations considering critiques of settler colonialism and perspectives on decolonization suggests that, although far removed from the *Immigration Act of 1910* in time, the act in fact shares and recreates many of the older document’s themes within the new social context of the 21st century. The most significant difference between these two policies is the subtlety of their marginalizing discourses. While the 2002 document refrains from making overt racist comments, it maintains the effect of reproducing the settler colonial project in Canada by expanding settler populations upon Indigenous land without their involvement, and by promoting Western individualism and capitalist development that disregards and disenfranchises First Nations peoples. Troublingly, it achieves these aims while simultaneously claiming to be a moral, open and benevolent nation. The evident goal of the 2002 Act is to “integrate” select individuals into governments’ desired nationalistic, individualistic and

economic visions of the nation under the guise of promoting humanitarianism and altruistic Canadian values. This focus on integration and the “national interest” suggests that the project of immigration continues to be maintaining colonial structures, but with this result occurring much less perceptibly as settlers, while still invited into systems that marginalize Indigenous people, are no longer exclusively of European origin. As such, the *2002 Immigration and Refugee Protection Act* ultimately continues to be a tool of nation-building founded on Euro-Canadian identity and values, erasing Indigenous people and their history and attempting to bolster the settler government’s authority by intensifying economic goals and seeking international complicity.

Chapter 6: Conclusions and Discussion

In a Canada in which the effects of immigration on the Indigenous population are rarely discussed in public and academic discourse, it has been the project of this paper to bridge this discursive gap by analyzing immigration policies of the 20 and 21st centuries to determine whether these powerful documents directly reproduce and reshape settler colonialism in Canada. While it is perhaps unsurprising that the *Immigration Act of 1910* contributed to Western white nation-building to the detriment of First Nations peoples, the subtle marginalizing discourse embedded within the language of the *2002 Immigration and Refugee Protection Act*, which came into force in an era after colonialism was politically and ideologically delegitimized and in which the Canadian government was publicly committed to multiculturalism and equal human rights, has particularly concerning implications for Indigenous people in the modern day.

By performing a Critical Discourse Analysis of these policies, this study has revealed how newcomers of all ethnic origins are implicated in continued settler colonialism in the present day, as immigration policies appear specifically designed to select immigrants based on their perceived ability to integrate into a system founded in capitalist and individualist ideologies that have the effect of settling and exploiting the land for profit, and encouraging competition rather than sharing and co-operation between human beings. Recent history has demonstrated that this emphasis on economic prosperity and productivity may only be increasing through changes such as the *Express Entry* immigration program, which was newly implemented in 2015 under the former Conservative federal government. This program takes the economic focus a step further by allowing corporations the power to hand-pick future permanent residents in

order to employ them. Beiser and Bauder describe this development as “a system that mainly serves employers, treating immigrants not as future citizens or members of Canadian communities and families but merely as convenient or cheap labour,” (Beiser and Bauder, np) while simultaneously increasingly denying status to refugees in need of protection. In light of this reality, however, it is important to reiterate that becoming aware of the link between colonialism and immigration in the present day does not mean condemning all newcomers or casting them as the additional enemies to Indigenous people. Chief Robert Joseph, speaking on behalf of his community, explains that First Nations people continue to welcome and embrace newcomers and value the diversity they bring, but advocates that they resist assimilation and instead work co-operatively through dialogue with Indigenous people to create a mutually beneficial and respectful society for all (Joseph 10). It is not the aim of those who seek decolonization to look to destroy relationships but to instead expose the institutions that marginalize people and seek out co-operative solutions instead.

As a methodology, the aim of Critical Discourse Analysis is to reveal how power operates and is expressed in discourse. Hewitt explains that “discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it.” (7) As such, it is important to conclude this study by asking how authority in immigration decisions, which settler governments are increasingly placing in the hands of employers, may be shifted back to First Nations people who are spiritually connected to the land and committed to sustaining it. Many Indigenous people reportedly feel that it is their right to be informed and involved in the policy-creation process, and disapprove of the monopoly that the dominant white population has on these important decisions that shape the

demographics of the nation (Madariaga-Vignudo 18). Bringing First Nations people into official discussions on immigration policy marks a first step forward toward shifting the balance, because it is on this institutional level that colonialism continues to spread. Recently elected Prime Minister Justin Trudeau has made strong claims about renewing a “nation-to-nation relationship with First Nations peoples,” (Mas) and has stated a commitment to investing in First Nations communities as well as reviewing and repealing bills passed by the previous government that were unilaterally imposed upon Indigenous people. Additionally, in the realm of immigration policy, the Liberal government also promised fewer restrictions regarding family reunification (Radwanski) and expressed a commitment to resettling large numbers of refugees. While these statements appear to represent a positive shift in the attitudes of policymakers toward community-focused values, the extent to which the government follows through with its claims and to which Indigenous people are included in decisions on immigration remains to be seen and will require further study in the future. Mere recognition of First Nations peoples and their concerns on a public level is not sufficient for justice in Canada, but must be accompanied with action that truly addresses their concerns and allows them authority in decisions that affect their homeland.

Taiaiake Alfred explains that unlike the earth, social and political institutions are created by human beings who, as a result, have a responsibility to use their power to seek balance and harmony in society. He asserts that “governance structures and social institutions should be designed to empower individuals and reinforce tradition in order to maintain the balance found in nature.” (“Peace, Power” 62) However, when it comes to Canada as settler colonial nation, he also suggests that it is in fact impossible to achieve solutions within current systems of

government because the framework upon which they were established is designed to uphold the power of white colonizers. On a similar note, Glen Coulthard suggests that real justice and resurgence for Indigenous people requires nothing less than a “massive transformation, a massive decolonization,” because without complete transformation, “any efforts to rebuild our nations will remain parasitic on capitalism, and thus on the perpetual exploitation of our lands and labour.” (“For Our Nations” np)

While it is once again beyond the scope of this paper to offer an alternative vision of a decolonized immigration policy, it is through critical analysis of the discourse of governments that we can first attempt to make these issues visible so that we may explore avenues of coalition and resistance. Sedef Arat-Koç explains that, in addition to conducting academic studies and analyses, bridging the gap between Indigenous issues and issues of immigration must involve creating political alliances between immigrants and First Nations people in the real world based on their shared experiences and goals (Arat- Koç, “Intervention”). As First Nations people have continued to fight for justice, reparation and recognition in Canadian settler society, it is the responsibility of the settlers who inhabit their homeland to, regardless of generation, country of origin, or date of arrival, listen to Indigenous perspectives and support them in their goals of self-determination. The successes and wellbeing of settlers cannot be just if they come at the expense of First Nations people.

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