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**The road to asylum. Between Fortress Europe and Canadian refugee policy:  
the social construction of the refugee claimant subjectivity**

**A Thesis  
Submitted to the McGill School of Social Work  
in partial fulfillment of the requirements for  
the degree of Doctor of Philosophy**

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## ABSTRACT

That *refugeeness* is a socially constructed subjectivity produced by immigration and refugee policy is the main argument of this thesis. Departing from the functionalist approach characterizing previous work on migrants, refugees in this study are defined as developing a particular migrant subjectivity, characterized by uprootedness and the crossing of borders. As well, this study argues that *refugeeness* is an addition to the general refugee experience. Immigration and refugee policy at the international and Canadian levels is defined as the main discourse in the production of *refugeeness*. How this state intersects with individual refugees' lives is the focus of this study which seeks to analyze the impact of immigration and refugee policy on refugee claimants in Canada. Deconstruction of immigration and refugee policy discourse provides core elements in understanding the construction of the refugee as an object defined by international law. Further, it is shown that increasingly restrictive policies, arising out of western nations' concerns over sovereignty of their borders have had an impact on the migratory trajectory of refugee claimants and on their pre-refugee subjectivities. It is argued that the process constituting the refugee claimant subjectivity is one of otherization where refugees are dispossessed of their pre-migratory subjectivity, creating a profound rupture with their past and present subjectivities. A qualitative approach is used to determine the subjective experience of claimants in Canada as it relates to three major areas of their lives: work, family and state which constitute the core areas of study in the construction of the refugee claimant subjectivity, as conceptualized by a materialist theoretical model. Conclusions raise issues for policy practices and social work practice.

## RÉSUMÉ

Cette thèse soutient que *l'état d'être réfugié* est une construction sociale qui donne lieu à une subjectivité elle-même un produit des politiques d'immigration et de réfugiés. Contrairement à une approche fonctionnaliste caractéristique des travaux de recherche antérieurs portant sur les migrants, les réfugiés dans cette recherche sont définis à partir d'une subjectivité migrante dont les caractéristiques principales sont le déracinement et la traversée des frontières. Cette étude avance de plus que cet *état d'être réfugié* vient s'ajouter à l'expérience du réfugié. Le discours produit par les politiques d'immigration et de réfugiés au niveau international et canadien constitue l'élément principal de la constitution de cet *état d'être réfugié*. Le point de convergence entre le discours et l'expérience des réfugiés constitue l'élément central de cette recherche qui vise à analyser l'impact des politiques d'immigration et de réfugiés sur les revendicateurs du statut de réfugié au Canada. La déconstruction du discours de ces politiques fournit les éléments centraux à une compréhension de la construction du réfugié en tant qu'objet défini par la loi internationale. De plus, il est démontré que les politiques de plus en plus restrictives, résultat des préoccupations de la souveraineté des frontières des états-nations occidentaux, ont un impact sur la trajectoire migratoire des revendicateurs du statut de réfugié et leur subjectivité pré-réfugiée. L'argument central est que le processus selon lequel est constitué la subjectivité des revendicateurs du statut de réfugié est un processus qui les rend 'Autre' à eux-mêmes ainsi qu'à ceux qui les entourent, où ils sont dépossédés de leur subjectivité pré-migratoire, ce qui a pour effet de créer une rupture profonde d'avec leur subjectivité passée. Une approche qualitative est utilisée afin d'analyser l'expérience subjective des revendicateurs au Canada dans leur relation à trois sphères majeures de leur vie: le travail, la famille, et l'État. Conceptualisé par un modèle

théorique d'inspiration matérialiste, ces trois éléments constituent les domaines d'étude dans la construction de la subjectivité des revendicateurs du statut de réfugié. La conclusion soulève des questions quant aux pratiques produites par les politiques d'immigration et de réfugiés et la pratique du travail social.



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I wish to acknowledge the contribution of my committee members: my advisor Professor Barbara Nichols of McGill University, my co-advisor Professor Oscar Firbank of l'Université de Montréal, and Professor André Jacob of l'Université du Québec à Montréal. They commented on my work in progress and offered useful critiques throughout this process.

Special mention to my advisor Professor Barbara Nichols who always treated me as an equal and whose on-going support sustained me through a difficult process. Her editing insight, humour and advice in the last stages of writing have been profoundly appreciated.

To those who remain unnamed in this study and to the refugees I have known and whose stories will never be told, my profound gratitude for what they have taught me.

## **Glossary**

**Asylum-seeker:** individual forced out of his/her country of origin by political, religious or social conditions who is in search of asylum. Commonly referred to in Canada as refugee or refugee claimant.

**Convention refugee:** refers to the 1951 Geneva Convention on the Status of Refugees. Following this definition, a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country".

**CCR:** Canadian Council for Refugees (Canada). National non-governmental umbrella organisation of agencies working across Canada with immigrants and refugees.

***de facto* refugee:** refers to an individual who is outside of his/her country of origin and cannot reintegrate into that country on account of political, religious or social persecution.

**EU:** European Union

**ICCR:** Inter-Church Committee for Refugees (Canada)

**ICEM:** Intergovernmental Committee for European Migration

**Inland claim:** Process involved as a refugee claimant makes her/his refugee claim once s/he has entered Canadian territory. Individual may have entered Canada with a visitor's visa, a student visa or other visa or

have entered illegally and then made a refugee claim at an immigration office within the country.

**IRB:** In Canada, the Immigration and Refugee Board, a quasi-judicial board whose powers to adjudicate refugee claims are defined in the 1976 Immigration Act, as amended in 1989.

***non-refoulement:*** international legal principle stating that states who have adhered to the 1951 Geneva Convention on the status of refugees shall not expel or forcibly return a refugee to a territory where his/her life would be threatened on account of his/her political opinions, his/her religion or belonging to a particular group.

**OAU:** Organization of African Unity.

**Permanent resident:** In Canada this refers to landed immigrant status. This person has permanent residency in Canada with the option of applying for Canadian citizenship after three years of residence.

**Refugee:** In Canada this refers to (1) refugees who have either been selected overseas as refugees and who arrive in Canada as permanent residents or to (2) individuals who have been recognized as Convention refugees through a refugee determination process.

**Refugee claimant:** In Canada, person who is seeking political refuge or asylum. This individual must go through a refugee determination process in order to be recognized as a Convention Refugee.

**Sponsored refugee:** Individual who has been recognized as a refugee overseas and who has been sponsored by a group of Canadians, a church group or the government, according to sponsorship rules defined in the 1976 Immigration Act. A sponsored refugee arrives in Canada with a permanent resident status and may apply for citizenship after three years of residence.

**TCMIR:** *Table de concertation de Montréal pour les immigrants et les réfugiés.* Montréal coalition constituted of non-governmental organisations working with refugees and immigrants, government and independent observers.

**UNHCR:** United Nations High Commission on the Status of Refugees

## **CHAPTER 1**

### **Refugee claimant subjects**

*We never know who they are*

Immigration lawyer

#### **Introduction**

On February 5, 1999 a Nigerian man with cancer died alone in his Montreal apartment, asphyxiated, after falling out of bed. Knowing he was dying, he had discharged himself from a hospital for the terminally ill and gone home. He was a refugee claimant.

He had developed a close friendship with his lawyer and after his death she called the only number she had on file and reached the man's sister who said she would send for the body. When the lawyer protested that it was an expensive undertaking the sister replied that the archdiocese would cover costs. In the end, the Archbishop personally came to claim the body. The man's name was Benedict Nwachukwu and he was a Catholic priest. All those years the lawyer had not known he was a priest. "We never know who they are", she said. But had she ever asked? Do we ever ask?

Asking who refugees are is what this study is about. Refugees are people with an identity, a past, a history, a cultural heritage. They are people who have been forced out of their countries by political turmoil, ethnic wars, religious, social and gender persecution which have thrown them into a process which will forever change who they are. This study

seeks to capture a crisis moment in the life of the refugee - that moment when he becomes a refugee claimant in Canada.

### *The Canadian context*

In Canada, asylum-seekers must go through a refugee determination process which will confirm that they are indeed refugees. Conferring of Convention refugee status will determine their right to resettle here or deny them that right, sometimes through deportation. Different steps are involved in the refugee determination process. As soon as s/he arrives in Canada, a claimant must inform an immigration official s/he is seeking refugee status. Appropriate documents are filled out to allow her/him to enter Canada and the claimant is given a Personal Information Form (PIF) which s/he will return to the Immigration and Refugee Board (IRB) within 28 days. The claimant then waits for a hearing date at the IRB. Following the hearing the claimant then waits for an answer. If the answer is positive, the claimant applies for permanent residency, initiating at the same time the process of family reunification. If the decision is negative s/he may apply for leave to appeal at Federal court or apply for a humanitarian review of her/his case. If these recourses fail an exclusion order will be issued, taking away the possibility of asking for permanent residency, and the claimant will be scheduled for deportation.

### *Canadian immigration and refugee policy*

Every year between 20,000 to 30,000 refugee claims are made in Canada. Approximately half of these claimant applications will be granted refugee status and given the right to apply for permanent residency.<sup>1</sup>

Canada's refugee policy has evolved as part of immigration policy which is increasingly being shaped by international concerns over large migration movements threatening the sovereignty of nation states. In an attempt to maintain sovereignty over their borders, western nation states are implementing restrictive policies and defining categories of migrants to control their movement. As a result, certain categories of migrants are being excluded from nation states and this is challenging citizenship definitions and human rights practices within host societies in the West. Globalization has facilitated the free movement of goods and services while restricting the free movement of people.

Furthermore, immigration policies in different nation states are closely linked to international definitions of what constitutes a refugee. Refugees have been forced out of their countries by objective political circumstances. Refugee claimants, on the other hand, have been socially constructed or defined by refugee policy, as part of the many

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<sup>1</sup>Acceptance rates vary. For example, in 1993 the acceptance rate at the Immigration and Refugee Board was 65% while in 1998 the acceptance rate of refugee claims in Québec was 38.2%. In 1998 the rejection rate was 41.3%, while 20.5% of claims were either abandoned, withdrawn, or excluded from the Geneva Convention (Gouvernement du Québec, Ministère des relations avec les citoyens et de l'immigration, 1998)



attempts to stop the flow of unwanted migrants across sovereign state borders.

This study seeks to answer: What is the impact of refugee policy on refugee claimants? More specifically, what is their subjective experience of claiming refugee status and how does the process change their subjectivity, their sense of who they are and how they define themselves?

This is a study on exclusion and on the different processes of "otherization". It is also a study on human resilience in the face of tremendous challenges and is intended in part as an homage to the hundreds of claimants I have known throughout my career. Knowledge which constituted the initial impetus for this study was acquired from years of talking, sharing and experiencing with them the refugee claimant process. I hope it has been well captured. Because I have a voice that some may listen to, the following is my contribution to their struggle to reclaim their subjectivity.

The name of the Catholic priest mentioned above is the only refugee whose name will appear in the following pages. However, this does not mean that those who graciously accepted to participate in this study are nameless or that they should be reduced to nothing more than 'being a refugee'. Refugee claimants have names, knowledge and skills that we would benefit from if we only acknowledged who they really are.

This study is dedicated to Benedict Nwachukwu who died unknown in a foreign land. His story speaks for all the stories of refugees and

refugee claimants in Canada. His memory should inspire us to ask who refugees are.

*Refugees, politics and refugeeness*

Among the estimated 170 million displaced persons in the world today, 30 million are refugees.<sup>2</sup> Defined by the 1951 Geneva Convention on the status of refugees, refugees are those fleeing political, religious or social persecution.

Although the phenomena of exile, banishment and migration are not new, late twentieth century concepts of refuge and asylum are understood differently than they were in the past and are increasingly tied to legal definitions reflected in restrictive immigration policies. The definition of what constitutes a refugee emerged in Europe in the period following WWII. A concerted effort on the part of western states to resettle people who had been displaced by the war constituted the first step towards building an international refugee regime which was formally institutionalized with the Geneva Convention on the Status of Refugees in 1951. Although states outside of Europe have expanded on this definition (OAU, 1969 and the Carthegena Declaration of 1984), the international refugee regime, set up to handle

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<sup>2</sup>While these numbers may conflict with the UNHCR's statistics on the number of refugees in the world today, certain humanitarian agencies involved in human rights work consider internally displaced people and asylum-seekers in various countries (Centre Justice & Foi, 1997), as part of their definition. Latest UNHCR statistics show the world refugee population to be 13 million. This reflects discrepancies in the definition of what constitutes a refugee, the restrictive nature of the Geneva Convention's definition and its failure to consider the reality of refugee-producing situations in today's international context.

the millions of displaced persons after WWII, now dominates Western countries' definition and treatment of refugees.

This western definition produces the social, political and legal constructions that we now recognize as "refugeeness" (Malkki, 1995:506). A refugee, the individual fleeing persecution, becomes a *refugee claimant* when confronted with a refugee determination system put in place by a given country. Consequently, refugee claimants are socially constructed internationally by national laws and various national legal instruments which in turn are governed mostly by the United Nations' 1951 Convention on the status of refugees.

#### *The experience of "otherness"*

Refugee claimants constitute a special category of refugees coming into Canada. Unlike refugees selected overseas by the Canadian government, refugees sponsored by church groups or private individuals, or special classes such as the refugees from Kosovo, claimants must wait for their refugee claims to be determined by a quasi-judicial system. As refugee claimants, they are people cut off from their pre-migratory status and identity. They are doctors, lawyers, teachers, community workers, human rights activists who, through the refugee claimant experience, have become *Other* to themselves and *Other* to those around them. Without official recognition of their professional competencies they have been forced onto welfare, unable to work or study in their fields of specialization. Moreover, they are family men and women cut off from their identities as husbands, fathers, mothers, sisters, and wives, who often suffer from interminable

separations. Structural issues, those related to state institutions and bureaucracy, which make up the refugee claimant experience include language barriers, culture shock, racism, and lack of financial resources to afford all the expenses which are required to become permanent residents once they have been accepted as Convention refugees.<sup>3</sup>

### *Refugee claimants in Canada*

In Canada, the issue of refugees is a relatively new social phenomenon. Although refugees have been accepted into this country since after World War II, it was not until the late 1970s, with the "boat people" that the plight of refugees became more widely known, especially through sympathetic media coverage. Further attention was drawn to the refugee issue in the 1980s when larger numbers of people started spontaneously arriving at Canada's borders to claim refugee status. Economic recession, high unemployment and growing xenophobia were the reality of the early 1990s, and refugees coming to Canada were no longer accepted with the compassion that had welcomed the Vietnamese and Cambodian refugees twenty years earlier. Media coverage now depicted refugee claimants arriving in Canada as "queue jumpers", illegal immigrants, and abusers of the immigration system (Creese, 1992; Gorman, 1993; Matas, 1989). The recent arrival by boat of Chinese nationals off the coast of Vancouver, British Columbia, has again sparked public debate on Canada's capacity to welcome refugees

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<sup>3</sup> As of June 1994 refugees accepted in Canada have to pay a non-refundable processing fee with their application for landing: 500\$ for every adult and 100\$ for every dependent child. An additional 'right of landing fee' of 975\$ per adult was announced by the Immigration Department in February 1995. These substantial fees are considered to be unmanageable for refugees who are still very often receiving welfare and who are unable to find a paying job.

and has renewed calls to toughen Canadian refugee law (Rico-Martinez, 1999).

In 1998 there were 25,113 refugee claims made in Canada (Gouvernement du Québec, Ministère des relations avec les citoyens et de l'immigration, 1998). Although some refugee claims may be channelled to a fast-track system and decisions rendered within a few months, recent research indicates that for many claimants in Quebec it will mean an average wait of seven months for their cases to be heard before the Immigration and Refugee Board and an average wait of 22 months to become permanent residents once accepted as Convention Refugees (Renaud & Gingras, 1998). During this period refugee claimants have limited access to work, to social welfare and health care services and are generally separated from their immediate families.

#### *The objective of this study*

This study aims to discern what impact immigration and refugee policy has on refugee claimants, specifically as shown in their subjectivity. Its main objective is to analyse the redefinition of an individual's subjectivity as s/he goes through the refugee claimant process as defined by Canadian refugee policy. This study is interested in a process, that of the social construction of the refugee claimant subject as it intersects with refugee policy. More specifically this research will (1) seek to understand the conditions under which the refugee claimant as subject is reconstructed; (2) explore how three factors, namely family, state, and work interact with each other to define a new subject; and (3) reflect on the subjective reality of their experiences.

"Refugeeness" as a construct constitutes the starting point of this inquiry. I claim that the refugee experience transcends national origins and boundaries and that although individual cases may differ according to policies set in place by different "incorporation regimes"<sup>4</sup> the experience of being a refugee is defined as being universal to those who experience it. It is universal in that crossing of borders and uprootedness is shared by all who are forced out of their countries and as such constitutes an irreversible element in the construction of their present subjectivity.

The underlying premise in the notion of 'refugeeness' is that a specific migrant identity exists, characterized by uprootedness, the crossing of borders and recurring phenomena which can be empirically measured. In this study the refugee claimant subjectivity constitutes one of many migrant identities and it is empirically explored by examining the social construction of their subjectivity in three major spheres of their lives: work, family and state.

Immigration and refugee policy is analyzed as producing practices which have a direct impact on the subjectivity of people who become refugee claimants. The thesis of this study is that refugee claimant subjectivity is a direct consequence of the refugee determination process.

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<sup>4</sup>According to Soysal (1994:32) an *incorporation regime* refers to the patterns of discourse and organization around which a system of incorporation, or what we understand to be integration, is constructed.

Within this theoretical perspective the thesis examines two linked research questions, namely: (1) What is the impact of refugee policy on refugee claimants? and (2) How is their subjectivity altered by the refugee determination process? These two questions are examined by deconstructing the discourse surrounding refugees and international migrants.

### *Relevance of the study*

This study is relevant for theoretical as well as practical reasons. (1) Theoretically this thesis proposes a framework which defines "refugeeness" as a socially constructed subjectivity produced by immigration and refugee policy. Within this framework, international and national refugee regimes are defined as the main actors participating in this construction. It is posited that the process through which this subjectivity emerges not only subordinates refugees to the process, it also excludes them from it. This theoretical model will contribute to filling theoretical gaps in refugee studies.

(2) To date, research on refugees in the social work field has focused on refugee resettlement and issues for practice, but little work exists on the impact of immigration and refugee policy on refugee claimants. Analyzing the construction of the refugee claimant subjectivity as the product of immigration and refugee policy discourse provides an innovative viewpoint from which to examine the impact of policy. Practically, understanding this impact of policy will contribute not only to the development of alternate policy which considers the individuals involved, but will also produce a new knowledge base from which to intervene with refugees and define their needs for services.

### *Organization of the argument of the dissertation*

Following this introduction, Chapter 2 reviews the literature on migrants, refugees and questions of identity, and the impact of policy on target populations. In Chapter 3 the theoretical model is presented and explained. Chapter 4 deals with methodology and explains the qualitative approach used and discusses questions related to the analysis of the data collected. The evolution of the discourse on refugees as it has evolved through the international and Canadian refugee regimes is analyzed in Chapter 5. In Chapter 6 data generated during the interview process is presented. The purpose of Chapter 7 is to interpret the data. Chapter 8 concludes this study with implications of findings for policy and social work practice and the last section, Perspectives for the future, examines future research and theory possibilities.



## **CHAPTER 2**

### **Migrants, refugees and questions of identity**

Refugee studies is a broad field of inquiry: anthropology, sociology, geography, political science and social work are among disciplines which have developed theories and approaches to explain migration and root-causes of refugee movements, the integration and incorporation of refugees into host societies, and issues relevant to the resettlement of refugees.

This review of selected relevant literature starts with a critical look at what has been done in the field of social work and then focuses particularly on those disciplines which have developed theories and approaches to issues of policy; refugee, migrant identities and the concept of exclusion; and the constitution of a refugee identity within the context of a globalized world where refugees have come to be defined as a political, social and economic problem. These elements are central to the construction of a theoretical framework for understanding the impact of refugee policy on refugee claimants.

#### *Refugee studies and policy*

Very little research exists on the impact of refugee policy or on the refugee claimant experience. One study (Rousseau et al., 1997) has been particularly useful to refugee advocates in promoting changes to immigration and refugee policy in Canada. The objective of this study is to determine the impact of family separation, defined as a direct

consequence of immigration and refugee policy, on refugee claimants. It concludes that family separation can lead to depression and other traumatic psychological effects on refugee claimants. Furthermore, attention is drawn to the fact that information on the impact of policy on individuals has been anecdotal, never analyzed as a major contributing factor in the impact it has on individuals. According to the authors, this has obscured the fact that policies are a major socio-political phenomenon and that to question their impact would lead to redefining western immigration policies (1997:3). This study is limited to one aspect of the impact of immigration and refugee policy, that of family separation on the mental health of refugee claimants. It does however constitute an important first step in understanding the impact of policy on refugees and opens the way to an analysis of a broader study on the impact of policy on refugee claimants. Linking the refugee experience to policy is, however, a domain which has generally been understudied and little recognized.

#### *Migrant identity and social work*

While research in various fields has contributed to the advancement of knowledge and understanding of the refugee experience and identity, the field of social work has lagged behind on a number of fronts. Until recently studies on refugees and social work have focused on many issues which are not always connected to policy. These include: (1) aspects of mental health issues, (2) settlement issues and access to social, health and mental health services, (3) the experience of refugees detained in camps, (4) issues of flight and resettlement, and (5) the

migratory experience and cultural adaptation of refugees.<sup>5</sup> An example of the first category of studies includes the development of ethnic-sensitive social work practice.

Ethnic-sensitive social work developed as a dominant approach in a multiethnic setting in the 1980s when the social context of practice in the United States began to change with the diversification of immigration at the end of the 1970s. Devore and Schlesinger's *Ethnic Sensitive Social Work Practice* (1987) and Green's *Cultural Awareness in the Human Services* (1982) constitute the main references in the development of culturally sensitive practice which spurred development in this area of practice both in the United States and Canada. Focus in this approach has been on the development of skills needed to intervene in a multiethnic setting; and concepts of "ethnicity", "ethnic minorities" and "multicultural practice" are central to understanding the context of practice. These concepts however, are not clearly defined and statements such as

"[l]'immigrant, le réfugié, le noir, l'étranger vont avoir à se définir et se redéfinir dans un monde où l'habituel devient exceptionnel, où l'anormal devient la règle" (Vatz-Laaroussi, 1993:48).

dominate and reveal confusing and contradictory theoretical positions which constitute a major obstacle to the development of research on the refugee and refugee claimant experiences. Limited knowledge on

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<sup>5</sup>For example, on mental health, see Beiser, 1988; Rousseau, 1990; Rousseau et al., 1997; Bibeau et al., 1992; on settlement issues and access to social, health and mental services see Canda & Phaobtong, 1992; Potocky & McDonald, 1995; Potocky, 1996; Jacob, 1986; on flight and resettlement see

refugees therefore correspondingly limits integration of these issues into practice approaches. The result is that the immigrant, the refugee, the "black" and the stranger are all lumped together when describing the new context of social work practice. Newly arrived immigrants and refugees are thus reduced to essentialisms under categories of "ethnic" or "visible" minorities without distinction as to who they are and the reasons which bring them to practice. As a result of this lack of definition the major part of the ethnic-sensitive literature in social work focuses on access to services for ethnic minorities.

In contrast to the ethnic-sensitive model of practice, within the intercultural approach the starting point of intervention is for the worker to recognize that s/he is also the bearer of a culture which will create a lens through which a situation is analyzed. The intervention process is therefore a process of discovery of those cultural elements which make up the worker's identity as well as an understanding of the client's cultural heritage and how it has been altered by his/her migratory trajectory. Legault's (1990) work in Québec on an intercultural approach focuses on the compatibility of an intercultural approach within the psycho-social, the systems and the structural approaches in social work practice. Although it has become the dominant model of practice with refugees and refugee claimants in Québec and as such constitutes a major improvement over culture-blind practice, it has not yet generated research relating to the refugee experience itself, the impact of policy on refugees' experience, nor on how this process may affect their subjectivity. What constitutes a refugee is a concept somewhat still foreign to this field of practice and research. What is

also lacking is a concrete effort to build theory and consolidate existing knowledge. As well as the definitional problem, there is still a tendency to study the particular circumstances of certain groups of refugees such as studies on the Indochinese refugees and stress factors (Bernier, 1992), Cambodian refugees' psychological distress (Stroeber, 1994), and mental health issues for South East Asian refugees in the USA (Hirayama, Hirayama and Cetingok, 1993). This leaves a gap in research on various structural elements of the refugee experience, including his/her pre-migratory experience and his/her arrival in the host society and the problems encountered either with policy or administrative practices of the policy. Significantly, the context in which refugees are constituted is not taken into account, thus limiting the development of a theoretical base from which theory could be elaborated or new models designed.

*Migration, settlement, identity and French ethnopsychiatry*

The "Other" in French literature as analyzed in de Beauvoir's *Second Sex* or found in Camus' *l'Étranger* constitutes a psychological type which has dominated interest in the construction of the subject as Other, "l'Autre", in French clinical and psychoanalytical psychology with migrants. The field of ethnopsychiatry focuses on the conditions of alterity and the constitution of the subject as Other, as exemplified by Stitou's comment on the universality of exile,

où la donnée de départ pour tout être humain, parlant, mortel, sexué, quelle que soit sa différence linguistique ou culturelle, est la séparation d'avec son origine (1997:14).

The experience of uprootedness caused by forced migration forms the theoretical base in the construction of "Other" in this field and that of clinical psychology and is thus relevant to examine in relation to refugee subjectivity. "Exil, exclusion et recherche de refuge dans l'ailleurs sont des formes de ce que nous désignerons comme des moments de traversée des altérités" (Douville and Huguet, 1997:7) captures the theoretical orientation dominating this research where exclusion and movement of the self into alterity when confronted with a foreign environment due to exile is the focus of research and practice.

The work of Carmel Camilleri (1990), seen as the father of cross-cultural psychology in France, has been forerunner to an extensive body of literature on migrants, identity and intervention with individuals as they settle into a new country. Camilleri conceptualizes an ontological process involving constant interactions with the social environment to maintain or correct the self valued by the individual. Identity is therefore analyzed not as a static state but as something which is dynamic and changing (Camilleri, January 1996-1997:32).

How does the migrant re-constitute his identity when he is Other in a new cultural environment? What strategies does the migrant put in place to maintain linkages with the community? What do we need to know, as social workers, psychologists and psychoanalysts, when confronted with the Other? These are some of the questions this clinical field seeks to answer.

In these studies then, the migrant is seen as being uprooted, cut off from his/her culture of origin to find him/herself immersed in a new cultural environment where strategies to maintain his/her cultural identity are put in place in order to avoid further psychological trauma. An understanding of the losses incurred as a result of the migration process is seen as a prerequisite for any intervention aimed at treating refugees who experience psychological problems.

Ethnopsychiatry and cross-cultural clinical psychology have an important place in the treatment of different aspects of psychological distress experienced by migrants as they resettle in new societies. New and exciting competencies in intervention with refugees who are experiencing psychological problems related to issues such as torture, family breakdown, conjugal violence, and adolescent identity crises, have been developed in this field. However, research and intervention practices have focused on migrants as they resettle in a new society while very often neglecting important aspects of the migratory trajectory and issues stemming from the refugee experience as it relates to the construction of "refugeeness".

### *Migration and exclusion*

By contrast, one branch of sociology interested in the migrant experience conceptualizes experiences of exclusion in a new world order as both a global process and a local experience. As new mechanisms of economic, social and political exclusion are put in place by nation states, migrants are confronted with new processes of identity formation which are directly linked to policies being developed in a

globalized world. Restrictive refugee policies across the Western world are therefore analyzed as a process of exclusion, creating subordinate status for refugees, thus laying the foundations for identity processes (Alund, 1995).

These identity processes go beyond the psychological self of cross-cultural psychology and include macro elements of policy at the international and local levels. For Alund (1995) refugees constitute the "victims" of a new world order in an "epoch characterized by processes of transnational compression which are accompanied by processes of fragmentation". Today's migrants are the excluded, the 'other', who

stand in the way of territorial, political or economic gains and [who] are often forced to join the ranks of the new 'helots' in modernity's stream of refugees, immigrants, and ethnic minorities (Alund, 1995:311).

From within this field of sociological study emerges the notion of formation of different migrant identities within a globalized world. Policy then has a direct impact on how migrants will define themselves in relation to state policies and practices.

#### *Migrants and transnational identities*

As early as 1981 Stein was advocating for research which would study refugees as social psychological types whose behaviour is socially patterned. Refugee problems, he argued, should be analyzed from a general, historical perspective, which would allow identification of



recurring phenomena with identifiable patterns of behaviour. Only in the mid-1990s, with studies surfacing on transnational identities of refugees, has research linked the refugee experience to a particular social psychological type constituted by the refugee experience.

Research is now emerging which takes into account the specific identity of refugees as created by transnational forces. Moussa's (1993) study on the process involved in the social and ideological construction of women as refugees is an important contribution to refugee studies and the refugee experience. Although women's refugee experiences are specific and differ in several aspects from those of men, her discussion of the refugee identity and labels ascribed by political factors and refugee law is relevant to the concept of refugee claimant subjectivity this study develops.

Notwithstanding the individual experience of each woman interviewed for her study, Moussa (1993) argues that the common unifier to all the stories was the refugee experience. As Indra notes in the introduction to Moussa's book,

...however idiosyncratic each woman's experiences and thoughts might once have been, inter-personal discourse, imposed characterizations, contact with key institutions and a range of social processes also have been conceptual unifiers. As displaced women who have gone through flight, transit camps, immigration bureaucracies, certain similarities amongst them emerge forcefully...There are many millions of refugee women, children and men in the

world today. Overwhelmingly they derive from source cultures casually reckoned as diversely traditional. By virtue of becoming refugees, women, men and children are re-constituted as new kinds of people....it must remind us constantly of the tenuous relationships existing between persons, power and the sovereignty of nation states (Indra in Moussa, 1993:xiii-xiv).

Moussa thus introduces the notion of a refugee as a new kind of person, one who has been constructed by transnational forces - different systems at the supra, international and national levels.

This concept of transnational forces as a major element in the reconstruction of refugees' identities is further developed by MacDonald (1997) in his study on the Lu-Mien refugees. To understand how they reconstruct their identity in the US, he considers Lu-Mien as refugees whose identities have been shaped by transnational forces. He argues that refugees have become transnational actors in the world system "by their very status as refugees, as outcasts from one nation state", kept in camps and then resettled in a foreign environment (1997:11). This constitutes a core concept to his study: a transnational identity defined by the crossing of borders. This concept of transnational identity is further studied by other researchers.

In their anthropological study on the immigrant experience of Haitians in the US, Glick-Schiller and Fouron (1990) also analyze identity in structural rather than cultural or psychological terms. They argue for the development of analytical categories which could describe the

transnational identity of black immigrants, and conclude that "neither the category of race nor that of ethnicity as presently formulated can encompass the experience of populations whose existence is defined across national borders" (1990:341). Their research concludes that Haitians formed their identities in a global context which yet remained profoundly rooted in a particular geography and history (1990:341). Transnational identity encompasses the experience of populations whose experience is defined across national borders (ibid.). The determining factor to Haitian identity in the US remains tied to their past and their homeland, regardless of the fact that they have crossed borders and have settled elsewhere.

MacDonald's (1997), Moussa's (1993) and Glick-Schiller and Fouron's (1990) studies introduce the notion of refugees as transnational people whose experience is shaped by transnational forces. These studies add new dimensions to Malkki's concept of refugeeness (1995) and allow us to conceptualize the refugee as a new kind of person with an identity which transcends national boundaries.

Finally, Malkki's (1995) tracing of an array of different discursive domains within which "refugees" have been constituted, raises important issues for further research. Refugee studies often fall back on a functionalist model of society which starts from the premise that to become a refugee means to lose one's culture and identity. In this area of research the focus is on strategies put in place to maintain cultural identity as one moves into alterity. Furthermore, an uncritical use of concepts such as "adaptation" and "acculturation" to analyze processes of transformation in identity, culture and cultural tradition

(Malkki,1995:509) offers a view of society "that constructs displacement as an anomaly in the life of an otherwise whole, stable, sedentary society" (1995:508). The dominant functionalist model has focused on integration and settlement issues, viewing the refugee claimant as a member of a particular cultural group or citizen of a given country. This needs to be challenged in order to build a new theoretical framework to address the subjectivity specific to refugees in a new world order where policy plays a major role in determining the outcome of the migratory experience. Furthermore, refugee studies' tendency to focus on psychological interpretations of displacement only serves to depoliticize and dehistoricize tendencies implicit in the functionalist view (Malkki, 1995) so that the perceived subjective impact of policy on the migratory trajectory of the refugee is not addressed. What are the constitutive elements of the refugee subjectivity? At which point in his/her migratory trajectory does the refugee experience intersect with immigration and refugee policy? What is the outcome of that process? These are major issues which are not addressed by the literature.

Refugees are people sharing a certain legal status and this implies a subjective experience for the person bearing the status. Research needs to be directed towards understanding how political, social, and economic factors play out in the constitution of this new subjectivity.

The "word 'refugee' evokes not just any person who happens to have sought sanctuary or asylum but rather,...., a 'kind of person'" (Malkki, 1995:513). It is this 'kind of person', the one who becomes a refugee, regardless of country of origin, who is the object of this study. A

theoretical framework which will take these issues into consideration is defined in this study.

## CHAPTER 3

### **Theoretical approach: Subjectivity, discourse and material conditions**

Refugee studies as an area of research is constituted of an array of disparate theoretical orientations focusing mostly on essential or fixed identities, identities which are psychologically and socially determined through interaction with a social environment. Psychological studies on cultural identity, refugees and mental health studies or political and economic theories on migration, offer useful elements towards building a theoretical approach. However, there are gaps in theory which constitute the major obstacle to understanding *refugeeness*. Part of the work then, in understanding *refugeeness*, is a search for theory which explains it.

The theoretical approach developed in this study is the result of a long process initiated by asking: "How does policy intersect with refugee claimants' lives?", "How do we study a temporary identity?" "What are the constitutive elements of the refugee claimant identity and how has it been imposed and internalized by them?" This questioning and search for answers has led to the construction of a theoretical model which brings together concepts borrowed from different fields. This process started with theoretical notions relating to personality, identity, and finally ended with the poststructuralist concept of subjectivity to reflect the changing reality of identity.

### *A materialist approach*

What I learned from my work with refugee claimants constitutes the knowledge base from which to start building theory. I had observed that work, family, and encounters with the State, through the Immigration department bureaucracy were three areas directly related to the refugee determination process which had a particular impact on refugees' lives. An adequate theory would therefore take these three elements into consideration as major components in the constitution of the claimant identity.

In the early stages of this study Peter Leonard's (1984) materialist approach to personality offered a general theoretical framework within which to understand identity. He argues for a materialist analysis of personality which takes into account the material conditions of existence through a dialectical relationship between consciousness and existence. Materialist relations include relations to work, family and state officials which are mediated and penetrated by meanings, definitions and "common sense assumptions which reflect the ideologies through which a class, gender, ethnic group, or collectivity maintains its internal coherence" (Leonard, 1984:109).

The major strength of Leonard's (1984) approach in analyzing the constitution of identity lay in the fact that it took into account the three areas of an individual's identity which are profoundly altered by material and ideological components. Its limitations centered on the fact that it did not take into consideration the notion of the process involved in the development of a specific identity. Since refugee

claimants are involved in a process which will have an impact on their identity the model needed to account for those changes which occur as a result of becoming a refugee.

### *Identity and the notion of process*

Process in the construction of a particular identity is central to Burman's work (1988) on the unemployed, one of the few studies which looks at the impact of policy on the individual. He conceptualizes the unemployed individual as involved in a process of unemployment, moving through a cycle of marginalisation, from a macro-economic and political background toward more micro-social areas of family, daily life, and self (1988:3). He shows the cyclical nature of deprivation of identity of individuals when they are deprived of agency, their potential to act and react in their situation of unemployment. He argues that to understand the experience of the unemployed it is necessary to look beyond the descriptive nature of statistics of the unemployed, such as gender, occupation and length of time unemployed. Starting from their perspective, he moves beyond traditional quantitative analysis and asks the unemployed what it is like to be unemployed: "What is their experience?"; "What does it mean to be out of work?" His research on the unemployed confirms the loss of social identity for people caught in a multi-layered process dominated by unemployment policy.

### *Poststructuralist contribution -- Policy as discourse and subjectivity*

Leonard's model, then, provides a theoretical framework within which we can begin to conceptualize how a subject is constructed by material



conditions. Burman's (1988) cycle of marginalisation adds the notion of process -- moving from the macro to the micro level-- to understand the impact of refugee policy. The question of how to define a temporary identity persists however. Poststructuralist analysis offers a particular approach in theorizing on the ways in which the claimant subject is constructed and what this means to the individual. The poststructuralist notion of discursive fields producing subjects is the final element to the construction of the theoretical model of this study.

In this study *discourse* refers "to its more general sense as any regulated system of statements" (Henriques, 1984:100) and is conceptualized by a wide range of activities derived from legislation and administrative regulations. The refugee claimant is one of the products of immigration and refugee policy discourse which developed through different practices of law, conventions and administrative practices specific to individual refugee regimes. Discourse is produced within a historical context and is part of a discursive field, a web of practices. Discursive fields

...consist of competing ways of giving meaning to the world and organizing social institutions and processes. They offer the individual a range of modes of subjectivity (Weedon, 1997:34).

Discursive fields may be economic, social or political. The particular discursive field of policy "constitutes one of the sites of a social and political space articulated through relations of power and systems of governance" (Shore & Wright, 1997:14). How this field is articulated

produces a wide range of practices, such as laws and administrative processes, which in turn produce a subject.

In sum, at the *macro* level, construction of the refugee claimant subjectivity originates from the international refugee regime with its definitions and laws, which represents the dominant discourse on the definition of a refugee in the western world. At the *meso* level, practices of the discourse also occur in various nation states through different restrictive policies and administrative measures, contributing to the construction of the refugee as Other and to the exclusion of refugees from full participation in host polities. Leonard argues

...that discourses on difference and exclusion must be related to concrete practices which play their part in the constitution of the Other: racism, sexism, material exploitation and other forms of domination, usually closely interconnected with each other (1997:29).

The Canadian refugee determination process constitutes the main practice of refugee policy discourse analyzed in this study. This *micro* level of the model relates to the particular experience of individuals and the situations they encounter in connection with work, family life and bureaucracy, the impact of Canadian refugee policy on their lives.

#### *Material elements underlying discourse*

Analysis of practices which exclude the subject not only from the constitution of the discourse but also from full participation in the host

polity is possible only through deconstruction of immigration policy as a particular discursive field. Deconstruction is a critical tool used to demonstrate how the refugee claimant has been produced and it involves "prising apart the meanings and assumptions fused together" to see a historically-specific product. Foucault's (1976) deconstruction of the discourse on sexuality and his analysis of the rise of techniques of power is relevant to understanding how a particular discourse emerges in a context of power. The exercise of power, according to Sheridan, has always been formulated in terms of law (Sheridan, 1984:182), and law is one of the practices of refugee policy discourse which plays a role in the constitution of a particular subject who then becomes the focus of control. Issues of exclusion and the process of construction of the subject can thus be understood in direct relationship to the discourse. Henriques et al. (1984) explain that discourse "regulates, classifies and administers; it produces those regulative devices which form us as objects" (1984:1).

Deconstruction of immigration and refugee policy discourse shows the rise among nation states in the late 1980s of a growing concern over the large movements of uncontrollable migrants which are increasingly moving about the globe. It is at this point that refugees become the target of state intervention through laws and various policy practices. A discourse on refugees emerges where the refugee subject is reduced to an object defined by international law, becoming part of a new category of migrants constructed to facilitate state control.

*Immigration and refugee policy* is defined in this study as the dominant discourse in the construction of the refugee claimant as object since it is

through the international refugee regime, with its definitions of what constitutes "a refugee" that the subject becomes an object. The question is, how does this relate to the impact policy discourse may have on refugee claimants?

### *Subjectivity*

Mama's (1995) study of the construction of black subjectivity in women within the discourse of western psychology provides a helpful theoretical framework to understand the impact of immigration and refugee policy discourse on the creation of the refugee claimant subject. Her development of a subjectivity which is not fixed is analyzed as part of an on-going process of change and evolution. She develops the notion of black subjectivity not as something which is innate but rather as part of a process where the social and psychological spheres constantly interact, changing as they are continuously constituted. To reflect this process she rejects the dualistic notions of "self" and "identity", opting for the concepts of subject and subjectivity. Using the term *subjectivity*, a concept central to poststructuralist theory, breaks with the humanist conception of the individual (Weedon, 1987:32). *Subject* therefore in this study will be used

to refer to the conscious and unconscious thought and motions of the individual, [his] sense of [him]self and [his] ways of understanding [his] relation to the world (Weedon, 1984: 32).

Whereas humanist conceptions of the individual consider an essence at the heart of the individual which is unique, fixed and coherent and which makes [him] what [he] *is* (Weedon, 1984:32) "poststructuralism proposes a subjectivity which is precarious, contradictory, and in process, constantly being reconstituted in discourse each time we think or speak" (Weedon, 1984:32-33).

The term subject offers the notion of process, something that is in the process of becoming, where the possibility for change and movement is central. Some poststructuralists go even further by insisting that "forms of subjectivity are produced historically and change with shifts in the wide range of discursive fields which constitute them" (Weedon, 1987:33). Foucault's work (1976) is particularly relevant at this point in understanding the "episteme" or "underlying set of rules governing the production of discourse". What are then the rules underlying policy which govern discourse shaping refugee claimant subjectivity?

Of the many changing migrant subjectivities -- immigrant, foreign worker, foreign student, illegal migrant, refugee -- the refugee subjectivity is the focus of this study. Focus is on the refugee claimant subjectivity in relation to immigration and refugee policy discourse. The objective therefore is not to understand cognitive processes which produce the individual "self" but rather to understand the impact of a particular discourse on an individual's subjectivity in relation to that discourse. Refugee claimant subjectivity will therefore be analyzed through those conscious thoughts and emotions expressed by the subject, his way of understanding his refugee claimant subjectivity and his social world, in large part defined by refugee policy.

### *The theoretical model of refugee subjectivity*

Refugee subjectivity is continuously changing and is constituted through family, community, and the refugee claimant process. For the purpose of this study *subjectivity* is therefore understood as being a social construction which can be analyzed through a number of dimensions -- social, political and legal definitions -- of what, according to Malkki (1995), we have come to know as "refugeeness". It is hypothesized that there are three areas of the claimant's life which are particularly affected by the refugee determination process and how he will come to define his subjectivity as a refugee claimant: work, family and interaction with state institutions. Leonard's approach thus offers a framework for understanding how these determinants come into play in the definition of the refugee claimant subjectivity. The process of the production of the refugee claimant as object starts at the macro level with deconstruction of immigration and refugee policy which will be discussed following the outline of three dimensions proposed by Leonard (1984).

**The economy:** A major determinant in capitalist productive and reproductive activity, it affects a person's subjectivity through different processes: (a) *wage labour* - the capacity to work gives the individual a social subjectivity while at the same time providing a means of subsistence; (b) *the level of material subsistence* maintained as a result of selling labour power (wages) and allocating resources within the family for consumption (Leonard, 1984:110). Low levels of subsistence have been associated with depression, nutritional

deficiency, anxiety and other outcomes; (c) *the balance in use-time between concrete and abstract activity* in the life of the individual. This category refers to the balance of time spent on wage labour, leisure time, family activities, consumption and the development of capacities. "The growth of capacities (skills, knowledge) is the means through which the individual acts creatively upon the social world and is one way of securing the potential for resisting subordination" (1984:111); (d) *the consumption of commodities*. In a capitalist system the production of new "needs" is necessary for profitability. The process of consumption is linked to the individual's subjectivity and social status in that on the one hand there is the compulsion to buy while on the other hand the process also induces "feelings of guilt and worthlessness when poverty prevents the purchase of such products" (ibid.). Two processes in the consumption of commodities may be analyzed here. Firstly, refugee claimants may spend what money they have on typically North-American material objects: VCR's, stereos, colour televisions, at the expense of the essentials, in an attempt to fit into the dominant mode of production. Secondly, the minimal amount of money allowed by social welfare forces claimants to live in sub-standard conditions while they also attempt to keep contact with family outside the country.

**The family.** In a materialist understanding, the family is a place where the ideology of the social order is reproduced. It is within the family that patriarchal values and values related to work and production with the capitalist system are transmitted and maintained. It is also an important element in the subjectivity of people coming from cultures where the traditional family is still the predominant way of life.

Refugee claimants, in many instances, can no longer identify themselves with their family roles as many are temporarily separated from their spouses and their children. As well, contradictions may arise when confronted with the North-American individualistic model of the nuclear family with which they cannot identify.

**The state.** This category includes an array of different policies and state interventions: immigration and refugee policy, administrative measures, and processes within the immigration system. State intervention also has a role to play in marginalising refugee claimants by delaying work permits and forcing them onto welfare. Medical and health services are limited which serves as a constant reminder of their precarious status. In this study the state is important to constructing "refugeeness" through its specific practices. These are further detailed in the Canadian section of Chapter 5 on the international refugee regime.

According to Leonard (1984), in bourgeois democracies the economy and the family are more important determinants than state intervention in terms of production and reproduction of the capitalist mode of production and maintenance of the social order. However, it could be argued that in the case of refugee claimants state intervention is the central determinant in maintaining the ideology of the "other", in creating forms of social and economic exclusion and marginalisation. How this is incorporated into the subjectivity of the claimant needs to be determined.



Marginalisation, within a materialist understanding, occurs when individuals are outside the two major roles of production and reproduction. This "involves a subordinacy encompassing experiences of stigma, loss of subjectivity, a range of material handicaps and subjection to substantial state intervention" (Leonard, 1984:114-115).

Construction of this subordinate marginality occurs through different processes relating to the three spheres identified above. In the case of people involved in what Leonard calls involuntary subordination, as for example with the elderly and the unemployed, their experience of subordination can be explained in terms both of material relations, of dominant ideological meanings and of individual responses to the construction of subjectivity (1984:181). For the unemployed, subordinacy is experienced through the unexpected event of loss of work while in the case of the elderly the absence of wage labour may be accompanied by feelings of loss coupled with feelings of guilt at not being productive. It could further be argued that refugee claimants are also caught in a situation of involuntary subordination. Flight from persecution in their country and the subsequent encounter with the international refugee regime constitutes an unexpected event which subordinates them to a process of having to prove they are Convention refugees.

#### *Refugee claimant subjectivity*

Refugee claimant subjectivity is constructed through a process initiated by the individual's decision to leave his country and become a refugee. The refugee claimant process subordinates the refugee's past

subjectivity to a new subjectivity -- that of refugee claimant -- which is imposed by policy discourse and its administrative processes.

The claimant subjectivity is only one of multiple subjectivities he carries with him: he may be also a father, a spouse, a worker, a consumer. These he carries from his previous life in his country of origin and it is these prior subjectivities which may suffer the greatest impact from the claimant process. The objective here is not to focus on the ontological dimension of subjectivity (Camilleri, 1996-1997:32-33), but rather on the subject's sense of himself as a refugee in relation to the object *refugee* that has been constructed by refugee policy discourse. This subjectivity may be short-lived or may be carried over to the period following the claimant process, even after he has been accepted as a refugee and has become a permanent resident.

#### *Culture and refugee subjectivity*

The refugee claimant subjectivity is not isolated from past subjectivities in that the claimant also carries with him the sum of who he has been, his own culture, social status in his country of origin, status within his family and his community. The issue of culture is a complex one which has opened up a debate in all fields of the social sciences. In the culturalist approach there is a tendency to focus on culture and ethnicity as central elements in explaining patterns of behaviour and the construction of subjectivity. This present thesis departs from the culturalist perspective and analyzes the refugee claimant experience as a migrant experience where subjectivity is a direct consequence of

forced migration since refugees are people who have been uprooted and forced into exile.

One approach in sociology has been to look at the construction of subjectivity based on movement, on crossing borders and resettling in a new country. Hein's (1990) study of the Hmong refugees in the United States is particularly helpful in defining the migrant identity:

few applications of the social constructionist perspective appreciate that *migrant* can be an identity. Just as individuals and groups construct ethnic identities, they also construct identities on the basis of movement or stasis in physical space. Where an ethnic identity is constructed from language, ancestry, and other aspects of culture, the building blocks of the migrant identity are the experiences of uprooting, crossing borders, and resettling in a new country. (1990:302).

Refugee claimants in Canada are forced migrants, and this experience leads to the construction of a new subjectivity. Ethnic identity and the "culture" that they have inherited from membership in a particular group and that they still carry with them, are of course important. However, how past subjectivities influence their refugee subjectivity is not the focus of this study. Rather, what is important here is the perception of the refugee claimant subject during that particular moment in his life when he waits for a determination of his refugee claim. A study on the cultural specificities which intervene during the initial settlement phase of refugees in Canada would determine the role

of culture and cultural traditions in that process. This study does not attempt to uncover such variables, but rather to show how refugee claimants subjectively define themselves as they move through an administrative process which has been dictated by immigration and refugee law; and to explore the impact of that process on their subjectivity. Although culture is important in the long term, it is not the focal point in the refugee claimant experience. The refugee claimant is no longer seen as a social subject; he has become an object defined by laws and legal instruments. To conceptualize *refugeeness* as a product of immigration and refugee policy discourse and to analyze the subjective experience of the claimant as that of a specific subjectivity -- the forced migrant subjectivity -- is important in that it reveals both elements lacking in the policy and its practices and needs of the claimants as they move through the process.

Of the many subjectivities refugees carry with them, I am focusing on *refugeeness* as a construct, understanding that the refugee claimant subjectivity is the most prominent as they arrive in Canada to claim refugee status. This is a conscious subjectivity and people know at what point in time they have become such. This does not negate who they were before nor the richness of experience and past history they still carry with them. This is the *aboutissement* of the migrant subjectivity, only one aspect of the many subjectivities we carry in our lives.

## **CHAPTER 4**

### **Methodology**

#### *Planning and designing the study*

In the last chapter I developed a theoretical model to explain how immigration and refugee policy is conceptualized in its impact on refugee claimants. As a researcher I am involved in constructing knowledge about the social world, according to principles and methods which are derived from epistemological and ontological positions (Mason, 1996:36). In this chapter I describe the systematic process which led to the choice of a methodological approach, and set out the method used.

The first step was to clarify my ontological and epistemological positions. My ontological position is that refugee policy discourse is the main constitutive element in the definition of the refugee as an object constructed by different practices of the discourse. Practices of the discourse include the international definition of what constitutes a refugee, policies directed at refugees - those individuals seeking asylum - and various administrative measures put in place by various nation states such as the refugee determination process in Canada. These elements constitute meaningful components of the social reality within which the refugee evolves as an individual and as something defined by law. The epistemological position of this study is that these social components generate knowledge. In order to generate data on these ontological properties I must interact with claimants, talk to them, gain

access to their accounts and their perceptions of what it is like to be a refugee caught up in the refugee determination process.

The objective of this study is qualitative rather than quantitative; it seeks to understand a subjective experience and to attribute meaning to the refugee experience. A qualitative method is thus useful to discover how respondents see the world (McCracken, 1988:21). This is an interpretive study where "facts" and "data" are understood not as 'objective entities' but rather as social meanings attributed to social actors (Emerson, 1988). Interpretivist epistemology "is taken to be concerned with uncovering 'meanings' which require non-statistical in-depth approaches, based on techniques such as unstructured interviewing and participant observation" (Finch, 1988:9). Goldstein refers to the limits of the quantitative method when we enter the realm of human experience:

If, in practice, we intend to keep the dialogue going, our duty would be to fathom the meaning - and there may be many meanings - embedded in the client's narrative. Here we are not technicians generating data; we are people, as in any other human relationship, engaged in reconstructing meaning (1994:43).

The complex nature of the refugee claimant experience thus requires an understanding in depth of claimants' accounts of their experiences rather than a more superficial analysis comparing large numbers of people's accounts of the process. Explanatory logic in this study is developmental and descriptive. It is developmental in its attempt to

trace a social process -- that of becoming a refugee. The logic of explanation focuses on the development of immigration and refugee policy at the international and Canadian levels as the most meaningful process in the constitution of the refugee as an object defined by law. Deconstruction of this discourse is the technique used to generate data on the constitution of the refugee's social world as it relates to the discourse. The study is also descriptive in that it provides an explanatory account of the perceptions of the refugee claimants as they enter the refugee determination system in Canada, one of the practices of Canadian immigration policy discourse.

Factors related to migrant identity, restrictive refugee policies, subjectivity and discourse, family, work, and state, are key components on which is built the description. Analysis or explanation results from deconstruction of immigration and refugee policy discourse, and the role of the data generated by interviews with claimants is to show the impact of the policy on refugee claimants.

#### *Methods for generating data*

The term generating rather than collecting, of data, is used to reflect the wider range of relationships between myself as a researcher, the social world, and the data which qualitative research spans (Mason, 1996). Qualitative research implies a belief that researchers cannot be neutral, objective, or detached, from the knowledge they are generating (Mason, 1996:6). I was not a neutral data collector but was active and reflexive in the process of data generation.

### *My position as researcher*

This research is informed by many data sources, some explored above in Chapters 1 to 3. Knowledge generated through my university teaching, human rights work and work with immigration and refugee lawyers also contribute to the basis of assumptions of this study. Given that "the perspectival nature of knowledge is an obdurate fact of ethnography, we must give a statement of where we are coming from" (Johnson and Altheide, 1993:103).

For nine years I coordinated a non-governmental church-based advocacy organization working with refugee claimants where I was involved in local and national organizations working with refugees and refugee claimants. At the national level I was a member of the Working Group on Protection of the Canadian Council for Refugees (CCR) while at the regional level I was a member of the Board of Directors of the Table de concertation pour les réfugiés de Montréal (TCMR). In 1989 I was a Canadian delegate for the Canadian Council for Refugees (CCR) at CIREFCA, in Mexico City, an international conference of NGOs sponsored by the UNHCR, on the resettlement of Central American refugees. I was also a Canadian delegate at the conference of NGO observers at the subsequent UNHCR-sponsored conference for international government representatives in Guatemala City in 1989. Throughout the nine years I was actively involved in lobbying and in denouncing Canadian refugee policy and advocating for more just, transparent, and equitable policies and administrative practices. Through my work and collaboration with refugee claimants in our community organizing efforts, I developed extensive knowledge



and expertise on immigration and refugee policies, and understood that the refugee claimant experience is a particularly painful one for claimants. I also supervised social work and law internships and was a trainer at the 18th Annual International Human Rights Training Programme for the Canadian Human Rights Foundation in 1997.

Entering into this study with an activist background I understood that I had to be aware of my biases since a great deal of my work had involved advocacy for refugee claimants in extreme situations: illegal detentions, forcible drugging of rejected claimants during deportation, and conditions of deportations. The process of reflexivity, constantly questioning my position in relation to the research process, was therefore on-going. In this I was aided by referring to the theoretical elements framing the study and by confirmation of my emergent positions with a few knowledgeable refugee workers, earlier colleagues.

#### *Pilot interview*

A pilot interview was conducted with a claimant in his early twenties from Kenya in February, 1997 who had arrived in Canada in October, 1996 at the Lacolle border and claimed refugee status upon arrival. At the time of our interview he was still waiting for a hearing date at the IRB, four months after arrival. Our interview was conducted in English and lasted two and a half hours. To initiate the interview I asked him to relate his experience since he had arrived in Canada as a refugee claimant and to explain what had been particularly difficult for him in the process. Themes emerging from interpretation of the data focused on his having had a difficult time understanding how the host society

worked, feelings that his life was stagnating, that the refugee determination process was impeding him from moving on with life plans and that the bureaucratic requirements of the immigration department in relation to paperwork were overwhelming. At the time of the interview the theoretical model for this study was being developed; data generated during this interview was helpful in focusing on a wider set of variables. Data generated by this pilot interview was a significant point in the development of the semi-structured interview schedule to be used for the interviews which took place in 1999.

At the outset, going into the interview, I had already drawn conclusions on what I expected to find. Relying on my experience with claimants I felt that waiting for status would be the central concern. However, following the interview I realized that a great deal more was going on. Concepts such as process and profound change to the claimant's sense of himself in the refugee process began to emerge. I had not gone into the interview with ideas on subjectivity and discourse: this developed at a later stage. This pilot interview, then, laid the groundwork for the development of the final interview schedule. Finally, as I considered the pilot interview to have yielded important and relevant material, the data generated is included in the body of the present study.

#### *Development of the interview schedule*

The pilot interview was inadequate in terms of generating the data needed to comprehensively answer my research question. At the start of this study I thought that the impact of immigration and refugee

policy would be confined to elements contained in a category consisting of putting claimants' lives on hold. This would include inability to work in their fields because of systemic barriers due to their status; feelings that they were wasting their lives; and that they could no longer provide and care for their families. My expectations changed following the pilot interview and I realized that what I was doing was trying to convey the complexity not only of the subjective nature of the experience but also of the refugee claimant **process**. Themes which emerged from this initial interview gave me insight into the intricate relationship between policy and the refugee experience and, along with the literature review which was on-going, allowed me to refine my theoretical model.

Following the literature review I chose a materialist approach which focused on three areas in the construction of the refugee claimant subjectivity: work, family, and state. In the interview schedule which I eventually developed (see Appendix A), these areas were broken down into short questions which addressed different facets of the process. This was done in order to elicit from the claimants the subjective nature or content of a particular area. These components constituted the main areas of focus during the empirical interviews which were held in 1999. The research proposal, the interview schedule, and the Consent form were then submitted to the McGill School of Social Work for approval and were then certified by its ethics committee based on guidelines for studies involving human subjects.

### *Population Universe*

Of the different categories of refugees admitted into Canada each year, refugee claimants, those individuals coming to Canadian borders to make a refugee claim, constitute the population universe for this study. Between January 1, 1998 and December 31, 1998, 25,113 refugee claims were made in Canada, of which 10,526 were made in Québec, representing 41,9% of all claims made in Canada. The numbers in Québec were slightly up from the 10,082 claims made in 1997 (Gouvernement du Québec, Ministère des relations avec les citoyens et de l'immigration, 1998). Of all claims made in Québec, 50,8% were made at a border post, representing a 4,3% increase in number of claims from 1997. The Québec ministry of Immigration attributes this increase in claims made at a land border point of entry to the success of "operation short stop", an administrative measure instituted after the implementation of a new refugee determination process in 1989. Within this 'short stop' practice Canadian Immigration officials in Europe verify the authenticity of travellers' documents which are required for admission into Canada **before** individuals board a plane. Potential refugee claimants thus en route to Canada may therefore be stopped in Europe and decide to take another route. Claims were also made at other ports of entry: 31,9% were made at immigration offices within the province, and 17,3% in an airport. Acceptance rate for claims made in Québec was 38,2% in 1998.

The top ten country sources of claims were: Sri Lanka (1,724), Pakistan (719), Algeria (620), India (582), Democratic Republic of Congo (485), Russia (278), Mexico (118), Rwanda (407), China (284), and the

Republic of Djibouti (275). In comparison with 1997, Rwanda, China and the Republic of Djibouti represented three new countries among the first ten countries.

### *Qualitative interviewing of refugee claimants*

Qualitative interviewing constitutes the main method for generating data in this study. The reasons for choosing this method are derived from my ontological position which is that claimants' views, perceptions, feelings, and ways of analyzing their refugee experience are meaningful properties of the social reality which the research question is designed to explore. The epistemological position dictates that to generate data I must interact with the claimants, listen to them, gain access to their accounts of their experience. The interviewing process lasted eight months and all interviews were tape recorded and transcribed by myself, each interview generating 80-100 pages of text.

Semi-structured in-depth interviews lasting two to four hours were conducted with claimants. A narrative approach was used with the interview guide at hand to refocus the discussion on those topics I wished to cover. We met in the informal office where I had worked or, in one instance, at the university, neutral places in which to meet, easily accessible by public transportation. Interviews were flexible and sensitive to the dynamics of interaction. "Conversation with a purpose" (Mason, 1996:43) describes the context of interviews. Sequence in the discussion during the interviews varied but all started with the "warm up" topic of my work with refugees and the reasons for doing this study. I engaged respondents in this conversation, encouraging their

questions and comments; the result was a congenial atmosphere and a sense of trust between us. At the beginning of the interview I gave each respondent a copy of the Consent Form and had him sign it (attached in Appendix C); one claimant wanted a copy for himself, which I gave him. The first question asked was "How did you see yourself in your country of origin? Who were you?"

As each interview progressed I oriented the discussion toward the direction of what I wanted to know. Interaction with the younger claimants was more formal as they had a tendency to answer with short, to the point answers. I therefore had to make my questions more explicit, elaborate on what it was I wanted to know. In these situations I relied much more on the interview schedule which is quite extensive and questioned them directly, which resulted in a more structured interaction. Discussion with older claimants, however, was more spontaneous and explicit. They understood from the beginning what I was looking for and it appeared that the topic was something they had already reflected upon, at least in terms of how their "refugeeness" was having an impact on their capacity to integrate into paid and meaningful work. With these claimants the need to rely on the interview schedule was minimal and discussion flowed more easily.

Throughout these interviews I was quiet, interjecting with the odd "um um" and responded to their questions on the refugee determination process if they arose. When I felt that they had exhausted what they could say about a particular topic I directed the conversation to another area of interest to this research. Only in one situation was there an obvious discomfort about a topic. This concerned family which had

been left behind in the country and the claimant became very emotional and said he would rather not discuss the subject: we moved on to another topic. Discussion on family did come up however, later in that interview.

Saturation was reached at 5 interviews: at this point themes regarding work or family, issues relating to waiting for status, ways of describing their experience, were being repeated by respondents. Following the fifth interview I conducted two more interviews which allowed me to verify data which had been previously generated and to further query respondents on certain aspects of the process which had been detailed by the previous claimants. This was an extremely valuable process which allowed for deeper exploration of issues relating to immigration and refugee policy, racism, and family and community roles.

During the course of the interviews I was often confronted with issues which were well known to me, such as the impact of family separation, their inability to have professional credentials recognized or the possibility of racism playing a part in their experience. At times I had to remember that my role was one of researcher and not one of social worker.

### *Sampling*

In the broadest definition, sampling and selection are principles and procedures used to identify, choose, and gain access to relevant units which will be used for data

generation...These units will belong to or relate to a relevant wider population or universe (Mason, 1996:83).

The broad interest of this study is refugees and how, as individuals who are forced to leave their countries because of political, social or religious persecution, the migratory trajectory and their lives are affected by refugee policy. Within this universe are the refugee claimants who constitute a special category of refugees and who are the focus of this study. **Refugee claimant** is a legal status conferred by the Canadian Immigration Act which limits sampling to claimants, excluding other refugees who enter Canada, such as refugees selected overseas, sponsored refugees or special humanitarian classes such as the recent example of the Kosovar refugees.

The first issue to be addressed concerning sampling revolved around gender. Until recently, refugee studies have discussed the refugee experience as if it were non-gendered. Studies are now showing that there are important differences between the experiences of men and women refugees. Although policy discourse is not gender-specific, it has been the theoretical position of researchers in the area of women refugees that policy and research have obliterated the gender-specific experience of women, negating their experience and impeding the development of adequate services to meet their needs. This developing body of research has shown that gender-specific experiences need to be taken into account when studying the refugee experience. Studies confirm that although there are shared experiences between men and women refugees, their experiences differ on a number of aspects (Young, 1996; Matsuoka and Sorensen, 1993; Moussa, 1993). Rape,



torture, and culturally-specific practices such as excision are components specifically related to gender. Gender therefore constitutes a major variable in the refugee experience which cannot be neglected. A large-scale study on the impact of policy on refugee claimants would have to take gender into consideration, and design of the research would have to allow for comparisons between the two genders in order to draw conclusions which could be generalized to the broader population universe of refugees. This did not seem feasible. The focus of interest was not on gender as an important variable and the choice was made therefore to limit sampling to men.

The second issue concerning sampling was anonymity of claimants interviewed. Refugee claimants are in a particularly vulnerable situation when they arrive. Claimants often misunderstand how the refugee determination process works and they are very careful as to the information they give, even to their workers, since they do not know what is important and what is expected of them in the early stages. During the interviews one claimant, for example, when asked the name of his lawyer, refused to give it to me. Another issue which I had encountered in my previous work with claimants relating to the precarious nature of their status is the fact that refugee claimants often do not want to become involved with members of their own communities in Montreal or let people know that they are refugee claimants, for fear of initiating talk or gossip about their cases. There have been numerous cases, for example, where anonymous letters repudiating certain individuals' claims have been sent to the immigration department, letters which have been used to discredit or

undermine the credibility of the claimant. The fears are therefore well-founded.

Because of this vulnerability, anonymity is an important concern. This is an issue with which I struggled and one which Moussa (1993) discusses in her study. I understood that any specific characteristics could make them visible, putting them or their families at risk. Moussa (1993) opted for pseudonyms but realized that this was not a guarantee for anonymity. She resolved not to use the pseudonyms when quoting the women. I considered this option but my quandary over using pseudonyms lay in my assigning another false subjectivity to people who had already relinquished their past subjectivity. In the end I resolved not to give respondents pseudonyms. When quoting from their discourse I refer to them according to their countries of origin.

As an initial selection technique lawyers and colleagues in the network were contacted by telephone and sent an introductory letter (Appendix B). The objective of using this technique was to select a range of claimants from different countries. Initial contact was to be made by lawyers and colleagues who knew the refugee claimants, and it was to be up to these contacts to introduce me to potential interviewees. However, only two claimants were referred through this process: one claimant was referred by a non-governmental organization and one by a worker in a front-line government-funded organization working with refugees when they first arrive. No referrals were made by lawyers although one lawyer sent documentation on one of her clients, who is mentioned in the introduction to this study.

Three criteria for sample selection were outlined: first, claimants had to have been in the country for at least two months. This was to ensure that they had filled out their refugee status applications (Personal Information Form) and had somewhat settled, minimizing the intrusive nature of the interview process in their busy lives. After two months claimants have generally completed all the necessary preliminary paperwork, have started understanding how the system works, and are more open to discussing their situation with a stranger. Second, claimants had to be waiting for a hearing date from the Immigration and Refugee Board (IRB). Until claimants have received an answer to their application they are still considered to be refugee claimants. This criteria was meant to ensure that all respondents were claimants at the time of the interview since the categorization of their immigration status changes following the answer from the IRB, whether positive or negative. Third, claimants in crisis, who were either diagnosed as suffering from depression, post-traumatic stress disorder or acute psychological distress as a result of their situation were not to be considered as interviewees due to the sensitive nature of the content of the questions.

Difficulties in obtaining referrals from lawyers and colleagues made it necessary to rely on the snowball technique which yielded 5 respondents. The main disadvantage of this outcome is that it has limited the sample of claimants to the African continent. Although from different countries in Africa, four are from Rwanda, limiting the possibilities of comparison of experiences between claimants originating from different continents. All claimants were contacted by telephone and a date was set for an interview.

### *Profiles of claimants interviewed*

All claimants had been in the country for more than two months and were waiting for their hearings at the Immigration and Refugee Board. Countries of origin of claimants interviewed were Rwanda, Burundi, Tchad and Ivory Coast. Four claimants were in their early forties and were professionals, one was in his mid-thirties. One claimant was younger, in his early twenties and was planning to attend university. The pilot interview subject was a university student.

The Burundian claimant, approximately 43 years old, is a PhD in a specialized field. He left Burundi in 1991 to study in Germany and received his PhD in July 1998. He arrived in Canada at the Lacolle border<sup>6</sup>, in September 1998 with his wife and two children, ages 4 and 5 and claimed refugee status upon arrival. Our interview was held March 19, 1999 and was conducted in French. He had had a date for a hearing at the IRB scheduled for March 18th, 1999, five months after his arrival, which was postponed. At the time of the interview he was still waiting for a hearing date.

The Tchadian claimant is 22 years old, working in a clothing boutique owned by his uncle who travels frequently to Europe and Saudi Arabia.

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<sup>6</sup>The Lacolle border is the main point of entry for those arriving over land to the Montreal area. Refugee claimants entering this border point usually arrive on foot, having taken a bus or taxicab which lets them off approximately one kilometre from the border. They walk the rest of the way to the border. Since an article in the Immigration Act imposes fines for transporting refugees into the country, buses and taxicabs allow potential refugee claimants to disembark and walk to the border, thus avoiding fines.

He had completed a high school diploma and was planning to attend university. Having left his country in February 1998, he arrived in Canada at the Lacolle border in October 1998, at which point he claimed refugee status. Our interview was conducted in French on March 19, 1999. At the time of the interview he was still waiting for a hearing date, five months after arrival.

One Rwandan claimant is a 42 year old development officer with an MBA who was working for a non-governmental organization in rural areas of Rwanda. He left Rwanda May 1, 1998, arriving in Canada at the Lacolle border in September 1998 and claimed refugee status upon arrival. He is married with three children, two girls and one boy, whom he left behind in Rwanda with his spouse. Our interview was conducted in French. At the time of our interview, which was held on January 19, 1999, he had had a hearing date at the IRB scheduled for the following day, January 20, 1999 which was postponed indefinitely. He was still waiting for a new hearing date, four months after arrival.

Another Rwandan claimant was a prominent businessman in his early 40's who had travelled in the United States and Europe. He came to Canada via the United States in September 1998 and claimed refugee status at the Lacolle border. He had left his wife and seven children, three of whom were adopted, in Rwanda. Our interview was held on January 18, 1999 and was conducted in English. At the time of our interview, he was still waiting for a hearing date, four months after arrival.

The Ivorian claimant is a 42 year old medical doctor with 15 years of practice. He had specialized in occupational medicine in France in 1986 and then worked in South Africa as a medical doctor from 1995 until 1998 at which point his temporary work permit was not renewed and he had to leave. He arrived in Canada in April, 1999 on a visitor's visa with his wife and four children. The fact that he claimed refugee status while he had visitor status delayed by one month the bureaucratic process of applying for refugee status and his receipt of social welfare. Our interview was held on July 17, 1999 and was conducted in French. He was also waiting for a hearing date, three months after arrival.

Another Rwandan claimant is 39 years old. He has a Master's degree in a specialized field which he completed at a University in Québec and was involved in development in neighbouring African countries. Having held a senior managerial position for a large European insurance company in Rwanda, he had also opened and managed a school in a neighbouring country before coming to Canada. His wife and three children are in a European country. He arrived in Canada in June, 1999. Our interview was held in September, 1999 and was conducted in French. At the time of our interview he was still waiting for a hearing date from the IRB, three months after arrival.

A last Rwandan claimant is 34 years old. He has a Master's degree in a specialized field which he completed in Rwanda. He was employed with a non-governmental organization (NGO) in his country and for the UNHCR in a refugee camp in Zaire. He arrived in Canada with his wife and child in July 1999 and claimed refugee status at the Lacolle border. He had a hearing at the fast-track refugee determination

process at the Immigration and Refugee Board (IRB) the week following our interview.

*Interpretation of data: themes*

The task in qualitative research is to describe and analyze the respondents' meanings to the best of our ability. Charmaz explains that this task

blends both the subjectivism of interpretative approaches and the objectivism of positivism. We start with the experiencing person and try to share his or her subjective view. Our task is objective in the sense that we try to describe it with depth and detail (1983:54).

The rigour and the honesty with which we report and analyze the data also constitute ways to ensure validity in the research process. Following the data generation process, the objective is to construct a strategically convincing explanation. After the interviews had been transcribed I read each transcript to generate a global sense of the content. I made notes on recurring themes and outlined those elements which were consistent with my theoretical model.

My first observation was the striking similarity in the content and sequence of discourse that each claimant had felt to be important to focus on as the interview started. This realization led to sorting the data according to categories which were not defined in my theoretical model. "Being a refugee", for example, was a recurring and central

theme which is why it constitutes the first category of explanation in Chapter 7. Reading of data at this level occurred on three concurrent levels: literal, interpretive, and reflexive. Reading the literal content was important to give me an idea of what was most important to claimants. In the interpretive reading I was constructing a version of what I thought the data meant and what I could infer from them. At this stage I was most concerned with claimants' interpretations and understanding of their experience, first as refugees and then as refugee claimants. While in this process I was making interpretive sense of the data, referring to the literature and my own experience. This was part of the reflexivity process: questioning my own position in relation to emerging interpretations and my knowledge and experience. Following the initial general reading of the data I proceeded to sorting and categorizing. Sorting of the data generated by the interviews constituted the first step of the analytic process. Throughout this process records were kept securely and strictly confidential.

Organizing of the data started with coding, the process which assigns categories in order to sort data. This was not an interpretively neutral process since the choice of categories reflected certain assumptions I was making (Mason, 1996): I was searching for elements relating to how claimants felt, how they perceived the refugee claimant process, how they defined themselves. To ensure that a particular piece of the data could be counted as evidence in relation to the research question I constantly returned to my question. As Charmaz (1983) points out, codes may also be treated as conceptual categories when they are developed analytically. Two main categories were defined: a descriptive category which applied to the substantive area of my



research topic and a theoretical category which might also be applied to substantive areas. Coding thus allows one to look for processes that are fundamental in on-going social life: What kinds of issues are present here? How are they constructed? What do these events mean? (Charmaz, 1983).

Two phases were involved in the coding process. In the initial phase I looked for what I could define and discover from the data; for ideas and issues, in the data themselves. The rule at this point was to study my accumulating data, which allowed me to create order. In the second phase, focused coding was a more selective and conceptual process. Through this process I developed categories rather than simply labelling topics and therefore brought sorting of data to a more analytic level.

Categories were constructed from the three main areas of interest outlined in the theoretical model: family, work and state and other recurrent themes which emerged from the data. The literature was used at this point to expand and clarify the emerging analysis. This facilitated a process of comparing meanings rather than forcing them into "correct" interpretations. As Charmaz (1983:117) points out, the literature can also be a source of questions and comparisons rather than a measure of truth.

Although I expected data to reflect similarities between experiences of claimants interviewed, I was not expecting such a high level of similarity. Not only was there a consistent pattern in their way of describing their experience, imagery and metaphors were repeated from

one interview to the next from the second interview onwards. On-going analysis of the data took place as it was produced and with each interview I followed up on issues and perceptions which had emerged from those previously interviewed.

### *Interpretation: the process*

Interpretation of data was reached by first starting with my own knowledge of the claimant experience. The process of reflexivity was a central element in the interpretation of the data as I started out with central policy concepts which pointed to the fact that policies have been restrictive. To reach final interpretation, I moved back and forth between the analytical lens, my own knowledge of the process and what the claimants were saying. Notes which had been taken during the interviews were compared with comments and notes to myself as I transcribed the material. I also reflected on what was said and possible new ways of thinking about and analyzing the data. I reflected on my own feelings about what was said, suggesting new interpretations of the data and searching for expressions in the discourse which would embody the refugee claimant experience.

Poststructuralist concepts were used in the interpretation. Foucault's (1976) work on the production of discourse, issues of power/resistance were also relevant components considered. Links were made between policy discourse and the creation of the refugee claimant subjectivity, discussed earlier.

Categories collapsed into one another as there were recurring elements to the respondents' experience which touched upon all of the categories outlined in the theoretical framework. Loss of status, for example, could be analyzed as part of the general category of losses encountered by refugees as they enter the refugee claimant process. However, there are particular losses in status, in familial roles and capacity to care for extended family; losses in their capacity to work and be part of a professional network. Losses were an important element pervasive in their experience and hence refined categories became abstract and to a point arbitrary. In the end they reflect a certain reality which is complex and which served as a guide to understanding the different facets of their subjective experience.

Finally, a strategic rationale guided the use of quotable material in the writing up of the study. Quotations have not been selected at random but strategically chosen to illustrate key points in my explanation and to make the explanation more immediate and grounded to the reader (Mason, 1996:143). Quotations are illustrative and constitutive elements of the argument presented in Chapter 7. They also represent thoughts and perceptions which recur in the discourse of claimants interviewed and which are expressed by the majority of claimants. Quotable material which was not in direct relation to the categories outlined in the theoretical model or not emerging as a common concern with interviewees was not used. For example, one of the younger claimants spoke about his uneasiness with western customs in relation to food. Although generally interesting I considered this to be an element relating to culture shock and the integration process and not relevant to the impact of the refugee determination process. While at

the YMCA another claimant encountered a particularly difficult security issue with one of his children. Since other families did not experience security issues, it was not used.

#### *Limitations of the study*

Qualitative studies provide strong indicators to test in future larger-scale studies. The sample in this study is small and findings cannot be generalized. Interpretation of findings do provide, however, important elements in the construction of the subjective reality of refugee claimants in Canada.

Claimants interviewed are men and all originate from the African continent. Although many of the findings of this study are strikingly similar to those found in Moussa's (1993) study of Ethiopian and Eritrean women, gender issues limit generalizing to refugees of both genders.

Finally, language, says Denzin (1991) is only a trace of other things, not the lived experience. To the extent that we can draw on refugee claimants' accounts of their experience, data show how one of their subjectivities has been affected by political, social and economic concerns of immigration policy discourse. A myriad of elements could be added to our understanding - culture, ethnicity, rank in the family, rural or urban backgrounds. This study focuses not on the refugee experience as a whole, from beginning to finish. It focuses on one particular moment of that journey. "The subject is more than can be

contained in a text" (Denzin, 1991:68) but the subject is also more than the object.

## **CHAPTER 5**

### **International and Canadian refugee policy and social construction of the refugee claimant**

This chapter focuses on trends in immigration and refugee policy as a discourse reflecting elements central to political, economic and social concerns which have led to implementation of restrictive measures and practices aimed at asylum-seekers. Deconstruction of refugee policy discourse offers key elements in understanding how a new subject, the target of the policy, is constructed.

Although the concept of asylum can be traced to antiquity its evolution over the past fifty years has dramatically altered how we define people in search of asylum. This is in part a result of the fact that movements of people have become characteristically different from those of the past by their large numbers and their diversity. Not only have these movements of people created concern among western nations, the large number of asylum-seekers has become a major international issue leading to attempts by the international community to address the "refugee problem" (Skran, 1995) through policies which have impeded asylum-seekers' search for protection. In an effort to control various types of migrants now moving about the globe nation states have set up categories -- temporary workers, students, visitors, immigrants, illegal aliens, refugees -- which are fundamental to modern day immigration and refugee policies.

Only through an analysis of the history of refugee policy can we begin to understand how discourse has moved from humanitarian concern for those who are displaced by war, conflict and persecution, to political, social, and economic concerns. Deconstruction of refugee policy discourse at the international level reveals that fundamental components of the construction of what is called "refugeeness" emerged in the period following WWI.

### ***Policy trends at the international level***

#### ***The international refugee regime***

Although we often think of the 1951 Geneva Convention on the Status of Refugees as the dateline when international concern for refugees was first institutionalized, it was following WWI that a legal framework and institutional structure were put in place to respond to the needs of those displaced by the war. This constituted the foundation of an international refugee regime which can be analyzed through four major historical periods.

#### ***1920-1954***

Elements of the international regime include the conventions, rules and norms and decision-making procedures which have guided international reaction and action to refugee movements (Skran, 1995). In the inter-war years sovereignty and humanitarianism, "the belief in the fundamental worth and dignity of all human life" (Skran, 1995:67-

68) were two basic principles held by members of the regime. Combined with the norms of asylum, assistance, and burden-sharing norms, these principles constitute the foundation of the regime. According to Skran (1995) sovereignty is still the defining principle of the international system. Rules, usually codified in international law, were created to enforce the principles and norms. Already in 1933 a League of Nations Convention represented the first comprehensive attempt to create a legal framework for refugees; it dealt with a number of issues such as identity documents and expulsions, but was never applicable world-wide (Skran, 1995:125). However, it remains important in that it is the first legal document to deal with the question of *non-refoulement*, "the prohibition of forcible return of a refugee to a country of persecution" (Skran, 1995:72).

The issue of non-refoulement was again brought up in the 1938 League of Nations' Convention and became the rule: it "was firmly incorporated in the new international regime and it became article 33 of the 1951 Refugee Convention" (Skran, 1995:138). Loescher points out that although neither of these two conventions received the signatures of more than eight nations, "they were significant as first international efforts to elaborate a body of treaty law to afford protection to refugees" and constituted a first step in the "formulation of more permanent international laws and institutions" (1993:38).

Hathaway contends that these first accords, which constituted the first generation of refugee accords, were more regional than universal in scope. The first regime was "not threatening to national authorities and



was consistent with the classical role of international law in giving force to a time-honored custom" (Hathaway, 1990:176).

The inter-war regime was concerned with European refugees and was therefore more Eurocentric than the more global regime which developed following World War II (Skran, 1995:73). Skran contends that although the actors in the inter-war regime did not develop a universal system of protection for refugees, "they left a lasting legacy in the legal arena" (Skran:144).

Following WWII organizations such as the United Nations Relief Agency (UNRRA) in 1943 and the International Refugee Organization (IRO) in 1948 were put in place to deal with more than 30 million displaced people (Bettati, 1985; Solomon, 1995). The IRO was given a four year mandate to work, not with all refugees, but solely with refugees from WWII. This points to the fact that dealing with European refugee victims of the war was the main concern. It also underlines the fact that the existence of refugees was considered to be a short-term problem. Until the mid-1940s most displaced people were found in Europe, victims of the First and Second World Wars or of fascist regimes (Independent Commission on International Humanitarian Issues, 1986). By the end of the 1940s there were still an estimated 800,000 refugees from World War II in camps in Germany and Austria (Whittaker, 1987), and there was a continuous influx of refugees from the Eastern Bloc into Western Europe, "underlying the long-term character of the refugee problem" (Solomon, 1991:218). The creation of the IRO did, however, lead to the formation of definitional criteria of persecution for the first time (Solomon, 1995).

"There was also a specification of the causes of persecution or fear of persecution which meant that a person could be accepted as a refugee" (Solomon, 1995:55).

In 1950 the United Nations High Commission for Refugees (UNHCR) was established to seek long term solutions to the refugee problem (Goodwin-Gill, 1983; Solomon, 1991; Hathaway, 1990). A new convention which then came into being was meant to consolidate and revise the status of persons without protection (Hathaway, 1990:14). The Convention imposed a dateline by referring to events which had occurred before January 1, 1951, and imposed territorial limitations by referring to "events which occurred in Europe" (Goodwin-Gill, 1983:13). In this convention, a refugee is defined as someone with "a well-founded fear of being persecuted in his country of origin for reasons of race, religion, nationality, membership of a particular social group or political opinion" (in Loescher, 1993:5).

#### The 1951 UN Convention

...consolidated previous international instruments relating to refugees and provided a clear statement of their rights as seen at that time. It also laid down minimum standards for the treatment of refugees without prejudice to the granting states of more favourable treatment. It established the important principle of 'non-refoulement', stating plainly that 'no contracting state shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on

account of his race, religion, nationality, membership of a particular social group or political opinion (Hawkins, 1989:157-158).

Although it was recognised from the outset that the Convention would not cover all refugees, its limitations quickly raised concerns when it became clear that not all refugee movements originated in WWII or its aftermath. The refugee phenomenon was growing and there was concern that it would remain as part of the international scene. Scholars were also quick to point out that the definition misrepresented the essence of refugeehood (Skran, 1995). The emergence of new movements of refugees in the 1960s forced the General Assembly of the United Nations to reexamine the 1950 Convention definition, and limitations which had been imposed at that time were revoked by the 1967 Protocol.

The post-war regime, then, was based on principles and attitudes which had been formed and developed after the Second World War, with a clear ambition to deal with Eastern European refugees (Solomon, 1991:244). Even then, only certain refugees were deemed eligible for assistance. This points to the fact that building an international refugee regime does not imply a thought-out concerted humanitarian effort on the part of states which participate in its creation. The key issue is that this regime was built in Europe, to deal with European refugees. As Hathaway argues, "states demonstrated a determination to limit the scope of the altruistic humanitarian exception to existing immigration norms" (Hathaway, 1990:139).

### *1954-1974*

During this period, international relations were structured around the East-West conflict and for most of the 1950s "the refugee problem assumed an almost exclusively East-West dimension" (Loescher, 1993:58). The 1950s to the early 1970s was also a period of massive labour migration into Western Europe, and migration was legitimated as a political and economic necessity (Miles, 1992). Easy immigration characterized this period and asylum applications were few in number and emanated mostly from Eastern and Southern Europe (and Hungary in 1956, Czechoslovakia in 1968, Chile and Latin America after 1970) (Tiberghien, 1994).

Focus during these years was on post-war reconstruction when displaced people filled an urgent need for labour. Simultaneously, colonial powers looked to their dependencies for workers who were brought in from the West Indies, North Africa and Indonesia (ICIH, 1986). By the 1970's the period of post-war growth had come to an end and industries moved their operations out of Europe to other areas where labour was cheaper. Whereas it had been expected that guest workers would leave, on the contrary they remained and started bringing in their families. This experience proved to be a negative one for European governments and left a legacy of attempts to further control the admission of foreigners. It followed that states' responses to refugee movements started to develop within a framework of general immigration control (Hathaway, 1994:50).

Events during the 1960s and 1970s marked a second major phase in the global refugee crisis (Loescher, 1993:75). Events shifted from East-West tensions to a North-South dimension. Conflicts emerged during this period which were to have a lasting impact on the international regime. As states acquired their independence from colonial rule, intra-state conflicts emerged and the "focus of the international refugee problem shifted away from Europe" (ICHI, 1986:35).

#### *1974-1985*

The discourse around migration started to change during this period and was replaced by one that "stress[ed] the necessity for strict (and stricter) immigration controls" (Miles, 1992:23). Where international relations had centred around the East-West conflict during the 1950s, a new international context now emerged with the end of the Cold War and breakup of the Soviet Union. Ideological reasons for accepting refugees disappeared and western governments had to contend with millions of refugees from the Third World (Loescher, 1993; Gorman, 1993; Creese, 1992).

It wasn't until the 1970s that western governments took notice of the magnitude of the Third World refugee problem. Millions of Indochinese refugees had fled Vietnam, millions of Afghan refugees flooded into Pakistan and Iraq, Somalian and Ethiopian refugees were displaced into Sudan (Loescher, 1987, 1993; Rogge, 1987; Ferris, 1987; Zolberg, 1989). The world refugee situation had started to change and refugees were no longer coming from northern countries but increasingly from the South. The 1970's "new refugees" were

culturally and ethnically different from their hosts, and often lacked support from kin and groups from their own country (Stein, 1981:330 in Cohen & Joly, 1989:6). Asylum-seekers from the developing world represented 80% of all applications in Europe compared to 5% in 1960 (Tiberghien, 1994:42).

'Jet refugees' of the 1980s succeeded the boat people of the 1970s. Control of migrants, whether they were illegal migrants, foreign workers, refugees or asylum-seekers, became the main focus of immigration and refugee policy in western nations (Loescher, 1993; Ferris, 1993; Zolberg, 1989; Withol de Wenden, 1994). Analysis of immigration policies in Europe shows increasingly restrictive criteria and tightening of borders from this time onward. "Since 1973 immigration and deportation measures in such countries as the Netherlands, the UK, France and Germany have become remarkably homogeneous, converging towards increasing stringency in relation to non-EC peoples" (Baimbridge, Burkitt and Macey, 1994:422).

It is also during this period that the relatively positive image of the asylum seeker started to lose ground. Discourse changed not only from seeing immigration as an asset to one of burden, as Brochmann (1996) suggests, but also turned to seeing refugees as a threat. Tiberghien argues that in France, for example, the stranger is perceived as threatening the security of the French.

"Official attitudes towards refugees and asylum-seekers have become inextricably linked to the question of immigration control" (ICIH, 1986:35). Exclusionist trends in the 1960s and 1970s which were

directed towards guest workers were now extended to all asylum-seekers and refugees in the late 1980s and 1990s (Black, 1993; ICIHL, 1986).

#### *1985-1997*

According to Tiberghien, 1985 marks the beginning of the crisis of the international refugee regime. Change in policy discourse is reflected in practices which started to limit access to social rights. "Première traduction de cette crise: le grignotage des droits sociaux et l'apparition des 'bavures'" (Tiberghien, 1994:49). Neo-liberal states started reneging on humanitarian commitments made during the economic boom of the 1960s and early 1970s (Jacques, 1985; Withol de Wenden, 1994). The question of asylum, underlying the contradiction between the humanitarian and economic interests of nation-states, is at the heart of contemporary debate. Humanitarian concerns are now being replaced by concerns relating to controlling the flux of migrants (Withol de Wenden, 1994; Tiberghien, 1994; Hathaway, 1991; Bettati, 1985). The threat that these migrants -- immigrants and asylum-seekers -- pose is the fear "that their presence, particularly in large numbers, will lead to increased racial or ethnic conflict or exhaust limited resources,...., and in extreme cases have the consequence of threatening the government in power and indeed the survivability of basic political institutions" (Scanlan and Kent, 1988:65).

"'Harmonization', the buzzword in asylum policies" (Coulombe, 1992:25) was now the trend. In 1985 there was an attempt by EC member states to harmonize national immigration policies and practices

and abolish internal barriers to free movement within the EC but keep unwanted migrants out. A number of intergovernmental bodies, independent from formal EC institutions but whose members belonged to the EC, came together in 1985. The most important group was the Schengen Group whose deliberations led to signing the Schengen Agreement in 1990, which outlines "a common policy abolishing border controls between the respective territories from January 1, 1993" (Miles, 1992:37). Furthermore, European governments have been joined by Canada, Australia and the United States "under the rubric of the so-called Informal Consultations, a forum for the sharing of plans and elaboration of common views on immigration control" (Hathaway, 1994:51).

This context of immigration control has in turn led to increasingly restrictive refugee policies. Visa requirements with fines for transportation companies have become commonplace among industrialized nations. Canada's new immigration law which came into effect in January 1989 also reflected international concerns by imposing fines on any transporter carrying refugee claimants. The "Detention and Deterrence Bill" carried the possibility of fines for anyone "aiding and abetting" refugees.

Finally, what emerges from the literature is that in a context of internationalization of migration movements sovereignty concerns have led to exclusionist trends in refugee policy. Changes in policy discourse led to restrictive policies and practices, and the trend continues with the expansion of the European Union. Within this



context Canada developed its own refugee regime which has had its own corollaries with the international regime.

***The Canadian context: Refugees within immigration***

***Canadian immigration policy: general characteristics***

Any study of refugee policy in Canada needs to be understood within the parameters of general immigration policy, since Canada has always seen itself as a country of resettlement and not as a country of first asylum. As such, refugee policy has been inextricably tied to immigration policy (Hawkins, 1989; Knowles, 1997). Seen as a source of nation-building, immigration in Canada has always been a controversial political question (Meissner et al., 1993; Knowles, 1997) and the main concern has always been the selection of its immigrants and refugees (Adelman, 1988; Creese, 1992). The Immigration bureaucracy has had a central role in controlling admission to the country and has been the central apparatus for refugees. As such the Immigration Department has been one of the major contributors to the production of discourse on refugees in Canada.

Although immigration to Canada has always been a source of nation-building, it has concurrently been a controversial political question. The current "debate revolves around the broad question of whether sizeable immigration continues to enrich the economy and the culture or whether [Canada], now mature and settled, need[s] to substantially

limit immigrant flows to secure prosperity and social cohesion among established populations" (Meissner et al., 1993:12).

Historically, there have been three main objectives of immigration: first as a tool of economic growth (labour market considerations); secondly, social (family reunification); and third, humanitarian (the admission of refugees and people in refugee-like situations). As well, there is an overriding demographic objective, which is to stimulate population growth and delay population decline and aging. Underlying these objectives has been the question of what type of immigrant is best suited for Canada. Drawing a parallel with trends in policy at the international level, we can distinguish four periods which coincide with major changes in the Immigration Act which paved the way for the development of the Canadian refugee regime.

#### *The 1940s-1970*

Canada's exclusionist immigration policy was challenged in the aftermath of WWII. As Europe organized itself to deal with the 30 million people displaced by the war, Canada was hesitant to get involved. An External Affairs document of 1946 which reported on the situation of refugees spawned by the war pointed to the "highly undesirable consequences' of the political activities of such persons, were Canada to grant them asylum" (Whittaker, 1987:23-24). Whittaker argues that during the Cold War, a new basis for discrimination was born: specifically political criteria became the basis for mass expulsions of certain categories of people. This was the beginning of a framework of ideological and political criteria for

selection and exclusion of immigrants (1987:9). The "ideological criteria for admission of immigrants happened to exclude certain national groups, while allowing others to enter, creating a new inequality of selection" (1987:22).

The events of the 1940s and the 1950s brought on by the Cold War had an important ideological impact on the direction of Canadian immigration policy. A strong statement made by McKenzie King in 1947 articulated the principle that would-be immigrants have no fundamental human right to enter Canada, nor do immigrants have a right to Canadian citizenship once they are admitted to the country. "Immigration to Canada and Canadian naturalization were privileges, not rights" (Whittaker, 1987: 30). Whittaker further argues that Canada's 'security mania' during the Cold War sometimes affected its international obligations. For example, the Department of Citizenship and Immigration was concerned with the Intergovernmental Committee for European Migration's (ICEM) processing and screening of post-war refugees and "tended to see this as an infringement of its sovereignty and a potential security threat" (Whittaker, 1987:54). Also, it was only in 1969 that Canada reluctantly ratified the Geneva Convention Protocol (Plaut, 1990). Whittaker argues that Canada built a national security state during the Cold War, the mentality which it generated being carried from the 1960s through to the 1980s. The questions of the "right to enter Canada" and the "right to citizenship" resurfaced in the late 1980s and 1990s as immigration officials tried to control the flow of would-be refugees to Canada and as debate around citizenship rights is once again reopened. In those early postwar years an underlying exclusionary discourse had been established within the

immigration bureaucracy which has had a direct impact on Canada's subsequent handling of the "refugee problem".

Following the post-World War II period Canada saw an upsurge in immigration which extended well into the 1960s. This period was characterized by intense economic growth where policies were aimed at filling gaps in the labour market. The state's adoption of Keynesian policies, increased demand for labour and increasing reliance on technology created a need for trained workers (Stafford, 1992; Knowles, 1997). A tap-on, tap-off approach to policy characterized these years (Hawkins, 1972; Seward, 1988). Policy discourse also focused on family reunification and criteria were expanded or restricted concerning the definition of family members eligible for sponsorship (Simmons and Keohane, 1992).

A new Immigration Act was adopted in 1952 which simplified the administration of immigration and conferred wide-ranging powers on the Minister and Immigration officers in the selection, admission and deportation of immigrants (Knowles, 1997:138). Then, in 1962, much-silenced White policies, active for 50 years, which favoured white European immigration, affecting both immigrants and refugees, came to an end. As Hawkins (1989) points out

The power to exclude would-be immigrants in certain categories and of certain origins on which the White Canada policy was based, was laid down in the Immigration Act of 1910, amended by the Act of 1919. Laws to discourage the entry of the Chinese or to exclude

them altogether were passed by the federal parliament in 1885, 1900, 1903 and 1923 (Hawkins, 1989:17).

The new Immigration Regulations which were tabled in 1962 removed racial discrimination as the major feature of Canada's immigration policy, retaining only one privilege for European immigrants over most non-Europeans -- sponsoring a wider range of relatives. Even this clause was removed in the 1967 Regulations (Hawkins, 1989: 39; Simmons and Keohane, 1992:423). A point system outlining criteria for the selection of immigrants was introduced. This was seen as a measure to reduce the power of immigration officers and provide a clear selection system (Knowles, 1997). Even though there was no consensus on the role immigration should play in Canadian society during this period, the contribution of immigrants and refugees to the Canadian labour force was undeniable. In fact, immigration accounted for two-thirds of the labour force's increases in the 1940s and 1950s and more than half the total increase between 1950 and 1960 (Knowles, 1997:144). Although immigrants were brought in to fulfill labour market needs, it was not until the mid-seventies that Canadian immigration policy started to actually plan its immigration levels in a comprehensive manner and within a structured context (Hawkins, 1989).

## *The 1970s*

### ***Development of a Canadian refugee policy: the 1976 Immigration Act***

The seventies were characterized by a great deal of activity in the area of Canadian immigration policy. A major revamping of the 1952 Act, which still had roots in the nineteenth century, was undertaken (Knowles, 1997). A Green Paper task force was set up in 1973 and a joint committee of the Senate and the House of Commons was struck in March 1975 to study the Green Paper and hold public hearings across the country (Knowles, 1997:168). A new Bill was tabled in 1976 and the new Act was implemented in 1978 (Hawkins, 1989).

In the early 1970s Canada's experience with refugees had been limited and debates in the House of Commons during the hearings on the new Bill showed little interest in the issue of asylum nor any recognition of its importance on the Canadian political agenda. In fact, between 1945 and 1970 Canada was involved in only three major refugee movements: the movement of displaced persons in the years immediately after World War II, the Hungarian refugee movement in 1956-57, and the Czech movement in 1968 (Hawkins, 1989:165). All of these movements came from Europe within a Cold War context and were understood by the public mind as being made up of people defecting, fleeing oppressive communist regimes or specific circumstances which could be understood as part of the East-West conflict. But this earlier context was in sharp contrast to what started happening from the 1970s onward. New refugee movements were drawing the world's attention

and Canada, under international pressure, became involved. Ugandan Asians constituted a first wave of refugees to be admitted into Canada. Canada's management of these refugees broke with the old ideas of the fifties and sixties, paving the way for better future refugee management and a more responsible role for government in refugee resettlement (Hawkins, 1989:167). Yet acceptance of these refugees, as with those following WWII, had been done on an *ad hoc* basis. This was changed with the 1976 Immigration Act which instituted for the first time a refugee determination process in immigration policy.

The 1976 Immigration Act is the "cornerstone of present-day immigration policy" (Knowles, 1997:169). The Act outlined three categories of individuals admissible to Canada as landed immigrants: (1) *family class*, which included immediate family and dependent children; (2) *humanitarian class*: the Act instituted a refugee determination program that included two streams -- designated classes and standards for refugees who were selected overseas, and a refugee determination process for inland claims (Creese, 1992); and (3) an *independent class* for individuals selected on the point system. The family class included immediate family and dependent children of immigrants and refugees.

The humanitarian class reflected Canada's humanitarian position on refugees and people in "refugee-like situations". Of the two streams defined under the humanitarian heading, the first defined designated classes and standards for refugees who were selected overseas by the Canadian government and by sponsoring groups such as churches. Selection of these refugees was made on capacity for resettlement,

based on immigration criteria, without the need to apply the Geneva Convention definition (Lanphier, 1990). The case of Bosnian refugees accepted into Canada in 1996 is an example of this. *It is important to note that since 1979 three quarters of the refugees who have come into Canada have been selected overseas, coming as permanent residents with the possibility of applying for citizenship* (Lanphier, 1990:82). The second stream of the Canada as permanent residents with the possibility of applying for humanitarian category was the implementation for the first time in Canadian immigration law of a refugee determination process for inland claims, that is claimants who arrive in Canada lacking any prior government contact.

Numbers of refugee claimants arriving in Canada at the time were low and the refugee determination process which was put in place reflects the fact that the Immigration Department had not thought this would become a major avenue for refugees seeking resettlement. Policy focus was still on resettlement of refugees selected overseas. The Refugee Status Advisory Committee (RSAC) was instituted with a board of eight members to handle refugee claims. This process was struck down in April of 1985 in a landmark decision of the Supreme Court of Canada which recognized in the Singh decision that refugee claimants had rights in Canada, and as such had a right to an oral hearing which the RSAC had not been designed to offer (Matas, 1989). Rejected refugee claims were therefore directed to the Immigration and Appeal Board (IAB) for an oral hearing. As the IAB was not designed to accommodate large numbers of cases, the system was soon overloaded creating a backlog.



### *The 1980s*

Inland refugee determination had not received much attention until 1980 when a task force was commissioned by then- Immigration Minister Lloyd Axworthy. In 1981 the Robinson Report was commissioned and in 1984 Rabbi Plaut was commissioned to conduct a thorough review of legislation and practices. Following the Supreme Court decision and the emerging backlog at the IAB, two major events precipitated tabling of new legislation in the House of Commons.

The first event resulted from changes to the US immigration law in late 1986. An engorgement at Canadian borders was created as Central American refugees, directly affected by the policy changes, began moving north. Beginning in February, 1987 administrative measures to handle the inflow were announced by the Immigration Department. These constituted part of a long list of measures that have been introduced throughout the years to 'deal' with the refugee flows arriving at Canadian borders. According to one expert, long-term planning in refugee policy has always been deficient. "The Immigration Department's approach to refugees has always been reactive, putting in place programs thought to cap the 'asylum-seeker problem'" (Augenfeld, 1997). As thousands of refugee claimants arrived, Immigration officials felt that they were losing control over the selection of people entering Canada: a period of repressive measures was begun.

Following the increased arrival of Central American refugees, a boatload of Sikhs arriving off the coast of Nova Scotia in the summer

of 1987 precipitated Parliament being called back from summer vacation for an emergency session, to deal with the issue. A crisis was created in the media that Canada was being invaded by refugees.

The development of a "refugee crisis" was at least partly an intentional outcome of government policies. Unable to control the volume and source of spontaneous convention refugees, the determination system was allowed to grind to a halt to pave the way for radical restructuring. The mass media also helped to build up the issue into a political crisis (Creese, 1992:131).

Immigration officials reacted to the 'crisis', and changes to the 1976 Act were tabled in the summer of 1987. Bill C-55 and Bill C-84 proposed major changes to the refugee determination process and also gave new powers to Immigration officials. Bill C-84, the "Detention and Deterrence Bill" created an uproar in the non-governmental sector working with refugee claimants. Changes to the 1976 Act were written by Immigration officials and did not respect the provisions for protection outlined in either the Robinson or Plaut reports. On the contrary, this legislation rendered the concept of asylum "an appendage to the concept of refuge" and the procedures outlined in this legislation replicated the process in place for determination overseas. "In effect, the concept of asylum is reduced to a set of procedures for refugee determination of persons who land in Canada and wish to make such a claim" (Lanphier, 1990:86).

As a result of this legislation, a new refugee determination process came into effect in January 1989. As soon as the Bill became law, the Canadian Council of Churches instituted a national fundraising campaign to challenge the constitutionality of 88 articles of the legislation. The Churches lost the possibility of representing refugee claimants on appeal and the case never made it to the Supreme Court.

The liberalizing trend in refugee policy of the 1970s was reversed in the 1980s (Creese, 1993:123). Government policy during this period "led to the lowest inflow levels since the end of the War" (Simmons and Keohane, 1992:423). By the late 1980s however levels were up again, largely because the doors were opened to foreign investors and the expansion of the definition of family members eligible for sponsorship. This created problems in terms of targets: "official targets were not only rising, but actual inflow levels tended to exceed them by a considerable margin" (Simmons and Keohane, 1992:423). When the White Canada policies were revoked in 1962, concern remained within the Department as to the selection of immigrants. The influx of refugee claimants also made projecting levels difficult. According to Simmons and Keohane "[a]n issue which fell outside the targeting of immigrant flows was the matter of large numbers of refugee claimants arriving in Canada" (1992:423). The main difficulty lay in a fair and efficacious processing of claims.

### *The 1990s*

In October 1990 a five-year plan was announced by the Minister of Immigration. Total yearly immigration levels would rise to 220,000 for

1991 and to 225,000 by 1995. In 1995 the Immigration and Citizenship Plan for 1995-2000 was introduced. The total intake of immigrants and refugees was to be between 195,000 and 220,000 per year (Citizenship and Immigration Canada, 1996). In 1996 the Minister of Immigration commissioned another report to completely overhaul the refugee determination system. A Report was presented to the minister in 1997 (Trempe et al., 1997), yet it would seem that many recommendations made have again been shelved. The Minister has announced a number of changes to the Immigration Act and there is current [1999] on-going discussion as to planned changes to the refugee determination system.

A number of administrative changes have been made to the 1989 refugee determination system which have been seen by refugee advocates as attempts by immigration officials to further restrict access to the refugee determination system and to maintain control over the entry of refugee claimants into Canada. More insular administrative techniques (Creese, 1992:127-128) have been put in place to further control the flow of refugees. These include a processing fee of 500\$ per permanent residency application which was instituted in 1992. In 1994 another fee, the new "Head Tax" of 975\$ per adult was also instituted for each refugee claimant accepted as a refugee plus 100\$ per child (Lacroix, 1995). Creese argues that these measures are put in place to control refugee flows, with the intention of regaining the ability to preselect refugees from abroad.

Although refugees are not immigrants in the normal sense of the term, Canadian refugee policies have long been premised on the ability to treat refugees like immigrants,

preselecting from abroad using immigration criteria of adaptability (Creese, 1992:127-128).

The history of refugee policy in Canada is a relatively short one. As Canada has always seen itself as a country of resettlement and not as a country of first asylum, it took time to respond to growing international refugee movements and address the question of refugee status in domestic law. Before the institution of an official refugee determination system in 1978, refugees were accepted on an *ad hoc* basis, depending on international situations and international pressures in burden-sharing. Increasing refugee flows, the diversity of the composition of the flows and the breakdown of the system in the late 1980s led to a new system being put in place in 1989.

Rabbi Plaut concludes that in Canada we have frequently done the right thing but unevenly. It is time for Canada to look at factors which influence refugee movements and what our appropriate responses should be. He further concludes that we should understand the "interrelation between refugee law and asylum and between national sovereignty and international individual rights" (1990:80). He states that "there is still a distance between legal recognition and administrative attitude" (1990:80).

Hathaway's comment that "states demonstrated a determination to limit the scope of the altruistic humanitarian exception to existing immigration norms" (1990:134) sums up trends in post-war international and Canadian refugee policies. Following European

trends, trends in Canadian refugee policy have been and continue to be increasingly restrictive.

### *Summary discussion*

In late 20th century, discourse on refugees is dominated by philosophical (Chanteur, 1994) and legal debates (Hathaway, 1991) on what constitutes asylum and states' responsibilities for accepting and resettling refugees. The international reality which led to the Geneva Convention on the Status of Refugees in 1951 is by 1999 no longer reflected in that definition. With the dominant discourse being torn between humanitarian and economic, social, and political concerns, policies today are primarily directed at reducing the numbers of asylum-seekers by any administrative means (Santel, 1995) and many will argue that "the logic of exclusion predominates" (Thanhardt and Miles, 1995:3). The Dublin and Schengen agreements of the early 1990s, progressively moving towards harmonization of immigration and refugee policies within the European Union, aim at exclusion rather than inclusion (den Boer, 1995). As attempts to harmonize immigration policies across Europe have intensified since the late 1980s, there is a parallel process where economies and markets are internationalized and transnational economic interests override states' control and capacity to respond to social needs. In this context, "social dispossession and political disenfranchisement have been spreading" (Mayer, 1995:299).

On a local level, refugees do not have full citizenship rights and full participation in the polity. Concretely this means that different

immigration policy practices make it impossible for refugees to fully participate in host societies: temporary status while waiting for citizenship; inability to have professional credentials recognized; and thus inability to work in their fields and being relegated to menial jobs.

## CHAPTER 6

### **The refugee claimant subjectivity: Findings**

*Mais, un vrai réfugié, ça représente quoi?*

(Rwandan claimant)

#### **Becoming a refugee**

*Political events in the country of origin: the genesis of refugee subjectivity*

Becoming a refugee is a process which starts with political events in refugees' countries. These events are important constitutive elements in their refugee subjectivity, and claimants expressed a need to debrief and to make sense out of their experience. The claimants from Burundi, Rwanda and the Ivory Coast elaborated extensively on the political situations in their countries. Recalling the situations which led to flight also reveals their political involvement and elements of a past subjectivity.

...j'étais membre de la direction d'un parti d'opposition; je faisais de la politique à un très haut niveau. Et c'est là que les problèmes ont commencés, parce que le parti au pouvoir faisait tout pour briser l'ardeur de l'opposition. Nous avons été les premiers à lutter, justement, pour le rétablissement de la démocratie en Côte d'Ivoire.



Political events leading to flight and the long road to becoming a refugee are only part of story, however, which began with their own political activities. Discourse on events which forced them out of their countries is contextualized in the context of their own involvement in political activities and sheds light on our understanding of why people leave if they are politically committed. Two of the claimants interviewed had been actively involved in what are commonly considered active political activities. They understood that these activities put them at risk but considered that this was their fight and a vital one for their country. As one claimant from Rwanda expressed, as long as you believe in the cause you think you will change the world, you think you will achieve it. When they realize that they may be killed for their activities, they must reassess their situation and consider not only their own welfare, but above all, the welfare of their families and those around them. Details emerged explaining how political assassinations occur and how political murders are made to appear like accidents or the result of home break-ins. Persecution often starts with anonymous telephone calls; and while some people can't remain mute in the face of what is going on around them, at this point they realize that their lives are in danger.

Break-out of ethnic wars also puts individuals at risk because of their belonging to a particular ethnic group. These events are so far-reaching in their complexity that refugees still cannot fathom what occurred. One of the Rwandan claimants talked about how the genocide started in Rwanda and mused about his own responsibility and how he could have stopped it. To witness the murdering of women and children,

those who were innocent, was inexplicable and the memories of those events still haunt him.

...qu'on se soit retrouvé à la fin des années '94 dans cet éclatement de toute violence. Le bilan est tellement mauvais que je crois, je me mets en cause moi-même, je fais une analyse et je vois ma part de responsabilité, j'essaie de voir la part des autres, mais quand je suis seul, quand je réfléchis je trouve que c'est inexplicable... inexplicable. On a toujours parlé de ce génocide ... il y avait des femmes et des enfants qui étaient là, qui n'avaient pas tué personne (Rwandan).

The claimant from Burundi discussed at length the events which led to the military coup and the death of the president and numerous ministers in 1993. As with the claimant from Rwanda, he also described the killing of innocent people during those events which precipitated an ethnic war. His description of the situation of the Hutus, those who were being massacred by the Tutsis, gives an important insight into the situation of those who were studying abroad when the events started. His story reveals the unfortunate circumstances of those who could not return and contextualizes dilemmas faced by those who become refugees while living abroad. Being Hutu he could not return and, as he will later explain, he could not remain in Germany.

...en octobre '93 ils ont fait vraiment un coup d'état; ils ont tué le président, ils ont tué des ministres, ils ont tué tout. Et ça fait une guerre ethnique... ce sont des civils qui meurent,

qui sont des victimes. Alors, avec cette situation là, moi je me suis dit que je ne pouvais pas rentrer au Burundi. Moi je suis Hutu. Si je rentrais au Burundi je devais réintégrer à l'Université du Burundi où j'étais assistant, alors que l'Université du Burundi a été nettoyé ethniquement. En juillet 95, des Tutsies étudiaient à l'Université, ils ont massacré tous leurs collègues Hutu qu'ils ont pu massacrer... Alors le reste ils ont fui, ils sont partis au Zaïre. Bon, d'autres, ils sont partis partout ailleurs. Bon, au niveau des enseignants, tous les enseignants Hutus, presque tous, ils sont partis. Il y en a qui sont morts assassinés, d'autres ont pu fuir. Bon. Ce qui fait que il y a encore tous les assistants qui étaient à l'étranger pour des études (Burundian).

Political events which occurred in the claimants' countries of origin constitute the "objective" elements which forced them out of their countries or impeded their return. These events shattered their lives, their dreams, and as they lead them down the road to becoming refugees, the hope for a better future and the possibility of being part of that future is extinguished. One Rwandan's comment on this was particularly poignant:

On accepte la défaite, c'est comme si on accepte d'éteindre la lumière qui était allumée en toi. Mais on se dit, ma cause, elle était juste.

Leaving is seen as accepting defeat, renouncing the ideal which fuelled the struggle. This leads to a profound rupture in their political subjectivity and diminishes who they were, creating a derivative, as one claimant put it, of the men they were. One way to fight defeat is to find a country of settlement where it is possible for them to maintain their political activities. This, however, as is discussed further below, is not always a permanent solution.

The magnitude and the complexity of ethnic wars and political persecution not only forced them out of their countries but also left indelible memories and questions as to what had happened and what could have been done to stop the massacres. The fact that claimants spent a good deal of interview time discussing these events points to the fact that they need to talk about these events and, above all, need to feel that they are being listened to. Their discussion of events which precipitated their flight also reveals that none of the claimants interviewed was prepared to become nor had they thought of ever becoming a "refugee".

*Being forced out -- lack of choice*

Reasons for flight differed according to individual circumstances but the impact of flight on their "becoming refugees" was strikingly similar for all the men interviewed. For all claimants interviewed the process of becoming a refugee started with being forced out of their country. Feelings of loss and sadness were expressed as they recalled having to

leave. All described a strong attachment to their country,<sup>7</sup> where they were settled, lived with their families, had jobs, cars, and houses. These feelings were accompanied by the realization that to become a refugee was something which had been outside of their control, and had come at a time when their lives were solidly in place. All of the older claimants mentioned their age and the impact of becoming a refugee so late in life. As one claimant pointed out, life expectancy in Rwanda is only in the early fifties. At age 35 there is not much time left. They also expressed disbelief at the fact that they were forced to leave when their lives had been so normal and tranquil.

...moi je n'ai jamais imaginé qu'un jour je vais quitter mon pays, parce que tu peux dire quand t'es bien, il n'y a pas de problème, et puis, euh, c'est venu comme ça, subitement, et j'avais pas le choix, il fallait quitter. C'est une situation difficile. Je frôle les 45 ans...Moi je n'aurais pas imaginé une situation de vie que je deviendrais réfugié à 45 ans. J'aurais aimé être réfugié à 27 ans! Parce que de toute façon, à 45 ans, je ne veux pas, je ne crois pas que je vais oublier le Rwanda comme ça... (Rwandan).

J'ai fui à 35 ans, c'était un mauvais âge. Toutes les bases de ma vie que j'avais jettés s'étaient écroulés (Rwandan).

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<sup>7</sup>In a statement made by the then Canadian Minister of Immigration, Lucienne Robillard, in June 1999, she stated that some three hundred Kosovar refugees who had been taken in by Canada were now ready to return to Kosovo. In her announcement the Minister stated that the refugees from Kosovo were a different kind of refugee in that they had strong ties to their country. One needs to ask if that means that all other refugees who come to Canada do not have the same attachment to their country.

Je suis allé en Afrique du Sud pour travailler en '95. Euh, bon, là-bas j'ai travaillé, bon, tout allait bien. Et puis ma famille m'a rejoint en Afrique du Sud en '97, donc, on mène une vie tranquille quoi! (Ivorian).

For the Ivorian claimant, South Africa had become his refuge from the pressures related to his political activities in his country. When his visa was not renewed and he was asked by South African authorities to leave the country he understood that their motivations were tied to the country's attempts to regain control over all aspects of life there and give a chance to South African doctors to take over where foreigners had previously been working. Although he understood this, seven times during our two-hour interview he mentioned the fact that he lived a tranquil life, expressing disbelief over the fact that he had been forced out when everything was so normal.

Three of the claimants had left their countries to work or to study. For those who had left to work, they had gone to a country where there were possibilities to settle and rebuild lives for themselves and their families. They had not asked for asylum in these countries and had planned to return when the situation stabilized in their own country: "...oui, moi j'avais l'intention de rentrer" (Burundian). Furthermore, for two of the claimants, they could continue their political activities in the host country.

...en fait quand je suis allé en Afrique du Sud c'était pas pour revendiquer un quelconque statut. Bon, c'est vrai, les

gens me menaient la vie dure chez moi, euh, mais je suis allé en Afrique du Sud pour travailler, et même je continuais mes activités politiques là-bas en Afrique du Sud. Donc, moi j'étais là-bas, j'étais en Afrique du Sud, je travaillais, bon. Ca allait durer le temps que ça allait durer, jusqu'à ce que les choses s'arrangent chez moi, à la maison (Ivorian).

The fact that they made the decision to become a refugee while living in a country other than their own is an added dimension to the fact that they were being forced out. In fact, they were twice forced out, and the second time they had no choice but to become refugees. Choice is a recurring theme throughout the interviews; they have been forced to become something that they have not chosen. They did not choose to become refugees, they did not choose to leave their comfortable lives, to leave their families, to come to Canada, to be underemployed or unemployed or to remain on welfare. Throughout the process of becoming a refugee many things are imposed upon them, from the route they take to leave to the choice of lawyers once in Canada.

In all of this, however, there is still personal agency and openings in the system which allow them to choose, however small those decisions or however laden with irrevocable consequences.

*The decision to leave -- the choice is made*

Claimants interviewed acknowledged the fact that they were refugees, having been forced out of their countries by political circumstances. In

spite of the fact that situations outside of their control had forced them to leave their countries, there was also an element of "having made the decision to become a refugee". For one claimant, this decision was not a rational one as he wasn't conscious of the consequences of the decision. All claimants interviewed recalled the moment and the circumstances under which they made the decision to leave and to become refugees and to break all ties with their past life and environment. As one stated, "Mais là j'ai décidé de tout, tout abandonner. Je ne peux pas retourner au Burundi en tout cas (Burundian)". The Ivorian claimant echoed the same thing:

L'Afrique du Sud ne voulait plus de moi parce que, bon, ils m'ont donné un papier pour quitter le pays. C'est en ce moment que j'ai décidé. Et c'est quand j'ai reçu ce papier de quitter l'Afrique du Sud, mais j'ai dit mais je ne peux pas retourner chez moi pour des raisons politiques. Donc, qu'est-ce que je fais? C'est là que j'ai décidé de venir demander le statut de réfugié politique ici (Ivorian).

Whereas the older claimants made a decision to become refugees, for the younger ones the situation was somewhat different. For their own protection, the younger claimants were made to leave by their families. Too young to be involved in political activities, their parents and extended families seek to protect them by sending them out of the country and they have no choice in the matter. As with the older claimants, disbelief about having to leave when life was so normal was also expressed,



...ouais, moi, j'ai jamais imaginé qu'un jour je vais quitter mon pays, parce que tu peux dire quand t'es bien, il n'y a pas de problèmes, et puis euh, c'est venu comme ça subitement, et j'avais pas le choix, il fallait quitter... comme j'étais l'aîné et le seul garçon on ne voulait pas que je sois entraîné dans cette affaire ou bien que..., euh, parce qu'ils peuvent m'éliminer, donc, il fallait absolument que, moi, je parte, que je parte (Tchadian).

Three claimants had the possibility of settling in another country without asking for asylum. They had made the choice to escape persecution by settling elsewhere on the African continent. Choosing to settle in another country, without asking for asylum, is a process which resembles the "immigrant" trajectory, where one decides to immigrate to another country to better life circumstances and keep the family together. Should this option have been a permanent one, they would not have been subjected to the refugee determination process and its ensuing consequences. The "immigrant" migratory trajectory would have allowed them to remain in similar cultural environments, retain their professional and social statuses and the family units would have been protected. This has important consequences for their refugee subjectivity since an important element of choice was taken away from them when political circumstances in those countries changed and forced them out yet again.

When the Ivorian doctor was asked to leave South Africa he was again confronted with possible persecution in his country. Two other claimants had migrated to the Congo and when war broke out they

could not return to Rwanda. In the end, their last choice was to become refugees by initiating a process which would eventually officially confer that status.

The choice is made to leave or departure is prepared by family and another issue arises: that of country of destination. As choice is made to become a refugee, there is limited choice as to country of destination. Choice is restricted by visa requirements and international and national policies which may impede access to any asylum system. Choice is made to go somewhere where they will have the opportunity to resettle. Temporary stay in another country means a life unsettled.

Nous avons choisi de venir au Canada parce que déjà en Afrique du Sud je faisais des recherches sur internet, pour voir quel pays qui était le mieux, oui, oui, oui, pour, pour y aller. Et c'est le Canada que j'ai retenu. Parce que aux Etats-Unis par exemple, c'est pas organisé comme cela. On savait que c'était dur mais au Canada, c'était le moins dur (Ivorian).

...alors je me suis décidé, bon, il faut que j'aille quelque part...(Burundian).

The claimant from Burundi was in Germany, as is discussed further on, and he could not stay there lest his life be completely put on hold for an indeterminate period of time. By coming to Canada he knew that he could eventually resettle. Choice to leave also involves consequences for the individual's subjectivity. Visa requirements to travel are a major

obstacle for refugees wanting to come to Canada. In many cases they are forced to travel with false documents because obtaining a Canadian visa is practically impossible. One claimant from Rwanda was particularly distraught by his experience of having to travel with false documents. Choices are made but they are profoundly disturbing ones. "On doit inventer des mensonges. Mais c'est terrible ça. Il faut changer d'identité."

*The point of rupture - the beginning of a new subjectivity*

As choices are made, elements imposed by the international refugee regime such as visa requirements start changing the subjectivity of the individual as he becomes a refugee. The decision to become a refugee represents the point of rupture with the old life, the beginning of a new subjectivity. This sense of rupture was profoundly felt throughout all of the interviews and it is so profound that one of the claimants could not describe what he represents to himself anymore. The image of cutting the umbilical cord is used by one claimant

quand on se décide d'être réfugié, c'est qu'on accepte, à 90%, de, de, de, se couper de cet environnement-là. Je dirais que c'est qu'on coupe le cordon ombilical, on laisse ça ailleurs. Et je suis ici et...je ne me représente même pas ce que je suis maintenant (Rwandan).

The content of the discourse was strikingly similar among all claimants in this process. The image of the umbilical cord being cut represents the beginning of a new life, that of a child being born. Five claimants

independently chose the exact same metaphor when describing the refugee experience - associating it with being born; and like a newborn, a refugee needs to be carried and then learn how to walk, first on his hands and knees, then on two legs.

Un réfugié, c'est cet homme-là qui vient, qui atterrit je dirais comme s'il naissait de nouveau, donc c'est quelqu'un qui a besoin d'être porté quelque part (Rwandan).

C'est un enfant qui vient juste de naître. Donc, petit à petit il va marcher à quatre pattes...il va vouloir marcher à deux pieds... (Tchadian).

...and then, like a child, you don't know anymore (Rwandan).

...So, I think that's my general view on ... a refugee...when he gets here. The best way to describe it is like being born again (Kenyan).

In the former quote the claimant uses the same metaphor but relates it to the experience of arriving into a new society. For this younger man from Kenya, being a refugee means starting over in a new society and pursuing his life's goals. This dichotomy which emerged between the older (in their 40's) and younger claimants (in their 20s) will be further addressed in a later section.

One claimant from Rwanda pushed the metaphor even further and talked about cutting the umbilical cord with the motherland. To become a refugee means not only to cut the umbilical cord from who you were but to sever all ties with the land that nurtured and protected you and with which you still have profound emotional ties. This severing of ties is the beginning of the new subjectivity, one which is, at this point in the refugee determination process, still difficult to envisage.

*Consequences of the decision - rebuilding their subjectivity*

The umbilical cord is cut from the old life at the point where the decision is made. To become a refugee carries with it sacrifices and profound consequences, the most important of which is starting a new life. It means starting over and rebuilding their subjectivity, their sense of who they are.

on savait que ça allait être dur, ouais...On savait qu'il y avait des sacrifices à faire. Nous savions en quittant parce que euh, bon, on n'allait pas nous déplier le tapis rouge quand on allait arriver comme les Kosovars!! (Ivorian).

on recommence tout à zéro quoi...(Ivorian).

Et là j'ai l'impression que je dois recommencer à zéro (Rwandan).

Although claimants knew that the decision to become a refugee would carry its consequences, they could not fathom, a priori, the extent to which this would have an impact on their lives. A profound sense of rupture was expressed, especially by the older claimants, one which touches at the very core of their being and their humanness. That profound disruption in their subjectivity brings them to a new point, that of reconstruction of who they are. Over and over, claimants expressed the fact that it's not only rebuilding their lives but rebuilding their subjectivity, who they will become.

Je n'ai pas de famille ici...j'avais ma résidence, je ne l'ai pas; j'avais ma voiture, je ne l'ai pas; j'ai encore mon bagage intellectuel mais c'est comme si je ne l'avais pas. On dirait que ce que j'étais et ce que j'ai été est resté là et je suis obligé de me créer une autre vie. Et là, tu vois, c'est, c'est une partie de moi, de moi en tant qu'humain, qui est resté... je suis en train de chercher de me rebâtir (Rwandan).

Et me retrouver avec rien... (Ivorian).

They carry the wealth of who they were within themselves although it is as if it had been left behind, with the umbilical cord. What is expressed is the difficulty of being a newborn at the age of 35 or 40. All of the older claimants were professionals and were part of the intellectual elite of their countries. As such they were highly respected members of their society and had held a high social status. Materially they all had houses and cars and one Rwandan claimant also had

servants. Social status and material ease are one aspect of their past subjectivity which has been severed. Another important dimension of this subjectivity is their responsibility to family and community. This is further discussed in Chapter 7.

*The object and the subject -- refugees are individuals with a history*

Refugees are more than objects created by international law. Subjectively they are individuals with a nationality, a proud history and a wealth of experience.

un réfugié a une citoyenneté, il a une nationalité, un réfugié c'est quelqu'un qui a une fierté avant d'être réfugié (Rwandan).

le réfugié c'est, le monde des réfugiés en général, c'est aussi un monde de richesses. C'est des gens qui ont des richesses, qui ont des potentiels, qui ont fait des choses... (Rwandan).

je suis médecin, j'ai quand même beaucoup d'années d'expérience... je dirigeais l'hôpital, j'étais directeur d'un hôpital! (Ivorian).

When describing who he is, he doesn't say he was a doctor, in the past tense. He says he *is* a doctor. This man mentioned 18 times he was a doctor during our two-hour interview. This element is at the core of who he is and the fact that he cannot practice medicine in Canada and

especially that he is not recognized as the medical professional he is, has profound repercussions on all aspects of his subjectivity and the possibilities for his integration into the host society. What was left behind of themselves, of who they were, is compounded by important material losses which are profoundly tied to their social class and status.

### *In search of asylum*

For the older refugee claimants interviewed, they have left difficult political circumstances or decided not to return to situations which would put their lives at risk. The decision to become a refugee is often made in the country of origin. Frequently however, claimants are living in a country other than their own when conditions in their countries change, making it impossible to return. Claimants must then decide how or where to become refugees.

Discourse of the claimants on the step that follows the decision to become a refugee reveals the confusion which they experience as to what constitutes a refugee. A feeling is expressed that refugees usually leave their country of origin, but do not become refugees from a second country of residence, even if that place of residence is a temporary one.

Bon, j'ai pas suivi, ça ne suit pas une démarche habituelle du réfugié, parce qu'en général les réfugiés sont pourchassés chez eux, ils partent de chez eux, ils vont demander un statut. Moi, ce n'est pas ce... En Afrique du Sud, s'ils ne m'avaient pas donné ce papier-là de quitter, on serait resté là (Ivorian).



A similar experience is recounted by the claimant from Burundi who was studying in Germany when he decided to come to Canada to claim refugee status. Somehow there is a feeling that when you are already outside your country and you cannot return, it is not the normal way to become a refugee.

*Migratory trajectory and international barriers*

The migratory trajectory of the claimants reveals the difficulties imposed by international laws governing refugees and the admission of foreigners into sovereign states. One claimant was studying for his PhD in Germany when violence erupted in his country. Being from a persecuted ethnic group, he could not go back. He explained how he could have asked for asylum in Germany but how the consequences of that decision would have been devastating for him and his family:

...à la fin de mes études il s'est produit un problème d'où faut-il aller...en Allemagne, pour les gens du Burundi, il peut demander l'asile mais le parlement a mis une loi là-bas qui dit que bon, ils ne peuvent pas être traités, ce qui fait que on s'asseyait dans un camp, dans un camp des années et des années, sans, sans aucune réponse! Bon, j'ai des amis qui sont là-bas depuis, qui sont venus du Burundi en '93 après le coup d'état,..., ils sont là jusqu'aujourd'hui. Il n'y a pas une seule réponse...

Et j'étais allé voir un avocat pour demander, si je vais dans ce camp-là, est-ce que, quels sont mes droits, est-ce que mes enfants vont pouvoir aller à l'école. Il m'a dit que non et il m'a encore dit si je veux que mes enfants aillent à l'école, il faut que je rentre au Burundi. C'est ce qu'il m'a répondu. Pour me dire qu'en fait du dois choisir entre devenir réfugié en Allemagne et aller t'asseoir dans un camp où les enfants ne peuvent pas aller à l'école, de ne rien faire, ou tu rentres dans ton pays (Burundian).

This claimant made inquiries as to the possibility of coming to Canada as an immigrant but was told by the Quebec Immigration office that there were no openings for professionals in his field in the province. He could have applied directly to Canada but needed 10,000 deutschmarks, per person, to be eligible. These factors discouraged his application as an immigrant. With very few options, he chose to leave as a refugee and come to Canada. Another claimant had applied for refugee status at a Canadian consulate in November of 1997. When he was forced to flee in 1999 he still had not received an answer from Canadian officials, not even a notice that his application had been received. This is another case which points to a situation often decried by Canadian NGOs working with refugees who denounce the lack of resources to deal adequately with overseas refugee applications, and lengthy waiting periods which may put the refugees' lives at risk.

Questions of delays in overseas applications and the lack of opportunities to come as immigrants are coupled with difficulties in travelling which create barriers for refugees who may want to leave the

continent. The itinerary claimants take to reach Canada is also revealing of the barriers that have been set up to stem the free flow of people around the globe. All claimants travelled through at least two countries before they were actually on their way to Canada. One of them was detained in a refugee camp in Nairobi and others had to spend time in other countries in order to get their travel documents in order.

j'ai traversé au moins trois pays pour arriver ici. Moi j'ai vécu dans un camp de réfugiés...Je suis allé au Kenya. J'ai été en prison au Kenya parce que j'étais réfugié. Je n'étais pas seul. On était peut-être des milles de réfugiés qui avaient été emprisonnés (Rwandan).

when I got to New York I didn't know anyone. I walked around for three days and found a place to stay. I met someone at the apartment hotel where I was living. He told me I should not stay here, that it would be too difficult. He told me I should go to Canada. I took a bus and came to the border (Rwandan).

je pouvais aller en Belgique ou en France, d'un pays voisin là-bas, mais il y a ce qu'on appelle l'Accord de Schengen. Les accords de Schengen font que quand tu es déjà dans un pays trois jours tu vas dans un autre, on te renvoie (Burundian).

...je suis passé bon, de mon pays, je suis allé dans le pays voisin, le Cameroun. [Went through Europe]. Après quand

je suis arrivé au Nigéria je suis venu des Etats-Unis, des  
Etats-Unis, en autobus! (Tchadian).

Difficult political situations on the African continent and international barriers such as the ones encountered in Europe with agreements such as Schengen and Dublin, create added anxiety and pressure for the refugee seeking asylum. Another barrier concerns the possibility of remaining in the region and settling in a neighbouring country. As discussed in the case of the Ivorian and one of the Rwandan claimants, staying in the region may be possible but political instability and ever-present risks of military coups or ethnic violence further jeopardize long-term resettlement possibilities. According to one claimant, there are possibilities for resettlement in some African countries such as the Congo, but refugees are on their own and must set up their own businesses in order to survive which is not possible for everyone. Refugee camps have been set up in a number of African countries where conditions are difficult and dangerous, particularly for women. Possibilities for long-term resettlement in these countries are also minimal.

Also, as mentioned by two claimants and detailed by one of the Rwandan claimants, the fact that they belong to the intellectual elite is an important consideration in resettling on the continent. As one man stated, "there aren't twenty thousand of us, maybe a few thousand", which means that they are easily traceable so that staying in a neighbouring country may not be a safe solution. Families have also been separated by wars and political events and are spread out in different countries. When refugees arrive, they may put family

members and their communities at risk, as discussed by one of the young claimants,

...on est voisin avec le Cameroun, alors on est passé par le fleuve jusqu'au Cameroun. Au Cameroun on ne pouvait pas rester parce que c'est juste à côté, on est passé au Kenya et là on a une tante là-bas, une tante paternelle à moi, on est allé chez elle. Elle a fait beaucoup pour moi, euh, parce que dans tous les pays euh, africains, la zone euh, bon, tout le monde a de longs secrets partout, donc ma tante a trouvé que je ne pouvais pas resté au Nigéria parce que c'était juste à côté du Tchad, alors tout peut arriver, elle a consenti d'énormes sacrifices pour moi, puis elle m'a demandé de quitté le plus rapidement possible...(Tchadian).

This claimant mentions the difficulties encountered as he crossed the border into the neighbouring country. The decision to leave, in his case, has touched members of his extended family, his aunt also having had to make sacrifices for him to be safe. He also mentions "long secrets" people have, alluding to the fact that it is a small world and that people eventually know who you are and where you are from. This comment is interesting from a cultural point of view and it is something that I have encountered in my work with refugees from different parts of the world. Networks are quickly established once refugees arrive here and it becomes obvious that some of these connections extend to their pre-migratory activities. The fact that people often know others from the same village or city, from place of work or study, is one of the elements that makes it difficult for them to trust other members of their

community once they arrive here. A mistrust is often felt or expressed towards other members of their community as they do not know what connections others maintain with the country of origin. "Long secrets" about one's subjectivity or political activities can become a liability for the claimant facing a refugee determination process or it can be a serious security risk for families left behind.

The barriers, then, are numerous, from international restrictions to various country situations which make it impossible to gain access to asylum and resettle. The trajectory of becoming a refugee starts with leaving. Once they arrive in the country of destination, Canada, the full force of their situation becomes more deeply felt.

### **Being a refugee in Canada**

*alors, on a pitié de soi-même. On dit mais c'est, c'est terrible ça*  
(claimant from Ivory Coast)

### *To be or not to be - the dichotomies and the contradictions*

Being a refugee claimant in Canada is an experience characterized by an on-going dichotomy and contradictions -- having the experience of **seeking** refuge or asylum (being a 'refugee' in the general sense) contrasted with **being** a refugee determined by a refugee determination process, contradictions related to who they were before and who they are now. Although they consider themselves to be refugees, they must now prove it. The claimant from Burundi expressed it well,

Toi, tu, tu, tu es convaincu que tu, tu es réfugié. Mais il faut aussi que tu puisses être accepté, et ça veut dire pour moi, ah, une contradiction interne qui fait que parfois c'est pas du tout facile. Quand tu te perçois comme cela, mais il faut que tu puisses être accepté comme cela.

Other claimants echoed the same thing,

ouf... être réfugié! Enfin, je suis pas encore réfugié! Ils ne m'ont pas encore accordé le statut!

Question: donc, pour vous, réfugié c'est quand on vous reçoit?

Oui! Parce que là j'ai, j'ai pas encore été reçu. Enfin, oui je me sens comme un réfugié puisque, oui, puisque je peux pas retourner chez moi. Quelqu'un qui peut pas retourner chez lui euh, pas par sa volonté, mais par la volonté d'autrui, et qui se retrouve ailleurs, je me sens réellement comme un réfugié, euh, je me sens réellement comme un réfugié. Mais, bon, ça c'est ce que je ressens. Bon, c'est différent du statut, de papier, la reconnaissance par oui, je me sens comme un réfugié, mais c'est pas toujours plaisant parce que vous pouvez pas retourner chez vous, euh, ça implique beaucoup de choses (Ivorian).

This dichotomy dominates their experience of Canada. They are refugees but the possibility of asylum rests on the determination of their refugee claim; resettlement is out of reach until their claims are

adjudicated. This creates a feeling that their lives are stagnating and on hold.

The older claimants interviewed expressed experiencing an on-going contradiction in terms of their past subjectivity. When asked about who he was in his country, one claimant from Rwanda responded that the question was embarrassing.

J'étais une personne qui avait un rôle à jouer dans la société Rwandaise...Je dis que c'est embarrassant parce que ça, ça, ça me rappelle tout, ça me rappelle toute ma vie, toute ma valeur que j'avais. La valeur de l'homme qui, qui fait des choses, qui est apprécié, qui s'apprécie et qui sent qu'il a la possibilité de faire monter une communauté. Et je dis que c'est embarrassant parce que ça me mets justement, en, en, ça me permet de réfléchir justement sur ce que je suis aujourd'hui...tout à fait une dialectique, une contradiction (Rwandan).

That dialectic referred to here is pervasive in their discourse. They remember who they were before they came to Canada and they are faced with the reality that they are now something else, a contradiction which for now, seems very difficult to overcome. A recurring theme to this contradiction is loss, constituting an underlying thread throughout their discourse as they reflect on the refugee determination process.

On another level is the contradiction relating to the definition of what constitutes a refugee and Canadian foreign policy. One Rwandan



claimant was particularly articulate in his analysis: he raised the issue that many Rwandans have studied in Canada and he could not understand why Canada wouldn't accept them when they become refugees.

In fact, there are many foreign students in Québec universities who come from French-speaking African countries. They have established ties which they often maintain when they return to their countries. This claimant, who had applied for refugee status at a Canadian consulate, felt humiliated by the fact that he had to come to Canada and go through the refugee determination process when the political situation in Rwanda is so well-known. He pointed to the case of the refugees from Kosovo and wondered why they had not been asked to justify their cases.

*Canada and elsewhere -- the choice*

Being a refugee in Canada is different from being a refugee in another country. The situation is seen as evolving here, whereas in many countries, asylum-seekers are often forced into camps for an indeterminate period, with limited, if any possibilities.

un réfugié c'est être réfugié. Mais on est réfugié, c'est tout. Bon, mais heureusement, même qu'ici, bon, on est nouveau réfugié ici... c'est après qu'on doit demander d'être immigrant, euh, résident permanent, je ne sais pas. Ici ça évolue mais il y a d'autres pays où tu es réfugié pour être réfugié (Burundian).

et avec le statut de résident permanent il y a beaucoup de choses qu'on peut faire. On pourrait reconvertir en autre chose, pourrait, bon, on peut faire des projets (Ivorian).

To become a refugee therefore means to flee one's country in search of asylum and resettle elsewhere. From the discourse there emerges an understanding that refugee status is not the end of the process which was initiated when they fled their countries. The end of the refugee process will come when they are allowed to resettle in another country and have the opportunity of moving on with their lives. Choice is made to move beyond that status, which they see as a temporary one, to another status which will allow them to reconvert into something else which is more permanent: "On a hâte de se débarrasser de ce jacket-là de réfugié".

#### *Uprootedness and need for direction*

The refugee experience is about being uprooted and not knowing where or how to start over. When they become refugee claimants, there is no direction, no framework within which they can evolve. "C'est le démantèlement". There is no guidance and there is a feeling of being "led" and of not knowing what to do or where to go. All claimants expressed this.

...je me sens mené. Je ne sais pas où mettre les pieds...je me lève le matin, je ne sais pas exactement ce que je veux faire de la journée. Je reviens le soir, je ne sais pas ce que

je fais le jour suivant. Je ne sens pas, personnellement je ne sens pas aujourd'hui. Je n'ai pas encore mes pieds sur terre. Je n'arrive pas à, à me définir un cadre dans lequel je peux évoluer. J'étais quelqu'un qui avait une trajectoire, qui avait des obligations. Et là j'ai l'impression que je dois recommencer à zéro. C'est vraiment déchirant pour moi (Rwandan).

Où est-ce que je suis, où est-ce que je vais...c'est, c'est, ça fait beaucoup de peine (Ivorian).

The fact that there is no guidance leads to the question of services to claimants which is discussed in a later section.

Refugee claimants have been allowed into Canada while they wait for their cases to be adjudicated. Their past subjectivity has been lost and they live without knowing what will happen next. Throughout this initial period, not only do they consider themselves to be something other than who they were, they speak of Other, the refugee as something removed from themselves.

### *The Other*

*...là je me suis dit que c'est une autre personne*  
(claimant from Tchad)

Another shared element in their discourse was the fact that, although they all considered themselves to be refugees, when elaborating on an

answer, they frequently referred to refugees in the third person. "Refugees are people with a wealth of experience", "refugees need direction", "le réfugié, c'est cette personne-là". Yet, often when discussing particularly personal issues, such as being on welfare, they referred to themselves in the first person. In the process, they leave the old subjectivity and become someone else, for a time, to the point of not knowing who they are anymore. Referring to "refugees" is also indicative of the fact that the refugee claimant subjectivity is something that is not theirs; it is something which has been imposed, which they will discard at the end of the process.

### **The economy**

None of the claimants interviewed had been integrated into the economy through paid work valued at the level of their professional skills. All claimants were humiliated by the fact that they were professionals on welfare. The humiliation touched a profound aspect of their subjectivity - that of no longer being socially valued and contributing members of society, a status which was taken away from them by the refugee claimant process.

...je suis médecin...

Who wants to be on welfare?

...you don't expect somebody who comes from Rwanda,  
who was a University professor, who was a journalist, to

come here and stay on welfare for three years, you expect him to stand out and further his career.

### *Wage labour*

All the men interviewed expressed a need to work and although they were realistic in their expectation that they would not necessarily find work in their fields. Except for the claimant who was 34, they were resistant to working in a factory. One Rwandan explained that to work in a factory would mean going to work early and returning home late. This presented a major obstacle in his search for work in his area and his networking efforts which would eventually help him find a place where he could put his experience and knowledge to use. Another claimant echoed the same thing, saying that he was not averse to working in a factory as he had done so while in Germany. He explained however that this work would cut him off from the possibility of making appropriate contacts to find work in a related field.

...parce que je ne peux pas chercher du travail, bon, à la manufacture, oui, mais un travail de, technique, sans statut, ce serait impossible.

The claimant from Burundi was invited to a meeting with a businessman hiring immigrants where he met immigrants who had been in the country for over one year. All had professional credentials, masters' degrees and doctorates. None had found professional jobs, not even unpaid internships. As he says, if these people cannot find work

after being in the country for one year, he cannot expect to find work in his situation. He will have to be patient.

One claimant from Rwanda, who had been a prominent businessman, was working in a factory at the time of the interview. Following the interview I learned that he was now working day and night, at two jobs, to keep busy and to keep himself from thinking about his situation. He had told me that when he was not working, all he wanted to do was sleep and that he stayed in bed all day. Work then goes beyond conferring the status of being a contributing member of society and becomes a way of escaping the reality which is, in his case, was too difficult to bear.

All of the older claimants defined work in terms of their professional credentials and the possibilities opened to them to claim their past subjectivity. More importantly however, was their desire and their need to be productive members of society here and to their families and communities left behind.

Searching for a way to make connections with a network he knew and in search of a way to be productive, the medical doctor went to the volunteer bureau. His account of the experience reveals how his past subjectivity is profoundly altered by the experience:

Bon, là je suis allé m'inscrire au centre de bénévolat là de Montréal. Bon, avec ma qualification ils n'ont pas beaucoup de, de, d'ouverture de bénévoles pour nous autres. Bon, mais, moi je peux pas euh, il y a des postes bénévoles dans

des hôpitaux -- aller donner à manger aux malades et tout ça. Mais je ne peux, je je, je, la frustration sera trop grande d'aller torcher<sup>8</sup> des vieilles personnes ou bien de leur donner à manger. Euh, ouf, pour ce que j'ai été, c'est très frustrant. Ils n'ont qu'à me trouver autre chose, ils n'ont qu'à me trouver, j'sais pas moi, euh, un poste, sais pas, peut-être de chargé de recherche ou bien dans un conseil d'administration, d'assistant de recherche, euh, des genres de trucs comme ça pour, sinon, c'est dévalorisant pour moi. C'est réellement dévalorisant. J'ai dirigé du personnel, et j'ai dirigé des projets. Donc, il y a des services qui euh, demandent des médecins pour être directeur de projet, coordonnateur de projet. Mais en général c'est des organismes à but humanitaire, les ONG international. Bon j'ai essayé de contacter ceux-là. Pour l'instant j'ai pas reçu de réponse favorable (Ivorian).

His discourse reveals many of the same preoccupations expressed by the other older claimants. Not only is there no possibility for meaningful work, there is also the fact that they feel diminished by the experience of not being contributing members of the host society. It is clear that the claimant status becomes the major barrier to finding work in this society.

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<sup>8</sup>To wipe clean .

### *Barriers to work*

Many barriers exist to finding work, not least of which is their precarious status. The claimant from Burundi was asked by a professor at the University to give a lecture. When he asked him what his status was here, the claimant told him that he was a refugee claimant. The professor told him he could not help him in this case. For the doctor, there were other systemic barriers, set up by the Quebec College of Physicians.

Bon, je ne peux pas travailler comme médecin, parce que les étapes sont vraiment presque impossibles. Euh, bon, parce que pour l'examen d'aptitudes il me faut mille dollars pour les frais d'inscription, bon, mille dollars c'est ce que je gagne pour faire survivre ma famille!! Donc c'est bon, donc, je ne peux pas passer l'examen même si je voulais, et puis les autres boulots, j'ai essayé, j'essaie beaucoup, parce que, comme médecin j'étais euh, directeur d'un hôpital, donc, je sais faire de l'administration.

The fees are only the first in a series of barriers set up by this professional college. This is further discussed in Chapter 7. The story of one of the claimants is particularly revealing of the difficulties posed by the refugee determination process when it comes to finding professional work. This claimant had the opportunity for full-time work in his field only one month after arrival thanks to contacts he had in Québec. On the application form was a question regarding status. At first he thought of putting "refugee" but his legal counsel told him he



was not yet a refugee. He decided to write "immigré", European noun for immigrant. His lawyer replied that he couldn't write that either. When he pushed his lawyer, "what do I write, then?" his lawyer replied to leave it blank. In the end, even though he was interviewed, he did not get the position because he had not yet received his work permit.

### *Material subsistence*

#### *On était bien. J'avais deux voitures (Ivorian)*

The issue of material subsistence is intricately tied to the status claimants left behind in their country of origin and to their responsibilities, either to their families who are with them or to those who were left behind. This is further discussed in the section below on family. How they survive on welfare is a concern expressed not only in terms of standard of living but also in terms of what they can afford to give their children.

les enfants disent, bon, quand on va chez des amis, à la télévision ils ont le câble... moi j'avais le câble en Allemagne et, c'est la première chose qu'ils me disent, mais papa il faut avoir le câble voyons! Mais, moi je ne peux pas payer 30\$ à chaque mois, je n'en ai pas. Mais ils disent, mais pourquoi est-ce que tu n'as pas d'argent? uh!... là, c'est des questions, bon. Les enfants aussi disent, [laughs] mais cette fille qui va à l'école elle dit que vraiment notre maison c'est la, la, la plus pire qu'elle a vu dans sa vie! [laughs, sighs], eh ben... On lui dit bien il faut attendre, je vais vous

acheter des, des, des, coussins, non pas des sièges, des, des bonnes chaises...Mais là je n'en ai pas, qu'est-ce que je veux mais, il faut accepter cette vie-là...(Burundian).

je suis, on est obligé de vivre avec mille dollars alors que j'avais un salaire, j'avais un salaire euh, un salaire net qui tournait autour de, euh, 4,500, l'équivalent de 4,500\$ (Ivorian).

Another contradiction which is implicit in their discourse relates not only to the diminished standard of living but also to being categorized as needy. There is a factor of humiliation, "On peut penser qu'on m'aide, mais non, c'est humiliant". They understand that being on welfare is a necessary step in the overall process but at the same time they are cognizant of the fact that receiving welfare labels them as destitute people when subjectively, they are not.

### **The State**

*Est-ce que tu vas être accepté comme réfugié?*

(claimant from Burundi)

The State, understood here in its broadest form, consists of power exercised through different control mechanisms put in place by institutions and practices. It is a major player in the lives of claimants. Immigration practices, through different administrative mechanisms (welfare office, immigration offices, IRB) are a constant reminder to claimants of the precariousness of their status.

Initial contact with the State through immigration officials is experienced with anxiety and apprehension. It is at this moment that the refugee determination process begins and forces the realization of the contradiction between considering themselves to be refugees and having to justify that fact. Initial contact with State authorities embodies the label which will now categorize them as refugees. "Ce statut colle sur vous, vous n'y échappez pas". Their subjectivity is altered from this moment on as they officially become refugee claimants. All claimants were cognizant of this fact. This is also the moment at which they realize that there are rules they must live by, "On vit maintenant selon des règles, comme une machine. Donc, on n'est plus naturel". This new set of rules, which are unknown, creates anxiety as they do not know what to expect from the process but more importantly, they do not know what is expected of them.

For those who travelled with false passports the anxiety is even greater as they are aware of the fact that they have lied and are unsure as to how this will be received by immigration officials.

*The immigration bureaucracy and paperwork*

*ah!!là!! là c'est barbare!! là c'est réellement barbare.*

(Ivorian)

Encountering the immigration bureaucracy is an experience all claimants remembered. For those who travelled with false passports the initial encounter with immigration officials was particularly painful

as it confronted them in their values. One claimant was particularly explicit in detailing the anguish felt and was very candid about the issue of the false passport, something not easily discussed by all claimants. Having lied, even though he had no choice, created a psychological burden for him and constituted a humiliating experience. He felt a deep sense of guilt and uncertainty about how the immigration official would react when he told him that the passport he used to travel was false and when he produced his own valid passport which was still stamped with Canadian visas from the years he was here as a student.

Tu dois avouer ton mensonge et tu ne sais pas comment on va traiter ton mensonge. Tout le temps il [the refugee] gère ce mensonge-là.

As claimants are met by officials there are many issues they must personally contend with, not least of which is the fact that the passports were obtained through illegal channels. This is another source of concern as some of them had received help from officials in other countries and as such feel a responsibility to protect those people from being charged with aiding and abetting refugees. Claimants thus feel that there are reasons for concealing the identity of those who helped and it is a useful insight into the reasons for their vagueness when answering questions. However, this also contributes to further alienating the claimant from his subjectivity and he now feels that he has to answer questions not as he would like to but in relation to what he thinks is expected of him.

On ne répond pas en fonction de soi-même mais en fonction de ce qu'on pense que les gens veulent entendre. Etre réfugié, ça pousse à un reniement quelque part de qui on est (Rwandan).

From the initial encounter with an immigration officer there are many questions to be answered and four of the claimants drew attention to that process. Long hours were spent on arrival answering questions and filling out documents, and waiting to be processed. All claimants waited at least three hours, three of them more than ten hours. Those claimants who spent more than ten hours at the border office, were made to wait in the waiting room on hard chairs, with no food. This was especially difficult for those claimants who had children with them.

Although they are given the documents they need to further the process and a list of organizations which can help them find food and lodging, only two claimants mentioned this fact. One explained that he was so tired that he did not even look through all of the papers which were handed to him. No information is given them as to how the process will proceed or what to do next. They are told to go into Montreal and not given any direction as to how to get there. All of them took a bus into the city. When they enter Montreal they made their way to the YMCA where the paperwork is processed for them to lodge. Two claimants arrived after midnight and the YMCA offices were closed. One claimant with a family spent the night in the subway and then at the bus station above the subway station. Another claimant spent the night at a men's hostel where he was robbed of his small camera and electric shaver, his only two valuable belongings.

Both of these claimants had acquaintances in Montreal but refused to call them, explaining that these people also had families and their own problems and that they did not want to be a burden. The claimant who spent the night in the hostel had told immigration officials at the border he had friends in Montreal. As a result he was not issued the document which would have allowed him to stay at the YMCA. On the second night however, faced with the prospect of sleeping in another hostel, he felt obliged to call his friends who came to pick him up. His discourse indicated that somehow he felt he had to go through that process, as if he was being punished in some way. This initial contact at the border has made them feel they have no rights. As one claimant put it, "on dirait qu'on ne reconnaît pas qu'il [the refugee] a des droits".

From the time of arrival at the border where they first encounter an Immigration official, they must fill out the appropriate forms, stating their reasons for asking refugee status. The first few weeks are spent going to different government offices to get their files in order. First there is the Canadian Immigration and the Immigration and Refugee Board (IRB). Then there is the revenue department of Quebec where they must fill out yet more forms in order to receive social welfare, and the Quebec ministry of immigration where they must fill out forms to receive their identity documents. A paper trail emerges which is cumbersome and even though the older claimants had had experience with bureaucracies in their countries or in their work outside their countries, all mentioned the enormity of paper which needs to be filled in throughout the process.

I fail to understand, personally, why, when somebody tells you he's a refugee you should waste two years or three or five years of his life working on paperwork (Kenyan).

Je ne sais pas, euh, [breathes in deeply...] les nord-américains, je ne sais pas! Ils aiment la paperasse. Je ne pouvais pas imaginer que dans des sociétés aussi évoluées telles que les Etats-Unis et le Canada, on pouvait aimé la paperasse comme ça!!!! ouf... Non, non, à ce niveau, vraiment, ils n'ont qu'à réduire le nombre de papiers, parce qu'il y a trop de papier, trop de papiers à remplir, c'est, c'est, ouais... et moi je suis venu avec, euh, nous étions six! avec une femme et quatre enfants! Il fallait remplir ces mêmes choses-là six fois!!! [laughs] Ah non, non, non (Ivorian).

I: alors, vous passez beaucoup de temps au début là-dessus?

absolument!! En plus on se trompe, euh, on passe énormément de temps euh, bon, là on était coincé, il fallait le faire sinon, si j'avais le choix je, je ne l'aurais pas fait ,non, non, non, il y en a trop... non, mais il y en a trop de paperasse, trop de papiers à remplir (Ivorian).

Part of their reaction regarding the paperwork involved as they made their claim lay in their not knowing how different levels of government work. In Québec initial application is done at federal offices but more paperwork is necessary for the identity documents which are issued by the Québec immigration ministry. This document entitles the claimant

to welfare and medical services. Privacy laws protect information-sharing from one ministry to the other and hence generates what seems to be a double process. Time spent however going from one office to the another is all-consuming, especially in the first weeks after arrival. Throughout this initial phase there is no guidance as to where to go or how to get there. They are given the addresses of the different offices which are spread out across the city. They must spend an inordinate amount of time learning how to get from one place to another.

*The waiting and the uncertainty*

*le plus difficile... c'est l'attente, oui, l'attente (Tchadian)*

*ce qui est le plus difficile c'est, c'est l'attente (Ivorian).*

From the moment they arrive the process is fraught with uncertainty. My experience with refugee claimants taught me that waiting for status is one of the most painful periods of the claimant process. Discourse of the claimants on this question revealed how pervasive this aspect is in their lives and how their lives are put on hold, impeding their progress towards settling here and starting over. Not knowing when things are going to happen is a disempowering process; and they do not know how long it will take nor do they understand the reasons for the delays. Distancing himself from the process, one claimant spoke of the problems related to the slowness of the process in the third person.

...this is somebody who is already tormented. If the society or the system keeps him at a point of just relaxing to wait



for the LONG [emphasis] coming hearing, uh, you see, you're destroying this person's life (Kenyan).

Vous savez rien. Vous êtes là comme ça. Vous pouvez rien. Vous pouvez faire aucun projet, euh, vous êtes bloqué de partout, même quand on veut, on ne peut rien projeter, on peut rien projeter. On attend. Mais le plus dur c'est l'attente, l'incertitude, ouais, ouais, c'est surtout ça (Ivorian).

Along with the uncertainty of their being accepted is the uncertainty as to reasons for the delays. Two of the claimants interviewed had had their scheduled hearings at the Immigration and Refugee Board cancelled, without notice of a future date. This creates a situation where the claimant has to run after the paper trail and track down another hearing date or wait for one to be sent to him, creating a yet more stressful situation. The possibility of settling in Canada depends on obtaining a positive decision from the IRB, and only that piece of paper will ensure their future. Without that paper nothing can move forward in their lives. The claimant from Kenya summarized the worry expressed by all claimants,

From the moment he arrives here, he should be processed in a way that at the end of the proceedings, he feels yes, I'm at power with everyone in society... I think one of the reasons why I found it a bit too depressing, because you wait for something that you're ready for and you wait too long...(Kenyan).

They consider themselves to be refugees, they are ready to be accepted as such and move on, but there is the bureaucracy which requires that they prove it. Having to prove it is also a source of stress as they do not know how their story will be received nor do they know how the IRB officials will react. Many unknowns are identified regarding the process and what will happen if their claim is rejected which only serves to increase feelings of helplessness.

C'est l'attente qui est difficile parce que on ne sait pas. Parce que vous venez avec une histoire, que vous allez raconter à des personnes, qui auront à juger, de, de la crédibilité de votre histoire. Et ça on ne le maîtrise pas. Le jour où vous allez raconter votre histoire tout dépend de l'agent qui est en face de vous, de son humeur ce jour-là et sa réceptivité. Une histoire peut être authentique, bon, mais la manière de rendre. Il y a beaucoup d'aléas qui sont difficiles à maîtriser (Ivorian).

I didn't expect to be that messed up. I personally, before I got here, I didn't, I didn't, I knew the vocabulary of being depressed but I didn't know the feeling. You know, I didn't even **believe** [emphasis] it was possible. But I came to understand it after living it. It's like, it got to a point where I could just sleep. That side of hopelessness. And you know, when you get here, is that idea of if things don't work out you'll be deported (Kenyan).

Waiting for status is a major barrier to the integration process. As one claimant exclaimed, "on ne peut pas rêver de s'intégrer, si on ne peut pas réinventer l'avenir, on est à moitié mort". Dreams of integration and starting over are shattered by a process which takes too long. An overall sense of uncertainty is expressed: about hearing dates, when the process will be over, when they will be reunited with their families.

Uncertainty regarding other elements of the process such as when the first welfare check will come present other issues. It is impossible to plan as they do not know when this will happen. When claimants first arrive they are lodged at the YMCA in downtown Montreal for a period of approximately 10 days. During this time their applications for welfare are being processed and they must look for apartments as they must leave the YMCA as soon as the first cheque arrives.

Two claimants had a particularly painful experience with this process. While at the YMCA, one man had gone out to look for an apartment. During his absence his wife was asked to leave the YMCA as their welfare cheque had arrived. When the claimant returned he found his wife and their children outside on the sidewalk. While she had gone out to buy laundry soap their room had been locked as their first welfare cheque had arrived. When she made inquiries she was told the cheque had come and that they had to vacate the premises. There was no warning, no time to properly pack up and have lunch with the children.

For the other claimant, who stayed a month because of problems related to his application, sanitary conditions, especially of the communal bathrooms, was particularly difficult, "j'ai pas supporté. Je suis resté un

mois là-bas, mais c'était... euh, c'était un enfer". What was particularly distressing for him as for others in this situation was not so much the fact that the YMCA could not keep up with cleaning of the bathrooms but that they had had a different standard of living in their country of origin. They were now being thrown into a situation with hundreds of claimants -- single men, families -- from all over the world, without any regard for who they were. Two of the claimants expressed feeling like animals, not being human throughout these first days.

*The IRB -- delays and functioning and uncertainty*

At the IRB cases which are considered almost without contest are brought up for a speedier hearing at a fast-track process. Claimants know about this process but do not understand how it works nor the reasons to explain why their case had not made it to this speedier hearing. Only one of the claimants interviewed was referred to the fast track. His description of the fast-track system revealed complete ignorance of how the process works. He referred to the "speedy" process and the "long" process which is how it looks from the outside but has nothing to do with the worth of an individual case. Not being referred to the fast-track was a common source of worry and concern. Delays at the IRB are also a common occurrence and hearings are often postponed. No reasons are given and this contributes to their feeling of insecurity.

## **Family**

Roles in the family and responsibilities toward the family and the community are profoundly altered by the refugee determination process. For those claimants who were married and had left spouses and children behind, the experience was particularly painful. One claimant from Rwanda said he would rather not discuss the matter as it was too painful. He did eventually, through the course of the interview, discuss some points.

Imaginez-vous que je ne connais pas exactement leur situation...des fois je me prends pour quelqu'un de lâche...puisque ce que j'ai fait n'est pas raisonnable. Ce que j'ai fait est le résultat des circonstances. Quand j'ai vu les militaires qui arrivaient, je suis sorti par une autre porte. Je suis parti. Je n'avais pas le temps de discuter avec ma femme, mes enfants, mes parents, qui étaient partis dans une autre famille...Je suis parti, je suis pas revenu. Je suis pas revenu. J'ai pas pû revenir (Rwandan).

I have seven children, my wife is alone and I don't know how they are doing...I think about them all the time. When I'm not working I stay in bed and think... (Rwandan)

Not only is there anguish as to how their families are getting along without them, there is a profound rupture in their roles as provider and protector of their families. These feelings brought into question their decision to leave even though they recognised that the alternative would

also have been disastrous for their lives. One claimant said he was a dead father, a dead husband. He explained how he could no longer console his children when they were hurt, how he could no longer protect them. His wife now had sole responsibility; it was as if he were dead.

Being in a position to support and protect their spouses and children is only one aspect of their family responsibility. Other aspects, related to culture and the definition of family as including the extended family, were also salient. For one claimant, the obligation extended to his village where everyone had contributed to his university studies. It was now up to him to help other village children with their studies, which he could not do. Financially, he said, I can't even spare 10 cents, I can't even write them. The Ivorian claimant clearly expressed the responsibilities dictated by cultural norms. When asked if his role towards his family has been affected by the fact that he is a refugee claimant, he responded with an emphatic yes,

Ah oui! Absolument! Absolument! Et c'est, et ça c'est encore l'un des gros problèmes, absolument. Parce que en Afrique ceux qui ont des qualifications comme nous, des professionnels comme nous, la famille attend beaucoup de nous. La famille est là vous vous retrouvez dans une situation des gens que vous étiez auparavant, vous vous retrouvez dans une situation où vous ne pouvez rien faire. Vous pouvez plus les aider et c'est difficile pour eux de comprendre.

Not only can they not help their families left behind, they cannot explain in a reasonable and comprehensible way why they cannot help. One claimant found it particularly difficult to explain to his mother that although he was living in Canada his situation did not permit him to send money. His father, he said, would say that he understood but could never fully comprehend the barriers. This creates a profound humiliation when confronted with their family's needs. This, said one claimant, becomes part of the sacrifices they must make.

The younger claimants who were not married also had a difficult time, especially due to the fact that they felt responsible for family members left behind. The young man from Tchad who was the eldest of the family felt particularly responsible as his father had been disappeared and the responsibility to care for the family came to him. Now that he had left the country, he was worried about the well-being of his family.

Parce que même on n'a pas de ses nouvelles. On ne sais pas s'il est mort ou, ou, on ne sait pas. Alors, euh, s'il n'est pas là c'est moi qui doit prendre la responsabilité de la famille. C'est vraiment très difficile... on n'a pas le choix (Tchadian).

For the young claimant from Kenya, separation from his family was particularly painful,

...it's something that really messed me up when I got here.

### *Daily life*

Other categories emerged from the data which were of concern to claimants interviewed. Within this context of waiting for status, and the fact that not having their skills recognised impeded refugee claimants from finding meaningful work, the question of how they spend their days was particularly interesting, providing insight into how they perceive themselves and how they are trying to recapture their past subjectivity.

For all claimants interviewed, the first two weeks were spent settling in and looking after their refugee status applications, applying for welfare, getting the necessary material things to settle into an apartment.

Dans les deux semaines c'était le temps de courir là-bas, les documents, la, euh, le ministère de la citoyenneté, euh, et puis bon, la commission de l'immigration, faire les examens, et puis bon, il fallait aussi aller au ministère du revenu, pour qu'on puisse avoir l'aide sociale.

After the first weeks spent on settling in, claimants settled into a routine, which was important to all claimants interviewed. As the claimant from Burundi expressed, he was used to getting up in the morning to go to the university and come home late. One claimant from Rwanda expressed the same thing. As refugee claimants they would still leave their homes early in the morning, to search for work, to get documents to complete their immigration files, to try to make contacts which would help them connect to some network which would



be useful to them in their professional careers. Claimants from Tchad and Burundi would go to public libraries and surf the internet. The claimant from Burundi still had some books from his studies and would read, go to public libraries and take books out.

J'essaie de partir là-bas...je vais souvent chercher comme diable, je fais des réservations sur internet, je n'abdique surtout pas de chercher du travail, des informations...Je vais dans les bibliothèques, j'ai des cartes, je prends des livres. Je lis. J'essaie de, de, bon, de continuer.

je suis arrivé avec mon ordinateur, donc je passe toutes les journées sur internet. Je passe presque tout le temps sur mon ordinateur.

not in the sense of furthering knowledge because that is free to me. I can go into any library and read.... (Kenyan)

### *Integration and settlement issues*

*Je n'ai pas choisi d'être réfugié, je ne suis pas un cas.*

All claimants expressed the need to talk, the need for material help, the need for direction. Underlying these needs is the theme of choice; not having chosen to become refugees but still facing a refugee determination process which puts their lives on hold. These elements

present major issues for future integration. How can people settle when options offered them are so limited?

You know, you've got to look ahead. But you don't look ahead when all the odds are against you. And there's also this idea of, uh keeping, of limiting you to one chance. You're either in school or you're working. I mean that's somebody taking you into his arms the, the carving of your life. I think that's wrong. It should be my choice. Whether I want to go to school or not. Whether I want to work or not. And what I question is what does the society offer in return to help me do this?

Feelings that their lives were on hold, that they could not move ahead with their careers or plans to study, was experienced by all claimants interviewed. Distinctions in the focus of the experience between the older and the younger claimants emerged throughout the interviewing process. For the claimants in their 40s, the refugee claimant process was particularly difficult as they already had had careers and a settled life. The first claimant from Rwanda expressed that he had never imagined he would become a refugee at the age of 42 or 43; he would have wanted to be a refugee at the age of 27. For the younger claimants in their 20s, there was also a feeling that their lives were on hold, "stagnating" from the Kenyan claimant.

Problems relating to settlement and integration were more salient with these young men than they were with the older ones. Focus for the older claimants was on their professional careers and reestablishing

themselves professionally. For the younger ones, they lamented the fact that there was no direction, no help, in understanding this new society. They expressed looking to the future to fulfill their dreams, to start a life, to build something for themselves.

Throughout this discussion, needs are identified and there is consensus among claimants interviewed that those needs are not met. The fact that there is no help for them either from government or from NGOs was raised as a serious issue. From the moment they arrive they are left on their own, and there are no available services to guide them and offer them direction.

...un réfugié c'est quelqu'un qui a besoin de, de parler de sa personne...et de se faire entendre. De parler de ses projets. D'essayer de discuter avec la personne, avec quelqu'un, pour que ce quelqu'un-là puisse l'orienter, puisse l'aider à faire un petit plan de réinsertion, de décider de pouvoir et renaître, et ça je ne le vois pas ici (Rwandan).

For the younger claimants, issues related to adaptation, to new ways --- the food, the clothing, how to behave with young women -- were more salient than with the older claimants. The younger ones focussed more on getting to know the society, cultural codes, learning how the society works and learning about the important cultural issues. Adaptation to different food and ways of eating were a major concern for the young man from Kenya. He expressed that he felt like a foreigner and that there were no services which would recognize that he was going through a difficult adaptation process. This again points to a lack of

services in mediating cultural issues when claimants arrive, especially for the younger claimants. The fact that the older claimants interviewed had travelled outside of their countries and that they were more mature and had been exposed to western ways may explain, in part, the fact that this was not a central issue of their experience. They had been at a different stage of their lives where they were already settled. Starting over at age 40 is more difficult than when you are just starting out at age 20, they felt.

### *Issues of racism*

Refugee claimants interviewed had been in the country for a short period of time. When people first arrive to claim status they do not realize or understand all of the intricate cultural, political and social dimensions of the host society. Racism can be seen as an underlying theme in the findings. The claimant from Kenya had been in the country for a longer period of time and had settled in to a point where he could start making links. For the others, the links were not so clear.

The claimant from the Ivory Coast did however comment on the fact that all newly arrived immigrants seemed to be put in the same place. His initial comment was that they were all put in the same bag. His reflections on how western societies see Africans is also telling of a profound misunderstanding as to who these people are. The other important element is that refugee claimants coming from Africa do not consider themselves to be black. They consider themselves to be Africans.

Et, bon, je l'ai pas encore beaucoup remarqué ici comme nous sommes là il y a juste trois mois et puis, on vit actuellement, nos mouvements sont très restreints. Euh, je l'ai pas encore constaté, je l'ai pas encore vécu le racisme ici. Bon, certainement qu'il y en a mais je, je, oui, j'ai pas encore vécu ça.

Mais ça c'est la société occidentale qui considère tous les africains comme ça. Et effectivement nous, quand je viens ici je me considère comme Ivoirien. C'est une entité parce que la Côte d'Ivoire est, même si je suis à côté du Ghana, totalement différente, vous trouvez des réalités complètement différentes, des cultures différentes. Mais quand vous allez en Europe, faites attention quand vous écoutez la presse occidentale, que ce soit canadienne, américaine ou européenne, quand on parle de l'Afrique et ça, ça nous, ça nous, euh, ça nous écoeure un peu. L'Afrique c'est un continent, enfin, [laughs], je veux dire, l'Afrique c'est un continent. Quand je parle de la France, je parle de la France, je parle de l'Italie, je parle de l'Italie, je parle pas de l'Europe mais, non, non, non, les occidentaux, on vous dit l'africain, les africains, mais l'Afrique c'est un continent, il y a mille réalités en Afrique (Ivorien).

...there are people that came here thirty three years ago from Haiti, how do you stand a case where a PhD holder has been driving taxi for the last twenty years. And I think that is a feature that is widely expressed and well presented

within the the African immigrants that I've met about here. I guess 80 percent have no good jobs...Due to what I can't say. They're either factory workers, they're either some restaurant assistants somewhere, they're either, you know, I'm sure these are not people who want to DO [emphasis] this. They're forced to do this (Kenyan).

The Ivorian doctor's comment on his experience regarding practicing medicine in this country is interesting in that it raises the possibility of racism or at least, the rejection of him as a medical doctor because he is a foreigner.

Ce que le Canada ne veut pas c'est que vous alliez tripoter leurs malades, toucher aux malades...

### *Summary discussion*

Talking with the claimants during the interviews was an exciting process as they readily shared their experience and opened up their personal subjectivities. Transcribing the material was much more difficult as the weight of what had been said came through. The profound disruption to their past subjectivities is what emerged. While I had known that the process of waiting for status was the most painful of experiences refugee claimants experience, the experience of being reduced to something they have not chosen is by far the most difficult aspect of their experience as refugee claimants. This is the story of people who have been forced out of their countries, uprooted from their families, their status, their material wealth. "This is how we suffer" (Rwandan).

Words of Viktor Frankl came to mind throughout this process. "Step by step I progressed, until I again became a human being" says Viktor Frankl of his experience in a concentration camp. Step by step, as a child learning to walk, the refugee claimant rebuilds who he was, rebuilds his life. Expressions of hope and points of resistance were interspersed with feelings of profound sadness and desperation.

There were many contradictions in their discourse. On one level there is the acceptance on the part of each claimant interviewed that he is a refugee yet has to be accepted by the immigration bureaucracy here; and this is a central concern expressed by all. The uncertainty of not knowing if they will be able to stay or if they will be deported while they are also making plans for the future and keep focusing on positive elements. It is difficult to be preoccupied with settlement and integration issues - adapting to a new environment even though you know you may, at some point, be deported.

## **CHAPTER 7**

### **Refugee claimant subjectivity: Discussion**

#### **Links to work, family and state**

Refugee claimants interviewed expressed their views on their refugee experience and their perceptions of the refugee claimant process. How does this relate to policy discourse and what links can be made with their subjectivity? The objective of this chapter is precisely to make those links between immigration and refugee policy discourse and refugee claimant subjectivity. Main categories which emerged from the data constitute headings in the interpretation of findings. Elements of the theoretical model, Foucault's (1976) work and critical components of poststructuralist theory on the social construction of the subject through discourse provide the framework of the analysis.

#### **Being a refugee**

##### *Discourse, definitions and subjectivity*

Amina Mama writes that "[t]here is no universal subject but only particular subjectivities and subjects that are located in discourses - and so in the social spheres...." (1995:98).

Interpretation of this data shows that the subject who has become a self-recognized refugee due to political circumstances in his country becomes a refugee claimant when confronted with the international refugee regime and the Canadian refugee determination process.



Constitution of refugee claimant subjectivity can thus be located within the refugee determination process, one of the practices of Canadian refugee policy discourse.

What constitutes a refugee was institutionalized in 1951 when a new discourse emerged on asylum, imposing a new subjectivity on those seeking a safe haven. The 1951 Geneva Convention definition was never meant to deal with people fleeing all situations: it was only with the 1967 Protocol that refugees from Asia and Africa gained the potential for recognition (Van Sel-Thorburn, 1998). States which have adhered to the Geneva Convention on the Status of Refugees have instituted their own refugee regimes, according to their own historical, political, ideological and social relationships to non-citizens. Hence the disparity among refugee determination systems across the western world and conflicting national views on what constitutes a refugee. As shown in the data, complex political and social circumstances have forced claimants interviewed to flee their countries. Ethnic wars and refugee camps set up to contain people for indeterminate periods of time are but two examples of today's multi-layered reality. Those fleeing persecution are not only restricted in their movements and possibility of resettlement, they are also caught up in practices which put them in a state of legal limbo for possibly many years.

Refugees have experienced material and ideological environments which have forced them to leave their countries. To gain access to asylum and the possibility of long-term resettlement, a refugee subject takes on the refugee claimant subjectivity, thus participating in the objectifying process. In the end, the objectification of the subject

creates a subordinating process where refugee claimants become Other to themselves and to those around them.

Definitions and various practices set up to deal with refugees have led to a state of confusion as to what constitutes a refugee (Fuglerud, 1997), and reflects what has been referred to as an "inherent 'natural obscureness' of refugees" (Steen, (1992) in Fuglerud, 1997). For Fuglerud, this "should be seen as the result of a failed effort to apprehend the 'meaning of refugeeness' by means of legal definition alone" (1997:447). Legal definitions are limited and restrictive in today's reality of refugee-producing situations and do not consider the individual's subjective experience of having to flee his country.

The men interviewed considered themselves to BE refugees yet had to prove it to an administrative tribunal, indicating that they had internalized the contradictions inherent in today's international refugee regime. To recognize themselves as refugees constituted for them a refugee subjectivity which had been caused by political situations in their countries. From the moment their lives were threatened, they chose to stop the persecution by leaving their countries and becoming refugees, someone in search of asylum. From that moment forward and outside of their control, another refugee subjectivity is imposed on them, one fraught with contradictions and confusion, a direct impact of Canadian refugee policy.

As the data in the previous chapter reveal, for those who consider themselves to be refugees the "meaning of refugeeness" is a profoundly alienating experience and results not only in forced uprootedness but in

a new subjectivity which further alienates them from their past lives and subjectivities. However, since states still maintain the right to define refugeehood, this enlarged potential for recognition is diminished as restrictive policies are increasingly put in place. This potential for recognition is the core element in any policy: states maintain the right to define refugeehood since ultimately this will mean offering membership. As discussed in the first part of this study, most of today's eurocentric definitions have been designed to contain rather than truly help those who became refugees following the end of the Cold War.

While refugee regimes have set up their definitions of what constitutes a refugee, simultaneously millions of people are fleeing political, social or religious persecution. Some are moving internally in their own countries, others are fleeing to neighbouring countries, yet others are moving towards western countries. People fleeing armed civil or international conflicts consider themselves to BE refugees: subjectively, for these individuals, this is refugeehood. *Refugeehood*, objectively, however, is that state imposed on refugees by policy which strips them of their past subjectivity and reduces them to an object defined by law. Internal contradictions and confusion expressed by respondents stem from the confusion in the discourse, thus becoming a major element in their subjectivity. Older claimants understood this contradiction and expressed it well.

### *Otherness*

As refugees become refugee claimants they enter into a category of "Other", giving way to contradictions in their subjectivity. Peter

Leonard (1999) refers to clusters of subjectivity relating to the structure of subject positions-- refugee, class, gender -- which individuals experience. In this study, the impact of policy is to establish a specific refugee subjectivity in which previous elements constituting the subject are stripped away. Subjectivities are not fixed and construction of the claimant subjectivity is complex and contradictory. Refugee claimants become Other to themselves and to those around them, yet they still refer to themselves in their past subjectivity. As Moussa writes, identities are not shed because people become refugees (1993:17). The claimant subjectivity has been foisted upon them, and although they consider themselves to be refugees and accept the fact that they must undergo the administrative process to prove it, they maintain a sense of their previous subjectivity by referring to who they are as individuals, in spite of the refugee label. Claimants as subjects, then, moved in and out of the policy discourse's definitions of their subjectivity. Often, during the interviews, the "I am" took over the "I was" or "I am a refugee", demonstrating a process of constitution and movement of their subject position.

#### *Power and resistance*

Questions arise as to the continuity of the subject - what is carried over from their previous subjectivities? What are the areas of resistance?

Henriques et al. (1984) raise questions as to the post-structuralist view that the subject is composed of multiple and contradictory positions or subjectivities. Indeed, they ask how are the fragments held together? Is the individual a sum of all positions in discourse since birth? By

leaving these questions unanswered they argue that we are left behind with discourse determinism which leaves no room for possibilities for change or a subject's resistance to change.

Claimants are subordinate to the policy process but within that subordinating process exists resistance, a motivation towards change. Through the process of otherization there is a dominant will, especially for the older claimants in this study, to work towards reclaiming their previous subjectivities. In the case of refugee claimants, different subject positions are held together by the will to survive or as one claimant put it, the will not to die. This search for what Moussa (1993) calls continuity in their lives she also found in her study on Ethiopian and Eritrean women refugees. Claimants' attempt to reclaim their past subjectivities is evidenced in everyday actions to maintain a routine in their lives, a link with the past subjectivity. This is also a form of what Foucault (1976) calls resistance. Against all odds they try to maintain a semblance at least of being useful, contributing members of the society, working towards recapturing their past worth.

Foucault's study (1976) on sexuality and the techniques of power (*techniques de pouvoir*) provides theoretical elements to understand the many ways in which discursive conditions affect the claimants' subjectivity. His representation of power is not confined to discourse but permeates all aspects of society (Sheridan, 1984), an element central to understanding how, as with the octopus, tentacles of power are numerous and diverse. In the construction of the refugee claimant subject there has also been a dispersion of centres from which discourse emanates. As Sheridan explains, "[f]rom the Middle Ages the exercise

of power has always been formulated in terms of law" (Sheridan, 1984:182). Refugee law, starting with the international refugee regime which has legally defined the refugee, through the development of definitions within nation states' policies has collectively worked to exclude asylum-seekers from developing countries. Discourse has been exclusionary, and all aspects of the refugee's life are permeated by practices which constitute him in a category of 'Other', further excluding him from full participation in the host society. These practices constitute precise procedures of power. Immigration and refugee policy, as one of the polymorphous forms of power, has served to control the flow of unwanted migrants and has been part of the discourse which has contributed to that construction of 'Other' as object.

In his analysis, Foucault (1976) rejects a monolithic view of power as merely repressive; it can also be a source of both knowledge and resistance. As cited in Sheridan. "Repression is rather one effect, among others, of a complex set of mechanisms concerned with the production of discourse (and silence), power (and prohibition), knowledge (and error)" (Sheridan, 1984:170). For refugee claimants, resistance comes from their attempts to find agency, the capacity to act, where it is possible. For example, the Ivorian doctor's attempts to volunteer, the Burundian's contact with a previous colleague and the possibility of being involved in a university, the Rwandan's attempts to network in the development field are all efforts to reclaim their capacity to be productive.

## **Being a refugee claimant in Canada**

### *Subjectivity and labels*

The term "refugee", Moussa writes, conjures up images and assumptions that refugees are and always have been refugees, erasing differences in education, class, ideology, ethnicity and rural or urban backgrounds (1993:26). Refugees, she says, "are thus robbed of their story, their history, their skills and life experiences when they become cases that need special services" (ibid.) Although she is referring to the particular situation of refugee women in camps, the statement also applies with claimants and becomes a relevant issue when planning and developing services to meet their needs.

A label serves a purpose in any society where there is a need to control and manage different areas of public life. Special categories of people are thus set up by discourse - "bogus refugees", "queue jumpers", "defectors versus refugees", etc. - to serve ideological and political purposes. It is easier to discount people as abusers of our immigration system when everyone, as expressed by the Ivorian claimant, is put in the same bag.

Henriques et al. write that

discourses are not non-contradictory, uniform processes...but are complex systems of regulated differences that are intricately in ongoing struggles involving power and social relations (1984:113).

Historically, policy discourse on refugees, as discussed, shows concern for the resettlement of refugees at different times throughout history. When ideological and political contexts change, however, and the need to control immigration becomes a priority, new categories of migrants emerge. 'Refugee claimants' are those who arrive uninvited, who challenge existing structures. Policy has objectified them, obliterating who they are, their backgrounds and their needs. As refugee claimants they are seen as marginal beings who should accept what is given to them, regardless of their specific needs. A contradiction in policy thus arises as they are provided for by law, even though the Immigration bureaucracy would rather select refugees overseas.

The experiences of the Rwandan who had to spend his first night in a men's hostel, the Burundian and the Ivorian claimants at the YMCA in downtown Montreal illustrate the fact that they are not considered as subjects. It is difficult to comprehend how a woman with two small children can be put out on the sidewalk, not be allowed to have lunch, because their time is up -- the welfare cheque came.

Conditions at the YMCA are surely better than those in refugee camps in other countries, yet a mentality persists which treats refugees as a homogeneous category, regardless of their backgrounds and needs. Again, they "don't have a choice", they must quietly negate who they are, their professional status, their social class, their cultural habits.

Finally, the claimant label, which has been created by refugee policy discourse becomes a way for the immigration department to exert its



power over individuals considered to be less deserving than those who have been identified as truly needy, such as those in refugee camps in different parts of the world or those who, like the recent Kosovo refugees, have attracted wide public and political support: and the impact of this label is a negation of their subjectivity which creates important losses.

### *Losses*

"J'ai décidé de tout abandonner" captures the overwhelming feeling of loss described when the decision was made to become a refugee. Moussa (1993) describes this moment of decision as the initial consciousness of becoming a refugee. One of the women she interviewed is quoted as saying "realizing you are a refugee is feeling you have lost everything about willingness". Her findings were strikingly similar to those found in this study. Women interviewed in her study described this moment as being accompanied by feelings of loss, emptiness, fright and loneliness.

Loss of their previous subjectivity is the most important loss expressed by the men in this study. Over and over during the interviews, the men spoke of who they were and who they are now. Loss of personal worth and value, loss of status, loss of a profession which defined them. They have been stripped of who they were,

...toute ma valeur que j'avais, la valeur de l'homme qui, qui fait des choses, qui est apprécié, qui s'apprécie et qui sent qu'il a la possibilité de faire monter une communauté.

...j'avais un statut

...j'étais médecin

Loss of who they were is exemplified in their use of the past tense -- I was a doctor, I had a status. Losses are intertwined with the label that has been ascribed to them and loss of their previous subjectivity is their most tragic loss when they become refugee claimants. Claimants interviewed for this study were very conscious of the fact that they are now seen as refugees and as nothing else in the eyes of the bureaucracy they were involved in. This has an impact on every facet of their lives, from the possibility of finding adequate work, dealing with the bureaucracies, their role in their families and the possibilities that are open to them in terms of moving beyond the label of "refugee".

Ornguze's (1992) research findings further indicate that all refugees identify themselves as such - nothing else. They have lost their countries, their families, their homes. "They will confront the loss of their culture - their identity, their habits" (Mutiso, 1979 in Stein, 1981:14).

#### *Being a refugee and cultural meaning*

Perhaps the most striking finding when analyzing the discourse was the fact that five of the men interviewed used the same metaphor when describing the refugee experience. Comparing the experience to that of a newborn child was used even though they were from different parts of

the African continent. This raises the question of the role of culture in interpreting the refugee experience. What do the symbols and the parables mean? How do they convey different experiences?

This expression of profound disruption to their past subjectivity also clearly supports the hypothesis that the experience of being a refugee claimant is one experience that crosses national and ethnic boundaries and points to a universal experience of being a refugee. "Refugeeness" is that state of loss, of having to start over and, like a newborn, having to learn to rebuild your subjectivity, to become someone.

*Pre-migratory trauma -- political events and meaning*

Being a refugee means having lived through the trauma of forced migration and political situations which most westerners only ever view on television. In a recent study 99% of respondents had experienced at least one traumatic event related to repression, war or another armed conflict in their country. Furthermore, 33% of respondents reported having been tortured, 40% had been imprisoned, 51% had been directly threatened, and 76% reported having witnessed violence beyond imagination (Bertot & Mekki-Berrada, 1999:3). Focus of interviews for this study was not on pre-migratory trauma but on their experience after arrival in Canada. What emerged, however, during the interviews was a need to talk about the political situations which prompted the claimants to leave their countries. This was especially poignant with the claimants from Rwanda and Burundi. A need was profoundly felt to find meaning in an experience that is not reasonable. No purpose exists for the suffering imposed by the political situations in

their respective countries -- genocide, political assassinations, disappearances, illegal detentions: that is, the processes which created them as refugees.

### **The economy**

Refugees are not poor people, they are "successful individuals temporarily without funds and opportunities" (Stein, 1981:7). This means that "[a] highly educated person with professional competence becomes a non-entity overnight" (Doheny, 1981 in Stein, 1981:14).

#### *Wage labour, professional subjectivities and status*

In his materialist approach to personality, Peter Leonard (1984) defines wage labour as the capacity to work which gives the individual a social subjectivity, providing at the same time a means of subsistence. For a refugee claimant, the capacity to work is deeply tied to the claimant's professional subjectivity. It is not simply his capacity to work to fulfill subsistence needs, which is possible in the tertiary sector, but his capacity to have a meaningful role in society, something which he previously enjoyed.

One of the most important consequences, then, of the refugee experience is the loss of social subjectivity when refugees become enmeshed in the refugee determination system. For Stein, refugees "have high expectations about their new lives, especially regarding their economic and occupational adjustment. They do not expect to lose anything because of their migration" (1981:14). While they wait to

officially become refugees, this process is put on hold. Professional work for the older claimants in this study was tied to their professional subjectivity and their capacity to contribute to society. The marginalisation experienced in this area through the refugee claimant process is perhaps the most crucial element of the disruption of their professional subjectivity. When asked who they were in their country, the first response was inevitably about their professional subjectivity;

"j'avais un statut et j'ai été contraint à briser ce statut-là"  
(Rwandan claimant).

As they want to recover their lost status they are resistant to taking jobs that represent underemployment. The fact that refugee claimants resist accepting underemployment demystifies the notion that they are lazy and take advantage of a system which gives them social assistance. The claimant from Rwanda expressed dismay that he would receive money and not have to work for it.

#### *Work and life plans*

Stein reports that during the first two years refugees display an impressive drive to recover what has been lost (1981:14). This can be identified as a point of resistance where all of those interviewed for this study looked to the future with hope and had plans to reestablish themselves.

Moussa (1993) also found that surviving in a new country was not enough for the women she interviewed. Once resettled in a third

country, women refugees put their energies toward future goals of work and education.

If refugees have to constantly worry about their status and this uncertain status is also accompanied by the lack of opportunities for some continuity, then in the opinion of one of the women, 'You accept hopelessness' (Moussa, 1993:181).

Drawing from previous research, Stein posits that two key factors may be involved here. First, many refugees were prominent at home. They had achieved success and social status. Their earlier success contributes to their capacity for upward mobility in their new situation. Second, the refugee experience may make them more aggressive and more innovative (Stein, 1981:14).

In fact all of those interviewed for this study were professionals or university students. The claimant from Burundi explained that he had had much experience in his life and his studies, that he was used to adversity and challenge. This had prepared him for this experience of being a refugee claimant. Data from a recent study on refugees who had received Convention status showed that 36,9% of respondents had post-graduate degrees (Renaud & gingras, 1998), confronting the popular notion that refugee claimants are poor and destitute people. Implications for policy and practice should not be underestimated.

All claimants interviewed for this study were on welfare as a result of their refugee status. According to Renaud & Gingras, (1998) important

delays are caused by the system which has a major role to play in refugees finding meaningful employment. It typically takes seven months from the time a refugee claim is made to the attainment of status, another 13 months to obtain permanent residency and another 22 months to be in a position to fully settle permanently. They found that of Convention refugees in their study almost half had not had a first job after three years. Only three out of 10 claimants would work each month. Average income from work was 290\$ a week in four main industry sectors -- manufacturing other than clothing, clothing, restaurants and other service industries. Without work, 90% are on social assistance by the third month after having made their claim. This drops to 44% after the thirty-sixth month (Renaud & Gingras, 1998:92).

Although this was a longer-term study on refugees who had been granted refugee status, findings revealed that even after ten years of residence in Canada, there remained a high percentage of refugees still out of work or underemployed. The upward mobility which Stein refers to is therefore impeded by the willingness of the host society to incorporate foreigners and to allow them full participation in the polity. This is a major issue for policy to address.

#### *Barriers to work*

Barriers to work are clearly structural in that it is the temporary refugee claimant status which limits access to work outside the tertiary sector. Professional credentials cannot be officially recognised by designated government bodies until permanent residency has been conferred, thus

limiting claimants with professional backgrounds to low-paying jobs outside their expertise. In the case of professionals there is often the added dimension of dealing with professional corporations such as the College of Physicians or the Ordre des médecins du Québec which limits access of foreign-born doctors.<sup>9</sup>

Systemic racism is another issue which should not be underestimated. Although studies on refugees have not focused on this issue some researchers (Heine, 1994) have looked at the trajectory from migrants to minority status, opening up the possibility of further analysis on questions of ethnicity, racism and refugees.

#### *Issues of sovereignty and incorporation*

Issues of sovereignty concern not only the protection of a territory as defined by political and social ideologies and practices. They also illustrate how a society represents itself. Questions related to subjectivity need to address concepts "derived from the hegemonic discourses on 'societies' as bounded stable 'communities'. This ideological representation of the social basis of human life is what the migrant or refugee destabilizes" (Fuglerud, 1997:444). This was shown above where by the late 1970s the image of the refugee had shifted from being the object of humanitarian concern to being one of a

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<sup>9</sup>The plight of foreign-born doctors who have come to Québec as medical doctors is an issue that has received wide public attention in the province. In 1996 a group of doctors protested their unemployed situation with a hunger strike. In 1997 the Québec College of Physicians eliminated the exam foreign-born doctors could write to qualify for residency jobs in hospitals. 'Restricted permits' allow foreign-born doctors to fill urgent needs in certain areas but each application is evaluated on an individual basis.



threat. That threat increased as the ethnic origins of refugees became increasingly diverse throughout the 1990s.

Sovereignty concerns are thus translated by policies and direct action which takes the form of laws and different administrative measures. Refugee claimants interviewed reflected the contradiction 'accept/contain' refugees within Canadian refugee policy. They were constantly confronted with practices of the immigration system which stemmed from an ideological position that says that while you are allowed to make a refugee claim, there are no guarantees and you are but a refugee claimant. Claimants' discourse reflected this contradiction between the official discourse which is humanitarian and welcoming to "real" refugees, and practices which impede their self actualization through participation in the society through work and family. Everyday political practices towards refugees in Canada reflect not only how the state relates to the newly uprooted, but also the question of how, in the long-term, refugees will be incorporated into the polity. Soysal's notion of incorporation regime (1994) is useful as it offers a model and rationale for both migrant and state action in the integration process. Refugee claimants are people who, as forced migrants, also have hopes of settling into the host society. As such, measures need to be taken to ensure that all possibilities are open to them to facilitate the transition from refugee to permanent resident.

Research on immigrant integration has traditionally focused on culture, habits, ethnic backgrounds, to understand how they integrate or assimilate, depending on the model used, in host societies. Soysal's concept of incorporation regime allows us to turn the question around

and ask what are the barriers to full participation in the nation-state. Fuglerud argues that

Considering how nation-states relate to the uprooted provides an opportunity of investigating how hegemonical discourses are reproduced through everyday political practices (1997:444).

Discursive practices are exemplified by the numerous administrative and legal changes that have been made to the 1976 Immigration Act which initially instituted the refugee determination process. In Canada these changes within the Immigration Act have been numerous since the 'new' refugee determination system was put in place in 1989. Starting in February 1990, changes have included removal of the first step of the refugee determination process, the credible basis test; new regulations concerning the marriage of refugee claimants to Canadian citizens which would impede deportation; new administrative fees such as the residency fee, and fees for humanitarian review of rejected cases (\$500).

### **Family**

Studies on immigrant and refugee families have taken a systemic approach, analyzing the family as a system which is disrupted by the migration experience, whether in a traditionally voluntary or forced migration context. As I did not meet the families as units I cannot comment on the extent to which the lives of the families of the men

interviewed had been disrupted or if any dysfunction within the family was present. These men and their families however, had been in Canada only a short time and had not as yet had much contact with institutions outside the immigration bureaucracy and related systems (lawyers, IRB, welfare offices) to be confronted with North American values and cultural family ways.

Jacob (1993a) offers a typology of stages refugees and immigrants experience as they settle into another country. The honeymoon phase is the initial phase of settlement characterized by excitement and discovery of a new culture and society where everything is looked upon as being new and interesting. In the second phase people have had time to settle and develop an understanding of the society around them, comparing it with their culture of origin. Disenchantment may at this point set in and may lead to depression or other psychosocial illnesses. Integration into the new society constitutes the last phase.

Claimants interviewed were still in the first phase, devoting their energies to getting to know the society and enjoying the positive elements they were encountering. From the perspective of the men who had come with their families, the family unit was still intact and roles had not changed. Two of the men interviewed who had come to Canada with their spouses and children found that their role as father had not changed. When asked how he felt his role had been affected by the fact that he was a refugee claimant, one man spontaneously defined his role as the authority figure and said that his parental authority had not been challenged.

What did change however for all claimants interviewed, both young and older, was the role tied to their responsibilities to their parents, brothers and sisters and extended families. They expressed sadness and worry at not being able to fulfill their roles as fathers and sons. One young claimant explained the structure of responsibility, especially for the first-born son in African societies: as the eldest of the family he had a responsibility to take care of the whole family which he could no longer fulfill. As mentioned earlier one claimant expressed great sadness at not being able to help his parents, especially since his father was sick. He also knew that although his father could say he accepted the situation, he could never quite comprehend, especially since his son was living in such a rich country as Canada.

The role of culture in defining family and social responsibilities is important here. In non-western societies the western "I" defining the individual and his autonomous development from his family is replaced by the collective "we". The Cartesian heritage of "I think therefore I am" which dominates western individualistic societies is replaced by "I am because we are" in collectivist societies (Cohen-Emérique, 1980). This world view is the basis of how refugees view themselves and their roles in the family. Not only has their subject position in relation to their family been disrupted by the refugee claimant process, it has been obliterated. Research has shown the devastating effects of family separations: these forced separations will be likely to have a lasting impact on the integration process of claimants.

The fact that family members who are still living abroad cannot understand their situation is an extremely important issue and one

which causes profound pain and anxiety for both claimants and families left behind. Practice has shown me that families, especially spouses, rarely understand the situation claimants have been put into by the refugee determination process. The situation is exacerbated once the claimant is recognized as a refugee and must even then often wait years for family reunification. In many cases the time it takes for claimants' cases to be processed is so lengthy that spouses begin to feel that their husband is making it up and that he has started a new life with someone else. Frecker's (1995) findings on family separations support this. In the end this causes many family breakdowns.

Three men interviewed had left behind spouses and children. One had four children, another had seven, and one had three children. One of the claimants was dangerously depressed about his situation and his whole existence was fraught with worry about the well-being of his children and wife. For those who had left families behind, their condition as refugee claimants was almost unbearable.

#### *Separation and the situation of forced migration*

Refugees such as the Kosovar refugees or those who are selected overseas by the Canadian government are generally admitted to Canada as a family unit. Refugee claimants on the other hand usually arrive here alone as it is easier to travel alone. A recent study on services to refugee claimants indicates that 80% of claimants arrive without their immediate families, 62% are separated from their whole families, and 18% are separated from some members of their families (spouse and/or children less than 19 years of age) (Bertot & Mekki-Berrada, 1999:3).

When men travel alone, women and children are often left behind, sometimes hiding in their country of origin, sometimes in a third country where they no longer have the protection of their husbands or the financial means to sustain themselves. This becomes a source of overwhelming worry for the refugee claimant in Canada who does not have much power over the situation on his own.

Claimants in Canada when possible send money but very often, as was and still is the case with Rwanda, this is not an option. Claimants may or may not have telephone contact when communication is possible, though there are risks:

Parce qu'on peut intercepter le téléphone, on peut intercepter la lettre, et ça créerait des difficultés énormes pour les personnes...pour lesquelles je ne suis même pas capable de faire grand chose (Rwandan claimant).

Claimants often spend exorbitant amounts of money on telephone bills. One claimant to be interviewed for this study could not be reached as his telephone line had been cut, which is not an exception. Large telephone bills thus add to the stress of an already stressful situation.

Understanding this situation also has implications for social work practice. Social workers are often dismayed and even upset at discovering that refugee claimants spend hundreds of dollars a month on telephone bills when they are not working and are receiving social welfare. Workers will often try to have the practice stopped or suggest setting up a budget so that the claimant may be able to manage on a

limited income. The reality of the situation is, however, that these calls provide the sole link with their families and allow, to a minimal extent, the refugee claimant to maintain part of his role within the family. These calls, when possible, also help in reassuring the claimant that his family is safe.

### *Consequences of family separation*

Family separation is one area which has received attention by researchers in Quebec. Experiences related to the Task Force on Family Reunification, commissioned by the Canadian Council for Refugees (CCR) "confirmed in compelling detail all of the negative consequences of prolonged family separation" (CCR, 1995:14). In findings from their study on the impact of family separation on refugees Moreau, Mekki-Berrada and Rousseau (1999) show that the negative impact of family separations on refugees from different geocultural areas is a phenomenon which is generalized. Their findings also indicate that prolonged family separations provoke deep psychological trauma. If the refugee wants to survive he will put his life in parentheses, on hold, while facing years of crisis.

The immediacy and the lack of preparation in forced migration are the main elements to consider here. For the men interviewed there was no time to plan a departure, no time to plan for separation. Whereas the immigrant has time to plan departure and family separation if the whole family is not immigrating at the same time, for refugee claimants there is no such opportunity.

*Prolongation of family separation -- a direct link to policy*

Another issue which is of utmost concern to non-governmental organizations (NGOs) and workers with refugees is the prolongation of separation faced by claimants throughout the refugee determination process. That refugee claimants often wait for many years before they are reunited with their families is a direct result of immigration and refugee policy. According to one study separation of spouses tends to be shorter (average of 17 months) than separation between parents and children (average of 42 months) (Bertot & Mekki-Berrada, 1999:3). This particular problem has been noted by the United Nations Committee on the Rights of the Child in their consideration of the first report by Canada. Members were

particularly worried...by the insufficient measures aimed at family reunification with a view to ensure that it is dealt with in a positive, humane and expeditious manner. The Committee specifically regrets the delays in dealing with reunification in cases where one or more members of the family have been considered eligible for refugee status in Canada... (*Concluding observations of the Committee on the Rights of the Child: Canada*, adopted June 9, 1995, CRC/C/15/Add.37 in CCR, 1995:2-3).

Negative consequences of prolonged family separation include depression, family breakdown, integration difficulties, and financial struggles (CCR, 1995). Longer-term consequences have been outlined



in a study of the multiethnic clientele of youth centres in Quebec (Messier & Toupin, 1994) where youth, particularly Haitians and Latin Americans who were products of the refugee process, suffered family separations at different stages of the migration process. Their migration history was clearly one of the main causes of family separations and all of the ensuing problems.

It is beyond the scope of this study to further explore this particular issue as claimants interviewed were recent arrivals. It is important to note however that most of those interviewed had been in the country at least six months and were still waiting for a hearing date. Already there were signs of deep concern for family members left behind and one claimant, who eventually declined an interview, was exhibiting signs of depression and could not clearly see what his options were. It is also important to note that immigration policies and practices aimed at refugees are directly targeted by various studies as the main cause of family separations and ensuing mental health and adaptation problems of refugee claimants (Rousseau, 1990; ICCR, 1990; CCR, 1995; Rousseau et al., 1997; Rousseau et al., 1999; Bertot & Mekki-Berrada, 1999).

### **The State**

The State is defined in this study as one of the discursive fields producing discourse on refugees while at the same time producing practices carried out by the Immigration bureaucracy.

### *The immigration bureaucracy*

Order, argues Fuglerud (1997), is the central concern of modern society in order to avoid the alternative - chaos. Struggle for order is achieved through classifications which depend on coercive power: "*the power to define and make the definition stick*". In modern society such power is only wielded by the State, a State which the Immigration exists to serve" (Fuglerud, 1997:448, italics in original).

The main task of modern bureaucracy, of which Immigration Service is a part, is this endless concentration on details, the filing of papers, the measuring of results, the production of statistics, the creation of order through correct classification (Fuglerud, 1997:448).

From the time of arrival at the border where they first encounter an Immigration official, refugees must fill out the appropriate forms, stating their reasons for asking refugee status. The first few weeks are spent going to different government offices to get their files in order. Claimants must go to Canadian Immigration and the Immigration and Refugee Board offices. Fingerprints are taken for identification and identity checks. Following this is the revenue department of Quebec where they must fill out yet more forms in order to receive social welfare. We need to ask what function do the papers serve?<sup>10</sup> The papers become the material expression of subjectivity: their "file" is who they are in the eyes of the bureaucracy. As they fill out the papers, they are categorized according to their status and a label is ascribed.

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<sup>10</sup>Personal discussion with Peter Leonard, McGill University, February, 1999.

"To be acceptable, and become accepted, strangers must themselves accept, and in fact undergo, a process of reclassification which is what immigration departments around the world administer" (Fuglerud, 1997:448). This is perhaps the most important first step in the constitution of the subject position -- a contradiction in experience -- their files become who they are while they define themselves otherwise.

*Migratory trajectory and the international refugee regime -- experiences in Europe and African refugee camps*

Difficulties imposed by international laws governing refugees and the admission of foreigners into sovereign states were exemplified by the migratory trajectory of all the claimants. Descriptions of the refugee camps in Germany by the claimant from Burundi, of the refugee camps in Nairobi by one Rwandan claimant and the experience of another Rwandan in the Congo, paint a bleak picture of the situation in UNHCR refugee camps and are reminiscent of the situation of the Vietnamese and Cambodian refugees in South East Asia for years on end. The situation of the long-stayers, those who had been in the camps for more than seven years, has been largely documented. Still today people are suffering the consequences of those experiences. Claimants interviewed chose not to go to these camps, preferring the uncertain refugee claimant process as a potentially more secure option for the future of their families.

The racial context in Europe is another important element when considering the claimants' experience in Europe. Added to the difficulties created by restrictive immigration policies within the EU,

further exclusion is created by a xenophobic and racist social context. Widely publicized racist incidents in Germany where refugees' houses have been burned were motivating factors for the claimant from Burundi to leave Germany.

By contrast, this claimant felt that in Canada "you can walk down the street and no one can tell if you are a refugee or not. There have been black people living here for generations." In Germany the simple fact of being black attracts attention and one is automatically labelled as an outsider. His perception is that in Canada you can blend in because this is a multiethnic society.

The experience of the Rwandan claimant detained in Kenya also points to the inability of the UNHCR to alter or even handle the total refugee situation. Difficulties are encountered by people who are at the mercy of governments who have a free hand in dealing with masses of refugees whom they can't afford to support. Comparison is made by interviewees between what they have experienced in Europe and parts of Africa and their Canadian experience. Their experience here, however difficult, and possibly temporary, is much better than what they have known elsewhere. Although laws in Germany have been relaxed as this is written, when the Burundian was there in 1998 it was impossible for a foreigner to obtain residency in Germany.

### *International and domestic policies*

As the frontiers of policy expand in a globalized world, some authors in the new field of political anthropology argue that policy has become an increasingly "central concept and instrument in the organization of contemporary societies" (Shore and Wright, 1997). It is through policy that individuals are categorized and given roles and statuses. Deconstruction of immigration and refugee policy discourse provides insights into how refugees are constructed as a particular category of migrant, the aim of the categorization being order and control.

The discourse operates through a number of practices -- visa requirements, international agreements stemming the entry of foreigners into the EU, refugee determination processes such as the one in Canada -- which need to be analyzed in order to understand how the refugee claimant subjectivity is constructed. All of these elements appeared in the experience of the claimants interviewed. Canada has always wanted to have strict control over its immigration, and attempts were made with Bills C-55 and C-84, constituting major changes to the refugee determination process of 1976, to stop the arrival of claimants who had been in a third country considered to be "safe" by Canada. The clause is still on the books but has never been applied, as a definition of what constituted a "safe" country could never be determined. Listening to the experience of the claimants from Burundi, the Ivory Coast and Rwanda, one understands how choosing to come to Canada is a quality of life issue, not one of abusing the system. How can refugees face spending years in a refugee camp with their families, where their children could not even go to school? Choices are made.

These are the people who make up what has been called "irregular movements", those uncontrollable movements of migrants. In the end, these migrants are moving about the globe in search of asylum and the possibility to start anew.

*Integration and settlement issues -- NGOs and services*

All claimants expressed a profound desire to resettle in Canada yet their claimant status excludes them from that possibility. The spectre of an incoherence between Canada's humanitarian policy and its domestic refugee policy was raised by one of the claimants. Concretely this translates into a glaring lack of orientation and adequate services to meet claimants' needs. Non-governmental organizations offer little help and guidance and the Immigration bureaucracy's role is seen as being strictly administrative. In the province of Québec services to claimants have systematically been cut since the Canada-Québec Accord of 1991 which conferred on the province more control over spending of federal transfer payments for the settlement of immigrants. Since that time the only government-financed service available to refugee claimants is the search for housing and even this service is limited by the overloaded caseloads of workers. As the claimant from Burundi mentioned, workers within organizations responsible for housing are too busy to personally visit apartments and all they can offer are housing lists. Furthermore, available apartments often do not meet expectations for decent living. No other government-financed social service exists for claimants which means that they are left to fend for themselves, sometimes relying on members of their own communities to help out.

The failure of the Canadian and Québec governments to provide adequate social services to refugees has been documented by various non-governmental organizations working with refugees and refugee claimants (ICCR, 1990; Rousseau, 1990; Bertot & Mekki-Berrada, Sept/1999). Excluding refugee claimants from adequate services to meet needs related to their migratory experience, family separations which commonly occur, and lack of access to meaningful work will have important social and economic costs for the host society as these constitute major obstacles to the integration process. Secondary effects of immigration policy such as family separations and lack of meaningful work further contribute to a process of on-going marginalisation and may degenerate into serious psychological trauma. Feelings of depression and suicidal ideation were expressed during the interviews and if left unchecked these may constitute yet the most traumatic event in their refugee experience.

The financial and social costs due to the lack of a full range of services for claimants is creating a social situation which is creating undue hardship for claimants. A recent study on services to refugee claimants is damning of the present system:

en offrant pas davantage de services à ces milliers de personnes vulnérables et en voie de devenir des citoyens à part entière, celles-ci vivent des difficultés post-migratoires qui viennent potentialiser les effets négatifs des traumatismes prémigratoires (violence organisée, torture,

viol, emprisonnement, menaces, etc.) (Bertot & Mekki-Berrada, Sept/1999).

Ainsi, les décideurs politiques, en négligeant l'importance sociale de services pertinents pour les demandeurs d'asile, sapent eux-mêmes leur propre projet de société qui consiste à favoriser l'intégration (ibid).

Refugee claimants are in a particularly vulnerable situation when they arrive and it is at this point that they require services. If integration into the host society is to occur, services are needed to ensure the transition from a temporary status to a permanent one. Instead, claimants are further marginalized by their status and excluded from those services which would facilitate integration. Their previous subjectivity is further denigrated when they become welfare recipients or cannot find the help they need. This marginalisation process is a constant reminder of their status and as one claimant exclaimed, "je ne suis pas un pleurnicheur" (I'm not a cry-baby), referring to his past subjectivity in contrast to the subjectivity now imposed on him. How refugee claimants are treated in Canada is a measure of our willingness to accept them and to offer them full asylum. This situation constitutes the loss of a potential contribution to Canada of human capital and it is destructive to claimants and to the country. A full range of services to meet their needs should be put in place and a recognition that they are people with a past and a subjectivity which has been profoundly altered by the refugee experience should be at the forefront of any attempt to service their needs.



## **Conclusion**

*Identities are always mistaken*

(Bartkowsky, 1995)

This study set out with a question: What is the impact of immigration and refugee policy on refugee claimants in Canada? The answer to this question can only be a partial one as refugee claimants interviewed have yet to complete the refugee determination process. Interpretation of data leads to one main conclusion however: the process of becoming a refugee claimant strips the individual not only of his personal subjectivity and his perception of what constitutes a refugee, it also imposes another subjectivity which objectifies him and limits his possibilities of resettlement. At the core of refugeeeness is the definition of what constitutes a refugee.

*Development and transformation of refugeeeness: Asylum or exclusion?*

Although the concept of asylum can be traced to antiquity (Bettati, 1985), it is only since the 16th century when states started developing the notion of sovereignty that a new form of asylum emerges: territorial or diplomatic asylum. In 1793 the French Constitution proclaims the right of asylum to those banished from their country in the name of freedom (Bettati, 1985:28). In 1889, in the Americas, the Montevideo Agreement is signed and afterwards in 1940 ratified by five states (Argentina, Bolivia, Paraguay, Peru, Uruguay), thus legally defining the right to asylum. Moreover, the recognition of the right to asylum and

the settlement of refugees constitutes Western democracies' response to the forced displacement of populations caused by totalitarian states of the 20th century (Tiberghien, 1994:30). Focus is shifted from asylum as a sacred right to pragmatic economic, social and political concerns, as waves of refugees at the beginning of the 20th century, starting with one million displaced by the Russian revolution, pour into Europe. Millions of people displaced by the two world wars and fascist regimes further push the international community into action. Foundations of the international refugee regime are put in place following World War I and consecrated with the 1951 Geneva Convention on the Status of Refugees.

*From a humanitarian discourse to one of control*

In the period which followed WWII a humanitarian discourse at first dominated around displaced people in Europe. During the 1940-1970s the East-West conflict took centre stage and an underlying ideology of "people like us" and burden-sharing among Western States still facilitated resettlement of refugees. During the 1970s-1990s period the discourse changed as the ethnic composition of refugee movements diversified, leading to a sentiment that "refugees are no longer people like us", thus testing the sovereignty of nation states. This led to imposition of stricter controls to impede the flow of migrants coming from the South. Deterrence measures such as Safe Third Country clauses, fines for carriers, are imposed. Discursive elements now carry a different ideology: we are being invaded, we can't keep up, they will not integrate. Material elements translate into stricter controls. Trends in policy have shown that western nations have put in place

increasingly restrictive immigration policies since the 1970s. Analysis of policy discourse reveals sovereignty concerns of states as they have been confronted with large movements of generally unwanted migrants. Issues of citizenship and what constitutes membership in nation states then takes precedence over meeting the needs of asylum seekers.

Was the discourse ever humanitarian? Political and economic interests have been so intertwined in this question that political scientists can't agree. Displaced people after WWII needed to be relocated, but they also constituted a pool of cheap and abundant labour for the reconstruction of Europe. The problem arose in the 1970s when it became clear that foreign guest workers were staying. At the same time, political and economic conditions in developing countries were forcing millions out of their countries. The West was seen as the Eldorado while easier access to transportation facilitated travel. Discourse changed and new categories of migrants started to emerge: "illegal migrants", "economic refugees", "bogus refugees".

Although categories of "deserving" and "undeserving" migrants had already been established in the 19th century, as with the experience of Jews across Europe, these late twentieth century categories are created from sovereign concerns of states. Large scale immigration within the European Union has thus created a new international migration regime with two categories of migrant: citizens of member states of the EU who can move freely about and citizens who do not belong to the EU and who must undergo strict controls which are being harmonized (Thranhard, D. and Miles, R, 1995:2). It is within this context that

refugees' particular plight and humanitarian needs have been lost in what are now called irregular movements.

The new vocabulary surrounding refugees and asylum-seekers is now part of a new strategy of control which has permeated all aspects of public life, constituting the beginning of a transformation of the humanitarian discourse into a mechanism of restriction and exclusion. This constitutes what Foucault (1976) calls "stratégies discursives": the movement from an ideological category to an object defined and controlled by nation states.

#### *The refugee claimant subjectivity*

Definitions and laws on what constitutes a refugee are instituted. In the construction of the refugee claimant subject these various discursive elements constitute what Foucault (1976) calls the polymorphous dissemination of information (Sheridan, 1984), or the dispersion of centres from which discourse emanates. At the international level Conventions defining refugees and laws determining the possibilities of their resettlement have reflected the dominant discourse of a particular period and have changed according to nation states' preoccupations with the flow of migrants. Individual states have also participated in the production of discourse by publicly revealing their willingness to accept refugees or their concerns with abusers of the system. These are concealed forms of power which lead to the subjugation of the refugee as an object defined by law.

Starting with the refugee regime which has legally defined the refugee, nation states have developed immigration policies which have excluded asylum-seekers coming from the developing world. The media has also played a discursive role by scapegoating many of late capitalism's ills - high unemployment, welfare fraud and abuse, jumping ahead of the queue of those who are worthy of the right to gain entry within sovereign states' borders and thus qualify for citizenship rights. This polymorphous dissemination of power is part of discursive strategies which can be analyzed as power extending its reach further, to advance the production of the negative image of the refugee and the refugee claimant.

Deconstruction of immigration and refugee policy therefore provides important elements in understanding the constitution of the refugee object. Subjectively however, asylum-seekers are more than the object and their reality is only partly defined by the discourse. Interpretation of data in this study reveals a multiplicity of subjectivities of the asylum-seeker -- refugee, refugee claimant, father, spouse, worker, professional--referring to the specificities of different practices of power relations played on them by various discursive strategies. We cannot speak therefore of a specific subject but a subject's position in relation to a particular discourse.

#### *Canadian refugee policy practices and refugee claimant subjectivity*

Deconstruction of immigration and refugee policy at the international and Canadian levels leads to policy critiques; however, this was not the objective of this study. Theoretical elements helpful in reconstructing

the genesis of the constitution of the refugee claimant subjectivity are provided from this analysis which shows that immigration and refugee policy discourse and practices clearly objectify individuals who have been forced to flee their countries because of political situations and fear of persecution, and who consider themselves to be refugees. In their search for asylum refugees become claimants when they encounter the main practice of Canadian refugee policy discourse: the refugee determination process. This process leads to the construction of another subjectivity which is imposed on them by practices of the discourse; and the impact on their subjectivity as individuals with a past, a history, a culture is thus profoundly altering to the point of creating a profound rupture in their perception of themselves. The refugee claimant experience thus constructs a new social subjectivity with patterns of loss of social, economic and family status, and exclusion. These patterns overlie and emphasize losses which all refugees sustain. Exclusion is central to today's Canadian refugee policy and it is translated into practices which relate not only to exclusion from participation in the host polity but also to the construction of the dominant discourse on refugees which excludes their individual experiences. By obliging individuals to prove they are refugees, these exclusionary practices push them further into refugeeness, a state of loss and rupture with their pre-refugee subjectivity. More generally, restrictive immigration and refugee policies which have been harmonized across western nation states are thus having a profound impact on those the international regime was set up to protect. Not only do these policies restrict movement and possibilities of resettlement, they also profoundly alter the subjectivity of asylum-seekers by imposing on them definitions which are outdated

and almost irrelevant in today's international context. Being a refugee is a reality which cannot be changed, at least not in this context. What can be changed is how we relate to refugees and how we understand refugeeeness as a state of loss and profound rupture with the past.

*Implications for Canadian refugee policy*

While Canada prides itself on a humanitarian refugee policy, practices towards refugee claimants support the argument that selection of refugees is still the main concern. Even the Kosovar refugees admitted into Canada were selected by Canadian officials. When they arrived however, they were greeted at airports across the country, settlement services were provided, language training began almost immediately, and work permits were issued. One CBC reporter who interviewed the first Kosovar family to arrive in Toronto described the adolescent boy as wearing a Nike sports coat and the adolescent girl, platform running shoes. "They already look integrated", he said. They fit in. How they look is precisely at the heart of our willingness to accept them. The message is clear: they look like us. Refugee claimants, however, are not, for the most part, like the majority of us: they are not white and they do not, generally, arrive wearing Nike sports coats. They are coming from Zaire, Rwanda, Burundi, Algeria, the Punjab, Bangladesh and parts of Latin America.

Canada has signed the Geneva Convention on the status of refugee and therefore has obligations to refugee claimants. If Canada is to truly uphold its humanitarian image, practices must be congruent with that image. Immigration practices need to be transparent and refugee

claimants must have a clear understanding of how the process works and know their rights during the waiting period. The challenge is to welcome claimants while at the same time maintaining a sense of justice and equity towards other classes of migrants accepted into this country. Administrative changes need to be made shortening the length of time claimants need to wait for the determination process to get underway. During this period, recognition of claimants' professional credentials should be facilitated to remedy the professional downgrading they experience. While the "brain-drain" is a growing concern in this country, doctors, engineers, teachers, and other professionals are coming into this country unrecognized in their potentially meaningful contribution to the host society.

#### *Implications for social work practice*

Social workers need to understand the structural nature of the problems associated with the refugee determination process and should be prepared to advocate on behalf of claimants' need for information on how the refugee determination works, what are the causes for delays, access to lawyers, preparation of their cases, and advocate on behalf of the need for social and health services which will respond to the specific needs of refugee claimants. Refugees and refugee claimants have special needs related to their migratory experience; they are often confronted with problems related to torture, vocational transition, intergenerational conflict, disruption of extended family ties, culture shock and radical adjustment of roles within the family. Grief, loss and separation, post-traumatic stress disorder, feelings of incompetency and inadequacy due to not being able to fully participate in society, and loss



of job skills are but a few of the most salient issues which confront us in our social work practice. The medical doctor is powerless in his situation as a refugee claimant. He has been dispossessed of all that was known to him and is confronted with a legal situation over which he has little or no control. At this point, certain skills which workers have learned in an ethnic-sensitive approach will be useful to respect him and his cultural traditions. But to truly "help" him, workers need to advocate and work to change practices of the policy and help the claimant understand the process so that he may regain some control and dignity. The challenge for us then, is to critique the fundamental assumptions that underlie social work practice with refugees and refugee claimants.

Refugee claimants also have needs related to their ethnic minority status and to the fact that they are "ethnically visible". As such they may be marginalised and become victims of racism. Their experience is also a painful one. Not only have they been uprooted by war, political or religious persecution, they arrive with hopes of starting a new life. Yet what awaits them is yet another painful journey: that of waiting for the determination of their refugee claims.

Finally, the impact of immigration and refugee policy and the changes which occur in the subjectivity of refugee claimants may be short-lived or may persist after a decision on their case is rendered. That point where discourse intersects with the subjectivity of the refugee is a point of rupture which, at the time of the interviews, seemed almost impossible to mend. Courage, faith and hope in the future, however,

also characterized individuals' struggle through the process, however painful and damaging to their subjectivity.

### **Perspectives for the future**

Without theory our understanding of refugeeeness will remain partial. This thesis is an attempt to build theory. Borrowing from different fields and disciplines and using previous academic research, the work presented here constitutes the first step in our understanding of the impact of immigration and refugee policy on individuals who have decided to become refugees and on the construction of refugeeeness. Theory needs to start with a global perspective and slowly move through a cycle where exclusion is a core element of the process.

Focus in this study was on a very specific stage in the life of a refugee. While findings constitute an important step in understanding the construction of refugeeeness and the impact of immigration and refugee policy on refugees, many questions remain to be answered. Future research should now proceed to look at the process within a longitudinal dimension in order to trace the long-term impact of Canadian refugee policy on the claimant's subjectivity, the process of exclusion, and alternative possibilities for incorporation into the host polity.

Is the refugee subjectivity maintained after a claimant has been accepted as a refugee? If so, for how long? What are the conditions under which that subjectivity is carried for a longer period? At what

point is the refugee subjectivity discarded? Do refugees reclaim their past subjectivity? If so, how and at which point?

Other issues related to subjectivity, which were not addressed here but which nevertheless are important include gender and culture. Research has shown that women have specific experiences as refugees which are related to gender. Findings here however show amazing similarities with the findings in Moussa's (1993) research on Ethiopian and Eritrean women. The main questions which arise here will be those which seek to find points at which the refugee experiences of men and women converge and those at which they diverge. What are the similarities in refugee subjectivity (such as loss of status, loss of family, loss of community and of previous subjectivity) of men and women? Does 'refugeeness' cross gender lines? If so, in what ways? A comparative quantitative and qualitative study would be appropriate as a start toward answering some of these questions.

The role of culture in defining coping mechanisms used by refugees while in the refugee determination process and, further down the road, within the settlement phase, is an important issue for further research. Elements related to cultural heritage and ethnic origin and how these interplay in refugees' ability to cope with refugeeness and their ruptured subjectivity need to be evaluated. Along with culture are elements related to social class, rural or urban origin.

Exclusion is a central element in the refugee experience and the constitution of refugeeness. Construction of the Stranger, the Other needs to be understood as the first constitutive element in the process of

eventual incorporation. The second fundamental aspect is the incorporation regime itself and how it facilitates or impedes incorporation.

When analyzing how refugees are included in a host society the concept of incorporation is a useful one as it introduces state responsibility for integration/incorporation of newcomers. Within that responsibility the concept of 'incorporation regime' also allows us to look at structural issues which make up not only the migrant's subjective experience, but how he/she is perceived/constructed. This leads to analysis of the possibilities for citizenship (participation at the social, economic and political levels) offered by host polities. How refugees are 'incorporated' or brought into a society, not only as foreigners in a state of temporary residency but as aspiring members of the host society should be the focus of a new model of research. Isajiw uses the concept of incorporation as an alternative to the manner in which the concepts of assimilation and integration have previously been used in sociological literature (1997:79). He defines social incorporation as "a process through which a social unit is included in a larger social unit as an integral part of it" (Isajiw, 1997:82).

It is proposed that the patterned manner which Isajiw refers to can be further refined as the processes put in place by an incorporation regime, as defined by Soysal as "patterns of policy discourse and organization around which a system of incorporation is constructed" (Soysal, 1994:32). Thus Soysal's notion of incorporation regime adds an important dimension to our understanding of how patterns of incorporation develop in host polities; he posits that western states have

expanded their state systems to incorporate foreign residents and in so doing have elaborated systems to deal with membership. Therefore analyzing these configurations and the workings of these systems will unveil the possibilities offered to migrants of whatever category for membership and full belonging in the host society, without assuming individuals have full responsibility for the process. Clearly for refugees this assumption is critical.

What has traditionally been viewed as an integration process does not take into account differences such as ethnicity or immigration status which may or may not, in some cases, hinder the process. Nor does it account for the fact that while some individuals may be incorporated, differences persist as individuals are labeled as members of an ambivalently stigmatized category defined by policy or state actions.

A shift in orientation in refugee studies research, moving from immigration to emigration issues, should occur if we are to fully understand refugeeness and how refugees are incorporated into host societies. The forced migrant experience as a major constitutive element of the refugee experience, the impact of immigration and refugee policies on the possibilities for resettlement and for identifying areas which hinder full incorporation into host societies are key areas of research which need to be developed.

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**APPENDIX A  
INTERVIEW SCHEDULE**

**Preliminary questions**

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Today's date:  
Place:  
Time:  
Interviewer's Name:

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Subject's Name:  
Birth Name:  
Sex:  
Age:  
Country of birth:  
Ethnic origin:

Residence Pattern;

born in:  
rural or urban:

Respondent's Education:

highest level:  
emphasis/specialty (if any)

Occupation:

Occupation before coming to Canada:

Occupation presently:

If unemployed, source of income: welfare\_\_\_\_ personal  
funds\_\_\_\_

Marital Status and History:

married Yes\_\_\_\_ No\_\_\_\_

**Spouse:**

name: \_\_\_\_\_ age: \_\_\_\_\_ now living: \_\_\_\_\_

**Children: number of children:**

their ages:

living:

**Refugee itinerary:**

Left country of origin: day \_\_\_\_\_ month \_\_\_\_\_  
year \_\_\_\_\_

Arrived in country of transit: day \_\_\_\_\_ month \_\_\_\_\_  
year \_\_\_\_\_

Left country of transit: day \_\_\_\_\_ month \_\_\_\_\_  
year \_\_\_\_\_

Arrived to Canada: day \_\_\_\_\_ month \_\_\_\_\_  
year \_\_\_\_\_

Detained upon arrival: yes \_\_\_\_\_ no \_\_\_\_\_

Where: \_\_\_\_\_

For how long: \_\_\_\_\_

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The opening of each interview follows a general question about the pre-migratory context. Questions will be divided into pre and post-migratory experience. Questions relating to the three areas outlined in the theoretical model are included in each section.

**Pre-migratory trajectory:**

How did you see yourself in your country? Who were you in your country? (family, work, community)

**Post-migratory trajectory:**

**When you look at who you were and who you are now, what has been the most difficult experience for you since you have been here as a refugee?**

**How did you feel, as a human being, when you first asked for refugee status?**

**How does this process make you feel?**

**What do you understand of the Geneva Convention on Refugees?**

**Do you think Canada uses the Geneva Convention in this process?**

**What do you feel would be just criteria? Why?**

**What is your life like now that you have claimed refugee status?**

**Do you feel you have lost something? What?**

**What is different from your life in your country?**

**Are you working? If not, are you receiving social assistance?**

**How does this make you feel?**

**What were your expectations about working here when you came?**

**What are the skills you can or cannot use right now?**

**How do you feel about this?**

**How do you feel about being seen as a refugee? Do you feel that the Canadian public sees you as something particular? What?**

**Do you feel that people around you, the media or the Canadian government are giving you an identity that is not yours? What?**

**Do you feel the Canadian government or the immigration department see you as something or someone in particular? What?**

**How does this make you feel?**

**What do you feel about your role in your family now that you are here?  
Do you see your role differently? How?**

**What has changed?**

**Do you think your family sees you differently now that you are here?  
Do you think they see you differently? How does this make you feel?**

**When you look at who you were in your family, what do you feel is  
your biggest loss in your role in your family?**

**What are your hopes now that you are here?**

**What are your expectations now that you are here?**

**What has been the most difficult experience you have lived since you  
have been here as a refugee?**

**Would you like to add anything?**



## **APPENDIX B**

### *Letter of introduction*

My name is Marie Lacroix. I am a social worker with a Master's Degree in Social Work and am a presently a doctoral candidate in a PhD program in Social Work at McGill University-Université de Montréal.

I was coordinator of the Committee to Aid Refugees (CAR) from 1988 to 1997. CAR is a non-governmental organization working with refugee claimants. The mandate of the organization is to do community organizing work and advocacy work with refugee claimants.

Throughout my nine years of work with refugee claimants I became familiar with the refugee determination process and its impact on people who make a refugee claim in Canada and keenly aware of the difficulties refugee claimants encounter as they go through the process. I have decided to leave my position to further my studies and take the time to document the situation of refugee claimants.

The study I am presently conducting is part of the requirements of the PhD program I am enrolled in. The objective of this study is to understand the impact of refugee policy on the social identity of refugee claimants. This study will contribute knowledge about how a refugee claimant's social identity is redefined through the refugee claimant process. There is little research on the impact of refugee policy on refugee claimants and the results will hopefully help refugee claimants, policy-makers and social workers in their work with refugees.

Should you require any further information on this research project at any time, my telephone number is (450)443-4315

Also, please feel free to contact Professor Barbara Nichols at McGill University: (514) 398-7056 or Professor Bill Rowe, Director of the School of Social Work, McGill University at (514) 398-7070. They will be pleased to further discuss the program I am involved in or the present study with you.

## **APPENDIX C**

### **CONSENT FORM**

**Thank you for accepting to participate in this interview.**

**Before we start, I will explain to you that the interview will last approximately two hours and will be recorded. I would also like to reassure you that as a participant in this interview you have several very definite rights.**

**First, your participation in this interview is entirely voluntary.**

**You are free to refuse to answer any question at any time. You are free to withdraw from the interview at any time. This interview will be recorded and transcribed at a later date. It will be kept strictly confidential and will be available only to myself. Excerpts of this interview may be made part of the final dissertation, but under no circumstances will your name or identifying characteristics be included in this report.**

**I am in no way connected to the Immigration Department nor to the Immigration and Refugee Board. Your participation in this interview will have no effect whatsoever on any current dealings you may have with the Immigration Department nor will your participation influence or impact on the outcome of your refugee claim before the Immigration and Refugee Board or your application for permanent residency.**

**Having understood the above information, please sign below,**

**I sign to indicate that I freely accept to participate in this study.**

\_\_\_\_\_ (signed)

\_\_\_\_\_ (interviewer)

\_\_\_\_\_ (dated)

## **FORMULAIRE DE CONSENTEMENT**

Merci d'avoir accepté de participer à cette entrevue. Avant de commencer j'aimerais vous expliquer que cette entrevue durera entre 1 heure 30 et 2 heures. L'entrevue sera enregistrée et transcrite à un moment ultérieur. La transcription sera confidentielle et ne sera disponible qu'à moi-même. Certains passages de l'entrevue pourraient être utilisés lors de la rédaction finale de ma thèse mais en aucun temps sera-t-il mentionné votre nom ou toute autre caractéristique qui pourrait vous identifier.

J'aimerais vous informer de vos droits en tant que participant à cette entrevue.

En premier lieu votre participation est entièrement volontaire. Vous êtes libre, en tout temps, de refuser de répondre aux questions. Si vous ne comprenez pas une question n'hésitez pas à me demander des clarifications.

Vous êtes libre de vous retirer de l'entrevue à n'importe quel moment. Je tiens à préciser que je n'ai aucun lien avec le ministère de l'immigration ou avec la Commission d'immigration et du statut de réfugié (CISR). Votre participation à cette entrevue n'aura aucune répercussion ou impact sur vos démarches actuelles auprès du ministère de l'immigration ou sur l'issue de votre demande de statut de réfugié auprès de la CISR.

Ayant pris connaissance de l'information ci-haut, veuillez signer en guise de reconnaissance de votre participation volontaire à cette entrevue.

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(répondant)

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(date)