THE BUREAUCRATIC ORGANIZATION OF RACE IN DEPORTATION AND CANADIAN
IMMIGRATION POLICY

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Mohanza Kelly

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Abstract

This MRP presents a literature review on race, immigration and Black male surveillance. It situates the discourse of racialization in a historical and contemporary context, drawing from different disciplines and frameworks to contextualize the interrelationships between race, crime and immigration. This research includes a critical analysis of the history of anti-Black racism in Canadian state policies such as deportation and presents the case of Alvin Brown as an illustration This paper argues that deportation represent a racist discourse that reinforces the criminalization of Black people, specifically Jamaican males. Razack's concept of bureaucracy highlights deportation as a process that legitimizes the removal of legal rights in the name of public security. The case of Alvin Brown is utilized as an illustration of the processes through which deportation becomes racialized and 'Jamaicanized' based on the reification of criminal stereotypes in policy and practice.

Key Words: deportation, anti-Black racism, criminalization, racialization

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Introduction

      The legacy of colonialism and racism in very profound within the politics of the Canadian immigration system and this dark history reveals the making of a White settler society in Canada. In the colonial era, immigration policy served as a recruitment and settlement tool that was designed to populate the land obtained from Aboriginals (Walker, 2009). However, Europeans were exalted as desirable immigrants and were privileged with exclusive access to Canadian citizenship (Thobani, 2007). The perceived inferiority of non-White groups and their historical construction as 'inassimilable' and 'backward' people throughout North America was used to justify various types of racial injustice against people of color (Taylor, 1991). For example, the enslavement of Aboriginals and Blacks in the French and British colonies that became Canada was based on the assumption that all non-White groups were inferior to Europeans because of their race (Winks, 1994). These assumptions were instrumental in shaping the policies that completely banned non-White immigration, especially Asians and Africans from migrating to Canada up until the 1960s (Kelly & Trebilcock, 2010; Mosher, 1998). As such, the British and French are symbolically represented in Canadian history as the founding fathers of the nation (Verbeeten, 2007) and immigration legislation played a significant role in homogenizing Canada's identity as White and European while defining non-White, non-European groups as non-preferred races (Bannerji, 2000; Thobani, 2007).

      This MRP begins with an examination of the history of restrictions and societal policies that were put in place to curtail Black settlement and their access to citizenship. The view that Blacks were inferior to Whites enabled racial inequality to proliferate through the actions and ideologies of individuals, groups and government institutions (Sadlier, 2010) and these views facilitated the segregation, relocation and mass removal of early Blacks in Nova Scotia and other parts of British Canada (Whitfield, 2005). These sentiments were once at the core of Canadian immigration policies and were utilized to further the ideological imperatives of White supremacy. Hence, a detailed analysis of past immigration policies is undertaken to highlight the role they played in solidifying Canada as a White settler nation (Thobani, 2012). Policies like the 1901 Immigration Act, which barred the entry of non-White, non-European groups up until the 1960s based on racist ideologies that portrayed non-Whites as 'undesirable' immigrants due to their perceived inferiority to Europeans (Gram, 2010; Thobani, 2010). Even when exceptions

were made to facilitate the procurement of cheap, exploitable immigrant labor, non-White groups were racially administered by the state through a series of discriminatory policies as in the case of Chinese and Japanese immigrants who settled in the west coast of Canada during the late nineteenth and early twentieth century (Lee, 2007; Price, 2007). Therefore, the ideology of biological racism is rooted in the history of the Canadian immigration system so it becomes an essential task to examine how racial discourses materialize through contemporary immigration policies that reinforce White supremacy through the exclusion of racialized people (Vineberg, 2011).

As Black immigration to Canada began to increase in the nineteenth century, racial tensions emerged in the different places in which Blacks settled premised on negative racial stereotypes. For instance, in Chatham, Ontario Whites were outraged with the influx of Black immigrants in their community, claiming that this would cause their property value to decrease due to the perception that Blacks were lazy and would therefore cause their farms to run down (Mosher, 1998). The Canadian press also placed a significant amount of focus on crimes committed by Black people in Ontario and contributed to the perpetuation of negative stereotypes that depicted Blacks as people who were more inclined to commit criminal acts than other racialized groups (Mosher, 1998). Therefore, Blacks were constructed as threats to the social order and were viewed as a population that needed to be controlled. This meant that they were more likely to be convicted and would receive longer prison terms when sentenced (Mosher, 1998, p. 197). As such, this MRP presents an examination the extensive history of Black surveillance and anti-Black racism in Canada. It situates the criminalization of Blacks in a historical and contemporary context and draws from different disciplines and frameworks to examine questions of racism and anti-Blackness, surveillance and citizenship, and nationalism. This is essential as it highlights the discourse of racialization an integral process that shapes contemporary understandings of race and criminality.

Specific references are made to the Jamaican-Canadian community, which comprises a large part of the Black community living in Toronto and other parts of the Greater Toronto Area (GTA) ("The Jamaican Community", 2007). Members of this community believe that they are singled out by the Toronto Police who stigmatize them as criminals and treat them accordingly (Owusu-Bempah, 2014). Therefore, an analysis of this group address the various

ways that racial stereotypes cultivate specific types of criminal identities that essentially stigmatize entire populations of racialized people (Henry & Tator, 2005; Owusu-Bempah, 2014). Scholars argue that racial profiling play a fundamental role in the way criminal investigations are conducted in Canada, especially if it pertains to racialized immigrants and crime (Henry & Tator, 2005; Khenti, 2014). Studies have also highlighted that the police systematically use physical features such as a person's skin color or hair texture to identify and target potential criminals (Owusu-Bempah, 2014; Wortley & Owusu-Bempah, 2011). The war on drugs campaign launched in the 1980s expanded the sweeping powers of the police to combat the presumed increase in criminal activity among Blacks (Khenti, 2014). This directed a significant amount of police attention and resources towards the policing of Black communities and Jamaican men became the prime targets (Henry, 1994).

The Georgia Leimonis and Inspector Tod Baylis murder trials in 1994 are important to this analysis as the reactionary measures undertaken by law enforcement and immigration officials details the processes by which Black men in Ontario were legitimized as the symbolic assailants of violent crimes (Burt et al., 2016; Mosher, 1998). These two high profile interracial murders initiated public appeals for tougher immigration policies and influenced federal policy makers to introduce Bill C-44 in 1995 to crack down on 'dangerous' foreign criminals (Barnes, 2009). Bill C-44 expanded the discretionary power of the Immigration Minister to deport any individual that is considered as a 'danger to the public' (Barnes, 2009). Jamaicans were the prime targets of this Bill due to their involvement in both crimes and also due to the fact that the perpetrator in the Baylis case had a pending removal order (Barnes, 2009). The racialized application of Bill C-44 translated in the mass deportation of Jamaicans from Canada throughout the rest of the 1990s (Burt et al., 2016). As a policy, deportation has existed since confederation to remove 'undesirable' immigrants from Canada (Grams, 2010; Lewey, 2009). In fact, the Immigration Act of 1910 was used to forcefully repatriate subversive elements in the foreign born population that were deemed to be 'enemy aliens' (Grams, 2010; Lewey, 2009).

Today, deportation is primarily used as a method to remove immigrants that are considered to be the most dangerous criminals from the Canadian landscape (Barnes, 2009). However, scholars such as Chan (2005) and Barnes (2009) have highlighted deportation policies and practices as processes in which race and ethnicity materialize as markers of exclusion. They

raise particular concerns over the fact that Black people are significantly overrepresented in criminal deportation statistics and suggest that race greatly influences how deportation decisions are made (Chan, 2005; Barnes, 2009). Therefore, this MRP draws on the historical construction of Blackness and its association with criminality to contextualize how racial stereotypes influence the outcomes of deportation proceedings. Additionally, this MRP presents an examination of how the process of deportation become bureaucratized and inherently raced within a state that identifies itself as post-racial and egalitarian. This MRP does not address the implications of gender and social class on deportation processes, which are important social factors that should be put in perspective to show that these concepts interconnect rather than work in isolation during deportation proceedings. As such, this MRP asks the following questions: Is deportation a racialized process? How does Razack's concept of race as a bureaucracy further the debate?

Razack (2010) utilizes Agamben's (2005) concept of the 'state of exception' to describe legal processes or spaces in which the state has the authority to act outside its own laws (Razack, 2010). The 'state of exception' represents the suspension of law itself, which allows the state to eliminate entire groups of individuals who are viewed as unable to integrate into the political system (Agamben, 2005, p. 4). Within this space, racist ideologies are used to divide individuals into deserving and undeserving according to race and culture and this provides justification for the suspension of certain rights in the interest of national security (Razack, 2010, p. 91). The state of exception is justified and sustained by racial thinking and usually manifests in times of emergency and in immigration law, where the space of exception is diffused through the bureaucracy of the system. As such, immigration law is able to remain largely outside the human rights regime and it is a common practice to view non-citizen as not having the same rights as others (Razack, 2010). Race becomes a bureaucracy within the deportation process when the immigration system places responsibility on detained immigrants to ascertain the necessary paperwork to proceed with their deportation while making it increasingly difficult to do so (Razack, 2010, p. 88). This essentially leaves detained individuals in a state of limbo given the discretionary powers that immigration officials have over the detention and deportation processes. The troubling aspect of this arrangement stems from the fact that officials are not held accountable for their actions as the bureaucratic process makes it difficult to identify wrongdoing on behalf of its administrators as their actions are legitimized by immigration policy (Razack, 2010). In order to understand the role that race plays in deportation decisions requires the use of a

critical race lens to analyze previous literature on immigration and deportation. This provides historical references to the nature of racism in Canadian state policies and shows how racist intent is expressed through legislation. A critical race lens examines the racial sub-text within immigration policies and illuminates the racial ideologies embedded in the interpretation of these policies, which reinforce the 'undesirability' of immigrants of color through the imposition of repressive restrictions. A critical race lens problematizes the notion of race-neutral or color-blind policies and highlight procedures such as deportation and the indefinite detention of foreign criminals as racialized practices (Chan, 2005; Razack, 2010). This framework contextualizes how race is used to exclude immigrants through the process of racialization and through the social construction of certain immigrant groups as 'threats' (Ibrahim, 2005). It enables a tracing of the racial discourses that reified Blacks as criminals and explains how these developments influenced racist campaigns such as the "Jamaicanization of crime" and the war on drugs, which portray Jamaicans as the most violent criminal (Henry, 1994; Henry & Tator, 2005).

As such, this MRP utilizes the case of Alvin Brown to illustrate the covert manifestation of racism within the Canadian deportation process. Alvin Brown moved to Canada from Jamaica when he was only eight years old and spent most of his adult life as a permanent resident up until he was deported to Jamaica in the fall of 2016. Over the decades, Brown was convicted of a series of crimes that mostly involved drugs and weapons and this resulted in the revocation of his permanent residency status in 2005 by the Canadian government (Keung, 2016). Following his release from criminal custody in 2011, Brown was detained by Canadian Border Services Agency (CBSA) and deemed as a 'danger to the public' and a flight risk and slated for deportation. However, Brown was held in immigration custody for five years without any legal justification from the CBSA as to why his deportation was being so grossly delayed. This case came to light after Brown's legal team filed an application to have Brown released from immigration custody in the Ontario Superior Court, which can now preside over federal immigration issues related to the imprisonment of immigration detainees. Brown's appeal was denied and he was deported to Jamaica on September 7, 2016 (Nixon, 2016). However, his lawyer, Jared Will, described Brown's detention as illegal and inhumane and accused the CBSA of negligence for deporting him. Will is seeking a remedy of fifteen hundred Canadian dollars per day for time served in detention on Brown's behalf (Perkel, 2016). The outcome of Brown's case illuminate the presence of racial intent in the coded language of deportation policies, which maintains

differential treatment based on the racial distinctions of different groups of people (Chan, 2005; Li, 2001). An interrogation of these processes reveals important characteristics about the organization of the Canadian deportation system based on recorded accounts of who gets removed and who is granted a stay. This makes it possible for the identification of systems of racial thinking that are actively shaping Canadian immigration policies that discriminate against Blacks within a nation that is considered egalitarian and post-racial since it is assumed that every person regardless of race, has the same rights and is considered equal under multiculturalism (Thobani, 2007). Brown's case complicates this perception and highlights the presence of racial undercurrent in terms of how the CBSA handled his deportation and in terms of how the Ontario Superior Court handled his appeal case. This case deserves attention because there are a significant number of foreign nationals that are currently being held on indefinite detention in immigration facilities throughout the country, some without any criminal charges, without any legal means of remedying their situation.

Theoretical Lens

A multi-disciplinary approach is required in order to contextualize the intricate workings or racism in Canadian society. This will provide a more in-depth analysis by addressing the concept of anti-Black racism and Black surveillance through different theoretical lens. Settler colonialism is an important concept that is foundational to modernity and the creation of the modern Canadian state (Crosby & Monaghan, 2016). Settler colonialism is premised on the 'logics of extermination' in that it requires the annihilation of the Indigenous population, the confiscation of land and the enforcement of policies devised to manage and racialize the surviving indigenous population (Wolfe, 2006, p. 388). The concept of White supremacy is foundational in the understanding of White settler-ism in Canada as it was used as an organizing logic that legitimized European colonization and settlement projects (Bonds & Inwood, 2016). The hierarchical organization of races established racial categories that portrayed Europeans as superior to non-Whites. Thus, settler colonialism operates with a logic to "destroy to replace", and couples brute violence with structural violence through complementary practices of exclusion and assimilation (Crosby & Monaghan, 2016, p. 41). Indigenous North Americans who were not killed during the era of colonial expansion were subjected to different types of racial management due to their perceived inferiority (Wolfe, 2006, p. 388). In a similar way, Black people as slaves

were regarded as property rather than human beings (Wolfe, 2006). These notions of understanding aid the discussion of the different measures taken to facilitate the colonial vision of "building of an ethnically distinct national community" in Canada (Bonds & Inwood, 2016, p. 720). It also allows for an interrogation of the policies that curtailed the settlement of non-White groups, established through the historical racialization of non-White people as 'undesirables' and the exaltation of Europeans as the subjects of the nation (Thobani, 2007). This history is of utmost importance in the discussion of the contemporary social, political and economic discourses that reproduce and structures racial inequalities in the everyday experiences of people of color (Lozanzki, 2007). The discourse of settler colonialism is therefore rooted in the constitution of Canada as a nation and emerges as a central component that shapes the racial politics of the modern Canadian state (Goldberg, 2002). This historical fact provides meaningful insight about the roots of anti-Black racism and illuminates the different ways that racial classification is utilized to restrict the prospects of racialized people in regards to settlement, citizenship and immigration.

The solidification of White settler societies like Canada necessitated the eradication, oppression and marginalization of the non-White people (Wolfe, 2006). Therefore, racism and racist ideology are embedded within the different societal systems that are invested in the reproduction of racial inequality and the subjugation of Black people. As such, this MRP requires a theoretical perspective that encompasses a broader perspective in order to enable an interrogation of history, economics, and the social context of different groups in different time periods to contextualize the different manifestations of anti-Black racism and its impacts on the Black population. The critical race theory is resourceful in this endeavor as it assists in gathering a deeper understanding of the relationship between race, racism, and power in society (Delgado & Stefancic, 2001, p. 3). Critical race theory views racism as an ordinary element in society that is intricately involved in the way institutions operate. This occurs largely because society reflects the views of the dominant White culture instead of uphold racial equality under the law (Delgado & Stefancic, 2001, p. 15). The formal conceptions of racial equality can only address blatant forms of racism that stands out as discriminatory. However, the ordinary form of racism that exists in everyday routines, practices and institutions, remain largely invisible and continues to subjugate people of color (Delgado & Stefancic, 2001, p. 27). As such, critical race theory situates racism as an normal occurrence in the lives of racialized people and provides the

framework to examine the narrative of Black people to reveal the inner workings of structural and institutional racism that operate covertly to oppress Blacks.

This MRP is primarily concerned with the subjugation of Black men within Canadian institutions such as immigration and the criminal justice system. Both institutions have been criticized by scholars and activists alike as structures that perpetuate the systematic racialization of non-White groups who are overrepresented in both criminal and deportation statistics (Barnes, 2009; Chan, 2005; Khenti, 2014; Wortley & Owu-Bempah, 2011). To understand the deportation of Black men as a form of anti-Black racism that functions within a seemingly legal state process requires a discussion of the concept of the racial state. It must be noted that racial states differ from racist states in that racism operate in more concealed ways in the former context, whereas racial exclusion is explicitly defined as the primary state project in the latter; slavery and formalized segregation are relevant examples of racist state organization (Goldberg, 2002, p. 117). It is therefore instructive to characterize the modern Canadian state as a racial state in which racial and cultural differences promote the exclusion of certain people (i.e. people of color) (Goldberg, 2002, p.38). This characterization shapes the discussion of racism in the liberal era and the transformation from overtly racist immigration policies to more hidden forms of racial bias. Li's (2001) describes this 'new racism' as being illusive in nature and influence due to its ability to materialize in subtle ways in order to claim legitimacy in a democratic society (Li, 2001, p. 78). Therefore, the discourse of 'new racism' must be examined within the context of the racial state to unpack how it is constituted and how racial messages are covertly articulated in policy.

Goldberg (2002) explains that racial states are systematically engaged in the structure, maintenance and management of Whiteness. This is achieved through a systematic and continuous bureaucratic process of surveillance and regulation of the racialized 'other' (Goldberg, 2002, p. 23). It is also accomplished through the utilization of different institutional, definitive and disciplinary practices that imposes race unto individual bodies that are seen as a threat, external or unknown, so that they can be managed, governed, dominated, ordered and controlled (Goldberg, 2002). The population becomes defined in racial terms through laws and policies, census taking and through other bureaucratic forms and administrative practices. As such, the racial state is able regulate the social, political, economic, legal, and cultural relations

between racialized people and different groups based on legal and administrative identification of racialized groups as inherently inferior or historically immature so much so that they require state management. This configuration of the state defines the agency of racially defined people in terms of what they can do and where they can go and outlines the access these individuals have to educational institutions, whom they associate with and where they can work and reside (Goldberg, 2002, p. 110). As such, the state is able to justify and legitimize the totalitarian nature in which it profiles, criminalizes and over-surveilles, imprisons and punish it racial 'others' (Goldberg, 2002, p. 111).

This produces a system of modern state rule in which racialized subjects are reproduced as under-privileged in that their racial characteristics position them in different spaces where they are exploited or punished differently from other individuals in society Goldberg, 2002). The racial state asserts its power through the imposition of law and policies and through modes of classification and material control as exemplified by the history of racially exclusionary immigration policies that was used to shape Western societies like Canada (Goldberg, 2002, p. 95). Racialization is therefore routinized in all the segments of society through which the modern state exercises power such as immigration, criminal justice, labor policies regarding jobs and the economy and the regulation of marriage and families to name a few. Therefore, the racial state actively participates in and promotes a racial rule that has permeated deeply in all social form, expressions and institutions within the racial state apparatus (Goldberg, 2002). These forms of exclusion facilitate the social, economic, legal and cultural regulation of Blacks and reinforce White supremacy as a state project (Goldberg, 2002, p. 93). Therefore, White supremacy emerges complex product of the racial contract that is reified within the formation of the modern racial state through the exploitation and exclusion of those seen as different or inferior and this socially constructed criterion facilitate the differential treatment of racialized groups (Goldberg, 2002, p. 38). These characteristics of the racially organized Canadian state shape the discussion of racism in the liberal era and trace the transformation from overtly racist immigration policies to more hidden forms of racial bias. Li's (2001) describes this 'new racism' as being illusive in its nature and influence due to its ability to materialize in subtle ways in order to claim legitimacy in a democratic society (Li, 2001, p. 78). Therefore, the discourse of 'new racism' must be examined within the context of the racial state to unpack how it is constituted and how racial messages are covertly articulated in policy. As such, racism must be located in the narratives and experiences

of people to show how the new language styles, assumptions, terminologies and rationale incorporated in immigration policies reproduce racial inequality (Delgado &Stefancic, 2001; Li, 2001).

The use of essentialized stereotypes to criminalize Blacks influences how they are treated by law enforcement (Henry & Tator, 5005; Wortley & Owusu-Bempah, 2011). The fact that non-White people are deported at a far greater rate than Whites means that racial profiling is an everyday practice within the decision-making processes Canadian deportation system (Chan, 2005; Delgado &Stefancic, 2001). Razack (2010) characterizes these routinized discriminatory practices as the process through which race becomes a bureaucracy. In this context, foreign criminals who are deemed a 'danger to the public' are ushered into a legal bureaucratic zone where civil and legal rights are removed. This is the 'space of exception' in which the state exercises authority to act outside its own laws and declare that certain laws will not operate (Razack, 2010, p. 90). The bureaucracy of race legitimizes the practice of indefinitely detaining criminals held on deportation orders without providing any direct information or conclusive reasons as to why they are being held. This is also reflected in the willingness of immigration courts to generally accept that non-citizens are not entitled to the same rights afforded to citizens in order to justify the space of exception. Race becomes a bureaucracy when the onus is placed on detained individuals to provide the necessary documentation needed to move their case forward while refusing to make it possible for it to be provided (Razack, 2010). These attributes were present in Alvin Brown's case in that the CBSA blamed his long detention on bureaucratic issues such as Brown not being able to acquire the proper paper work to issues the Jamaican embassy and their refusal to issue a travel visa for Brown (Perkel, 2016). Immigration judges, lawyers, officials etc., do not feel that they are engaging in violence or denying certain rights on the basis of race. Rather, they feel they are fulfilling a duty. As such, the bureaucracy makes it difficult to find any form of wrongdoing on behalf of those administering it, as violence is rendered civil within the space of exception (Razack, 2010, p. 99). Therefore, an approach that adopts a race lens assists with framing the political context to better analyze how Brown's race and ethnicity played a role in his prolonged detention and subsequent deportation, and how the violation of his civil rights was made to appear justified.

History reveals the Canadian immigration system as a key site through which anti-Black racism proliferates to restrict Black settlement and their access to citizenship (Mosher, 1998). Racism is commonly understood as a "set of beliefs about the inequality of races, in which some are considered inferior to others" (Gracia, 2010, p. 209). Therefore, Anti-Black racism can be defined as negative attitudes towards the Black community developed from the perception that they are biologically inferior to Whites. There is an extensive history of anti-Black racism in Canada, which has materialized in different forms in different time periods to curtail Black settlement, immigration and access to citizenship (Winks, 1997; Mosher, 1998). The expression of negative attitudes toward Blacks is routinely displayed through the conscious prejudices of White individuals and routinely carried out by individuals in institutions because of others who are prejudice (Driedger & Halli, 2000). Critical race theorists situate racism as an everyday experience in the lives of people of color so an analysis of the historical race relations in Canadian society is essential as it shapes our understanding of past race relations and provides the necessary context that assists in highlighting the far reaching implications of racial inequality in today's society (Delgado &Stefancic, 2001). This facilitates an interrogation of the processes by which racism becomes naturalized and invisible within the structure and operation of society (Driedger & Halli, 2000). Li (2001) explains that racism cannot be studied by simply focusing on the prejudice ideas of individual people; rather, it must be located in the everyday narrative and experiences of people (Li, 2001, p. 80).

The following section presents a historical analysis of the different ways in which immigration policies were used to solidify the Canadian nation as White (Thobani, 2007). This will lead into an examination of the relationship between race, crime and immigration to illustrate how the discourse of racialization and the securitization of migration influence deportation proceedings. Key focus is paid to the significance of constituting individuals as 'threats' in order to justify immigration policies that discriminate against racialized immigrants. Finally, criminal deportation will be highlighted as a racialized practice that is used to remove immigrants considered as 'undesirable' while simultaneously reinforcing the image of the 'good' citizen as White and European.

Race and Nation

In the colonial era, immigration policy served as a recruitment and settlement policy that was designed to populate land surrendered by Aboriginals (Walker, 2009). In the century leading up to the confederation of Canada in 1867, immigrants were primarily White settlers; French subjects were brought to New France between 1608 and 1760, followed by American farmers and White Loyalist fleeing the Revolution in 1783 and 1812 (Kelly & Trebilcock, 2010). These groups were considered to be the founding fathers of the Canadian nation and were regarded as "the fittest citizen-to-be" as they were White, Anglo-Saxon, and Protestant (Verbeeten, 2007, p. 4). These groups also participated in the enslavement of Aboriginals and Blacks, premised on the assumption that they were inferior to European based on their race (Winks, 1994). Aboriginals were constructed as heathens, worthless and backward in nature and this was used to justify various forms of colonial violence enforced through French and British rule (Vermette, 2008). This is exemplified by the church-run and state sanctioned residential schools, which operated from 1879 to 1986, and the status restrictions imposed through the Indian Act (Shaheen-Hussain, 2005). There is an extensive history of Aboriginal slavery in Canada that predates European colonization. However, the experience of Blacks who fled to Canada as a refugee slaves or those who were brought in as slaves by White settlers are relevant in order to contextualize the historical relationship between the Canadian nation and its racial 'others' and reveal how race as a social construct was used to justify their oppression and exclusion historically.

The first recorded Negro slave appeared in New France in the 1600s and by the end of the seventeenth century, more Negro slaves were brought into the colonies as White settlers moved north slaves in as property. In fact, it was legal to possess Negro slaves in New France between 1689 and 1709 but it was not widely practiced as Aboriginal slaves already facilitated this need (Winks, 1997). Former plantation owners loyal to the British crown brought in the first major influx of African slaves after the American Revolution war. This increased the number of slaves rapidly to a point where Blacks virtually displace Aboriginal slaves in New France (Winks, 1997). Negro slaves were regarded in the same light as those in the southern colonies; as chattels, properties to be bought and sold (Winks, 1994). This was solely based on Eurocentric notions of racial classification, which identifies both Blacks and Aboriginals as inferior to Europeans (Thobani, 2007; Vermette, 2008). The British rejuvenated slavery in Canada with the passing of

the Imperial Act in 1790, authorizing White Americans to bring Blacks as slaves into British Canada (Mosher, 1998).

This history is rather complex, considering that Blacks Loyalist who earned their freedom by fighting for the British crown in the war were living alongside refugee slaves and Whites who still owned Black slaves in Nova Scotia. However, slavery did not develop on a wide scale in Canada largely due to the perception that the Negros was not attuned to the northern climate. Furthermore, the depreciating value of slaves and the legal uncertainty surrounding their ownership and sale in the Canadian colonies is said to have discouraged White settlers from engaging in the trade altogether by the early nineteenth century (Winks, 1994). Although public opposition played a vital role in the abolition of slavery in Canada, the practice was abandoned due to the vast increase in cheap exploitable Black labour (Nelson, 2008). Organized slave labour was therefore not mandatory since indentured servitude was a more viable option for White settlers. In fact, a number of Black Loyalists and their children were force back into a life of indentured servitude due to the poverty stricken conditions they faced (Nelson, 2008, p. 10). Therefore, no distinction can be made between the racial thinking in Canada and that of the slave states to the U.S. as both countries share an extensive history of slavery and a rather profound legacy of biological racism (Walker, 2009, p. 82).

The history and experiences of Blacks in Canada is rather complex and unique due to their skin color and its connection with enslavement and the legacy of slavery (Sadlier, 2010). Of all the regions in Canada Nova Scotia saw the largest migration of Blacks following both the American Revolution war and the war of 1812 (Nelson, 2008, p. 7). Their experiences capture a dark chapter of Canadian history, illuminating continuous episodes of racial discrimination that have resulted in the systematic subjugation of people of color because they were not considered as the best fit for citizenship (Whitfield, 2005). This is exemplified by the experience of Black Loyalists who fought for the British alongside Whites in the Revolution war. These men earned their freedom through military service yet they were forced to settle on the outskirts of major towns in Nova Scotia on land that was essentially sterile and remote and were significantly smaller than the plots allotted to White farmers (Nelson, 2008). In fact, Black settlers were sometimes given as little as one acre but more often ten acres lots regardless of the size of their families or military service while European settlers regularly received one hundred acres or more

depending on their family sized and previous military service to the British crown (Sadlier, 2010; Whitfield, 2005, p. 37). As Sadlier (2010) explains, "just being of a darker hue has been connected to being a slave. Being a slave is connected to being inferior. Being enslaved meant taking orders, not giving them; it meant being policed, not policing oneself" (p. 40).

The government contained Blacks by issuing 'licenses of occupation' as opposed to freehold grants for the land. Blacks were therefore obliged to spend three years on these rocky and infertile plots so that they would remain eligible to receive legal title, making it impossible for them to sell their property and relocate to more productive parts of the colony (Nelson, 2008). It took the government twenty-seven years to honor the promise to grant Blacks land titles (Nelson, 2008, p. 12). The government also failed to fulfill their promises of free food and other supplies during the first three years and most free Blacks were forced into a cycle of desperation where they often worked for cheaper wages. This enraged working class Whites who either had to take jobs at a competitive rate with Blacks or remain unemployed and the ensuing riot in 1784, in which over twenty houses belonging to the free Blacks of Birchtown were torn down, came as a clear indicator to these early Blacks that they were not considered as real subjects in Nova Scotia (Winks, 1997, p. 39). Nelson (2008) explains that the poverty stricken conditions induced by the government's indifference forced a number of Blacks to seize the opportunity to emigrate to Sarah Leon in 1791 (Nelson, 2008). A group of five hundred and fifty Maroons were brought in four years later to occupy the vacant land following their deportation from Jamaica for involvement in a slave rebellion. However, they were forcibly shipped to Sierra Leon in 1800 after refusing to work as a form of protesting their impoverished circumstances (Nelson, 2008, p. 10). Therefore, the land settlement restrictions imposed on Blacks by the provincial government in Nova Scotia facilitated their relocation and mass removal (Whitfield, 2005, p. 47)

Anti-Black sentiments were also present in the provincial government's classification of the Blacks as 'bad subjects' who placed significant burdens on the charity of society. These ideologies circulated in school texts throughout Nova Scotia during the 1840s (Winks, 1994, p. 126). The view that Blacks were inferior to Whites resulted in the proliferation of discriminatory acts in active and passive ways by individuals, groups and the governments alike (Sadlier, 2010). Blacks were deprived of governmental assistance in order to systematically marginalize them into the servant class where they would become dependent of the resources of Whites to survive;

similar to the days of slavery (Whitfield, 2005, p. 42). Thus, the Black Nova Scotian experience highlights the presence of Jim Crow politics in Canada and although segregation and other forms of racial discrimination were not legally sanctioned, such practices were legally supported in social customs and court rulings. This allowed individuals the freedom to act out their racial biases (Walker, 2009, p. 81). In fact, Blacks were routinely barred from cinemas, restaurants, swimming pools and cemeteries throughout Nova Scotia (Whitfield, 2005). Therefore, the discriminatory and racist actions of the provincial government in Nova Scotia should be understood as a continental rather than a U.S. phenomenon (Walker, 2009), especially since all Blacks in Nova Scotia, whether free men, former slaves, loyalists or maroons were conceived in the same light. Thus it was made clear that though Blacks were considered free, they were not equal to Whites (Winks, 1994, p. 270).

Africville stands as a prime example of the systematic marginalization and forced relocation of Blacks. Founded in the 1840s by Black refugees and their descendants, Africville was a segregated Black community in a White society (Nelson, 2008). Africville was significantly impacted by the industrial boom that occurred in Halifax starting in the mid nineteenth century as the community quickly became encircled by a cotton factory, a nail factory, a slaughterhouse and a cold handling facility (Carvery, 2008). Railroad tracks were laid straight through the community in the 1850s and although residents frequented this area, no crossing signals were erected to assist people to cross from one side to the next (Carvery, 2008). The city of Halifax sewage dump facility was also relocated to the edge of Africville, followed by an infectious disease hospital and later a Trachoma hospital overlooking the community. These developments continued into the twentieth century concluding with the relocation of a large open city dump one hundred meters from the western part of Africville. The area was subsequently deemed as a health hazard by city councilors with the support of White residents from surrounding communities. The lack of political and economic power among Blacks meant that they were unable to stop the city from using their community as a dump or from taking their land (Carvery, 2008). The negative portrayal of Africville in government and media reports eclipsed the city's responsibility in creating the slum-like conditions in Africville and despite paying taxes city council refused to provide the community with water services, sewage lines, garbage collection, and police and fire protection (Nelson, 2008; Sadlier, 2010). This is a form of institutional racism, which manifests through the actions of individuals who have been socialized

to understand or relate to racialized people in essentialized ways. In fact, the American movies and films had a significant impression on the views White Canadians developed regarding the true nature of African Americans, their abilities and inabilities, their behavioral tendencies and the place they should inherit in society (Mosher, 1998, p. 87). Furthermore, scientific theories of race remained the dominant ideologies of the time and these assumptions about race reinforce the politics of White settlerism in Canada (Winks, 1997). Consequently, no steps were taken to prevent the deterioration of Africville, instead the community was construed as a place that was unsafe, unclean, disease prone and beyond the rule of law and morality (Carvery, 2008; Nelson, 2008, p. 59).

The deplorable situation created by the encroachment of industry on Africville's boundaries differentiated it from other White spaces. As such, the mainstream population supported the city's decision to demolish Africville and relocate its residents without adequate consultation from the Black community (Nelson, 2008). Africville's residents were also ignored when the pleaded with the city for assistance in upgrading their community to curtail its destruction (Cavery, 2008). Nelson (2008) points out that ethnic groups marked as racially inferior are defined, regulated and eradicated through the control of space (Nelson, 2008, p. 28). Africville Blacks were simply forced to sell their properties for prices that were less than market value or be evicted. Therefore, the bulldozing of Africville between 1965 and 1970 and the displacement of Blacks from multigenerational households into cramped public housing projects in the outlying areas of Halifax actualizes a racist discourse devised to perpetually oppress Blacks (Carvery, 2008; Sadlier, 2010). The fact that the Africville community was never redeveloped for industrial purposes strengthens the argument that city official were only interested in removing a concentrated mass of Black people from the urban community in Halifax (Cavery, 2008). There is a long history of surveillance of Blacks, and black men in particular in Canada. One of the most profound examples occurred in Nova Scotia at the same time Africville was being destroyed. According to reports published by the Canadian press, the RCMP conducted an extensive undercover surveillance operation in Black neighbourhoods throughout Nova Scotia during the 1960s and 1970s over concerns that Nova Scotian Blacks were making connections with the Black Panther Party without any valid evidence. All Blacks suddenly became suspects and many were surveilled for numerous years (Nelson, 2008).

Similarly, the early Blacks that settled in parts of Ontario were subjected to systemic marginalization through social customs and racial violence. The town of Priceville, established as a Black settlement in 1835 stands as an example of a virtually all-Black town that was transformed to a virtually all-White town. The documentary film "Speakers for the Dead" exhumes a deeply convoluted racial history and implies that concerted efforts were made to erase the existence of the Black people in Priceville. Over time, the only remaining trace of Black existence was the cemetery since Whites who joined their settlement in Princeville ostracized the original Black settlers from the community. Black settlers were not granted land deeds and were not permitted to legally purchase land and were forced to move when Whites legally acquired the land or through violence and intimidation. As a result, Blacks became squatters and the potent racism in Priceville practices forced most Blacks to leave for places like Collingwood and Owen Sound (Starr, Holness & Sutherland, 2000). These tactics are emblematic of those utilized by White supremacist groups in parts of the U.S. to establish 'sundown towns'; all White neighborhoods in which racial exclusion is explicitly enforced through a range of discriminatory practice including violence. These towns literally had signs telling Blacks to leave town before the sun goes down (Dewitt, 2015). In the 1980s, White residents and the Black descendants of the early pioneers decided to restore the Black cemetery which was destroyed in the 1930s by a White farmer Bill Reid to make way for a potato patch. The headstones were destroyed, used as home plate in baseball games and stepping-stones in a wet basement except for the fragments of four headstones found in a stone pile north of the cemetery (Starr, Holness & Sutherland, 2000). However, Whites disagreed with the decision to excavate the surface level of the graves to try and match the four headstones with their original graves, arguing that cemeteries are sacred spaces that should not be defiled and excavation would lead to the desecration graves (Starr, Holness & Sutherland, 2000). These attitudes reflected the fear that links to interracial ancestry among White families could potentially be revealed if the graves were excavated. This could also be the underlying reason why the headstones were removed in the first place (Starr, Holness & Sutherland, 2000).

In 1944, Ontario adopted the Racial Discrimination Act which prohibited the display of symbols, signs, notices, emblems or publications of racial discrimination whether on land or in the media (Flynn, 2009). However, this policy did not apply to public spaces Blacks were still subjected to very potent levels of discrimination. Mclean's magazine reported in 1949 that in

Dresden, Ontario Blacks were barred from a total of nine businesses that included restaurants, barbershops and recreational facilities (Lambertson, 2001). Although Blacks and Whites seemingly lived side by side in residential neighborhood they attended different churches some of the schools in the community were segregated. The second class status imposed on Blacks reinforced the discrimination they faced in employment as people of color were not employed in offices or other White owned businesses and were relegated to poorly paid jobs (Biggs, 1954; Lambertson, 2001). It is reported that children in Dresden were taught the politics of Jim Crow even before they could read or write making this community comparable to places in the southern United States (Flynn, 2009). According to the documentary film "Dresden Story", one of the root causes of this prejudice stemmed from fears of intermarriage. Whites also felt that the Anti-Discriminatory Act infringes on their personal rights to refuse service to Blacks (Biggs, 1954). Dresden stands out as one of the more racially segregated areas in Ontario but this situation was also prevalent in other parts of Canada during the early to mid-twentieth century. The attempts made by Black organizations to protest their circumstances were dismissed by accusations that communists supported their activism without any concrete proof. However, their efforts were realized after collaborating with labor unions and other civil liberties associations to protest the discrimination they faced in Dresden to the government. This mobilized effort resulted in the Fair Accommodation Practices Act passed in 1954, which made discrimination in public spaces illegal (Flynn, 2009, p. 139).

The history and politics of immigration reveal the making of White settlerism in Canada and this is evident in the experiences of other non-White groups (Bannerji, 2000; Dua, Razack & Jody, 2005). From confederation up to the 1960s and 1970s, the British and French were designated as preferred races for integration into the nation (Boyd & Vickers 2000). P.C. 1930-2115 of the Canadian Citizenship Act passed in 1946 completely banned Asian and African immigrants to Canada (Kelley & Trebilcock, 2010, p. 325). Other European groups would later be allowed to migrate to Canada but it was clear that the British and French were the preferred races (Thobani, 2007, p.75); a fact that is illustrated by the establishment of English and French as the country's official languages ("Official Languages Act", 2016). Europeans became exalted as the true subjects of the nation, gaining the exclusive privilege of being able to obtain Canadian citizenship (Thobani, 2007). This privilege was not extended to non-White groups. Vukov (2003) points out that "immigration is a central site through which national communities are

institutionally imagined and materially constructed" (p. 336). Therefore, immigration legislation played a significant role in the solidification of White/European as Canada's hegemonic identity while defining all racialized/non-Europeans as non-preferred races (Bannerji, 2000; Thobani, 2007). For example, the Immigration Act of 1910 was implemented in anticipation of a significant wave of Black migration from Oklahoma due to changes in the state's segregation laws (Sadlier, 2010). It was also used to legally institute the exclusion of Africans and Asians based on the assumption that they were unsuitable for the climate requirements of Canada and although this did not become law, it sent a clear message that Canada had no interest in Black immigration (Sadlier, 2010, p. 40). However, exceptions were made when cheap, exploitable labor was needed to further nation-building initiatives (Walker, 2009).

Chinese immigrants were brought in to work on the western portion of the Canadian Pacific Railway in 1880; their labor was exploited due to their willingness to accept lower wages than Europeans laborers (Lee, 2007). Following the completion of the railway in 1885, racial anxieties began emerge over the increased numbers of Chinese settling in parts of British Colombia. As such, White residents called on governmental officials to do something to counteract what they saw as the 'Asian problem' (Lee, 2007). The government responded promptly by passing the Chinese Immigration Act in 1885, imposing a $50 head tax on all Chinese immigrants entering Canada (Taylor, 1991, p. 5). This tax increased to $100 in 1900 and then to $500 by 1906 in order to ensure that Chinese migration into British Colombia would be severely reduced. The head tax represented the first piece of legislation that explicitly excluded people on the basis of their ethnic origin (Van Dyk, 2016), facilitated largely by the assumption that Chinese immigrants were inassimilable, inferior and immoral (Lee, 2007, p. 548). From the government's perspective, the head tax did not produced the desired impact on Chinese immigration so the Chinese Exclusion Act was implemented by the King government in 1923 to ban most forms of Chinese migration, rearticulating the vision of a 'White' Canada (Price, 2007). This Act was repealed in 1947 due to objections over racial discrimination; however, Chinese immigrants were not authorized to migrate as independent immigrants (Lee, 2007).

The restrictions placed on Chinese labor lead to an increase in immigrants from Japan and South Asia who also settled in British Colombia during the late nineteenth and early twentieth century. These groups encountered the same level of discrimination as the Chinese and were

treated as menacing problems that threatened to change the demographic of the West Coast (Price, 2007). Japanese immigrants were referred to as the 'yellow peril'; a sentiment shared by politicians, trade unionists and White residents alike who organized a vigorous anti-Asian campaign to rid the West coast of Asians (Lee, 2007). Lee (2007) explains that the anti-Asian rhetoric present in the exclusion of Chinese immigrants were exceeded in the Japanese case insofar that White settler societies in the entire West Coast region cooperated and coordinated their policies to limit Japanese immigration and promote a 'White Pacific' (Lee 2007, p. 550). The Vancouver race riot of 1907 was a byproduct this anti-Asian campaign in that it inspired the government to amalgamate its power to implement quotas on Japanese migration by means of the1908 Gentlemen's Agreement in which Japan was pressured to 'voluntarily' limit the annual number of issued passports to four hundred (Lee, 2007). This quota was further reduced to one hundred and fifty per year in 1928 (Price, 2007). South Asian immigrants were essentially banned as per the stipulations of the "continuous journey" legislation introduced the same year since it required immigrants to travel via direct route to Canada in order to be legitimate immigrants and there were no steam ship service that came directly from India during this time (Lee, 2007, p. 553). These policies are therefore embedded in the discourses of biological racism and racial hierarchy, thus highlighting the continuation of colonial discourses within immigration policies that utilize exclusion of people based on race to reinforce White supremacy (Vineberg, 2011).

Japanese Canadians were most profoundly affected by the state restrictions that followed the Pearl Harbor in 1941 when Canada declared war against Japan and authorized the internment of close to twenty one thousand first and second generation Japanese-Canadians living along the coast of British Colombia (Lewey, 2009). The Pearl Harbor attack was used to portray all Japanese immigrants as a 'enemy aliens' and coordinated the efforts of the Canadian and U.S. governments to introduce policies geared towards their removal from the entire west coast (Sugiman, 2009). For example, President Roosevelt issued an executive order authorizing the removal of Japanese Americans from the west coast population almost immediately after the attack and Canada followed suit by implementing P.C. 1486 which displaced Japanese-Canadians from the B.C. coast and exiled them to the interior parts of the province (Lee, 2007, p. 556). The government dispersed Japanese-Canadians into internment camps that were separated according to sex, age, family status, religion, and socio-economic position (Sugiman, 2009). Racialization is

a central factor in this context as Japanese-Canadian were constructed as the 'enemy' based on the perception that they posed a significant security threat combined with pre-existing fears developed around being labeled as the "yellow peril" (Lee, 2007; Price, 2007). These racist assumptions enabled the systematic relocation of Japanese Canadians from the west coast of Vancouver into makeshift towns and work camps within the interior of British Colombia by 1942 (Lewey, 2009, p. 2). The internment of the Japanese is rooted in a larger colonial history that configures White supremacy through racial exclusion (Sugiman, 2009). This becomes even more evident considering that German-Canadians who were seen as 'White', remained virtually untouched by internment policies at a time when Canada was also at war with Germany (Shaheen-Hussain, 2005). Therefore, race appears within the structure of the Canadian state as a mode of crisis management and containment to administer those who are manufactured as threats (Goldberg, 2002, p. 40). As illustrated by the dusk-to-dawn curfew and other residential constraints enforced by the Royal Canadian Mounted Police (RCMP) to restricted the movement of Japanese immigrants. For instance, Japanese-Canadians were forbidden from changing residence or from travelling more than twelve miles away from their home address (Lee, 2007). The organized nature of racism in this period pervaded all aspects of the Japanese-Canadian experience in that racially biased restrictions were portrayed as 'precautionary measures' to justify the violence of the racial state and the disenfranchisement of Japanese nationals from the Canadian mosaic (Lee, 2007).

The culture of racism that existed in post-war Canada enforced a strict color line beyond which only Whites could proceed and this was rigidly enforced in the labor market (Calliste, 1993). Canadian institutions actively and implicitly enforced the exclusion of racialized people and enacted multiple barriers that impeded their ability to obtain their employment goals (Sadlier, 2010). Canadian employers also indulged in discriminatory hiring practices that reinforced the dominant socio-economic position of Whites over Blacks. The labor market was segregated into a dichotomy where Whites were paid more than Blacks. Black labor was therefore made a commodity, as cheap exploitable labor. This reinforced the subjugated status of Blacks and continued the legacy of bonded servitude so much that Blacks became reliant on the menial jobs offered by White employers in order to survive (Caliste, 1993). For example, the Canadian Domestic Scheme Programs of 1910 and 1911 brought in female domestic workers from Guadeloupe and other parts of the British Caribbean to fill labor shortages. These women, like

other Blacks in Canada during this time, worked as indentured laborers as domestics serving wealthy and middle class Canadians up until the 1930s (Brand, 1993). Black domestic workers were employed in a split labor market where they were paid significantly less than White domestics. In fact, Guadeloupian women were paid five dollars a month for two years of work compared to the twelve to fifteen dollars paid to White domestics (Calliste, 1993, p. 140). Furthermore, these women were stereotyped as 'bad' Black women and were seen as more likely to become public charges in order to justify the biased use of immigration policies to forcibly deport them. Between 1913 and 1915, Caribbean Blacks had the highest deportation rates and this was used as evidence to support the further exclusion of Blacks, especially women, decades after (Calliste, 1993, p. 143).

The Domestic Scheme Program of 1955 brought in more domestic workers from the English-speaking Caribbean. These women encountered slave-like conditions in the workplace where sexual harassment, long working hours and low pay was a common experience. However, these women were granted landed immigrant status upon arrival in Canada provided that they work in a home for a period of one year, after which they could find work in another field or remain in domestic labor (Silver & Goldscheider, 1994). White employers saw domestic labor as docile and easily manageable and viewed them as naturally cut out for domestic work (Brand, 1993, p. 277). When these domestic workers started to leave the profession to go back to school after completing the one-year requirement, they experienced downward mobility and found it much harder to assimilate into larger society, unlike European women (Silver & Goldscheider, 1994). In response, the Canadian government changed it policies to end the Domestic Scheme and instituted a permit system that eliminated the automatic landed status given to domestic workers in an attempt to keep these racialized immigrants in domestic work (Brand, 1993, p. 281). These new permits prevented women on employment visa from upgrading their education in Canada. They became bounded their employer for a definite period of time where they could face deportation if changes in their employment situation is not reported to the Employment and Immigration Commission. This meant that abuses often went unreported given the power employers exercised over the domestic workers (Silver & Goldscheider, 1994).

During the early twentieth century, Black men from the Caribbean were also being recruited to work in steel factories in Nova Scotia and other maritime ports. These men

experience the racism that was embedded in the policies of the time as most were refused entry into Canada even if they complied with immigration requirements. In fact, Subsection (g) Sec. 3 of the 1910 Immigration Act was used to reject Caribbean Blacks based on assumption that they will become a public charge (Calliste, 1993, p. 136). This is a representation of the racial configuration of the modern Canadian state and the self-determination and it has over the fate of those who are racially considered as undesirable (Goldberg, year, p. 51). Immigration officials encouraged steam ship operators not to sell tickets to Blacks except merchant, students and tourists and held these operators liable for the cost of detaining and deporting Blacks within five years of arrival. Most complied by refusing to sell ticket to Black travellers unless they had permits issued by the Canadian government (Calliste, 1993, p. 137). This is self-fashioned racism that promoted the racial subjugation and exclusion of Caribbean Blacks by imposing immigration restrictions both internally and externally to stem the flow of non-White immigrants (Goldberg, 2002, p. 106). However, one of the most effective legislation that barred Black immigration from Canada was enacted in 1922. Order in Council P.C. 717 stated that only farmers or farm laborers, domestics and the wives and children of residents of Canada, British subjects from White English speaking countries and American citizen were 'desirable' prospective immigrants. Blacks were seen as unadoptable to farming and were therefore excluded (Calliste, 1993, p 138). During this period, immigration policies functioned to block the permanent settlement of Caribbean Blacks in order to keep the demographic of Nova Scotia and other parts of British Canada predominantly White.

Black Canadians faced similar levels of discrimination within the job market and were also prevented from furthering their educational goals that would allow them to find better employment (Sadlier, 2010). For instance, nursing administrators were strongly invested in maintaining White privilege in the nursing occupation by excluding women of color as well as working-class Whites from obtaining nurse training (Flynn, 2009). This was based on the view that these women did not fit the image of the "proper" nurse. These notions of exclusion were in adherence to nineteenth century gender ideologies that portrayed Black women as dirty and contaminated. Working class White women would later be assimilated into the profession unlike Blacks who as a result of their race, were subjected to various difficulties that hindered their integration (Flynn, 2009). Within the racial state, racial discourses are used to enable the exploitation and alienation of Black people who are considered as inferior to Europeans

(Goldberg, 2002). Immigration officials were thus able to deny the entry of Anglo-Caribbean and Haitian nurses during the 1950s and 1960s even as a shortage of nurses persisted in Canada because the presence of Black nurses working alongside Whites in hospitals was seen as threatening to both the homogeneity of the occupation and to Whiteness itself (Flynn, 2009, p. 133).

Black men were also coerced into menial jobs as a result of the systemic racial biases that were embedded in all segments of the Canadian economy. For example, Canadian rail companies hired Blacks exclusively as sleeping car porters from the late nineteenth century up until the 1950s. Porters became synonymous to Black due to the vast amount of "Negros" who worked in these low paying jobs in which labor exploitation was prevalent (Calliste, 1987). Blacks were recruited for these roles because it placed them in former traditional roles of servitude, allowing Whites the ability to reinforce their perceived superior status over these workers (Tomchuk, 2014). Furthermore, Blacks were chosen to work in sleeping cars because it was believed that enough social distance existed between them and Whites and this would minimize racial interactions in a racially divided era (Calliste, 1987). Well-educated Blacks were prevented from working in their field of expertise since working as a porter, was the only available option (Tomchuck, 2014). This reinforced the servant class identity of Blacks who were had limited job security, little to no chances for professional advancement and were barred from joining White trade unions (Calliste, 1987). However, in 1939 Canadian porters began to collaborate with American porters and formed the Brotherhood of Sleeping Car Porters in secret until the union was officially recognized in 1945, representing the first time Black Canadians signed an agreement with a White employer to increase monthly salaries, guarantee overtime pay and paid vacation (Tomchuck, 2014).

Following World War II, Canada was transformed into an advanced industrial nation and immigration policies were subsequently amended in order to attract industrial workers from non-traditional, non-European countries to work in factories (Vineberg, 2011). By the 1950s, many American Blacks had returned to the United States to pursue better opportunities because they believed that the racial situation had improved (Winks, 1994). This outflow of Black migrants occurred at the same time as immigration from parts of the West Indies to cities like Toronto and Montreal began to increase significantly due to the demand for cheap, unskilled labor. This

sparked anti-Black immigration policies such as the Immigration Act of 1952 which was used to prohibit the entry of immigrants based on their nationality, citizenship, ethnic group, occupation, class or their geographical areas of origin (Mosher, 1998, p. 94). Legislation of this kind functioned in similar ways as the overtly racist polices of the 1800s; to reproduced Whiteness as the norm and demonized Blackness so as to justify the racist methods of state security and control. Racial ideologies are therefore reinforced through the actions and personal beliefs of individuals tasked with managing Canadian institutions as well as those who organize other aspects of society (Mosher, 1998, p. 29). In this regard, the so-called liberalization of immigration policies that came in the late 1960's should be understood as a transformation from overt forms of institutional racism to more covert ways of restricting racialized immigrants.

Non-White immigrants were allowed to come to Canada because their labor was cheap and not because they were considered as the equal subjects of Whites. This is evident in the fact that immigration policies prior to 1962 were explicitly racist towards the entry of Black people. In fact, since 1955 Black immigration from the Caribbean has been strictly on a quota basis as seen in the Domestic Scheme which started off by admitting only one hundred female workers per year; this number was increased to two hundred and eighty in subsequent years (Satzewich, 1989, p. 82). These quotas would remain in place until the 1970 s and this reveals the state's interest in controlling Black migration as a concerted effort to protect the White racial character of Canada (Calliste, 1993; Thobani, 2007). Satzewich (1989) suggests that the real problem was not that the presence of Blacks would incite racist reactions from White residents, nor was it based on discriminatory hiring practices among Whites. Rather, the issue was simply the presence of Black people, who as a result of their constructed biological inferiority would disrupt the peace and harmony of Canadian society (Satzewich, 1989, p. 93). The introduction of the Points System in 1967 supposedly transformed racist immigration practices by allowing the entry of immigrants based on points given for their level of education, fluency in English and/or French, age, life experience and employment. However, the points system, like other methods of selection, was reproduced by race and racial stereotypes to determine those who gain entry based on the economic and social capital of potential immigrants (Simpson et al., 2011). This meant that immigrants from poorer countries had no chance to migrate under this policy as it recruited the most educated and skilled immigrants to work in Canada. However, many immigrants would come to find that their skills and education were not recognized in Canada and were forced into

low paying jobs. Therefore, the shifts in Canada's immigration policies that occurred in 1960s regarding the entry of Black people was more apparent than real (Satzewich, 1989).

In Toronto, and the surrounding cities in Ontario where a significant number of non-White immigrants settled, racism became an everyday experience in their lives. This was very pronounced in incidences of police brutality and racial profiling inflicted on the Black community especially in Toronto (Owusu-Bempah, 2014). As racialized immigrant communities grew larger in numbers, they began to demand that the Canadian government take actions to eradicate the systemic racism found in immigration policies that restrict Black migration as well as local law enforcement practices that profile and criminalize Black immigrants (Mosher, 1998, Owusu-Bempah, 2014). The federal government responded by adopting multiculturalism as the official state policy in 1971 to respond to these issues and to portray Canada as a courteous and cosmopolitan nation that value and promotes racial and ethnic tolerance. Multiculturalism was said to signify Canada's respect toward cultural diversity as well as recognizing the contribution of other ethnic groups to the development of Canada but this policy fell short on its commitments and can be better understood as a reinforcement of Whiteness in Canada while completely discrediting other racialized groups and erasing Aboriginal history (Thobani, 2007, p. 144).

Thobani (2007) argues that multiculturalism reconfigures the articulation of White supremacy in the decolonized era in that it facilitated the creation of categories that further subjugated people of color to the racism and the racial violence of the state (Thobani, 2007, p. 149). Multiculturalism is used as a discursive strategy to systematically deny, reject, and minimize the need for an anti-colonial approach. This appears in Canada's simultaneous acceptance of cultural differences and its refusal to acknowledge race and relations of power Simpson et al., 2011). This policy produces some individuals as 'exalted nationals' while constituting others are either completely marginalized or conditionally included in the nation (Thobani, 2007, p. 6). Multiculturalism as a state policy is therefore conceptualized as a reinforcement British and French identity as the 'true' Canadian identity rather than painting the diverse cultural mosaic that politicians and Prime Ministers often glorify. Within this context, immigrants of color are situated as the outsiders of the nation by social categories created under this policy. Non-Whites are marked as outsiders by labels such as visible minorities, immigrants, newcomers, multi-cultural communities, refugees, aliens, illegals, etc. that are rooted in the

ideologies, media, social systems and the commonsense knowledge of the 'White' nation (Banneri, 2000, p. 65). Multiculturalism routinely appear in the narratives of society to portray experiences of racism as isolated, singular occurrences that is largely dependent on how individuals interpret experiences rather than issues of institutional constraints and this gives the impression that we live in a post-racial society (Simpson et al., 2011, p. 288). Thobani (2007) asserts that multiculturalism recodifies the category 'immigrant', which has been historical labeled as non-preferred, into culturally different communities. However, people of color are homogenized into one category as 'immigrants' and are defined based on linguistic and/or skin-based differences (Thobani, 2007, p. 157). Multiculturalism then, facilitates the stereotyping and racialization of entire groups of people whose cultural and behavioral characteristics are defined in relation to White Canadian values. This preserves the cultural hegemony of the dominant group and equates 'Canadian' with being White and ignores the problem of systemic racism in Canada (Simpson et al., 2011). Concurrently, multiculturalism defines whom and what the nation's 'others' are (Thobani, 2007, p 163).

The issue here extends from the false sense of fairness, neutrality and objectivity that is embodied in the concept of multiculturalism as it acknowledges and tolerates cultural difference, yet refuses to recognize the significance of race and power. This conceals the institutional practices that racialize Black people in particular ways so that restrictive measures can be implemented to further surveille and control the population (Simpson et al., 2011, p. 289). The following section highlights the social systems and societal institutions that are involved in contemporary policies and practices that reinforce the criminalization of Blacks. Historically, Blacks have been stereotyped as criminals and this ideology remains dominant in today's society insofar that Blacks have come to be overrepresented in criminal statistics. The process of categorizing individuals or groups of people based on biological characteristics; such as skin color and facial features construct power relations within Canadian society that distinguish between respective groups (Owusu-Bempah, 2014, p. 39). Racialization is therefore integral to the production of socially constructed stereotypes, which has shifted from it's historically definition of Black people as innately barbaric to their contemporary classification as criminals (Owusu-Bempah, 2014, p. 39). Therefore, the relationship between race and crime in Canada must be contextualized within a nation that is often praised as egalitarian and color-blind to show that this claim is more apparent than real.

Blackness, Criminality and Representation

Two of the most common processes involved in the racialization of crimes have to do with the great emphasis placed on crimes involving people of color and the use of specific terms and categories to discuss the relationship between racialized groups and crime (Chan & Chunn, 2000, p.13). During the twentieth and twenty-first centuries, Blacks were the main targets of public disorder offenses and were convicted at higher rates and were detained for longer periods of time than Whites (Mosher, 1998). Race plays a fundamental role in shaping public understanding of whom a 'criminal' is and police institutions are instrumental in shaping these definitions (Chan & Chunn, 2000). This is exemplified by an extensive history in which Black people have been racially profiled as criminals and their eventual overrepresentation in criminal statistics, which is often used to validate the over-policing of Black neighborhoods (Henry, 1994; Wortley & Owusu-Bempah, 2011). The police are not authorized to collect crime based statistics in Ontario, however, through their interactions with the public they are able to record the race of the people they choose to stop and question. The fact that Black men are stopped more frequently than Whites and Asians supports the claim that the police use race and physical appearance to advise whom they choose to stop (Owusu-Bempah, 2014).

Thus, criminality has been inscribed as an attribute of Blackness within public and private discourses leading to the dominant depiction of Blacks in Ontario as drug dealers and their association as being more violent than other racialized groups such as Chinese immigrants (Mosher, 1998, p. 129). In this context, racism materializes through the discretionary powers the police have in deciding who gets investigated, whether people are charged, let go or diverted to another system (Chan & Chunn, 2000). The fact that racial minorities, especially Blacks are overrepresented in all segments of the criminal justice system highlight that overwhelming presence of racial bias in the policing of racialized individuals and communities (Chan & Chunn, 2000, p. 73; Henry & Tator, 2005; Wortley & Owusu-Bembah, 2011). The other administrators of the criminal justice system (judges, prosecutors and correctional personnel) operate with the same commonsense assumption - that racialized people possess an innate ability to commit crimes and this result in the differential treatment of racialized groups within these institutions

and justify the overrepresentation of racialized men and women as criminals (Chan & Chunn, 2000, p. 69). Racialized people are therefore casted as the 'other' and this identity is reified by newspaper journalists, editors, producers and advertisers who are all intimately involved in the constant promotion of negative images and criminal dialogues involving people of color in the news (Mosher, 1998).

One of the major reasons why police contact with the Black people and the Black community in Toronto gain so much attention is due to the fact that a lot of the issues are centered on the 'drug problem', which many Black people understand as a deliberate form of racial discrimination that further construct them as deviants (Burt et al., 2016; Henry, 1994). The prevalence of these interactions stem from the enormous sweeping powers given to the police in the 'war on drugs' during the 1980s and 1990s and the fact that drug raids often took place in low-income neighborhoods where predominantly Afro-Caribbean people live (Henry, 1994). Khenti (2014) explain that the war on drugs created a well-established association of Blackness with innate criminal tendencies and this reinforced systemic racism and structural violence against Blacks without any clear evidence of the individual actors involved in the deliberately disseminating racially oppressive policies (Kenti, 2014, p. 191). Racial profiling became a common practice of the police and this significantly contributed to the racialization of crime in Ontario, which reached its peak in the 1980s when Inspector Julian Fantino released statistics alleging that Blacks living in the Jane and Finch neighborhood accounted for the vast majority of the city's crime. He claimed that eighty two percent of robberies and muggings, fifty five percent of purse snatchings and fifty one percent of drug offenses were committed in this area which is known to be home to a large Black community (Mosher, 1998, p. 6). These figures were viewed as controversial by politicians and activists alike but the emerging political discourse clearly blamed immigrants of color for certain crimes and these associations were materialized into a 'tough-on-crime' agenda unveiled against the Black population (Henry, 1994; Owusu-Bempah, 2014).

This resulted in disproportionate levels of arrests, charges and remands of Black men who resided in targeted areas even though only a minute portion of those arrested were actually guilty. The middle-class areas of the city where most of the main drug players live were never subjected to these raids, in fact they were rarely swept. This resulted in fewer arrests of the top criminals

who were White upper-middle class members of society (Henry, 1994, p. 203). The war on drugs was designed to apprehend high-level drug dealers who are deemed to be a risk to public safety but instead, low-level drug dealers and users were targeted. In fact, the 1995 Report of the Commission on Systemic Racism in the Ontario Criminal Justice System detected an increase of 1, 164% in the number of Black people admitted to prison for drug trafficking between 1986 and 1993 while White admissions increased modestly by 151% (Khenti, 2014, 193). The police maintain that criminal activity was more profound in Black communities and that Jamaicans in particular, were heavily invested in underground criminal networks that spread across the province of Ontario (Henry & Tator, 2005). It was also alleged that Jamaican gangs operating in Ontario had transnational criminal ties with Colombian drug cartels (Burt et al., 2016). Although Jamaicans were implicated in many crimes, the police response was overwhelming and unjustified as it was predicated on the fear that Black crimes was on the rise in the province and must be dealt with promptly. Furthermore, the police's exaggerated response to 'immigrant crimes' occurred without a systematic process of collecting race-based criminal statistic to back up their claims (Henry, 1994). This created a pattern of racialized mass incarceration within the federal offender population in prisons across Canada such as in 2010 to 2011 when Black people accounted for nine percent of the inmate population even though they comprised less than three percent of the overall population (Khenti, 2014, p. 190).

As such, that over-policing of the Black community and the use of racially motivated policing tactics such as 'stop and search' is partly responsible for the dramatic increase in the number of Blacks accused of crimes (Chan & Chunn, 2000; Owusu-Bempah, 2014). The militarized nature of the war on drugs had a traumatizing impact on many Black men and their families who had their doors broken down, in the middle of the night, taken down at gun point and handcuffed. The fact that this occurs outside the public radar concealed the mental and physical abuse experienced by Blacks during drug raids and this has contributed to feelings of isolation and increased the dependency on drug use as a method of relief among Black men (Khenti, 2014)

The *Toronto Star* published a series of articles between 2001 and 2012 that highlighted racial profiling as a dominant experience of Blacks in Toronto. These reports accused the Toronto police of racially profiling Black people (Rankin, 2010). After a thorough examination of the Criminal Information Processing System (CIPS) and police fingerprint data of charges laid

since 1996, the *Star* concluded that racial characteristics such as skin color influences police attract the attention of the police (Rankin, 2010). Carmela Murdocca's examination of the *Star*'s results published in October 2002 revealed that Black people are twice as likely as Whites to be held overnight for a court appearance when detained at a police station. Additionally, Black individuals are more likely to be charged with drug possession; Blacks accounted for 23.3% of criminal drug charges even though they comprised just 8.1% of the total population in Toronto at the time. White individuals on the other hand, accounted for over 58% of criminal drug charges, which was just below their approximated total population (Murdocca, 2004, p. 160). The *Star's* research reveals the far reaching impacts and implications of racially biased police practice, captured more shockingly in the way the Toronto police gathers information about populations deemed as criminal. The *Star's* results also suggest that Black men between the age of twenty five and thirty four accounts for 39.9% of 'out-of-sight' offences, which are offences that surface after a traffic stop even though this group comprises of just 7.9% of Toronto's population (Murdocca, 2004, p. 160). These 'out-of-sight' offences gave birth to a phenomenon termed "Driving While Black" (DWB), which suggests that Black motorists are more likely than White motorists to receive tickets because they are appear more suspicious and are stopped more frequently by the police (Owusu-Bempah, 2014, p. 8). The practice of 'carding' exemplifies this point as it emerged within the larger discourses invested in the criminalization of Blacks. 'Carding' is said to give the police the added advantage to combat future crimes in the city of Toronto by allowing police to stop, question and record the details of street interactions that could then be analyzed later on to assist investigations. The practice has been criticized by activist and members of the Black community alike due to the fact that that Blacks account for 25% of all contact cards filled out between 2003 to mid-2011 (Owusu-Bempah, 2014, p. 8). After these reports were published, the Toronto Police Service unequivocally denied the existence of racial profiling as a police practice and this response was certainly expected. They asserted that the police target criminal populations only, and race had no influence on policing habits (Murdocca, 2004, p. 161). If skin color is not a factor that influences the attention of police officers then the expectation is that White people will be pulled over more frequently or at least at a more equal rate relative to Blacks given that they account for more than half the city's population. Since, this is not the case, the only other explanation for the disproportionate numbers of Blacks in police criminal statistics is that Black people are in fact committing crimes more frequently. On one hand, the police have a public commitment towards the application of

racial justice and equality but on the other hand, they fail to recognize, investigate and address racial bias when these issues are reported or alleged (Wortley & Owusu-Bempah, 2011).

Consequently, as more Blacks enter courtrooms, crown attorneys, judges and other court staff begin to believe that Blacks are indeed more inclined to commit crimes (Henry, 1994, p. 205). Evidence suggests that the social underclass that most Blacks occupy in Canadian society contributes to the negative stereotypes that attract the attention of the police (Owusu-Bempah, 2014). However, the police do not distinguish between social classes within the Black community and all Blacks are therefore treated with the same level of suspicion and this influences how they are viewed by other residential members of the community (Henry, 1994, Mosher, 1998). This enables divisions to form among different racialized communities who try to separate themselves from criminal stereotypes of other groups (Mosher, 1998). Therefore, the use of biological and racial characteristics such as skin color to target minority groups is a very problematic feature of policing that has contributed to the deteriorating relationship that now exists between these communities and the police (Chan & Chunn, 2000; Owusu-Bempah, 2014). Furthermore, the lack of professional representation (Black lawyers and judges) within the court system means that White people are largely in control of the processes in which Blacks predominantly appear as perpetrators, contributing to the socialized criminal status imposed on racial minorities as a result of their over contact with the criminal justice system (Henry, 1994, p. 222).

The racialization of crime impacted the Black community most profoundly in the 1990s with the mobilization of the police force against the Jamaican men who were stereotyped as the symbolic assailants of violent crimes by the news media (Owusu-Bempah, 2014; Wortley & Owusu-Bempah, 2011). Henry & Tator (2005) understand that the discourse of 'Jamaicanization' or the use of the term 'Black-on-Black' crime as a symbol to the process by which Jamaican culture replaces skin color as the real issue (Henry & Tator, 2005, p. 49). Physical attributes such as skin color or having a Jamaican accent became markers of criminality, representing a particular reproduction of social and cultural meanings that demonized the Jamaicans as violent to further separate them from identifying as Canadians. The 'us' versus 'them' dichotomy emerges in terms of the way law enforcement policies were disseminated and interpreted to stigmatize entire racialized communities based on their isolated criminal cases that

portray Black people as treats to the social order (Henry & Tator, 2005, p. 35). The growing tendency to associate the criminal problem with minority groups, in particular Blacks, was accompanied by more stringent immigration and law enforcement regulations. At the same time, allegations of racial police bias and incidents of police violence towards these communities increased. A major issue that contextualizes the internalized frustrations of the Black community stemmed from the numerous cases of White police officers shooting Black men in Ontario in between 1978 and 1994. A total of sixteen Black men were shot by White police officers, ten of which were fatal (Mosher, 1998, p. 19). To make matters worse, the victims were unarmed in most cases and none of the police officers were convicted of any charges (Owusu-Bempah, 2014).

These tensions boiled over in 1988 when two Peel region police officers were acquitted in the shooting death of Wade Lawson who was shot in the head following a brief police pursuit of a stolen car. The officers claimed that Lawson tried to run them over so they were forced to discharge their firearms to protect themselves. However, Lawson's friend who was pulled from the car by one of the officers prior to the chase testified that he was kicked and called a 'nigger' by one of the officers suggesting that their race played a role how the interaction played out. Furthermore, it was revealed that the bullets used to kill Lawson were hollow points after a jury already acquitted the officers. These types of ammunition are prohibited by the Ontario Police Act and have significantly more stopping power than regular bullets but no further action was taken against the officers in the case (Mosher, 1998). Within the scheme of policing the racial state, the onus of truth rests on police officers and in Lawson's case the testimony of the police officers suspended all other claims to what really happened. The creation of the Special Investigations Unit (SIU) in 1990 was a result of the Black community mobilizing to pressure the government to implement changes to a volatile racial situation. The SIU was tasked with increasing accountability on behalf of the police force whenever a civilian is killed or seriously injured by an officer. However, this didn't ease the racial tensions that existed between the police and Toronto's Black communities as allegations of being pro-police loomed over the SIU as an organization (Owusu-Bempah, 2014, p. 4). Furthermore, the racial undercurrents of this case combined with the fact that the Peel decision coincided with the acquittal of four White officers in the Rodney King Case in the U.S. materialized into planned protests by the Black community, which erupted into the Yonge Street riot in May 1992 (Henry, 1994; Owusu-Bempah, 2014).

Racialization and the Media

There is an extensive history in which the mainstream media, particularly the news media, play an instrumental role in the mobilization of the state apparatus that racialize immigrant populations (Vukov, 2003, p. 338). During the nineteenth century, it was common practice for the Canadian press to highlight crimes involving Black people by prominently displaying their race while choosing to ignore the nationality of White individuals who commit crimes (Mosher, 1998, p. 124). The same pattern is present in today's display of racialized bodies as perpetrators in both the print and electronic media and the concerns developing around immigration and crime. The media assisted in shaping the historical and contemporary relationship that racialized people have with White Canadians through public articulations of race and crime in the news, movies and other popular forms of entertainment. These actions are embedded in a larger discourse of racial hierarchy, which constructs White Canadians as 'good' citizens and Blacks as 'undesirables' immigrants (Henry & Tator, 2005; Thobani, 2007). The media also influences the perceptions of the general public in regards to immigration issues and this reinforces certain racial stereotypes in the mind of Whites who occupy important institutional roles in all levels of society (Henry, 1994). On one hand, immigration is portrayed as key to economic prosperity and population growth, given its historical role in replenishing the Canadian population following World War I and II (Kelley &Trebilcock, 2010). On the other hand, immigration is stigmatized as posing dangerous threats to the population and should therefore be continually regulated on security, health, sexuality, race and ethnic grounds (Vukov, 2003). The Canadian English language print media reproduces the notion that immigrants are treats in that they carry with them potential vulnerabilities and risks that threaten the host population (Ibrahim, 2005). This conceptualization legitimizes new racist fears especially when newspaper coverage of criminal offenses committed by immigrants portrays the prevalence of crime as a larger immigration problem. Such media reports function to legitimize repressive immigration measures, such as indefinite detention and deportation, as appropriate punishment for perpetrators (Vukov, 2003, p. 343). The news media also play a role in the reification of racial stereotypes in the types of stories they choose to cover and present to the general public. This means that the structural dimensions of racism are reproduced within the mainstream media in the provision of specially selected facts that formulate particular meaning and opinions (Ibrahim, 2005, p. 173). As such, people are socialized into developing ideological views about who should be included and excluded in the

Canadian mosaic based on the associations that the media make between certain immigrant groups and different types of crimes (Vukov, 2003).

The strong association made between Blacks and violent crimes is due in part to the cooperative relationship that exists between the police and news journalists. The police use journalists to disseminate their views about crimes and justice in general and this greatly influences media coverage (Chan & Chunn, 2000). A valid example rests in a series of articles written by police news reporter Timothy Appleby for the *Globe & Mail* in 1991 and 1992. Appleby's articles focused primarily on crimes involving Jamaican perpetrators and developed his views based on a series of anecdotes and quotations gathered from mostly unidentified police officers and presumably law-abiding citizens in the Black community who blamed the increase in crimes on Jamaicans. Throughout Appleby's articles, Jamaicans are constructed as people predominantly involved in gun and drug crimes and it was made to seem like there was an active transnational criminal network operating between Canada and the island nation (Mosher, 1998). Appleby articles asserted that Black people in general are characterized by an innate ability to commit crimes and the fact that these articles were published reveals the institutional compliance of the media with self-fashioning racial biases as facts. Appleby failed to address the social and structural barriers that could assist in a more complete explanation as to why Blacks are overrepresented in crime statistics.

In fact, the dramatic impact of neoliberal policies introduced by the Harris government in the 1990s coincided with the enhancement of police powers to crack down on the threat of immigrant crimes. Cuts to social assistance, the termination of after-school programs, the destruction of employment equity programs as well as cutbacks in housing programs and the closure of recreational facilities were undertaken to sustain the focus on criminal justice (Khenti, 2014; Owusu-Bempah, 2014, p. 5). This lead to an almost immediate increase in crime and violence throughout the Black community as observed in the homicide victimization rates from 1992 to 2003 in which Blacks in Toronto was almost five times higher than the average rate in the city (Owusu-Bempah, 2014). By 2007, the homicide victimization rate for Blacks males was almost twelve times that of the overall population (Khenti, 2014, p. 193). This reality was also used to justify the police's actions in heightening their focus towards the Black

demographic especially in priority neighborhoods where poverty, unemployment and lack of education were prevalent issues (Owusu-Bempah, 2014, p. 6).

The media is influential in stirring moral panic by either focusing on various forms of youth culture associated with deviant behavior, especially gang violence or through racialized reports about crime waves that primarily involve ethnic minorities. These reports are often used to push for more restrictive regulations against Blacks especially when the link between race and crime is vividly reinforced by shootings involving racialized people and White victims (Chan & Chunn, 2000; Mosher, 1998). For example, McLean's magazine published an article entitled "Murder Next Door", describing the 'Jus Desserts' incident; a robbery that went bad on April 5, 1994 in Toronto's Yorkville neighborhood which claimed the life of a 23-year-old Georgia Leimonis who died from a shotgun blast to the chest at close range by a Jamaican man (Mosher, 1998). The fact that the perpetrators were Jamaicans signified that they were different from Canadians. This portrayal is embedded in the securitization on migration discourse to mark a clear distinction that dichotomizes the relationship between the White Canadians and the Jamaican racialized 'other' (Ibrahim, 2005). This becomes more evident considering that the same publication included two other murder cases in which the offenders were not identified by race or culture because they were White. This point to the conscious effort undertaken by journalists to focus strictly on Black crimes in order to situate it as the 'real' issue (Henry, 1994; Henry & Tator, 2005; Mosher, 1998).

Later that year Constable Todd Baylis was shot and killed by Clinton Junior Gail who also shot and injured Baylis's partner. The fact that Gail had an outstanding deportation warrant against him politicized this issue and the police directly blamed federal immigration officials for failing to complete their legal obligations (Henry & Tator, 2005; Mosher, 1998). These two high profile murders led to widespread demands for tougher immigration restrictions prompting the Immigration Minister to introducing more repressive policies that came into effect in 1995 (Mosher, 1998, p. 10). Empirical proof shows that Jamaican crime did not constitute a serious problem during the 1990s. In fact, the federal government conducted a study of offenders who were either serving time in Canadian correctional facilities or on conditional release from the penitentiary system in 1991. They found that only 11.9% of those incarcerated or on conditional release were immigrants. Immigrants comprised of approximately

20% of Canada's total population in 1991 and only 18 out of every 10,000 Caribbean born people were incarcerated during that year (Mosher, 1998, p. 11). However, the implication of Jamaican perpetrators in the two high profile interracial murders ushered in Bill C-44, which enabled the increased deportation of dangerous criminals from Canada even if they have lived virtually all their lives in Canada (Barnes, 2009). During the mid-1990s, the media discourses created around immigration and security influenced the formation of racialized immigration policies that restricted people based on the perception of threat and also push people to support controversial immigration measures developed to rid the nation of criminals (Vukov, 2003, p. 336). The profound influence that the media has on the general attitudes and cultural habits of White Canadians became evident from the results of eight national surveys conducted between 1994 and 1996, which showed that more than 50% of White Canadians during that period agreed that there were too many immigrants in the country and that this made the crime situation worst (Mosher, 1998, p. 198). Therefore, the use of deportation to remove criminals from Canada emerges as an important mechanism in the state's administration of immigrant populations and embodies the power and sovereignty of the state to forcibly remove these individuals (Chan, 2005).

Blackness and Surveillance

The historical use of deportation as a method of removing immigrants considered to be 'enemy aliens' during times of distress is well documented in the Canadian experience. The Canadian government introduced section 41 of the Immigration Act of 1910 to enforce the removal of individuals who promoted violence, encouraged disorder or had any affiliation with organizations or groups who shared intentions to overthrow the government (Grams, 2010). This policy was used to target Germans living in Canada during World War I, fueled by a popular sentiment that constructed this group as possessing some inherent tendency to undermine the Canadian state. This was legitimized by the fact that the war was taking a heavy toll on Canadian lives so the concept of 'undesirability' was used to portray Germans as 'threats' to facilitate their prompt removal from Canada (Grams, 2010, p. 234). Similarly, Japanese Canadian were constructed as 'enemy aliens' during World War II and following the Pearl harbor attacks and were placed in internment camps in British Colombia where they were coerced into signing repatriation orders that renounced their acquired British nationality and reassume their status as nationals of Japan. This resulted in many Japanese being deported from Canada in the years

following the Japanese attack (Sugiman, 2009). A similar framework was used to constitute racialized immigrants convicted of crimes as 'enemy aliens' emerged during the 1990s.

Bill C-44

Bill C-44 was introduced in 1995 following two high profile murder cases in Toronto. This Bill is also referred to as the 'Leimonis' Bill because alluding to the fact that it was introduced as a reactionary measure to the shooting death of Georgia Leimonis in 1994. The gruesome nature of the crime sparked a vigorous debate about racialized immigrants and their involvement in violent crimes, prompting the government to introduce the 'danger to the public' guidelines as a subsection of Bill C-44 (Owusu-Bempah, 2014). Barnes (2009) discusses the implications of this Bill and the impact it had on Jamaicans nationals who were non-citizens and facing deportation at the time. In the wake of the highly publicized Leimonis and Baylis murder trials, Bill C-44 was implemented to authorize the prompt deportation of immigrants considered to be 'dangerous' or 'violent' (Barnes, 2009 p. 435). Any individual convicted of a crime warranting a sentence of ten or more years could face deportation under Bill C-44. Permanent residents were also affected by this legislation as specified by subsection 70(5), which enabled the deportation and indefinite detention of permanent residents when the Minister considers them to be a 'danger to the public'. This also removed their right to appeal deportation decisions (Barnes, 2010, p. 435). The involvement of Jamaicans who were non-citizens in the two crimes mentioned meant that all Jamaicans who were ordered deported previously, or those who entered the country illegally became the number one targets of this legislation. Although several immigrant groups voiced their concerns about the potential this policy had to discriminate against racialized people, it was still implemented with very little resistance (Barnes, 2009). It is not surprising then that the forced deportation of racilized immigrants that was brought about by Bill C-44 primarily affected Black Jamaican males. In fact, Jamaican men living in Ontario, especially Toronto, accounted for forty percent of those deported under Bill C-44 in the two years following its introduction (Burt et al., 2016, p. 5).

Wendy Chan (2005) presents a profound analysis of Canadian deportation on the basis of criminality and its interconnections with the process of racialization. Her examination of one hundred and seventy-seven summary decisions made by the Immigration and Refugee Board

Appeal Division between 1992 and 2002 reveal that deportation processes are influenced by gender and racial ideologies (Chan, 2005, p. 162). Men represented the vast majority of appellants (163) of which Jamaica, Iran, India, Vietnam, Guyana and Trinidad were the most represented nationalities. The codes of gendered ideology are embedded within the policy guideline to such an extent where they actively influenced deportation decisions. This is gathered from the fact that some men were able to prevent their deportation if they could prove that they were good fathers and husbands whereas single men had to prove that they had good social ties that would assist in developing relationships in the future. Women on the other hand, were primarily deported for prostitution related offences, welfare dependency and drug offences, which can be understood as a deviation from westernized notions of femininity in terms of how women are expected to behave (Chan, 2005, p. 170). Gender is therefore central to the constructions of the threat of criminality, which is understood as a predominantly masculine trait. Therefore, Jamaican males as a sub-group of the Black population became exalted as the most violent criminal within a racial group already identified as possessing innate criminal traits and constituted as criminal aliens (Tobani, 2007).

Chan's (2005) analysis illustrate that race matters in Canadian deportation decision and that everyday racism is enforced through the discretionary powers involved in the institutional process of making deportation decisions. Of the one hundred and seventy seven cases examined, one hundred and seven appeals were dismissed, sixty-eight were allowed and two outcomes were unknown. In the cases where country of origin was accounted for, forty six percent of appeals from Anglo-European countries were granted stay while only thirty eight percent of appellants from non-White, non-European countries were allowed to remain in Canada. These results reveal that racialized immigrants are less likely to receive a pardon and granted stay in Canada in comparison to Anglo-European immigrants (Chan, 2005, p. 164). Thus, the race and ethnicity of the appellants had a strong influence on the outcomes of their appeal cases. The Immigration and Refugee Board Appeals Division claimed that the vast overrepresentation of non-White immigrants in Canadian deportation statistics is a problem that rests with immigrants themselves and not with the system. They assert that racialized appellants are more likely to be from dysfunctional families, less likely to be believed that they were indeed trying to rehabilitate themselves, and more likely to re-offend thus receiving less compassion in the appeals process (Chan, 2005, p. 166). These are merely ways of justifying systemic racial bias in a society where

racism supposedly does not exist illuminating the false sense of neutrality, fairness and objectivity created by the policy of multiculturalism (Simpson et al., 2011).

Chan's (2005) study highlights deportation as an disciplinary tool which the Canadian state uses to create 'good' citizens and this is reinforced by policies encoded with ideas of 'undesirability' that are rooted in racialized concepts of nationhood and citizenship (Chan, 2005; Patel, 2007). The 'failed landed immigrant' who does not conform to prescribed neoliberal values and behaviors, or the alien non-citizen who has been criminalized and excluded due to the threat they pose to the state are those that are deemed 'undesirable' (Root et al., 2014). In this context, deportation organizes immigrants as either 'good' or 'bad', therefore, capable of being reformed as opposed to the immigrant that is inherently evil (Chan, 2005). Another study looked at two deportations appeal cases where the circumstances were the same in that the appellants were not seen as remorseful for their crimes. One case involved a racialized person and the next involved an Anglo-European appellant (Patel, 2007). The results confirmed Chan's (2005) observations that non-White appellant are less likely than European appellants to be granted a stay and highlighted great concerns over the use of discretionary power to subject people of color to various types personal and institutional racism. The important point here is that immigration processes such as deportation forces immigrants to conform to Canada's immigration regulations or face removal (Chan, 2005; Patel, 2007). However, deportation represents just one method in a multitude of state legislation that systematically racialize and marginalize immigrant groups, pushing them to the boundaries of the imagined community so as to reinforce their perceived inferiority to Whites (Owusu-Bempah, 2014, Wortley & Owusu-Bempah, 2012).

The Canadian Permanent Resident Card (PRC)

Post 9/11, the Canadian government introduced several policies to tighten screening and identification processes at ports of entry as well as to increase the detention and removals of immigrants seen as 'threats' (Vukov, 2003). The Canadian Permanent Resident Card (PRC) is one of the security features implemented by the state following the World Trade Center tragedy in 2001. The PRC program was enacted in June 2002 to replace paper documents with a new plastic version and is used to verify the status and identity of permanent residents upon re-entry by commercial carrier into Canada (Browne, 2005). Browne (2005) argues that the PR card

simultaneously includes the citizens of the nation while excluding some permanent residents and undocumented migrants based on their race and nationality. Accordingly, the identity delineated by the PR card "could be understood as one where the marking of "permanence" that the PRC achieves is rather temporary as the card is valid for five years, and points to a unique form of card-carrying, state subject-hood where the holder is not completely of the nation, but the possibility of membership is alluded to, and sometimes deferred" (Browne, 2005, p. 436). These control mechanisms were introduced during a time when media and political discourses were launching an assault on Muslims and Arabs in North America due to the fact that the 9/11 attackers were from these ethnic groups. The redefinition of Muslims and Arabs as terrorists can be analyzed in the context of Orientalism in the sense that they are exposed to a system of representation that is shaped by a particular westernized understanding of their culture (Said, 1995, p. 47). It is important to point out that although these groups were identified as potential threats, anti-terrorism policies criminalized all racialized bodies who are now subjected to a range of identification processes and security screenings to promote of safety and security (Browne, 2005). The terrorist attacks in 2001 reshaped the concepts of race and citizenship in both Canada and the United States as a national security issue. The tragedy of the events was used to justify the removal of rights such that it constrained the mobility of immigrants who appeared threatening based on their religious affiliation and racial identity (Wright, 2003, p. 6). Therefore, the singling out of Arab and Muslim looking people at airports as terrorists should be understood as a bureaucratic racist discourse (Razack, 2010). This is strikingly similar to the way Bill C-44 was interpreted racially to disproportionately target Jamaicans following the moral panic created around the two isolated interracial murders. These policies represent the remnants of colonialism is intricately affixed to the political and social organization of Canada and the law enforcement institutions tasked with managing its racial 'others' (Goldberg, 2002).

The sphere of policy-making creates spaces in which personal ideologies become fashioned into more institutional forms of racism. The global 'war on terror' and the racialized domestic policies that came with it, has engulfed the socio-political climate of Canada into a constant state of emergency where policies are improvised to mirror anti-Black, anti-immigrant and anti-Muslim rhetoric which have been so vigorously enforced in the U.S. (Wright, 2003). As such, incidents of racial profiling have increased drastically to affect people of color in material and symbolic ways. Scholars have highlighted that Black and Brown youth in Toronto develop

negative perceptions and attitudes towards the police based on their disproportionate interaction with the police. Terms like 'driving while Black' became widely used among Black youth who felt that the police target them because of their race (Owusu-Bempah, 2014). Other studies have shown that the police differentiate between the social statuses of people according to their race and Black men are highlighted as attracting the most police attention, translating into their vast overrepresentation in police-crime statistics (Worley & Owusu-Bempah, 2011). Racism is therefore entrenched in the structural organization and culture of Canadian institutions, such as the police institution and the immigration system, and profoundly influences the way these institutions operate (Chan, 2011).

These reasons among other issues of racial injustice have encouraged social movements such as the "Black Live Matter (BLM)" movement that was created in 2012 to broaden the conversation around state violence against Blacks and the systematic deprivation of their basic human rights and dignity. This campaign emerged in the United States following the acquittal of George Zimmerman in the Trayvon Martin murder case and has grown immensely following a number of extrajudicial killings of Black people by White police officers and White vigilantes (Black Lives Matter, 2016). Canada also share a history of police shooting Black and racialized men so it is paramount for us to identify and situate police and racial violence as concepts rooted in the history of colonialism and the dehumanization of Black lives and addresses these concerns through mobilization and activism in similar ways as BLM ("Black Lives Matter", 2016). The "Black Live Matter" movement are important voices in the fight to end racial violence and injustice but this is easier said than done given that the level of institutional racism that in present in the police force has taken on a cultural form where the racial profiling of Blacks have become a foundational part of solving crime (Wortley & Owusu-Bempah, 2012).

The Year of the Gun

On December 26, 2005, Jane Creba was killed by a stray bullet fired by a Black man in one of the busiest intersections in the downtown core. The hysteria created by the news media solidified the image of the violent Black criminal who has no respect for life. The reaction to this tragedy was swift and decisive because Creba was White. In fact, several people of color lost their lives to guns that same year but the media and the police were ignorant to this as no calls for

help was uttered from these circles (Owusu-Bempah, 2014). Furthermore, public officials and journalist were quick to label 2005 'the year of the gun' after it was determined firearms killed that seventy-nine people during that year (Doucette, 2012). Following the Creba case and the political designation attached to 2005, millions of dollars, and countless resources were allocated to the Toronto police to hire more officers and create a taskforce in order to combat the prevailing issue of gun and gang violence (Owusu-Bempah, 2014). In response to the Creba incident, city council approved the 'priority neighborhood' strategy to address poverty and deal with the surge in crime. At the time there were twenty-two low-income areas in Toronto, which were identified as having few job prospects, high dropout rates and a disproportionate number of health related issues. The characterization of these communities as 'priority' stemmed from socio-demographic indicators, the proximity of the services available as well as the annual number of homicides. Once the label of 'priority' is given, public and private resources are funneled into the neighborhood to improve the lives of its inhabitants (Doolittle, 2014). A large portion of the resources that became available after the 'year of the gun' was used to create the Toronto Anti-Violence Intervention Strategy (TAVIS) to fight what was labeled as Black crimes (Owusu-Bempah, 2014, p. 6). Owusu-Bempah (2014) describes TAVIS as "an intensive 'hot spot' policing strategy that involves the targeted deployment of police officers to neighborhoods affected by violence" (Owusu-Bempah, 2014, p. 7). The media ensured that these neighborhoods were clearly defined as Black areas in which Black people are the ones responsible for committing crimes. For these very reasons, TAVIS was able to deflect allegations that they racially profile Black men as gangster and drug-dealers in areas such as the Jane and Finch community and other parts of the city labeled as high crime areas (Owusu-Bempah, 2014).

Burt and associates (2016) produced a report that focused on the influence that two high profile police operations (Project Fusion in 2009 and Project Corral in 2010) had on the passing of more restrictive deportation policies that disproportionately affected Jamaicans living in the GTA. Both operations targeted the infamous and illusive 'Shower Posse', an organized Jamaican criminal group believed to be in control of a significant part of the drug trade in the province of Ontario (Burt et al., 2016). Project Fusion targeted the smuggling of illegal guns into Canada from the U.S. and the details of this investigation linked local Toronto street gangs to a member of the "Shower Posse" who was said to be supplying these gangs with illegal guns (Burt et al., 2016, p. 14). The "shower posse" was blamed for the increase in gun crimes in Toronto and the

police allege that this organized criminal network was fuelling gang warfare between the "Five Points Generals" and the "Falstaff Crips" street gangs (Freeze, 2010). This racial take on Toronto's perceived crime problem was validated by the arrest of seventy-eight people and the seizure twenty firearms during Project Corral in 2010 (Burt et al., 2016). These operations directly connected the GTA with Jamaican organized crime and by June 2013, The Faster Removal of Foreign Criminals Act (FRFCA) was passed to expand the definition of what constitutes 'serious criminality' while placing new limits on the ability to make an appeal. Under this Act, permanent residents who are charged with offences that warrant a sentence of six months or more could now be deported without the right to appeal. This has been noted as causing a pattern of circular migration where large numbers of permanent resident are forcibly deported to Jamaica (Burt et al., 2016).

Alvin Brown

The Alvin Brown case came to light after the End Immigration Detention Network filed an application in the Ontario Superior Court to help Brown contest his indefinite detention. This was made possible by a 2015 Ontario Court of Appeal ruling that gave provincial courts new jurisdictional powers to preside over detention cases relating to immigration law (Nixon, 2016). Following his release from criminal custody in 2011, CBSA officials detained Brown just a few months later for violating strict release conditions (Perkel, 2016). This prompted the CBSA to label Brown as a 'danger to the public' and a flight risk and ordered his deportation to Jamaica (Nixon, 2016). One of the problems that emerge from this action has to do with the fact that since the introduction of the 'danger to the public' clause as a subsection of Bill C-44 in 1995, Jamaicans represent the majority of individuals that have been labeled as such (Patel, 2007). They also account for the highest rate of deportation from Canada in the ensuing decade (Chan, 2005). These facts illustrate that racial presuppositions are deeply embedded within organizational bodies such as the CBSA, which plays an important role in the administration of the deportation processes. The CBSA's handling of Brown's case exposes several layers of racial bias and routinized discrimination that covertly reinforce the criminalization of Black bodies, particularly Jamaicans. The power that CBSA officials have to label individuals as a 'danger to the public' leaves ample room where racism could flourish.

The revocation of Brown's permanent residency status in 2005 meant that he was relegated to the status of a foreign national. The IRPA states that foreign nationals are individuals who are neither citizen nor permanent residents of Canada, including stateless persons (IRPA, 2001). However, the fact that the CBSA was unable to obtain travel documents from Jamaican authorities over the course of his detention means that Brown was regarded as a stateless within the bureaucracy of the deportation process. Goldberg (2002) explains that stateless persons are viewed as individuals who have no identity within the scheme of the modern state and are treated as threats to those who do. Therefore, the state obliges itself to reinstate stability and security in the face of crisis (Goldberg, 2002, p. 40). The traditional construction of statelessness pertains to individuals who have no social, civil or political rights within the host society because they have no status (Weissbrodt & Collins, 2006). This makes it increasingly difficult to make claims against the state regarding racial inequality and other forms of discrimination given that the individual has no landed status, thus, no legal rights. In other words, it is an increasingly arduous task to combat the personal, institutional and structural racism embedded in the immigration as it is organized and administered in ways that conceals racial bias.

The Immigration and Refugee Protection Act (IRPA) is instrumental in the perpetuation of racism in the deportation system as it authorizes the indefinite detention of designated foreign nationals until a final decision is made in their case or until the Immigration Division or Immigration Minister intervenes to authorize their release (IRPA, 2001). Furthermore, the citing of a criminal history, that Brown had already served time for, was used as legitimation of threat, which is more likely to be linked to, racialized men and is therefore racially coded. This state sanctioned prejudice marked Brown as a different order of humanity because of his race (Razack, 2010). This means that security officials are not obligated to operate within a structure of accountability and this result in the proliferation of racism in a legal process that rationalizes the routine of intruding on immigrants' rights in the interest of national security (Razack, 2010, p. 103). Canada remains one of the only countries without a legal limit on the amount of time a person can be detained without a trial (Nixon, 2016). As such, individuals in circumstances similar to Brown are often streamlined without receiving any real justification as to why their appeals are denied or their cases delayed (Patel, 2007). These policies are in violation of international laws delineated by the United Nations. In fact, Article 9 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights

(ICCPR) stipulate that it is illegal to subject individuals to arbitrary arrest, detention and exile or to deprive them of the right to liberty and security of person (De Zayas, 2005). In criminal cases, the detainee must be advised as to the reason why they are being held and must be brought promptly before a judge or other judicial administrators and shall be entitled to trial within a reasonable time frame or be released from custody (De Zayas, 2005). Under these guidelines, Brown's human rights were violated and his five-year detention should be viewed as cruel and inhumane treatment by the state.

The process by which Brown became inadmissible is a racial discourse that reinforces White supremacy through the willingness of immigration courts to generally accept that non-citizens are not entitled to the same rights as Canadian citizens in order to justify their inhumane treatment that occurs in immigration holding centers (Razack, 2010). The fact that Alvin Brown is Black and of Jamaican ancestry and had an extensive criminal record that primarily involved weapons and drugs, legitimizes the racial discourse within the deportation process that inscribes criminality as a cultural component of the Jamaican identity (Henry & Tator, 2005). Thus, Brown's ethnicity and culture became systems of exclusion that were used to portray him as a threat which made his indefinite detention appear justified in the eyes of the public (Ibrahim, 2005). In fact, all of the Canadian media sources that were examined during this study made reference to the seventeen convictions that Brown racked up over the decades. His engagement in crimes such as assaults, drug-trafficking, robberies and uttering threats (Keung, 2016; Perkel, 2016) exalted Brown's criminal history and prescribed guilt onto him while simultaneously concealing the fact that these were past offences for which he had already served time. Brown was therefore painted as the aggressor who needed to be controlled. The discriminatory practices that CBSA officers engaged in while Brown was detained were rendered civil in that Brown was absolutely cut off from institutional access by virtue of his race and group membership (Razack, 2010, p. 92).

This means that Brown's case was deliberately stalled because he was classified as a dangerous criminal. The CBSA was able to detain him without appropriately reviewing his case in a timely fashion or providing information regarding the legal developments of his deportation. This is legitimized by the stipulations of the IRPA, the Faster Removal of Foreign Criminals Act (FRFCA) and the 'danger to the public' clause, which essentially removes the legal rights of

convicted immigrants held on deportation orders (Barnes, 2009; IRPA, 2001; Szklarski, 2013). Consequently, the bureaucracy makes it difficult to find any form of wrongdoing or racial bias on behalf of those administering it since criminal deportation has become a space of exception (Razack, 2010, p. 99). This means that the routinized processes involved in the deportation process such as untimely case reviews, difficulties obtaining travel documents and so forth, are used to conceal racially motivated practices that were commonplace in Brown's deportation process. Racial bias appeared in the actions of the CBSA in its failed attempts to ascertain travel documents from the Jamaican consulate prior to Brown's deportation. This was a main contributing factor to Brown's indefinite detention but it became clear over the course of the case that the CBSA was intentionally delaying the proceedings. However, it is hard to pinpoint racial bias because it materializes in the administrative form and thus became a natural part of Brown's deportation process. Thus, the CBSA is able to dismiss any claim of racial bias because it is viewed as a routinized part of their job (Razack, 2010).

According to the news reports, Brown was diagnosed with schizophrenia while imprisoned at the Central North Correctional Centre in Penetanguishene but very few details are given about whether he was taking his prescribed antipsychotic drugs or whether he was able to access other forms of treatment during his criminal incarcerations (Keung. 2016). Brown's mental illness was also on trial as the impression is given that his condition was mostly responsible for his extensive criminal record. However, while imprisoned, Brown was essentially denied access to the relevant resources that would have assisted his efforts to rehabilitate. For instance, *The Star* reported that nightly jail lockdowns impeded Brown's access to programs such as Alcoholics Anonymous and Narcotics Anonymous and was "seen only twice by a psychiatrist at the Toronto East Detention Centre, each time for about five minutes" (Keung, 2016). This further marginalized Brown as an outsider of the Canadian state even though he was a product of its environment considering that he became a permanent resident at the age of nine years old and committed all of his crimes in Canada. The subjective interpretation of what constitutes this designation ordains the immigration bodies such as the CBSA with extensive discretionary powers that enable institutional racism to proliferate within their practices.

Razack's conceptualization of the ways in which race becomes a bureaucracy highlight the practice of deportation as being more than just about the expulsion of foreign criminals.

Rather, it places criminals in a state of limbo where their rights are removed and they are detained indefinitely (Razach, 2010, p. 96). A 'danger to the public' designation meant that Brown and others labeled as such are viewed as people who are "not like us" so that the suspension of their rights would appear warranted in the interest of public security (Razack, 2010, p.91). Brown's case can be compared to what happens to security delayed individuals in that he was marked as a different order of humanity as a result of his criminal label and the state used this to justify the removal of Brown's right to appeal. Therefore, Brown's case illustrates how deportation becomes a legal bureaucratic zone in which the state is able to declare that certain laws do not apply, to certain people, in certain circumstances (Razack, 2010). Indefinite detention affects different categories of people including those held for security purposes, common criminals held in pre-trial without bail, 'terrorists', asylum-seekers, undocumented migrants and persons under psychiatric detention (De Zayas, 2005, p. 16). However, this practice legitimized the racial stereotyping of Alvin Brown as a criminal that needed to be isolated from the Canadian public because he was viewed as 'dangerous'. This is problematic because Brown was detained for five years without obtaining any direct information or conclusive reasons as to why his deportation was taking so long. Furthermore, Brown's case highlight the lack of attention that is paid to individuals held indefinitely on deportation orders in Canadian prisons and the various human rights violations that occur under the guise of national security. A group of fifty detainees, including Brown, went on a hunger strike in July 2016 to demand a meeting with the Public Security Minister in regards to ending the practice of detaining immigrants indefinitely in maximum-security prisons (Brown, 2016). Their request was rejected and this concurrently reproduces these individuals as the rejects of society.

The bureaucratic organization of the deportation process placed the onus on Brown to provide the necessary documentation needed to move his case forward while refusing to make it possible for it to be provided (Razack, 2010). Additionally, the fact that Brown was seen as a dangerous Jamaican criminal provided justification for the slow pace of the judicial developments pertaining to his case and the legal bureaucratic reasons given for his delayed deportation (Razack, 2010). The CBSA claims that Brown's long detention was due to his lack of cooperation in trying to acquire the proper paper work for his deportation. However, Brown's legal team disputed this claim, providing evidence that Brown did everything in his power to get deported and that the CBSA's negligence is in fact responsible for the delays (Perkel, 2016). For

example, the CBSA provided the Jamaican consulate with false information about Brown on two separate occasions while refusing to help Brown obtain important documents such as a birth certificate and other documents that would have sped up his removal (Perkel, 2016). As a result, Brown's scheduled deportation for January 2016 was cancelled by the Jamaican consulate at last minute due to the inconsistencies in the information provided by the CBSA regarding Brown's mental illness (Keung, 2016).

Of great concern is the fact that Brown's appeal case was placed on hold after the CBSA assured the court that the appropriate papers would be obtained to deport Brown (Keung, 2016). This means that Brown's appeal was not considered seriously and the focus was placed solely on efforts to removing him from Canada. The fact that the CBSA was able to obtain travel document from the Jamaican consulate at the same time when Brown was actively challenging his detention appears suspicious as it implies that the CBSA had the means to deport Brown but chose to deliberately delay the process for five years. Brown was deported on September 7, 2016; the same day that forty-two Jamaican nationals were placed on a charter flight in the United Kingdom and flown to Jamaica under controversial circumstances. Many of these individuals spent most of their lives in the UK and many were removed while in the midst of appealing their deportation (Saunders, 2016). Razack (2010) explains that the bureaucratization of race creates a state of abandonment in which context matters very little and there is a legally sanctioned inattention to detail or due process (Razack, 2010, p. 99).

Therefore, the act of deporting Jamaican nationals during the process of appeal illustrates that they are not viewed as real subjects in that society and exposes deportation as an instrument of White supremacy exercised through the removal of the racialized 'other' (Thobani, 2010). This is solidified by the fact that once deported, immigrant are blacklisted from ever having the chance to apply to return to the sender country. Therefore, the criminalization of Jamaicans operates within the larger scheme of North American immigration policies as a method of migration control. Similarly, the U.K. government's reluctance to deport more than six hundred Jamaican nationals held on deportation orders is due to the fact this measure challenge could be challenged under human rights laws due to the poor condition of Jamaica's prisons. As such, the U.K. government proposed to assist the Jamaican government in building a prison that could hold fifteen hundred inmates so that Jamaican criminals can be sent home to finish serving their

sentences starting in 2020 ("UK to build", 2015). The interconnections between politics and the economy become clear in term of the proposed benefits that deportation accomplishes for the sending and receiving nations. Countries like Canada, the U.S. and the U.K. are able to remove 'criminals' from their population while simultaneously reducing the amount of tax expenditures incurred by keeping them in the country (Burt et al., 2016).

The racial stereotypes that shaped the outcome of Alvin Brown's case are rooted in the post-colonial discourse of Jamaican politics. Historically, Jamaica's high murder rate is said to have resulted from political violence associated with general elections starting in the 1970s (Top Documentary, 2014). However, gun violence is often discussed as a cultural norm in Jamaican society and these narrative influences the stereotypical assumptions that infringes on the social identity of the Jamaican-Canadian diaspora (Duncan-Waite & Woolcock, 2008). According the documentary film "Jamaican Druglord", the 1980 Jamaican election initiated an exodus of criminals to the United States and other parts of the developed world. The most notably of these individuals is Lester Lloyd Coke otherwise known as Jim Brown who is said to have created the 'Shower Posse' in 1984 (Top Documentary, 2014). Jim Brown is said to have orchestrated a criminal network that facilitated the movement of large amounts of drugs and a steady supply of 'heartless' criminals from the garrison neighborhoods in Kingston to the United States, Toronto and the United Kingdom (Duncan-Waite & Woolcock, 2008, p. 5). In fact, the very name of the gang was deduced from an alleged common practice of the gang to 'shower' its rivals with bullets (Top Documentary, 2014). Furthermore, the son of Lester Coke, Christopher 'Dudus' Coke was arrested in Jamaican and extradited to the U.S. in 2010 on drug and weapon charges following a bloody battle between Jamaican authorities and his supporters which claimed over seventy-three lives (Lebovich & Daniel 2010). These high profiled cases appear in the narrative of law enforcement in Canada where Jamaicans are symbolically represented as the usual suspect of drug and gang-related activity (Owusu-Bempah, 2014). Therefore, personal biases formed on the basis of race can easily affect the judgment of CBSA officers who are constantly exposed to an environment in which non-White individuals are constantly profiled as criminals. The organizational structure of law enforcement also promotes racism and racial biases as a fundamental element that is unavoidable in their investigations (Owusu-Bempah & Wortley, 2011). Evidence suggests that police officers are trained to focus on characteristics such as skin color and other physical features as an indicator of criminality and this appears to be a common

practice in southern Ontario (Chan, 2011). Immigration officers are trained in a similar way and this was extremely evident in Alvin Brown's case.

Life in Jamaica: Post-Deportation

The impact of deportation is felt by the members of larger Jamaican-Canadian community who have come to identify the practice as a severe form of punishment that invokes feelings of alienation from Canadian society (Burt et al., 2016; Owusu-Bempah, 2014). The forced removal of individuals, who had established long-term residency in Canada as in the case of Alvin Brown, creates a host of problems for both the deported person and their family. Interviews with deported persons and their families reveal that financial, social and psychological hardships emerge when families are separated by deportation; forced repatriation reduces the level of communication between deportees and their immediate family and studies have indicated that the majority of children left behind are unlikely to receive financial support from a deported parent (Burt et al., 2016, p. 7). The circumstances that Brown will face upon arrival in Jamaican can be assessed through the recollections of other criminal deportees already in the country. Throughout the Caribbean, there is a widespread belief that criminal deportees from the U.S., Canada and the UK are responsible for the regions public safety troubles (Burt et al., 2016). Returned immigrants, like Brown, are often stigmatized as criminals and blamed for the increase in drugs, organized crimes and murders.

Additionally, the National Intelligence Bureau (NIB) of Jamaica conducted a study in 2014 that shows that a very small minority of deportees had reoffended (Headley & Milovanovic, 2016). Nevertheless, criminal deportee are viewed as the lowest class of people and this narrative is often reinforced by in the political and media discourses throughout the Caribbean region deportees regardless of the reasons why they are sent home. This presents difficulties for deported individuals to find employment or participate in larger community initiatives that would enable them to integrate back into Jamaican society. Considering that Brown has an extensive criminal record, he will most likely encounter significant barriers in finding employment and housing. The lack of financial support often lead to issue of homelessness as many individuals end up on the streets where they become a part of the homeless population (Szklarski, 2013). One of the major issues faced by Jamaican deportees is the absence of re-settlement programs and

other forms of support to address economic and housing issues and this has been identified as a contributing factor to individuals reverting to criminal activity (Roberts, 2010). Brown spent thirty-three years in Canada before being deported and it is not known whether he maintained any meaningful links with relatives in Jamaica (Nixon, 2016). This could ultimately produce a feeling of detachment between Brown and Jamaican society as examined in past cases where deported person have come to see themselves as outcasts who are 'unwanted', but have no home to return to (Lacey, 2007).

The resources that are available to support the resettlement of deported persons in Jamaica are very limited and particular in nature. For example, the National Organization of Deported Migrants (NODM) have been facilitating reintegration services for individuals who have been deported or forcibly removed from other countries since 2009 regardless of the reason for removal or whether the individual served a prison sentence (Headley & Milovanovic, 2016). Similarly, the Family Unification and Resettlement Initiative (FURI) provides referral services pertaining to accommodation, employment, drug and/or alcohol rehab, and assist deported individuals with reconnecting with family and obtaining their identification cards and other legal documents (FURI, 2013). These organizations appear to be rather insufficient to address the needs of deportees given the relatively high rate of deportation Jamaica receives from other countries on an annual basis compared to the small number of non-governmental institutions providing resettlement services. These circumstances will present several disadvantages for Alvin Brown who is still left in a state of limbo as he awaits the outcome of his court challenge launched on his behalf by his lawyer, Jared Will, who seeks fifteen hundred Canadian dollars per day for time spent in detention (Perkel, 2016).

Conclusion

The history of anti-Black racism is very profound in Canada especially in immigration policies where race and ethnicity are used interchangeably as systems of exclusion (Chan, 2005; Razack, 2010). The Canadian nation as we know it today is derived from a legacy of slavery and segregation and was further molded into a White society through the application of overtly racist immigration policies that restricted non-White migration (Mosher, 1998; Thobani, 2010). Racism has been a common experience in the lives of Blacks in Canada since they started entering as

runaway slaves and settlers (Winks, 1997). In fact, Jim Crow segregation was practiced in many towns throughout Ontario and this communicated a clear message to Blacks that they did not belong in a 'White' Canada (Walker, 2009). Furthermore, prior to the introduction of the Racial Discrimination Act in 1944 Blacks were banned from public theatres and restaurants and were refused service in many businesses throughout parts of Ontario (Flynn, 2009). The socially constructed hierarchy of races was used to justify the racial inequality that existed in Canadian society based solely on the assumption that Blacks were inferior to Europeans (Sadlier, 2010). These assumptions are reinforced by discourses on race and racialization that stereotype Black people in specific ways in order to control them. Therefore, race becomes a marker of exclusion when racilized bodies are socially constructed as threats to the White Canadian morals and values (Ibrahim, 2005). Racialization formulates the boundaries of citizenship for non-White people in Canada whose worth is reduced to stereotypical assumptions based on race (Murdocca, 2011). Racialization is therefore identified as a driving force in the subjugation and marginalization of Black people as it creates avenues for racist ideologies to persist.

Historically, the racialization of Blacks as slaves ensured that their subjugated position appeared as a natural within the hierarchal order of humanity. Similarly, the dominant stereotypes that portray all Blacks as criminals are used to justify the over-policing of the Black community as a natural reaction to a perceived criminal threat and this has led to an increase in policing tactics that employ racial profiling as a method of investigating crimes. This has directly contributed to disproportionate amounts of Black men being arrested in Ontario, especially Toronto (Henry, 1994; Khenti, 2014; Owusu-Bempah, 2014). The history of racism in Canada provides a foundation for contemporary forms of discriminatory policies and institutional practices that affect Blacks (African Canadian Clinic, 2017). As such, the racial discourse that supported the criminalization of the Black male as drug dealers during the war on drugs was the actualization of a racist discourse that constructs Black people as possessing some kind of innate criminality (Henry 1994). Similarly, the highly publicized Leimonis and Baylis murder trials in 1994 had a major impact on the relationship that the police and immigration officials had with the Jamaican population in Ontario. The fact that Jamaicans were implicated as perpetrators and the victims of these crimes were White, one being a police officer, influenced federal policy makers to introduce Bill C-44 in 1995 with relative ease in spite of the potential that this policy had to reproduce systemic racial bias. The Bill initiated the prompt removal of foreign criminals who

presented a public safety threat to Canada during a time when political officials and the mainstream media were placing a significant amount of focus on immigrant crimes. It was therefore anticipated that Bill C-44 would primarily affect immigrants from non-White, non-European countries and it was also not surprising that Jamaican nationals became the most deported nationality under this Bill (Barnes, 2009; Burt et al., 2016; Henry, 1994). Hence, the war on drugs and Bill C-44 are pertinent examples that capture the anti-Black sentiment and the racial undercurrents present in Canadian policies that reinforced the criminalization of Black men, particularly Jamaicans, by portraying them as deviants, as people who are innately inclined to criminality and as the most dangerous offenders among all other ethnic groups (Barnes, 2009; Henry & Tator, 2005; Burt et al., 2016). This culture of violence built up around the 'dangerous' Jamaican criminal re-actualizes a racist discourse by promoting the new 'immigrant-as-a-threat' narrative (Ibrahim, 2005, p. 171). This was made possible by a noticeable shift in the immigration discourse during the 1980s, which was concerned with the potential vulnerabilities and risks that immigration poses to the larger population. As such, migration has been embedded in the larger discourse of securitization in which immigrants, particularly racialized immigrants, become constructed as threats in the receiving country (Ibrahim, 2005). This new discourse legitimizes new racist fears that immigrants will transform the identity of the host country and enables the government to adopt an interventionist style in addressing immigration issues, further reinforcing the 'us' versus 'them' dichotomy within Canadian society (Ibrahim, 2005, p. 171).

The highly publicized Leimonis and Baylis murder trials in 1994 illustrate this point. The fact that Jamaicans were implicated in these interracial crimes initiated public appeals for tougher immigration policies, which influenced federal policy makers to introduce Bill C-44 in 1995 to crack down on 'dangerous' foreign criminals (Barnes, 2009). Bill C-44 was introduced in a time of "moral panic" in which overwhelming media attention was directed towards serious immigrants' crimes, specifically those involving Jamaicans (Barnes, 2009; Henry, 1994). The Bill expanded the discretionary power of the Immigration Minister to deport any individual considered to be a 'danger to the public' (Barnes, 2009) and through its racialized application, a disproportionate amount of Jamaican nationals were deported from Canada throughout the rest of the 1990s (Burt et al., 2016). In Fact, Jamaicans were the most deported of all racialized groups between 1992 and 2002 (Chan, 2005).

This MRP utilized the case of Alvin Brown to provide an illustration of the various immigration processes that enable the racialization of crime within the deportation process. Utilizing Razack's (2010) concept of race as a bureaucracy, the prolonged detention and subsequent deportation of Brown is conceptualized as a racialized process in which the state legitimizes the removal of legal rights in the name of public security (Razack, 2010, p. 91). This new form of racism facilitates what can be conceptualized as the 'Jamaicanization of deportation' in which the constant association of Jamaicans with serious criminality becomes an administrative process that expedites their targeted removal (Barnes, 2009; Henry & Tator, 2005). The constant depiction of Jamaicans in the narratives of popular culture and political discourses as dangerous criminals becomes institutionalized in policies such as 'danger to the public' clause and this enables institutions like the CBSA to continue to engage in racially biased practices that remain outside the public's radar (Barnes, 2009). Even more problematic is the fact that no real political and media attention is being paid to the countless amounts of immigrants that are being held indefinitely in immigration custody, some without any criminal charges against them. However, the five-year detention and subsequent deportation of Alvin Brown is a unique case that reveals the complexity of the Canadian deportation process and presents great challenges to the perceived color-blindness and neutrality in within the immigration system.

Canada embraces multiculturalism as a state policy so as to deflect allegations of institutional and structural racism within its organization and administration and this promotes the notion of color-blindness and neutrality, which deceives the rest of the world that a genuine form or racial equality exists here (Simpson et al., 2011). Brown's case contradicts this perception of Canada, revealing a nation that is deeply invested in maintenance of White supremacy and White privilege at the expense of racialized people. Furthermore, Brown's case illustrates how different racial discourses sustained by negative criminal stereotypes enable the Canadian state to legitimize the inhumane treatment of racialized immigrants. The police often broadcast their views on crimes through news journalists and this greatly influences the amount of media coverage certain given to certain stories (Chan & Chunn, 2000). The media is also fixated on crimes stories involving guns and drugs in which Black men are usually identified as perpetrators and this greatly influences the perceptions and attitudes that the general public and those who administer the legal systems develop towards Blacks due to their constant association with a criminal lifestyle (Chan & Chunn, 2000; Khenti, 2014; Mosher, 1998). This is illustrated

in Alvin Brown's case in that the news reports ensured that his criminal history was mentioned and this leads readers to perceive Brown as guilty of some crime and gives the impression that the CBSA was justified in keeping him detained until he was deported in September 2016 (Nixon, 2016). The discourse of racialization resulted in the demonization of Brown based as a result of his past convictions, which led to the revocation of his permanent residency status and further marginalized him within the Canadian immigration system.

Alvin Brown's case highlights the presence of racial undercurrents in deportation policy as well as within the attitudes of those who administer the immigration appeal systems, which were put in place to protect immigrants against racial injustice. Brown's treatment by the CBSA reinforces the racial assumptions that consider Jamaican immigrants as dangerous thus 'undesirable', which are based solely on racial stereotypes. Even though Alvin Brown had an extensive criminal record in Canada, his deportation in 2016 amid the process of challenging the legality of his immigration detention constitute what amounts to an extreme and inhumane form of punishment. Brown was in the process of challenging the court to deem a 2015 court ruling to keep him detained as unconstitutional, which would have forced the CBSA to release him from custody, had he been successful (Perkel, 2016). The point here is that Canada should be held responsible for finding ways to reintegrate Brown back into society rather than pushing for his deportation. It should be unconstitutional for Canada to forcibly remove immigrants who have spent virtually all their lives in the country and have no meaningful connections with the countries to which they are returned simply because they are deemed dangerous. The fact that Brown was deported means that his challenge was not considered seriously by the court given that Brown's appeal was put on hold so that the CBSA could finally obtain the travel documents that took five years secure. Brown's deportation seemingly relieved the Canadian state of any responsibilities and makes it more difficult to identify the occurrences of racial bias in the case. As such, it is essential that attention and resources be directed towards the critical examination of immigration processes such as deportation, which have been identified as processes in which the racialized people are often subjected to differential treatment on the basis of their race and/or nationality. This is required in order to identify concealed forms of racism within the structural organization and practices of Canadian institutions so that remedies can be developed to curtail racism and the systematic subjugation of people of color in the Canadian state.

Therefore, race is as a very important factor within the immigration system processes such as deportation as detailed by the outcome of Brown's case, and continues to function as an administration tool that paints racialized bodies as aggressors and as outsiders of the nation. The practice of indefinitely detaining immigrants and the overrepresentation of Blacks in deportation statistics raise important questions regarding the level of discretion that officials exercise in these cases. Furthermore, it provides the context to understand Canada as a state that is racially configured in terms of how it manages immigrants and the level of control the state has over their lives (Goldberg, 2002)). As such, the following questions should be addressed so that a more detailed understanding of how race operate within the deportation system can be obtained. How is it possible for Canadian immigration officials to detain foreign nationals indefinitely, without charges in many cases, and not be held accountable for human rights violations? Where does the state's draw the line in regards to acknowledging international laws that recognize indefinite and arbitrary detention as illegal? How does the state rationalize its obligation to the multicultural ethic without acknowledging its role in the perpetuation of racism? Additionally, should long-term permanent residents who have lived most of their lives in Canada be given special privileges and protections against deportation? It is essential that these questions be addressed so that the government and the institutions that delineate its policies are held accountable for their actions in light of the numerous human rights abuses that are occurring beyond the knowledge of society.

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