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THE INTERSECTION OF RACIALIZED CRIME AND THE FORCED REMOVAL OF 'FOREIGN CRIMINALS' FROM CANADA: A CRITICAL ANALYSIS

by

Solange Davis-Ramlochan, HBA, York University, 2011

A Major Research Paper
presented to Ryerson University

in partial fulfillment of the requirements for the degree of

Masters of Arts
in the program of
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The Intersection of Racialized Crime and the Forced Removals of 'Foreign Criminals' from Canada: A Critical Analysis

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Master of Arts 2013
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ABSTRACT

This paper presents a critical analysis of the intersectionality of race and crime by examining the criminalization of the Black community in the Greater Toronto Area. It contextualizes the removal of 'foreign criminals' through Canadian deportation policies, focusing on the evolution of Bill C-44, the "danger to the public" clause, and its impact on the Afro-Caribbean community. The use of qualitative interviews involving three service providers in Trinidad and Tobago who work with deportees, as well as a young man who was recently deported from Canada, are used to highlight the negative impact of Canadian deportation policies on deported persons removed from the nation-state, as well as on the receiving country. This paper draws attention to the ways in which intersecting oppressions of race, class, spatial location, and citizenship status single out racial 'minorities' for increased surveillance, and justifies their perceived criminality.

Key words:

Canada; deportation; criminalization; racism; citizenship

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Introduction

The highly politicized nature of the discussion around immigration policies and issues has, for a long period, hosted minimal concern on matters related to deportation and criminality (Kelly and Trebilcock, 2010; Chan, 2005, pp. 161-163). For many Canadians, Canada's multicultural demographic make-up is a source of pride, and it also does a good job of pointing to the state's willingness to encourage diversity and acceptance. In reality, however, Canada's immigration history is rife with racism and exclusion, a reflection of its own nation-building story of settler colonialism (Gordon, 2006; Razack, 2002). This story begins with the dispossession of Indigenous populations in the name of a White settler society, and later, the labour exploitation of non-White immigrants for the sake of industrial expansion. Today, a discourse of denial accompanies Canada's nation-building history (Razack, p.5). A primary misconception granting strength to these processes of exclusion has been the state-supported notion of a neutral legal system, which ignores the fact that Canadian laws have been historically used to maintain slavery, colonize Aboriginals, prohibit Chinese immigrants from voting, and intern Japanese Canadians; and that existing laws also exclude 'minority' groups from fully accessing the benefits of the nation-state (Henry & Tator, 2006). In present-day Canadian society, both the Aboriginal population, and many racial-'minority' immigrant populations continue to experience barriers to full integration (Henry & Tator, 2006; Galabuzi, 2010; Teelucksingh & Galabuzi, 2005).

An analysis of the process surrounding deportation proceedings reveals the existence of racialized practices and decision-making in policies and outcomes (Chan). Commonly referred to as the 'Just Desserts' bill, Bill C-44 emerged in the aftermath of two racially charged incidents involving Black suspects and White victims; the first involved a shooting at a popular dessert

café, *Just Desserts*, where four Black males attempted a robbery and killed a White woman, Georgina "Vivi" Leimonis, in the process. The second event involved the shooting of a White police officer, Todd Baylis, by a young Black Jamaican male who had previously been issued a deportation order, but continued to live in Canada without status. The Just Desserts shooting also involved Jamaicans suspects, although not all of the suspects were of Jamaican decent (Barnes, p.194; Barnes, p. 436). The media frenzy surrounding these events painted an image of Canada being overrun by an abundance of 'unruly' Jamaican immigrants, a popular perception that subsequently had serious implications for the lives of Jamaican-born permanent residents living in Canada (Henry & Tator, 2002, p.168). By examining the sociopolitical environment that shapes the lived realities of the Black community, this paper will seek to explore the experiences of deportees and contextualize this within an understanding of the criminalization of racial 'minorities' in the Greater Toronto Area (GTA), particularly Black males. Doing this reveals the existence of intersecting oppressions of race, and perceived criminality, which allowed the Afro-Caribbean community to be systematically targeted for deportations under Bill C-44.

In Toronto, the Black (used interchangeably with African-Canadian, Afro-Caribbean, and Caribbean-born) community presents a detailed example of the intersecting oppressions of race, class, gender, and spatial location. While it is recognized that the term 'Black community' subsumes the varied geographical and historical backgrounds of Africans, Caribbean-born, and African-Canadians into a single category, scholars have done this in an effort to discuss widespread experiences of discrimination and marginalization that span these differences. In the case of African Canadians who originate from the Caribbean, mainstream conceptions of the Caribbean immigrant population are often centered on the experiences of Afro-Caribbean immigrants or Blacks. Their large number both in Canada and in the Caribbean, relative to the

smaller Indo-Caribbean population and other Caribbean groups, often centers the focus on the presence of Afro-Caribbeans' (Allahar, 2010, p.65). Furthermore, once in Canada, the marginalization of Afro-Caribbean immigrants runs parallel to the wider Black community, since the stereotypical assumptions of Black criminality found in Canadian popular discourse tend to lump Caribbean-born, African-born and second-generation Blacks into one indistinguishable category. Institutions such as mainstream media produce and reproduce historically constructed stigmas and negative stereotypes about Blacks that lead to moral panics, which in turn, generate a demand for the increased securitization of Black people, particularity Black men (Galabuzi, pp.75-76; Fumia, 2010; James, 2012, p.482). The lived realities shaped by these influential factors in turn, provide the justifications used to promote tougher immigration legislation and more expedient removal orders. This paper begins by discussing the theoretical frames of reference that have influenced the interpretation of literature and relevant data. Next, it looks at the historic and socioeconomic presence of the Caribbean diaspora, and the wider Black community in Canada, by reviewing the existing literature. This analysis of the diaspora has revealed important findings on the integration of the Caribbean and Black community into 'mainstream' Canadian society. The paper will then use critical race theory to analyze the historical evolution of Canada's deportation policies. Finally, it will use qualitative data to present the narratives of persons impacted by the deportation process, followed by concluding comments.

Methodology

The first stage of this research agenda involves a review of the literature on critical matters located within the deportation process. While I have gathered a significant amount of information and already identified important gaps in the literature, this is a continuous process

that takes place throughout the paper. In addition to the employment of various theoretical frames of reference throughout the paper, qualitative research has been conducted through several one-on-one interviews. Vision on Mission (VOM) is a not-for-profit organization in Trinidad and Tobago that works in collaboration with the government to provide services to ex-convicts and deportees. I was able to travel to Trinidad and interview three service providers at VOM who work directly with deportees, and one individual who was recently deported from Canada to Trinidad. Each interview involved a series of open-ended questions that sought to gather information about their experiences within the deportation process. In order to protect the confidentiality of the interview participants, pseudonyms have been used. CRT recognizes the importance of acknowledging the narratives and perspectives of the oppressed, and so, this component of my research was essential for gaining valuable insight into the personal experiences of individuals who have been directly impacted by Canada's policies and practices.

The narratives of the interviewees reveal findings that are significant to broadening our understanding of the deportation process, and generating a paradigm shift from looking at deportation as a clerical function of the state, to a highly politicized, and harmful process that seriously impacts individuals, families, communities, and nation-states. Several important themes were raised by the interviewees that support the existing literature on deportation policies and practices including: the negative impact of family separation; the sending state's refusal to accept responsibility for the socialization of foreign-born but locally raised immigrants; the stigmatization that criminal deportees face upon being repatriated to their 'home country'; the ease with which state sovereignty allows deporting countries to export their problems; and the negative impact that deportations have on receiving states. All of these themes are discussed throughout the paper and in the analysis of the interviews.

Research Limitations

The original plan of action for the qualitative data involved interviewing three deportees and three service providers in Trinidad and Tobago to provide a more balanced analysis. Unfortunately, I was only able to locate one deportee from Canada during my time in Trinidad. While Mark's experiences are informative and do an excellent job of placing a human face on the deportation process from Canada to the Caribbean, having only one deported person to draw my analysis from meant it has been more limited in scope. While this does not mean that Mark's narrative should be ignored, it is a precaution to refrain from assuming that his experience mirrors that of every deportee. Furthermore, Mark had only been in Trinidad for four months during the time of his interview, making it somewhat difficult to gauge the success of his re-integration into Trinidadian society. Given his vulnerability and his dependence on the services at VOM, it was important to emphasize that his participation was completely voluntary, and that any decision to withdraw from the interview would not affect his ability to receive services from VOM. In order to avoid an exploitative interviewer-interviewee relationship, Mark was also given a monetary honorarium upon the completion of his interview.

Given the number of interviews conducted, it would be difficult to formulate any broad generalizations about the experiences of individuals involved in the deportation process. This was not the goal, however. The majority of existing research on Bill C-44 and Canadian deportation policies lacks a saturation of the narratives of persons who are directly affected by these processes. Thus, it is my hope that this qualitative data will contribute to the critique of Canadian deportation legislation by grounding the discussion around human experiences rather than macro level analyses. Finally, the existence of a range of intersecting themes and issues around questions of immigration makes it impossible to review every piece of literature on the

topic, considering the time constraints of my research and its interdisciplinary nature. For this reason, there is still much to be explored that future research should discuss.

Theoretical Frames of Reference

Within the literature, there are various theoretical frameworks from which the authors analyze their data. Chan, amongst other scholars, draws from governmentality to explain how immigration policies and practices are strategically used to create self-regulating immigrants who aim to become 'good citizens' (Chan, p.159; Vukov, 2003; Walters, 2002). Other authors rely on a political economy theoretical framework to provide a macro analysis detailing how racialized and marginalized groups face various forms of exclusion within the international labour market. According to these scholars, these processes inevitably have implications for the settlement and integration of non-White immigrants trying to forge a life in Canada, a society whose culture is predominantly Anglo-Saxon/European (Teelucksingh & Galabuzi; Bauder, 2008; Galabuzi; Allahar). Political economists recognize that the capitalist make-up of society necessitates the need for a segmented labour market, and thus, a ready supply of cheap expendable labour. The higher-paying jobs in society tend to be taken up by the dominant Anglo-Saxon/European population, while non-White groups, including Caribbean-born immigrants, tend to form the majority of workers in low-paying, precarious sectors of the service economy (Allahar, p.57). In order for the state to secure its competitive advantage by profiting from easily exploitable labour, one way in which Canada and other capitalist states have done this is through importing immigrant labour. This racialization process inevitably means that most non-White immigrants find themselves in jobs that are far below their skills and qualifications (Teelucksingh & Galabuzi).

In terms of what racialization refers to, Omi and Winant (1994) describe it as the process by which non-racial situations are ascribed racial attributes and meanings. Individuals can be racialized in either positive or negative terms, although it generally refers to the latter. Racialization affects different racial groups in various ways according to their status in society, since it is based on existing political, economic, and social forces. In this regard, racialization is historically specific. Contemporary processes are based on the rise of capitalism in Europe and European imperialist expansion, during which colonized, non-White people were constructed as uncivilized in an effort to justify their exploitation. Consequently, groups whose physical appearance lends them an identification with whiteness, often benefit from the dominant status position that Europeans occupy in society. Meanwhile, people of colour are often subjected to exclusion and subordination as a consequence of their negative collective racialization (Bonacich, Alimohamed & Wilson, 2008, p.343).

Offering a perspective which seeks to look at the racial dynamics of society, critical race theorists begin with an understanding that "racial privilege and related oppression are deeply rooted in both our history and our law" (Brewer & Heitzeg, 2008, p. 626). In order to understand the ways in which race relations permeate society through institutional norms and functions, critical race theory (CRT) looks at the intersectionality of race with gender, class, social, and cultural capital, and brings this to the center of the discussion on inequality in 'democratic' societies (James; Warner, 2006; Henry & Tator, 2006). In Canada, theorists recognize that our existing legal discourse fails to account for the social realities of race and racism, ignoring the fact that laws both promote racism and are a product of its occurrence (Aylward, 1999, p.30). CRT is also concerned with a process of deconstruction and reconstruction, which seeks to examine the ways in which laws, policies, and practices subordinate people of colour, while also

understanding the transformative power of these factors. Racism in Canada permeates the country's legal and non-legal history, and so critical race theorists understand the importance of engaging in a discourse that looks beyond a rights-based analysis (pp.30-34). The discourse of denial often produces differential outcomes for racial minority groups; therefore moving beyond a right-based analysis takes an important step towards debunking the liberal democratic myth that equal treatment presents everyone with equal opportunities for integration, belonging, and success.

CRT examines the multiple dimensions of democratic racism and its application in Canadian society. According to Warner, "democratic racism is seen as resulting from the continued deployment and employment of racist beliefs and practices in a democratic society that espouses egalitarianism, justice, and fairness for all" (p. 7). Democratic racism holds that all members of society are treated equally under the legal codes and guidelines of various institutions and therefore, that racism is not a systemic problem that disproportionately impacts entire groups, but something imparted by a small group of individuals on a select few (Henry & Tator, 2006). The discourse therefore fails to account for the racism imbedded in Canadian institutions, and the ensuing normalization of racist practices and policies. CRT seeks to draw attention to the insidious nature of this phenomenon in Canada, and questions the underlying principals of our existing laws and policies. In line with this recognition of hidden forms of racism, CRT also rejects colour-blind approaches that are based on an assumption that everyone is presented with an equal opportunity for success (Aylward, p.34). Similarly to democratic racism, discourses of colour-blindness fail to acknowledge the existence of race and racism as factors that shape individuals' experiences and outcomes (James, p.466). Colour-blind racism has become entrenched within the criminal justice system, which holds that the

overrepresentation of certain racial 'minority' groups is caused by their inclination to engage in criminal activity, rather than the existence of a racially biased institution which promotes unequal protection under that law, excessive surveillance, and racial profiling (Brewer & Heitzeg, 2008).

While some might suggest the use of governmentality for this discussion, CRT is important because it is concerned with the way racialized groups are impacted by seemingly fair and just policies and laws. The need to recognize and understand the experiences and narratives of the oppressed seems to get lost in the theory of governmentality, which focuses on the fears of politicians and their need to maintain symbolic control over the territorial boundaries of the state (Bigo, 2002 65). This theory looks at the way democratic societies become legitimized through the citizenry, often conflating the state with democracy without considering the limitations that exist between these two notions (p.67). Governmentality and securitization address the way in which citizenship is defined in opposition to the 'migrant outsider', who fails to fall in line with the national normative standard; but this analysis does not necessarily entail the need to engage in a discussion with processes of racial differentiation. Instead, the focus is citizenship and homogeneity, which for the purpose of this paper's scope fails to provide a more detailed analysis of race thinking in Canada.

Razack, Teelucksingh (2006) and Walks and Bourne (2006) rely on a spatial analysis to demonstrate the connection between race and place, highlighting the geographically contained processes of racialization that occur in low-income neighbourhoods. The politics of space are important to an analysis of the experiences of immigrant communities in Canada, who are often geographically concentrated in particular neighbourhoods. By exploring the ways in which spaces sustain unequal relations and its counter effect, Razack draws attention to the

intersectionality of identity, class, and place. A spatial analysis, combined with CRT is useful for critically analyzing the application of Bill C-44, while the political economy framework will be employed to contextualize the socioeconomic and political environment that frames the lived realities of Blacks in Toronto. In order to fully comprehend the divided society in which Canadian citizens exists, and are constantly shaping and reinforcing (whether actively or passively), the use of a political economy analysis and CRT perspective will allow for the experiences of those being subjected to this race criminalization to be explored.

CRT and the Political Economy of the Immigrant Experience in Canada: An overview

In the GTA, the criminalization of Blacks and the profiling of racial-'minority' neighbourhoods represent both a physical and psychological border between subordinated 'minorities' and the dominant discourse of White privilege. Being stereotyped as inherently criminal and deviant often produces feelings of isolation and exclusion from mainstream society. This sometimes manifests itself through a diminished sense of citizenship, and an increasing distrust and lack of confidence in the police and criminal justice system, and other institutions of authority (Ontario Human Rights Commission [OHRC], 2003, pp. 21-34; Henry & Tator, 2006; James, pp. 480-482). In his discussion on racial profiling, Wortley succinctly highlights its inherent problems, "to argue that racial profiling is harmless, that it only hurts those who break the law, is to totally ignore the psychological and social damage that can result from always being considered one of the 'usual suspects" (qtd. in OHRC, p.17). Consequently, this leads to the disproportionate representation of overpoliced 'minorities' in the criminal justice system (Henry & Tator, pp.161-163; Jiwani, 2002, p. 71).

The insidious nature of democratic racism in Canada warrants a method of analysis that examines the socio-historical, and political and economic conditions shaping this reality. Brewer

and Heitzeg use CRT and the political economy method quite effectively in their study of the American prison industrial complex. These authors purport that processes of racialization, and the global economic demand for cheap and exploitable labour have fueled the recent growth in the criminalization of racial 'minorities', particularly Blacks. This exploitation and racialization of Blacks has the effect of enforcing and perpetuating White supremacy and its associated economic and social benefits, through legal and political discourses (p. 625). While the prison industrial complex in the United States has not been replicated in Canada to the same degree, the colour-blind racism, which serves to place the blame in the hands of those being persecuted by this systemic targeting within the neoliberal environment, is also evident in Canada. Some attributes of the prison industrial complex in the US include: the link between the racialization of crime and the global economy, the rise of the minimum wage sector, declining industry, politicians who exploit crime to earn votes, corporations who profit from supplying or running prisons, media profits from exaggerated crime reporting, and the concentration and privatization of wealth in the hands of a select few (Brewer & Heitzeg, pp. 636-637).

Most of these characteristics can also be applied to the situation here in Canada. For instance, popular media representations of African Canadians often rely on stereotypes that associate Blacks with crime and criminality (James, p. 480; Henry & Tator, 2006, pp.164-165; Jiwani p.75; Doran, 2002, p.157; Barnes, p.195; Gordon, p.122). These stereotypes are then taken up in the everyday discourses of politicians, police and other authority figures (James, p. 480). Gordon's writing on the overpolicing of racialized, Black communities in Toronto premises its understanding of the their experiences on the claim that the police are merely an extension of the political state, whose interest it is to reinforce citizens' dependence on wage labour so that it may continue to profit from production (pp. 42-43) Rather than engaging in

crime prevention, the police come to exist as watchdogs for public order and perceived threats to this order; ensuring that the working-class remains vulnerable to low-wage labour (p.125). This is based on a Marxist interpretation of the capitalist state, which argues that the state exists by maintaining control over the working class, and thus securing its monopoly on the means of production. By regulating the actions and the social mobility of the working class, the majority of whom are often immigrants from non-White countries, and to ensure that workers are unable to deviate from a wage-labour society, the capitalist state relies on the police force (Gordon, pp.35-43). It is within this context that the significance of democratic racism is made obvious, since, the denial of racism, and state-supported economic exploitation, is more politically viable than owning up to a reality of exclusion and discrimination. This colour-blind racism allows state institutions and actors to promote the image of a fair, equal, and democratic Canada (Henry & Tator, 2006, pp. 202-204; James, p. 466).

Thus, in order to form any real solutions to the inequalities resulting from the differential treatment of racial 'minorities', it is essential to take into consideration their narratives and perceptions, especially when it is so easy for those who do not *experience* the negative side of differential treatment to deny its existence. Davis (1998) explains the effect of this discourse of denial:

> When the structural character of racism is ignored in discussions of crime and the rising population of incarcerated people, the racial imbalance in jails and prisons is treated as a contingency . . . The high proportion of black people in the criminal justice system is thus normalized and neither the state nor the general public is required to talk or act on the meaning of this imbalance . . . By relying on the alleged "race-blindness" of the law, black people are scrumptiously constructed as racial subjects, thus manipulated, exploited, and abused, while the structural persistence of racism—albeit in changed forms—is ignored (p.62).

For these reasons, CRT and the political economy will be present throughout the following sections.

Literature Review

The Afro-Caribbean/Black Experience in Canada

The working paper, by Siemiatcki, Rees, Ng, and Rahi (2003) on integrating diversity provides statistical data on the history and number of immigrants constituting Canada's Caribbean community. When the creation of the points system finally gave way to the admittance of a range of non-White immigrants, they were the largest group to take advantage of this merit system. By the early 1990s, the Caribbean community had grown to nearly 455,000 with three-quarters residing in Ontario. In 1992, of the 309,585 Caribbean born immigrants to come to Canada, only four countries in the Caribbean had contributed to 90% of these arrivals. Jamaica provided the majority with 102, 440 immigrants, followed in declining order by Guyana (66,055), Trinidad & Tobago (49,385), and Haiti (39,880) (p.19). These migrants were predominantly women, a legacy of Canada's domestic workers program. Canada's Caribbean immigrant population is far from homogenous, consisting of English-Speaking, French-speaking, Spanish-speaking, and Dutch-speaking communities, and within the English-speaking Caribbean diaspora there are also significant differences (Allahar, pp.59-65; Siemiatcki et al., p.20). For some scholars attempting to explain the issues that members of the Caribbean community are facing, its lack of homogeneity has been one focus of concern (Henry, 1994, p.17; Allahar, pp.67-73; Simmons & Plaza, 2006, p.130). Disparities between Caribbean countries and within them have prevented the Caribbean diaspora in Canada from realizing its full potential. Other factors include a high rate of single-parent, female-headed families, and low rates of political participation (Henry, p.244).

When Caribbean-born immigrants arrived in Canada, they were subject to numerous race-based mobility barriers that prevented them from receiving desirable jobs and housing, and opportunities for career advancement once employed in a predominantly White workforce (Simmons & Plaza). Earlier Caribbean immigrants faced various counts of everyday, cultural, and systemic racism in Canada. Some immigrants reported feelings of isolation and being completely ignored by an unwelcoming Anglo-Saxon population. Furthermore, because the cultural norms of Canadian society are reflective of the dominant group, many new immigrants were made to feel as if their customs and values were incompatible with a 'Canadian way of life'. Acts like having White Canadians correct the accents and speech patterns of immigrants, lead some Caribbean immigrants to feel excluded from the wider society (Warner, pp.13-16).

In Allahar's analysis of the Caribbean diaspora, his focus rests on members of the working class who occupy geographically concentrated Caribbean communities in Canada. This is based on findings, which reveal that an individual's class, access to mobility, and income shapes their connection to the diaspora. Consequently, those with occupational mobility are more likely to leave the diasporic community and earn more, severing their close connection to and shared experiences with the Black community (pp.66-69). This also allows for a separation from spatially defined structures of mainstream racism and exclusionary practices that hinder incorporation, which will be examined in greater detail in succeeding sections (p.70). The work by Frances Henry presents a detailed description on the historical background of the Caribbean community in Toronto. Henry provides both statistical data – numbering and grouping those who arrived in Canada after the establishment of the point system – and a critical interpretation of their experiences in regards to settlement. Similar to Allahar's interpretation of the diaspora, Frances argues that Caribbean-born immigrants possess a common sense of nostalgia that is

eliminated only when the discrimination they experience is minimized (p.51). In deploying her statistics, Frances sometimes folds the Caribbean population into the Black community (p.52). This differentiation is important when attempting to access the criminalization of the Black community, since their experiences of differential incorporation is significantly influenced by their geographical concentration in particular low-income neighbourhoods. The rise of geographically concentrated ethnic communities is a consequence of migrants' scarce resources, lending itself to a spatial analysis of the racialization of crime (Allahar, p.67; Teelucksingh and Galabuzi, Galabuzi, pp. 82-83; Colour of Poverty, 2007; Sundstrom, 2002; Razack, pp. 10-13).

Allahar also discusses the educational distress that Black males face in the GTA, with a male-dominated dropout rate of 50% for Black students. The majority (55%) of these dropouts are Caribbean-born youth, emphasizing the need to understand why these young men are experiencing such high levels of difficulty with integration (p. 77). Within this context, the image of a neutral society serves the discourse of democratic racism quite well. The individualist society Canadians live in often denies the existence of group or race-based discrimination, and so for instance, when Black students become increasingly dissatisfied and lose faith in a Eurocentric education system, their lack of interest is seen as problematic, delinquent, and disruptive (James, p. 480). Rather than look towards the institutions that fail to provide practices and discourses reflective of the entire Canadian population, the problem is located in the individual, which is subsequently subscribed to entire groups of people. In Canada, the ability of the dominant group to define who belongs and who is labeled 'Other' began with colonization and the settlement process (Jiwani, p. 67). Canada's immigration history is rife with racism, revealing a 'White Canada' policy, which initially sought to admit a similarly White 'superior stock' of immigrants. (Gordon, p. 35) The labour demands of industrial expansion provoked the necessity to open

Canada's borders to non-White immigrants, while at the same time ensuring immigrants remained vulnerable to the demands of an exploitative labour market. With the establishment of the 1967 point system, the blatant discriminatory nature of Canada's immigration policy was replaced by more discreet forms of racism and discrimination (Simmons & Plaza, p. 133). For instance, the promotion of racial stereotypes through the media, which are reinforced by institutional exclusionary practices, reinforce a cultural hierarchy that places European values, norms, and customs at the top, while denying racialized groups the ability to effectively alter these patterns in society.

The problem with cultural racism lies in its ability to hint at the existence of a superior culture, therefore making all other non-European practices and customs inferior. This value-chain legitimizes the use of discriminatory practices, behaviours, and actions, all in the name of a collective belief that there is one dominant culture (Fanon, 1952, p.16). These interwoven forms of racism have the effect of creating an 'us' versus 'them' dichotomy, in which Whites remain desirable in work, politics, and social life, while non-Whites are seen as undesirable and delegated to the lower tiers of society. In Henry and Tator's discussion of Whiteness they write:

> The power of Whiteness, however, is manifested by the ways in which racialized Whiteness becomes transformed into social, political, economic, and cultural behavior. White culture, norms, and values in all these areas become normative and natural. They become the standard against which all other cultures, groups, and individuals are measured and usually found to be inferior. Whiteness comes to mean truth, objectivity, and merit (p. 47).

In his analysis of citizenship and its use as capital, Bauder examines this exclusionary process. He argues that informal citizenship serves a function of distinction, drawing attention towards the different identity and cultural practices that immigrants possess, relative to dominant

groups, and therefore preventing racialized immigrants from wholly belonging to the nation-state community (p. 324). Bauder claims that is it not possible to separate informal citizenship from race, since imagined communities are based on collective identities (p.324). Thus, if being a Canadian means you have to belong to the White, Anglo-Saxon, dominant group, immigrants, whose physical appearance and cultural practices differ from this norm, are seen as outsiders and might never be fully incorporated into Canadian society. Not surprisingly, Blacks and the Caribbean community have experienced difficulty with successful integration in terms of employment, adequate housing, education and policing (Siemiatcki et al., pp.20-21).

The Political Economy of Immigration

While Allahar's ability to narrow in on a spatially concentrated Caribbean diaspora by drawing our attention to the intersections of race and class is significant, it runs the risk of ignoring the experiences of wealthier, suburban, Caribbean-born immigrants whose experiences of racialization may also hinder feelings of belonging. Political economists explain these unequal trends by drawing attention to the neoliberal makeup of Canada's economy, which, by its very nature, relies on a cheap supply of labour to ensure the competitive advantage of capitalists (Allahar pp.54-7; Galabuzi p.79). In this context, race becomes a classification system for maintaining a segmented labour market, and ensuring the availability of cheap labour. For instance, Teelucksingh and Galabuzi discuss the discrimination that most racialized immigrants experience in the labour market. They argue that both neoliberal economic restructuring, and the presence of easily exploitable immigrants exacerbate the poverty experienced by racial 'minorities'. Although recent immigrants make up a significant majority of new entrants into Canada's labour market, they tend to experience economic and exclusionary discrimination; the former producing disparities in wage earnings while placing a 'glass ceiling' on advancement,

the latter reinforcing stereotypes that employers might have about an immigrant group's human capital, irrelevant of the actual skills and experience individuals actually possess. One way this occurs is through credential recognition and licensure, which assumes that the educational background of recent immigrants is not measurable to the Canadian standard. This negatively impacts foreign workers through a process of racialization, which characterizes immigrants as poor and willing to accept low wages (pp. 202-203). Research on the wider population of racialized immigrants can also be useful to an analysis of the Afro-Caribbean community. A majority of racialized immigrant communities are experiencing poverty at a rate disproportionate to the Anglo/European-Canadian population. And while recent immigrants to Ontario are more likely to possess a university degree than their Canadian counterparts, issues with credential recognition and racial discrimination in the hiring process means that they are not given an equal opportunity for advancement (Colour of Poverty; Teelucksingh & Galabuzi, pp.202-4).

The media, another extension of the dominant group, portrays Blacks as moral panics that require constant monitoring and policing (Jiwani, p. 75; Doran, p. 157). African Canadians, because of their physical appearance, and oftentimes their verbal and body language, and their geographical location in Toronto's low-income neighbourhoods, are seen as symbolic assailants. The features described above come to signal a perceived natural association with criminality, leading members of the dominant group to become suspicious of their mere presence, which is identified as a precursor to violence (Gordon, p. 47; Henry & Tator, 2006, p. 153). These stereotypes also explain why even Blacks with a high socioeconomic status are more likely than Whites with similar socioeconomic backgrounds to be stopped by the police (Gordon, p. 47). This is particularly problematic for policy makers seeking to improve the integration outcomes of African Canadians. Recent indicators of success tend to focus on economic integration

(Warner, p. 5), however, the singling out of Blacks based on their race and wider society's perception of them as outsiders, will do little to ensure the full integration of even economically successful racial 'minorities'.

From Space as Socially Constructed to the Construction of Racialized Space

In Canada, many low-income communities, unlike the wider metropolitan demographic, tend to have concentrations of particular ethno-racial (often immigrant) groups. This goes back to understanding the intersectionality of class, race, and spatial location, since racialized poverty often determines ones ability to occupy particular places, and shapes the demand for affordable housing accommodations (Teelucksingh, p.9; Galabuzi, p.82; Walks & Bourne, p.273). The United State's history of racial segregation and Jim Crow laws has made race the primary organizing principal for housing and residential patterns. This vertical hierarchy of status establishes Whites as the dominant group, while placing Blacks on the bottom in segregated and racially defined ghettos. Places become racialized when the relegation of racial groups to particular neighbourhoods also parallels class divisions. Thus, for many Whites in the U.S., their aversion to living in predominantly Black neighbourhoods is not based on a fear of crime or poor neighbourhood quality, but rather, the implications that occupying said spaces will have on their perceived status (Sundstrom, p.90).

While the racialization of low-income residential spaces in Canada may not parallel the ghettoization of U.S. neighbourhoods, there are some cautionary similarities that exist which produce unequal outcomes for residents relative to the wider Metropolitan Census Area. In Canada, the racial clumping of particular non-White immigrant groups in many low-income communities is often reflective of the class status that these groups occupy within society (Teelucksingh, p.9; Galabuzi, p.82; Walks & Bourne, p. 273). High levels of unemployment,

low-income households, lower educational attainment, and single parent families often characterize these enclaves. The ethno-racial composition of Toronto's low-income communities consists of mainly Chinese, South Asians and Blacks, highlighting the connection between racialized poverty and racialized spaces. Furthermore, that settlement into these enclaves is on the rise reveals the existence of systemic barriers to successful integration for many racialized immigrant groups (Galabuzi, p.83).

Control over group relations relies on a number of intersecting systems of oppression, including class, gender, race, and space, which inevitably maintain and reinforce racial categories (Razack, p.6-13; Sundstrom, p.83-90; Teelucksingh, p.9). According to Sundstrom, the discussion of human categories must examine the link between people and place, since "social space, in addition to being a consequence of the social, is also constitutive of it" (p.83). Racialized spaces are formed through the hegemonic social relations that occur between racialized people and dominant groups and institutions. This produces the "uneven development of racialized people and their communities" (Teelucksingh, 2006, p.10). In Canada, racialized communities are experiencing poverty at a rate disproportionate to the wider Canadian population. Disparities in the labour market facilitate a 'race to the bottom' which encourages the deskilling of immigrants' labour market experience, and places many in a cycle of poverty. The consequence is oftentimes serious health and social implications, including an increased demand for low-income housing (Teelucksingh & Galabuzi, p.204; Galabuzi, p.79; Dechman, 2003, pp.1-6).

In trying to understand the racialization of physical space, Ibrahim's (2006) definition of the black body – as that which has preconceived notions already attached to it, devoid of the person inhabiting the body – leads us to draw important connections between the racial

composition of certain neighbourhoods and their subsequent criminalization. The black body is "already authored, read, and constantly stabilized across time, language, culture and space"(p.83). These preconceived notions are mostly negative and result from the stigmas various stakeholders attach to blackness. The 'us' versus 'them' discourse necessary for a moral panic relies on binary opposites, where only the 'us' is positively represented while the immediate threat of the 'Other', however real or imaginary, necessitates their eradication. Moreover, the media acts as a hegemonic force, which reproduces the beliefs of the dominant White society and constructs accepted norms that seek to problematize Blacks, Aboriginals and other marginalized groups (Henry & Tator, 2006). In this sense, the discriminatory actions of the police force towards Blacks and ethnic enclaves are interconnected with the blame generated by racialized moral panics.

Sundstrom outlines three ways in which space inhabits an individual. *Life chances* are racialized patterns that are shaped by differences in access to, and the availability of affordable housing and public goods and resources, including the police. Subsequently, an individual's *sense of place* is derived from the meanings we give to the places we reside in, and they ways in which these places shape our own perceptions. This occurs through *spatial cognition*, which allows individuals to develop subjective cognitive maps that represent their lived environment. This includes both the social-spatial world and the social meanings of various places (p. 92). Police officers who support the claims made by moral panics develop an authoritative 'sense of place' over Black residents of stigmatized low-income communities. Meanwhile, the differential treatment that African Canadian youth receive as a consequence of their racialized spatial position, subsequently shapes their sense of place within their neighbourhood – as both community member, and criminally prone 'Black Other' – and the larger society. By reinforcing

a societal stratification that regards those at the 'bottom' to be most prone to criminality, the discriminatory actions of police officers towards Blacks influences the officers' perceptions of racialized spaces, as well that of the residents towards their own lived space. Blackness, in the process of being racialized, expands to form a threatening presence, occupying more space than it does in reality.

Regent Park: a case study of racialized spaces.

The experiences of Regent Park's residents present a valuable spatial example, highlighting the intersectionality of race, class, gender, and place. Regent Park was built in 1949 in the long-standing Anglo-Celtic neighbourhood known as Cabbagetown. Initially designed to house low-income families and senior citizens, it was completed in 1957, and by 1960, it housed approximately 10,000 residents (Fumia; Purdy, 2003, p.55). The planning committee's initial intention was to build a community from within, allowing for the centralization of schools, community services, and green spaces. Instead, Regent Park has amounted to a self-contained community of high-rise, high-density living, cut off from the rest of the city (Fumia). According to Sean Purdy, "By the 1990s, Canada's largest housing project became virtually synonymous with socio-economic marginalization and behavioural depravity" (p.46).

Several trends attest to the racialized nature of this space. First, the presence of European immigrants decreased, while an increasing number of 'Third World' immigrants came to occupy the neighbourhood. This pattern paralleled the shift in immigrant source countries in the 1970s and 1980s with the opening up of Canada's doors through the point system. Second, the household incomes of the Park's residents fell far below the poverty line, with a median income of $24,775. Third, many of the residents were trapped in a continuous cycle of poverty due to intergenerational and labour market marginalization, consequently producing the final trend, a

dramatic increase in the proportion of long-term renters and families on social assistance (Fumia; Purdy, pp. 47-8).

As Walks and Bourne point out, it is important to note that not all non-white immigrants are relegated to low-income neighbourhoods, and that wealthier members have the mobility to 'self-select' in to higher status communities (p.274). Again, the importance of examining the intersections of class, race, and gender in line with a spatial analysis of Regent Park is obvious. The Park was designed to accept the poor, consequently attracting a significant number of refugees and recent immigrants of Afro-Caribbean, Vietnamese, and Chinese backgrounds. These groups generally had larger families, lower incomes and were more prone to discrimination in the labour market. Single-parent females headed a significant number of Afro-Caribbean families. These women often suffered gendered and racial discrimination in the housing market and were constrained by their housing choices due to their low-income status (Purdy, p. 86).

Razack's explanation of the White settler society draws attention to the power relations that occur between those who occupy racialized spaces and those who have the power to define these spaces. The White settler society is one that was established on non-European land and structured along a racial hierarchy that ignores the contributions of Aboriginal people and subsequent non-white immigrants towards developing the land. It denies any occurrences of conquest and labour exploitation of people of colour (pp.1-2). Consequently, middle-class White citizens maintain their privileged identity by exerting control over space and the bodies that occupy said space. Foucault claims that this occurs through a normalizing process that defines what is acceptable, based on Eurocentric standards of privilege. By defining what is acceptable and monitoring the ability of groups to fall within these standards, the normal and abnormal body

are produced. Whiteness is granted the freedom to move, free from scrutiny and surveillance, while the black body is marked and rendered immobile (pp.11-12). That the two most pressing issues faced by the Park community continue to be the cultural needs of immigrants, and the experiences of Black youth with the criminal justice system, expressly in policing, is a testament to the unequal spatial relations of hegemony at play (Purdy, p.79).

Various institutional forces have contributed to the steady downfall of the Park community. Firstly, planners viewed social housing as a temporary place of residence. The federal government purposely built unattractive, low quality public housing to discourage long-term settlement and to avoid competing with private market units; and because the demand for public housing has always outnumbered the supply, housing providers make the resort to public housing undesirable through a graduated rent scale. For those on social assistance, a significant proportion of their cheques go towards housing costs. Institutional inequalities in the labour market also restrict decent job opportunities for public housing residents, drawing them to low-skilled and casual labour markets on the basis of convenience and necessity (Purdy, pp.80-5). In trying to create a system that discouraged long-term renters in social housing, these spaces became part of the discourse of exclusion and stigmatization. The institutionalization of this space shaped the social relations that continue to occur within and towards it. The role of the media in stigmatizing the Park and its residents has had long-term implications for the policing of Blacks. Not only did the media generate an image of the area that lay counter to any accepted social, moral, and economic order, these stigmas obscured any structural explanations of poverty and downplayed the agency of residents (Purdy, pp.87-8). Heavy police surveillance of this area in the wake of a racialized moral panic meant Black males were disproportionately targeted.

The case of Cabbagetown highlights Razack's White settler society. The Park, characterized by high-rise apartments filled with low-income immigrant families, stands in stark contrast to Cabbagetown, a neighbouring community filled with mostly white, middle-class gentrifiers. Both neighbourhoods share Parliament Street, and it is here that the social-spatial dynamics of power relations play out. In a proposal by the Old Cabbagetown Business Improvement Area (OCBIA) to introduce limited seating around street corners in an effort to encourage more business for storeowners, the residents of Cabbagetown voiced their strong opposition, claiming it would attract 'undesirables' who would engage in alcohol consumption, drug dealing, and verbal abuse. Residents called instead, for increased street lighting and a greater police and security presence to rid the street of 'problem people'. In the end, the OCBIA yielded to the demands of the middle class residents (Fumia), reinforcing the power of the Cabbagetown residents to capitilize on their social and cultural capital and question the legal right of neighbouring residents to congregate. Residents from the Park were labeled criminal, disorderly, and destitute, which was then legitimized through the OCBIAs final decision. Middle class residents were able to assert their privileged position by deciding who had the right to occupy Parliament Street, demonstrating the extent to which class values are made visible through spatial arrangements.

The impact that these intersecting factors have had on members of the Park community is telling, but equally important is the ability of residents to mobilize in response to their marginalization. Furthermore, ethnic concentration is not always negative, and is oftentimes beneficial for the promotion of cultural goals, group identity, and a sense of community (Walks & Bourne, p.276). Sundstrom's interpretation of the "ghetto as a place" provides a base for analyzing community solidarity in Regent Park. Labels, including the term ghetto, have a top

down application and are facilitated by various "lateral forces" that reinforce racial segregation. This includes institutional and state practices; yet, there is also a "force from below" which determines the uptake of a title by those who are labeled. Those who have been relegated to certain racialized spaces come to recognize and love these places, which represent communities of mutual trust and shared experiences (pp.85-7).

In the Park, although residents are marginalized, the sense of mutual support in a strong (mostly immigrant) community is seen as necessary. Members share informal services and help those in need, and work together to challenge systems of oppression that marginalize residents on the basis of their geographic location (Purdy, p.100; Fumia). For instance, growing up in the Park often meant children were subject to racist attitudes and practices in the school system, which resulted in high drop out rates and poor performance among Black students. In response to this, inner city parents formed the Park School Community Council to protest the unequal treatment their children were receiving, and to challenge the belief held by the board that the innate disabilities of deprived children were to blame for their academic failures (Purdy, p.94).

The Intersection of Race and Crime: the criminalization of racial 'minorities'

The existence of cultural racism has produced a troubling situation within the criminal justice system for a large proportion of the Black and Aboriginal population in Canada, contributing to feelings of exclusion from mainstream society. Findings reveal that African Canadians are highly overrepresented in prisons, are often targeted in stop and searches on the assumption that they are in possession of drugs, are less likely than Whites to be released by police once detained for drug possession, experience the overpolicing of their neighbourhoods, and have a more difficult time than Whites navigating successfully through the justice system

once charged (Gordon, pp. 137-138; Henry & Tator, 2006; OHRC; Toronto Star, 2010). Jiwani attributes the racial biases underlying this phenomenon to the criminalization of race.

Historically speaking, the Canadian state is a colonial state, as can be seen in its interactions with the Aboriginal population. The history of state-indigenous relations is characterized by a succession of state attempts to reduce the sovereignty of indigenous communities and thus, their control of valuable land. This process of planned subordination can be traced back to the Indian Act of 1869 and its failure to recognize treaty agreements previously outlined in the 1763 Royal Proclamation. While the Proclamation recognized the right of the indigenous population to self-government and established the rules under which land could be purchased from indigenous communities, the assimilative tendencies of the Indian Act were enforced in a way that justified colonialism on the basis of a perceived "white mans' burden" (Milloy, 2008, pp.3-4). The perception that First Nations' were incapable of self-governance was present throughout various sections of the Indian Act. Chiefs no longer had the power to enforce significant laws and could be removed for accusations of dishonesty, intemperance and immorality, which the state was permitted to determine as it saw fit. The inherent right to self-determination was stripped away with the patriarchal creation of the "status" Indian, which centered on European conceptions of property ownership and defined women and children in relation to the status of their husbands and fathers. Thus, if a woman born as a status Indian married a non-status man, she lost the privileges associated with this status, including the right to live on reserves (Milloy, pp.7-11). Not only did these policies dismiss the traditional practices of indigenous communities, their assimilative nature strategically divided and weakened these nations.

Restrictions on the right to determine their own political affairs were compounded by various attempts at cultural assimilation. Policies geared towards eliminating the communal tendencies of First Nations communities granted special rights, including the right to purchase land, to those labeled educated, debt free, and with good moral character (Milloy, p.6). The creation of Indian Residential Schools, the last of which did not close until 1996, has been characterized as an act of cultural genocide (Assembly of First Nations [AFN]). Children were dispossessed from their traditional way of living and greeted with incidences of sexual and physical abuse, all in the name of a Christian-based civilizing mission (AFN).

While the bleak conditions for indigenous people both on and off reserves are directly associated with its colonial history, this process did not end with the Indian Act. First Nations are still battling the state for recognition of the agreements outlined in the Royal Proclamation. Not only is the issue of bureaucratic red tape present in every stage of the claim process, the government's capitalist intention, to secure mass areas of resource rich land for the purpose of capital accumulation, is equally disgraceful. Claims often end with communities being granted significantly smaller segments of land in exchange for agreeing to end any future claims to ownership (Kulchyski, 2007, p.22). Additionally, they are often denied full access to resources on or near reserves, forcing communities to maintain their dependence on the state for financial aid (Wallace, 2002, pp.230-33). It is under these circumstances that the rising poverty in indigenous communities is made understandable. Institutional barriers negatively impact the ability of Aboriginals to continue their previous mode of existence while the capitalization the country's resources has made it equally difficult to access the market economy.

Today, like Blacks, Aboriginals are differentially treated in the criminal justice system and by the police. They are significantly overrepresented in prisons, and are more likely to be

denied bail and subjected to pretrial detention. Furthermore, the existing legal system often cites education, fixed residence, and employment as key factors for determining whether an individual should be subjected to pretrial detention, all which fail to acknowledge the fact that Aboriginals are economically disadvantaged (Jiwani, p.71). Similarly to the experience of Aboriginals during colonization, racial 'minorities' were defined as 'Other' in the immigration admission process. These prejudiced frames of reference have been funneled into the institutional workings of the police force, which upholds common perceptions that racialized immigrants lack the cultural capital of the dominant 'Canadian', or White community (Jiwani, p. 68; Bauder, pp.323-324). The intersection of race and crime also shapes police decisions regarding which groups to target during crime prevention. The decision to focus resources towards policing blue-collar crimes, is a reflection of the racism and classism that exists in the criminal justice system (Jiwani, pp.69-71; Henry & Tator, p.160).

Colour-blind discourses would have us believe that the disproportionate representation of Blacks in the criminal justice system is a result of the group's natural propensity to engage in criminal activity. However, by applying CRT and a political economy lens, the reality is more indicative of a colonial relationship between the Black population and the White European settler society. This process can be seen in various stages of the justice system, including the police force and the courts. The constant among these institutions is that they are representative of dominant population, and therefore, the decisions, behaviours, and attitudes that emanate from them are distributed from positions of power and control, and are reflective of Eurocentric perceptions of non-White 'minorities'. Gordon puts forward an interesting explanation for the ever-present policing of Blacks, irrelevant of innocence or guilt, and racial-minority neighbourhoods. He argues that the primary role of the police is to exercise state power, and that

their presence reflects the demands of the dominant group. Because the capitalist state is primarily concerned with preserving an obedient and vulnerable working class to ensure its ability to profit from their labour output, the police's main priority is to maintain social order by reinforcing the marginalized positions that Blacks and other racial 'minorities' occupy in society (pp.43-47).

When Blacks are made 'Other', then, this becomes an intentional strategy of control for alienating racialized 'outsiders' from the benefits of full inclusion. Rather than fight crime, the focus of the police is public order. That police authorities direct their time and surveillance towards blue-collar crimes rather than white-collar crimes (Jiwani, p. 69) is one example of this dividing process. Blue-collar crimes tend to be taken up by individuals with lower socioeconomic backgrounds and therefore, are often times racialized 'minorities', while the latter are more-often committed by wealthy, White individuals occupying positions of power and status (Henry & Tator, 2006, p. 160). Under the democratic racism discourse, the law and police force exist to protect the rights of all citizens equally and without prejudice. In reality, the neoliberal capitalist state exists and functions through the use of exploitable wage labour. This system is supplemented through the exclusion of African Canadians, and other minority groups from the benefits of full membership in the nation-state. For the state to operate as it currently does, members of society must occupy and toil the lower tiers of society as sellers of their labour. This can be seen in the unsuccessful labour market incorporation of recent immigrants, who are finding it increasingly difficult to earn money and gain employment in their fields. (Simmons & Plaza, p. 140; Teelucksingh & Galabuzi; Warner, pp.21-22).

Gordon delves deeper into the mindset of the Canadian capitalist state with his inquiry into the war on drugs. Historically, opium, marijuana, and cocaine were associated with immigrant

communities in Canada. There was a general fear that these narcotics would spill into White, working class neighbourhoods and disrupt the moral order. The illegalization of opium was a direct response to the Chinese immigrant community, who were the sole users of the drug at the time, while marijuana and cocaine were linked to the Black community. In response to this fear, police were given increased powers to regulate immigrant communities and perform search and seizures without warrants. The potential damage narcotics can wage on the working class population is twofold; the sale of contraband substances provides a financial alternative to the selling of labour, while its consumption is a source of pleasure. What is important to understand is that both of these options deviate from the state's desire to maintain a vulnerable, obedient, and disciplined working class (pp. 129-134). Yet, the fact that police have still been unable to curtail the consumption of illegal narcotics calls into question the underlying motivation of the war on drugs. As Staples so eloquently puts it:

> The ruling caste defines those acts as crimes which fit its needs and purposes and characterizes as criminals individuals who commit certain kinds of illegal acts, while other such acts are exempted from persecution and escape public disapprobation because they are not perceived as criminal or a threat to society. As a result of the colonial administrator's power to define the nature of criminality, the white collar crimes which involve millions of dollars go unpunished or lightly punished, while the crimes of the colonized involving nickels and dimes result in long jail sentences (p. 16).

A consequence of the increased discretionary power of the police has been the criminalization of African Canadians and low-income, racialized neighbourhoods. Policing patterns for drug trafficking indicate a tendency to focus on small-scale drug dealers who are easily replaced in the supply chain, rather than major actors. Additionally, the majority of drug trafficking charges are disproportionately laid on Black male youths and young adults, who tend to be most frequently subjected to racial profiling (Gordon, p. 138).

The biases located in the police force do not necessarily imply that each individual member of the force holds racist attitudes about the communities they serve, although some most definitely do. As with most of the issues a neoliberal society faces, the blame tends to be placed in the hands of individuals, drawing attention away from institutional and structural disparities. However, the embeddeness of racism in the Canadian state and its affiliated institutions is reflected in the culture of policing, which "is based on a *shared* system of beliefs, assumptions, and attitudes that the dominant or White culture uses to make sense of, and render intelligible, the way a capitalistic, highly stratified society works" (Henry & Tator, 2006, p. 152). This collective discourse of racism and bias is located within the policing institution, and often produces stereotypes about racial groups that are adopted by individual officers. In Canada, White police officers still represent the norm, and in an environment where group solidarity can mean the difference between a back-up response time of ten minutes versus thirty minutes, racial-minority officers may feel inclined to tolerate and even allow racism to persist (pp.152-153). In order to truly counter the damaging impact that overpolicing continues to have on the Black community, there needs to be a greater effort to remedy the exploitative and racist discourse of the Canadian state, whose policies, politicians and agendas have the effect of influencing various societal institutions and actors.

Critical Race Analysis of Recent Changes to Canadian Deportation Policies

Canada's evolving and ongoing articulation of desirability can be traced through a critical examination of the state's various deportation and exclusion policies. Intertwined in this expression of who belongs has been the influential voice of the media. In every attempt by the state to assert its sovereignty and make decisions about which individuals should be allowed to stay and who should be expelled from Canada, the media has been strategic in amplifying the

concerns of the dominant group and cashing in on moral panics (Dent, 2002; Arat-Koc, 2006; Barnes; Jiwani 75).

Critical race theorists would argue that the role of the media is particularly disturbing because of its ability to normalize racist ideas and notions of inferiority and criminality. One of the first scholars to make a connection between the media and the way in which Black 'minorities' are constructed as a threat to the 'normal' social order was Stuart Hall (1978, 1981, 1997). Hall and several other scholars have demonstrated that the danger of the media lies in its ability to convey the opinions and beliefs of powerful individuals and groups to the wider population, and thus render their values normal. This normalization process occurs because for the majority, the media represents their primary source of knowledge (Entman and Rojecki, 2000; Gandy, 1998; Morrison and Brodsky Lacour, 1997; van Dijk, 2000). Henry and Tator (2005) describe the hegemonic role of popular media:

> The media, because of their position at the intersection of various social, cultural, political, and economic institutions, become powerful forums in which White elite voices compete to establish 'commonsense' dominant beliefs, perceptions, and views of the world. Dominant ideology and its discourse are most crucially reproduced with the help of the media… Media's everyday talk and text draw symbolic boundaries around who is to be included in the 'imagined' community and who is relegated to the position of outsider, the dangerous 'Other' (pp.33-34).

The omnipotent ability of sovereign states to make unchallenged decisions regarding the desirability of persons is thus reinforced by the media, an outlet for democratic racism.

Bill C-44 and 'Moral Panics'

Introduced in 1995 as Bill C-44 or the "Just Desserts" Bill, the new changes to subsection 70(5) of the *Immigration Act* allowed for the implementation of a "danger to the public" opinion. Under this new bill, if the Minister of Immigration was of the opinion that a permanent resident constituted a "danger to the public," he or she could be issued a removal order without the right to appeal, although the individual would be able to challenge this opinion. One condition of this grounds for deportation was whether the person had been convicted of an offence for which a sentence of ten or more years of imprisonment *might* be imposed, although serving an actual ten year term was not necessary to warrant a danger opinion (Chan, p.158; Barnes, 2009, p.453; Barnes, p.194). That this amendment was dubbed the "Just Desserts" bill reflects the dominant public opinion on the question of immigration at the time.

Before Bill C-44 was passed, the *Immigration Act* allowed permanent residents to appeal a removal order "on the basis of a question of law, fact, mixed law and fact, or on the ground that, having regard to all circumstances of the case, they should not be removed from Canada" (Dent, p.754). The *Immigration and Appeal Division* would most commonly hear appeals based on equitable jurisdiction, under which the IAD examined the seriousness of the offence, the possibility of rehab, the impact of the crime on the victim, the applicants level of remorse, the length of the time the applicant spent in Canada, the presence of family in Canada, and the impact that a separation would cause (p.754). The only exception for accessing the appeal process was if an individual was issued a 'security certificate'. This occurred when the Minister or Solicitor General reviewed intelligence reports and found the person in question to fall under s.19 of the *Immigration Act*. That is, if the person participated in organized crime, subversion, terrorism, espionage, acts of violence, offences punishable by ten years imprisonment, and senior

participation in a government that engaged in gross human rights abuses (Chan, p.156). With the reduction of the Immigration Appeal Division's (IAD) ability to hear certain appeals under Bill C-44, we see the emergence of a return to greater ministerial discretion, reminiscent of Canada's more blatantly selective and racist immigration policies. To quote Dent, "Bill C-44 thus changes the location and the nature of the discretion to allow a permanent resident to remain on equitable grounds. Transferring this discretion from the IAD to the Minister represented a shift from the adjudicative to the political end of the spectrum" (Dent, p.757).

Barnes' research on Bill C-44 demonstrates how dominant perceptions of the racialized 'Other' intersected with the criminalization of Blacks, specifically Jamaican immigrants, and justified their deportation (p.192). Jamaicans were the largest group to shoulder the impact of the new deportation bill, representing the majority (nearly 40%) of removals from Canada between July 1995 and December 1997 that were declared a danger to the pubic and expelled from the state. Out of 355 persons deported to 48 countries, 138 persons were deported to Jamaica, which was five times the number of deportees sent to the second highest receiving country, Trinidad and Tobago (Falconer & Ellis, 1998; Barnes). Henry and Tator (2002), speaking on the racialization of crime, contend that the media constructed Jamaicans as a people from a crime-ridden and poverty-stricken country, whose presence in Canadian society was unwelcome (p.168) They argue that the moral panic incited by the Just Desserts shooting revealed new forms of racism such as the assumed inferiority of 'foreign' cultures, which directly influenced the creation of Bill C-44, and its subsequent impact on immigrants of African decent, and Jamaicans in particular (p. 168). In fact, immediately following the implementation of the Just Desserts Bill, the number of criminal deportations from Canada were at an all-time high. During 1995 and 1996, in spite of a reduction in the number of total deportations from Canada, there was a

proliferation in the number of criminal deportations. While total deportations from Canada in 1995 declined by 13%, there was a 15% increase in the number of persons removed on grounds of criminality, totaling 1,544 individuals. Reflective of the existence of a public hype about the presence of 'criminally-prone immigrants', by 2004, the number of criminal deportations continued along a downward trend, dropping to 8% of Canada's total deportations. In line with this trend, the number of Jamaicans deported from Canada rose from 229 individuals in 1991, to 536 individuals in 1995 (Barnes, 2009). Bill C-44, then, seemingly emerged as an immediate response to the perceived, 'Jamaican threat' to Canadian society. The majority of deportees to Jamaica (45%) were ordered removed because of drug-possession offenses (Barnes, 2009), revealing the institutional role of the police as a monitoring body for public order.

Chan's findings further problematize the Canadian immigration system by pointing to race-based discrepancies in the decisions warranted by IAD board members. In her study of 177 immigration appeal hearings in Canada, involving non-citizens ordered deported on the basis of criminality between 1992 and 2002, her findings reveal that when it comes to decisions regarding appeals, deportation proceedings serve a racialization process of distinguishing between deserving and undeserving immigrants; and since appeals are sometimes granted with specific conditions attached, these proceedings also maintain a system of forced assimilation. While the majority of appellants (77%) were from non-White countries – with Jamaica, Iran, India, Vietnam, Guyana and Trinidad and Tobago representing the top countries for appeals – appellants of Anglo or Western European origin were more likely to have their appeals stayed. In the cases involving dismissals, appellants from non-White countries were less likely to be seen as trying to rehabilitate themselves and were seen as more likely to reoffend and be characterized as unworthy of being allowed to stay in Canada. Meanwhile, appellants from Anglo-European

countries were more often dismissed for reasons that focused on the actual crime committed or the legalities of why the person could not be allowed to stay (p.166). Moreover, the majority of favourable comments about appellants were found in the justifications presented to stay the removal orders of White appellants, while few cases for non-White appellants involved favourable reasons for granting a stay, and when they were used, they were often presented as exceptions rather than the norm (pp.166-171). Chan's findings support the image of a Canadian state that prefers the presence of Europeans, where "'good' is equated with whiteness and with being Canadian, while 'bad' is associated with being an immigrant, an outsider to the nation" (p.171).

In his study of Black youth in Canada labeled "at risk", Carl James argues that the image of problematic young Black boys in the education system is often promoted by a racist discourse that aligns the "at risk" label with an oversimplified need for educational support and guidance. In reality, however, the normalization of this designation has drawn attention away from deeper issues, such as the racial preconceptions that contribute to this inequity (p.470). On example he presents is the stereotyping of Blacks as immigrants who are often assumed to have arrived from Jamaica (p.473). Not only does this stereotype fail to account for the presence of Blacks in Canada historically, it also ignores the diversity of the Black diaspora, and in equating all Blacks with 'foreignness', particularly Jamaica, this stereotype castes a negative shadow on the Caribbean and the presence of immigrants from the Caribbean. Consequently, Caribbean-born immigrants have born the brunt of Canadian deportation orders. In Toronto, they are the most likely to be deported than any other immigrant source country. In 1999, the top six source countries for deportees were Jamaica (310), Hungary (135), Grenada (73), Trinidad and Tobago (62), Mexico (53), and India (50). With the exception of Hungary, whose rank can be attributed

to the plight of the Romas, arguably also a racialized group, the majority of deportees were people of colour, while only Jamaica and Trinidad and Tobago were amongst the top twelve immigrant-sending countries to Toronto between 1991 and 1996 (Lyons, 2000).

This negative image of Caribbean-born immigrants in the West has been carried over into the Caribbean, where deportees are seen as the primary contributor to the countries' growing crime rates (World Bank, p.81;). Yet it is important to note that deportees do not constitute a homogenous group. Some have spent the majority of their lives abroad, but for whatever reason never attained formal citizenship and are later deported, while others are heavily involved in criminal networks abroad and continue these activities once they are sent back to the Caribbean. It is also worth mentioning that the majority or deportees who are sent back to Jamaica have been away for more than five years, and that deportees who have been away for longer periods of time are more likely to fall into criminal networks because they no longer have close ties with friends and relatives, and lack the social support networks to successfully reintegrate into Jamaican society (World Bank, p.88).

The racialization of crime, and the role of the police force in regulating the Black community can be seen in the majority of deportations to Jamaica in 1997, which were justified by the presence of drug-related charges. Between 1990 and 1997, Jamaica received 9,993 deportees, the majority arriving from the U.S., with Canada and the U.K. following this trend. Over 55% of the deportees were convicted of drug-related charges (4,597 from the U.S., and 528 from Canada[1]) (Barnes, p.199). Yet while it might be easy to write off these convictions as an

[1] While Jamaica is the top source country for Canada's Caribbean born population, the United States houses the majority of Jamaican immigrants. In 2000 to 2001, out of a total of 638,000 Jamaicans living abroad in the U.S., Canada, and the U.K., the majority (85%) resided in America. Meanwhile, the Jamaican community in the U.S. also continues to experience difficulties with integration, which has lead Jamaican-born immigrants to be significantly overrepresented in the U.S. prison system (World Bank, 2007). For this reason, the number of Jamaicans ordered deported from the U.S. is much larger than the

problem located in the individual actions of deportees, it is important to remain weary of disparities within the criminal justice system. In the 1995 Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, findings concluded that Black offenders are differentially treated than Whites with similar offenses. In addition to their stark overrepresentation in the prison population, Black accused were less likely to be released by police and more likely to be detained after a hearing than White accused. Even in drug offences involving similar crimes, White accused were two times more likely to be released than Black accused, and during sentencing, Whites found guilty were less likely to be sentenced to prison and given lighter sentences than Blacks. Not surprisingly, more Blacks were sent to prison for drug offences than Whites (Henry & Tator, 2006, p. 130), ultimately justifying the deportation of foreign-born Blacks who lacked formal citizenship status.

These findings demonstrate that racial 'minorities' are differentially treated at every stage of the justice system, from booking to sentencing. It reveals the assertion of a European-centered Canadian society to the detriment of the Black community. Not surprisingly, there is a high level of distrust for the police and an overall dissatisfaction with the justice system within the Black community. Blacks have accused the police of overpolicing their communities and engaging in racial profiling (OHRC; Henry & Tator, 2006 pp.161-163; Jiwani, pp. 67-72), which inevitably produce the disproportionate representation of Blacks in the criminal justice system. In order to counter the general perception that African Canadians are inherently criminal, it is important to consider why Blacks continue to be treated unfairly in Canada's justice system.

This also raises important questions about deporting individuals who have closer ties to their host country than their place of birth, rendering them a product of the environment in which

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number of deportees from Canada, although this number is proportionate to the vastness of their presence in either country.

they were raised. As Barnes notable asks, "The question is, what is the extent of Canada's responsibility to immigrants who become criminal subsequent to their admission to Canada?" (2002, p.199) Joseph Carens (2009) raises some interesting points in his case for amnesty. He argues that time erodes the state's right to deport a person, and that "human beings who have been raised in a society become members of that society." Thus it is important to recognize the amount of time an individual has spent in a country and the attachments they have made within said country, forming bonds, participating in the community, building families and working. This is based on the assumption that social membership does not require official permission, and therefore migrants can become members of society without legal authorization.

Bill C-11 the *Immigration and Refugee Protection Act*

Prior to the establishment of the new *Immigration and Refugee Protection Act* (IRPA), or Bill C-11 in 2001, three important reports were produced. The first report, *Not Just Numbers*, was published in January 1998. This report acknowledged that the public perception of immigrant criminality did not align with the actual statistics on crime, and stressed the right of immigrants to due process and to be able to have removal orders issued against them reviewed by the IAD (Dent, p.758). The Standing Committee on Citizenship and Immigration released the second report, *Immigration Detention and Removal*, in June 1998, which recommended that long-term residents should be protected from deportation, particularly immigrants who arrived as children (p.759). Yet, the introduction of the IRPA was more in line with the recommendations outlined in the discussion document issued by the Minister of Immigration in January of the following year. Most commonly known as the white paper, *Building on a Strong Foundation for the 21st Century* criticized the danger to the public opinion for being a waste of resources and suggested that 'serious criminals' be deported without the right to appeal (Dent, p.760).

Under the IRPA, permanent residents ordered removed on grounds of "serious criminality", for which a prison term of two or more years could be imposed, would be deported without the right to appeal (Dent, p.760). Despite the recommendations by the panel experts and the Standing Committee, the Canadian state proceeded to shift towards a more draconian immigration policy of inclusion and exclusion. The ease with which the IRPA was passed, ignorant of expert opinions stating alternatives, is something that some researchers would attribute to the administrative capacity of sovereign states (Hindess, 2000; Walters; Chan). Deportation is often treated as an administrative practice of the federal government, something that only seriously impacts the lives of deported individuals and their family members (Chan, p153). Also, since non-White immigrants are most affected by deportation orders, this raises important questions about why there is such a lack of public concern for the rights of deportees.

Within the realm of international law, sovereign states have the right to control their territory and decide who is allowed to remain within their borders (Hindess). The right of states to select who stays and who goes is one that requires the existence of citizenship as a marker of belonging and acceptance. Hindess looks at citizenship as a strategic tool for full membership, which nation-states are able to use to manage the populations within their borders thus limiting the influx of poor foreigners and 'undesirable' immigrants. The ability of states to exert control over their territory means that:

> For the modern discourse of citizenship, then, the fundamental division is between those who are citizens of the state in question and those who belong elsewhere. Thus, although there is now a widely held belief in the existence of at least some universal human rights, the assumption is that these will normally be exercised in the state of which one is a citizen (Hindess, p.1490).

Citizenship, then, serves a tool of distinction, regulating the rights of certain 'minorities' and reinforcing divisions within the nation-state. In this context, deportation can been seen as one method for the policing of 'undesirable' populations, "which is increasingly understood in racial and biopolitical terms" (Walters, p.278).

Bill C-43 and the Construction of the 'Ideal Citizen'

On June 2013, the Conservative government successfully gained royal assent for proposed changes to the IRPA (Bechard & Elgersma, 2012), amplifying the correlation between the decision-making authority of sovereign states and the selectivity of citizenship status with the introduction the *Faster Removal of Foreign Criminals Act*. Given the inequitable nature of Canada's past immigration policies surrounding deportation, the impact that this bill will very likely have on racialized communities is troubling. Specific changes to the IRPA now make it impossible for a wider range of permanent residents to appeal their deportation. The changes introduced in June 2013 eliminate access to the IAD of the *Immigration and Refugee Board* for permanent residents who are deemed inadmissible on grounds of serious criminality. Previously, under the IRPA, serious criminality was defined as a crime punishable in Canada by a sentence of two or more years of imprisonment. Bill C-43, s.64(2) has expanded the scope of serious criminality to include individuals convicted of a crime who are sentenced to a minimum of six months of imprisonment. It also introduces a new element, eliminating the appeal rights for persons deemed inadmissible on the grounds of serious criminality for convictions outside of Canada or committing an act outside of Canada that, if committed in Canada, would be punishable by a maximum of ten years of imprisonment (Bechard & Elgersma). The Canadian Bar Association (2012) has reviewed the provisions introduced by Bill C-43 and find that "the law goes farther than needed, extending to areas that are not justified by the purported harm it is

seeking to address. Due process is eliminated and discretionary powers concentrated in the hands of the Minister, with limited opportunity for judicial oversight and few procedural safeguards" (Canadian Bar Association [CBA], p.1).

Some other significant changes that have been swept in with the new bill include the expansion of ministerial discretion to deny entry to individuals on unspecified policy grounds, an increase in the penalty for misrepresentation from two to five years of inadmissibility, and granting CSIS the right to conduct unrestricted interviews for anyone making an application under the Act (CBA, p.5). The generalizability applied to foreign convictions can be found in the fact that, irrelevant of the sentence given to a permanent resident abroad, be it a fine, probation, or a jail sentence, if the offence would carry a *potential* sentence in Canada of ten years, these individuals can now be deemed inadmissible. While certain serious crimes such as murder carry a sentence of ten or more years of imprisonment under the *Criminal Code,* other less serious offences can also be located within this category. For instance, the use of false documentation under s.368 of the *Criminal Code* carries a maximum penalty of ten years, and so if a 20 year old permanent resident using fake identification to get into a bar in the U.S. is convicted and issued a $200 fine in the U.S. courts, this person can now be deemed inadmissible in Canada (p.11).

The new six-month provision fails to take into consideration whether the permanent resident has committed numerous offences or whether the sentence is a single conviction. It also ignores the grounds previously taken into consideration by the IAD, including the presence of dependent children and family members in Canada, the length of time a person has spent in Canada, and whether an individual is rehabilitated (CBA p.8). To name a few, crimes punishable by a six-month term of imprisonment include getting into a bar fight which could lead to an assault charge, shoplifting, dangerous driving, causing a public disturbance, threatening to

damage public property, and mischief (Kilpatrick, 2012), and while the argument can be made that some people sentenced to six months in prison should be deported, this one-strike policy has a definite potential to be applied unfairly to numerous persons who might commit minor offences. Far from the 'foreign criminal' terrorizing the Canadian state and its citizens, this bill is a menacing threat to every immigrant in Canada who has not attained formal citizenship.

Not only is sentencing for the same offence applied unevenly across Canada, allowing for some individuals to receive harsher sentences than others, the provision has included conditional sentences of imprisonment within the category of serious criminality. These are sentences carried out in the community, often because the judge is of the opinion that the person does not constitute a danger to the public. Conditional sentences cannot be imposed if there is a minimum jail term under the law, or if the crime is listed as a violent offence under the *Criminal Code*. They are also excluded from sentences that are more than two years, yet judges administer longer sentences for conditional sentences than the equivalent jail term for the same offence. For example, a judge might impose a six or nine month conditional sentence as an alternative to a three month term in prison. Unfortunately, Bill C-43 regards a six month conditional sentence exactly the same as it would a six month sentence of imprisonment (CBA, p.9). The harshness of this draconian Act is exacerbated by the fact that Bill C-43 is retroactive, denying appeal rights to permanent residents convicted before the bill was ever implemented (CBA, p.12). Here it is reasonable to argue that if permanent residents had been aware that that agreeing to a plea bargain – which sometimes results in conditional sentences, and so, appears more favourable – would lead to the permanent exile from their friends, livelihoods, and families, these persons might have decided to plead not-guilty.

The sneaky, unforgiving, and insensitive nature of this Act paints an image of 'foreign' criminals abusing Canada's generous immigration system. Immigration Minister Kenny does an excellent job of justifying Bill C-43, claiming, "We have introduced a law that will stop foreign criminals relying on endless appeals in order to delay their removal from Canada during which time they continue to terrorize innocent Canadians… Canadians are generous and welcoming people, but they have no tolerance for criminals and fraudsters abusing our generosity" (Citizenship and Immigration Canada, 2012). Kenny's speech begs the question of exactly which Canadians he is referring to when he speaks of innocent citizens being terrorized by 'foreign criminals'. Reminiscent of the moral panics influential groups so often invoke, Bill C-43 homogenizes hard criminals, one-time offenders, and 'minorities' that have been victimized by the state because of their assumed racial criminality into one blurred category of foreignness. The Canadian Bar Association argues, "There is little evidence of abuse justifying the scope of Bill C-34's amendments. The 'foreign criminals' referred to in the title of the Bill include permanent residents of Canada, persons with legitimate status who have been living in Canada often since childhood (CBA, p.6). The fact that a significant proportion of the 'foreigners' targeted by this Bill will actually be permanent residents raises important concerns regarding who the state sees as 'desirable' and which groups of people it is trying to exclude. Li (2003) claims that while blatant racist expressions of population desirability are no longer regarded as acceptable, the Canadian state has now entrenched its racially motivated philosophy of nation-building within current immigration practices.

To claim that Bill C-43 will not target Afro-Caribbean men is to ignore how Blacks are over-represented in the Criminal Justice System. In its follow-up on the 2002 *Race Matters* series, the Toronto Star's 2012 analysis of Toronto Police Service data reveals that Blacks

continue to be disproportionately targeted by the Toronto police, and that once admitted in the justice system, their treatment differs significantly from their White counterparts (2010). For instance, while the gap of differential treatment by the police service between Blacks and Whites has narrowed since 2002, Whites were still 1.1 times more likely to be released at the scene of a drug-possession charge and Blacks were 1.5 times more likely to be held for bail (p.5). Conversely, during traffic stops, Blacks are being disproportionately issued tickets for "out-of-sight" driving offences, that is, violations that usually become obvious after the police have already begun a traffic stop (p.5). In Toronto, Blacks make up 8.4% of the population while accounting for 32.5% of out-of-sight offences issued, while Whites make up 53.1% of the population and accounted for 50% of the offences (p.6).

Police carding, which involves data gathered from the police on individuals who are stopped in mostly non-criminal encounters, provides more insight into the nature of police contact with the Black community. The number of contact cards filled out by the Toronto police involving Blacks was three times higher than the actual number of Blacks living in Toronto, while the rate of cards filled out for Whites was proportionate to the White population (p.4). Not surprisingly, the areas in which the police most often come into contact with tend to be racialized neighbourhoods, including the Jane and Finch area, Rexdale, Parkdale, Scarborough, Alexandra Park, and Cabbagetown South (p.11). Compare this to the fact that Blacks, especially Jamaican-born people, are charged disproportionately with crimes, particularly violent crimes, and we begin to see the connection between how racialized spaces intersect with assumptions about the criminality of the residents occupying said spaces. Jane and Finch was the number one patrol zone for the issuance of charges related to violent crimes, while Blacks continue to be the most likely to have multiple arrests or tickets than other groups (p.6).

These trends have the potential of producing a 'chicken or egg' conundrum, whereby one might begin to question whether the policing of racialized neighbourhoods is necessary because of a heavier criminal presence, or whether this criminalization occurs as a result of over-policing. Bauder's (2001) comparative analysis of inner-city Latino communities in San Antonia, Texus demonstrates the negative impact that institutional practices can have on neighbourhood effects. His findings reveal that the use of labels such as 'dysfunctionality', based on institutional actors' preconceptions about the cultural attributes of their clients and the area they serve, influence service delivery through biased assessments of their clients' career potential (pp.593-594). Thus, in these cases, 'minorities' did not lack opportunities because they were inferior, but because they were perceived to be culturally different and denied opportunities through various social and institutional processes (p.595). Similarly, in Toronto, stereotypical notions of Blacks as criminal deviants and culturally inferior encourage differential treatment in numerous settings, such as within the education system and the justice system. In local schools, Black male students are often perceived as troublemakers from 'bad' poor neighbourhoods who lack stable family structures (James, p.480). This leads teachers to dole out harsher punishments when Black students act out against a school system that fails to acknowledge their potential in the first place (p.482). For instance, even positive stereotypes like the Black male athlete encourage young men to channel their time and energy into becoming the best in basketball or track and field, while ignoring alternative career and educational pursuits. Consequently, when sports fail to provide a 'way out' of the economic inequality that many racialized individuals are subjected to, these athletes have already spent years of their lives on sports, rather than securing a valuable education (pp. 477-479). While it is easiest to look at statistics that point to the fact that Blacks receive more criminal charges than other groups, and conclude that this is reflective of an innate

tendency to engage in criminality, this fails in its entirety to account for the institutional practices and dominant discourses that reproduce negative outcomes for Black males. Through its name alone, Bill C-43 encourages a Eurocentric discourse of 'otherness' and criminality. Yet, the extent to which criminal deportees are actually foreign to the Canadian state is rather questionable, especially in the case of permanent residents who arrived to Canada as young children. Rather then recognize its role in the socialization of Black men, Bill C-43 and the discourse of foreignness act as a scapegoat through which the state can rid its territory of the Darwinian nightmare its institutions and policies have helped to facilitate.

There is no denying the impact that Bill C-43 will have on all racialized permanent residents, however, similar to Bill C-44, individuals should be weary of the political context in which this bill has emerged, and the communities it may target. In Canada, there has been a shift in security policies following the unfortunate attack on the U.S. in 2001, from a punitive model, which criminalized terrorism and sought out its perpetrators, to a preemptive model centered on stopping an act before it occurs (Shapiro, 2008, p.520). This seeking out of 'would be terrorists' however, has led to the racialization and classification of 'Arab-looking' and Muslims Canadians – whose physical appearance and religious practices fail to adhere to Canada's dominant Anglo-Christian norms and values – as 'enemies within'. Citizenship status, in this context, is being articulated to reinforce a predominantly Eurocentric lifestyle, creating a hierarchy of belonging that excludes 'Arab-looking' and Muslim Canadians. In what some have termed a form of psychological internment, the surveillance of 'would-be terrorists' has created an environment of suspicion around the transnational practices of stigmatized 'Arab-looking' individuals and Muslims. Meanwhile, state-level transnationalism and its differential impact on racialized

Canadians, continues to operate in a legitimized, and therefore invisible manner (Arat-Koc, 2006).

That Canada continues to be a predominantly White society, and that this continues to impact the lived realities of racial minorities is evident in the experiences of the South Asian and Muslim community. In 1995, the South Asian Muslim community in Toronto's East York neighbourhood was involved in a controversial back-and-forth negotiation to assert their claim to urban citizenship. At the pinnacle of this spatial tug of war was the desire to establish a place of worship on one of East York's industrial sites, where space for a mosque could be purchased at a reasonable price in a location that would be accessible to its congregants (who often participate in worship several times a day) (Isin and Siemiatycki, 2002, p.188). A series of concerns raised by the planning department produced numerous setbacks for the mosque's construction. They included the tax exempt status for places of worship and the $90,000 loss in tax revenues that would result from its construction, as well as the "insufficient parking" that the existing plan provided for congregants. The questionable nature of these concerns was located in the fact that churches are commonplace in East York's business district, and that places of worship are in fact permitted throughout Toronto's industrial zones; furthermore, at least four (non-Muslim) churches had been able to gain exemptions for parking requirements that were similar to the this case. Drawing our attention to the geopolitically influenced vie for control over the use of this particular space, Isin and Siemiatycki note that, "the issues in the struggle were deeper than finding a place of worship to practice religious freedoms and faith; they also involved the articulation of Muslim groups in a way that recognized their presence both symbolically and spatially" (p.188). By making a collective claim to urban citizenship and asserting their right to

urban space for religious worship, Muslims were able to demonstrate the "racialized and orientalist" nature of Canadian citizenship (Isin and Siemiatycki, p.192).

When Razack's "White Settler" society is applied to the experiences of Canadian Muslims, their inability to fit in to a Eurocentric mold of acceptability is seen as a consequence of the systemic racialization of Islam that has emerged in the "Clash of Civilizations" discourse so often perpetuated by the West. This hierarchal ordering of cultures renders Islam and "the West" mutually exclusive, presenting the latter as civilized, democratic and rational and therefore, demonizing and de-civilizing Islam. CRT allows for the centrality of racism through White supremacy to explain the subordination of Canadian Muslims. Individuals who occupy each realm are assumed to be homogenous in their assertion of particular customs and values; and this has the effect of rendering Europeans and British North Americans superior, morally right beings, justified in their recourse to violence against a 'barbaric' group of Muslims (Razack, 2005, pp.14-16; Isin and Siemiatycki, p.192). The geopolitical terrain following the Cold War has produced a growing fear of the Arab and Muslim 'Other', whose presence in Europe and North American is increasing. In Canada, Muslims constitute 2.5 percent of the population. Approximately 842,200 out of 33,099,000 Canadians are Muslim, and while this number may appear to be insignificant, the moral panic induced by the 'clashing civilizations' rhetoric combined with the fact that Islam is the fastest growing religion in the country has magnified their presence (Adams, 2007, p.174).

In the aftermath of September 11, 2001, Arab-looking individuals and Muslims have become increasingly estranged from western society (Isin and Siemiatycki, pp.208-209; Arat-Koc, p.216). Multiculturalism and the politics of inclusion (a controversial issue in an of itself) are being ousted through a re-whitening of Canadian citizenship. And although the categories of

Arab and Muslim are not mutually reinforcing, the racialization of these particular groups of people have generated a commonsense conflation between the two categories (Arat-Koc, p.218). In Canada, while the main source countries for Muslim immigrants are Iran and Pakistan, this represents only one fifth of the country's Muslim population. Muslims who migrate to Canada come from over thirty source countries in Africa, Asia and Europe (Adams 174). On the other side of this problematic conflation is the fact that Arabs are also Christians and Jews (Arat-Koc, p.218). Large institutions, including the media, however, have labeled Arab-looking persons and Muslims the 'enemy within'. The result has been the legitimization of surveillance and security profiling targeted towards racialized Arabs and Muslim Canadians (p.220). Given the extent of the existing moral panic around the Muslim community, it is essential that we remain critical of Bill C-43 and its potential negative impact on racialized peoples.

Narratives of Deportation

Counter-stories, or counter-'realities' exist to provide alternative perceptions and interpretations of the everyday reality that is accepted as the norm. These realities challenge a predominantly Eurocentric society that fails to acknowledge racialized communities' experiences of 'glass ceilings' and racially motivated over-policing/criminalization. Mark, the young man recently deported to Trinidad and Tobago who was interviewed for this paper, happened to undergo this experience during the lifespan of Bill C-44. Mark immigrated to Canada with his family when he was seven years old and spent twenty-three years in the country until he was deported. He was forced to leave behind his mother and two sisters, as well as his friends. When Mark first moved to Toronto, his family lived in the Dufferin area and later moved to Etobicoke. When he was twenty-five, Mark was introduced to drugs by a friend of his co-worker. His situation took a turn for the worse when a group of his friends were jumped outside of school in

2003. After the fight, one of his friends wanted to get back at the assailants, and Mark agreed to show him who they were. Mark pointed out the school that the guys went to and was about to leave when he decided he wanted to purchase some marijuana. The cops arrived at the scene and Mark was charged.

> As soon as I walk back to the crowd, cops show up out of nowhere. I'm like, ok. There's 20 guys walking down Jane street, he (the cops) says you guys are up to something. So, there was a baseball bat behind my back, and a glass bottle. The guys put those two as a weapon on me, but the guy dropped it. But in my bag, I had a pair of scissors, they charged me with that (Mark, personal communication, August 15, 2013).

Mark's lawyer advised him to accept a plea bargain, which he did, but while in jail Immigration officials sent him a letter asking him to come in for an interview,

> Now I pled guilty to that scissors, and possession of stolen property, was a next charge, and fraud. All three charges gave me forty-nine days, my lawyer said you know that's the best we can do instead of fighting it and going to trial, because if I go to trial, I could be included with the guys, one of the guys in the groups had a gun, I could be included with that. So, he said the best thing to do is plead guilty to the charge and you know, you won't have to deal with that.
>
> I wanted to do a trial, because you know, but then I said you know what, forty-nine days yeah that's nothing, I can do that in no time. So I did the forty-nine days. Two years went by, it was 2005 now, yeah 2005, I get a letter from immigration. I say, why do they want to see me? So they said when I went to see them, they're like yeah, in 2003 you pled guilty to a weapon, which you're not a Canadian citizens makes you grounds for deportation. But I knew I hadn't done no two years, so I said this charge wasn't even two years. They said its' still a weapon (Mark, personal communication, August 15, 2013).

Although Mark had been advised against his own wishes to accept a plea bargain, the fact that his conviction carried a *potential* sentence of two or more years of imprisonment was enough grounds for his deportation. Mark was granted several stays, but he was unable to stick to the terms of his conditions because of his drug addiction. After attempting to stay in various treatment programs, including one in New Brunswick, Mark was deported to Trinidad.

At the time of this interview, Mark had only been living in Trinidad for four months since his removal from Canada. He felt his deportation was issued unfairly. While he was waiting in a New Brunswick jail to be sent to an immigration detention centre, his dissatisfaction with the removal process arose each time a Canadian citizen was released back into the public for crimes that carried a more severe sentence that those which he had been issued in 2003.

> I wasn't in an immigration jail at first. I was just in a regular jail with regular guys. But being on the immigration hold, you know you're not getting out for at least a year or so, if you're lucky, if you get bail. So you're sitting there, seeing people going and leaving. Me, I hate it because I'm sitting there in jail and watching guys go out every two months, six months, whatever, and then for the charges that they got, you guys are lucky! You guys are lucky because you're leaving and going to Canada, I'm leaving and going on a plane, you know. You guys don't know how lucky you are. And I look at that, I say, these guys committed these crimes but they can stay here, and I can do something stupid like have a scissors in my bag and I'm going home (Mark, personal communication, August 15, 2013).

When Mark was deported these feelings persisted, contributing to his unwillingness to envision himself living permanently in Trinidad.

> I'm thinking in my head, yeah my grandmother's there, but I just haven't been back there in so long. I haven't, whenever I go down there its just for summer, just for fun. I mean now to go back there and try to work, no, no. And then once they hear my accent, you know, they don't care for

> deportees out there, out here…When I came down, no one even knew I was coming. My grandmother didn't say nothing to a few of them, but when I went to the area, and I seen my cousin he was like, "Mark what are you doing here? You came to see your granny? Are you on vacation?" So when I told him he was like, "Oh man what did you do?" So I kind of had to lie and say, "Yeah, weapons charges, gun charges." You know just to make it seem like I didn't come for no dumb charge.
>
> I keep telling these guys, I'm on vacation. That's what I keep telling them, I am on vacation for the first year. I haven't gone to the beach yet. When I first came to the house, the next morning, I said I'm on vacation, what do you mean go to work? And then to see the kind of work they was doing up there, digging dirt and, no, in the hot sun. I said I didn't come from Canada to do this. But they did offer me other work and I did kind of like it, because then I was taping it and I was putting it on Facebook, showing them what I was doing, people liked it (Mark, personal communication, August 15, 2013).

A significant factor supporting the unjust nature of deportation proceedings under Bill C-44, as well as Bill C-43, is the faith it places in formal citizenship as a marker of belonging. In this environment, citizenship is easily employed to symbolize rightful belonging, and currently, under existing deportation bills, excludes those without formal citizenship from the nation-state. Having spent the majority of his life in Canada, and arriving at a young age, Mark's narrative falls in line with individuals who argue that deportation proceedings should refrain from exiling persons who arrived in their new home country as young children and were subsequently socialized within that environment. Not only does the Canadian state continue to deport individuals who have forged a life in Canada, it does this on the underlying basis of foreignness as a means for justifying exile. It is clear here, how racialized immigrant groups who do not fall in line with a Eurocentric norm can become victimized within the deportation process.

Regarding both the way in which Mark was handled by CIC officials during his final days in Canada, and the failure of the Canadian state to provide any support for a drug addiction that was nursed and born within its borders, the illusion of formal citizenship serves an important function of removing the responsibility from the 'host' state for the realities faced by its residents. Mark was forced back to Trinidad and Tobago in a far less than considerate manner, leaving the Trinidadian state to accommodate a *citizen* who had been absent from the country for over 20 years.

> From 12o clock when I get off work, I have nothing to do until 6:30. So that's why I go to the library down here, but then the computers are off, so I'll take a days pay, a morning's pay and go smoke. Time just flies by, right. With all this free time, I can't do the things I do in Canada because the malls are so far to get to right, and I don't got nothing decent to put on and to go to the mall and go and look at any girls or anything. Those are the small things you see that I miss in Canada. There's so many things you can do in Canada to keep me from smoking, when I was there I was smoking once a month when I got my cheque. But down here it's every second. If I have free time I'm gonna go smoke, because I have nothing else to do.
>
> …
>
> They helped me, they got me the list of immigration, I mean welfare that's down here. But there's supposed to be a fund, to give me $60 based on how much money was sent through Western Union. I had 4 or 5 hundred dollars sent to me and they wouldn't go pick it up. That right there, they need to show more respect. People are going home, you know, we have nothing. Some people they have family waiting for them at the airport, but me, I had nothing to go back to. My grandma wasn't gonna pick me up or anything. I know where she lives but they need to make sure people have a way to get to their family, you know, if they have no clothes, because I got most of my clothes donated to me from the treatment centre that I was at. So make sure they have at least

clothes to wear, you know, and resources to where to go. I had to beg them just to print out those stuff for me, and then she's like, she made a big deal that she took time to do that. They're job like I said, it just to put you on the plane. They should be a little more considerate (Mark, personal communication, August 15 2013).

Trinidad and Tobago is one of the Caribbean islands fortunate to have a government that can provide support to deportees. Individuals repatriated to other islands in the Caribbean do not always fare so well. The ability in which wealthy nation-states are able to regulate their borders plays into a continual cycle of global economic exploitation, allowing the labour of the global south to be channeled into industrialized nations like water out of a faucet. All of the staff at Vision on Mission had interesting critiques about the lack of responsibility that sending states currently have towards deportees.

It says a lot about their whole socialization process as well, and I mean, it begs the question of what is the education system, and other systems that are designed to, you know, affect the lives positively of young persons. What are they doing? Because clearly, if they're engaging in anti-social behavior, they're behaving in those anti-social behaviors in the country that they're presently residing in. It means that things aren't, you know, ok there, and they need to be addressed, and they need to be addressed quickly. So it's unfair then, to punish them for a system that has, that hasn't really failed them, you know. The Trinidadian government system hasn't failed them, it's where they are. The failures lie there, so Canada needs to take some responsibilities, or United Kingdom needs to take some responsibilities, similarly America would need to take some responsibilities (Eric, personal communication, August 14, 2013).

Deportation having a bad impact on the region, because economically a lot of us were not prepared to deal with that impact, and we have to find resources, because a lot of them come back and may not have certain skills, may have certain mental problems, certain medical and

psychological problem, and the state may have to take care of them, or find ways and means to do so. That in itself had put a strain on a lot of the other islands who already having challenges with their own members of the society, so you know additional persons in the context of how they are coming back is a strain. Not like someone went and, you know, educate themselves and develop a skill and is coming back to offer a service. This person is coming back with serious criminal history, and challenges that the state now have to deal with. It is a very exorbitant cost (Phillip, personal communication, August 15, 2013).

Staff also shared the opinion that the length of time spent in a country abroad has serious implications for a person's psychological well being and their familial bonds, and that the disregard for this important element produces negative outcomes for deportees and their families.

I don't think it's fair, personally I don't think it's fair. Yes I understand, why, you know, countries like Canada and the United Kingdom, and America would do it, but I think, it really needs a rethink, because, what they're doing in effect is disrupting familial bonds. Take for example a man spending all of his life there, the majority of his life there, with a wife and children, yes he may have committed some crime, but to remove him from that, especially if he is the key breadwinner, and especially if he is expected to provide that sort of male, figure role in the lives of his children, when you take him out of that equation, then it leaves those children, his wife included, in very precarious, vulnerable situations. And so that's why I wouldn't agree with it totally (Eric, personal communication, August 14, 2013).

Well if you ask the average deportee if he want to go back to the United States, Canada, UK or one of those countries, most of them tend to, because of their relationship – their spouse, their children – a lot of them would have made a lot of investment. They have businesses, etcetera, friends, etcetera. So, on those premise they may want to go back to the United States and Canada, and they are places that they are quite familiar with and they see life much easier for them in the

> context of they already build certain bridges, whereas when they come to Trinidad and Tobago they are starting from scratch (Phillip, persona communication, August 15, 2013).

African Canadians are disproportionately represented in the criminal justice system, and it is important to contextualize this phenomenon so that subsequent generations are not subject to repeat experiences of discrimination. This is especially true for youth, since manifestations of social exclusion begin early in life and are compounded over time through various institutional and individual practices of exclusion. Young men who drop out of school are more likely to come into conflict with the law, and by the time individuals are excluded from society for long periods of time, through prolonged unemployment or incarceration, the impact of past exclusion makes it increasingly more difficult to be successfully integrated into society (Dechman, pp.1-6).

In the case of African Canadians, the driving force behind these unequal outcomes are stereotypical perceptions of criminality, laziness and cultural incompatibility, which in turn impact labour market outcomes, housing and neighbourhood choices, full citizenship, and life chances (Galabuzi, pp.75-76). There is also the issue of a self-fulfilling prophecy, where many Black youths are responding to the negative stereotypes and racial profiling by internalizing these preconceptions. This occurs in various settings, including the school system, and within heavily policed neighbourhoods (James). When the stopping, questioning and searching of individuals based on a perception of racialized criminality occurs consistently, it produces a lack of confidence in the justice system and, "this mistrust of the police can not only result in a feeling of not wanting to go to or cooperate with the police, but also degenerate to a general attitude of not respecting or complying with the law" (Henry & Tator, 2006, p.164). Eric was a high school teacher in the U.K. before he returned to Trinidad and Tobago to work. When asked

about the self-fulfilling prophecy, Williams had this to say about his experience working with racialized youth in the U.K.,

> The UK government had passed a bill which gave the police the powers to stop and search Black boys, who they suspected or deemed were up to something or didn't look like, you know, looked a bit shady, or as the English would say, dodgy. That created a lot of problems, because a lot of decent hardworking young Black men were being constantly stopped and in a lot of cases, harassed.
>
> I worked in one of the toughest schools, and there was a very high percentage of Africans and Afro-Caribbeans in the school, and what I found, and, you know, I think I speak for others as well who, you know, morally and ethically sound. But what I found was that because of the constant labeling, because of the constant stigmatization, those young men started acting out those roles, and in very frightening ways.
>
> I worked with them very intimately, so I saw first hand, how that constant branding and stigmatization affected them. I mean, not only in terms of their behaviour, but also in terms of their, their performance in school. A lot of them felt devalued, and so weren't attaining as their White counterparts, or their Asian counterparts… (Eric, personal communication, August 14, 2013).

Evidently, Blacks in western nations seem be experiencing similar forms of stigmatization, although the extent to which these experiences run parallel between countries in the west is beyond the scope of this paper. What is interesting, however, is that the majority of deportees to Jamaica arrive, in declining order, from the U.S., Canada, and the U.K., the top three countries that Jamaicans have chosen to call their home (Barnes, p.195; World Bank, 2007, pp.3-5). Notably, there is an obvious trickle down effect that occurs, whereby Black males are excluded in the education system, producing unequal educational outcomes, which in turn, shape their chances of advancing to post-secondary school and gaining valuable employment. The

alternative life chances that ensue are exacerbated by their unequal treatment in the justice system.

The stigmatization previously discussed that is often associated with criminal deportees in the Caribbean is something that warrants a closer examination, since not every criminal deportee is a dangerous or serious criminal. Most of the criminal deportees received by Vision on Mission have been quite successful in terms of re-integration into society.

> There are one or two deportees in trying to fit back into society with little or no support system have committed crimes, some have joined gangs and they have been arrested, convicted, etcetera. But they are a minority…
>
> Vision on Mission have work with over five thousand deportees, right, within the last five years. So I must say about a thousand deportees per year, you see. So, and we only have about a 20% failure rate. So, I mean we are doing well and we could do much more for our deportee population, if we get the assistance that we need, that is required (Phillip, persona communication, August 15, 2013).
>
> I meet many of them, one in particular. After he exited our program, he's living on my street, and the next one is the baker, he's the chef, he works at _____ hotel. He's really nice. He makes all these things for us to taste, so it's not negative for me (Samantha, personal communication, August 16, 2013).
>
> All of our deportees are presently employed, and I must say the sort of feedback, the reports we get from the employer, are very favorable, they're very hard-working and I think that stems from the fact too, that without no one here really, it leaves them time for very little. So they sort of immerse themselves in their work, and become very committed (Eric, personal communication, August 14, 2013).

Perhaps the success that the staff experience when working with deportees is reflective of the fact that Vision on Mission is the only organization in Trinidad that offers them assistance, but another possibility might be that not all deportees are delinquents, and that when presented with genuine opportunities for successful integration, most people will do well. The staff at VOM also understands that working with criminal deportees is a process that requires time and energy in order to establish a trusting relationship.

> When persons come back from whatever part of the world, and they have a preconceived notion that everyone is out to get them, it makes it difficult to actually get that person to settle down. So that is mostly where the challenge is, and mostly the challenge I have faced in working with deportees. I think there is a lack of good information, as it relates to when they arrive, to whatever country of origin. What to expect and who they can get assistance from. A lot of times they land totally lost as it relates to where to turn, and therefore anyone approaching them they tend to believe is, a police or someone seeking to further imprison them. (Eric, personal communication, August 14, 2013).

Each of the service providers were able to recognize that deportees possessed warranted levels of suspicion towards authority figures, oftentimes because they felt that the grounds for deportation were unjust.

> I think it depends on the kind of orientation and preparation that took place as it relates to the deportation. There are clients who felt that they were deported before they got a proper hearing, and some of them tend to be problematic because they felt they were sent back unjustly, and they tend to want to be a bit resistful in some instances. But those who went through the process and accept that they have done what they have been accused of tend to settle quickly and move on with their life (Phillip, persona communication, August 15, 2013).

Discussion of Findings

Several key themes arose from the narratives of the staff at VOM, as well as Mark. First, the responsibility that lawyers will now have to take into consideration when considering whether to recommend that their clients accept plea bargains, including conditional sentences, is of greater importance moving forward against the new deportation backdrop of Bill C-43 than ever before. Like Mark, it is reasonable to argue that if permanent residents had been aware that that agreeing to a plea bargain would lead to their permanent exile, these persons would have probably decided to plead not-guilty. The retroactive nature of Bill C-43 may mean that the fate of some permanent resident is already sealed, but it is important to understand the onus that lawyers will now have moving forward, and ensure that clients are presented with all the circumstances and possible outcomes surrounding any criminal case proceedings.

Another theme that continues to play out in popular discourses and within sending and receiving countries are the stigmas associated with deportees, however, the narratives of the staff at VOM, and Mark's experience reveal the existence a variation in levels of integration for deportees. Some, according to the staff, settle completely into society, sometimes bringing their families from abroad to live in Trinidad and Tobago with them. Some deportees, like Mark, continue to experience various levels of difficulty with resettlement, but are working towards improving their situations; while others continue or enter into a life of crime. This is of certain importance, since the discourse surrounding criminal deportation proceedings tends to reassert their perceived criminality, rather than seeking to understand the intersecting factors shaping their realities. Thus when Caribbean born males are systemically targeted by the police, the inevitability of their overrepresentation in the criminal justice system is obvious, leading those

who aren't subjected to this race-based policing to assume that these moral panics are warranted. In reality, however, the unequal nature of the justice system requires that we understand the political economic context in which some individuals and groups are labeled and made criminal. For Mark, this meant grossly exaggerating the charge that lead to his deportation, since the "dumb charge" that had criminalized him and labeled him a danger to the public, thus justifying his removal was quite minor. In Mark's case, being deported for a serious conviction, like gun possession, was the only means justify his forced removal from Canada.

What does seem to remain a point of contention between sending and receiving states is the lack of consideration that sending nations exercise when expelling non-citizens from their territories. In line with the discourse of the sovereign nation-state, countries have a right to decide who should be allowed to stay, and who has exhausted their stay. However, the ease with which this right allows nations to export significant numbers of residents that have been raised within their borders is troubling. Here, it becomes increasingly important to question the ways in which citizenship status serves as tool of distinction. Jamaica, for example, receives the largest number of deportees relative to its population, a trend that is on the rise. Between 2001 and 2004, Jamaica received over 2,400 criminal deportees from the U.S., Canada, and the U.K., 14% of whom had been away for over twenty years (World Bank, p.8). The impact this influx has had on Jamaica is draining, financially, socially, and politically. Sweeping changes to immigration policy on deportation matters should take the institutional capacity of receiving states into consideration. They should also take greater precaution to understand the socialization of immigrants who arrive in Canada but experience difficulties with successful integration. Mark, who arrived in Canada during the early years of their lives can hardly be said to have possessed innate criminal tendencies before his arrival. While it would be paternalistic to argue that Mark

lacked any agency when he was introduced to narcotics, equally erroneous would be to assume that at seven years old, Mark already had an inclination for recreational drug use. Furthermore, having spent twenty-three years of his thirty-year life in Canada, to invoke his lack of citizenship status as an indication of not belonging to the Canadian state seems rather ridiculous.

> I felt that I shouldn't have been sent back, based on how long I was up there and how long my family was up there… Well my sister that passed, she was born in Canada, and yep, everybody else is a citizen but me. That's why I said you know, hopefully I'm on vacation (Mark, personal communication, August 15 2013).

In addition to the length of time spent in a country, interview participants expressed their dismay with the sending states' refusal to seriously take familial bonds into consideration when deporting individuals.

> Some of the deportees we work with, have said to me in conversation that their family bonds have been broken and been severed. And they have. Yes we have Skype and we have ooVoo and all those things, and those things help them to remain in contact, but there is nothing that can beat physical contact. Being there to lend that moral and spiritual support to the persons you have a familial bond with, and so, that's another reason why I think it really needs to be looked at, and looked at very carefully (Eric, personal communication, August 14, 2013).

Mark's entire family in Canada was either born there or had attained their formal citizenship. Aside from his grandmother, Mark did not maintain contact with any friends or relatives in Trinidad and Tobago, yet, rather than recognize the paradox of citizenship status as a marker of belonging, the Canadian state choose to separate Mark from his social support network of friends and relatives, and place him in a country where he now lacks the level of treatment that he was receiving in Canada for his drug addiction. For other deportees, the situation is made increasingly worse when they are forced to leave behind children and spouses. As indicated by

Eric, some of these deportees represent the main breadwinners in the family, and so their sudden removal from the country places their dependents in a vulnerable situation. The deportation process thus not only affects the lives of persons ordered deported, but also the lives of their dependents, which can have serious harmful implications for their life chances in Canada. For the Black community, which is already characterized by a high propensity of single-parent households, this is of primary concern. In order to halt the continuation of low levels of successful integration for racialized communities, the state must take into consideration the impact that deportations have on the family unit as well as on the community.

Conclusion

The ease with which the Canadian nation-state can remove permanent residents from its boundaries becomes increasingly problematic when specific groups of people are systematically and disproportionately targeted by the criminal justice system and treated differentially in the deportation appeal process. In this environment, the political economy of immigration promotes various intersecting processes of oppression that hinder the successful integration of immigrant communities. Racialized communities continue to face glass ceilings that prevent their upward mobility, relegating many to low-income neighbourhoods, while the dominant discourse depicts immigrants as criminally prone and in need of extra surveillance. In Canada, the Caribbean community has been disproportionately affected by deportation orders, while Caribbean-born males are overrepresented in the justice system. The media then upholds moral panics that reinforce the criminality of the Black community, allowing the discourse of democratic racism to prevail. This hegemonic process was clearly enacted with the emergence of Bill C-44, allowing for a significant number of Jamaican deportees to be repatriated to Jamaica, and thus removing any responsibility that the Canadian state might have towards permanent residents.

In Canada, the Caribbean diaspora and Black community in the Greater Toronto Area provide valuable insight into the process and experiences of criminalization, poverty and marginalization. Blacks continue to be subjected to the widespread perception that their culture and physical being is incompatible with a White settler society. This belief has to an extent manifested itself in the lived realities of Blacks, as a direct result of these stereotypes. Underlying racist discourses in state institutions, including the police force and the public education system, continue to reinforce the marginalization of Blacks. The result has been the continuation of a Eurocentric discourse in the political, social and economic sphere, and the inferiorization of members of the Black community. Driving these processes is the state's need to maintain its hegemonic control over the citizenry in order to ensure the profitability of capitalist society.

While the colour-blind nature of our liberal legal system would have many believe that the problem of criminality is located solely in the decisions that criminally accused persons' make, this fails to account for the impact that being labeled a symbolic assailant can, and does have on a person's ability to negotiate his or her sense of self within a society that has already determined someone's potential. The findings from the interviews conducted in Trinidad support much of the literature which highlights the problems located within the deportation process, leading to the conclusion that formal citizenship allows nation-states to export locally manufactured problems to countries that are often unprepared to deal with an influx of criminal deportees. Deportation serves as an important tool for constructing the ideal citizen and eliminating those who fail to fall within this norm, whether caused by their own free will or resulting from a negative socialization experience.

The post 9/11 geopolitical environment that currently shapes our legal discourse is a cautionary forewarning for the future ramifications of Bill C-43 on the Muslim community. State level transnationalism between Canada and the U.S. has given renewed significance to borders as a site for protecting nation-state sovereignty, producing the widespread desire to exclude foreigners who constitute a threat to state power (Macklin, 2002, p.383). And while it would be unwise to do away with all efforts to prevent acts of terrorism, it is important to remain conscious about the racialization of immigrant communities that can, and has resulted from a war that purports an 'us' versus 'them' stance and therefore homogenizes, criminalizes, and renders Other, entire groups of people. To quote Audrey Macklin, "locating terrorism exclusively in immigration legislation institutionalized in law the figure of the immigrant as archetypal menace to the cultural, social and political vitality of the nation" (392). Like the Japanese interns of nineteenth century British Columbia, Arab-looking persons and Muslims in Canada have become symbols of unfamiliarity. Yet in a country like Canada, which claims to support and foster multiculturalism, possessing physical features and cultural practices that stray from a predominantly Anglo-Saxon society should not equal criminality.

Appendices

Appendix A

Interview Questions for Deportees

Background Questions

1) How old were you when you came to Canada?
2) When were you deported back to Trinidad?
3) How can I contact you (telephone, address)?

Open-Ended/Interview Questions

1) Do you have any family or friends that you had to leave behind in Canada? If yes, how do you maintain contact with them?
2) What sort of crime were you convicted of to get you deported?
3) Was this your first conviction? If, not, what crimes were you convicted of before you were deported?
4) How were you introduced to crime?
5) Where did you live when you were in Canada?
6) How would you describe life in Canada?
7) What sort of work did you do in Canada?
8) In Canada, did you ever experience any racism?
9) Before you were deported, had you ever come back to Trinidad to visit? What sort of contact did you maintain with friends and family in Trinidad while you were in Canada?
10) Can you explain what happened when you were deported?
11) What happened after you were turned over to the immigration officials?
12) What are your living conditions in Trinidad?
13) How would you describe life in Trinidad?
14) Do you have any support networks or resources in Trinidad?
15) How do people treat you in Trinidad? Are there any stigmas attached to being a deportee?
16) Can you describe your job-hunting experience in Trinidad?
17) What type of work would you like to do? Are there any resources to help you work towards this goal? What steps are you taking?
18) Did you engage in any recreational drug use in Canada, or now that you're in Trinidad? Why?
19) If you had the option to go back to Canada, would you?
20) Did you ever feel disempowered when you were living in Canada?
21) What coping mechanisms do you use to deal with your situation?
22) What do you need to improve your situation in Trinidad?
23) What do you think about the opinion that people who are deporteed have a negative impact on the country that they are sent back to.
24) What do you think the Canadian government should do if they're going to deport someone to prepare them or help them?
25) Bill C-43 is a new bill that was passed, which gives the government the right to deport someone who was convicted of a six-month sentence. What do you think this new bill will do to people living in Canada without their citizenship? Do you think this bill is fair?

Appendix B

Interview Questions for Service Providers

Background Questions

1) What is your name for the record? Would you like to use a code name? If yes, what would you like your code name to be?
2) How long have you been working at vision on mission?
3) Do you have any contact information that I can use to contact you?

Open-Ended Questions

1) What is your role at Vision on Mission?
2) What were you doing before you worked at Vision on Mission?
3) What do you find most challenging about working with deportees?
4) What are some rewarding aspects to working with deportees?
5) Have you ever had to turn away clients? Why?
6) Are the majority of your clients prepared for life in Trinidad?
7) What does Vision on Mission do to help deportees?
8) How do deportees cope with their situation?
9) What was you most troubling experience involving someone who was deported?
10) Do you think the Canadian state has a responsibility to provide some sort of assistance to deportees?
11) Do you think this deportation process is fair or justified?
12) How does the Trinidadian government deal with deportees?
13) Is there enough funding/services for deportees who come to Trinidad?
14) What needs to be done to better help individuals who are deported to Trinidad?
15) If you were not doing this job, what would you like to do?
16) What do you think about the opinion that people who are deporteed have a negative impact on the country that they are sent back to.
17) Bill C-43 is a new bill that was passed, which gives the government the right to deport someone who was convicted of a six-month sentence. What do you think this new bill will do to people living in Canada without their citizenship? Do you think this bill is fair?

Appendix C

Consent form

Ryerson University Consent Agreement

Bill C-43 The Faster Removal of Foreign Criminals Act: The intersection of racialized crime and deportation orders

Investigators:

Solange Davis-Ramlochan, M.A. Student, Immigration and Settlement Studies, Ryerson University.

Grace-Edward Galabuzi, Faculty Supervisor, Department of Politics and Public Administration, Ryerson University

Purpose of the Study:

This study is a Major Research Paper that aims to investigate the connection between the racialization of crime, and the impact of deportation orders on racialized groups, particularly the Black community in Canada. It also aims to assess the potential impact that the recently passed bill C-43, the faster removal of foreign criminals act, will have on racialized communities. It will seek to gather a better understanding of the experiences of deportees who have been separated from their friends, families and livelihoods, and sent to a country they may no longer be familiar with. This study seeks to interview service providers who work with deportees at VOM and its clients who are deportees. Please find attached, the list of questions that you will be asked in the interview.

Description of the Study:

You will be asked to participate in one interview, which will be 60 to 90 minutes in length. The interview will be structured around a series of open-ended questions. Interviews will be conducted one on one and will be video recorded. All videotapes and written information will be accessible only to the investigator and will be stored by password-protected files. These interviews will immediately be transferred to a removable hard drive that only the investigator, Solange Davis-Ramlochan will have access to. The data on any other recording devices will be deleted immediately, and the transfer of data will occur after each interview.
Your name will not be used and all participants will be assigned a code name. In no part of the study or final publication will your name be recorded or published. No one at Vision on Mission will have access to the data, however, it is possible that someone at VOM may recognize a participant based on any quotes used in the published paper.

Your participation in this study is completely voluntary. You are not required to answer all of the questions. You can stop your participation at any time prior to publication. If after an interview you decide you do not want your information used in this research, please contact me via email

at sdavisra@ryerson.ca. Whether you chose to participate or not, or end participation in this study, it will not affect your future relations with Ryerson University or Vision on Mission

You will be able to review the use of quotations and published work from your contributions. These quotations will be emailed to Vision on Mission or the contact information that you provide, in the context that they will be used in the publication, so that you can have the decision to terminate any phrases that you disagree with. You understand that at any time you may ask questions or address concerns, and/or terminate your participation.

It is understood that you will not be paid to participate in the study, but you will receive a $20 CAD per diem to cover the cost of food and transportation (excluding VOM employees).

Risks and benefits of participation:

Due to the personal nature of the study it is understood that discomfort may arise. Speaking about experiences of difficulty or discrimination has the potential to raise feelings of discomfort or difficulty. It is understood that you may choose to not answer questions or that you may withdraw your participation in the study at any point. Any decision to withdraw from this study will not affect your ability to receive services from Vision on Mission.

Your valuable contributions to this study will be used to further explore how deportation orders will impact racialized communities in Canada. Rather than using your information to make general assumptions about every deportee and service provider, your participation will be used to contribute to a growing body of knowledge on the relationship between crime and race, and the increasing use of deportation orders. Personal benefits from participation may be varied and it is not guaranteed that you will receive any benefits from participation in the study.

Contact information:
Please feel free to ask any questions regarding the study prior to consent or if you have questions as the research progresses you may contact Solange Davis-Ramlochan at sdavisra@ryerson.ca. You may also contact my supervisor, Grace Edward-Galabuzi at galabuzi@politics.ryerson.ca

If you have questions relating to your rights and participation in the study you may contact the Ryerson University Research Ethics Board directly:

Research Ethics Board
c/o Office of the Vice President, Research and Innovation
Ryerson University
350 Victoria Street
Toronto, ON M5B 2K3
416-979-5042

Consent:
All participation in the study is voluntary and at any point of the study you may withdraw for any reason. Your signature indicates that you consent to participate in the study and that you have read and had the opportunity to ask any questions you have relating to participation in the study

and that you understand that at any point you may withdraw your consent to participate. You have been given a copy of this agreement.

You have been told that by signing this consent agreement you are not giving up any of your legal rights.

Participant agrees to participate in the interview.

_____
Name of Participant (please print)

_____ _____
Signature of Participant Date

Participant agrees to be video recorded.

_____ _____
Signature of Participant Date

_____ _____
Signature of Investigator Date

Appendix D

Ethics Approval Letter

RYERSON UNIVERSITY
RESEARCH ETHICS BOARD

To: Solange Davis-Ramlochan
Yates School Of Graduate Studies

Re: REB 2013-240: Bill C-43 The Faster Removal of Foreign Criminals Act: The intersection of racialized crime and deportation orders

Date: August 12, 2013

Dear Solange Davis-Ramlochan,

The review of your protocol REB File REB 2013-240 is now complete. The project has been approved for a one year period. Please note that before proceeding with your project, compliance with other required University approvals/certifications, institutional requirements, or governmental authorizations may be required.

This approval may be extended after one year upon request. Please be advised that if the project is not renewed, approval will expire and no more research involving humans may take place. If this is a funded project, access to research funds may also be affected.

Please note that REB approval policies require that you adhere strictly to the protocol as last reviewed by the REB and that any modifications must be approved by the Board before they can be implemented. Adverse or unexpected events must be reported to the REB as soon as possible with an indication from the Principal Investigator as to how, in the view of the Principal Investigator, these events affect the continuation of the protocol.

Finally, if research subjects are in the care of a health facility, at a school, or other institution or community organization, it is the responsibility of the Principal Investigator to ensure that the ethical guidelines and approvals of those facilities or institutions are obtained and filed with the REB prior to the initiation of any research.

Please quote your REB file number (REB 2013-240) on future correspondence.

Congratulations and best of luck in conducting your research.

Lynn Lavallée, Ph.D.
Chair, Research Ethics Board

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