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**GLOBALIZATION AND MIGRATION
CANADA'S RESPONSE TO THE CHINESE BOAT REFUGEES**

This document was prepared by Victor Wong, Executive Director, Vancouver Association of Chinese Canadians and has been reproduced without formal editing. The views expressed herein are those of the author and do not necessarily reflect those of the Organizations.

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Introduction

In the summer of 1999, 599 boat migrants from China arrived off the coast of British Columbia aboard four ships. Their arrival and subsequent detention in criminal facilities dominated the news in Canada for the next 18 months. In 2001, the Australian government ordered their Navy to board a ship loaded with asylum seekers to stop it from proceeding. This past summer, the Malaysian government repatriated thousands of undocumented Filipinos initially packing them like sardines aboard fishing vessels. The United States proposes changes in legislation to facilitate the swift repatriation of Haitian migrants.

In this period of rapid economic, social and political change, we continue to witness enforcement responses by States to the arrival of migrants all over the globe. The migrants are people fleeing difficult circumstances at home and trying to survive by chasing the paths of market economies. Their undervalued labour serves to feed these market economies, yet it is their migration that threatens the ideology of the new economic order and therefore it must be criminalized.

In the aftermath of September 11th and the tightening of immigration and security measures on this continent, the connection between globalization and migration becomes that much more apparent. States must tightly control migration in order for the globalization agenda to work.

Let's think about this.

In June, 2000, 58 Chinese migrants are found dead inside a hermetically sealed lorry at Dover, UK. The two survivors provide testimony at the traffickers' trials. The lorry driver had closed the air vent into the lorry container. The migrants squeezed in with a cargo of tomatoes had suffocated. The tomatoes were legal commodities into the UK. The people were not.

How is it possible that governments grant more freedom to the movement of commodities, goods and services, information, capital and profits, than they do to the movement of people? The tomatoes were legal, the people were not.

Since when is it illegal to be a human being?

Canada's response to the arrival of the Chinese boat refugees gives us some insight into the agenda of industrialized nations in closing their borders to the very people who produce our consumer items.

In the summer of 1999, four ships carrying 599 Chinese boat refugees arrived off the BC coast. They survived a desperate and dangerous journey, during which at least two persons died. Some were fleeing political persecution and all were seeking a new beginning.

Instead of recognizing the push factors for their migration, the Canadian government decided to treat the boat refugees like criminals and moved to detain most of the adults. The Canadian government response was to criminalize their migration by parading the boat refugees before television cameras in prison clothes, handcuffs, and leg shackles.

When the boat refugees were initially detained behind chain linked fences at CFB Esquimalt, the RCMP readied several containers of pepper spray – just in case. Right-wing politicians were calling for a short 7 day hearing for all of the migrants. Others were not as generous. Over the following months, the boat refugees were rushed through a sham refugee determination process, with minimal legal assistance.

More than 3 years after their arrival and after some \$60 million in public expenditures later, we are about to close this sordid chapter of Canadian history: just over one half of the boat refugees were deported after their claims failed, about 30 were granted Convention refugee status or Minister's Permits, and the others were released and now reside either in Canada or more likely in the US. A handful continue to seek status through the legal process.

The last boat refugee in detention was ordered released in May 2001, some 22 months after his arrival in Canada. Many boat refugees including women and minors spent more than a year in a criminal facility while their claims were processed. At one point, an old jail in Prince George was reopened to house them. This jail had been closed because it was not up to standards for Canadian prisoners.

The Canadian government deliberately organized two high profile large group deportations for local consumption. It is illegal to leave China without government permission. Most of the returnees received jail sentences upon return, around three months and additional financial penalties: a \$20,000 RMB fine which amounts to \$4000 CDN or about two years of labour income in China. There were some reports of physical punishment meted out to returning migrants.

Further, after being deported to China, these boat refugees still face the same economic, social and political pressures which forced them to leave in the first place and they remain at risk of being of being re-trafficked. The conditions that triggered their migration remain in place.

Most of the boat refugees arrived like other refugee claimants, without identity documents. In fact the majority of the 30 - 40,000 people who make a refugee claim every year at our ports of entry do not carry what we would consider to be valid ID papers. Yet about 40% of the claimants are accepted as Convention refugees by the Immigration and Refugee Board.

We have a refugee determination process in Canada. The boat refugees made a legal refugee claim. And it is not illegal to make a refugee claim in this country. Further, article 13 of the Universal Declaration of Human Rights recognizes everyone's right to leave any country. Article 14 recognizes that people have the right to seek asylum.

The international community recognizes the right to leave a country but not the right to enter another. Laws are in place to selectively restrict the movement of people and labour. As a result, we have had to respond at the local level to the impact of globalization and inadequate policy instruments in dealing with irregular, unexpected or spontaneous migration.

States continue to create rules to keep a lot of people out and in order to get buy-in we criminalize the migration of people who do not play by our rules. Look at Canada's visa processes. If you originate from China or India or the Philippines, you need a visa to enter Canada, if you live in the U.S., UK, Hong Kong, Japan, you do not need a visa. So a boatload of Americans or Japanese arriving in Canada would likely not be detained. A visa application system is established only so that the State can control the movement of people from certain countries.

This is inherently discriminatory.

Industrialized nations like Canada are experiencing a new wave of migration due to the impact and pressures of globalization. In China, new factories requiring fewer workers continue to displace state-run enterprises creating a floating workforce that the Chinese labour minister conceded last week is as high as 100 million people searching for meaningful work in that country. In the Philippines, almost 3000

workers leave daily to work overseas. At the same time, goods and services, capital, profits and information now cross borders easily and almost instantly. Globalization serves to reallocate the wealth to rich nations and the people are forced to follow the money in order to survive.

About VACC

The Vancouver Association of Chinese Canadians is an anti-racism and human rights organization. We were formed in 1992. We are a member chapter of the Chinese Canadian National Council and the National Anti-Racism Council. We have assisted over 1000 Chinese refugees and refugee claimants since 1994. Most of our clients arrive at Vancouver International airport, some arrive by ship and others make a claim after they have entered Canada on a visitor's visa. We have an active client base of 400 refugees and refugee claimants.

VACC was successful in lobbying for a compassionate alternative in regularizing the legal status of long time non-status residents. In 1993, about 200 refused Chinese refugee claimants sought our assistance. In the aftermath of the 1989 Tiananmen Square massacre, the Prime Minister of the time had promised to allow Chinese nationals to remain in Canada if they believed it to be unsafe to return. Unfortunately, the administrative arm of government was not as responsive. By 1993, according to the government, some 5000 refused Chinese refugee claimants were facing deportation. The government's foreign policy was not to return people to countries that abused human rights: countries like China. VACC and refugee groups lobbied the government for an amnesty and the government responded with the Deferred Removals Orders Class (DROC). This program allowed refused refugee claimants with three years Canadian residency post the refugee decision to apply to remain in Canada. We didn't get everything we asked for but some 5000 refused refugee claimants from all countries landed under this program.

Most Canadians have never heard of the DROC program. People who landed under DROC are like the many immigrants and refugees before them. When given an opportunity to be accepted, they are usually not newsmakers. They are the ordinary workers and small enterprise owners of our society.

The point is that in this particular case while it was clearly 'legal' to deport these people, the government instead took the legal public policy decision to land these people.

It was different in 1914 when we detained then rejected the Sikhs aboard the Komagata Maru. In 1939 Canada refused the Jews aboard the St. Louis. In hindsight, we should have accepted these people.

Now fast forward to the summer of 1999 and the arrival of the four ships. Many will recall the screaming newspaper headlines. 'Go Home!' or 'Immigration Crisis' The racial hysteria whipped up by anti-immigrant forces. The lack of leadership from the federal government. Even refugee advocates hesitated. We provide front-line services to refugees and refugee claimants in Vancouver. The boat refugees aboard the first ship did not make a refugee claim until about a week after their arrival in Victoria. As more ships arrived, we faced a hysterical public backlash as most Canadians were unaware of the refugee determination process.

We were concerned over the government's decision to detain the adults aboard ships #2, 3, and 4. The government used racial profiling to justify their actions. They blocked efforts by relatives to post bond for individuals. The government even blocked 110 of the boat refugees from making a refugee claim – which was illegal. Refugee lawyers had to appeal this illegal act to Federal Court. Before the case was

about to be heard, the government relented and allowed the refugee claims to proceed. But during this time, some eight months, most of the boat refugees remain detained. About a dozen Convention refugees were found within this sub-group.

The Canadian government violated the basic human rights of the boat refugees and ignored the Canadian participation in creating the global economic conditions which give rise to this form of migration. The government has now passed new immigration legislation in the form of Bill C-11 which includes even more punitive measures. Since the new laws came into effect, dozens of refugee claimants arriving at the airport have been detained for lack of identity documents. The immigration department acknowledges that some 360 people are detained under immigration charges in Canada at this time.

Who Is a Migrant?

Terms like "economic migrant", "illegal immigrant" and "bogus refugee" have been used interchangeably to discredit and criminalize the boat refugees. All human beings are entitled to the basic respect and all refugee claimants are entitled to a fair hearing.

There were numerous reasons for their migration: family reunification in North America, economic pressures at home, personal survival, escape from government corruption, religious persecution, political dissent, and other reasons.

The definition of a Convention refugee is based on the 1951 Convention on Refugees: someone who has a well-founded fear of persecution based on one of five grounds - race, religion, nationality, political opinion, or membership in a particular social group. But this definition appears to exclude economic and environmental factors which may give rise to the displacement of large numbers of people. And this exclusion is not adequately addressed by Canada's current immigration and refugee system. A person can be both a refugee and a migrant at the same time. However, if one is determined to *not* be a refugee, then it is the person's economic and social status that carries weight.

Most immigrants to Canada are economic migrants. And we select rich migrants over poor ones. Our governments and corporations promote globalization as progress and deliberately ignore its immense impact on the majority of the world's population as the gap between the wealthy and the poor widens. The ideology of globalization states that everyone will benefit. When people spontaneously migrate to industrialized States, this ideology is challenged and so these migrants, who only want to be like us, must be criminalized and punished.

It was not like that hundreds of years ago when migrants came to this aboriginal territory we now call Canada to survive. They too were economic migrants. Interestingly, many of those migrants who came from Europe over the last four hundred years would not qualify to enter Canada today under our new immigration admissions guidelines today. Look back far enough in your family tree and find a pioneer in the family with that 'migrant' profile.

In fact under the new immigration rules, most Canadians would not be able to independently immigrate to our own country. When we narrow the front door we force people to use the backdoor. This situation makes increasingly large numbers of people vulnerable to being exploited by traffickers and by employers.

Indentured labour is not a choice but a harsh reality for many people.

One of the major reasons for an increase in migration is the displacement of rural economies in Asia and elsewhere in the world. Millions of people have been displaced by the privatization of their economy. People are separated from the land as they move from rural areas to urban ones. State-run factories are replaced by private ventures displacing hundreds of workers in need of new jobs and new skills. Internal waves of migration result in the movement of peoples across national borders. The people of the coast-line provinces of Fujian and Guangdong, China have a long history of overseas migration.

Then there is government corruption. As conditions become increasingly chaotic with the rapid growth of privatization and deregulation, some Chinese government officials have an opportunity to profit from human trafficking. Not only are government officials reportedly in partnership with traffickers, but there is a commonly held perception that the overseas Chinese are an asset, decreasing national unemployment and increasing national wealth by way of return remittances. Government corruption is often cited as one of the main reasons Chinese decide to leave their homeland. This situation leaves many people vulnerable to abuse and exploitation. In the Philippines, the government has established a bureaucratic infrastructure to advance their labour export policy. The Filipino overseas foreign workers are hailed as modern day heroes by the Philippine government.

Are We Repeating History?

The arrival of the boat refugees met with a public hysteria reminiscent of earlier racist episodes in Canadian history. Front-page newspaper headlines such as "Go Home" in the Victoria Times Colonist served to increase hostility against these people. Some Victoria residents were offering to adopt the dog found aboard the second ship and calling for the swift deportation of the people. Some did not care about the dangerous voyage these people had endured. Some were even callous enough to suggest that the navy fire on the migrant ships or tow the ships with the people aboard back out to sea. One woman stated on National TV that she didn't care if the ships sank.

Accusations that people were trying to enter the country "illegally" overlooked how historically, the Chinese and other people of colour, have had to find ways to overcome immigration barriers. Chinese immigration was restricted and prohibited under the overtly racist Chinese Head Tax and Chinese Exclusion Act. And then there is Canada's response to the 'paper sons.'

From 1960 to 1973, Canada granted an amnesty to over 12,000 "paper sons", mostly Chinese immigrants who were living here under names other than their own. The Chinese Exclusion Act prevented Chinese people from entering Canada until it was repealed in 1947. But the discrimination did not end there. The government introduced quotas and relationship criteria for Chinese immigration and at the same time welcomed European immigration with a virtual open door policy. Some Chinese immigrants overcame these barriers by assuming the identities of relatives of those living here. It was the only way to get in. The amnesty granted "legal" status to the "paper sons" who arrived before 1960. The government recognized that the immigration quotas were an unfair barrier to Chinese immigration. And perhaps 12,000 new taxpayers would be a more practical alternative.

However, the very xenophobic attitudes in BC which gave rise to the Chinese Head Tax and Chinese Exclusion Act still exist in Canada today. The economic health of the country drives these attitudes to the surface. There is a direct link to the business cycle.

New Economy

Well I don't know about your stock portfolio, but I've been having a bad summer. Canadians are justifiably anxious about their economic and social well-being. Our economy and collective prosperity now depends on exports. We import low cost consumer products, but we don't want the workers who produced these products. When the economy stalls or goes south, immigrants are usually blamed for the rise in unemployment. Protectionist and nationalistic sentiment re-emerge. Protecting our national borders by toughening legislation or terrorist alerts or parading migrants in handcuffs before television cameras become convenient diversion.

Post September 11th, political leaders suggested that we should not have to accept Convention refugees if we did not feel safe and that we needed a security perimeter for the continent. Now we know that my home province was in economic recession over Quarters 2 and 3 last year. Governments now use security fears to bring in ID programs first for immigrants and refugees, and then for their own citizens once they have been conditioned to accept such intrusions.

In the end, we must review our immigration and refugee policies. The government has enacted new legislation in Bill C-11 effective June 28, 2002. The new legislation reinforces the government's plan to solidify its detention plans and restrict access to various processes. The new legislation fails to recognize the connection between globalization and migration.

The bottom line is eventually we are going to have to share the wealth. We import low cost consumer items like dress shirts, children's shoes, briefcases made in China and other low currency countries to maintain our standard of living and quality of life.

Globalization has introduced a new form of slavery. Leave the worker in their own country. Pay them in their devalued local currency. Import and purchase the finished goods for next to nothing with our industrial world salaries. Dump the waste materials from manufacturing in their backyard, into their rivers and lakes. Dump the excess production into markets overseas. Shut the front door to keep them out. And then blame them when they arrive at the back door.

This is the new slavery. And many non-governmental organizations (NGOs) are responding by working collaboratively to lobby for more protections for refugees, migrants and victims of trafficking.

The Canadian Response

Canada's refugee determination process has been disappointingly inadequate in protecting the boat refugees. They are all victims of trafficking. The women and children face additional risks. Many of those who have left Canada now face a life of indentured labour, given the large debts they owe for their voyage. In the rush to protect Canadian borders, the government has not taken into adequate account the need to protect these people. The government argues that imprisonment "protects" them but then sends them back to the traffickers in Fujian province. In a couple cases where migrants were released from detention, the authorities just 'dumped' them on the street. Later they were reportedly taken away with the help of traffickers living in Vancouver.

Imprisonment only serves to punish, traumatize and re-victimize. The boat refugees were treated as the commodity cargo of traffickers and basically 'seized' by the government.

Many of the boat refugees provided evidence at their hearing of persecution including forced sterilization, debt bondage, the one-child policy, religious persecution, and more. They are refugees and victims of globalization, and immensely brave people trying their best to survive and seek a new beginning. The 30 or so who were accepted as Convention refugees or otherwise given Minister's Permits were accepted for various reasons including *sur place* reasons, political opinion because of China's one child policy and family planning, religious persecution, membership in a social group and for various compelling reasons.

In 1999, Canada did not even fulfill the immigration targets, yet over the last year, the government repatriated more than 330 of the boat refugees. Studies indicate that Canada's economy and aging demographics suggest a need for more immigration. In fact the Immigration Minister recently acknowledged that Canada needs another 1 million skilled workers. Studies have shown that immigrants and refugees over their lifetimes make positive contributions to Canada. In the long term, immigrants and refugees are a benefit to Canada.

Their contributions need to be recognized, not criminalized.

The Canadian government has played a role in creating the conditions which serve to displace people and force them to migrate within their countries and across borders. As a major sponsor of efforts to privatize economies and undertake environmentally devastating projects such as large hydroelectric dams, Canada has played a role in the creation of an internal floating population of unemployed in China.

There are numerous free trade zones in China employing millions of people. Canadians benefit from these conditions of cheap labour, yet when the producers of these goods come to our shores, we reject them.

We should expand our refugee determination system to include a contemporary understanding that all people have basic human, and economic and environmental survival rights. Some migrants may fit into the narrow definition of a UN Convention refugee and some may not. Those who do not fit this definition have nonetheless urgent needs that do deserve our attention. The United Nations is starting to recognize this through its recent declaration of International Migrants' Day. But industrialized States like Britain and Australia are pushing for a more restrictive definition. It's morally wrong.

Ignoring the plight of millions of displaced people only serves to worsen the situation. It is irresponsible of Canada to turn a blind eye to its own role in creating these global conditions of poverty. People's basic survival are imperiled when industrialized States cause disruptions to their local economies. Impoverished and desperate people are forced to flee unbearable conditions.

If we create a system that allows people to work and contribute fully to society, then that's what will happen. If we create instead a punitive system that leaves people scared of deportation and vulnerable to exploitation, then we structurally limit their ability to make positive contributions to society.

In Vancouver, we have started a new community initiative to register people living without status. So far more than 200 people have come forward. We will be pushing our government for a compassionate process to regularize their status in Canada.

Our Policy Recommendations

At the international level, Canada has international responsibilities and we have signed and ratified various international conventions. We should respect these standards.

Canada should ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Canada in coordination with other industrialized States should establish an outpost in Fujian province and offer more employment visas in order to regularize the migration.

Canada should use strategies such as international cooperation and foreign policy to find humane ways to deal with mass migration.

Canada should recognize poverty as a human rights issue.

Here at home, we must review our reactionary enforcement response: detain, criminalize, sham refugee hearing, then deportation. We should never forcibly repatriate women to the PRC because of the special dangers women face under the one-child policy. The application of this policy which includes forced abortion and forced sterilization is an extraordinary invasive extreme abuse of human rights with women being the direct victims.

The current refugee determination process is binary: either you are accepted or refused, it's too absolute. It is not a proper policy instrument, rather it's too narrow. Still, some 40% of Chinese claims are accepted in Canada. So there are Convention refugees arriving from China.

Recognizing the link between globalization and migration. Most of these people are victims of trafficking. They are escaping poverty and the impact of globalization. For some there is of course the pull of gold mountain and overseas relatives and friends beckoning. There are no easy answers to all of the factors affecting this migration except that we need to look at constructive alternatives. The reactionary enforcement response does not resolve the push factors of globalization. Maybe the ships won't land here but they may land elsewhere or the mode of transport may become more clandestine and more dangerous.

Any long-term solution comes from working together, not from scapegoating the victim of trafficking. Wealthy nations like Canada need to take responsibility for their part in creating the conditions which cause widespread migration in places like China. As the gap between the wealthy and the poor rapidly increases with globalization, the poor are forced to move in order to survive.

People take huge risks in order to survive against all odds. The new economic systems work to exploit their cheap, undervalued labour and skills and deny their attempts to access basic human rights.

It is hypocritical of Canada to support trade liberalization and projects which displace millions of people (such as the Three Gorges Dam on the Yangtze River), and then to incarcerate people who come to our shores, having left their homelands because of economic, environmental, and social devastation. Women and children are most vulnerable as large groups of people are displaced.

The new economic order values the freedom of goods, services and capital more than it values the freedom of people. And the NGO communities are working in solidarity with the people in the south to change this.

We need a new menu of appropriate policy instruments at home including a process to regularize the status of long-term non-status residents.

We need to recognize that people seeking sanctuary be given a full, fair and impartial hearing.

We need to ensure that victims of trafficking are protected from their oppressors including providing for permanent status.

We need a foreign policy response to countries with documented human rights abuses.

In response to the impact of globalization, we need an alternative to the spontaneous refugee application process as the only door of entry for people who may not qualify otherwise. This process underscores the classist, elitist, and racist nature of our immigration policy.

We need to recognize the impact of globalization because we have caused this. The fact is that our own excessive consumption creates these conditions.

In closing, we need more responsive immigration policy instruments that are more welcoming and recognize that once again our immigration selection criteria is too exclusionary. In a way spontaneous migration is a reaction, a leveler, to our selective immigration criteria not unlike the paper sons of a generation ago. Irregular and unexpected migration, even if we decide to define it as illegal, will just continue because we in the industrialized States, have created the conditions for it in the first place.

Resource Websites

Canada Asia Pacific Resource Network <http://www.caprn.bc.ca>

Canadian Council for Refugees <http://www.web.net/~ccr>

Global Alliance Against Traffic in Women (GAATW)
<http://www.inet.co.th/org/gaatw/>

Immigration Canada <http://www.cic.gc.ca>

Migrants Rights International <http://www.december18.net>

United Nations High Commissioner for Human Rights <http://www.unhchr.ch/>

United Nations Special Rapporteur on the Human Rights of Migrants
<http://www.unhchr.ch/html/menu2/7/b/mmig.htm>

United Nations Special Rapporteur on the Human Rights of Migrants Canada Report
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/69e8c11187cd8505c1256a0e004a1c0c?Opendocument>

Vancouver Association of Chinese Canadians

<http://www.refugees.freesevers.com>

<http://www.vacc.freesevers.com>

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