

Canadian Borders and Immigration Post 9/11¹

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INTRODUCTION

This article focuses on the effects of the World Trade Center terrorist attacks on Canadian immigration and refugee policy. After a glimpse at shifts in media coverage and public attitudes, and an examination of the impact on domestic human rights issues and the process of economic integration of Canada and the United States, this article will zero in on the security issue and its impact on immigration and refugee issues.

MEDIA AND PUBLIC OPINION

Though the 9/11 terrorists evidently entered the United States legally as visa students and not as immigrants or even refugee claimants, and a few had resided there for some years, according to a nationwide poll in the U.S., two-thirds of those polled (68%) strongly agreed that enforcement of immigration laws and the border has been too lax and that not enough was being done to control the border and vet prospective immigrants, thus allowing terrorists to enter the country easily. The weak link thesis often focused on Canada. D.L. Brown conjoined the refugee and security issue in his article, "Attacks Force Canadians to Face Their Own Threat," in the *Washington Post* (September 23, 2001:A36). J. Bagole *et al.*, echoed the same perception in the *Wall Street Journal* on September 24, 2001. In Canada, many media reports shared the same sentiments. Stewart Bell wrote an article in the *National Post* entitled, "A conduit for terrorists" (September 13, 2001). Diane Francis wrote about "Our neighbour's upset over our loose refugee system" in the *Financial Post* (September 22, 2001). A poll conducted for the Council for Canadian Unity indicated that the support for reduced immigration rose after 9/11 from 29 percent to 45 percent. However, an even larger percentage, 80 percent according to Léger Marketing, demanded stricter controls over immigration.

The Standing Committee on Citizenship and Immigration reported on the effects of 9/11 on border and immigration issues to the House of Com-

¹This article has drawn on a much longer piece to be published as a chapter in a book.

mons in a report entitled, *Hands Across the Border* (henceforth *Hands*) subtitled, *Working Together at our Shared Border and Abroad to Ensure Safety, Security and Efficiency*, with an additional subtitle: *Co-operation, Co-ordination and Partnerships*. *Hands* uses the term partnerships to avoid worries that Canada was selling out its sovereignty on the altar of harmonization and security fears. The report noted that just because immigration and border security were being examined together, that fact should not be taken to imply that immigrants or refugees pose a particular risk to Canada. Chapter II of the report went on to say that, "Evidence to date indicates that the attacks of September 11th were largely orchestrated and carried out by a group of people who entered the United States legally," and had nothing to do with individuals attempting to enter Canada to win status as refugees. This fact did not inhibit the *Toronto Star* from totally misinterpreting the report with a headline, "MPs urge crackdown on refugees" (December 7, 2001:A7).

However, the opposition parties in the House of Commons generally endorsed the *Hands* Report. The Progressive Conservative/Democratic Representative caucus fully endorsed the argument of *Hands* that the conjunction of refugee and security issues was fallacious. Even the official opposition Canadian Alliance Party, widely and erroneously perceived as an anti-immigration party, affirmed its support for both immigrants and genuine refugees. "The Official Opposition will continue to work with the government to maintain Canada as a nation that welcomes immigrants, and is a country that accepts its internationally fair share of genuine refugees." However, the Canadian Alliance qualified its overall endorsement of the report with the following criticism: "Capacity creates its own demand, for where there is a weakness it will be exploited. The 'refugee system' continues to be exploited by non-refugees and is a grave security concern." In other words, in both the media and among *some* parliamentarians, refugees seem to be one group of migrants that were focused upon when the security issue comes up.

Efforts were subsequently made in the Canadian media to show that the refugee and security issues were *not* conjoined. Bill Schiller, in the *Toronto Star* of November 23, 2001 cited the case of Ary Hussein who came to Canada to file a refugee claim. He ditched his papers before landing at Pearson airport and landed behind bars after confessing to having once participated in a kidnapping. Besides Ary Hussein, a half-dozen other Middle Eastern people were detained: Palestinians Mohammed Al Muttan, 19, on September 27, together with 35 year old Ribhi Jamel Sheikha (subsequently released); Hisham Essa, an Egyptian, detained August 2 trying to cross from Windsor

into the U.S. at Detroit while hidden in the back of a truck; Mohamed El Shafey, another Egyptian, subsequently deported after living in Canada illegally for four years; Ziyad Hussein, a Palestinian with a Jordanian passport, detained September 22 at Pearson when an immigration official did not believe his story that he had come to attend a trade show, but wanted to remain in Canada or go to the U.S. where he has family; and a Palestinian woman from Syria, Reema Nakhleh. The fact is, one of these individuals was detained pre-9/11 and the others would have been handled the same way. These few cases hardly substantiate the widespread charges made by civil libertarians and spokespersons for the Arab community in Canada that Arab men were being held simply because they were Arab.

HUMAN RIGHTS PROTECTIONS

These stories raise the point that there were, in fact, two impacts of 9/11 Bill C-36 that had nothing directly to do with immigrants or refugees but with human and economic rights. These other impacts put the immigration and refugee issue in context. In the fall of 2001, in the aftermath of 9/11, Parliament passed into law *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism*. Part 1 of the Bill amended the Criminal Code to implement international conventions related to terrorism, to create offenses related to terrorism, including the financing of terrorism and the participation, facilitation and carrying out of terrorist activities, and to provide a means by which property belonging to terrorist groups, or property linked to terrorist activities, can be seized, restrained and forfeited. After passage of the Bill, the Cabinet approved new regulations freezing the assets of 22 groups and individuals with links to Middle Eastern terrorism. Part 2 transformed the *Official Secrets Act* into the *Security of Information Act* to address threats of espionage by foreign powers and terrorist groups, economic espionage and coercive activities against émigré communities in Canada. It also created new offenses to counter intelligence-gathering activities by foreign powers and terrorist groups, including the unauthorized communication of special operational information. In contrast with all these provisions that raised the possibility of infringements on human rights, Part 1 also provided for the deletion of hate propaganda from public web sites and created an offense relating to damage to property associated with religious worship.

Part 3 contained the provisions that truly frightened civil libertarians. These amendments to the *Canada Evidence Act* were criticized extensively by human rights lawyers and organizations for obligating parties in legal proceedings to notify the Attorney General of Canada if they anticipate the disclosure of sensitive information, the disclosure of which could be injurious to international relations, national defense or security. Moreover, it gave the Attorney General powers to assume carriage of a prosecution and to prohibit the disclosure of information in connection with a proceeding for the purpose of protecting international relations, national defense or security. Part 4 updated a previous Act and renamed it the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* that provided for assisting law enforcement and investigative agencies in the detection and deterrence of the financing of terrorist activities, facilitating the investigation and prosecution of terrorist activity financing offenses, and improving Canada's ability to cooperate internationally in the fight against terrorism. Part 5 amended a number of other Acts to strengthen the Security apparatus of the Canadian government, while Part 6 enacted the *Charities Registration (Security Information) Act* and amended the Income Tax Act to prevent those who support terrorist or related activities from enjoying the tax privileges granted to registered charities.

This legislation was criticized because it seemed to undercut much of the *Privacy Act* (1980-81-82-83, c. 111, Sch. II) intended to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to restrict access to that information. In Article 1 of the *Privacy Act* a government institution could only collect personal information *directly* from the individual to whom it relates, unless otherwise authorized by that individual or under subsection 8(2). Article 2 required a government institution to inform any individual from whom the institution collects personal information of the purpose for which the information is being collected. The new legislation took the position that the laws that protected the privacy of citizens also hindered law enforcement. Human rights defenders argued that the new laws that enhanced law enforcement infringed on rights of privacy. For example, information under previous laws could not be shared between Revenue Canada (the department that collects income tax and the information on the income tax filing forms) and the RCMP without administrative warrant.

The expansion of law enforcement powers to arrest, detain, force those arrested to talk, and other initiatives all challenge the core tenets of civil liberties and the restrictions to police powers at the center of our conception of

democracy. (For a more systematic analysis of these fears concerning infringement on civil liberties, see the vast majority of essays in the volume: *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill*, Daniels et al., 2001.)

Although Canada witnessed a great deal of formal movement in law, there were few changes in practice. Contrast this with the approximately 1,000 detained in the United States since 9/11 under the *Foreign Intelligence Surveillance Act of 1978*, which allowed the government to seal warrants of those detained for national security reasons permanently with a judge's consent. Men arrested were allegedly being kept from their attorneys and confined in jails without proper food or protection. In contrast to the United States, Canadian civil libertarians have only been exercised about those detained at the border, and the number of even alleged abuses can be counted on the fingers of one hand.

BORDERS, SOVEREIGNTY AND ECONOMIC INTEGRATION

If the anti-terrorist legislation raised the ire and fears of civil libertarians, the terrorist acts themselves raised much greater fears in the economic sector of the civil society, not so much because of the effect of the terrorism, but because of how the American response impacted on the Canadian economy. Before 9/11, anxious Canadians and barely interested Americans had been moving to integrate their economies even more than they had been. Other than the outpouring of sympathy for Americans, post-9/11 effects were most acutely felt at the long delays at border points for both people and goods. The pressure to enhance border harmonization to ease the obstacles to the free flow of goods, services, and trustworthy people between Canada and the United States had never been greater, and seemed far more important to most Canadians than the security issue itself. As Lunman reported in the *Globe and Mail* of October 17, 2001, "Waits at U.S. border hurting economy, B.C. Premier says – He urges PM to push for North American security perimeter." Kuitenbrouwer in the *National Post* of October 29, 2001, wrote, "Perimeter will save trade: CEOs – 74% say we need common security rules as worries mount over access to key market."

Economic pressures tried to make sure that the Canadian-U.S. border played a minimal role in interfering with the transport of goods and the movement of citizens across the border. This concern was evident in the smart-border declaration signed by Foreign Minister John Manley and Tom Ridge, the U.S. Director of Homeland Security, that included provisions for the long-standing efforts of Canada to create joint customs pre-clearance for

commercial cargoes and jointly operated customs facilities at remote border points. The real effort, however, was being expended elsewhere. Instead of making the free flow of goods and services across the border easier, reinforced security measures are being implemented along the border dividing Canada and the United States. What was once the longest undefended border was becoming a security barrier. As United States Border Patrol official Robert Finley, chief agent for a nearly 500-mile stretch of the United States-Canadian border from the Continental Divide in Montana to North Dakota, was quoted in an article by Sam Howe Verhovek in the October 4, 2001 *New York Times* as saying, "There are all kinds of means to get across the prairie illegally. People use bicycles here; they drive in on snowmobiles. They come over by horseback."

Agent numbers along the border were tripled (from 300 to 900, in contrast to the 8,000 American agents along the U.S.-Mexican border) to close up the open prairie and to step-up security checks at busy border crossings, with enormous resultant delays. More security officers will be deployed in future. This contrasts with the previous emphasis under NAFTA (the North American Free Trade Agreement) on making the border as unobtrusive as possible to create what the Canadian Minister of National Revenue in 1996, David Anderson, dubbed "a hassle-free border for honest travelers and businesses" to facilitate the world's largest bilateral trade, reportedly now at \$420 billion a year. The installation of retinal recognition imagery to facilitate the fast movement of those who cross the border frequently is being planned. However, as moves are implemented directed at facilitating faster movement of goods and people, security has been tightened between the two countries.

BORDER SECURITY AND IMMIGRATION

The beginning of American interest in the security of the Canadian border actually had its origins when the World Trade Center bombers of 1993 appeared to have used forged Canadian immigration papers to gain access to the United States, and after Ahmed Ressam was captured by U.S. customs officials in December 1999 trying to enter the United States with a carload of explosives as he tried to cross into Washington State on a ferry from Victoria, British Columbia in a plan to bomb the Los Angeles airport. However, pre-9/11, the concern seemed to be more with Canadian laxity on organized crime than on lax security concerning potential terrorists. A year later, a December 2000 headline read, "President Clinton singles out Canadian immigration policies for making it easier for international gangs to conduct

illegal activity in the U.S.” (*Siskin’s Immigration Bulletin*, December 22, 2000). As Doris Meissner, former Commissioner of the U.S. Immigration and Naturalization Service (INS), wrote, “Immigration as a threat to national security was not at or near the top of anyone’s list” (2001:1).

Just before 9/11, the Mexican President, Vicente Fox, met with George Bush to declare that integrating and harmonizing the migration issue was a top priority for his country, a view that President Bush endorsed. This was at the same time that a meeting with Canadian immigration officials to discuss coordination and integration with respect to border issues was cancelled by the United States. Harmonization with Canada was indeed not a priority. The radical shift in emphasis from the Mexican to the Canadian border took place only after 9/11 and can be illustrated by the article by Sam Howe Verhovek in the October 4, 2001 *New York Times*. He began by contrasting the former focus on preventing people from wading across the Rio Grande or hiking across the scorching desert that borders the U.S. and Mexico, to a new focus on securing the longest unguarded border in the world, the border between Canada and the United States, against terrorists. In contrast to pre-9/11, George Bush, on October 29, 2001, ordered his officials to begin harmonizing customs and immigration policies with those of Canada as well as Mexico to ensure “maximum possible compatibility of immigration, customs and visa policies.” According to Bush’s spokesperson, Campbell Clark, as quoted in the *Globe and Mail* article, “Bush aims to tighten continent’s borders – U.S. bid to harmonize immigration and customs puts heat on Chretien” (October 30, 2001).

On October 31, 2001, Allan Thompson of the Ottawa Bureau of the *Toronto Star* reported that Canada and the U.S. were edging towards establishing a common security perimeter by establishing joint screening procedures to stop security threats at the source. But all the Immigration Minister, Elinor Caplan, had said was that, “We need to be able to develop a network where we share information overseas so that we can better protect our continent” in implementing a common objective, “stopping those who pose any kind of security threat from coming to Canada or the U.S. to begin with.” In fact, Caplan insisted that current Canada/U.S. discussions stop short of harmonizing all policies and focus instead on information sharing. “Let there not be any misunderstanding. Canadian laws will be made right here in the Canadian Parliament,” Caplan said. “This directive from the President of the United States to his people is completely consistent with what our approach has been and that is to share information, to stop people from coming.” The

evidence suggests that this expression of Canadian nationalism had no part in her demotion from Minister of Citizenship and Immigration to Revenue Minister. The fact is, the Prime Minister and other ministers have been very skittish even about the phrase 'security perimeter.' Audrey Macklin, after examining the issue, concluded that the 'security perimeter' is a discursive security blanket, "one that furnished comfort by conjuring up a visual image around which people can deposit their anxieties" (Daniels *et al.*, 2001:386).

The issue of a common security perimeter linked with the refugee and migration issue has generally been traced to Paul Cellucci, the United States ambassador to Canada. He became the most vocal exponent who initially was interpreted as urging the two countries to harmonize their immigration and refugee laws. However, in the *Globe and Mail* of November 1, 2001, Paul Cellucci was quoted as saying: "As people come from overseas, we want to have these common security efforts, and the compatibility on security efforts would be helpful. But I don't think anyone is saying you have to have exactly the same immigration policies" (p. A10). In fact, there have been no efforts to harmonize immigration policies. And 9/11 has had virtually no impact on Canadian immigration policies. The overall total for immigrants remained the same, though there was a small shift within the categories to increase the numbers of skilled workers as well as parents and grandparents within the family class.

THE CONJOINING OF REFUGEE AND SECURITY CONCERNS

Before 9/11, Canadians had already developed a concern with refugees and security issues. The House of Commons Report, *Refugee Protection and Border Security: Striking a Balance*, was tabled in the House of Commons in March 2000. *Bill C-11: The Immigration and Refugee Protection Act* contains clauses related to refugees and security issues, such as provisions for condensing the security certificate protection procedure. These clauses were drafted before 9/11 though the Bill received Royal Assent on November 1, 2001 to come into force in June 2002. Thus, in Canada, the *Immigration and Refugee Protection Act* already evinced a significant concern with security. The same could be said of the United States. The *Krouse-Perla Report* to the American Congress on terrorism and recognition technology was tabled on June 18, 2001, almost three months before 9/11. It specifically referred to refugees as potential terrorists.

In addition, the *Public Safety Act* passed in the post 9/11 period includes, in Part 9, amendments to the current *Immigration Act* as a way of imple-

menting some of the provisions before Bill C-42 comes into effect. These include provisions for stopping a refugee proceeding if a claimant is discovered to be a member of an inadmissible class or under a removal order. According to a Transport Canada Backgrounder on the Bill, under the amendments, refugee determination proceedings before the Immigration and Refugee Board (IRB) could be suspended or terminated if there are reasonable grounds to believe that the claimant is a terrorist, senior official of a government engaged in terrorism or a war criminal. The changes also implement the requirement for airlines to provide information on passengers before arrival and for penalties for those engaged in trafficking or assisting illegal entrants. The Bill provides stiff increases in penalties for those who engage in human trafficking and smuggling; those convicted would face fines of up to \$1 million and/or prison sentences for life. Aggravating factors would be considered in sentencing, such as whether the offense was undertaken for profit or in association with a criminal organization, and whether it resulted in bodily harm or degrading treatment.

Paul Martin's budget tabled on December 10 seemed to explicitly conjoin refugee and security issues. Only \$1.2 billion allocated over five years was included under the direct rubric of upgrading border security. However, of that, only \$646 million was actually to be used to enhance border security; \$600 million was for improvements in border infrastructure, including technology, new truck processing centers to pre-clear vehicles, and access highways. Of the \$646 million for security, \$58 million was allocated to allow those crossing the border frequently to do so more quickly, something Canadian mandarins had been trying to implement for years. The most important item regarding harmonizing security was the \$135 million to establish a new integrated border force, not with the United States, but among the Royal Canadian Mounted Police (RCMP), customs, immigration and local police; \$107 million was allocated for x-ray machines, ion scanners and other detection equipment. In other parts of the budget, however, the Canadian Security and Intelligence Service (CSIS) and the RCMP received \$1.18 billion over six years. Another \$200 million was allocated to information sharing, marine patrols and the efforts to stop funds flowing to terrorists, having little to do with refugees. Other funds, however, directly targeted the refugee/security issue: \$395 million was allocated to speed up and enhance refugee and immigration screening; \$500 million was set aside for detention and speeding up the removal process. New immigrant and refugee claimants will be required to carry a fraud-resistant Maple Leaf identity card, and they themselves will

be responsible for covering the \$50 fee. If all the security/immigration issues are put together, then just over \$3 billion dollars of the budget increase were allocated to the juncture of immigration/security concerns.

A precedent ruling of the Supreme Court also came down in the post-9/11 period – the *Suresh* case. Mr. Manickavasagam Suresh, a 45-year-old Tamil citizen of Sri Lanka, entered Canada on October 5, 1990 and was accepted as a convention refugee on April 11, 1991. In the summer of 1991, Suresh applied for landing status. A joint certificate issued by the Solicitor General of Canada and the Minister of Citizenship and Immigration declared him inadmissible on security grounds. The application was rejected on the Canadian Security Intelligence Service's (CSIS) claim that Suresh, as a fundraiser for the Liberation Tigers of Tamil Eelam (LTTE), was a member of an alleged terrorist organization. On October 18, 1995, Suresh was detained for deportation, but released on bail two years later when the federal Court of Appeal heard the case. On August 29, 1997, the Court upheld the decision of the lower tribunals on the grounds that, "It is permissible in defined circumstances to deport a suspected terrorist to a country even though, in the words of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, . . . there are substantial grounds for believing that *refoulement* would expose that person to a risk of torture." In its ruling of January 18, 2000, the Federal Court of Appeal of Canada determined that, in effect, it is permissible to send people back to potential torture under certain circumstances. Barbara Jackman, Suresh's lawyer, sought leave to appeal the case with the Supreme Court of Canada. She was granted permission to do so on May 25, 2000. The issue was whether the exclusion clauses of the International Refugee Convention trumped the Convention Against Torture or vice versa. In a decision rendered after the attack on the World Trade Towers, the Supreme Court of Canada upheld the right of the government to deport Suresh as long as the government observed procedural proprieties.

ENFORCEMENT

In addition to legislation and the back-up judicial system, the migration management system consists of three distinct components: a sign system for identification of legitimacy (*e.g.*, passports, visas, identification cards); a signal system to detect irregularities (intelligence, monitoring and inspection); and a framework of laws, regulations and administrative procedures within which the management system operates. The sign system is undermined by the forg-

ing and theft of passports, corruption used to buy visas, and the absence of a system of identity cards prevalent in continental Europe. On September 27, 2001, a report released by Canadian immigration officials indicated that 2,200 misuses of passports occurred between 1998 and 2000. These misuses included altering passports fraudulently, using stolen passports, borrowing passports, and obtaining legitimate passports illegally, the favorite method. Bertoliny Eugene, described in the press as an enterprising student, testified at Ressam's trial that he had obtained five other passports 'easily' in addition to the one he supplied Ressam, and received only \$300 for each of them. Another supplier also testified that passports were very easy to obtain and he sold them for \$800 each.

Individuals arrive at Canada's doorstep having destroyed the false documents used to get that far. Where are they from? To which country can they be deported if there is no proof that they belong there? To some degree, this confusion is offset by the fact that origins can usually be determined by the language and accents of the individuals. But the absence of a universal mode of identification to determine origin and rights of passage handicaps the administration of any system designed to manage the movement of migrants. At the same time, the only way that genuine refugees can escape persecution in their own countries and seek asylum abroad is via false documentation. Thus, there is a tension between the need for legitimate signs and the rights of genuine refugees to seek asylum.

The current Immigration Act allows detention of foreign nationals only at the port of entry but does not allow the arrest and detention of foreign nationals within Canada who are unable to prove their identity. The new act excludes Canadian citizens, permanent residents (American proposed legislation, by contrast, includes the right to detain holders of green cards) or those determined by the IRB to be refugees. The amendment allows Immigration officers to arrest and detain foreign nationals within Canada who are not and who are unable to satisfactorily identify themselves in the course of an immigration proceeding. This gives Citizenship and Immigration Canada (CIC) the means to address identity and enforcement concerns, whether they arise at the border or within Canada. However, CIC does not have to certify that someone detained was an individual who might facilitate acts of terrorism.

Other provisions include intelligence information sharing. This is directly relevant to those intent on becoming refugee claimants. For if the provisions of the smart border accord are implemented, then joint security clearance of those seeking refugee status will be implemented as a follow-up to the

smart border declaration. Since the Americans have an enormous capacity for collecting intelligence information abroad and Canada has virtually none, the effect will be that security clearances will largely be relegated to an American determination. There are other areas of cooperation and coordination planned: intelligence and law enforcement coordination, visa screening abroad, pre-clearance of flights abroad, and the sharing of passenger information before planes arrive at an airport. One important area of coordination is the intent to work towards a common list of countries exempt from visa requirements.

Already, eight countries have been added to the Canadian list of those countries whose citizens require visas before entering Canada. Though even with the addition of those eight countries, the Canadian list of countries exempt from visa requirements is still over 50 percent larger than the American one. A day after Canada and the U.S. signed a joint border and immigration accord, December 4, 2001, Canada imposed visa requirements on the following countries: Dominica, Grenada, Kiribati, Nauru, Tuvalu, Vanuatu (six small island states), Zimbabwe and Hungary. The inclusion of tiny island states may seem odd as a link to any threat to Canadian security. Their inclusion seems to have been motivated by the fact that one of them is the island state where Australia deposited the 'refugees' from the boat it intercepted on the high seas. In another case, the island was allegedly a place being set up to be used by criminals to buy passports, and even citizenships, so the island could be used as a transit point for these 'refugees' to move onto Canada or the United States.

Two inclusions stand out, however. Hungary was included because, although a small percentage of Roma have been accepted as refugees, Roma from Hungary continually arrive in Canada to become refugee claimants. However, a majority of Zimbabweans who reach Canada to make a refugee claim are successful. The introduction of a visa requirement will then deter many Zimbabweans from arriving, many of whom may well be genuine refugees. Note that both Hungary and Zimbabwe were among the top ten countries producing claimants between January and September of 2001. Hungary, with 2,759 refugees, was, in fact, first both nationally and in Ontario; Zimbabwe, with 1,652, ranked fifth nationally, and fourth in Ontario.

Significantly, enhanced efforts are now being made on a number of issues that affect the ability of refugees to make a refugee claim, such as the renewed intention of implementing the safe third country provision already in Cana-

dian legislation. Though the Chrétien/Clinton *Canada-USA Accord on Our Shared Border* of February 1995 had a provision for implementing a safe third country provision, the 9/11 attack gave the absence of any true effort in that area a new impetus. On December 3, 2001, Canada and the United States signed a *Joint Statement of Cooperation on Border Security and Regional Migration Issues* that included a commitment to work towards a safe third country agreement that would significantly reduce or bar access to Canada for refugee claimants passing through the U.S. The agreement stated that, "We plan to develop the capacity to share such information and to begin discussions on a safe third-country exception to the right to apply for asylum. Such an arrangement would limit the access of asylum seekers, under appropriate circumstances, to the system of only one of the two countries." This provision requires that if claimants passed through a country where they were entitled to make a refugee claim, then they would not be allowed to make a claim in the country of arrival but, instead, would be sent back to that country to make his or her claim. Few refugee claimants, especially Central and South Americans, are likely to get to Canada as a result of security pre-clearances, especially if the safe third country provisions are actually implemented.

In the meanwhile, the refugee categories for 2002 remained almost exactly the same, with only a slight increase in both the government-assisted target (7,500) and in the plan for privately sponsored refugees (ranging from 2,900 to 4,200). According to statistics current to February 2nd, 2,290 refugee claims had been made in Canada in January. Since 1997, the January intake has represented almost exactly 7 percent of the calendar year total. Thus, we might expect approximately 32,700 claims for 2002, indicating virtually no real change in the number of refugees coming to Canada to claim refugee status.

We must really wait some more time to see if there has been any significant impact on immigrants and refugees.

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