EMBODIED GEOGRAPHIES OF THE NATION-STATE:
AN ETHNOGRAPHY OF CANADA'S RESPONSE TO HUMAN SMUGGLING

by

ALISON MOUNTZ

B.A., Dartmouth College, 1995
M.A., Hunter College, City University of New York, 1998

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

in

THE FACULTY OF GRADUATE STUDIES
(Department of Geography)

We accept this thesis as conforming
to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

July, 2003

© Alison Mountz, 2003
In presenting this thesis in partial fulfilment of the requirements for an advanced degree at the University of British Columbia, I agree that the Library shall make it freely available for reference and study. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by the head of my department or by his or her representatives. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Department of Geography

The University of British Columbia
Vancouver, Canada

Date 25 August 2003
EMBODIED GEOGRAPHIES OF THE NATION-STATE:
AN ETHNOGRAPHY OF CANADA'S RESPONSE TO HUMAN SMUGGLING

by

ALISON MOUNTZ

B.A., Dartmouth College, 1995
M.A., Hunter College, City University of New York, 1998

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

in

THE FACULTY OF GRADUATE STUDIES
(Department of Geography)

We accept this thesis as conforming
to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

July, 2003

© Alison Mountz, 2003
In presenting this thesis in partial fulfilment of the requirements for an advanced
degree at the University of British Columbia, I agree that the Library shall make it
freely available for reference and study. I further agree that permission for extensive
copying of this thesis for scholarly purposes may be granted by the head of my
department or by his or her representatives. It is understood that copying or
publication of this thesis for financial gain shall not be allowed without my written
permission.

Department of Geography
The University of British Columbia
Vancouver, Canada

Date 31 August 2003
This thesis provides a geographical analysis of the response of the Canadian nation-state to human smuggling. I contend that nation-states must be examined in relation to transnational migration and theorized as diverse sets of embodied relationships. As a case study, I conducted an ethnography of the institutional response to the arrival of four boats carrying migrants smuggled from Fujian, China to British Columbia in 1999. I studied the daily work of border enforcement done by civil servants in the federal bureaucracy of Citizenship and Immigration Canada (CIC), as well as the roles played by other institutions in the response to the boats. This "ethnography of the state" led me to theorize the nation-state geographically as a network of employees that interact with a variety of institutions in order to enact immigration policy.

I also interviewed employees of other institutions involved in the response to human smuggling, including provincial employees, immigration lawyers, service providers, supra-state organizations, refugee advocates, and media workers. The thesis explores cross-institutional collaboration among them and the resulting decision-making environment in which civil servants design and implement policy.

Civil servants practice enforcement according to how and where they "see" human smuggling. My conceptual understanding of state practices relates to these efforts to order transnational migration. Diverse institutional actors negotiate smuggling at a variety of scales. Power relations are visible through discussions of smuggling at some scales, but obscured at others. I "jump scale" through embodiment in order to understand the micro-geographies of the response. This shift in the scale of analysis of the nation-state uncovers different relationships, interests, and negotiations in which state practices are embedded. This approach to geographies of the nation-state considers the time-space relations across which state practices take place, the everyday enactment of policy, the categorization of migrants, and the constitution of borders through governance. I argue that such an approach is key to understanding the relationship between nation-states and smuggled migrants. The findings suggest a re-spatialization of enforcement through which nation-states increasingly practice interception abroad and design stateless spaces, and in so doing, reconstitute international borders.
# Table of Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>abstract</td>
<td></td>
<td>ii</td>
</tr>
<tr>
<td>table of contents</td>
<td></td>
<td>iii</td>
</tr>
<tr>
<td>tables</td>
<td></td>
<td>v</td>
</tr>
<tr>
<td>figures</td>
<td></td>
<td>vi</td>
</tr>
<tr>
<td>acronyms</td>
<td></td>
<td>vii</td>
</tr>
<tr>
<td>acknowledgements</td>
<td></td>
<td>viii</td>
</tr>
<tr>
<td>preface</td>
<td></td>
<td>ix</td>
</tr>
<tr>
<td>chapter 1</td>
<td>introduction: &quot;don't ask permission&quot;</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>A brief chronology of events</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Why this ethnography of this state's response to this migration at this time?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discourse, smuggling, and refugees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geographies of the nation-state</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Preliminary notes on methodology</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chapter outline</td>
<td></td>
</tr>
<tr>
<td>chapter 2</td>
<td>enforcing geographies of the nation-state</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Transnationalism and the nation-state</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The state is neither monolith nor &quot;ghost-like&quot; apparition</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The disjuncture between policy and practice: &quot;Policy loves a vacuum&quot;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The nation-state as everyday practice</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approaching daily life in the immigration bureaucracy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The politics of scale</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geographies of the body</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geographies of the nation-state as network</td>
<td></td>
</tr>
<tr>
<td>chapter 3</td>
<td>smoke and mirrors: an ethnography of the state</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Introduction: the methodology</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ethnographies of the state: a genre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Smoke and mirrors: the research process in three acts</td>
<td></td>
</tr>
<tr>
<td>chapter 4</td>
<td>&quot;if it looks like a duck:&quot; seeing human smuggling like a state</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Global trends in human smuggling in the 1990s</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transnational organized crime</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The challenges for the state</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Situating Canada in the context of the global game board</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State imaginations: how Canada saw the boats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Information: the role of intelligence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Main strategies to combat smuggling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The view from Hong Kong</td>
<td></td>
</tr>
<tr>
<td></td>
<td>How the state imagines and communicates human smuggling</td>
<td></td>
</tr>
<tr>
<td>chapter 5</td>
<td>life in the fishbowl</td>
<td>134</td>
</tr>
<tr>
<td></td>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A brief history of Citizenship and Immigration Canada</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The geography of the workplace</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The crisis</td>
<td></td>
</tr>
</tbody>
</table>
chapter 6 policing borders and containing governance

Introduction
Scale, boundaries, and identity
Legal counsel
Non-governmental organizations
Advocates
Suprastate institutions
The Province
Analysis: scale, power, and containment through governance

chapter 7 embodiment, containment, and geographies of access

Introduction
Media analysis
Communications
Securing the leaky state
The dis/embodiment of human smugglers
Illegality and the rise of "the bogus refugee"
The "long tunnel thesis"
The body as a political tool and mode of expression
The embodiment of research
Conclusions

chapter 8 conclusions

Introduction
Putting together the pieces
Statelessness and the bureaucracy
The times and places in which one writes
The relationships between policy and research
A story not yet relegated to history

appendix 1: policy recommendations

references
<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1.1</td>
<td>A chronology of events</td>
<td>21</td>
</tr>
<tr>
<td>Table 1.2</td>
<td>Empirical data on the four ships intercepted in 1999</td>
<td>22</td>
</tr>
<tr>
<td>Table 3.1</td>
<td>Parties involved</td>
<td>79</td>
</tr>
<tr>
<td>Table 4.1</td>
<td>Primary institutions involved in the response</td>
<td>98</td>
</tr>
<tr>
<td>Table 7.1</td>
<td>Local media coverage of immigration issues, 1995-2000</td>
<td>254</td>
</tr>
<tr>
<td>Figure</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>1.1</td>
<td>Two migrant ships intercepted in 1999</td>
<td>xiii</td>
</tr>
<tr>
<td>1.2</td>
<td>Map of journey from Fujian to British Columbia</td>
<td>xiv</td>
</tr>
<tr>
<td>1.3</td>
<td>Migrant ship sails through Canada's Immigration Act</td>
<td>xv</td>
</tr>
<tr>
<td>1.4</td>
<td>Migrants tip Canadian authorities</td>
<td>23</td>
</tr>
<tr>
<td>1.5</td>
<td>&quot;Enough Already&quot; headlines <em>The Province</em></td>
<td>24</td>
</tr>
<tr>
<td>4.1</td>
<td>Map of global smuggling routes</td>
<td>126</td>
</tr>
<tr>
<td>4.2</td>
<td>Media and government choppers leave downtown</td>
<td>127</td>
</tr>
<tr>
<td>4.3</td>
<td>Fourth boat listing and flyover</td>
<td>128</td>
</tr>
<tr>
<td>4.4</td>
<td>US currency rolled in women's sanitary napkins</td>
<td>129</td>
</tr>
<tr>
<td>4.5</td>
<td>Pulling maps from a drawer</td>
<td>129</td>
</tr>
<tr>
<td>4.6</td>
<td>Makeshift medical exam room in Workpoint Gym</td>
<td>130</td>
</tr>
<tr>
<td>4.7</td>
<td>Reading bodies as texts</td>
<td>131</td>
</tr>
<tr>
<td>4.8</td>
<td>The footprint in Esquimalt in September 1999</td>
<td>132</td>
</tr>
<tr>
<td>4.9</td>
<td>&quot;Keep Watch: Protect Our Waters&quot;</td>
<td>133</td>
</tr>
<tr>
<td>5.1</td>
<td>Aerial photograph of interception and media</td>
<td>194</td>
</tr>
<tr>
<td>5.2</td>
<td>Minors portrayed in handcuffs in <em>The Globe &amp; Mail</em></td>
<td>195</td>
</tr>
<tr>
<td>7.1</td>
<td>&quot;Quarantined&quot; headlines <em>The Province</em></td>
<td>284</td>
</tr>
<tr>
<td>7.2</td>
<td>Canada as a marine filling station</td>
<td>285</td>
</tr>
<tr>
<td>7.3</td>
<td>Two claimants in <em>The Globe &amp; Mail</em></td>
<td>286</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>ALO</td>
<td>Airline Liaison Officer</td>
<td></td>
</tr>
<tr>
<td>BC</td>
<td>British Columbia</td>
<td></td>
</tr>
<tr>
<td>BCCW</td>
<td>Burnaby Correctional Centre for Women</td>
<td></td>
</tr>
<tr>
<td>CBA</td>
<td>Canadian Bar Association</td>
<td></td>
</tr>
<tr>
<td>CCG</td>
<td>Canadian Coast Guard</td>
<td></td>
</tr>
<tr>
<td>CIC</td>
<td>Citizenship and Immigration Canada</td>
<td></td>
</tr>
<tr>
<td>CSIS</td>
<td>Canadian Security Intelligence Service</td>
<td></td>
</tr>
<tr>
<td>DAARE</td>
<td>Direct Action Against Refugee Exploitation</td>
<td></td>
</tr>
<tr>
<td>DFAIT</td>
<td>Department of Foreign Affairs and International Trade</td>
<td></td>
</tr>
<tr>
<td>DFO</td>
<td>Department of Fisheries and Oceans</td>
<td></td>
</tr>
<tr>
<td>DND</td>
<td>Department of National Defense</td>
<td></td>
</tr>
<tr>
<td>ERT</td>
<td>RCMP's Emergency Response Team</td>
<td></td>
</tr>
<tr>
<td>ICO</td>
<td>Immigration Control Officer based abroad</td>
<td></td>
</tr>
<tr>
<td>INS</td>
<td>Immigration and Naturalization Services of the United States</td>
<td></td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
<td></td>
</tr>
<tr>
<td>IRB</td>
<td>Canada's Immigration and Refugee Board</td>
<td></td>
</tr>
<tr>
<td>MCF</td>
<td>BC Ministry of Children and Families</td>
<td></td>
</tr>
<tr>
<td>MMI</td>
<td>BC Ministry of Multiculturalism and Immigration</td>
<td></td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding between departments</td>
<td></td>
</tr>
<tr>
<td>MRT</td>
<td>CIC's Marine Response Team</td>
<td></td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
<td></td>
</tr>
<tr>
<td>NHQ</td>
<td>National Headquarters of Citizenship and Immigration Canada (Ottawa)</td>
<td></td>
</tr>
<tr>
<td>PGRCC</td>
<td>Prince George Regional Correctional Centre</td>
<td></td>
</tr>
<tr>
<td>POE</td>
<td>Port of Entry</td>
<td></td>
</tr>
<tr>
<td>PRC</td>
<td>People's Republic of China</td>
<td></td>
</tr>
<tr>
<td>RCMP</td>
<td>Royal Canadian Mounted Police</td>
<td></td>
</tr>
<tr>
<td>RDG (or DG)</td>
<td>Regional Director General of RHQ</td>
<td></td>
</tr>
<tr>
<td>RDP</td>
<td>Canada's Refugee Determination Process</td>
<td></td>
</tr>
<tr>
<td>RHQ</td>
<td>Regional Headquarters of CIC, B.C./Yukon (Vancouver)</td>
<td></td>
</tr>
<tr>
<td>UN</td>
<td>The United Nations</td>
<td></td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
<td></td>
</tr>
<tr>
<td>VIA</td>
<td>Vancouver International Airport</td>
<td></td>
</tr>
</tbody>
</table>
This project would not have been possible without the support and energy invested by so many people at Citizenship and Immigration Canada (CIC) in Vancouver, Victoria, Ottawa, and Hong Kong. There are some folks at CIC who are particularly dedicated and impassioned about these issues. I found them infectious, learned so much from them, and hold a lot of respect for them. They could have - probably should have - written this thesis themselves. I cannot include their names here, nor can I thank them enough for the risk, trust, and time invested in the project. I believe that they participated not only because they're good people, but because they care deeply about what they do.

There were also many important people outside of CIC whose generosity with time and spirit made this project possible. I am especially grateful to Alex Charlton, Suzanne Duff, Robin Pike, and Joshua Sohn for their support. I gained new insights from each of the practitioners whom I had the opportunity to interview. Those working in the field of immigration in all capacities often do so under stressful circumstances such as budget cuts and shifting political and media climates. I hold a great deal of respect for the work that they do.

Generous financial support for the research came from the Izaak Walton Killam Predoctoral Fellowship, UBC's Faculty of Graduate Studies, and the Centre for Research on Immigration and Integration in the Metropolis (RIIM) in Vancouver. In the Ottawa-based offices of the International Metropolis Project, I am indebted to Meyer Burstein, Howard Duncan, Nathalie Ethier, and others for greasing the wheels and lending all manner of assistance.

A whole other set of important institutional players on my committee supported the project from its inception. I am lucky to have found an exceptional group of mentors who each, in his or her own way, taught me something about immigration and about how to be in the academy, qualities that I can only hope to emulate. From Dan Hiebert, I learned to be thoughtful and civic-minded; from Jennifer Hyndman, I learned tenacity with a good dose of humor; and from Vicky Lawson, excellent mentoring and leadership. Gerry Pratt has excited and encouraged me with her sharp, creative intellect from the moment I arrived in Vancouver. And David, my supervisor, modeled wisdom, kindness, humility, and patience. He is a wonderful supervisor and an agile intellect whose lessons I will carry with me always. I am also lucky to have had the opportunity to learn from Juanita Sundberg and Derek Gregory during my time here.

A supportive group of friends and colleagues kept me sane and smart at UBC with laughter and companionship. I thank Helen, Jen, Shelly, Margaret, Jamie, Natalie, Cherie, Maija, Caroline, Bonnie, Wendy, Magdalena, and Emily for contributing to my growth in this place. I am also grateful to Minelle, Jenny, Andrew, Arn, JF, Min-Jung, Dan, Jo, Sin Yih, Graham, and Eric for all of their support. Farther afield but never far were Richard, Win, Millie, Kevan, Rekha, and Rev. And of course, C-SWIG enriched my professional life in the happiest of ways.

Finally, I am eternally grateful to my family - Hen, Bob, and Sarah - who somehow make everything possible and love unconditional. And to Bob, the newest member of my family and constant source of the love, patience, and support that got me through.
In January of 1999, employees of Citizenship and Immigration Canada (CIC) held a two-day tabletop exercise designed to develop an operational response to a potential marine arrival of smuggled migrants off the western coast of Canada. In June, five months later, the British Columbia/Yukon regional office of CIC then led collaborating governmental partners through exercises organized to practice *modus operandi* in the event of a boat arrival of smuggled migrants in British Columbia (BC). They went out on the waters off the coast of Vancouver Island and rehearsed responses to hypothetical situations such as boarding unflagged, foreign vessels at high speed. Those immigration employees working in the fields of environmental scanning, strategic planning, and intelligence gathering foresaw the possibility that one day such an event might come to pass and devised a response at the regional level.

We were prepared. We had thought about it. We had done a contingency plan. In fact, in our plan, we had done some scenarios and workshops on [Vancouver] Island in the spring. One of the areas that we had actually looked at and mapped and everything was where two of the boats came in. So there had been some thinking about it. We had enough information to tell us what was happening in Australia, that it could very likely happen here, and so we were going to get ready.

Despite subsequent accusations to the contrary, they did not know that at that moment, smugglers were, in fact, preparing a retrofitted fishing trawler that would transport migrants from Fujian, China to British Columbia. Employees of Citizenship and Immigration Canada had prepared a response with no hint of the magnitude of what lay ahead in the months to come: high speed chases on high seas, vessel piracy, and attempts by smugglers to infiltrate government procedures.

On 19 July 1999, the *Yuan Yee*, a rusted ship carrying 123 migrants smuggled from Fujian, crossed the twelve-mile limit to territorial waters off the shores of Vancouver Island, the westernmost international border of Canada, and entered Nootka Sound (Figures 1.1 and 1.2).

Figure 1.1 here: Two migrant ships intercepted in 1999

Figure 1.2 here: Map of journey from Fujian to British Columbia

---

1 Interview, Vancouver, August 2000.
After sighting the boat, a Coast Guard captain contacted the B.C./Yukon Regional Headquarters (RHQ) of the Department of Citizenship and Immigration Canada, located at 800 Burrard Street in the heart of downtown Vancouver. This is a recollection of that moment on the part of the immigration officer who took the call:

I have to say that we didn't know in advance that we were going to get hit... Everyone was convinced we knew, that there was some secret US spy satellite up there that was telling us stuff. I took the first call on the 20th of July from the Canada Coast Guard and it was the Captain of the Tanu... I remember him saying, "You know, we've got boats." And I said, "Of course you've got boats, you're the Navy." And he said, "No, no, you have a boat..." We've got some migrants here and two of them are swimming to shore. What should we do?" I said, "Well where are they?" He gave me the latitude and longitude, and I said, "Well where the hell's that?" And he said, "Nootka Sound." I said, "God, way over there!" That was the first landing in British Columbia centuries ago, and here they were at Nootka Sound. I said, "Well how far off are they?" He said, "Oh about 100 meters from the shore." So we were going, "Wow, this is weird." We said, "What are you going to do?" And he said, "Well what are you going to do?"... And it was then we realized that we do have a federal mandate, and we felt good that we had a response that we could exercise and that we had been thinking strategically at the local level. But we didn't know until they were on the beach.²

Boats of migrants began arriving in coastal waters now considered Canadian long before the inception of the nation-state of Canada (Guillet 1963). This was the first time in recent history, however, that the federal government responded to a boatload of migrants smuggled via a continuous route from China to British Columbia. Under the leadership of CIC, various departments scrambled to authorize the deployment of the Coast Guard's MV *Tanu*, the platform from which members of CIC's Marine Response Team (MRT) and the RCMP's Emergency Response Team (ERT), and a medical team of three would board the unmarked vessel. As CIC intercepted and processed the migrants, little did the Department know that a second boat of migrants was already en route to Vancouver, with a third and a fourth preparing to leave China. The institutions that would come to be involved in the ensuing months anticipated neither the tone of the public response to human smuggling by boat, nor the ways in which the pitch would intensify with each of the subsequent three arrivals, until a total of 599 migrants had arrived in Canada, with the fourth ship intercepted on 9 September 1999.

² Whereas research interviews serve as the source of most quotes in this thesis, this one originates from a workshop on the cross-institutional response to human smuggling in British Columbia held in October 2001 at the Fifth National Metropolis Conference in Ottawa (Charlton et al. 2002). I co-organized this workshop with an
Thus began what came to be known among bureaucrats involved with immigration to Canada as "The Summer of the Boats." This was the largest unanticipated group of refugee claimants that CIC had received in recent history, and this new scale demanded an enormous investment of resources on the part of several federal, provincial, and non-governmental bodies. CIC released the first boat of migrants once they had made their refugee claims. Many of these claimants then failed to appear at subsequent hearings, having thus abandoned their claims. They are believed to have traveled to the United States. With the ensuing boat arrivals, the federal government argued successfully that the migrants were without identification documents and constituted a "known flight risk" and were, therefore, subject to detention. Hence, this migration also marked the first time in recent Canadian history that the federal government detained refugee claimants en masse as they saw their claims through the process. Eventually, the Fujianese migrants became the largest mass deportations in recent Canadian history.

The boat arrivals linked the Canadian present to its past and reminded responding officers of two other memorable arrivals in Canadian history. The first such ship to British Columbia, the Komagata Maru, arrived in 1914 and carried 376 Punjabi Sikhs (Johnston 1989). In what has come to be thought of as a dark period in the history of immigration to BC, Canadian officials kept the migrants on the ship in the Vancouver Harbour where they stayed for two months and were then turned back. More recently, a ship called the Amelie arrived off the Atlantic coast near Halifax in 1987 carrying 174 Sikhs and resulted in Parliament being recalled. The boat arrivals from Fujian contributed to Canadian fears of invasion, a loss of sovereignty, and of continuous routes from the People's Republic of China (PRC). While the numbers were relatively insignificant, the symbolic significance and the seemingly direct affront of these arrivals to the integrity of Canadian borders - where it appeared that there was a lack of control and order - struck a chord with a nation-state already anxious about sovereignty issues (Figure 1.3).

Figure 1.3 here: Migrant ship sails through Canada's Immigration Act

employee from CIC RHQ B.C./Yukon and with the director of a refugee settlement agency in downtown Vancouver, both of whom were involved in the 1999 response.

While the detention of refugee claimants has become common practice in Australia and the United States, this has not been the case in Canada.
As the political cartoon in Figure 1.3 illustrates, this movement confirmed Canadians' fears and perceptions that the country's immigration and refugee laws were being abused.

The summer of 1999 turned out to be a season that tested the standard operations of procedure and policy through which government bodies interact and marshal resources. The response revealed the disparate ways in which federal governments and human smugglers work along and across international borders. This thesis documents the response of many people from multiple institutions to the arrival of smuggled Fujianese migrants at a time when emotions and stress levels were elevated. As such, it is an ethnography of Canada's response to human smuggling in 1999. It serves more broadly as an “ethnography of the state,” an emerging genre to be examined in this thesis. In the ensuing pages, I will introduce the origins, theoretical dialogues, controversies, terminologies, and methodological parameters surrounding this research on how the Canadian nation-state sees human smuggling.
Figure 1.1 Two migrant ships intercepted in 1999 (on 20 July and on 30 August)
Source: Citizenship and Immigration Canada
Figure 1.2  Map of journey from Fujian to British Columbia
Map by Eric Leinberger
Figure 1.3  Migrant ship sails through Canada's Immigration Act
The United Nations estimates that some four million people are smuggled across international borders annually (International Organization for Migration 1997). Geography is central to the relationship between nation-states and people on the move (see Nash 2001). Canada has always felt secure in the ability to select migrants because of its geography of sea borders and the shared border with the United States. And yet this geographical proximity and otherwise close relationship with its powerful southern neighbor has also always signaled a distinctly anxious state of affairs. In the era of the North America Free Trade Agreement and other moves towards trilateral arrangements in North America, Canadians have worried more about the perceived erosion of sovereignty. In the years prior to the marine arrivals, the US had been pressuring Canada to step up enforcement along its borders. While the extent to which the US influences Canadian public policy is a matter of debate, the perception of this pressure is significant for civil servants. This pressure intensified following the terrorist attacks on New York and Washington D.C. on 11 September 2001 and the belief that some of the perpetrators might have entered the United States from Canada.

In light of a perceived loss of sovereignty by the state and the transgressive border-crossing powers of transnational migrants in an era of globalization, I began with the following research question: What is the desire and ability of the nation-state to mediate transnational migration? Social scientists have tended to under-theorize the role of the nation-state in relation to human mobility and displacement. When included in studies of transnational migration, the state tends to masquerade as an ill-defined, monolithic barrier against which migrants struggle. Researchers of immigration have paid insufficient attention to the geographies through which nation-states are produced. This thesis brings the contested boundaries of the nation-state into relief by examining the response of the Canadian government to human smuggling. I offer insight into how the federal government sees and manages one particular stream of transnational migration, human smuggling. The dimensions of this response illustrate a need to deconstruct "the state" as a category, which in turn demands a
more complex series of research questions about the geography of human smuggling, refugee claimants, and governance. How do states see and attempt to manage migration streams?

The response to the boats carrying migrants smuggled in 1999 drew together many different institutions, each of which worked through distinct objectives, mandates, and cultures. In order to discuss the differences and collaborations among them, I gathered narratives of border management - on the part of people working within and beyond government - through an institutional ethnography (D. Smith 1987). Ethnographic research took place primarily at the federal department of Citizenship and Immigration Canada (CIC), but includes interviews with many other institutions as well. It contributes the voices of civil servants to conceptual models of immigration and juxtaposes them with the voices of employees of other institutions such as media workers, refugee advocates, service providers, immigration lawyers, and provincial employees. Qualitative research tools such as semi-structured interviews and participant-observation enable a depiction of the daily contexts in which bureaucrats work to enact policy. Through interviews, I examine the social processes surrounding CIC policy; seeking to understand not only the policies and structures of government as recorded on paper, but the ways in which their enactment is embodied in practice by a diverse set of civil servants.

The data reveal that the boundaries around the nation-state are produced distinctly for different people, and that these productions relate closely to public opinion and to the critical role of the popular media. The power of media to alter public opinion influences civil servants to the extent that the management of information for the external environment became one of the most important points of orientation for the federal department of CIC. The importance of maintaining a coherent, consistent, and contained image for the external world came to the fore among government employees, and prompted contemplation of the contributions of critical media studies to theories of the state. Analysis of state practices at multiple geographical scales and in multiple locations vis-à-vis the case study, suggests a need for new geographical understandings of the production of the nation-state that are bound up with a shift in scale to everyday, localized enactment of bureaucracy and federal policy.

Several overarching themes guide the structure of the thesis and signal its contributions. Above all, the thesis offers an analysis of the geographical production of the nation-state, by which I mean the ways in which civil servants and other institutional employees negotiate and implement policy through the daily work of enforcement. The federal government and its
policies are enacted within a bureaucracy where thousands of people work in different locations. Most geopolitical approaches discuss the operation of the nation-state at a global scale.\textsuperscript{1} This thesis, however, suggests a "re-scaling" of the state (Hyndman 2003) through which researchers seek to understand the ways in which the state operates distinctly, with different objectives, across time and space. Between the National Headquarters (NHQ) of CIC in Ottawa and the Regional Headquarters (RHQ) in British Columbia, there existed many conference calls and visits, and the translation of policy and practice across space and time. It is across this space and time that subtle and sensitive shifts in meaning may take place. Ethnographic analysis of the bureaucracy illustrates the spatiality of governance, struggles over the social construction of scale, and the primary role of representation as organizations negotiate policy.

This thesis offers sustained attention to the geography of governance by analyzing the response of the Canadian nation-state to human smuggling in 1999. By challenging some of the assumptions underlying this response, the thesis urges reconfiguration of some of the categories and spaces designed to manage transnational migration.

\textbf{A brief chronology of events}

After intercepting migrants on the water, authorities brought them either by ship or by bus to a Canadian military base in Esquimalt, near Victoria, on the southern tip of Vancouver Island. The migrants were then processed, including initial interviews with immigration officers. During this time over 500 of 599 migrants made refugee claims.\textsuperscript{2} When CIC released the adults that had arrived on the first boat, many did not appear at refugee claimant hearings in subsequent weeks. Having abandoned their claims, they were presumed to have traveled to the US to work. This abandonment further inflamed public opinion regarding abuse of Canada's refugee program and its ability to police borders. By referencing this disappearance, the federal government argued successfully that migrants on the following three boats posed a "flight risk," meaning that they were likely to flee if released. The federal government also argued that the

\textsuperscript{1} Many scholars have critiqued this unidimensional view of the state, such as those working in the fields of organizational theory, critical geopolitics, and feminist international relations. I will discuss their work further in chapter two.
migrants carried no identification documents. These two arguments enabled CIC to pursue longer-term detention of most of the adults that arrived on the following three boats.

Following the processing of ensuing arrivals, CIC either released migrants or transported them to longer-term detention facilities. Ultimately, some 500 (83%) of the 599 made refugee claims, and 429 (72%) were held in long-term detention. In some cases, detention lasted up to two years (DAARE 2001: 5) as claimants exhausted opportunities for due process in Canada. CIC placed about 100 minors in the custody of the Ministry of Children and Family Development of the Province of British Columbia, deemed the legal custodian for unaccompanied minors. CIC granted the claimants due process under the Canadian Charter of Rights and Freedoms and repatriated those eventually determined by the Immigration and Refugee Board (IRB) not to be refugees according to the 1951 Convention Relating to the Status of Refugees.

Table 1.1 shows a brief chronology of events, beginning with two suspected arrivals that were not intercepted by the federal government.

Table 1.1 here: A chronology of events

Table 1.2 catalogues some basic empirical information on the four boats that were intercepted.

2 These numbers are dynamic and changed over time, and I have seen a different number reported by different sources. One document released to the public by CIC placed the number of refugee claimants at 549 (CIC, Marine Arrivals: Status Update. 18 February 2000.) Most estimates hover above 500.
3 These numbers were also contested and dynamic: legal status changed over time, some migrants misrepresented their age, and minors were defined distinctly by the federal and provincial governments.
4 Canada has different categories of refugees. This group falls into the category of those who make a refugee claim once arriving on their own in Canada. Still others are resettled from abroad. Some among them will be sponsored by the government as government assisted refugees, and still others will be assisted through private sponsorship. Those resettled from abroad can also be categorized as "source country" and "asylum country" classes. The former are resettled directly from their home country, while the latter are resettled from another country outside of their source country where they did not fit the category of Convention refugee (United States Committee for Refugees 2000a). In 1999, Canada hosted 53,000 refugees and asylum seekers. According to the United States Committee for Refugees, 24,732 had cases pending, while 12,954 received refugee status in 1999. Canada resettled 9,777 from abroad, as well as 5,513 Kosovar refugees facilitated under the United Nations High Commissioner for Refugees' (UNHCR's) humanitarian evacuation program (United States Committee for Refugees 2000a). Within Canada in 1999, the approval rate among those who sought asylum was 58%. Among asylum-seekers from the People's Republic of China, the approval rate was also 58% (United States Committee for Refugees 2000a).
Why this ethnography of this state's response to this migration at this time?

In August of 1998, only one year before many of the smuggled migrants came by boat, I arrived in Canada from New York on a student visa to do a doctoral degree in geography at the University of British Columbia in Vancouver. I had just completed a Master's degree during which time I worked with Salvadoran asylum applicants in the northeastern United States. Despite extensive political organizing throughout the 1990s, Salvadorans continued to face a low acceptance rate for asylum in the United States. After experiencing many years of legal limbo, only 3.3% of Salvadoran applicants received asylum in the US in 1997 (United States Committee for Refugees 1998b). Due to the lingering effects of cold war geopolitical relationships, these acceptance rates remained significantly lower than those for applicants from communist countries of origin such as Cuba. Through research, I had become involved in documenting Salvadorans' experiences of displacement and their efforts to lobby the US government for amnesty. Asylum applicants spoke to me of the powerful ways in which the nation-state influenced their daily lives. As a result, I was interested in the uneven application of asylum policy on the part of the federal government of the United States. Eventually, what emerged from this work of gathering migrant narratives was a desire to also understand and contribute narratives of civil servants to the dialogue on immigration.

I begin here in order to explain how I came to study the nation-state in relation to transnational migration, but also to note that while this is a study of the daily life of institutions, I do not want to lose sight of the powerful material effects of policies in the daily lives of migrants and asylum applicants.

In order to address questions about the role of the nation-state in ordering human migration, I decided to study government responses by employing research methods similar to those that I had exercised with undocumented and asylum-seeking migrants, only this time within the machinery of the immigration bureaucracy. With some important exceptions that I will review later in the thesis (Calavita 1992, Heyman 1995, Nevins 2002), little has been written about the work of federal immigration officers in the US, and still less about their work

---

5 This lower than average rejection rate could be interpreted as legitimizing violence in El Salvador where the US played a significant role in supporting the ruling regime throughout the 1980s
in Canada (exceptions here include Foster 1998, Ley 2003). Immigration scholars often discuss “the state” as though government were a unified decision-maker. But as the Canadian response to human smuggling in 1999 exemplifies, the term does not adequately convey the negotiations over resources and conflicting mandates that take place within and among governmental agencies. CIC itself plays conflicting roles in relation to immigration and relies upon other governmental and non-governmental institutions with other mandates in the response to human smuggling. My research findings illustrate complex geographies to the institutional response to smuggling that require conceptualization of intersecting institutional practices.

The 1990s saw a burgeoning literature on transnational migration (e.g., Kearney 1991, Rouse 1991, Glick-Schiller et al. 1992). Much of this literature celebrated the ways in which migrants transcended international borders (Appadurai 1996), seemingly a powerful example of the waning power of the nation-state (Ohmae 1995). In Canada, this trend resonated with fears of the erosion of national borders which were tied to the popular perception that migrants "abused" a generous Refugee Determination Process (RDP) (Figure 1.4).

**Figure 1.4 here: Migrants tip Canadian authorities**

The political cartoon in Figure 1.4 shows migrants disembarking from a boat and tossing a coin to enforcement officers, asking them to pick up their bags. The migrants are depicted as arrogant and happy, while the Canadian authorities appear to be shy, helpless, and frustrated.\(^7\)

As other scholars have argued (Mitchell 1997), the celebration of the dissolution of political borders for transnational migrants did not account for the constraints imposed by borders on others such as refugees and asylum-seekers for whom the state looms large in everyday life. Given previous research experiences in the United States, I arrived in Canada with a healthy skepticism and intellectual curiosity regarding the conflicting roles that federal governments play in regulating various streams of transnational migration. And as I soon learned, the responsibilities of the federal government regarding immigration indeed conflicted in Canada. Facing a constant fear of loss of sovereignty and diminished population and economic growth, Canada was furiously recruiting immigrants throughout the 1990s. Such

---

\(^6\) Despite the end of the cold war, the United States still favors asylum applicants from communist states.
recruitment pronounced itself vigorously in Vancouver, British Columbia where wealthier economic migrants had been immigrating in great numbers since the mid 1980s and finding a safe harbor for savings, investments, and family members in anticipation of the hand-over of Hong Kong from Great Britain to China in 1997 (Mitchell 1993, Ley 2003). The federal government of Canada invested heavily in immigration as a method of supplementing what had become a negative rate of natural population growth (Ley and Hiebert 2001) and of generating economic activity (Mitchell 1993). At the turn of the twenty-first century, Canada boasted the highest per capita rate of immigration in the world, more than two times that in the United States (New York Times, 2 October 2002). In the competition for the best and brightest - and wealthiest - Canada came out on top.

With the marine arrivals from China, the conflicting roles of the federal government became ever more pronounced. While continuing to recruit some immigrants, the federal government - and specifically the Department of Citizenship and Immigration Canada - also needed to uphold an enforcement mandate and faced criticism for not having done so. Analysis of the response to human smuggling thus brings to light the tension between the two broad mandates of CIC: to police borders, while at the same time landing a total of 189,911 immigrants in 1999 (Citizenship and Immigration Canada 2000: 3). The government responded to the boat arrivals within an enforcement framework, while fulfilling its obligations as a signatory of the 1951 UN Convention Relating to the Status of Refugees and to the Canadian Charter of Rights and Freedoms. These were not the immigrants that Canada worked tirelessly to recruit. Rather, those who arrived by boat and made refugee claims in 1999 became the first refugee claimants imprisoned en masse in recent Canadian history, at great cost to the federal government and taxpayers. The tension between these objectives - to land approximately 1%
of the population annually\(^9\) and to practice enforcement effectively - serves as one backdrop for this thesis, and for the daily work of federal employees in immigration. Differences in mandate and location within the bureaucracy provoked differing opinions regarding where to invest in resources of time, money, and people and played out daily in the offices of Citizenship and Immigration Canada. This tension emerged again in new immigration legislation proposed in the spring of 2000, months after the first boat arrived. While this legislation was underway well before the boat arrivals, then Minister of Immigration, Elinor Caplan, framed and presented Bill C-11\(^10\) as an attempt to “close the back door” to irregular migration in order to “open the front door” to legal immigration.\(^11\)

Compounding this conflict was the political nature of those who led the federal government. As one Vancouver-based bureaucrat explained to me, "For them, this is a career. For me, it's a job." Bureaucrats frequently distinguished themselves in this manner from those who ran CIC in Ottawa. They also tended to express frustration with the politicized shifts in priorities that complicated their day-to-day work. This tension in the relationship between politics and bureaucracy emerged most vividly when bureaucrats discussed the relationship between federal departments and the media. In fact, the stress of managing the external environment was the anxiety most frequently cited by government staff responding to human smuggling. Therefore, one overarching theme holding together research findings presented in this thesis is how, and to what extent, the federal government responded to pressure from the media.

Whereas human smuggling takes place across Canadian land borders and airports in greater numbers than by sea on a daily basis,\(^12\) the boat arrivals particularly captured the attention of the Canadian public and the international media. In fact, the 1999 arrivals signaled a shift in discourse about, and public sentiment towards, immigration to Canada more broadly (McGuinness 2001, Hier and Greenberg 2002, Mahtani and Mountz 2002) (Figure 1.5).

\(^9\) This has been a long-standing policy objective of the federal Liberal Party (see Ley and Hiebert 2001).
\(^10\) Bill C-11 was revised and again tabled as the Immigration and Refugee Protection Act in the House of Commons during the following February (2001) as Bill C-31. The legislation reintroduced heavy penalties, including $1 million and up to life in prison for human smugglers.
\(^11\) CIC news release, 14 June 2000. "By saying 'No' more quickly to people who would abuse our rules, we are able to say 'Yes' more often to the immigrants and refugees Canada will need to grow and prosper in the years ahead," said Minister Caplan." CIC news release, 21 February 2001.
\(^12\) It is estimated that between 24,000 and 45,000 people move into or through Canada per year. This estimate was provided to me by employees of CIC.
As illustrated in the extreme by the front-page image in Figure 1.5 that recorded the arrival of the third boat, the media constructed the marine arrivals as a crisis for the federal government. Media coverage and public opinion converged and seemed to take on a life of their own. The dramatization of the events spiraled quickly and sparked anti-immigration sentiment to a degree that Canada had not seen in many years. Boats of migrants had arrived earlier in the twentieth century - as I will detail later - but the boats from China arrived at a particular moment in time. British Columbia’s economy had been waning since 1996, destabilized further by the Asian economic crisis of 1997 and 1998. In terms of investment, the Hong Kong migration had not provided the miraculous answer to BC's economic woes for which many had hoped (Ley 2003). Politically, the Canadian Alliance, a right-wing political party interested in lowering rates of immigration to Canada, was gaining power across the country, as was the conservative BC Liberal Party in the Province.\textsuperscript{13}

Canada was not alone in developing a response to human smuggling and trafficking in the 1990s. By 1999, the illicit movement of people in a modern-day form of indentured servitude had intensified in terms of quantity and public awareness around the globe (Smith 1997). Boats of smuggled migrants were also arriving off the shores of Australia, the United States, and Central America. When intercepted, most smuggled migrants made refugee claims. Most immigrant-receiving nations, unprepared for the increasing quantity of applications, faced backlogs. It is within this time lapse that more conservative politicians throughout North America accused the Canadian government of harboring terrorists and other criminal populations who were charged with "abusing" a "generous" system that granted them temporary permission to stay until the outcome of their case was determined by the Immigration and Refugee Board (IRB). While most smuggled migrants do not fit the definition of a "convention refugee" – as outlined by the 1951 Convention Relating to the Status of Refugees – some do. On these grounds, the United Nations High Commissioner for Refugees (UNHCR) has argued that because states are stepping up interception practices abroad, it is becoming more difficult for migrants to reach refugee-granting states such as Canada and the
United States. "Convention refugees” are, therefore, increasingly employing the services of human smugglers to reach those signatory states in order to make claims (Koser 2000, Nadig 2002).

Ethnographic research on the bureaucratic management of immigration is necessary to understand these trends and their relationship to the implementation - and design - of federal policy. Research on the day-to-day work of civil servants brings into relief the geography of contact between state practices and smuggled migrants or potential refugee claimants.

**Discourse, smuggling, and refugees**

The policing of boundaries around the definition of the “convention refugee” brings us to the central analytical place of discourse, representation, and identity in this thesis. Discourse is central to the transformation in political power – identified by Michel Foucault (1991, 1995) - from sovereign to disciplinary practices exercised by nation-states. Discourse is also central to my approach to understanding the ways in which nation-states mediate transnational migration, and central to the politicized struggles over the “boat migrants” accused of “cutting the queue.” As the migrants arrived, parties such as CIC, refugee advocates, immigration lawyers, and the media each held a stake in their identification. The lexicon of immigration perpetually evolves and alters to reflect changing political contexts in receiving states (Ellis and Wright 1998, Nevins 2002). In the late 1990s, refugee and asylum-seekers in North America, Western Europe, and Australia increasingly received the nomenclature of "illegal," "bogus," and "economic migrants," and were, therefore, often seen as illegitimate refugee claimants. Following the boat arrivals in Canada, the press brought "illegal alien" - a term more commonly used to reference unauthorized migration to the US - into circulation (McGuinness 2001). "Transnational organized crime" also became a common buzzword. Recently, a trend toward the criminalization of refugee applicants writ large has accompanied the shifting channels of international migration flows increasingly associated with human smuggling. Throughout the thesis, I will develop the argument that discourse demonstrates the influence of competing political interests on the response to human smuggling.

---

13 The BC Liberal Party was elected to assume leadership of the Province in 2001.

Because the language of migration is bound up with political struggles and power relations, I am mindful of terminology. The media labeled the migrants “queue jumpers,” “bogus refugees,” and “boat migrants.” Discursive constructions have material consequences, and this value-laden parlance may have potentially influenced the refugee determination process for this group.\textsuperscript{15} I refer to the group as \textit{refugee claimants} because they made claims upon arrival and proceeded through Canada's refugee determination process. I also refer to them as \textit{migrants} because they did not have the legal or financial means or intentions to immigrate to Canada to settle in the long-term as \textit{immigrants}.

The terminology of human smuggling itself is contested. There are, however, commonly accepted, broad definitions of human smuggling and trafficking. Whereas human smuggling - defined most simply - entails “the illicit movement of people across international boundaries” (Koser 2001: 59), the term “human trafficking” tends to be associated with the coercive movement of women and children, often into the particularly exploitative niches of the global sex trade and child labor. The UN Protocols on Human Smuggling and Trafficking (United Nations 2000) identify coercion and exploitation on both ends of the journey as the main elements that distinguish trafficking from smuggling. Whereas coercion involves people moving and working against their will, exploitation means that they work in poor conditions for substandard wages. Kristof Van Impe (2000: 120) suggests that trafficking is the "degeneration" of smuggling that signals a loss of control on the part of clients who slip further into the grip of exploitation because they cannot pay their way out of debt.

I use the term \textit{human smuggling} in my discussion of the 1999 boat arrivals because the migrants fit more accurately the commonly-accepted definition of human smuggling and because it is the term used by the federal government and other institutions to classify the boat arrivals. Still, I find the distinction between these two terms to be more ambiguous than officials often seem to believe, more a matter of degree than dichotomy. The distinction is easily debunked because so little is known about the conditions under which individuals are smuggled or trafficked and the conditions in which they ultimately live and work at the final destination (see Kwong 1997, Chin 1999). Furthermore, there are few clear parameters surrounding the definition of work that is exploitative or journeys that are made coercively. These terms once again represent the awkward ambiguities of the language used by government

\textsuperscript{15} I will make the case for both sides of this debate, based on research interviews, in chapters six and seven.
and supra-government bodies in their efforts to categorize transnational migration. So while I use the term human smuggling in reference to the 1999 arrivals, the arguments made in this thesis extend to and will engage with the growing literature on human trafficking (e.g., Macklin 2001, Oxman-Martinez et al. 2001).16

Drawing on Scott's approach to policy in Seeing Like a State (1998), this thesis attempts to see human smuggling like a state in order to understand the analytical and operational disparities between human smugglers, nation-states, and the global community in which they act. Despite an expanding dialogue about human smuggling and trafficking, nation-states generally know very little about the networks of people behind these acts, and the conditions under which migrants make such difficult journeys. Vision, scale, and linguistic exercises in classification are central to understanding the perspective of the state. In its attempts to receive and process migrants, the bureaucracy must categorize distinct transnational flows. This management strategy often inhibits a more nuanced understanding of migration and results in distilled discourse about human smuggling. Migrants themselves tend not to identify with the various categories of migration delineated by individual states or the international community of states, such as "economic" versus "political," "legitimate" versus "bonafide," "legal" versus "illegal." In fulfilling their responsibility to see and place migrants in such categories, civil servants who must implement policies sometimes miss the grayer areas between categories within which most people seek to improve the lives of their families by migrating.

In a highly geographical approach, Scott (1998) addresses the ways in which states see and order the landscape. Through a wide-ranging series of examples, Scott illustrates that states attempt to impose order on the landscape through projects and policies. In the management of human migration, states attempt to order the landscape by categorizing migrants and designing policy to correspond with each category such as independent, family, business, or refugee classes. Civil servants face constraints imposed by international borders, law, finance, and a multitude of jurisdictional boundaries that impair their sight. As a result,

16 I avoid using the term "trafficking" loosely so as not to disrupt the momentum generated by a movement of women's groups in particular that have become politicized around "human trafficking" specifically, which to them signals the coercive movement of women and children into exploitative niches, and particularly the sex trade. It is interesting to note that these distinctions are reflected in the language and strategies of federal departments. In other words, whereas CIC confronts human smuggling within an enforcement framework, Status of Women Canada wonders if the 1999 arrivals fit into the definition of "human trafficking," and if so, if the claimants should be granted permission to stay in Canada on the basis of gender-based persecution.
they behave reactively in relation to human smuggling, policing borders with practices such as interception, detention, and prosecution, to name a few. Smugglers, contrarily, work strategically with and across international borders at a very local scale precisely to elude the bureaucratic vision of the nation-state that imposes grids, borders, and order upon the landscape from a distance (Scott 1998). Not bogged down with bureaucracy themselves, smugglers shift smuggling routes and methods much more quickly than nation-states shift investigative or preventative strategies. Viewed through the lens of human smuggling, it is easier for smugglers to elude the law than it is for governments to enforce it. In this regard, smugglers appear to be better equipped for flexibility in relation to the local geographies of international borders and global migrations than are nation-states.

While the scale of out-migration from China has likely decreased in recent years (Skeldon 2000a: 12-13), its channels and routes change perpetually. Out-migration by boat remains historically and culturally consistent with centuries of out-migration from Fujian (Hood 1997, Kwong 1997, Chin 1999). The recent shift to unflagged cargo ships first made itself known to North America in 1993 with the grounding of the Golden Venture in New York Harbor (Kwong 1997, Chin 1999). Among the most dynamic contexts of these migration flows is the political context of the receiving nation-states. Immigration receiving states often believe – incorrectly – that they can turn streams of transnational migrants on or off like they would an electric switch. But shifts in public sentiment and political will towards immigration in the receiving nation do not necessarily correspond with the conditions or “push factors” that contribute to out-migration in the source country. Complicating the situation for Canada, and contextually important to understanding this movement from Fujian, is the geographical proximity of Canada to the US. Recent census data estimate that approximately eight to nine million undocumented migrants reside in the US (Center for Immigration Studies 2003). Substantial evidence shows that the migrants on the four boats from Fujian intended to join this population to live and work in the United States, but made refugee claims in Canada when intercepted by the Canadian authorities. While the US applied constant pressure to Canada and Mexico to enforce borders and curb migration streams, the US was itself complicit in undocumented migration because of the role that migrant labor played in supporting a booming economy in the 1990s.
Nation-states look carefully to one another for trends in the global game of smuggling and design policies in relation to one another. A commonly-held perception among the enforcement community is that the "weaker" or "softer" states will receive smuggled migrants. In other words, as Australia and the United States take interception control practices to new levels by turning away boats in the open seas before they can land, the perception is that the smugglers will easily divert routes to other nation-states where they are less likely to be intercepted. The practice of turning boats away calls into question the integrity of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to which Canada is a signatory. There are many scales through which this migration and the federal response can be understood, and one of my objectives in this thesis is to show how the phenomenon of human smuggling and states themselves are constructed distinctly at different scales through discourse about smuggling and refugees.

Geographies of the nation-state

This thesis contends that the practices of the nation-state must be examined in relation to transnational migration, and in turn, understood as a diverse network of employees that interact with a variety of institutions in order to enact federal immigration policy. I endeavor to understand how the state "sees" human smuggling by examining the response to the four boats of migrants from Fujian in 1999. An ethnography of the daily practices of enforcement carried out by bureaucrats leads me to theorize the state as a network. I also articulate the construction of scale as central to the geography of the nation-state. Analysis at a variety of scales uncovers a variety of relationships, interests, and negotiations in which state practices are embedded. These findings suggest a shift in the spatiality of federal governance of human smuggling and refugees and a move toward statelessness, accompanied by discourse that delegitimizes refugee claimants.

I develop a conceptual understanding of the geography of the Canadian nation-state in order to understand efforts to control transnational migration. My theoretical approach to geographies of the nation-state includes the time-space relations across which state practices take place, the everyday implementation of policy, the taxonomy of migrations, and the constitution of borders through governance. I "jump scale" – as geographers do – in order to

\[17\] I will discuss this evidence in subsequent chapters as the narrative unfolds.
understand the global “game” that smugglers and nation-states play through close examination
of the response to the boat arrivals at a regional or local level. I will argue that such an
approach is key to understanding the relationship between nation-states, transnational
migration, and the global environment. After prying apart the interwoven geographies of the
nation-state in the response to human smuggling, I will return to the definition of the
convention refugee. The changing taxonomy of state interventions into transnational migration
should prompt the global community to re-think and expand this definition, an argument that I
develop at the end of the thesis.

Preliminary notes on methodology

After sending a research proposal and accompanying letter of support to the Regional
Director General (RDG) of the Regional Headquarters (RHQ) of CIC, I began research in 1999
with a bold invitation issued by the RDG to sit at a desk in the local office at 800 Burrard
Street, Vancouver. This desk would serve as a base of operation from which I would interact
with, observe, and interview employees in immigration about their roles in response to the boat
arrivals. Due to political circumstances that I will discuss further, the conditions under which I
was able to conduct research changed once I began to spend time at RHQ in August of 2000.
By the day, messages from the Department of Justice, relayed to me through the human
resources contact in the office, altered the conditions of my work until it was nearly impossible
to do research. These messages culminated in orders for my removal from RHQ in September
of 2000. This experience hints broadly at the challenges to doing research on the state and
more specifically to the controversial nature of this particular response to this particular
migration.

While I will discuss these methodological experiences and the important contexts
surrounding them further in chapter three, I begin here intentionally. This thesis relays a history
from many perspectives, and most fully from the perspective of employees of the federal
government, but ultimately it offers my own interpretation of events. In the last two decades,
qualitative research has moved away from ideals of objectivism towards the reality of
subjectivism, of the presence of the researcher in the narrative, and the telling of partial and
throughout the thesis in an effort to be accountable to readers, to relay “the view from
somewhere,” as Donna Haraway (1991) has urged. What I learned was very much contingent upon who was willing to talk with me, their positions and politics, the research methods, and contexts of interaction. That said, there are methods of qualitative research and empirical rigor that I follow carefully in order to identify empirical patterns in data that substantiate findings.

Furthermore, I attempted to be comprehensive. I conducted semi-structured interviews with as many people involved in the reception of the boats as possible. This included interviews with members of federal departments, provincial ministries, non-governmental organizations, supra-state human rights monitors, immigration lawyers, and the media. I also conducted participant-observation, media content analysis, and archival research. Archives included documents filed on site at RHQ in Vancouver pertaining to boat arrivals, such as instruction manuals and reports, communications strategies, memos, and e-mail messages, as well as documents released to the public during the 24 months following the boat arrivals. According to Diane Nelson (1999), the state is constitutive of identity, and people, through their identities, are constitutive of the state and its power. The many people who participated in this research, whether working for the government or in another capacity, indeed constitute the state. Likewise, as the author, I too have the power and authority to delineate the borders surrounding the state, just as the state delineates my own identity and status as a foreign student in Canada and that of others, such as business immigrants, refugee claimants, and “irregular” migrants.

While I interviewed most people who worked with the migrants in some institutional capacity, I decided during the incipient stages of research not to try to interview the migrants themselves for reasons related to ethics and protection. The migrants were under intense scrutiny on the part of various governmental and non-governmental parties from the moment they arrived. Most of the claimants were detained in prisons run by BC Corrections until deported. The government monitored and translated telephone calls from prison and mail sent to the prison in an effort to determine their identities and relationships to the smuggling networks. Meanwhile, the human smugglers threatened the safety of their families while also attempting to infiltrate government procedures in order to remove the claimants from detention or to abduct unaccompanied minors from group homes, at times successfully. While a strong proponent of research that gathers migrant narratives, I decided neither to contribute to the clamoring around the migrants, nor to potentially risk their careful negotiations between formal
and informal networks and institutions. This thesis is not about the migrants themselves, but rather about the institutional dimensions of their reception and processing in Canada.

Adding to the challenges to doing research with government, the rate of turnover in the bureaucracy was substantial. Not many of the people originally involved when the boats arrived occupied the same position when I conducted research soon thereafter. This discovery affirms the notion that bureaucracies often have little institutional memory. This thesis, drawing on the poignant experiences of all involved, will document, analyze, and contribute to a cross-institutional dialogue about the response to human smuggling in ways that the federal government may not have the capacity to do. I protect those who participated in the research by maintaining their anonymity. I do so by altering aspects of their identities and, only on rare occasions, the source of information. I faced many ethical quandaries while doing research on a sensitive issue within a sensitive department. These dilemmas taught me about the bureaucracy and about the response to human smuggling and are therefore central to the thesis.

Chapter outline

The thesis proceeds by explaining in chapter two the geographical approach to the nation-state implemented in this study. There, I join other scholars in countering the myth of the monolithic state. I outline my own theoretical approach that involves overlapping geographies of the nation-state drawn at different scales through which civil servants interact. This quotidian approach positions the state as an everyday series of practices and suggests the spatial metaphor of the network to understand the interactions between institutional actors and smuggled migrants.

In the third chapter, I outline the methodological approach to this project, "an ethnography of the state." While several studies in the field of anthropology self-categorize as "ethnographies of the state," no comprehensive analysis of these writings or systematic attempt to delineate the approach has been executed. I see this as a burgeoning interdisciplinary genre and review these works in order to develop the approach. This entails a discussion of the challenges to "studying up" (Nader 1972) and the ways in which such challenges inform this thesis.

In the fourth chapter, "If it looks like a duck:" Seeing Human Smuggling Like a State," provides background on both the global trends in human smuggling and trafficking and the
ways in which governments and social scientists have addressed them. I discuss the 1999 response to the smuggling of Fujianese migrants to British Columbia in relation to overall global trends in the management of refugee flows in the late 1990s. I illustrate that both the activities of the nation-state and incidents of human smuggling are mutually produced for different audiences at different scales. Central to the relationship between the two is the issue of how the state "sees" human smuggling (Scott 1998). Understanding management on the part of the bureaucracy requires analysis of the categorization of transnational flows and the public discourse in which those categories are embedded and, therefore, must link representations to scale.

The fifth chapter, "Life in the Fishbowl" enters into the day-to-day experiences of the response at CIC. Organized thematically, the chapter addresses the challenges faced by CIC employees to responding in a time of crisis and the everyday cultural practices in which their work and decision-making processes were embedded. I highlight the importance of the geography of the Department and illustrate the need to apply a scaled approach to the enactment of the nation-state. Conflicts over the mandates of the Department come to the fore as an organizing theme for those in the field. Analysis of the daily work of immigration bureaucrats illustrates networks at work and enables a discussion of what it is that ethnographic research illuminates about state practices of the management of migration.

In the sixth chapter, I examine the interactions of CIC employees with provincial and non-governmental institutional actors in order to understand the geography of state practices as embodied networks. I explain the role played by different institutions in the response as well as their relationships to CIC through cross-institutional collaboration. These respondents often offered alternative narratives of border management to those of federal employees. They revealed differences in institutional cultures and mandates and the possibility for improved dialogue between governmental and non-governmental actors. I am interested here in the geography of these organizations, in their institutional roles and political strategies, and in which among them influenced state practices and why. State practices must, therefore, be conceptualized in conjunction with non-state institutions.

The seventh chapter, "Embodiment, containment, and geographies of access" explores the role of the media and the homogenizing forces imposed on representations of the boat arrivals. Here, I will discuss the objectives and roles of the communications branch of CIC and
evaluate the print media as a space of transmission and dialogue between government and civil society. This chapter draws on feminist theories of embodiment and explores the relationship between body and state. It revisits the excessive desire of the federal government for a positive external image and explores the interface between discourse and materiality with contemplation of geographies of the body and the 1999 interceptions.

The concluding chapter pulls the pieces of the thesis together in a culminating argument about bureaucracy and human smuggling. I contemplate some of the contexts in which this project is situated and identify a move toward statelessness on the part of nation-states. There, I also contemplate the relationship between policymakers and researchers. I suggest ways in which nation-states are respatializing through the governance of smuggling and refugees.

There is no doubt that the governing Liberal Party of Canada has decided that high immigration rates are its preferred method to build a multicultural population. Like other immigrant-receiving nation-states, Canada wants to recruit the best, brightest, and wealthiest immigrants to Canada, but not those who escape poverty. As a result, economic disparities between immigrant-receiving and source countries continue to grow. As this thesis will show, the federal government of Canada has not yet entirely worked through the complexity of enacting both facilitative and enforcement mandates under the same government, let alone within the same department.

* * * *

Bureaucrats suggested to me during the course of my research that researchers need to provide more succinct summaries of their work, including policy recommendations listed by bullet point for civil servants who do not have the time or inclination to wade their way through verbose academic papers (Charlton et al. 2002: 41). I am cognizant of having multiple audiences to this thesis and the subsequent papers and reports that will follow.

Among the most important lessons that I learned from civil servants in my first month of research is an oft-quoted phrase among them: "Don't ask permission, just ask forgiveness." With this in mind, as the narratives of what happened from July 1999 onward unfold throughout this thesis, I proceed with a commitment to "get it right," knowing all too well the impossibility of such a goal. I aim to sift through differing narratives about the response to human smuggling. The narrative of one will not be the same for all. Nonetheless, the events of "The Summer of the Boats" marked a season to be recorded in Canadian history; one that served as
the impetus for new institutions, policies, precedents, and cross-institutional relationships. Those involved recounted dramatic narratives of emotional encounters, high stakes, exhaustion, philosophical divides, struggles over resources, and conflict. My objective is not to criticize Citizenship and Immigration Canada, but rather to understand the work of civil servants, to understand how national borders and transnational migrants are imagined and managed, and to link the work objectives and challenges of Canada to global trends. I will do my best to represent the experiences of civil servants whom I came to know and interview as accurately as possible, and ask their forgiveness later.
### Table 1.1  A chronology of events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1998</td>
<td>Suspected smuggling ship at Winter Harbour</td>
</tr>
<tr>
<td>7 July 1999</td>
<td>&quot;Ghost ship&quot; boat scuttled, Queen Charlotte Islands, migrants intercepted inland</td>
</tr>
<tr>
<td>20 July 1999</td>
<td>First boat intercepted on the water at Nootka Sound Workpoint Gym set-up for processing in Esquimalt</td>
</tr>
<tr>
<td>9 August 1999</td>
<td>Second boat intercepted at Gilbert Bay</td>
</tr>
<tr>
<td>16 August 1999</td>
<td>Trial of Korean crew members from second boat begins</td>
</tr>
<tr>
<td>30 August 1999</td>
<td>Third boat intercepted at Esperanza Inlet</td>
</tr>
<tr>
<td>September 1999</td>
<td>Pringe George Regional Correctional Centre re-opened Refugee claimant hearings begin</td>
</tr>
<tr>
<td>9 September 1999</td>
<td>Hunger strikes at Prince George Regional Correctional Centre (PGRCC), Burnaby Correctional Centre for Women (BCCW), Surrey Pre-Trial Centre, Vancouver Pre-Trial Centre</td>
</tr>
<tr>
<td>November 1999</td>
<td>Minister Elinor Caplan travels to China to discourage smuggling Riot in Prince George Correctional facility</td>
</tr>
<tr>
<td>April 2000</td>
<td>90 migrants deported by chartered plane</td>
</tr>
<tr>
<td>10 May 2000</td>
<td>Seven migrants escape the PGRCC and are intercepted and returned</td>
</tr>
<tr>
<td>3 June 2000</td>
<td>Hunger strike at PGRCC</td>
</tr>
<tr>
<td>July 2000</td>
<td>90 migrants deported by chartered plane</td>
</tr>
<tr>
<td>27 July 2000</td>
<td>Author begins research at CIC RHQ</td>
</tr>
<tr>
<td>August 2000</td>
<td>Korean crew from second boat acquitted in Victoria</td>
</tr>
<tr>
<td>September 2000</td>
<td>Visit from UN special investigator on human rights of migrants</td>
</tr>
<tr>
<td>October 2000</td>
<td>Hunger strike at BCCW and at PGRCC</td>
</tr>
<tr>
<td>December 2000</td>
<td>PGRCC closed</td>
</tr>
<tr>
<td>April 2001</td>
<td>Several women still in detention at BCCW (DAARE 2001)</td>
</tr>
</tbody>
</table>
Table 1.2  Empirical data on the four ships intercepted in 1999*

<table>
<thead>
<tr>
<th></th>
<th>Boat 1</th>
<th>Boat 2</th>
<th>Boat 3</th>
<th>Boat 4</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td><em>Yuan Yee</em></td>
<td><em>Heung Ryong Pusan</em></td>
<td><em>Tai Tou</em></td>
<td><em>Gui Hai</em></td>
<td></td>
</tr>
<tr>
<td>Date landed</td>
<td>20 July</td>
<td>9 August</td>
<td>30 August</td>
<td>9 September</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Nootka Sound</td>
<td>Gilbert Bay</td>
<td>Esperanza Inlet</td>
<td>Nootka Sound</td>
<td></td>
</tr>
<tr>
<td>Est. length of journey</td>
<td>39 days</td>
<td>58-60 days</td>
<td>30-35 days</td>
<td>35 days</td>
<td></td>
</tr>
<tr>
<td>Total migrants on board</td>
<td>123</td>
<td>140</td>
<td>190</td>
<td>146</td>
<td>599</td>
</tr>
<tr>
<td>Minors</td>
<td>10</td>
<td>38</td>
<td>27</td>
<td>22</td>
<td>76**</td>
</tr>
<tr>
<td>Adult men</td>
<td>95</td>
<td>53 + 9 crew***</td>
<td>145</td>
<td>123</td>
<td>416 + 9</td>
</tr>
<tr>
<td>Adult women</td>
<td>18</td>
<td>39</td>
<td>28</td>
<td>12</td>
<td>97</td>
</tr>
<tr>
<td>Refugee claimants</td>
<td>123</td>
<td>130</td>
<td>157</td>
<td>139</td>
<td>549</td>
</tr>
<tr>
<td>Exclusion orders</td>
<td>None</td>
<td>1</td>
<td>33</td>
<td>7</td>
<td>97</td>
</tr>
<tr>
<td>Detained</td>
<td>34</td>
<td>85</td>
<td>153</td>
<td>121</td>
<td>393</td>
</tr>
</tbody>
</table>

** These numbers were dynamic because of changes in migrants' representations of their ages and because of the conflicting legal definitions of a minor according to the Province and the federal government. According to the Province, a minor is anyone under the age of 19; but the federal government limits the legal definition of a minor to those under the age of 18. These numbers represent CIC's count. The Province counted over 100 minors.
*** Obviously, there were crew members and enforcers among each set of migrants to arrive by boat, but the federal government often had trouble distinguishing them from their clients. The nine Korean crew members on the second boat were among the exceptions.
Figure 1.4  Migrants tip Canadian authorities
As a third wave of migrants arrives, an exclusive poll of B.C. MPs finds most saying:

ENOUGH ALREADY

'It's time to toughen the law' Pages A2-3

Figure 1.5 "Enough Already" headlines The Province.
Source: The Province, 1 September 1999
chapter 2

enforcing geographies of the nation-state

In this chapter, I outline a conceptual framework to understand the daily work of border enforcement through a geographical lens. I aim to show that "the state," often positioned as a set of structural constraints imposed on migrants, is in fact much more than its policies and their effects. I argue that nation-states do not exist as monoliths but rather as a series of embodied relationships and networks working at multiple scales best understood vis-a-vis daily practices of enforcement. The project of locating civil servants and asylum seekers within these networks illustrates the respatialization of the state in relation to refugees. The chapter begins with a series of vignettes that illustrate this point. It continues with a discussion of what and where the state is not in the literature on transnational migration, and then ensues with a discussion that locates the state geographically through the daily work of civil servants who manage international borders from within a federal bureaucracy. I posit that state practices function as networks and put this metaphor to work to understand the response to human smuggling. I explain how I conceptualize geographies of the nation-state informed by concepts of scale, spatiality, power, and human agency.

* * * *

Citizenship and Immigration Canada's (CIC) operations to intercept ships carrying migrants on the water in 1999 were named “Operation Osprey” for the tendency of osprey to hover above the water and then swoop down quickly on their prey. The operation was designed "to enhance immigration's profile on the water front." ¹ When immigration officers embarked on Operation Osprey for the first time in July 1999, their dependence on other federal departments was immediately a source of stress. CIC held ultimate responsibility for responding to a ship of migrants, but none of the resources to do so. As one manager explained, "Smuggling is an immigration problem, but we have no assets; just human resources." ² A successful operation on the water therefore required successful working relationships with federal partners, such as the Canadian Coast Guard (CCG, the Department

¹ E-mail from CIC employee, 4 January 2000, released to the public.
² Interview, Victoria, March 2001.
of Fisheries and Oceans) and the Department of National Defence (DND), who supported the response with surveillance planes, vessels that served as platforms from which to board the boats, and a site in which to process the migrants.\(^3\)

These and other federal departments involved in the response had differing mandates and distinctive institutional cultures that related particularly to their status as investigative bodies. CIC is often seen by other federal departments as "soft" from investigative and enforcement perspectives and unable to protect information. In the early 1990s, CIC lost its status as an investigative body, and along with it, the right of the Department to both access and protect certain kinds of information. There was tension among the various institutions involved about sharing information and about goals in an operation and subsequent investigation. While the RCMP had primarily investigative concerns, for example, CIC employees worked to enact mandates to both enforce border control and protect refugee claimants. These institutional differences manifested in the day-to-day interactions among federal employees and factored into collaboration during tabletop exercises held in the spring and later, during actual responses on the water once the boats arrived in the summer. CIC's Marine Response Team (MRT) and the RCMP's Emergency Response Team (ERT) overcame these larger tensions in their work on the water with effective leadership.

One of the leaders of the operation on the water from CIC explained how lucky he believed the Department was to have him involved. As a former "military man" himself, he explained that he understood the formal hierarchy upon which the operations of military departments rested. He remarked to me that he understood what the patches on officers' sleeves meant, even though CIC did not follow such a hierarchy operationally. He also explained that because he himself was a man with no large ego to massage, he was able to interact well with managers in other local offices to finesse the teamwork and trust required among agencies for a successful interception.\(^4\)

** * * * **

Even with the effective leadership and teamwork that took place during the four interceptions, for which every member of the MRT won achievement awards from CIC RHQ during the following year, the team had many challenges to overcome during their response on

---

\(^3\) There were a total of ten federal departments involved in the 1999 response.

\(^4\) Interview, Victoria, March 2001.
the water. One of the earliest examples of conflict involved the limit demarcating the end of national territorial waters and the beginning of the "high seas" or international waters. The arms of the state could not agree on its basic geography and boundaries. This boundary lies twelve miles off any given point on shore and marks the beginning of the jurisdiction in which Canadian vessels can approach suspicious vessels such as those that carried the migrants. Different sets of protocols guide each move that Canadian federal departments make. The boundaries of interception and arrest were negotiated not only on the water, but via satellite over the telephone between those leading operations on the water, those coordinating from Central Command in Vancouver, and those following and dictating moves on the other end of the line at National Headquarters (NHQ) in Ottawa. Civil servants responding on the water complained that those working in office towers in Ottawa did not understand the geographical challenges to responding within this range on rough seas along a rugged coast.

Furthermore, none of the interceptions played out in quite the same manner. The interception of the second boat involved a particularly harrowing set of circumstances for both migrants and responding authorities. Once the boat had been sighted by authorities, a chase ensued on and off for nearly two days. During this time, the crew of the ship managed to drop the migrants - including the largest group of minors to arrive on the four boats, some among them young children - and ordered them to hike over a rise to a village to meet contacts once they had reached the rocky shore. No such village existed in this remote area. When authorities arrived, the migrants had started a fire but suffered from hypothermia because they were wet and inappropriately dressed for cold temperatures. Meanwhile, the cargo ship was fleeing for international waters at a high speed. While CIC's MRT performed medical triage on the beach and search and rescue in the area, the RCMP went after the ship that had dropped the migrants and was now on the run. A hot pursuit ensued, along with several miscommunications. The boat evaded capture, forcing the MRT and Coast Guard to pursue at high speeds in the MV Tamu in a cat-and-mouse chase (Globe & Mail, 12 August 1999). With the Canadian media reporting the ship's arrival, CIC was already in the limelight and pressured by "Ottawa" not to miss this interception. At one point during the pursuit, the boat disappeared

---

5 This was a complex decision because of the geography of this operation. The beach was inaccessible, and authorities discussed the possibility of having supplies airdropped to them on the beach where they would set-up camp with the migrants for a few days while conducting search and rescue for escaped migrants. Interview, Victoria, March 2001.
from the horizon, concealed by a quick succession of erratic changes in direction and a thick fog. One respondent I interviewed explained a moment of silence that ensued on the accompanying conference call during which participants on the line wondered which among them would lose their job.

When the MRT finally approached the ship, the crew would not respond to commands hailed in Mandarin to stop and identify themselves. As it turned out, the nine crew members were Korean and did not understand Mandarin. Once arrested and prosecuted in the Canadian supreme court, the Korean crew argued that their ship had been pirated by human smugglers, and they were forced to deliver the migrants. They were eventually acquitted.

* * * *

Transnationalism and the nation-state

These vignettes illustrate the complexity of institutional decision-making with regard to the role of the nation-state in managing transnational migration, including the involvement of different departments, the importance of personalities and relationships, and different interpretations of policy across time and space. Much of the early literature on transnational migration, however, gave slight treatment to this aspect of the state. By definition, transnational migration entails people's transgressions of international borders and other constraints imposed by states. Glick-Schiller et al. (1992) in an early, pivotal piece defined transmigrants as people who "develop and maintain multiple relations - familial, economic, social, organizational, religious, and political - that span borders" (ix).

Contemporary research on transnational migration often foregrounds migrant narratives to theorize dynamic subjectivities, interventions into what were once primarily structural macro-narratives of immigration (e.g., Silvey and Lawson 1999, Lawson 2000, McHugh 2000). Because they focused on movement and the transgression of international borders, early transnational theorists tended to write about human mobility in celebratory fashion, wherein movement was a triumph over the constraints of borders (see Mitchell 1997 for a critique). Basch, Glick Schiller, and Szanton Blanc, for example, argued, "Still to be explained are the processes by which national identity and nationalism spring up in opposition to state power" (1994: 35). They thus tended to overlook the structural impediments to mobility (Silvey and Lawson 1999). In fact, much of the literature sustained the theory that the nation-state was
defunct in a post-colonial, post-national era (see Ohmae 1995, Appadurai 1996, Anderson 2000) in which easy border crossings and dual citizenship illustrated the ability of migrants to transgress the political boundaries of the nation-state.

Often, tomes on immigration address state practices as an afterthought, part of the concluding policy recommendations. But the state's actions are not only reactive, but also often proactive, and require more sustained contemplation. At multiple and mutually constitutive scales, from the multilateral arrangements that cross borders to interviews in refugee camps that determine entrances and exclusions (e.g., Hyndman 2000), states shape mobility and displacement in powerful ways, not in the least as a cause of displacement and refugee flows. Where present in theories of transnationalism, however, the state often masquerades as a static, monolithic structure against which migrants struggle. This type of writing about immigration and transnationalism reifies rather than problematizes the apparent inaccessibility and disembodiment of the state. For instance, the silence of immigration officers in conceptual models of migration normalizes the taken-for-granted right of the state to define categories of human displacement and to determine legality and illegality (see Kearney 1991, Heyman 1995, Hyndman 2000, Nevins 2002). This silence also erases differences within the state. Bureaucracies, where civil servants govern immigration policies, often reinforce this concealment. As such, scholarship on immigration requires deeper contemplation of "the state," and specifically, the bureaucracy, in order to demystify and deconstruct notions of homogeneity among decision-makers.\(^6\)

The four boats to BC brought issues of transnational flows and the porosity of borders to the fore by provoking intense public debate in Canada regarding the sovereignty of the nation-state, manifest in the perception of its inability to police international borders. Debates about the permeability of North American international borders were present long before the terrorist attacks in New York and Washington D.C. on 11 September 2001, but have since intensified.

This work contributes to a growing interest in the literature on transnational migration in the powerful role that nation-states play in mediating migration by scripting the identities of transnational subjects (e.g., Tyner 2000, Sharma 2001, Walton-Roberts 2001, Mountz et al.\(^6\)

\(^6\) I understand the bureaucracy to be only one part of "the state," but it is a place where one can see all of the parts of the state in action as civil servants put the law, financial resources, and various institutions to work.
2002, Nevins 2002). For the same reason that the complexity of migrants' quotidian lives challenged econometric push-pull models of migration (Kearney 1991, Rouse 1991, Rouse 1992, Silvey and Lawson 1999, Lawson 2000, McHugh 2000), it is equally important to include the lives, roles, and decision-making processes of those involved in the governance of immigration. As the opening vignettes of this chapter show, standard analyses of policy or practice do not account for the sometimes chaotic environments within which civil servants enact policy, much as individuals make decisions about their own lives in a chaotic environment not easily accounted for in some conceptual models of immigration. Institutional ethnography (D. Smith 1987) constitutes an effort to include state practices that have been normalized in relation to human displacement. Rather than move beyond the state, I propose that we move inside its everyday enactment; into the bureaucracy and behind public policy, narrative, and organizational structure (Heyman and Smart 1999, Hansen and Stepputat 2001).

The state is neither monolith nor "ghost-like" apparition

The discipline of geography has been tied to the state over the years in all sorts of ways, as an important tool for military strategists looking at the geography of states and strategies of war,\(^7\) to an electronic tool for local enforcement officers interested in mapping crime. For many years following the inception of the subdiscipline, political geographers essentially spatialized the state-centered international relations analyses of political scientists (e.g., Glassner 1993, cf. Agnew and Corbridge 1995), to the exclusion of many practices and relationships in which state actors were embedded.\(^8\) Academics often reify the idea of the powerful state through abstraction, a practice with material effects that underscore the need to embody the state.

Social scientists often theorize "the state" as an abstract concept. Phillip Abrams called this "the idea of the state" (1988: 77), an abstraction to which Timothy Mitchell attributed "ghost-like" qualities (1991: 91). Michael Taussig also queried the ghost-like status of the state by asking in *The Magic of the State* (1997), "Could it be that with disembodiment, presence expands?" (3). In other words, in much scholarship in the social sciences, the state was something elusive, "out there" (Mitchell 1991: 94), mythical by nature (Hansen and Stepputat 2000a, 2000b).

---

\(^7\) Halford Mackinder's (1904) work on heartland theory, for example, was used by strategists during World War I.

\(^8\) Peter Taylor argues that "embedded statism" is an ontological reality well beyond the subdiscipline, present but rarely questioned throughout the social sciences (2000a, 2000b).
2001: 20-21), a "timeless national essence" (Steinmetz 1999: 12). Kirby argued that academics did not understand the state because they failed to "know" it through personal experience (1997a: 5). Abrams noted with frustration that theorists had come to take the state for granted and had lost sight of a more nuanced dialogue: "We are variously urged to respect the state, or smash the state or study the state: but for want of clarity about the nature of the state such projects remain beset with difficulties" (1988: 59).

Abrams suggested that "the state, conceived of as a substantial entity separate from society has proved a remarkably elusive object of analysis" (1988: 61). Likewise, Mitchell argued that we view the state with "aridity and mystification rather than understanding and warranted knowledge" (1991: 61). Failures to locate the state reify its myth-like quality. Mitchell labeled this "the structural effect" of the artificial division between state and civil society (1991: 94). According to Nevins, practices that reify the artificial boundary between state and civil society are de-politicizing because they assume that the state acts as an autonomous decision-maker in relation to border-policing (2002: 160). When people believe that the state is all-powerful and mysterious, existing somewhere "out there," they do not participate in protest or dialogue. The "state" may not be knowable as a coherent whole because it does not exist as such. Like other institutions, state practices are highly variegated, complex, and entwined in many relationships that are difficult to pry apart.

Indeed, scholarly attention to the state seems to move cyclically, the dialogue among theorists from various disciplines ebbing and flowing as they alternately call for the demise, and then the re-generation of the concept. These calls have included critiques of the state as monolith by a variety of scholars. A recurring theme over time within these critiques has been a struggle with Marxist and neo-Marxist treatments of the autonomous state (e.g., Pahl 1977, Driver 1991). From the 1960s to the early 1980s, this critique was developed by

---


10 Painter argued that the same critique leveled at Marxist theories of the state can be leveled at most (1995: 31), many of which focus too heavily upon one organizing theme, thus inevitably overlooking other powerful factors at play. Bob Jessop, in his "strategic-theoretical" approach, distinguished between "strong" and "weak" theories of the state (1990) and argued that only "weak" theories that understood the state as an array of institutions were
managerialists who, influenced by and overlapping with humanist and behaviorist geographers, tended to analyze the role of different levels of governments and other institutions and their effects on cities and populations (Pahl 1977, Flowerdew 1982, Ley 1983, Kariya 1993). These scholars studied how state managers shape social realities through the internal cultures of organizations. Ray Pahl, for example, located Weberian theories on urban managers in relation to Marxist theories of inequality, urban residents, and "territorial injustice" (1977). In a fuller exploration of organizational theory, David Ley addressed the internal subcultures of urban institutions and the rise of organizational consciousness that accompanied explosive growth in institutions in the 1960s and 1970s. Ley challenged a Weberian approach that conceptualized institutions as efficient and rational bodies with "perfect access to information" (1983: 220) and noted a lack of everyday empirical analysis. "A repetitive complaint in the literature is the limited number of detailed examinations of the ongoing life-world of the organization. Such an inductive approach would give much more attention to the everyday contexts out of which organizational actions emerge, to the actual meanings of events to organizational members which lie behind their initiatives and responses" (Ley 1983: 225).

In a similar vein, Paul Kariya (1993) studied the subculture and policies of the Canadian federal Department of Indian Affairs and Northern Development (DIAND). Like Ley, Kariya was particularly interested in the webs of meaning constructed through the relationships between DIAND and Canadian First Nations peoples (1993: 187-8). He too critiqued the "pure" or "total" organization as theorized through a Weberian approach and noted how distinctly institutions operated on the ground (1993: 189).

This theme of a dearth of daily empirical analysis of institutions recurs among social scientists who critique the notion of the state as a monolith. Many among them were influenced by Berger and Luckmann's (1967) widely cited work on social constructionism. Through constructionist perspectives, they conceptualized governmental and non-governmental

useful conceptually because they embraced a variety of actors and factors working through the state; whereas "strong" state theory was too universal and exclusionary to be useful (Jessop 1990, cited by Painter 1995: 64). Painter's understanding of the state falls on the side of "weak" theory: "states should be seen as both complex networks of relations among a (shifting) mixture of institutions and social groups, and the product of their own processes of institutional development and historical change as well as important external influences" (1995: 31).

11 Robin Flowerdew edited a collection of essays on the "institutionalist approach" (1982). These authors, however, were less interested in the subcultures of institutions and the ways in which they shaped the identities of urban residents, and more interested in the geographical patterns of institutions (Philo and Parr 2000: 515).
institutions formulated through social contexts. Constructionism also shaped Kay Anderson's (1987, 1991) approach to the local state in her extensive work on the ways in which the city government of Vancouver constructed the racialized place of Chinatown in Vancouver. Anderson looked not only at the state as a social construction, but at the ways in which the state constructed its "others" in her research on Chinese immigrants to Canada from the 1800s to the late twentieth century. Anderson dissected the construction of "race" and the relationship between the social construction of race and of places, in this case, Vancouver's Chinatown.

Constructionism nourished the development of poststructural approaches to the state that grew more concerned with discourse and representation. Felix Driver (1991) critiqued neo-Marxist theories of the state in the 1980s. Joe Painter outlined poststructural views of the state most fully (1995) and proposed a helpful "working definition" of the state, which he, like Mitchell (1991) and Abrams (1988), identified as an ill-defined concept:

States are constituted of spatialized social practices which are to a greater or lesser extent institutionalized (in a 'state apparatus') and which involve claims to authority which are general in social scope and which secure at least partial compliance through either consent, or coercion, or both (1995: 34, emphasis my own).

Painter infused into the legal and territorial parameters of the state the notion that its very glue is social praxis. He located these practices in an institution or "state apparatus:" the bureaucracy (cf. Gramsci 1994) where the state not only influences, but is influenced by social contexts. Painter's work (1995) suggested that re-conceptualizing the discursive and material social geographies of the state would enable a re-framing of political agendas.

Political geographers critiqued "mainstream" geopolitical approaches in the development of "critical geopolitics" (Dalby 1991, Agnew and Corbridge 1995, Ó Tuathail 1996). Influenced by postmodernism and poststructuralism, scholars of critical geopolitics are interested in arrangements of power (Agnew 1999) and view borders and states as social constructions, thus destabilizing the notion that these are fixed entities (Ó Tuathail 1996). Critical geopolitics thus demanded a re-thinking of the dominant state-centered narratives of the world of international relations theory (Agnew 1999). This scholarship has centered largely on

12 Among the earliest poststructural view of the state was Gunnar Olsson's essay (1974) on deconstructing the state, a project that continued with the work of Peter Jackson (1987), Susan Smith (1989), and Kay Anderson (1991).
the act of deconstruction within the realm of textual discourse, and authors often note the need to move "beyond" the realm of discourse to political relations in practice (Thrift 2000, Flint 2002, Hyndman 2003).

Feminist geographers have also been active participants in the production and critique of political geography and critical geopolitics, arguing that the subdiscipline of political geography failed to account for the experiences of women and to engage with feminist theory (e.g., Kofman and Peake 1990, Kodras 1999, Hyndman 2001, 2003). In so doing, feminist geographers have intersected with feminist international relations theorists who have also critiqued the monolithic state (Enloe 1989, Peterson 1992, Pettman 1996.) These scholars focused on the exclusions of mainstream international relations theory, asking for whom the state acts or "security for whom?" (Hyndman 2001, 2003). Jennifer Hyndman identifies the approaches of feminist international relations theorists as an intervention into the failure of critical geopolitics to move beyond deconstruction to practice: "Without a feminist sensibility, critical geopoliticians are left with well-interrogated categories, but no clear way forward in practice" (Hyndman 2003: 19).

A recurring theme throughout these numerous critiques of the monolithic state is that scholars too rarely attend to the quotidian practices of states. Geographers should ask not only what, but where is the state in daily life? Social scientists often locate the state in relation to civil society or non-state actors. In so doing, they construct and reify an artificial divide by theorizing the state and civil society as separate entities, both conceptually and spatially (Mitchell 1991, Gupta 1995). Some scholars, however, have questioned the distinction. Mitchell asked, "What is it about modern society, as a particular form of social and economic order, that has made possible the apparent autonomy of the state as a free-standing entity?" (1991: 91). Gupta identified this division as a limited construction of western political thought or a "Western conceptual apparatus" (1995: 393) that failed to account for variations in the ways in which states operate at different levels in distinct locales. Rather than the abstract, hegemonic, repressive, autonomous body that affects social relations, I conceptualize the state

---

13 I will discuss gender and the state further in chapter seven.
14 The next step is to look at whether and how those who have leveled these critiques have managed to link everyday practices to the larger, ongoing theoretical dialogues (see Hyndman 2003 for a helpful discussion). Peter Nyers (2002), for example, argues persuasively that the state be theorized as a set of practices, yet his methodology remains within the realm of textual analysis.
as itself an everyday social construction. This approach entails looking at the bureaucracy as a site where civil servants enact immigration policies across time and space, where the everyday relations among those theoretically conceived of as "outside" of the state bleed into the dimensions of bureaucratic life in fascinating ways (the subject of chapters five and six).

Despite these critiques, the notion of the monolithic state still circulates through political geography. In reviewing the contents of *Political Geography* over the last several years, I found that political geographers rarely questioned the ontology of the state. Furthermore, the field of political geography suffers from a dearth of work on everyday approaches to an embodied nation-state (cf. Gupta 1995, Hyndman 2001); that is, a state articulated through, and in an important sense limited by, the imaginations of those who enact it. Behind each decision are individuals acting within varied institutional and geographical contexts. Most state theories, however, do not locate the nation-state geographically in a time or a place, but rather assume its pervasive and homogenous nature (Gupta 1995). There is a need here for geographical finessing of the state's agency.

My own analytical entrance into the state as an everyday practice is embodiment: to analyze where immigration bureaucrats are operating and working, as well as with whom they interact. Epistemological embodiment shows that the state is constituted within and through social relations, as not only constitutive of but constituted internally, unevenly through difference. This is an effort to place migrants, refugee claimants, and institutional actors in relation to one another (cf. Nyers 2002). This strategy serves to deconstruct the monolithic state and to place practices more specifically.

Qualitative research on the day-to-day work of enforcement offers a critical approach to counteract the depoliticizing effects of abstractions of "the state," to uncover taken-for-granted assumptions behind public narratives, and to thus dispel the myth of the autonomous state. In interviews, civil servants articulated the ways their views on, and roles in, the response to human smuggling worked both symbiotically and in tension with policy. Embodiment thus serves as a strategy to locate knowledge and power in a time and a place (see Haraway 1991, Gupta 1995, Rose 1995). As Heyman noted, "Bureaucratic work is internally conflicitive but appears, in the single-stranded relationship to the exterior, to be definitive. . . and rational" (1995: 264). Indeed, the policies of the state are enacted amid tension and difference, but as I will demonstrate ethnographically, higher-level bureaucrats and communications employees
construct coherent narratives for the public, which tend to provide narrow insight into what actually took place. Quotidian geographies of the state hold the potential to challenge these narratives. The daily practices and beliefs that inform those who comprise the state can be captured with ethnographic research that demystifies the power of the state. Resistance, therefore, need not come exclusively from "the outside" (see Gupta 1995: 394). The recovery of alternative narratives of the state sometimes suppressed by the bureaucracy disrupt some of the more audible narratives about transnational migration that have become normalized as culturally acceptable narratives - e.g., the state as facilitator of capital flows for investment and economic growth - and expose inconsistencies in Canada's self-imaginings. Coherent national narratives often fall apart and enable the conjuring of new transnational imaginaries. Within the intricate and intimate connections among institutional subjects lies potential for social change.

The disjuncture between policy and practice: "Policy loves a vacuum."

Most of us knew that the policy says that. But you've got to get your job done.15

In researching the response to human smuggling, I learned that the narratives relayed by bureaucrats related only partially to anything written on paper, such as policy, organizational structure, and prescribed roles and responsibilities. Bureaucrats' reflections on the 1999 response related more closely to the gap between that which had been written on paper and that which came into being through practice. Policies and mandates represent the more superficial, outward expressions of the nation-state, perhaps the most visible narratives of state activity. And it is often within the realm of policy and mandate that social scientists conduct their work (Heyman and Smart 1999: 15). Written policies, however, narrate partial stories, idealized versions of what might be or what should happen.

In the case of the 1999 arrivals, policy did not actually exist and was written retrospectively in the ensuing months and years to explain what had taken place.16 In 1999, the only policy designed to structure a marine response to smuggling had been written years earlier.

---

15 Interview, Vancouver, August 2001.
16 "The experience with marine arrivals in 1999 identified concerns that our current detention policies and legislation do not provide support or guidance to deal with large scale organized human smuggling activity in Canada." Interview, Vancouver, August 2000.
in response to the arrival of 174 Sikhs on the Chilean ship, the *MV Amelie*, in 1987 off the coast of Nova Scotia. Following the arrival of the *Amelie*, the migrants made refugee claims and were held in a gymnasium at the Canadian Forces Base Stadacona (Singh 1994: 140-143). Parliament was actually called back into emergency session in order to develop a response. That response became policy, but was written as a sunset clause in *The Immigration Act*, set to expire six months later. By the time the boats arrived from Fujian, the policy provided lessons from the past, but no longer applied legal imperatives to the present.

Nonetheless, local managers had prepared operational procedures, devised collaboratively at the regional level among federal partners during tabletop exercises in the spring of 1999. So in the absence of national policy, but with a rehearsed *modus operandi* in place, the integrity of the frontline response to the boat arrivals depended largely upon trust, personalities, subjectivity, politics, the execution of effective leadership, hard work, and collaboration among institutions during what quickly became a time of crisis without defined procedures for the federal government. Social interactions and messy processes within the state, where bureaucrats had to work through the implementation of policy, are central to its successful enactment.

Those disjunctures between policy and practice highlighted in the opening vignettes of this chapter did not end once responders and migrants were, at long last, on dry land. On the water, without the hierarchies of the military, CIC employees had to adapt to working with members of the military operationally and culturally. Just as the response on the water required flexibility and the ability to deal with the unexpected, such as escapes from the beach and chases on the water, so did the ensuing months of processing and detention in BC.

Following interception, the MRT boarded the boats and conducted a medical evaluation of travelers as well as an evaluation of the seaworthiness of the ship. Each ship was then towed either to the nearest local dock where migrants could be off-loaded or all the way to Esquimalt, on the southern tip of Vancouver Island, depending on the geography of interception and the assessment of the condition of the boat. Once the first boat had been intercepted, CIC had twelve hours to transform the Workpoint Barracks, a gymnasium at the Esquimalt base of the

---

17 I discuss this arrival further in chapter four.
18 The sunset clause was put in place in response to a hunger strike carried out by one senator in protest of the placement of restrictions on refugee claims. This response conveyed and foreshadowed a broader unease on the federal government to commit to long-term policy in this area.
Department of National Defence outside of Victoria, into a makeshift site for processing and detention.  

At Esquimalt, CIC managers quickly devised operational procedures to bathe, clothe, and process the migrants, during which time immigration officers conducted interviews and medical personnel conducted examinations. Many issues came up immediately during each step of the process, as immigration officers, intelligence analysts, and investigative officers worked to learn the identities, objectives, and group dynamics among the migrants. Some migrants misrepresented their identities and ages early on, probably under the guidance of the enforcers. It was challenging for officials to confirm identities because few migrants carried identification documents. It also took time for authorities to identify the enforcers within the group. CIC faced language barriers and rushed to find translators who spoke the two dialects spoken by the migrants or Mandarin. Another challenge was feeding people who were malnourished and dehydrated, having been at sea with insufficient food and water supplies for up to an estimated 58 to 60 days, in the case of the second boat. Other important logistical issues included the determination of the time when migrants would be told that they had a right to make a refugee claim in Canada, and the time when claimants were granted access to legal counsel. While there were some protocols guiding the response, local CIC officials also faced uncharted territory on several fronts and had to find resources upon which they had never drawn prior, ranging from large quantities of bland Chinese food in Victoria that would not upset the migrants' sensitive stomachs to x-ray machines, security fences and trailers to house temporary offices.

In the absence of written policy to address this unique scenario in which employees of CIC RHQ found themselves, much to their chagrin, the law played even more of a central role in each operational decision than it would have had policy already been written (and therefore

---

19 Eventually, the Workpoint Barracks was designated a "Port-of-Entry," a decision contested by the BC Branch of the Canadian Bar Association (Bartalk 1999). As long as migrants were being "processed" rather than "detained," they were not granted access to legal counsel. But more on this later (in chapter six).  

20 The term "snakehead" refers to the human smugglers leading the operations. Investigators refer to those traveling on the boats - and located much further down in the business - as enforcers. They are often people with criminal records and histories of gang involvement who sometimes take jobs as enforcers in exchange for the fare of the trip.  

21 It is widely believed that they never identified all of the enforcers among the group.  

22 Two dialects of Fukienese are spoken in the Fujianese counties that were home to these migrants. Many of the migrants had received primary school education which had been in Mandarin. Furthermore, Fukienese intersects with Mandarin, so communication in the national language of the PRC was possible, if not fluent.
already approved by legal counsel). The procedures and the physical layout of Workpoint Gymnasium at Esquimalt where processing took place evolved and became more efficient and legally correct over time, as CIC reduced the number of days that migrants would spend at the military base from fourteen. In the meantime, high-ranking officials such as Assistant Deputy Ministers and lawyers at National Headquarters guided RHQ through the response with daily conference calls that often lasted a couple of hours. Often over twenty people would be involved in these calls, with employees from various branches represented, including intelligence, enforcement, communications, and legal services. Frontline responders and the middle managers mediating communications between BC and Ottawa often expressed frustration with the slow pace at which Ottawa interpreted policy and issued commands. They also often expressed antagonistic feelings towards lawyers and policymakers alike whom they believed did not understand the realities and challenges of the frontline regional response, and especially the quick timing within which they needed to act. As all parties worked to develop a tactical response, the interpretation of, and debates surrounding, legal issues were often front-and-center in disputes between RHQ and NHQ.

Nonetheless, it seemed at the time that this would be a temporary void in policy that would surely be filled over time. One bureaucrat told me that "Policy loves a vacuum." Following the boat arrivals, in the interest of writing policy that would guide responses to future arrivals, policymakers in Ottawa did indeed draft a National Marine Policy Framework retrospectively in light of what took place. Employees from various federal departments involved on the water and at the base in British Columbia eagerly awaited the drafting, circulation, and signing of this document because they needed the certainty and support of nation-wide policy in order to prepare for future arrivals. Policy makes sense of procedures honed over time, more coherent in its final iteration. To date, as was the case following the arrival of the Amelie twelve years prior, this policy has also related more to the past than the future. Policies and manuals written after the boat arrivals paid careful attention to language that would support legal decisions made in 1999 that had been subsequently challenged in court.

To understand the state as a daily practice is, therefore, to discern between external and internal articulations of the activities of governance, to transcend the particular scales and spatial relationships written into state theory, such as center/periphery, geopolitical/local,
abstract/empirically grounded. These disjunctions suggest the imperative of conceptualizing the state as an everyday practice in order to understand the management of transnational migration from within the bureaucracy.

The nation-state as everyday practice

This thesis aims primarily to understand the nation-state as an everyday practice. This is where I differ most and want most to be in conversation with political geographers. It is precisely the daily, grounded nature of the life of the state that is the blind spot of many theories of the state and that best explains the management of transnational movements on the part of the nation-state, as I will demonstrate in ensuing chapters. The vignettes provided throughout this thesis show that the everyday, messy negotiations that occur between the lines of policy of the state acting in extremis tell more about the operation of the nation-state than does analysis of policy and institutional structures alone. Nigel Thrift argues that spatialized networks can and must be made visible and theorized at the level of everyday activity (2000: 384-385). As the study of the everyday, ethnographic analysis of the state uncovers the operation of power at multiple scales and appreciates the locus of power as perpetually in motion and bound up with flows of migrants and information. The state is not a locatable object per se, but a locatable series of relationships and networks through which governance takes place, as exemplified by the personal relationships required to enact the successful interception of boats on the water in the opening vignettes of this chapter. The state is comprised of workers employed by government in different locations across Canada with the mandate to enact governmental policies, and central to this are the everyday contexts in which they carry out their work.

Political geographers have long been interested in the state, but always from particular scales, epistemologies, and methodologies. In her review of recent content of the journal of Political Geography, the "flagship" journal of the subdiscipline, Janet Kodras recognized power as the central theme running through all political geographies (1999: 75). But, simultaneously, she identified three accompanying themes as lacking in the journal, beginning with a "critical absence" of studies on the operation of power (78). She also noted that Political Geography is "not typically the place to find theoretical leaps in feminism, anti-racism, sexuality or other facets of political identity" (78). And finally, Kodras noted a third absence that surprised her: a dearth of "cutting edge theoretical treatments of the state" (78).
Geographers have, as of late, demonstrated theoretical fascination with the local-global nexus (e.g., Massey 1993), while overlooking and under-theorizing the scale of the national. It is interesting that so many scholars have argued in favor of "empirically grounded" analyses of globalization (Burawoy 2000, M. Smith 2000), but not for parallel analyses of "the state." This tendency to think about globalization – and not the state – as an everyday, grounded practice assumes that in the move beyond the state, "the state" remains static. But as mediator of local-global relationships, the state is central to transnational processes, including those that spur human mobility and displacement. The time has come to breathe life into geographical theories of the state. In order to address pressing questions about borders, sovereignty, globalization, and governance, geographers must theorize the state in relation to transnational flows and local geographies, where it is constantly re-positioning itself and various populations in order to gain competitive advantage in the global economy and to police borders more effectively (see Mitchell 1993, Ong 1999, Nevins 2002).

Given the notion that the writing and implementation of policy is far from straightforward, an important question regarding analysis of the state is how to identify the contexts surrounding policy design and how to theorize the nation-state as a set of everyday practices and relationships; as a venue where civil servants work through policy and law across time and space in different geographical locations amid distinct office cultures and confronting, in this instance, the shock of a crisis not contained by any rule book. Quotidian political geographies must locate the operation of power.

Timothy Mitchell remarked that while policies invoke a hierarchy of command, bureaucracies function more along the lines of disciplinary power (1991: 92). This poststructural approach derives from Foucault's insight into a shift in the operation of power from sovereign and repressive to disciplinary and productive. The operation of power as conceptualized in daily life is not the traditional notion of sovereign power exercised by the state (see Agnew 1999), but rather a productive, shifting exercise that shapes identity and constructs scale across networks. Conceptualizing the nation-state itself as a place where disciplinary power operates unevenly amid struggle has been a project of poststructural political scientists and anthropologists (Mitchell 1991, Steinmetz 1999, Stepputat and Hansen 2001). Findings regarding the everyday institutional contexts of work in the field of immigration prompt deconstruction of the boundaries surrounding governance and challenge various
binaries constructed between state and non-state institutional actors, between policy and practice, and between state and civil society more broadly. As the managerialist thesis set forth (Ley 1983), the state not only influences, but is also influenced by social processes. Despite the fact that bureaucrats make powerful decisions with life-altering material effects on people's daily lives, many of the bureaucrats whom I interviewed during the course of this research expressed feelings of \textit{powerlessness} with regard to decision-making. As Steve Herbert found with the police officers he studied in Los Angeles, civil servants attempt to assert their own discretion with a constant awareness of the constraints or "normative orders" (1997) that structure their behavior.

While postmodernism and poststructuralism do indeed challenge metanarratives and, for a time, seemed to invoke the "death" of many subjects, as Neil Smith argued (1992), the most extreme of these positions have withered, and left us with some useful tools with which to understand the state (see Painter 1995). Anthropologists in particular are using these tools to challenge state-centered approaches (Mitchell 1991): to take power, identity, and difference into account as fundamental elements that comprise the life and orientation of those who enact the state (Nelson 1999, Steinmetz 1999). Foucauldian notions of power as a diffuse, decentralized, disciplinary, productive everyday occurrence among people, as well as centralized to the "state apparatus" (Clark and Dear 1984) broadened analyses of the state. George Steinmetz traced the effects of poststructuralism on studies of the state and argued in response that the thesis that the nation-state is in decline in light of globalization is exaggerated; that the nation-state is in fact still powerful in various realms and must continue to be theorized \textit{after} "the cultural turn" in the social sciences (Steimetz 1999: 1). A poststructural approach to understanding the operation of power and the enactment of laws does not preclude analytical attention to the nation-state, which still has the power to enforce laws regarding citizenship (Steinmetz 1999).

While political geography has taken a decidedly poststructural turn, geographers still seem to struggle to connect in-depth studies of daily life to their theories. Perhaps the spatial

\footnotesize{23} This is consistent with Del Casino et al.'s (2000) poststructural approach to researching institutions.

\footnotesize{24} In a similar vein, Kalyvas traced the effects of postmodern ideas on state theory (2002).

\footnotesize{25} Painter announced the emergence of "a new wave of development in political geography" and explained that his book would "charts its beginnings" (1995: 25). This "new wave" embraces the cultural turn toward poststructural and postmodern theory. In a parallel move, Hyndman announced a "political turn" in feminist
"othering" of or failure to locate the state is attributable to the difficulties of actually conducting ethnographic research within government institutions. With a long history of theorizing the everyday, anthropologists continue to lead the way into the state.26 Whereas states remain static in some studies that move "beyond" them to globalization, an exciting subfield of anthropologists are advocating a move to conduct institutional research inside the state to produce alternative conceptual models (Heyman and Smart 1999, Steinmetz 1999, Hansen and Stepputat 2001). Noting the tendency of social scientists to study the state "from above," anthropologists are increasingly exploring and advocating research that studies bureaucracy from the inside: "Viewing states from below and within emphasizes the complicated processes of enacting actual laws, policies, justice systems . . ." (Heyman and Smart 1999: 15). Moving inside the state where more confusing and collaborative institutional processes take place leads to deconstruction of the category of "the state" (Heyman and Smart 1999, Hansen and Stepputat 2001). This in turn prompts dissolution of the boundaries around governance and challenges various binaries between state and non-state actors, inside and outside the state, formal and informal political spheres, and policy and practice (Del Casino et al. 2000).

Those who approach the state as a diverse set of subjects embedded in "everyday" contexts illustrate that the state is not a monolithic actor, but rather a diverse set of institutional subjects (e.g., Heyman 1995, Nelson 1999). Their definition of "the state" is bound up with the ways in which identities are constructed through quotidian practices (e.g., Nelson 1999). The agency and social location of those who comprise the state emerges particularly poignantly in work by Steve Herbert (1997, 2001) and Josiah Heyman (1995), each of whom conducted extensive research among civil servants involved in policing in distinct contexts. Herbert researched the policing practices of officers in the Los Angeles Police Department (1997, 2001), while Heyman gathered narratives of the policing of international borders on the part of officers of the INS (1995). Each illustrated that employees were socialized within the bureaucracies and departmental cultures in which they worked, and that this socialization interacted in meaningful and distinct ways with the array of world views with which they geography, and a simultaneous feminist turn in political geography (2001, 2003). This thesis continues the dialogue begun by Hyndman, Painter, and others who wish to dissolve some of the epistemological boundaries around the subdiscipline of political geography by arguing that geographers take up the challenge of locating the nation-state in daily context. This parallels the work of earlier humanists and social constructionists (e.g. Ley 1987).
entered the institutions. By "studying up" (Nader 1972) in this fashion, researching the powerful institutions that regulate human mobility through policing, (e.g., Heyman 1995, Hyndman 2000, Herbert 2001, Nevins 2002), social scientists are poised to enter debates regarding sovereignty and globalization with empirical testimony as to contemporary powers of the nation-state.

International boundaries occupy visible, powerful locations in the geographical imagination where the nation-state constructs identities (Kearney 1991, Nevins 2002: 160). Immigration policies are not ad hoc, but rather strategic positionings of groups of people in relation to the global economy through their identification as particular types of transnational subjects. One's identity and location are central to this process of classification, constituted through federal immigration policy. CIC employees who regulate federal immigration policy come to see transnational migrants in different ways according to various axes of difference and location, including, not exclusively, the class, "race," ethnicity, gender, sexual identity, language capacity, work experience, religion, nationality, and regional affiliation of immigrant and refugee applicants. Employees of the state - similarly located in complex webs of social relations - also experience the world in distinct ways along these axes of difference and so relate to different immigrants in different ways. These practices materialize within the bureaucracy of CIC where diverse institutional subjects operationalize immigration policies in relation to the ways in which they construct and relate to migrants. They actively define themselves and their nation in relation to those whose entrance they facilitate or prohibit. It is important, therefore, to contemplate the social relations within which the nation-state is enacted by examining the interface between discourse and materiality (cf. Painter 1995), in this case, between institutional contexts of reception, the language of categorization, and actual access to the nation-state (see Sharma 2001). Understanding the ways in which the nation-state sees, classifies, accepts or rejects transnational subjects shows the power of the state to produce identity and to thus

26 See especially work by Pierre Bourdieu (1977), Michel de Certeau (1984), and Dorothy Smith (1987).
27 Anthropologist Diane Nelson's ethnographic analysis of the Guatemalan nation-state (1999) also provides an important analytical component to situating the state in relation to individuals. Nelson conceptualized the state primarily as constituted by and constitutive of identity (1999). In interviews with state officials and ethnic organizers, she explored how the state produced identities that in turn produced the state; in other words, in her analysis, what it meant to be Guatemalan was intricately bound up with how Guatemala saw itself as a nation. Her contributions draw heavily upon Foucauldian concepts of power as producing individuals through discourses of nationhood (Foucault 1991, 1995). Nelson and other anthropologists, such as Michael Taussig,
materially reject those not included, as in Nevins's analysis of the construction of the "illegal alien" (2002) in the US, which Heyman asserts is a key context to the organizational world views of INS officers (1995). The application of James Scott's ideas regarding the ways in which states "see" and manage from a distance through centralized practices of classification (1998) offers one way to frame categories of transnational subjects currently circulating in immigration policy.  

Analysis of the response to human smuggling shows that the division between spaces belonging to the state and other spaces as non-state spaces is a false divide. Civil servants work, live, study, and send their children to school and daycare within the communities around them. They are reliant upon social systems of support and develop expectations in relation to their understanding of what it means to be a citizen, and what rights and privileges are entailed therein. I aim, ultimately, to dissolve the distinction between “inside” and “outside” of the state through everyday analysis, or a “quotidian interpretation” of the state (Kirby 1997a: 2). Employees of the state are embedded in social relationships patterned across networks at multiple scales. In other words, the state is shaped by the local and regional communities in which it operates and in turn shapes them. It also shapes and is shaped by powerful transnational imaginaries, through the mediation of transnational movements and relationships.

The state does not exist outside of the people who comprise it, their everyday work, and their social embeddedness in local relationships. Mitchell argued:

> Just as we must abandon the image of the state as a free-standing agent issuing orders, we need to question the traditional figure of resistance as a subject who stands outside the state and refuses its demands. Political subjects and their modes of resistance are formed as much within the organizational terrain we call the state, rather than in some wholly exterior social space (Mitchell 1991: 93, emphasis in the original).

His statement conjures an inherently spatial paradigm at work in most theories of the state and suggests a place for geographers to conduct qualitative research among civil servants and their colleagues at other institutions. As Tilly argued, however, the danger in such an argument is to fall into individualism and volunteerism (1999). While I do not want to go so far as to suggest

---

28 Also see Brown (2000), chapter four, for a discussion of seeing and categorizing through the population census.

that individuals alone have great amounts of power within the constraints of the bureaucracy, I do contend that bureaucracy is only as powerful as decision-making processes and participation among the collective. Through their daily work practices, civil servants struggle with the structural constraints as they simultaneously attempt to subvert them (Herbert 1997). As narratives of border management in this thesis show, a profound change in an individual decision-maker can be a profound change within the state. In this way, immigration officers have the potential to be subversive in their day-to-day work, particularly when a critical mass begins to question and challenge policy. Ethnographic observation and participation, in its documentation of these frustrations and subversions, can contribute to political breaking points within the state theorized as an institutional arrangement of social practices.

Over the years, geographers have discovered and re-discovered ethnography (Ley 1988, McHugh 2000), although the method remains, according to Steve Herbert, under-utilized and under-appreciated by geographers (2000). But geographers bring much of importance to the practice of ethnography. Geographical contributions to socio-cultural approaches to the state will expand the dialogue by locating geographies of the nation-state through everyday enactments analyzed at multiple scales. Theories of scale are central to geographical analyses of the state. This study calls attention to the geographical issues inherent to policing international borders at a variety of scales.

Approaching daily life in the immigration bureaucracy

The federal bureaucracy of immigration is an ideal place to analyze aspects of the enactment of the nation-state. As Basch, Glick Schiller, and Szanton Blanc noted, "Nation building processes are interwoven into the very matrix of the nation-state, embedded in its institutions, manifested in its policies and practices, and organized through state bureaucracies" (1994: 37). The work of immigration officers entails daily exercises in nation-building as they operationalize mechanisms to determine national identity by deciding who belongs within or outside of the nation. The reality that local immigration officers exercise administrative discretion in their work supports the idea that the state not only influences, but is influenced by social contexts (Heyman 1995). And yet immigration departments seem to be disembodied

---

30 This includes a geographical lens and sensibility to anthropologists' ethnographies of the state, to be discussed further in chapter three.
institutions from the perspective of those located outside of government, whether immigrants, refugee claimants, immigration service providers, lawyers, or other members of civil society. There are, however, common experiences with immigration departments around the globe that are familiar to all, such as long lines, opaque policies, and inaccessible decision-making processes. For the clientele of CIC, the disembodiment of the bureaucracy introduces significant distance between themselves and bureaucrats, thus expanding its power through absence, as Taussig suggested (1997). Decisions handed down regarding a client's status or problems with paperwork are often not attached to an individual responsible. The less accessible the decision-makers are to those whose lives they influence, the larger looms the power of the state to act without demands for accountability.  

With such limited communication and collaboration between immigrants and refugee claimants, their advocates, and those who decide cases, an advocacy industry arises and operates in adversarial fashion with the federal government. In research interviews, I was able to explore how and why CIC appeared to be disembodied, given its central role in responding to the 1999 boat arrivals, and more broadly in relation to human smuggling. Lawyers, service providers, and advocates who worked with the smuggled migrants from outside of the parameters of government addressed how difficult it was to establish long-term working relationships with CIC. They mentioned inaccessibility, secrecy, and a high turnover rate as barriers to communication and relationship-building with the federal government. Indeed, CIC is known jokingly among immigration consultants as "the fortress."

There have been insightful studies done on the governance of immigration in Canada and the United States that counteract this disembodiment and set important precedents for my own (Morris 1985, Calavita 1992, Heyman 1995, Foster 1998, Hyndman 2000, Nevins 2002). Each of these projects, in different ways, dwells on the everyday work of managing immigration, whether through historical analysis of archival records (Calavita 1992), autobiographical experience (Foster 1998), or "ride alongs" with enforcement agents working the US-Mexico border (Nevins 2002).

---

31 The call centers of CIC are a classic geographical representation of this reality. Applicants are not able to call the office where their application is being processed, but rather must contact call centers that are geographically detached from sites of application or processing, as well as detached from the caller. At the call center, a representative accesses application status via a centralized computer system. CIC call centers are known for inconsistencies in providing information.
Most studies of immigration bureaucracies have looked at the Immigration and Naturalization Services (INS) of the United States, and most have examined the relationship between the INS and Mexican migrants crossing the US-Mexico border (Calavita 1992, Heyman 1995, Nevins 2002). In separate research projects conducted among federal employees of the INS, Joseph Nevins (2002), Josiah Heyman (1995), and Kitty Calavita (1992) each located these interactions in the offices and stations of immigration officers charged with policing international borders. Josiah Heyman (1995) conducted research with immigration officers in INS offices regarding their frontline work. He examined their social histories and socialization in the bureaucracy and looked particularly at the coming together of these influences as manifested in their decision-making processes with regard to immigrants to the US.

Political scientist Kitty Calavita (1992) also studied the entrance of Mexican and Central American migrants into the US through a historical examination of how the Immigration Reform and Control Act (IRCA) of 1986 was implemented. Like Heyman, she was interested in the agency of individuals within the bureaucracy, but approached these questions by studying archival records surrounding the Act.

Like Calavita, geographer Joe Nevins (2002) examined "Operation Gatekeeper," an enforcement program of the INS that involved the investment of several million dollars in human and technological resources along the US-Mexico border in the mid-1990s. Nevins studied the relationship between the American nation and its immigrant others and was particularly interested in the construction of the "illegal immigrant" along the US border over time. My own methodology parallels his approach to understanding border issues through research interviews, participant-observation, archival research, and media analysis. Whereas Heyman spent more time with civil servants working in the offices of the INS bureaucracy, Nevins' primary research consisted of interviews and "ride alongs" on the border. 32

32 Milton Morris (1985) also conducted research on the INS bureaucracy in a study that predated all of those mentioned in this section. His is among a large body of work that examines the implementation and effects of US immigration policies (e.g., Hagan 1994, Mahler 1995, Coutin 2000, Menjivar 2000). Like Calavita (1992), he studied the debates surrounding the Immigration Control and Reform Act. His work differs, however, in that it draws primarily on secondary sources such as newspaper articles, Congressional reports, and other government documents. His analysis of the bureaucracy and the administration of immigration policies is based on the latter.
In Canada, Lorne Foster (1998) examined Canada's refugee and immigration policies in a book entitled *Turnstile Immigration*. Foster identified himself as a child of immigrants to Canada, a sociologist, and a former Canadian Senior Immigration Officer. He drew heavily on his personal work experiences and, more heavily, on secondary sources to frame his analysis of facilitation and control of immigration on the frontline in Canada. Foster examined various aspects of the implementation of policy. Critical of the Canadian bureaucracy of immigration and dwelling particularly on the frontlines, his ultimate objective was to establish a better balance between "social order" and "social justice" in Canada (1998).

Three studies by geographers looking at the governance of mobility, displacement, and territoriality are particularly influential, and I link my ideas to their own during the course of the thesis (Herbert 1997, Hyndman 2000, Nevins 2002). Prior to Nevins' study of the INS, Jennifer Hyndman (2000) conducted an institutional analysis of the United Nations High Commissioner for Refugees (UNHCR). Refugee camps in Kenya and Somalia serve as her primary field sites. Her work uncovers geographical relationships between refugees and states, and the intermediary management role of the UNHCR, which she conceptualizes as a form of the shadow state (2000).

Most closely related to my own project methodologically is the work of Steve Herbert (1997). Herbert conducted fieldwork with the Los Angeles Police Department (LAPD) and, like Nevins, did ride alongs with officers. While he spent some time in the call reception offices, the core of his empirical work took place in the field where he examined the ways that officers constructed different parts of the city through their work (cf. Fyfe 1991). Working with rich ethnographic data, Herbert is able to test the relationship between discretionary human agency and structural constraints such as the law (1997), a central organizing theme of his book.

Each of these scholars explores the relationship between territoriality and governance and shows the spatiality of, limits to, and effects of enforcement. These studies provide the "thick" (Geertz 1973) empirical analyses missing from political geographies of the state. In the tradition of this body of work, I want to explore further the operation of power between administrative center and field by examining the relationship between scale and the state. I will show that institutions engage in power struggles by jumping scale, moving from the local institutional landscape to the realm of international relations.
The politics of scale

Drawing often on the work of Henri Lefebvre (1991), scholars such as Smith (1992), Swyngedouw (1997), and Marston (2000) have held an ongoing dialogue regarding the politics of scale. Much of this debate has unfolded in the pages of Political Geography (e.g., Staeheli 1994, special issue edited by Delaney and Leitner 1997, Brenner 1997). The primary insight of this literature is the idea that scale is not simply a frame upon which to hang issues; that "... scale is not a preordained hierarchical framework for ordering the world" (2000: 220), in Sallie Marston’s words. Scale is, rather, a socially constructed geographical set of relationships (N. Smith 1992, Staeheli 1994, Delaney and Leitner 1997, Swyngedouw 1997, Brenner 1997, Marston 2000). With regard to human smuggling, in other words, not only does smuggling take place and have meaning at multiple scales, but the ways in which people talk about smuggling actually construct the issue as one that is local, regional, provincial, national, or global.

A second key insight provided by a constructivist perspective is that scale is political; that different articulations of political struggles draw on different scales. In Erik Swyngedouw’s words, "Scale is, consequently, not socially or politically neutral, but embodies and expresses power relationships" (1997: 140). Understanding scale as a social construction offers political potential in the possibility for new framings of relationships (Swyngedouw 1997, Blomley and Pratt 2001). Local media coverage of the 1999 boat arrivals, for example, frequently presented them as a problem for the Province of British Columbia; whereas national media outlets and Elinor Caplan, then Minister of Citizenship and Immigration, constructed "irregular" migration as a threat to national security (see Nadig 2002).

With entirely different arguments local residents of small Vancouver Island towns who protested the federal response also framed the issue as national in scope. They showed signs that said, "Canadians First," imploring the federal government of Canada to provide social support for Canadian citizens before offering it to non-citizens. At the same time, they took action locally by protesting the use of local docks to offload the migrants. One town mayor on

33 A conservative immigration reform movement has taken off, fueled by these boat arrivals under the rubric of designing policies that put "Canada First" (see http://www.canadafirst.net/).
Vancouver Island actually passed a declaration that the federal government could no longer use the town's dock to off-load migrants.

There is much at stake politically in the construction of human smuggling and transnational migration (see Koser 2000, Kyle and Koslowski 2001). Migration touches on global relationships between countries, and diplomatic issues play out at a local scale. There exists, therefore, a strategy behind the way in which phenomena are articulated and presented to various audiences; and in the response to human smuggling in Canada, different parties framed the issue distinctly to further their political agendas. Each move by governmental and non-governmental parties such as the media can be linked strategically to different audiences in different locations, ranging from local residents of Victoria and Vancouver to foreign governments with a stake in Canada's response to the arrivals.

Jamie Peck (2002) offers additional insight into the politicization of scale by arguing that people exercise power and authority by claiming a higher scale. This occurred often not only among institutions in BC in 1999, but also within CIC when the strategy of drawing on national or international interests in dialogue was used essentially to trump other concerns. Advocacy groups, for example, well aware of the stakes not only for refugees, but for nation-states, intervened with strategic shifts in scale. Refugee advocates articulated the problem of human trafficking in global terms. One particularly strategic activist group composed largely of second-generation women of color called Direct Action Against Refugee Exploitation (DAARE) was among the most vocal advocates for the migrants. DAARE framed the arrivals as a global problem and argued that Canadian participation in free trade agreements and other neoliberal projects displaced disadvantaged groups like the migrants from Fujian, the "discontents" of globalization (Sassen 1998) who faced not only limited economic opportunities at home, but restricted opportunities for mobility as well. By articulating smuggling at a global scale, DAARE implicated the state in transnational movements. This shift in scale changed the potential stakeholders and responses, and this is what geographers have recognized as the political potential of conceptualizing scale as a social construction and "jumping scale."

Blomley and Pratt (2001) add a dimension of human rights discourse to the discussion on political constructions of scale. They too show that political struggles draw on multiple scales through rights discourse in two cases: anti-gentrification struggles in Vancouver and
advocacy for migrants recruited through Canada's Live-In Caregiver Program who, like DAARE, draw on human rights discourse that transcends national borders to address a national program (see also Jacobson 1996). In an interesting contrast, in the case of human smuggling, Chinese diplomats have also drawn on rights discourse to place blame for human smuggling on the refugee programs in Canada and the United States that they perceive to be overly generous and encouraging of smuggling (see P. Smith 1997: 16). The politics of scale therefore relate to the ways that situations and arguments are articulated (Delaney and Leitner 1997, Agnew 2002) and can fashion the interests of the nation-state in distinct ways.

Another political strategy active in geographical shifts in scale pertains to the visibility of interests and investments in any given issue. These shifts in scale intersect with arguments about the political economy of the institutional response to human smuggling. Prisons, media, and other secondary industries benefited from the detention of migrants, as did small towns in BC, but these gains were only visible at certain scales. The media also produced scale and repeatedly, for example, emphasized the cost of the response to human smuggling to Canadian taxpayers, once again privileging the national scale. But the media rarely discussed the local benefits of the business of detention to the Province of BC, to businesses and workers in Prince George and small towns on Vancouver Island. This point coincides with Sallie Marston and Neil Smith's defense of shifting scale to the body and the household as a political strategy to uncover power embedded in relationships otherwise obscured at other scales (Marston 2000, Marston and Smith 2001, see also Brenner 2001 for a counter argument).

Conceptualizations of the nation-state are thus bound up with geographical scale, and I posit corporeal geographies as a key scale at which to understand the ongoing debate about the power of the nation-state. Shifts in scale to the everyday and the body hold the potential to uncover relations otherwise obscured (Marston 2000, Marston and Smith 2001, Nagar et al. 2002). The state is powerful, but not all-powerful and knowing. If the power or "ghost-like," stature of the state expands through disembodiment (Taussig 1997: 3), it is through a feminist strategy of embodiment that the actual power of the state materializes in daily practice (Mountz 2003a, see also Hansen and Stepputat 2001). Like scale, 'the state' and sovereignty are also social constructions (Biersteker and Weber 1996), articulated at a variety of scales for distinct

---

34 I will point out these instances in chapters five and six.
35 I will continue this argument most explicitly in chapter seven.
purposes and given meaning through discourse, as in Anderson's powerful argument that the
nation is "an imagined community" (1983). Political geographers write frequently about scale
and, in so doing, they often implicate the state (e.g., Brenner 1997, Leitner 1997) in events
occurring at different scales (e.g., the effects of state policies on cities, groups, or households).
Marxist geographers in particular position the state as a totalizing force that penetrates all
places at all scales to accomplish capital accumulation (e.g., Brenner 1997). In a widely
discussed book, Hardt and Negri also argue that the state is restructuring and "re-spatializing"
(2000). Struggles with this respatialization are audible in the narratives of various institutions
involved in human smuggling who evoke different scales, interests, and stakeholders in the
politicized dialogues through which scale materializes. The state, however, is far too
disorganized and diverse a category to attend to the many agendas and projects in which "it" is
implicated through any one agenda. Rather than position the state as a puppeteer on the world
stage, I am interested in understanding this diversity and in exploring what kind of geographical
approach enables further elaboration upon this respatialization. States are "scaled" entities,
produced and assigned meaning through daily discourse. I aim to locate these articulations
through corporeal geographies. A shift in the scale of analysis of the nation-state to the finer
scale of the body reveals processes, relationships, and experiences otherwise obscured.

Geographies of the body

The lack of attention to embodiment, except as inscribed representation, perhaps explains why
critical geopolitics has produced so little work of an ethnographic bent (Thrift 2000: 383).

Feminist geographers have intervened in geographical debates on scale by arguing that
certain scales, such as the household (Marston 2000) and the individual (Hyndman 2003), have
been overlooked. Likewise, feminist critics of the discourse of globalization advocate shifts in
scalar narratives that account for the gendering of transnational phenomena (Marchand and
Runyan 2000, Nagar et al. 2001). Their arguments parallel the interventions of feminist
political geographers who have repeatedly critiqued mainstream political geography for its
analytical failure to include people, to attend to the scale of the body, and to "gender the

36 Nagar et al. argue that a focus on power issues at various scales is central to feminist interventions into the
"subjects and spaces of globalization" (2001). Shifting to the scale of the body, they note that "starting from the
standpoint of people and economic spheres that are marginalized under capitalist processes reveals the ways in
which contemporary globalization is intimately tied to gendered and racialized systems of oppression" (2001: 3).
political" (Kofman and Peake 1990, Staeheli 1994, Kodras 1999, Marston 2000, Hyndman 2003). These calls for new scalar narratives that re-frame the nation-state have ushered forth from various corners, including, for example, the emergent field of feminist geopolitics (Hyndman 2003).

Despite these arguments, the body is not usually a scale attended to by mainstream political geography. As Sassen argues, however, while the nation-state loses power in some realms, it re-asserts power at sites such as the border and the body (1996: 65). Reading the state through the body counters the argument that the state has met its demise in a borderless (Ohmae 1995), "post-national" (Anderson 2000, Soysal 2000), transnational world (Appadurai 1996). Feminist theories that locate power at the scale of the body uncover attempts of the nation-state to strategically mediate transnational processes of globalization, mobility, and displacement. In order to embody the nation-state, to locate political processes in a time and a place, political geographers must move beyond analyses of policy and structure, to the more fluid, daily, personal interactions that surround and disrupt these formal instruments of governance, such as those depicted in chapters five and six.

A feminist geopolitical framework, according to Hyndman, "... relies upon a commitment to the safety and well-being of persons rather than states" (2001: 219). Working within her framework (2003), analyses of power relations at the scale of the body lead to new conceptual understandings at other scales. In my own work, the scales which Hyndman distinguishes elide: states are persons attempting to manage other persons on the move. Embodiment is, therefore, a feminist analytical approach to the state that shifts scale.

Given that power operates diffusely at various scales, a shift in the scale of analysis of the nation-state, from the more abstract theoretical realms of geopolitics and political science to the finer scale of the body, reveals processes obscured at other scales. In order to embody the nation-state, to locate political processes in a time and a place, political geographers must move beyond analyses of policy and structure, to the more fluid personal interactions that surround and disrupt these formal instruments of governance. Embodiment is a strategic political alternative to the ways in which popular discourse, the mainstream media, and governments foreground the migrant body whilst concealing the embodiment of the state.

I aim first to embody the state quite literally, to understand who enacts policy and in what way. This embodiment entails institutional ethnography that destabilizes the notion of the
nation-state as a monolithic entity and offers a deeper understanding of bureaucracy, a key institutional apparatus of the state rarely dissected in research (Hansen and Stepputat 2001: 17). The literal strategy of embodiment centers people within conceptual understandings of the state and draws on the work of Donna Haraway (1991), Sandra Harding (1986), and other feminist scholars (e.g., Rose 1993) to situate knowledge and power in time and space. Embodying the nation-state thus follows a feminist strategy to embody knowledge; to locate power relations and to contextualize decision-making with a workplace, a life history, and a social geography.

The second approach to the body working through this thesis is the Foucauldian, poststructural notion that power produces identities through discourse; that identities are inscribed onto the bodies of migrants (see Pratt 1999) and bureaucrats. These discursive practices of identification, categorization, and nomination show how the state sees migration (cf. Scott 1998) and are bound up with the shifting spatiality of governance. So while the project of embodying the state takes place empirically in the form of ethnographic research, many of the embodiments outlined in this chapter are enabled with analysis of the construction and representation of migrant and state identities in the to and fro between CIC and the media.

This practice of embodiment through the inscription of identity is rendered most visible through discourse in the mainstream media where over-simplified renditions of complex events circulate as explanatory narratives. Media workers are powerful players in the politics of identification and representation of transnational migrations, a venue where, as we shall see, CIC struggled constantly.

The work of locating the nation-state through corporeal geographies is one response to repeated calls by geographers for a centering of feminist interpretations within political geography (Kofman and Peake 1990, Kodras 1999, Hyndman 2001). It is also a strategic response to the recurring question about whether the subdiscipline of political geography is a "dead duck" or a "phoenix" (Waterman 1998: 385). In order to rise, the subdiscipline must embrace alternative perspectives to bear on topics such as "the state" that have long dominated the dialogue. This strategy of embodiment intersects with many theories that the state is respatializing (Lefebvre 1991, Brenner 1997, Herbert 1999, Hardt and Negri 2000), but it also disrupts the understanding of the state as a comprehensive, coherent project. On the contrary, this chapter shows that state practices materialize distinctly at distinct moments for distinct groups of people in differing political contexts. Bodies are one under-theorized locale where
the shifting geographies of governance and the re-constitution of mobile borders are brought into relief. Rather than a coherent, hidden strategy awaiting discovery, there are a group of diverse, conflicted bureaucrats also often trying to figure out the objectives of state projects. Analyzing state practices at multiple scales opens potential for new understandings of the roles and geographies of nation-states in global processes.

Geographies of the nation-state as networked practices

The spatiality of global politics is again at the forefront of the debate, and so now is the time to create spatial theories of the transfer and communication of power (Flint 2002: 395, citing Allen 1999).

Drawing on a dialogue taking place in political geography, Colin Flint summarized the desire of scholars to "study the everyday" (Thrift 2000) and "networks in their totality" (Taylor 2000a), "emphasizing the role of power (Allen 1999) and scale." This is precisely my objective in examining the nation-state through the analytic of embodiment, to which scale and space are central. This shift to the everyday exposes the ways in which the state and other institutions struggle over spatiality. I use the phrase "geographies of the nation-state" to refer to embodied networks of actors working simultaneously from distinct locations and producing distinct scales. In examining how the state manages transnational migrations from the inside through the nitty gritty details of people's work lives, I deploy the metaphor of the network to understand everyday practices of border enforcement.\(^37\) Much of the work of enforcement takes place not along the borders, but in office towers, across e-mail and telephone calls, among people located and sharing information all over the world. I am interested in all that takes place through these networks where identities are shaped, power operates, information circulates, narratives are formulated, different scales are produced, and some groups and interests make inroads while others are excluded.

"Geographies of the nation-state" reference overlapping relationships shaping the institutional landscape of transnational migration at multiple scales, from office arrangements to the international diplomatic efforts in which bureaucrats engage on a daily basis. I state "geographies of the nation-state" in the plural because the nation-state must always be

\(^{37}\) It is interesting to think about the state as a network in relation to transnational migrants when transnational flows of people, goods, and capital are themselves so often theorized as networks (e.g. Walton-Roberts 2001).
understood from the standpoint of multiple scales, each of which shows a different set of dynamics at play. I am theorizing the operation of power moving through these overlapping geographies and networks of the nation-state at different scales. "The state" is a set of embodied actors interacting and producing different scales. The empirical analyses of chapters five and six will illustrate that power moves through these networks and shifts in relation to the location of a crisis, the location of the media, and the location of information. The locus of power shifts with events, and those with the most information appear to be the most powerful. Through struggles over scale, some agendas move forward while others are suppressed, and the locus of power shifts in conjunction with the availability of information. Some institutional actors claim authority through scale (Peck 2002) to trump others by claiming national (e.g., Canada's needs) or global imperatives (e.g., diplomacy with China or the US), and in so doing, they devise exclusionary practices.

Often analyses of the contemporary political landscape operating under the rubric of globalization emphasize movement, flows (Appadurai 1996, Castells 2000), "the information society" (Castells 1996), identities, scales (Brenner 1997), ethnosapes (Appadurai 1996), social movements (Guarnizo and Smith 1999), and networks (Agnew 1999) that supercede an ever-present backdrop of the more statically imagined nation-state. This suggests that nation-states are outdated while flows swirl fluidly around them. Colin Flint uses Peter Taylor's metaphor of "metageographies" (2000a, 2000b) to characterize these transnational phenomena that supercede the static state: "...everyday political practices that constitute globalization are constructing a new metageography, a move away from the dominance of nation states in thought and practice and the emergence of networks" (2002: 391). Still others see nation-states not as excluded from or outmoded by these networks, but rather imbricated, implicated, and embedded within them (Castells 2000, Hardt and Negri 2000, Taylor 2000b). Sassen, for example, argues that nation-states are not dead but re-articulating, and she spatializes these re-articulations in the particular locales of body and border (1996).

States are also dynamic entities in perpetual motion, not superceded by global networks and "metageographies" that jump scale, but rather working among them. Civil servants also construct scale in politicized fashion. They embody a network in motion. This metaphor of the network works in a number of ways. It suggests movement, interaction, and a dynamism that counters the static role of the monolithic state as backdrop. This approach examines the roles
played by a diverse set of people in enacting the state and, in this case, immigration policy. Through their everyday work on immigration, bureaucrats are linked to people and places all over the world, and they are also in frequent contact with institutional figures in their immediate surroundings.38

Political scientist Peter Nyers (1999, 2002) is also interested in the relationship between refugees and states, and contends that both are in constant motion, mutually producing one another, and historically dynamic by nature: "The state is neither a given nor fixed and it is certainly not a fully formed political agent. Rather, the state is a constantly changing and mutating set of historical practices. The modern state is an historical construct, created and sustained through continuous political activity" (2002: 6). Nyers (2002) underscores the state as incomplete and sees "the body politic" as an inadequate depiction of a highly dynamic set of practices in constant motion.39 As James Scott (1998) argues, states perpetually attempt to impose order on chaotic realities that far exceed their capacity to order. Instead, they meet with varied degrees of success and resistance across uneven geographies.40

Many of the descriptive metaphors of political geography, whether setting sights on the nation-state, globalization, governance, or organizations, are all part of a larger trend afoot to understand this shifting spatiality of governance. They hold in common a desire to contemplate scale, space, and power. The bureaucracy is a key site where information circulates, representations are crafted, and identities scripted. As such, the bureaucracy is a key node through which to understand the shifting spatiality of governance.

* * * *

Most research on bureaucracies assesses how well institutions function to achieve objectives such as servicing clients (Herzfeld 1992: 2). This chapter has illustrated my interest

38 I include here those people who were central to the response, but not directly employed by any level of government.
39 John Law researched the daily operation of a science laboratory in England (1994). Nyers's (2002) notion of incompleteness echoes John Law's conceptualization of the organization as a network that is never pure and never truly ordered, but rather a perpetual "dream" of ordering: "ordering that is never complete, and runs at cross purposes in a hundred different occasions, and never adds up to the hideous purity of an order - even though it generates a set of processes that we can call 'The Lab'" (1994: 39). For Law, the lab is not one site but rather a "pastiche" of different places (1994: 40). Julian Holloway (2000) also conceptualizes institutions in a perpetual state of "becoming" through networks. Law and Holloway (2000) both use Latour's actor-network theory (1990, 1999) to understand organizations.
40 Resistance in BC came in the form of advocacy organizations and immigration lawyers, for example, and their work will be the subject of chapter six.
in questioning the ontological underpinnings of the "the state" by exploring the meanings of the work of civil servants at a variety of scales. One recurring tension throughout this chapter is the struggle of civil servants between their desire to work effectively in the response to human smuggling in the face of constraints. Structural constraints imposed on the work of responding to human smuggling include legal issues, international agreements, limitations on financial and human resources, and shifting political contexts. Steve Herbert addressed this tension well in his assessment of the work of the Los Angeles Police Department in the field (1997). He envisions territoriality itself as structured by normative orders coursing through the work of enforcement, but not without the internal struggles of "political strife" (1997: 162). Herbert positions "normative orders" as the perfect balance between Weber's over-emphasis on centralized structure and Foucault's over-emphasis on the operation of power (1997: 163). Accordingly, daily life in the bureaucracy of CIC serves as a site from which to understand the ways in which civil servants struggle to exert their own authority in relation to the constraints that structure their work and seem, at times, not to make sense. As such, I envision the bureaucracy as the site where all of the structures and individuals that comprise the state are enacted in daily life.

The conduct of ethnographic research to understand these struggles is challenging and is the subject of my next chapter.
One morning during the thick of things, I arrived at my desk at CIC to find yet another hot pink post-it note stuck to the monitor of the computer that had been carefully installed with an outside telephone line to call up the internet, but studiously without access to the internal network of the Department. I knew, even before I had read it, what the note written hastily in colored ink would say: that yet another immediate visit was required to the office of the person currently managing human resources, the middle woman in charge of monitoring my access to materials and more generally my whereabouts at CIC's Regional Headquarters (RHQ) at 800 Burrard Street in downtown Vancouver. I had affectionately, if with irritation, come to know this woman in my mind as "the watchdog."

I was on crutches during that first month that I spent doing research at CIC, so it was not difficult for anyone to monitor my whereabouts. I moved slowly and noisily with a pattern that no one sitting in their cubicles in an office so quiet that at least one employee referred to it as "the morgue\(^1\) could miss as I passed on by. One morning as I hobbled by the printer, an older woman remarked, "When this is all over, Alison, we're going to find out that you were faking it the whole time." It was the "when this is all over" part that jarred me.

And so it was with my particular rhythm that I entered the watchdog's office that morning in August of 2000 for what turned out to be a bizarre exchange. She informed me that I was not to enter "the secret room" under any circumstances. Confused and concerned that she might mean the room behind the fortified wall where the intelligence analysts from whom I had been learning a lot were located, I asked, "Do you mean the room where Jim\(^2\) is?" She said, "I don't know. I can't tell you. You're just not to enter the secret room."

Days later, another employee insisted that there was nothing in that room that I could not see. He added that he had seen everything that there was to see, and that there were actually no secrets. A few months after that, someone much higher up in the Department revisited the

---

\(^1\) Interview, Vancouver, August 2000.

\(^2\) Any names used in dialogue or interviews cited in this thesis are pseudonyms.
issue - with no prompting whatsoever on my part - and argued that there were in fact secrets filed away that even he was not allowed to know about.

I was amused and perplexed, never having expressed an interest in secrets or the secret room to begin with. I had, however, discovered a pattern that would repeat itself in the months to come: a way of being guided through the bureaucracy that was neither straightforward nor necessarily relevant, but always revealing of something.

* * * *

**Introduction: the methodology**

Disciplinary power . . . works not from the outside but from within, not at the level of an entire society but at the level of detail, and not by constraining their actions but by producing them (Mitchell 1991: 93).

There are three stories weaving their way through this dissertation: the response to the boat arrivals in 1999 as recounted to me by civil servants, the everyday life of the bureaucracy more generally as observed by me and explained by CIC employees during fieldwork in the years following the boat arrivals, and my own institutional experience of doing research at CIC. Each informs my analysis of how civil servants attempted to manage transnational migration from within the bureaucracy. This chapter deals with the third narrative in detailing the methodological contributions of and challenges to doing research in the bureaucracy. I will map the contours of the emerging genre of "ethnographies of the state" by reviewing recent projects in this area. I will then address the methodological challenges to conducting this ethnography of the state by recounting my own path of inquiry through the bureaucratic mechanisms and political maneuverings of Citizenship and Immigration Canada. I am interested here in the sociology of knowledge: in what the actual research process itself reveals about the bureaucracy and the response to human smuggling. I will use excerpts from fieldnotes to recount a story well worth telling.

Laura Nader (1972) argued over thirty years ago that anthropologists should expand their fields of interest beyond those marginalized peoples upon which they had built the discipline and make more of an effort to "study up" in order to understand the powerful roles played by institutions in people's daily lives. She emphasized how little most people knew about those bureaucracies and organizations that had the most powerful material effects on
them (1972: 294). She argued that in a democratic society, people should have more access to institutions and more knowledge about how they function (1972: 293). Social scientists have since moved further in this direction and played more of the role that Nader suggested by studying governmental and non-governmental institutions of all kinds. Recently, Hansen and Stepputat (2001) advocated localized, ethnographic approaches to the state centered in the field. Many such projects pursue an ethnographic approach that relies heavily on participant-observation (Herbert 2000). As Timothy Mitchell (1991) suggested, analysis of disciplinary power – in the case of this thesis, the production of identity through bureaucratic arrangements - must occur at "the level of detail," or in my estimation, the scale of the everyday. Critical ethnography enables an approach to the state as "a set of social practices" (Painter 1995: 34) and as a set of diverse institutional actors exercising agency through quotidian bureaucratic arrangements (Herbert 1997).

Dorothy Smith (1987, 1990) has led the way in terms of feminist approaches to institutions. She is interested in the impact of "relations of the ruling" on the sociology of knowledge, and vice versa. Smith sought to understand the relations of the ruling from the perspective of women by showing how women have been written out of knowledge, although their work has been central to these institutions (1987). She proposes institutional ethnography as a way to document the exclusion and repression of women and others not recorded in the histories of governing institutions (1987: 154). Smith argues that much of our everyday experience is governed and structured by ruling organizations with the capacity to enforce laws, and she outlines a method of institutional ethnography to understand these relationships (1987: 160).

Institutional ethnography explores the social relations individuals bring into being in and through their actual practices. Its methods, whether of observation, interviewing, recollection of work experience, use of archives, textual analysis, or other, are constrained by the practicalities of investigation of social relations as actual practices (1987: 160).

Interested in "actual practices" and their effects beyond the institution, Smith outlines many of the objectives of my own study to show a break between the ways in which the bureaucracy categorizes and manages transnational migration streams and the realities of these movements and the impact of policies on the ground. Smith lends insight into the notion that institutions
are nodes through which power is exercised, the result of which, in my study, are powerful material effects for migrants.

Approximately one year after the first boat arrival, I began research with the Department of Citizenship and Immigration Canada. My goal was to gather narratives of the 1999 response to human smuggling in British Columbia (BC) from diverse perspectives through participant-observation, semi-structured interviews, archival research, and media analysis. For a period of a few months, I participated in the daily exchanges of office life in the Regional Headquarters of CIC in the BC/Yukon region in downtown Vancouver, without actually doing any immigration-related work. I occupied a desk in the office, reviewed documents, conducted interviews, and “hung out” with employees on a daily basis, to the extent that their schedules would allow. This served as a base of operation from which I arranged semi-structured interviews. Within CIC, I tried to interview everyone involved in the 1999 response to human smuggling in some capacity, from frontline officers who boarded the boats to officials located higher up in the administration of the Department in Ottawa (see list of institutions involved in Table 3.1). In interviews with immigration bureaucrats, officers, managers, and high-level officials, I explored the positioning of this movement in relation to other transnational migrations and the decision-making processes surrounding the boat arrivals. As Table 3.1 shows, I interviewed a diverse set of employees in CIC involved in the response and working in intelligence; communications; strategic planning and policy development; refugees; enforcement, detention, and removals; legal services; and management. I also interviewed several employees of the provincial government, including those involved from the Ministry of Multiculturalism and Immigration, the Ministry of Children and Families, and the Ministry of the Solicitor General's Office, which administers B.C. Corrections.

Table 3.1 here: Parties involved

I also interviewed many employees involved through non-state institutions who worked with the migrants in other capacities, such as immigration lawyers, non-governmental organizations or immigration service providers, supra-state institutions, refugee advocates, and members of the media. I did these interviews in order to understand what kind of access people working in various institutions had to civil servants. The objective was to understand the
networks of governance. Interview questions addressed the various roles that people played in the response, and the nature of cross-institutional collaboration and struggle. In sum, interviews numbered approximately 70.3

Additionally, I interviewed representatives at five consular and immigration offices in Hong Kong facing human smuggling and trafficking movements similar to those faced by Canada. I conducted institutional research in order to understand the variable power of the state as it manifests in the work of enforcement conducted through the day-to-day operation of the bureaucracy. My research methodology was designed to embody and thus demystify the state through the lens of ethnographic research with CIC (Nader 1972). I was interested in how individuals within the Department made sense of the boat arrivals and of their own role in responding. I did semi-structured interviews and participant-observation and reviewed documents pertaining to the 1999 response.

The list in Table 3.1 illustrates that various institutional actors took part in the response to human smuggling and supports the notion explained in chapter two that "the state" is a multiple and diverse category. Ethnographic research enables deconstruction of the notion of a unified response, and therefore locates, names, and interprets the power of institutions, which is the first step towards accountability. Qualitative geographical research also enables an understanding of the operation of the state from multiple locations (Gupta 1995).

This methodology corresponds with my theory of the state that functions as a network through everyday, embodied practices and relationships. This network of people who collaborated across institutional boundaries also guided my own movement as a researcher through the field, among a series of institutions.4 I was able to follow embodied networks across time and space (Gupta 1995).

Interviews typically lasted about an hour or so, but I met with some individuals repeatedly for time periods that amount to days if accounted for cumulatively. Many people I interviewed no longer occupied the same position that they had during the 1999 boat arrivals,

3 Interviews are difficult to quantify because of the ambiguous parameters surrounding what constitutes an interview. Allow me to provide some examples of but a few of many such scenarios in the field that never seem to fit within the black and white procedures demanded on the part of university research ethics boards. I did interviews with people who agreed to them but would not sign the official consent form. On other occasions, I spent hours talking with people who would not concede to an interview at all. Do these exchanges "count?" If information informs the research in important ways, but cannot be quoted, how is it included?

4
having either moved to another position within CIC or out of the Department all together. For obvious reasons, these interviews were decidedly more open. On occasion, I tape-recorded interviews, but I found that this inhibited the exchange significantly. Informants often kept a watchful eye on the tape recorder each time they spoke, understandably keeping in mind the volatile political environment in which they worked and the importance of the Department's public image. Over time, I abandoned the tape recorder all together and grew more adept at recording quotes by hand. On some occasions during interviews, I offered not to repeat information or to stop writing all together in exchange for more candid discussion.

Documents reviewed were those filed on site at Regional Headquarters in Vancouver that pertained to the 1999 response, including instruction manuals, reports, communications strategies, environmental scans, memos, and e-mail exchanges that documented the daily interactions around the response to smuggling. As in interviews, I was, on several occasions, granted access to documents that I was not allowed to discuss or quote. I also reviewed all documents released to the public in response to access to information requests - a small percentage of the in-house files - during the 24 months following the boat arrivals. Examining "public" materials alongside "in-house" files enabled me to look at the external and internal articulations of the response and to analyze the relationship between the two. An additional method that painted another layering of context from the outside was content analysis (analyzed in chapter seven) of coverage in local and national newspapers from July 1999 when the first boat arrived to the spring and summer of 2000 when migrants were repatriated to China in groups.

It is challenging for social scientists to access the state and other powerful institutions ethnographically (Nader 1972), and this research, like all field projects, carried with it a host of ethical quandaries to work through. These included the desire to protect those who participated in the study as well as the privacy of their clients and my own status as a researcher and foreign student in Canada in relation to a powerful organization working in a controversial and often dangerous field. The bureaucracy itself is designed to protect employees, clients, and information, and I had to negotiate protective mechanisms throughout the process. This approach is epistemologically and methodologically distinct from the more traditional

---

4 This sense of my own positionality as a node in this network resonates with John Law's perception of his role as a researcher in the networked organization of the science lab that he studied (1994: 49-50).
approaches of political scientists and political geographers to conceptualizations of the state. The research has the potential and also the risk inherent in naming and disrupting the taken-for-granted powers of the state understood and enacted through finer scales of analysis, at the level of everyday interactions.

**Ethnographies of the state: a genre**

My findings on writing categorized by the author as an "ethnography of the state" were slim and yet insightful and intriguing. While each of the three pieces that I am about to discuss within this genre were written by scholars in the same discipline (anthropology), based in the same country (the United States), with two years between them, oddly, none actually cites the others. This observation is consistent with my inability to find any kind of summary or analytical discussion of the genre. I aim to address this void in this chapter.

In 1995, Akhil Gupta published an excellent paper in the *American Ethnologist* about fieldwork conducted in a small village in North India in the 1980s. The approach lends much insight to my own. Gupta aims to understand the state as a "disaggregate category." He relies on a Foucauldian approach: "Studying the state ethnographically involves both the analysis of the everyday practices of local bureaucracies and the discursive construction of the state in public culture," in this case through the discourse of corruption (1995: 375). With an anthropological sensibility for the everyday, Gupta theorizes the state as a "translocal institution" and poses this translocality as the greatest methodological challenge to ethnographic approaches: "to understand the workings of a translocal institution that is made visible in localized practices" (376), for "any theory of the state needs to take into account its constitution through a complex set of spatially intersecting representations and practices" (376).

As Gupta remarks, much remains to be written on ethnographies of the state:

---

5 This project and ethnographies of the state generally also draw insight from the literature on the sociology of institutions and bureaucracies, many of which contend with the approaches of Max Weber (1947) and Michel Foucault (1980, 1995) to institutions. Dorothy Smith's feminist take on institutional ethnography (1987) and elite knowledge systems is particularly important, as is John Law's institutional research (1994). Additionally, a range of scholars of "the everyday" figure centrally (Bourdieu 1977, de Certeau 1984, Smith 1987). Within geography, Jennifer Hyndman's work on the UNHCR (2000), Steve Herbert's work on the Los Angeles Police Department (1997), and Joe Nevin's (2002) work on the INS each set important precedents for this study because of their focus on institutions that manage people's movement through space.
I should point out that much more needs to be done to lay the empirical basis for ethnographies of the state. Very little rich ethnographic evidence documents what lower-level officials actually do in the name of the state. Research on the state . . . has failed to illuminate quotidian practices (Bourdieu 1977) of bureaucrats that tell us about the effects of the state on the everyday lives of rural people (376).

Gupta makes important progress toward this objective by conducting interviews and participant observation in the offices of local officials responsible for managing - or brokering - local property ownership and taxes. In this ethnography of the state, rich empirical data on exchanges between villagers and local state officials renders state practices at once more located and uneven than the theoretical abstractions of political scientists might have us believe.

In contrast with Gupta's work, two years later, Michael Taussig's book, *The Magic of the State* (1997) introduced an extraordinary amount of ambiguity to conceptual understandings of ethnographies of the state. Unlike Gupta, Taussig does not locate his fieldwork in the offices of local authorities, or anywhere for that matter. His ethnography of the state takes place in an undisclosed Latin American nation and reads as a mythical account that blurs reality and fiction. His book is full of "spirit queens," "liberator's court," and the divine. Through analysis of inventive symbols, he renders the state mysterious and performative. His analysis perpetuates the mythical quality of the state because he never grounds the state empirically. In his preface, Taussig explains that he chooses: " . . . the evocation of a fictive nation-state in place of real ones so as to better grasp the elusive nature of stately being" (1997: preface). In so doing, however, he perpetuates the mythical, "ghost-like" status of the state critiqued by Mitchell (1991) and others and addressed in chapter two of this thesis.

I reacted strongly to Taussig's book upon first reading, frustrated by the missed opportunity, by what reads superficially as a masculinist travel account through a distant land. His writing is heavily influenced by contemporary theoretical dialogues, and he blurs the genres of ethnography and fiction with post-structural conceptualizations of power. Yet he fails to advance this dialogue by testing theory with practice. Taussig succeeded in provoking me. But must an ethnography of the state be fiction? Why this impetus to blur reality with fiction when the magic of the state is palpably real? People experience the state in the most poignant of ways that we might actually be able to articulate and not only imagine as social scientists. After having attempted in-depth qualitative research on the state myself, I do now have more
sympathy for Taussig's strategy. I appreciate his theoretical observations but do not like the direction in which he moved the genre following Gupta's contributions.

Nelson steps into the fray two years later with *A Finger in the Wound* (1999), an ethnography of the Guatemalan state. Her analysis is more empirically grounded in research interviews than Taussig's but, like Taussig's account, is also full of mystical, invented words, magic, piñatas, and fetishization. Nelson identifies herself as "the lizard queen." Nelson's overarching metaphor posits the nation as a wounded body, and ethnic organizing around race and ethnicity in Guatemala as "the finger in the wound." Nelson's project overlaps with that of geographers interested conceptually in geographies of the body. She moves back and forth nicely between material and metaphorical discussions of the Guatemalan state as body, and of the bodies of Guatemalans themselves in relation to the nation. She locates her ethnography of the state vaguely in the city, as the site where the state "is" (1999: 84-85). Despite twelve years in the field, Nelson still fails to locate research more specifically. She speaks of conversations with friends, colleagues, and fellow activists. She also interviews bureaucrats, but never provides a comprehensive account of how or where she met them. This could be because she, like Taussig, was working in an area where expressing one's opinions or sharing information was potentially very dangerous. In fact, she mentions a regime change during her research after which many of her contacts in government went underground. While Nelson provides thorough methodological reflections on her own positionality as a researcher, and while she states at the outset of her book that it is "an ethnography of the state" (1999: 3), she never actually returns to a discussion of what this categorization means analytically in her work.

Still, from Nelson's contribution I learned important lessons about the post-structural geography of the state. Like Mitchell (1991) and Gupta (1995), Nelson conceptualizes the boundaries around the state as porous and fluid (1999). All three writers show that the state cannot be constructed as separate or outside of the construction of a non-state sphere such as civil society or the organizations that comprise "the shadow state" (Wolch 1989). They illustrate that the state is constituted and re-constituted through dialogue that takes place among many different institutional actors. They show that this can be elaborated effectively

---

6 A post-structural approach is one among three proposed by geographers Vincent Del Casino, Andrew Grimes, Stephen Hanna, and John Paul Jones (2000).

7 Michael Brown (1996) also discusses the ambiguous and shifting locations of civil society in relation to the spaces where citizenship is practiced.
through everyday interactions among people with a stake in the state. In Nelson's purview, the state is a site of struggle where people are interested in representing themselves and their interests. Nelson and Gupta's work hold in common an appreciation for the need to understand how the state is constructed discursively and empirically through field research.

My own contribution differs from these examples in two ways. First, I am less interested in the magical and mythical aspects of the state. While it is tempting to imagine what does go on in the secret room, or whether the secret room exists at all for that matter, my advocacy of empirically grounded ethnographies of the state precludes discussions that lean toward the magical, of which Taussig's is an extreme case. This is not to imply that my own work is without its fair share of conspiracy theories and tall tales. But they are tales and conspiracies shared with me by bureaucrats that I situate in the geographical context in which they were told in order to analyze their significance to the story-tellers. Also along those lines, my research with CIC differs in that a greater amount of time was spent observing in the workplace itself in an effort to capture the daily contexts that inform more complex narratives of civil employment. Whereas Taussig's work respects the image of the enigmatic Wizard of Oz, mine definitely takes place in conversation with the nervous man behind the curtain who often wonders with disbelief at the power of his own work.\(^8\)

For the reasons outlined in chapter two, quotidian approaches to the state are extremely important for the insight that they provide into how contemporary bureaucrats function and attempt to organize and manage the world around them; and for the insight offered by their blind spots in their attempts to see human smuggling. Observations about day-to-day work enable attention to interactions among diverse people, struggles over language, geographical disparities across time and space, deconstruction of the category of "the state," struggles over scale and power, and the centrality of identity in theorizing the state and the various people who constitute it. Nelson's work has much to offer in the last category in particular. She wrote extensively about the constitution of identity through the state, and the constitution of the state according to activist organizing around ethnic identity (1999). Gupta's observations in the offices of local authorities in North India, however, served as the best model for my work with the federal government. Indeed, he came to many of the same conclusions about the theoretical

\(^8\) It was someone in CIC who used this metaphor in relation to his own work. Kitty Calavita also uses this metaphor in her analysis of the development of immigration policy in the INS.
contours of state practices: that they were falsely conceived as separate from civil society, that
the borders between state and non-state actors were more porous than traditionally imagined,
and that "the state" must be theorized as a "translocal institution" (1995).

Smoke and mirrors: the research process in three acts

A democratic framework implies that citizens should have access to decision-makers, institutions of
government, and so on. This implies that citizens need to know something about major institutions,
government or otherwise, that affect their lives (Nader 1972: 294).

The field research for this project coalesced in three acts, the twists and turns of which I
could not have anticipated at the outset. My access to people and information went through
two enormous turnarounds after I began. Each of these marks the beginning of what I
characterize as the second and then third "acts" of the research process.

Act one

In retrospect, I view this time as a period of negotiation with CIC about the meaning
and ownership of research. It was the shortest of the three in terms of length of time, but the
most interesting in terms of working through the parameters of institutional research. Act one
officially began in a meeting in downtown Vancouver at the end of June 2000 when I met with
my supervisor, also the Co-Director of the Research on Immigration and Integration into the
Metropolis (RIIM), the local branch of the Metropolis Project in Vancouver, and with the
person who was then the Regional Director General (RDG or DG) of the Regional
Headquarters (RHQ) of Citizenship and Immigration Canada (CIC). The DG was fond of
Metropolis, open to research, and a progressive thinker open to change, and he agreed to have
me come in to spend time at RHQ doing research. Act one began in earnest on 1 August 2000
when I started going to the office on a daily basis.

9 At the time, the National Metropolis Project in Canada consisted of its administrative center in Ottawa, housed
by CIC, and of four local centers located in Montreal, Toronto, Vancouver, and Edmonton.
10 Throughout this thesis, I provide fewer biographical details and interview schedules than do other studies.
Regionally and nationally, a small group of people were involved from CIC in the response to human
smuggling. They will be easily identifiable to one another, and their schedules are often managed by
administrative assistants and a matter for public record because of their senior positions as civil servants. For
this reason, I use pseudonyms or no names at all when discussing individuals. I reference the city, month, and
year of the interview, but not the actual date. Where necessary, I change biographical details such as sex if I
believe that an individual may be too identifiable because of their position and role in the 1999 response.
The DG had generously and thoughtfully agreed to my proposal to act as though I was an in-house person at work. On that first day, after a security check and a friendly tour of the office, I was shown to my desk, which was based temporarily in the Information Technology (IT) department. IT people worked for a while to set up internet access for me. The DG's desire to be open nonetheless conflicted early on with security issues. IT employees tried, for example, to put me on an e-mail listserv for the staff, but this was contested and never came to pass. This Director was visionary in terms of the risks that he was willing to take, due at least in part, to his interest in research and what he labeled the potentially "objective" view of an outsider on immigration matters. Others also welcomed me and were open to working with me. In an e-mail to my supervisor during that first week I wrote:

*The state continues to be a very friendly entity. They've set me up in a cubicle with a big desk, computer, phone. They have granted me 24-hour access to the building. Part of me wonders if they want me to identify as being a part of the state, the friendly state. . . The DG seems to be setting things up so that I am well-embedded in the office.*

Fieldnotes, 4 August 2000

On the afternoon of 9 August 2000, I met with this director and several managers and others with whom I would be conducting research. During that time, I presented my research questions, objectives, and methods, and even a list of potential interview questions. The goal was to introduce the project and garner feedback from potential participants. We also went over the consent form and the ways in which I would protect information shared and the identities of participants. The meeting went well and provided a good opportunity to meet a number of people and to enter into dialogue with them. As a result of that meeting, however, things soon began to unravel. The positive outlook did not last as long as I would have hoped; experiences in the office changed rapidly.

As with any research project, things were awkward in the beginning as I tried to learn my place and as others tried to figure out what I was doing there:

*It's just so strange for me to be in this office, strange for me and for them I know. It's always like this in the beginning of fieldwork though so I'm hoping to build rapport and trust and get to know people. It's draining to be here and to figure out my position.*

*People at CIC seem very transient for many reasons - they're always being moved, either internally or elsewhere or on temporary posts in other places. There are so many people coming and going from vacation too. People also seem to come and go from Ottawa all the time.*
This new woman came over and asked who I was. I introduced myself: "Hi, I'm Alison Mountz, I'm a doctoral student at UBC doing some research here." She said, "Oh, I read the e-mail. Everybody knows who you are." I'm dying to know what those e-mails said! It's bizarre to be in an office where everyone knows who I am, but I don't know who half of them are.

Fieldnotes, 14 August 2000

In the meantime, that first director who had agreed to let me do research was on his way out, a new director on his way in. I was worried about this turnover. One day, I met the new director as they gave him a tour around the office.

Liz introduced me as "a graduate student investigating us" whom they decided to allow in to do research.

Fieldnotes, 16 August 2000

By this time, my problems had already begun. One individual, according to some of his colleagues, had attended the meeting where I presented research with skepticism and concern. Afterward, he approached the Department of Justice (DOJ), as a client, to ask their opinion about my research. CIC commissioned them to write a legal opinion about the matter, and the lawyers did not respond favorably. Hence began a series of negotiations between me and the lawyers, whom I never had the opportunity to meet or speak with directly. The lawyers, in my opinion, over-reacted to my presence and on nearly a daily basis, they placed restrictions on my work, via messages sent to me through the woman assigned to monitor my whereabouts and access to information. These negotiations highlight some of the irreconcilable differences between the infrastructure of bureaucracy and the proximity, support, and trust required to conduct research. Rather than attempt a more nuanced understanding of the situation, lawyers confused me with a member of the media whose objective it might be to root out secret or damaging information.

During this time, I tried to build trust, to respond to the lawyers as best I could, and to keep a low profile.

I once again spent a significant portion of the afternoon working on privacy issues and typing things up for Sally. I also did the response [to the lawyers] and dropped it off with her before I left. Hopefully this will take care of things, but somehow I have a feeling it will not.

Fieldnotes, 17 August 2000

Over time, DOJ lawyers placed the following conditions on research: that I interview people with a lawyer present, that lawyers review the transcripts following the interviews, and that CIC own and destroy the data. Many of these requirements conflicted with the conditions
upon which I had agreed to undertake research with the UBC Behavioural Research Ethics Board, such as protecting the anonymity of interviewees. Things grew more complicated as negotiations progressed. I received partial and conflicting messages, as did others in the office. During those first weeks though, I had somehow inadvertently managed to establish some advocates - as well as some opponents. Their alliances had little to do with me and more to do with previously existing office dynamics and politics. I later learned in retrospect what had happened: that there were politics surrounding the director leaving. I was drawn into these politics, alliances, and allegiances, and once the lawyers made accusations, blame was passed around like a hot potato. My "advocates" continued to leave information on my desk for me to read, while my "opponents" came by to monitor what was there. This all left me feeling in the dark about the frenzy taking place around me and frankly, a little paranoid.

Now I have some of everybody's stuff on my desk. And it's all out on my desk, and I don't know if it's the best thing. That desk is too public. . . How could I make it seem like more of a private workspace?

Fieldnotes, 22 August 2000

Meanwhile, IT people still tried to follow through on the original order to place me on the internal office e-mail list.

Frank joked that I had been crying this morning. He said that I was saying that I was promised "access to secret information." He said it loud enough for the whole office to hear, and this made me very uncomfortable.

And the watchdog monitored my every move.

On my way back to the elevator, I went by Bob's and hung a right at Jim's office to exit the door. I came out into the hallway with the elevators. Sally was getting on the elevator with Liz. She said, "Oh, Alison. Should we hold the elevator for you, are you coming down? I said, "No, I'm just going to the bathroom." And she said, "You sure came the long way from your desk."

During that last week of August, while some people continued to lend me files to read at my desk, I was told that I was not allowed to read anything, nor, eventually, was I allowed to talk with anyone. When I asked directly about interviewing people, I was told that I could not ask for "personal information." When I then asked for clarification of what this meant, I was told that it meant anything told to me by any person. I found out that the lawyers had been told - mistakenly- that I had been given access to secret information, and that they had accused some people in a reactionary manner as a result. The lawyers were trying to figure out a way
that they could consult interviewees about what to say and what not to say, without them knowing who was being interviewed in order to protect identity. They also expressed concern that my file cabinet and office at UBC were not secure. Additionally, the lawyers worried about open-ended questions and feared someone might say something damaging. It was eventually decided that I would read only those materials released to the public until the lawyers wrote a contract detailing the conditions under which I could do additional research.

I was not privy to any communications or letters from the government lawyers, but rather messages were passed on verbally by an intermediary person. But it became clear to me that the lawyers were not interested in research, as were some people at RHQ, but rather in preventing themselves from having to litigate what was a sensitive set of decisions made with regard to the boat arrivals.

This whole episode spiraled into negative office politics into which I had very limited insight at the time. What I learned quickly, however, was that there was meaningful overlap between my own experiences with the bureaucracy and with those employees' experiences that I studied in the response to the boat arrivals in 1999. In order to identify, console, and explain, some people expressed their frustration with lawyers, with the amount of time it takes for any decision (and especially legal opinions) to be rendered, and with negative office politics. They explained that leaders sometimes "hide behind lawyers" when a difficult decision needs to be made. This frustrated them at the time when the boats arrived and they had to act quickly, ideally under strong leadership, and they read these experiences into my own at RHQ. They also worried for me that by the time the lawyers responded, the time which I had to conduct research for my degree would be over.

People also expressed frustration with the amount of power wielded by the communications branch. In fact, this was my first lesson in the importance of image to the Department. I would have initially thought that people in the communications branch might be most proactive in working with me because they were charged with the work of portraying the Department to the public in a positive light. I found the opposite: that they were more closed to me as an individual stepping behind that public image. Intelligence officers, on the other hand, who I initially thought might be more closed, with important information to protect, turned out to be more open, perhaps because their own work relates most closely to the research process, they appreciate the opportunity to find new perspectives on problems.
Amid a long-standing series of bureaucratic frustrations, mine had become the *cause célèbre* of the moment, and luckily, for a moment. On one of my last days in the office, I wrote:

*I've got lawyers in the Department of Justice after me and people following me around the office telling me I can't see secret things or be in secret places. There are accusatory letters going around. It's the stuff of movies, or better yet, the stuff of bureaucracies. And in the middle of all these power struggles is little old me, along for the ride.*

Fieldnotes, 31 August 2000

This was the time when the statement was made to me at the printer that implied that I had been faking an injury to gain access to the bureaucracy. Increasingly, social scientists are discussing fieldwork as a kind of performance (Katz 1992, Pratt 2000). Erving Goffman was among earlier researchers to think of fieldwork in these terms in his text, *The Presentation of Self in Everyday Life* (1959). Much as poststructural theorists have conceptualized identity as fluid and incomplete, forever shifting in varied contexts, Goffman suggested that as people interact, we all act out roles in relation to one another with a desire to make particular impressions that may or may not be perceived as intended. In relation to my "performance" in RHQ, I tried to be myself and to learn from the people around me. But my presence seemed to make some people uncomfortable, and maybe they read suspicion into my existence there, as I undoubtedly did into some of their actions. There were many references to my temporary disability and to the fact that I was a nice person. The comment made at the printer suggested that these could be ploys to gain access and sympathy. A few months later, when I finally sat down with those people who had been managing my access without ever having met me, one said that he was surprised to find that I was a nice and reasonable person. After all that he had heard, he said that he expected "a real bulldog."

The most important lesson in all of this is that my presence became a priority for people. They allocated relatively significant investments in human resources to resolve this "problem" in the form of a set of lawyers and legal opinions and months later, a person hired to copy everything released to the public.

On 5 September, my last day during this stint at CIC, I faxed a letter to everyone involved and asked them to resolve the problem. I contacted the Director of the International Metropolis Project who was very supportive and began to address the problem at a higher level in Ottawa. A couple of weeks later, I met with some people from RHQ at a coffee shop
outside of the office and learned that there were orders issued for my removal from the office
the next time I entered. The Department had officially withdrawn support without officially
telling me, and I spent the ensuing months attempting to get things back on track. As one
employee once heard said about the research of the Metropolis Project, in general, "Once you
start shining a light down a dark well, some ugly stuff is going to be reflected back at you."

*Act two*

Act two moved slowly, and there is not much to report in retrospect. I was unable to
access anyone in CIC in September and October. I made telephone calls to follow-up on the
letter that I had faxed to all relevant parties, but they were never returned from those working
higher up within CIC. Eventually, with the fortunate opportunity of an International Metropolis
Conference scheduled to take place in Vancouver in November, I somehow found my way back
in, with the generous support of the Ottawa leaders in the Metropolis Project who decided that
this was a precedent-setting issue. In NHQ the Metropolis Project is a neighbor of the Legal
Services of CIC, and the two entered into dialogue about the legal parameters surrounding
research. What kind of research partner would CIC be? CIC was certainly interested in
research on immigration, but would it also participate by opening up to discussions of the
formation and operationalization of policy within the bureaucracy?11

In November of 2000, I was invited to a breakfast meeting with the Ottawa Director of
the Metropolis Project, the RDG of RHQ, and my supervisor. During this time, we established
a new *modus operandi*. Soon after, I met with a Director of CIC’s RHQ, a lawyer from the
DOJ, and other CIC managers, and we negotiated an agreement for me to begin anew. The
epiphany that came to pass during this meeting, as I answered questions about qualitative
research and anonymity, was that when the study was over, the Department could simply
dismiss research findings as opinions and be free of blame. At that time, the lawyers were still
working on the contract, but managers gave me permission to begin research again in the
meantime, until the contract came through. I am still waiting for the contract.
Act three

I resumed research in January 2001, and the Department seemed to have done a second complete turnaround. The new director circulated a memo to employees welcoming me to the office and encouraging their support and participation (while reminding them of their rights and responsibilities as civil servants). I was given copies of all files released to the public and granted access to review in-house files that pertained to the response to human smuggling. On occasion, someone from Privacy would check through what I was reviewing, but in all, the Department became supportive of my research and granted access to interviews with people in the "translocalities" of the state (Gupta 1995).

In general, the everyday environment in the office was pretty quiet and welcoming, and I enjoyed friendly interactions with many interesting and thoughtful people. My vantage point from the desk in IT was an ideal location from which to observe the vast scope of responsibility and the operational networks of employees at RHQ working on issues for the entire BC/Yukon region. Calls came in for assistance with technical problems from land borders and airports nearby, and from remote locations in the interior of the Province. IT employees were responsible for keeping the nodes of communication - the central lifeline of the network across which employees shared information - up and running, from the computer network to telephones, beepers, and laptop computers.

I spent the bulk of my time conducting interviews at CIC and other institutions in Vancouver, but also made two trips each to Victoria and Ottawa and one trip to Hong Kong in May 2001. I was thus able to travel along the network of people who worked on the issue of human smuggling from a variety of locations. In Hong Kong, helpful and generous contacts in CIC introduced me to their colleagues from other consulates with whom they shared information through working groups and informal networks.

***

In this chapter, I have outlined some of the challenges to conducting research in an institution, and in a government institution specifically, with much information to protect. This thesis contributes to a growing body of work by continuing to outline the epistemological contours of ethnographies of the state and showing some of the challenges therein. The moral

11 I will return to this discussion in the final chapter.
of the story - if it could be reduced to one - is that an empirically grounded ethnography of the state of the ilk that I advocate is simply easier said than done.

Above all, these valuable - if challenging - research experiences taught me a tremendous amount about the priorities of the Department, lessons that I later applied to my understanding of the ways in which the state sees and in turn represents human smuggling movements. Central among these was a fear of mistakes and the rapid passing of blame from one person to the next when something went awry.
### Table 3.1 Parties involved

<table>
<thead>
<tr>
<th>Institution/Category</th>
<th>Organization/Branch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizenship and Immigration Canada</td>
<td>• Marine Response Team&lt;br&gt;• Intelligence&lt;br&gt;• Strategic Planning and Policy Development&lt;br&gt;• Communications&lt;br&gt;• Refugees&lt;br&gt;• Immigration Officers&lt;br&gt;• Enforcement, Detention, and Removals&lt;br&gt;• Legal Services&lt;br&gt;• Management (RHQ)&lt;br&gt;• Leadership (NHQ)&lt;br&gt;• UN Protocols on Human Smuggling and Trafficking (United Nations 2000)</td>
</tr>
<tr>
<td>Consulates and authorities in Hong Kong</td>
<td>• Canada&lt;br&gt;• United States of America&lt;br&gt;• Australia&lt;br&gt;• United Kingdom&lt;br&gt;• Hong Kong immigration</td>
</tr>
<tr>
<td>Province of British Columbia</td>
<td>• Ministry of Multiculturalism and Immigration&lt;br&gt;• Ministry of Children and Family&lt;br&gt;• Ministry of Public Safety and Solicitor General, Corrections Branch&lt;br&gt;• Ministry of Health and Ministry Responsible for Seniors</td>
</tr>
<tr>
<td>Non-governmental organizations</td>
<td>• Inter-Cultural Association of Greater Victoria (ICA)&lt;br&gt;• Storefront Orientation Services (SOS)&lt;br&gt;• United Chinese Community Enrichment Services Society (SUCCESS)&lt;br&gt;• Multilingual Orientation Service Association for Immigrant Communities (MOSAIC)</td>
</tr>
<tr>
<td>Refugee advocates</td>
<td>• Direct Action Against Refugee Exploitation (DAARE)&lt;br&gt;• Vancouver Association of Chinese Canadians (VACC)&lt;br&gt;• Canadian Council for Refugees (CCR)</td>
</tr>
<tr>
<td>Supra-state organizations</td>
<td>• UNHCR&lt;br&gt;• Red Cross</td>
</tr>
<tr>
<td>Immigration lawyers</td>
<td>• Various firms based in Vancouver</td>
</tr>
<tr>
<td>Media</td>
<td>• Newspaper journalists</td>
</tr>
</tbody>
</table>
chapter 4

"if it looks like a duck:"

seeing human smuggling like a state

"People are arrogant. How can they think they have a monopoly on vision?"¹ This statement was made by an immigration bureaucrat based in British Columbia about the purview of his superiors in National Headquarters in Ottawa. He articulated the frustration that often develops among competing parties within the bureaucracy, each with their own vision of CIC's work as it pertains to human smuggling. This comment serves as a reminder that the bureaucracy consists of diverse parties and interests and is also suggestive of what I aim to do in this chapter: to explore how "the state" sees smuggling, recalling that this vision is more myopic than 20/20, and to understand that one's location affects vision. As a diverse set of employees see human smuggling distinctly through their daily work, the politics of representation emerge as information and images circulate through the bureaucracy.

The relationship that the Department has to the media also clouded this vision at times and added additional layers to the politics of representation at work in the bureaucracy. In my fieldwork, I observed that CIC employees were enabled, empowered, indeed required to spend a lot more time strategizing, crafting, and communicating their response to human smuggling to the public, through the media, than they were to discuss the response more reflectively. This resulted in some powerful "monopolies on vision" to which this civil servant referred. These monopolies were dominated by perspectives influenced by geography, by location within the bureaucracy (such as communications), and locations within the bureaucratic hierarchy. In communications strategies, for example, communications employees devise what are called "talking points." These are simplified points to convey to the media - points from which they try not to stray - during a press conference. The climate created by the media and the talking points drafted as a result often led to the crafting of simplistic narratives about smuggling. With an absence of empirical information about the organization of the boats, there was a need to fill in the gaps and to provide an explanatory narrative about what had happened: about why the boats came, who the migrants were, and how they fit into the work of CIC.

80
One of the narratives that emerged in the press foregrounded the involvement of transnational organized crime in the boat arrivals. More often than not, this explanation suggested a series of nefarious individuals and drew on a range of phrases to describe them as "networks," "syndicates," or "enterprises." One person I interviewed spent hours one day telling me about the history of transnational organized crime in British Columbia. While many people within the bureaucracy believed in this narrative, none could actually substantiate it with evidence. But when I brought up these ideas during our next interview, this same person who had studied organized crime for CIC for many years replied that it was interesting that I had drawn on these phrases so quickly in relation to human smuggling. He remarked, "If it looks like a duck, walks like a duck, and talks like a duck, well then it must be a duck." He suggested that "Ottawa" and communications employees had circulated a "smoking gun," an explanation of the problem where there might not yet have been any explanation known to CIC. He was already in the process of interrogating those phrases that referenced transnational organized crime as they had been deployed in the public narratives of the marine arrivals.2

Also central to vision is the way that representations construct the scale of the issue of human smuggling. The narrative of transnational organized crime, for example, framed the issue as a global problem for the nation-state, the implications of which are a particular set of stakeholders and resources to be mobilized in the response.

As I explore the many ways that civil servants see and respond to human smuggling from within the bureaucracy, I will return to this issue of how flows of information become public narratives without enough reflection about their underpinning assumptions. These are the sorts of questions that emerge in analyzing how "the state" sees and positions smuggling movements as a transnational migration distinct from others.

Introduction

In recent years, policymakers, researchers, and advocacy groups alike have expressed a growing interest in and, more recently, an urgent need for more information on contemporary trends in human smuggling and trafficking. At present, the supply of research in this area has not met these accelerating demands. As a result, policymakers and other government bodies never catch up to the frequent changes in smuggling trends. These voids, however, are

1 Interview, Vancouver, February 2001.
beginning to be filled by both research and intelligence sources. Ko-Lin Chin (1999) and Peter Kwong (1997) have published seminal books on Fujianese migration to New York. *International Migration*, a flagship journal in the field of immigration, published a special issue on the topic that reports the findings of some early studies on human smuggling and, as a collective, by the editor's admission, identifies more voids in research than it fills (Salt 2000a: 4). On the governmental side of the institutional landscape, policymakers too have initiated dialogues, such as a series of roundtable discussions about how to respond to unaccompanied minors in the European Union and North America that began in the late 1990s (Maloney 2000). This chapter addresses contemporary trends in human smuggling and, in the spirit of *Seeing Like a State* by James Scott (1998), the ways in which the Canadian federal government sees and addresses these movements in comparison with other nation-states. Here and in subsequent chapters, I will continue to develop the argument that visions and representations of human smuggling movements relate closely to the material experiences of the refugee determination process. Through the patchwork views formulated, sights and oversights have powerful material ramifications for refugees seeking asylum.

The notion that scale is a social construct undergirds the ensuing analysis of debates surrounding human smuggling. What is human smuggling? Is it a business (Salt and Stein 1997)? A human rights issue? An issue of national security (Nadig 2002)? One among several methods of migration? Each possibility leads to alternative frameworks in terms of stakeholders, meaningful comparisons of studies, and audiences, and is a reminder of the social construction of scale and the politicized ways in which the debates draw on different scales. Like other institutional actors working in this field, researchers also operate strategically in their epistemological approaches to any given topic. We can communicate a scenario in a variety of ways, depending on the intended audience and message. I also frame human smuggling in different ways to make different arguments. I see smuggling as an issue with which not only the federal, but provincial and municipal governments must contend. While I present empirical information on human smuggling, I want to always simultaneously interrogate the fundamental assumptions underlying these articulations. Why is it that people are considered illegal, illicit, and smuggled in certain spaces and places, and not in others? At what scale and in what political contexts do we give these terms meaning? Can "smuggling" movements be distinguished sufficiently from other human migrations to categorize them as a

---

3 Salt noted astutely that "the rhetoric has run ahead of the research" on this topic (2000a: 4).
phenomenon and an object of study unto their own? As I will illustrate throughout the thesis, a shift in scale may reveal material realities and relationships not visible at other scales. Seeing the state as a series of people and practices with responsibilities to local, national, and transnational audiences opens dialogue across more institutions.

I proceed by reviewing global trends in human smuggling in the 1990s and the role of transnational organized crime in relation to them. I then discuss the main challenges facing nation-states in their efforts to combat these trends and situate Canada in relation to these challenges. The second half of the chapter explores the bureaucratic imagination and vision of human smuggling alongside an assessment of its information-gathering capacities. Finally, the chapter outlines the main strategies pursued by Canada and other nation-states to curb smuggling and explores one of CIC's attempts to communicate these issues to the public. I will illustrate that understanding the differences between how human smugglers and nation-states approach international borders and human mobility is very much bound up with an understanding of the ability of each to contend with challenging geographical issues. Empirical analysis suggests that human smugglers appear to have a more intimate understanding of the local geographies of international borders that enables them to operate more successfully at a global scale, whereas nation-states operate from a more distanced global perspective by interacting with other nation-states through diplomacy and international agreements. Research must therefore approach human smuggling from multiple scales simultaneously.

CIC divided the response to the boat arrivals into three phases: First Response was on the water; Second Response consisted of processing at the base; and Third Response dealt with detentions and hearings. This chapter deals primarily with interception and processing at the military base in Esquimalt, the first and second phases of the response. Chapters six and seven will deal more with the longer-term detention and processing of the migrants.

**Global trends in human smuggling in the 1990s**

John Salt characterizes human smuggling as "an expanding business always seeking out new markets" (2000a: 1). As I will demonstrate, traffickers pose a significant challenge to government bodies because of the degree of this dynamism. By the time intelligence and enforcement agencies come to recognize one movement, smugglers have already changed the
method and geography of their route. This dynamic also poses a challenge to my endeavors to summarize global trends in smuggling.

Another challenge is the ambiguity surrounding the terminology. By distinguishing "smuggling" from other international migrations, researchers and policymakers often set-up artificial divides between them. The more insightful research about the origin of smuggling movements shows that they are not isolated, but rather connected to policy-related, economic and cultural contexts (e.g., Chin 1999, Skeldon 2000b, Van Impe 2000, Nevins 2002). In fact, while certain groups are categorized as "smuggled," most people who make refugee claims must employ smugglers at some point during their journey. One director of a refugee settlement agency in Vancouver made this point. In her discussion of the organizational challenges to responding to the boat arrivals, she pointed out that almost all of her agency's clientele employed human smugglers during some portion of their journey to Canada (Charlton et al. 2002: 17). And yet growing attention to the topic and the language of smuggling has contributed to the notion that there is something new and empirically distinct happening. This is not necessarily the case. For these reasons, I enter into a review of trends and literatures with trepidation and with the recognition that I am reifying what are often superficial divides between categories of movement; that it is important to recognize the many transnational contexts to these movements rather than become burdened by semantics. Nonetheless, there is a distinct, incipient, interdisciplinary, and international, field of study emerging in this area, and I aim here to summarize the main smuggling movements taking place and the main bodies of research tracking them in the late 1990s when the boats arrived at British Columbia's coast.

Most movements characterized as "smuggling" or "trafficking" involve the employment of someone to provide the service of transport and involve one or multiple forms of illegality (P. Smith 1997). In his work with Iranian asylum-seekers smuggled to the Netherlands, Koser identified three primary illegal activities: entry without passports, entry with false documentation, and clandestine entry (2000: 101). Fujianese migrants smuggled to British Columbia via plane or boat also exercise these three "illegalities;" although most of the migrants who arrived by boat in 1999 did not carry any documentation at all. While

---

4 Researchers also argue that terms like "smuggling" (Kyle and Koslowski 2001: 6), "asylum seekers" (Koser 2000), and "refugee" (Daniel 2002) are social constructs.
"trafficking" also references migrations that involve coercion and take place within national borders, for the sake of this review, I am limiting discussion to international movements.

While the Fujianese constitute a large percentage of smuggled migrants, the migrations are in fact much more diverse in terms of source, transit, and destination countries.

Figure 4.1 here: Map of global smuggling patterns

As this map published by the International Organization for Migration (IOM) in 1998 illustrates in rough fashion, few countries are not involved in some aspect of the industries, methods, and routes through which human beings are commodified and transported (Kyle and Koslowski 2001: 2). The arrows indicate a diverse set of smuggling movements headed to the European Union and the United States. Although the map illustrates Canada as a place where movements are on the rise, trafficking movements to and through Canada have been understudied (Yates 1997).

Among the most publicized movements in more recent years have been Mexican nationals smuggled across the US-Mexico border, Chinese nationals smuggled to the US, Middle Eastern and Chinese nationals smuggled by boat to Australia (estimated at 2000 migrants in the fall of 2001), and of course, Chinese nationals smuggled by boat to Canada in 1999 (Kyle and Koslowski 2001: 3, P. Smith 1997: 3). In terms of continents, North America, Australia, and Europe have, by far, been the mostly highly publicized receiving regions, at least in the western press, but of course there are geographically diverse smuggling streams among them. Salt identifies two long-term smuggling relationships between China and the United States and Iran and Australia (2000a: 3).

There are many movements from Asia through Eastern Europe. Eastern European nation-states such as Poland (Okolski 2000), Hungary, Ukraine, Belarus, Lithuania, and Russia often serve as transit countries to Western European states like France, Germany, Spain, Italy, and the United Kingdom (Kyle and Koslowski 2001: 4). East Asian countries such as Japan, Korea, Vietnam, Taiwan, Hong Kong, Macau, and Singapore are frequent source and staging areas (P. Smith 1997: 7). Cambodia, Thailand, Malaysia, and the Philippines have also become staging areas (P. Smith 1997: 8, Skeldon 2000a: 12). It is believed that there are some hundred thousand Chinese migrants waiting in transit in Moscow, deemed the new "clearinghouse" for illegal immigrants from Africa and Asia headed toward the West" (P.
Were we to paint a more detailed map than IOM's version in Figure 4.1, it would be a clouded, complex geographical rendering of a highly dynamic series of assisted migrations.

China and Mexico are among the most highly publicized source countries for large numbers of migrants to Europe and North America. They are also the source of some of the most abusive, brutal trafficking experiences uncovered during the last decade. As such, they also play into popular perceptions of a human "tide" or "wave" threatening receiving countries (see Ellis and Wright 1998, Hage 1998). Kyle and Koslowski labeled 1993 "the year human smuggling crashed into our living rooms with the Golden Venture fiasco" and 1998, "the year that human smuggling became an official 'global problem'" (2001:1). Indeed, recent high-profile, tragic events, such as the grounding of the Golden Venture in New York in June of 1993 and the death of fifty-eight migrants in the back of a refrigerated tomato truck in Dover, England in June of 2000 (BBC News, 20 June 2000) have called the world's attention to human smuggling practices and to the abuses entailed therein. The arrival of the Golden Venture also marked a historical shift in geographical smuggling routes in the US from the West Coast and Mexico to the East Coast. BC, on the other hand, has been connected to the Pacific Rim and China via immigration since the 1800s. Still, a meaningful contemporary parallel can be drawn between the place of the Golden Venture in the American popular geographical imagination and the place of the 1999 marine arrivals in the Canadian imagination; 1999 was the year when human smuggling "crashed into the living rooms" of Canadians. These events took place at a time when anti-immigration sentiment was already on the rise in the US, the UK, Australia, and Canada. The images of migrants "flooding" borders tapped into fears and insecurities regarding immigration laws (P. Smith 1997: 3). These highly-publicized incidents all involved migrants primarily from Fujian Province.

This contemporary string of boats carrying Chinese migrants to North America has been going on since at least 1989 when "modern smuggling by sea began" (Chin 1999: 37).

---

5 Salt and Stein note that in the 1990s, Chinese typically traveled by train through Thailand to Moscow, and later transited to Prague, and then moved further west (1997: 475).

6 Their evidence includes interceptions of various smuggling networks, the attention of world leaders, international conferences, and the pop culture film sequel Lethal Weapon 4.

7 Some of the academic literature on human smuggling buys into the fear of tidal waves and plays to public fears by over-dramatizing a "sexy" topic. Not surprisingly, most of these essays (e.g., Goldstone 1997: "A Tsunami on the Horizon") advocate strong control measures that contradict those who argue that immigration is on the rise overall with human smugglers simply serving a greater demand, and that tighter immigration controls have in fact spurred increases in the employment of human smugglers (Koser 2000, Kyle and Dale 2001, Nadig 2002).
While cargo trucks smuggled migrants through Europe in the late 1990s (P. Smith 1997: 7), cargo boats became the *modus operandi* in Central and North America and Australia (see Duncanson 2002a, 2002b; Perera 2002a, 2002b, 2002c). This method is connected to others. Migrants who travel to British Columbia by plane, a more continuous and less conspicuous mode, are often from the same locales in Fujian as those who arrived by ship and by container. The main difference is that travel by airplane is significantly more expensive. Furthermore, it is not uncommon for a migrant to travel via a variety of methods - by land, sea, and air - and to cross multiple borders during a single journey (Chin 1999, 2001). Stowaways traveling in containers on commercial container ships came to the fore in the late 1990s and several such incidents involving Fujianese migrants took place along the West Coast in Long Beach, California, Seattle, Washington, and Vancouver, BC during the months following the boat arrivals to Vancouver Island (e.g., *The Province*, 5 January 2000; *The Province*, 11 January 2000).

Smuggling is not a new phenomenon, and scholars continue to debate whether smuggling has in fact increased in recent years (see P. Smith 1997). Smith argues that increases in the scale of international migration generally have exploded and that human smugglers are simply employed to facilitate this movement (1997: 9, see Castles and Miller 1993). While it is extremely difficult to quantify smuggling movements because they are, by definition, clandestine practices, bodies such as the International Organization for Migration (IOM), the United Nations (and the United Nations High Commissioner for Refugees), and national immigration departments do track empirical data to the best of their ability. These institutions and social scientists have reported an increase in interceptions of smuggling movements (Salt and Stein 1997: 472-473).\(^8\) The United Nations and the International Organization for Migration estimate that some four million people are smuggled across international borders annually (International Organization for Migration 1997) and that some 200 million people currently live under pressure from - or indebted to - human smugglers (*New York Times*, 25 June 2000). It is estimated that some 5 to 8 million "irregular" or undocumented migrants live in the US, some 3 million in Europe, and approximately 2.7 million in East and South-East Asia (Skeldon 2000a: 12). Most recent estimates on the part of the IOM, the UN, and the INS place global revenues in the multi-billion dollar range which

---

\(^8\) Still others, however, are more cautionary and suggest that it is not necessarily that movements themselves have increased, but rather public awareness of the phenomenon (Skeldon 2000).
means, as Kyle and Koslowski note, that human smuggling has become among the most lucrative transnational businesses and now rivals profits of drug traffickers (2001: 4).9

Chinese migrants have been associated with some of the most violent abuses related to human smuggling (P. Smith 1997: 11) and with the most extensive, sophisticated, and well-organized of smuggling movements (Salt and Stein 1997: 474, Skeldon 2000a).10 This notoriety relates to the intricate geographical routes and the degree of coordination required to travel all the way from China to North America. In the late 1990s, Chinese were smuggled as far afield (from China and North America) as Bolivia, Argentina, and South Africa (P. Smith 1997: 7). Chinese are also strongly associated with smuggling because - like Mexicans in North America - on a global scale, Chinese were involved with the most publicized cases throughout the 1990s in North America and Europe, such as the Golden Venture, the deaths in the truck in Dover, and many other incidents.11 As the most populated country in the world with a centuries-old tradition of out-migration to North America, Chinese migration particularly plays to North American geographical imaginations and anxieties about borders.

Ronald Skeldon is more cautionary with regard to the "newness" and scale of smuggling and notes that "estimates, often of dubious validity, may be promulgated in order to stir up popular opinion to achieve particular political objectives" (2000a: 12). He questions whether these movements are qualitatively or quantitatively distinct, or whether new attention and new language has been lavished on what have been more continuous movements through time and space (2000a). He notes also that the percentage of Chinese involved in irregular migration is not as high as usually believed, particularly within the US. Nor do Chinese factor prominently in asylum figures in Europe, amounting to only about 4% from January to September of 2000 (Skeldon 2000a: 13-14). While Chinese did comprise the largest group of irregular migrants to Australia in 2000, they numbered only 584, a relatively small total (14).

Skeldon also challenges the fear of a "wave" of migrants from China by pointing out that Chinese migration has tended to come from highly localized source regions over time. Since the 1800s, the coastal southern provinces of Guangdong, Fujian, and Zhejiang have been

---

9 Kyle and Koslowski also note that these estimates come primarily from data accumulated through interceptions on the part of enforcement agencies. As such, they may reflect only particular subsets, such as unsuccessful smuggling operations (2001: 4).
10 Still others insist that this is a myth; that many Chinese smuggling movements are "one-offs": the entrepreneurial confluence of interests and opportunities (Chin 1999), as I will discuss more later in this chapter.
11 See Smith (1997: 4-8) for an exhaustive list of episodes that have involved the heavily publicized interception of smuggled Chinese.
the source of most migration to North America and Europe from China (Skeldon 2000a: 16); and within those provinces, sources for out-migration are more localized still to particular counties and villages. Most irregular migration comes primarily from Changle and Fuzhou cities in Fujian (17). This prominence is noted in New York's Chinatown; some twenty years ago comprised mainly of migrants from Guangdong, it is now known as "Little Fujian" (Chin 1999). These provinces boast among the strongest provincial economies in China. A series of complex factors contribute to the reasons for out-migration from Fujian (see New York Times, 26 June 2000). These include ancient cultural traditions of out-migration by sea, fear of persecution due to religious or child-bearing practices, and economic motivations (Skeldon 2000a: 17). The average income of smuggled migrants interviewed by Chin was approximately $100 per month in China, compared to $1,359 in the US (1999: 14).

In terms of the work sector in which smuggled migrants find themselves upon destination, Chinese migrants to the European Union and North America are typically linked into various aspects of the lower end, "underground," "informal" service sectors of the economy. They work in sweatshops and other factories, in services such as restaurants and hotels, and the sex trade.

Transnational organized crime

While states know little about the geography of smuggling networks, smugglers, in contrast, appear to have intimate geographical knowledge of global staging areas and of "international weaknesses in regimes of migration control" (Salt and Stein 1997: 474). In the case of Fujianese migration to British Columbia, smugglers were schooled in local knowledge of the logging roads that led to remote locations on the rugged western coast of Vancouver Island where migrants were transported, the nuances of security procedures at Vancouver's International Airport, and the routes and schedules of commercial trans-Pacific container ships. Smugglers are also highly dynamic, able to shift methods and geographical routes quickly, and to disregard the law and the constraints of borders. State, meanwhile, work from a distance, trying to make sense of and impose order on transnational movements by connecting the dots between clues learned in interviews with the migrants.12

12 Many early investigative questions addressed the point in the journey when ship captains learned the coordinates of their destination and the extent to which the enforcers and clients knew their whereabouts, final destination, and contacts and procedures that were to ensue upon arrival.
A central point of tension among those who research and respond to human smuggling is the degree to which smuggling movements are connected to one another through an overarching organizational power or organized crime, often referred to as "global organized crime" (Castells 1998), "transnational organized crime," "triads," "networks," "enterprises," and "syndicates." There exist two schools of thought which I will characterize in their extremes while emphasizing that most people's beliefs fall somewhere along the spectrum between the two. Ko-Lin Chin's work paints a portrait of smuggling movements that are not affiliated to a great degree with organized crime, but rather organized by loose networks that come together for entrepreneurial opportunities; that catalyze around movements of smaller groups of people on a more routine basis (1999: 41-42). Skeldon, too, argues that while some triad involvement is likely, this too takes place according to entrepreneurial opportunity structures rather than over-arching criminal organization (2000a: 19).

Others believe that most smuggling movements around the world are connected to a large network of "organized crime." In Chinese and Hong Kong contexts, many law enforcement officials believe that smuggling is connected to triads (gangs based out of Asia), tongs (their extensions into North America; see Kwong 1996), and working collaboratively with other crime families, such as Chinese and Russian organized crime (P. Smith 1997: 6). It is, however, rare that either policymakers or scholars actually provide evidence of such integrated forms of organization. Salt and Stein, for example, fall on the opposite end of the spectrum from Chin. They detail an intricate model of all that organized smuggling networks are capable of doing. According to their model, one body functions as "central management" that coordinates several other functions: info-gathering, centralized communications and state of the art technology, and functional tasks such as financing, transport, and document forging (1997: 478).

13 Links have also been made between drug trafficking and human smuggling, and apparently some entrepreneurs move from the former to the latter because there is less risk associated with human smuggling, such as smaller penalties (Smith 1997: 9).

14 This model conceptualizes trafficking as an international business realized through three stages - recruitment and mobilization of migrants, transit, and "insertion and integration" into labor markets (1997) - and involves a variety of individual and institutional actors, all connected by "streams of migrants" (469). The article attempts to detail the structure and operation of the business and conceptualizes migrants as commodities being trafficked to maximize profit. The article is thorough, but limited in its understanding of the role of migrants as clients in this model. Myers also proposes a framework of human smuggling as a three-stage process (1997).
Without much empirical evidence, this view often engenders speculation and conspiracy theory. Chin, who has done the most in-depth research among smuggled Chinese migrants, finds no evidence to support the involvement of triads and tongs (Chin 1999: 41-42).

It seems that there may be enough empirical evidence, however, to at least perpetuate if not prove both sides of this debate. In relation to the 1999 boat arrivals, for example, it was found that one of the men caught smuggling 58 Fujianese migrants who died in the back of the truck in Dover, England in 2000 was also an organizer of the boat arrivals in British Columbia. Of course, this piece of information could support both sides of the debate. This person could simply be an enforcer, employed by different parties at different times; or the individual could have been employed by the same person for both jobs.

Most empirical evidence available to policymakers and researchers is garnered through interceptions, intelligence, and to some extent, research. Still, even this information is scant, and in interviews, time and again, government officials articulated a need for more information about how people come to be smuggled or trafficked, and about what happens to them over time. Because not enough is known about those behind the organizing, this contributes to a reliance upon "organized crime" as an easy explanatory mechanism. Those CIC employees whom I interviewed with the most experience studying smuggling movements over time were more cautious than their colleagues and careful not to invoke this term.

At press conferences, at the conference of the CIC Advisory Council held in Vancouver in spring of 2000, and in media stories, I repeatedly observed the Minister and Assistant Deputy Ministers refer to transnational organized crime as public enemy number one against whom they fought to combat human smuggling. This was also my experience in interviews with people in Ottawa. But as those civil servants in the thick of intelligence, operations, and planning explained repeatedly, there was not necessarily substance behind this "smoking gun." Despite years of work in intelligence-gathering, CIC was not able to name individuals involved with organized crime and human smuggling in British Columbia. And

---

15 This marks another parallel between the language and conceptualization of the operation of human smugglers and terrorists that I will discuss shortly.
16 This is a group formed in the mid-1990s by a forward-thinking Regional Director General interested in the input of a diverse set of people involved in other capacities with immigration. Comprised of immigration lawyers, advocates, service providers, and researchers, this group meets bimonthly to consult with the RDG of RHQ on policies, trends, and initiatives regarding immigration to BC.
yet they found themselves in the ironic position of reporting generic information on triads and other organized crime groups to their superiors in NHQ.

My data on what CIC seems to know about these groups comprise information available in files from people studying the nature of organized crime, and particularly its geography. It is well known, for example, that Bangkok is the epicenter of the industry in fraudulent documents (see Nicol 2000), that in the late 1990s, the undocumented population in Moscow and other urban centers in eastern Europe was growing, and that some percentage of these migrants was Fujianese. There was a lot of information to read in the files, such as "environment scans" - reports on current trends in a given area such as smuggling from China - written by bright and informed individuals, but little of it was necessarily specific to movements to BC. The information enabled speculation and traveled to people higher up in the bureaucracy at NHQ, but offered few definitive links. Again, this information was rarely specific to the boats, but was inferred because what looked like a duck, surely must be a duck. The narrative of transnational organized crime worked to explain to the public the reasons behind the boat arrivals, the threat that they posed to Canada, and the federal response that they had elicited. This narrative did little, however, to elaborate on the nature of the significant challenges posed by human smuggling to nation-states.

The challenges for the state

Nation-states face a series of challenges in their efforts to understand and respond to human smuggling. Among these, some are more pronounced for the Canadian nation-state because of its place in global context with regard to geography, immigration and refugee programs, and diplomatic efforts with both China and the United States. I review here the main challenges posed to nation-states interested in curbing human smuggling; broadly in terms of those faced by all nation-states, and specifically with regard to Canada.

Many of the trends that I studied were underway well before terrorist attacks on New York and Washington, D.C. on 11 September 2001, but became more pronounced in public discourse in the months that ensued. The attacks on September 11 - coupled with the interception of Ahmed Ressam\textsuperscript{18} crossing into the US from Canada allegedly planning to

\textsuperscript{18} Ressam was a refugee claimant from Algeria living for several years in Montreal. Although his refugee claim was rejected and a warrant issued for his arrest, he managed to evade authorities until he was arrested crossing from Canada into the US in Port Angeles, WA in December 1999 with a chemical bomb in his car (National Post, 13 March 2001).
attack LAX airport in Los Angeles - resulted in stronger links in public discourse between Canada's refugee program and "illicit" movement through North America. During the days and months following the terrorist attacks, I found myself glued to television, newspaper, and internet news sources. The parallels between the discourse on the "war on terrorism" and the strategies to combat smuggling were striking. Both involved networks that transcended international borders. Both operated in ways with which the state could not clearly engage, and both threatened refugee programs. Both involved efforts on the part of the state to combat a faceless, nameless set of individuals and networks based in multiple states. Both resulted in "receiving" states pressuring those who hosted terrorism or smuggling in a global game of diplomacy. Both demanded improvements in intelligence-sharing capacities within and among states, as well as other strategies to curb smuggling and terrorism, such as freezing the assets of terrorists and smugglers and following the money trail. Both posed serious challenges to discussions of more open borders and border harmonization between the U.S. and Canada. Both applied more pressure to Canada to increase enforcement. And finally, neither human smuggling nor terrorism fell neatly into the mandate of any one federal department in either Canada or the United States.

As researchers and policymakers suggest often, the greatest challenge to addressing human smuggling is the lack of empirical knowledge about the organization, recruitment, and experiences of smugglers and their clients over time. As a result, nation-states are placed in the position of being perpetually reactive. The problem is that most smuggling activity simply eludes the radar screen of the federal government.

A primary area where knowledge is lacking is in understanding the geography of movements. Most of what federal governments know, they learn from moments of interception, which often happen when smuggled migrants make refugee claims inland. Little is known about their origins, the conditions and places in which they boarded the boats, the transit points, and final destinations. As Paul Smith argues, "[H]uman smugglers have minimized the importance of geography" (1997: 17). Another way to say this is that smugglers have maximized the importance of geography. The success of their work, and as a result, the success of the work of law enforcement authorities, relies on recognizing the central role of localized geographical knowledge.

Canada has been both privileged and threatened in relation to human smuggling because of geography; because of its location as neighbor to the US. So many migrants are
trying to move to the United States that Canada, like Mexico, became a logical transit area in the 1990s (Yates 1997). The US is known within the global enforcement community for its aggressive patrolling, surveillance, and interception practices up and down the Pacific Coast into Central American coastal waters. As one CIC employee I interviewed said, "We can afford to be a bit smug, but it's not because of anything we're doing right, but because of geography and an aggressive neighbor." Like the networks that connect the cells of terrorist groups globally, however, smugglers pursue dynamic geographical routes that elude federal governments for several reasons. Geographical routes of smugglers are always changing (Salt and Stein 1997: 476). Furthermore, smugglers hide behind geography. Like terrorists, human smugglers are not backed by federal governments. Following the attacks on 11 September 2001 and the discovery that the Al Qaeda terrorist network was behind them, Fouad Ajami commented one evening on the Charlie Rose Show, "Now there is a geography to the terror." Likewise, the 1999 boat arrivals alerted Canada to a geography behind human smuggling that centered British Columbia in the Pacific Rim. The boats that arrived in 1999 were not marked by any symbol of national belonging: this fact at the time made the boats visible to the federal government, but more generally makes smugglers invisible to the state. They work transnationally by moving the location of bases of operations, staging areas, and "subcontracted" labor (Chin 1999). They change geographical routes and methods adeptly. They remain a part of the hidden or underground economy. Following interdictions, intelligence officers invested significant amounts of time into filling in these gaps in geographical knowledge.

So bureaucrats face geographical challenges in their understandings of smuggling movements, but there are other elements to working for federal governments that perpetually inhibit their ability to improve knowledge of and responses to human smuggling. The first is

---

19 It is important to note, however, that the reverse is true as well: many migrants travel through the US to make refugee claims in Canada. The statistics and dynamics regarding these two flows all changed following the Safe Third Country agreement in 2003 (Globe & Mail, 29 June 2002), known also as "country of first asylum" and "host third country" (Koser 2000: 95). Heavily opposed by NGOs and refugee advocates, Article Four of this agreement would require refugee claimants to pursue their claims in the country of "last presence." On average, some 15,000 refugee applicants travel through the US to Canada, and this agreement could therefore reduce annual claims by as many (United States Committee for Refugees 2002a). In 2001, there were 44,038 claims referred to Canada's Immigration and Refugee Board (IRB) (United States Committee for Refugees 2002b).

bureaucracy. As I will discuss further in analyzing the daily life of CIC in chapter five, bureaucracies are inherently large, slow, complex administrative animals that compartmentalize the division of labor in such a way as to sometimes complicate the sharing of knowledge and the taking of action about issues like smuggling.

Furthermore, bureaucracies operate in political contexts that shift and pose constraints to different kinds of work at different moments in time, depending on the hot issues and political climate of the day. There are moments when the climate calls for stronger enforcement measures and other times when it does not (see Nevins 2002). When smuggling issues were not in the news, political leaders were sometimes more resistant to remind the public of CIC's enforcement mandate in the context of their desire to facilitate, increase, and promote immigration to Canada.

Bureaucracies also face financial constraints. Departments and other institutions struggled over who would pay for various aspects of the 1999 response, from the cost of interception to that of long-term detention. People within CIC had to put down significant funds immediately to create the infrastructure for processing at Esquimalt: trailers, outhouses, barbed wire, corps commissionaires, food, medical equipment, and so on. Eventually, every expense must be justified to auditors. In fact, the struggles over resources continued well after the initial response to the boat arrivals in 1999 and resulted in an internal study conducted in 2002 of "lessons learned" during this response, which bureaucrats at RHQ saw as an economically-driven effort to investigate and explain the cost of the response. Ultimately, the cost - estimated at $36 million for CIC - far exceeded the annual operating budget for the B.C./Yukon region.

Nation-states also see constraints in the international and national laws that guide and limit their response to human smuggling. CIC employees routinely play "quasi-diplomatic" and "quasi-enforcement" roles abroad as Immigration Control Officers (ICOs) and Airline Liaison Officers (ALOs) where they work more proactively to curb human smuggling on the ground. In interviews, ALOs described the sensitive position that they occupied in Hong Kong where they supported interdictions without any jurisdiction to make arrests, for example.

21 Fouad Ajami is a professor at Johns Hopkins University and a contributor to the US News and World Report. He made this statement as a guest on The Charlie Rose Show broadcast 13 September 2001 on the Public Broadcasting Company (PBS).
They worked diplomatically with Hong Kong authorities by passing on information and encouraging them to act on this information to curb smuggling.\(^22\)

If government processes seem slow in comparison to human smuggling operations, those governmental processes that involve the law and lawyers are viewed among CIC bureaucrats as sometimes the slowest of all.\(^23\) As one bureaucrat said, "As for legal services in Ottawa . . . they are always slow and reactive."\(^24\) CIC employees frequently expressed frustration with a variety of different laws that inhibited their response, including those shaping the refugee claimant process, those shaping investigative processes, and those shaping international actions on the ground in other locations like mainland China and Hong Kong. One manager expressed his frustration with Canada's refugee determination process: "We have no control over the process. Efficiency has no connection to the system we set up. You couldn't have set up a more inefficient, complex system."\(^25\)

Related are a set of concerns to do with *international relations* that also influence the response to smuggling. In responding to the boat arrivals, the Canadian federal government pressured China to strengthen enforcement regarding human smuggling. Canada was simultaneously interested, however, in not embarrassing or otherwise tainting its relationship with China, a country with which it has an intricate relationship in geopolitical context, linked - as are China and the United States - through trade and immigration (see P. Smith 1997: 17). During the same year that the boats arrived, Canada sent a trade commission on a very public trip to China, and China also entered the World Trade Organization. The boat arrivals and subsequent refugee determination process thus unfolded at a time when it was important not to embarrass the PRC on the basis of human rights abuses that have tended to be the cause of most successful refugee claims among Chinese in Canada.

The constraints presented by international law and international relations between states mean that the response to human smuggling requires sensitive practices in diplomacy, an area in which CIC does not normally work. In 1999 and 2000, however, Minister Elinor Caplan and Assistant Deputy Ministers traveled to China to meet with government officials. Additionally, even high level bureaucrats working in RHQ in BC found themselves interacting with Chinese authorities to negotiate identity documents such as birth certificates as well as

\(^{22}\) Interviews, Hong Kong, May 2001.

\(^{23}\) Interview, Vancouver, April 2001.

\(^{24}\) Interview, Vancouver, April 2001.

\(^{25}\) Interview, Vancouver, April 2001.
travel documents for repatriation. Some whom I interviewed referred to this as "quasi-diplomacy" conducted among bureaucrats who had not been trained in diplomacy.

Still others drawn outside of their routine work responsibilities categorized their work as "quasi enforcement." While CIC does have an enforcement mandate, it generally tends to be limited to the work of those in the enforcement branch. In responding to the boat arrivals, however, a large and diverse array of CIC employees was pulled into the enforcement mandate to play new roles. Accountants and employees in the field of Information Technology (IT) normally based in Vancouver, for example, played a crucial role in the interception of boats on the water; not because of their accounting and IT skills - although they all supported the response through their normal work responsibilities as well - but because they spoke fluent Mandarin. A particular challenge to the bureaucracy, thus, entailed roles required of civil servants working well outside of their normal fields of responsibility.

"Quasi-diplomacy" in other parts of the world suggests a broader impediment to swift responses to human smuggling, which is a reliance on other institutions to enact a successful response at all stages, including interception, processing, releasing migrants, detention, and facilitating the refugee claims process, and repatriation. Table 4.1 lists the various institutions with which CIC collaborated in the response to smuggling. Some such collaborations in 1999 drew on long-standing relationships between CIC and refugee settlement agencies, for example, while others called upon CIC employees to build relationships with suprastate institutions such as the Red Cross, provincial players like the Solicitor General who oversaw detention, and federal departments such as the Department of National Defence, to name a few. All of these relationships - which I discuss in more depth in chapters five and six - brought together institutions with distinct mandates, cultures, policies, and frameworks (e.g., intelligence, investigation, enforcement, and legality).
Table 4.1: Primary institutions involved in the response

<table>
<thead>
<tr>
<th>Response</th>
<th>Institution</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Response</td>
<td>CIC</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>Department of National Defense</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>Canadian Coast Guard</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>RCMP</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>The Bridge Clinic</td>
<td>NGO (medical)</td>
</tr>
<tr>
<td>Second Response</td>
<td>CIC</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>RCMP</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>Corps commissionaires</td>
<td>Not-for-profit corporation</td>
</tr>
<tr>
<td></td>
<td>UNHCR</td>
<td>Human rights monitor</td>
</tr>
<tr>
<td></td>
<td>Red Cross</td>
<td>Human rights monitor</td>
</tr>
<tr>
<td></td>
<td>Ministry of Children and Families</td>
<td>Provincial ministry</td>
</tr>
<tr>
<td></td>
<td>Immigration lawyers</td>
<td>Private firms</td>
</tr>
<tr>
<td></td>
<td>Refugee advocates</td>
<td>NGOs, the Bar</td>
</tr>
<tr>
<td>Third Response</td>
<td>CIC</td>
<td>Federal department</td>
</tr>
<tr>
<td></td>
<td>Intercultural Association</td>
<td>NGO (settlement)</td>
</tr>
<tr>
<td></td>
<td>Red Cross</td>
<td>Human rights monitor</td>
</tr>
<tr>
<td></td>
<td>Storefront Orientation Services</td>
<td>NGO (settlement)</td>
</tr>
<tr>
<td></td>
<td>MOSAIC</td>
<td>NGO (immigration services)</td>
</tr>
<tr>
<td></td>
<td>SUCCESS</td>
<td>NGO (immigration services)</td>
</tr>
<tr>
<td></td>
<td>Ministry of Children and Families</td>
<td>Provincial ministry</td>
</tr>
<tr>
<td></td>
<td>MMI</td>
<td>Provincial ministry</td>
</tr>
<tr>
<td></td>
<td>Solicitor General, BC Corrections</td>
<td>Provincial ministry</td>
</tr>
<tr>
<td></td>
<td>Immigration lawyers</td>
<td>Private firms</td>
</tr>
<tr>
<td></td>
<td>DAARE</td>
<td>Refugee advocate</td>
</tr>
<tr>
<td></td>
<td>VACC</td>
<td>Refugee advocate</td>
</tr>
<tr>
<td></td>
<td>IRB</td>
<td>Federal department/program</td>
</tr>
</tbody>
</table>

Another challenge is the question regarding where smuggling fits into federal departments and mandates. As mentioned in earlier chapters, nation-states face conflicting mandates with regard to immigration, and these manifest in immigration departments such as CIC and the INS. Some overcome this challenge by separating enforcement from immigration, or by separating smuggling from immigration, which the United States did in 1993 when President Bill Clinton directed the National Security Council to combat smuggling, which later led to a coalition of federal agencies working on the issue (P. Smith 1997: 2). In Canada's recent history, during Prime Minister Kim Campbell's tenure in 1993, enforcement

---

26 The US eventually re-integrated these functions, along with many others, with President George Bush's creation of the enormous Department of Homeland Security, which then subsumed the INS and other federal agencies under the rubric of homeland defense following the attacks on 11 September (New York Times, 27 July 2002).
was also separated from facilitative work on immigration to Canada. But this separation ended, along with her tenure, after only four months in office. Also related to mandate and federal policy is the challenge and ambiguity of where immigration fits into national objectives. Whereas federal governments often treat immigration as a domestic issue and immigration policy as domestic policy, this sets up a false divide between domestic and foreign issues and policies, a divide that human smuggling exploits.

One final constraint placed on nation-states is the fact that the media are a constant companion, watching and broadcasting the images of the nation-state to a variety of national and international audiences. I will discuss the impact of this climate in more detail in later chapters.

These are among the many reasons why the governmental responses to smuggling are slow and reactive with regard to public measures taken and discussed to combat smuggling, such as control measures at the border (Kyle and Koslowski 2001: 8). Given the many factors that inhibit a more rapid response on the part of the federal government, a nautical metaphor once provided to me by a bureaucrat involved in these issues seems appropriate. He noted that if the human smugglers are akin to a slick speedboat moving craftily across international waters, the federal government of Canada is like a tanker trying to catch up.27 This reactive stance means nation-states rely heavily upon local geographical knowledge about migration from various communities.

All nation-states face these broadly-defined challenges in dealing with smuggling and trafficking. Each nation-state also, of course, faces a series of challenges unique to its own geographical, political, and economic location in the world, and Canada is no exception.

Situating Canada in the context of the global game board

It's cliché to say it, but the world is smaller, organized crime is very proactive, and we're reactive. By the time we do anything [in response to movements], they are already a part of Canadian crime. Criminals look for the soft underbelly, and they're finding it here in Canada.28

Marek Okolski (2000) deploys a game metaphor to explain how states see themselves as strong or weak in relation to one another's enforcement strategies, and this metaphor is present in the quote by the immigration manager above regarding enforcement in BC. Civil

27 Interview, Ottawa, March 2001.
28 Interview, Victoria, March 2001.
servants see human smuggling through the lens of the paradigm of the "global game board," and they see themselves as disadvantaged players with a "soft underbelly" in Canada. In this game, the world map is checkered with "stronger" and "weaker" states, the perception being that the inevitable tide of smuggling movements will travel to the weaker or softer states. States closely study one another's strategies with the understanding that traffickers too study strategies and economize and prioritize according to cost efficiency and desired effects. Canada's place on the "global game board" has much to do with its southern neighbor, and everyone from politicians and ministerial leaders, down to intelligence and enforcement analysts, compare their responses with other nation-states, and particularly with the US and Australia.

This view of states as players in a game where they are able to exert control to hermetically seal borders contradicts the way in which I am theorizing the state as a set of contradictory practices. This disjuncture between "the state" as one actor and the state as a series of diverse actors reveals one of the problems with the ways that states "see" smuggling through policy (cf. Scott 1998). Policies are never enacted as complete, rational projects on the ground. They are always incomplete, embodied, and therefore subjective and situated projects.

Bureaucrats in BC used a variety of metaphors to describe the "soft underbelly" that they fear exists. It was explained to me that human smuggling movements work globally like a "bag of shit:" that when pushed down in one place, they will pop up elsewhere. Those states are seen as the "soft underbelly," perceived as those that "get hit" by smugglers.29 When the US took a series of enforcement measures following the 1993 grounding of the Golden Venture, it succeeded in reducing the number of Chinese migrants traveling by boat. As a result, however, traffickers moved people via other geographical routes, through Canada, Central America, Mexico, and the Caribbean (P. Smith 1997: 4, see DeStefano 1997).30 The perception remains, therefore, that if nation-states like the United States, Australia, and EU nations increase enforcement measures, Canada feels pressure to do the same or face increased movements in human smuggling. This is precisely what was happening in the late 1990s. All of these refugee-granting, immigration-receiving states were restricting asylum policies, and improving enforcement. Australia particularly led the pack to slow smuggling by

incarcerating migrants and refugee claimants who arrived by boat in detention centers in Woomera in the remote outback and elsewhere in Australia (Klintworth 2001, Bowden 2003).  

States are not merely passive and reactive, but also exert agency and are able to mediate flows to some extent. Canada's role in human smuggling relates very much to the role of its neighbor. CIC employees in BC several times identified a turning point in their awareness level of the possibility of responding to large-scale human smuggling movements by boat. This precise catalyzing moment came via television during the early 1990s. They listened to a speech by a high-level official in the US involved in surveillance and interceptions along the coasts. The person mentioned that Canada should be prepared to step up its own surveillance, that the US would be playing less of a role in guarding entrances to Canada. This message hit CIC employees responsible for intercepting smuggling to BC like a bolt of lightning containing a personal message communicated to them about their work and responsibilities. It spurred them into action and provided the momentum behind preparations for a future response and over time, led to the 1999 tabletop exercises with which this thesis opened.

Sure enough, Canada began to emerge in the mid-1990s as a "problem spot" for human smuggling routes through North America (P. Smith 1997: 5) when awareness of smuggling was on the rise following the 1993 arrival of the *Golden Venture*. Chinese have traveled to Canada since the 1800s when they were first recruited as laborers to build the Canadian Pacific Railway and in the rush to gold (Anderson 1991, Li 1998). Boats carrying immigrants have also played a central role throughout Canada's history as a nation (see Guillet 1963, Grant 1979, Beiser 1999).

CIC employees and others in the field of immigration often situated these boat arrivals to Canada's Pacific coast in relation to two past arrivals that received enormous attention from the public and from the federal government during different eras. The first was the *Komagata Maru*, a ship carrying 376 primarily Punjabi Sikhs that arrived and dropped anchor in Vancouver's harbor in May 1914 (Johnston 1989, Singh 1994). The migrants were not

---

30 During the next few years, Chinese nationals traveled through Cuba, Nassau, the Bahamas, and the Dominican Republic to reach the US, often through Puerto Rico as the final staging platform (Smith 1997: 4).
31 This includes the detention of minors, for which Australia has been heavily criticized by refugee advocates and international groups like the UNHCR.
allowed on shore and a prolonged exchange between federal officials and migrants ensued. The migrants were eventually turned back to India after two months in the harbor and a series of confrontations with the Canadian authorities who policed their presence.

In 1987, the *M.V. Amelie* left Rotterdam and arrived some 220 kilometers from Halifax on the Atlantic coast in July and off-loaded 173 Punjabi Sikh refugee claimants who had traveled through Europe to Canada (Singh 1994: 140). A similar series of controversies followed the 1987 *Amelie* arrival and the 1999 Fujianese arrivals regarding the detention of claimants at a military base for two days without access to legal counsel guaranteed by the *Charter of Rights and Freedoms* to detained individuals (Singh 1994: 142). As CIC employees reminded me several times during the course of fieldwork, the arrival of the *Amelie* was seen as an abuse of the refugee program so grave and the public response so strong as to motivate Prime Minister Brian Mulroney to recall Parliament to address the issue (Singh 1994: 143) and propose legislation that would compress the refugee program by shortening the number of stages involved in claiming status and reducing the quantity of claimants by 65% (Singh 1994: 143). The arrival of the *Amelie* also resulted in policy that would guide future responses to marine arrivals. However, this legislation expired before the arrivals along the Pacific coast twelve years later.

Arrivals by boat evoke such strong responses because of the symbolism of their representations in the media. The images of boats crowded with people approaching Canadian shores play on anxieties about "waves" of immigration that will somehow overwhelm Canada.

One need not look beyond the map to understand Canada's "geographic imperative" in the words of one respondent. Many of the balancing acts played by Canadian leadership on the diplomatic front relate to its location next to the US and the perception that Canada is served both luckily and unluckily by this geography. In many arenas, Canadian authorities struggle perpetually with the desire to get along with and sometimes to support the US whilst maintaining sovereignty. Far from exempt from the pressures of American politicians and enforcement agencies, Canadian immigration and refugee policies are high on their list of concerns (*Globe & Mail*, 29 June 2002). This was the case prior to 11 September 2001, and has grown in importance in the relationship between the neighbors since. In 2003, the US

---

33 There were other boat arrivals of note, including, for example, 155 Sri Lankans who arrived off the coast of Newfoundland in lifeboats in 1986, one year prior to the arrival of the *M.V. Amelie*. They also made refugee claims and provoked anxiety about the integrity of the refugee program (*Toronto Star*, 16 August 1986; *Philadelphia Inquirer*, 17 August 1986).
President George Bush mobilized a coalition of military forces to go to war in Iraq, and Michael Ignatieff's (2002) recent cover story for the *New York Times Magazine* entitled, "The American Empire (Get Used to It)," received airplay all over American and Canadian media outlets. From an immigration perspective, there are all sorts of interesting things happening at the 49th parallel, all seemingly moving towards harmonization. Harmonization means closer collaboration through policy and practice for the purposes of trade and enforcement. Despite resistance from refugee advocates such as the Canadian Council for Refugees for years, the political climate that followed 9/11 enabled such initiatives to move forward. This debate reached an apex with discussions surrounding the implementation of the "safe third country" agreement in 2003 (*Globe & Mail*, 29 June 2002, see Koser 2000: 95). While the "smart" border grew more integrated for international trade, Canadians resisted American imperial impulses to harmonize refugee policy overall.

In the geopolitical realm, however, Canada does not struggle solitarily with its role as the northern neighbor of the United States, but is also a member of the Commonwealth. As a result, meaningful comparisons and connections pertaining to immigration exist between Canada, the United Kingdom, and Australia. During the year following the boat arrivals, CIC sent teams of people from BC to study detention practices in Australia, prosecution in Europe, and interception practices in the US. These foreign immigration departments also invited Canadian civil servants to visit in order to learn from "best practices" in Canada.

It is important to understand the nature of the relationship between Canada and the US in order to contextualize Canada's response to human smuggling at all levels. Immigration officials working in the field of enforcement, for example, frequently mentioned feeling "weak," the "soft underbelly" compared to the enforcement stance of the US. The importance of this orientation of immigration officers materialized in a conspiracy theory mentioned to me a few times. Apparently, in interviews that followed the 1999 interceptions, migrants from one boat mentioned being stopped at sea by a large, red, official-looking boat with black people on board. CIC employees who shared this story interpreted this to mean that the migrant ship had been stopped on the water by the US Coast Guard. The story continues that this official boat refueled the migrant ship and pointed them in the direction of BC. The conspiracy theory connected with the early televised warning from the US officials. These boats marked the realization of the alert. Some people in the field in BC believed that the US intentionally let these ships slip through their radar and heavy surveillance of the Pacific
coastal waters in order to send a message to Canada to improve enforcement and take on its share of policing along the coast line. I am not interested in questioning or proving the veracity of these claims. I am, however, inclined to explore their meaning in the work context of responding to smuggling, particularly given that they were repeated to me on multiple occasions in interviews. This story illustrates that like other nation-states, Canada sees smuggling uniquely in its own global and national geographic location, and the United States figures prominently in its purview. As in many policy arenas, Canadian authorities are always looking southward over their shoulders.

State imaginations: how Canada saw the boats

So how do civil servants recognize, register, process, and respond to these global trends? The answer to this question goes to the heart of the nature of bureaucratic arrangements, diplomatic relations, representations, and vision. Here I contemplate the ways in which civil servants "see" smuggling from the perspective of photographs. In the next section I will look at more analytical, textual interpretations of intelligence. For a third perspective on how the state "sees" smuggling, I will look finally at its communications to other parties about human smuggling with analysis of a poster distributed by CIC following the boat arrivals.

After having been trained themselves and training others about what to look for during the interception of ships carrying migrants during tabletop exercises, the boats that arrived some months later certainly fit the descriptive expectations and imaginations of those who boarded them in 1999. Images of rusted boats were relayed early on by the media to the public on television and in local and national newspapers. The more interesting photographs, however, were taken by those who boarded the boats themselves. CIC RHQ has large photo albums from each of the four boats that relayed insight into the interception, as well as the physical properties of the boats, migrants, and smugglers. The content of these striking images provides insight into the clues that those who boarded the boats looked for right away in order to paint a portrait of what these arrivals were all about. The categorization of this effort to document events explains how civil servants collectively see this movement in quite literal terms. In relaying some of these images, I want to highlight the importance of subjectivity and note that most were taken by intelligence officers. RCMP investigators, for example, likely
looked for a slightly different set of clues when they boarded the boats, according to their own investigative objectives. I selected these photographs because they represented categories of clues through which investigators sifted with each boat arrival.

The approach. The first images on display in the first photo album when the first boat arrived in July bring both photographer and viewer into a truly postmodern moment. These images were taken by one of the first CIC employees flown by helicopter to the site of interception while he awaited pick-up at a helipad in downtown Vancouver. The first photograph shows a television newscaster reporting on the boat arrivals with a map of Vancouver Island displaying the approximate location of the boat. The second image shows a yellow chopper that has landed and is delaying a second, red chopper from landing. The yellow chopper carried members of the media to the site of interception, while the red chopper carried CIC employees (Figure 4.2).

Figure 4.2 here: Media and government choppers leave downtown

As Figure 4.2 illustrates, the media not only arrived first on the scene, but delayed the first governmental authorities in so doing. These images show the photographer's awareness of the magnitude of what was happening and of the immediacy of the role of the media from the moment the federal response began.

Most of the ensuing photos portray the government approach to each of the migrant ships. Many of the photos focus on the interception of ships. They show boats that look barely seaworthy carrying migrants below deck. Many of these shots also show authorities on the water waiting to board from a variety of platforms, from the large M.V. Tamu of the Coast Guard, to zodiacs belonging to the RCMP and other smaller ships. There, authorities watch initial communications to the boats' captains to stop and self-identify. These shots show members of the Marine Response Team (MRT) awaiting their turn, preparing to board in full white uniform and hood. Some of the boats resisted interception for a time, and in response, the federal government did "flyovers" to scare them into submission.

Figure 4.3 here: Fourth boat listing and flyover

34 Chapter five will explore the capacity of the federal government to store, share, and act on this information.
This powerful photograph shows authorities looking on from the ship in the foreground at the interception of the fourth boat, listing dramatically as a plane does a flyover (Figure 4.3). Another photo shot during these moments of encounter shows a white T-shirt flying on the flagpole on deck of the second ship as a sign of surrender.

*The encounter.* The shots then transition to the actual approach of the MRT and Emergency Response Team (ERT) via zodiac and then boarding the boats, weapons drawn. These powerful images photographed from the perspective of government employees responding on the water bring the viewer into the interception, seeing the ship for the first time from the perspective of the civil servant. The listing of ships, the movement of water, and 12-foot swells in one case give a sense of movement to the episode that made the transfer from large ships to the migrant ships via zodiac challenging.

One authority whom I interviewed identified a series of intense emotions during the initial boarding: stress, anxiety, concern, and fear. He said that tensions ran high among civil servants and migrants and that some chaos ensued due to a lack of communication and due to the smugglers trying to complicate the efforts of authorities to count migrants by forcing them to resist submission. Growing more and more concerned about the levels of frustration among his colleagues on the response team, he asked migrants to assume a squatting position so as to calm everyone down and place authorities in more of a position of control. Several photographs taken on the ships, in transit to Esquimalt, and at the Workpoint Gymnasium show migrants in this position of submission, crouched down among officers, knees bent, heads down.

*On the ship.* Once on the ship, the photographer looks for clues to understand what has taken place. Photographs on the ship include shots of the ships themselves, of objects, and of people. The close-up shots of the ships examine their condition, the rusted exterior, and the particular aspects of the deck: in one case, long tarp cover most of the deck. The photographer is also interested to see how the ships were retrofitted to make these journeys.

The objects documented provide clues to the lives and hopes of those on board.

*Figure 4.4 here:* US currency rolled in women's sanitary napkins

---

Investigators found a roll of US dollars stashed in women's sanitary napkins (Figure 4.4), along with letters, journal entries, and navigational charts (Figure 4.5). Figure 4.5 shows the gloved hand of an investigator pulling maps out of a drawer on the bridge.

**Figure 4.5 here: Pulling maps from a drawer**

Investigators and analysts are also interested in the machinery that supported the trip, such as generators, and the technologies used by the crew, including cell phones, radar, and Global Positioning Systems, often jettisoned by the time of interception. These clues tell them about the destination, but it is still difficult for them to identify people, most of whom did not carry identification.

The photos with people as their subjects show the MRT grouping migrants by gender and by role; those suspected of being enforcers were identified prior to boarding as those who were walking around freely on deck. Photos following boarding show them tagged, handcuffed, and separated from their clients on deck.

On the ships, the photos portray the conjectures of authorities simply trying to impose some order and administer to health and security needs. In very cold coastal airs, migrants sit on decks huddled under blue blankets and drink bottled water distributed to them by authorities. Some look frightened and anxious, others appear to be a little relieved. Suspected enforcers wearing plastic handcuffs, on the other hand, maintain defiant countenances. The migrants are usually grouped on deck, but one image shows them crowded and seated in the hold below deck.

After the migrants have been transferred and processed, the photos of the ships seek more clues... carved and chalked graffiti on the boats, one message from the practice of Falun Gong reads, "truth, kindness, endurance." Other photographs document the horrendous sleeping and living conditions in the holds below deck where the migrants spent most of their journey in close quarters sleeping on wicker mats, eating rice cooked on gas-fueled stove ranges, and relieving themselves in large plastic buckets overflowing with human waste.

These skilled photographs imagine movement around the ship through passageways, views through clouded portholes and covered hatches left ajar. Intelligence reports compiled later based on interviews with captains and migrants would sketch people into the voids of these images.
Transfer to land. Moving chronologically, the next set of images shows the migrants transferred to land at small docks in towns such as Port Hardy where a crowd of media and other interested spectators gather to observe, and in some cases, protest, the off-loading. CIC employees assist migrants off ships onto docks, where they then walk to school buses awaiting their arrival for transport to Esquimalt. Despite the best efforts of CIC employees to block the migrants from the media, these images invariably come out in the news on the same day and upset communications employees who have attempted to convey to the media the importance of protecting clients' identities. In one case, the media actually rig a local surveillance camera housed on a dock to broadcast the off-loading live on local television.

En route to Esquimalt. From there, the photographs document the long journey by bus to Esquimalt. Photos show migrants sleeping on buses while authorities set up secure stops along the way... a set of outhouses, food served out of the back of an RCMP van where CIC and RCMP officers and their canine companions keep watch.

Workpoint Gym at Esquimalt. These photos, many taken late at night, then give way to the bright lights of the gym where migrants spent the next several days in medical exams, processing, and interviews. Pictures show CIC employees handing out food, conducting interviews, and directing migrants to the various stages of processing in the gym. The migrants were showered, deloused, identified, tagged, photographed, x-rayed, fed, dressed, and sent to a medical exam that included tests for pregnancy and tuberculosis. Other tests for hepatitis B, parasites, syphilis and other sexually transmitted diseases were conducted at the discretion of physicians.

Here, at Esquimalt, CIC dealt first with health and safety issues with a desire to contain disease and looked more closely at migrants' bodies for clues. The following description of the process is from an officer on base:

We had the medical triage, number one. So they would bring them down in the buses, and they always seemed to come in the middle of the night. And we would off-load them in groups of eight just because that's how many showers we had. They would come in the back door, and we'd tag 'em... We had hospital tags. They just went by a number because that was the easiest way to do it. So as soon as they walked in the back door, we'd tag 'em. They'd walk to a table with the interpreter, and we'd get their name and date of birth and all that sort of stuff, and they would go along and get photographed in their outfits that they were wearing. And then they would move to the disrobing station where they were told they were going to have a shower, "Give us all your things, all your personal belongings." All their clothes went into big garbage bags, and they were destroyed. And then they moved into the showers, and so it was a slow process. Because the showers took ten to fifteen minutes because they had to put those - they're called nit kits or something - on their hair, like for lice, and you have to leave them on like for ten minutes. And
then they would come out at the other end, get a change of clothes, and then they would go sit and wait for the medical guys. It was just like an assembly line, like boat four was very efficient because we were a lot quicker, and they just moved around the gym. So in the gym, the next thing they'd go to was the medical for a full x-ray. And there were little cubicles set-up. They would go into the cubicles to get examined. And then they'd come out of that and get issued a set of clothing. And then their cots were in the gym, and they'd be assigned their cots. So that was the big thing, medical triage.

Then we would start the examination interviews, the next day usually. You know, it was always depending on what time we'd finished, so that the officers could sleep and all that. And then we would work really just on the interview and these forms. Some of it's intelligence-gathering, the rest is just like we would do at a Port-of-Entry: What are you doing? Where are you going? Why? What do you want? That kind of stuff. We worked through that... and then when those were finished, or started to get finished, then the files would go to a Senior Officer. Somebody who would do all the paperwork up was called a Senior Officer. And they would sit down and do an interview with a Senior Officer... That's what happened last year. We basically waited until they were all done, and then they got moved off to wherever they were going... so that's what happened. There were three phases: the medical triage, examinations, and the SIO [Senior Immigration Officer] reviews.36

Figure 4.6 here: Makeshift medical exam room in Workpoint Gym

Inside the gym, makeshift rooms for interviews and medical exams come into being with the easy hammering of plywood and the hanging of a curtain and a sign announcing the place for exams (Figure 4.6). Figure 4.6 underscores the contingent nature of processing at the Workpoint Gym.

Still uninformed as to migrants' identities and unable to distinguish between enforcers and clients, CIC numbers them with bands around their wrists and with large numbers in black magic marker on their backs. They then read bodies as texts and look specifically at tattoos for clues to a history of crime and triad involvement. Many photographs in this album show tattoos of birds, dragons, swords, and tigers on arms and backs (see Figure 4.7).37

Figure 4.7 here: Reading bodies as texts38

This set of images also portrays collaboration among governmental partners. Over time, a wide range of people became involved at Workpoint Barracks: legal counsel for

36 Interview, Vancouver, August 2000.
37 Consultants sub-contracted by CIC in 1999 did suggest with certainty that some of these images were linked to triad involvement.
38 This is not an image of an enforcer involved in the 1999 boat arrivals. It is taken from a poster about human smuggling circulated by the US federal government.
potential claimants, provincial authorities who become guardians for the minors, corps commissionaires hired to guard the site around the clock, human rights monitors, translators, IT staff, and a small medical staff of doctors and one full-time nurse.

Whereas processing of the first boat of arrivals begins with just the gym, the site develops with trailers extending capacity and infrastructure over time. Figure 4.8 shows the site in September after the fourth boat had arrived.

**Figure 4.8 here: The footprint in Esquimalt in September 1999**

Each new boat arrival sees the addition of new trailers that serve as offices for legal counsel and CIC, outhouses outside, an additional road providing direct access to the gym is paved (and will later have to be removed at great expense to CIC). As the capacity and optics of the response develop, its footprint grows in Esquimalt (Figure 4.8), and the neighbors protest.

When I first visited RHQ, a large computer-generated map of British Columbia hung on the wall near "Central Command." Red dots demarcated the location of the interceptions and boats missed on the map. They reminded me of the game battleship, but instead of the people hitting the ships, it was the people in this office themselves who felt - and often used the term "hit" - by the ships. In the BC/Yukon region, geography overwhelms people, and I was reminded on many occasions that this was a fundamental issue that people in Ottawa could not appreciate. The person who showed me the map that day waved a hand above him showing me "where we've been hit." Overwhelmed, he conveyed a sense of vulnerability in remarking on the length of the coast, some 900 miles from the US border to the northern boundary with Alaska and the Yukon territory (see Figure 1.2).

Other photo albums that I was able to review at CIC portrayed primarily aerial images of the Pacific coast that imagined future staging areas for both smugglers and the governmental response. During the year following the boat arrivals, two employees traveled up the coast and boarded helicopters to photograph a series of towns where they imagined off-loading would be feasible during future interceptions. These were towns with either public or private docks such as Ucluelet, Port Renfrew, Port Alberni, Tofino, Gold River, Tahsis, Zeballos, and Port Alice. They also traveled to towns in Alaska. They looked into other forms of infrastructure that would be necessary, such as housing for civil servants, possible sites for temporary processing and detention, roads by which to transport the migrants inland, medical
clinics, helicopter pads, airplane runways, and small airports. The aerial photographs were beautiful shots of the rugged coast where blue water meets green mountains. They relay the perception of feeling overwhelmed by "defending" the coast from smuggling movements. Civil servants attempted to document the length of the coast, the isolation of the areas, and the formidable challenges that they posed to a response in terms of the natural and built environment, such as poor roads, few infrastructural needs like helicopter pads, hospitals or medical clinics, cold weather, and rough waters. These photographs provide visual representations of the powerlessness felt by those responsible for safe and successful interceptions in BC. Ironically, despite the sense of control over geography provided by aerial photographs, when explained by the bureaucrats who took them, these images also convey a sense of being overwhelmed by the geography of the coast. They suggest, furthermore, a need to rely on a variety of other institutions and communities in order to carry out a successful response.

Information: the role of intelligence

Given the metaphor that CIC is like a slow tanker trying to catch up with smugglers that move like speedboats, intelligence is crucial to the government response to smuggling and among the few ways for the state to become more proactive. In the weeks and months following these arrivals, as the bureaucracy recovered from its time of crisis and finally came to believe that another boat would not follow the fourth arrival in September, the work of analyzing all that had come to pass came to rest on the shoulders of intelligence officers and strategic planners. The more artistic narrative eye of the photographs gave way to a more trained analytical voice that worked through the details of each arrival and interception, analyzed the work of authorities, and the data gathered during interviews with migrants.

Compared with the communications branch, the intelligence branch of CIC is less powerful, more poorly resourced, and more poorly integrated into the Department as a whole. Founded in 1965 to assess the threat of organized crime to Canada, intelligence officers worked primarily abroad. In 1999, it was still distributed throughout the Department

---

39 The information in this section is based on a series of interviews, reports, and other documents reviewed. These documents and interviews are rarely cited so as to protect the anonymity of participants.
40 Interview, Ottawa, October 2001.
both regionally and functionally, with intelligence officers assigned and working on topics in a rather ad hoc manner according to their geographical location. A 1996 review of the Department's intelligence function found: "There is no functioning, effective departmental process. Instead there is a series of Branch processes which sometimes collide and, at best, fail to complement one another." Because intelligence employees are not well-integrated, information is not centralized or necessarily always communicated to the right people at the right time. The same report on the intelligence capacity of CIC described this scenario: "Information is locked up into compartments and does not always get to people who need to make decisions." As a result, human agency is very important, not only in gathering, but also in distributing information to those who need to know. Occasionally during fieldwork, I heard about disputes that took place following smuggling movements regarding who did have a "need to know" information. While some people were more interested in keeping colleagues informed, others were more protective of information, and this at times led to conflict.

Intelligence work was further inhibited by the slimming of the Department in the early 1990s, which coincided roughly with the Department being stripped of its investigative status. As such, intelligence officers for CIC do not have access to the same databases as CSIS or the RCMP. Furthermore, intelligence officers located in different federal departments often compete for information, mistrust one another, and experience distinct cultures and objectives among departments. CIC is known among more enforcement-minded agencies as unable to handle secret information without leaks. This results in what are called "intelligence silos" that make it difficult to share intelligence among federal departments in Canada. During the year following the boat arrivals, CSIS actually showed up to search CIC RHQ offices to access any information that they had on human smuggling, rather than request this information through more collegial, shared channels. Ironically given the protocols designed to protect information, intelligence officers often report that it is easier to share intelligence on smuggling issues with colleagues who are foreign officers across borders than within national borders. So while known for innovation in computerized data-gathering systems, immigration intelligence has not been welcomed or integrated in the broader Canadian intelligence community.

42 Ibid p. 19.
This all places intelligence officers within CIC in an awkward position. As with other aspects of the response to smuggling, the intelligence component has the capacity to be proactive, but because of its design as a "threat-based model" and lack of integration and centralization, it remains more reactive and ad hoc. With regard to smuggling, intelligence research lies in the area of document fraud, interdiction, organized crime, and regional operations. The reactive nature of the Department to media-driven political climates, however, goes against the grain of the more long-term, proactive kinds of data-gathering that intelligence officers are trained to conduct. At a regional level, rather than investing long-term resources in gathering intelligence on smuggling movements, there were enormous resources invested in communications: the need to know and share immediately about those arrivals that were garnering public attention. Additionally, the character of the bureaucracy whereby employees change jobs and locations of work (often internationally) can also contradict effective work in intelligence over time.

Intelligence officers worked from the moment of interception to fill in details in the history of the arrivals. They asked questions pertaining to how the migrants had boarded the vessels, who had assisted them, and whether and where they had stayed in safe houses. They analyzed data gathered from immigration interviews as well as letters and phone calls to and from the detained migrants over time. At Workpoint Barracks, officers noticed that with each boat arrival, the migrants' histories narrated in interviews sounded more alike. They assumed that smugglers were becoming more skilled over time in instructing the migrants about what to say. The migrants grew more resistant and less cooperative over time. Officials also noticed that in a matter of hours on the base, stories began to sound more alike. They curbed this trend by simply shifting the queues further away from the interview tables so that the migrants no longer stood within hearing distance. Additionally, enforcers at the base proved disruptive and were therefore separated from clients when identified.

In initial interviews, clients often misrepresented their identities and other aspects of their personal histories. Some also misrepresented their age in order to be housed with minors in less secure facilities over time, rather than detained with other adults in prison. According to intelligence reports, reasons for migrating and making refugee claims changed over time from more economic motivations and coalesced around involvement in Catholicism and Falun Gong and persecution under China's one-child policy.

---

Intelligence analysis focused more on what could be learned about those who had organized the trips: their operations, the recruitment of captains, enforcers, and migrants. Analysis also focused on assessing information on the actual journey on the boats through interviews and studies of navigational charts and radio communications. CIC believed that each boat carried approximately one enforcer per ten to fifteen migrants, with one in charge on each boat. These enforcers were both male and female. Captains seemed not to know their route or final destination and took orders from the head enforcer. Migrants often referred to this one man - on each boat - as "Big Brother." He was responsible for communications, while others working under his authority handled food, navigation, and discipline. Lower level enforcers were each in charge of a small group of migrants throughout the journey and exercised brutal beatings and other physical threats in order to control their movements around the ship. During processing and detention, enforcers continued to exercise control over migrants under the watchful eye of immigration officers and the RCMP at the Esquimalt base, and even when they were housed in longer-term group homes and prisons. They also threatened immigration staff members.

Analysis of the migrants' personal information often pertained to their refugee claims. Documents intercepted through the mail and seized by immigration usually had to do with identity and building a refugee claim that related to a past in terms of childbirth and religious practices. It was found that enforcers in China and Canada remained involved with these clients and their families over time, usually trying to extort money from them in any way possible. The ships were supposed to have been met by enforcers upon arrival up the coast, and enforcers were a presence throughout the migrants' processing in Canada.

Recruitment of migrants in Fujian occurred primarily via word-of-mouth. Some admitted to making a down payment prior to leaving Fujian, while others denied any exchange of money had yet to take place. They tended to be uninformed about when and how they would travel until the final moment when they were collected to leave, at which point they began a disorienting trip through a series of stations - buses, taxis, warehouses, and small boats - so as to be transported to the larger ships under cover while remaining confused about their geographical location.

45 Estimates of the costs of these trips to North America range from $30,000 to $60,000 US, with a relatively small down payment made at the outset, and the remainder paid over time during transit and in the coming years while the client works to pay off debts to smugglers.
Most migrants had family members in major American cities,\textsuperscript{46} and some in major Canadian cities like Vancouver and Toronto; but they did not readily admit to these contacts in interviews. While most said initially that they were headed to Canada, it seemed more likely over time that most had, in fact, intended to travel to the US.

With all of the information garnered over time via interviews and interceptions while the migrants were imprisoned, intelligence officers continued to express frustration with the lack of information about those who had organized the movement. They successfully identified many, though not all, of the enforcers on the boats, but knew that these were low-level individuals in the smuggling hierarchy; often people with a history of crime employed to provide enforcement on the ships in exchange for free passage. CIC never identified any major snakeheads located in China with whom "Big Brother" or "Big Boss," the main enforcer in charge on each ship, may have communicated. The communications between migrants in Canada and family members in China showed that the snakeheads stayed involved, but still no portrait of their overall operation emerged. This could lead to reliance on conspiracy and speculation regarding transnational organized crime as an explanation. But, in the case of intelligence officers trained to sift carefully through available data, this lack of information actually led to a more cautious stance.

The tracking of "Sister Ping" (the subject of Figure 4.7), a notorious and highly successful human smuggler whose operations and personal movements are hyper-global serves as a classic example of the ways in which human smugglers are able to elude enforcement agencies for years (see Barnes 2000, Next Magazine 2000). A large set of international intelligence agencies tried for years to track down Sister Ping. She was actually detained and released on a few occasions in different countries. Most recently, she was arrested and held in Hong Kong and awaiting extradition to the United States where she would face charges. When I was in Hong Kong in May 2001, local authorities still wondered about her whereabouts and pondered her far-reaching connections to authorities around the globe that had enabled her success for so many years.

While unsure about the people behind the movements, government parties seem to be in agreement about various characteristics of human smugglers. They are incredibly dynamic, and highly adept at changing routes and methods. This may relate to a central organization or simply to more entrepreneurial "one-offs," or one-time exchanges, arranged and adjusted

\textsuperscript{46} New York City was cited most often.
quickly through assessments of the global enforcement environment to service a group of people. Smugglers are able to manipulate international borders and work intimately with local geographical knowledge against which the distanced and uneven geographical knowledge and the capacity of states proves no match. Intelligence and other officers were those most willing to admit how little they still knew about smuggling movements generally and about the 1999 boat arrivals specifically. Called upon often to brief senior administrators, they seemed frustrated by the easy assumptions of their colleagues in other branches of the bureaucracy about what seems to be known.47

Intelligence capacity in BC did improve as a result of the 1999 arrivals and even more post 9/11. The number of people working in intelligence in RHQ grew from three to five and on a national scale, intelligence became centralized in NHQ. Interestingly, post cold war shifts in the broader intelligence community in Canada moved toward the questioning and defining of threats.48 Intelligence officers were trained to question the language and assumptions behind the threats that they researched. Most of the recommendations of the 1996 review of CIC's intelligence function related to improving the definition and integration of intelligence both within CIC and within the broader intelligence community in Canada. Intelligence officers with whom I spoke repeated this assessment with regard to intelligence-gathering on human smuggling. Intelligence officers given greater resources and support within the Department have the potential to play a much greater role in studying and responding to human smuggling than they do at present. They are uniquely positioned within the bureaucracy to overcome some of the geographical challenges that I have reviewed through collaboration with colleagues within policy and research circles nationally and internationally. With that, I will discuss the main strategies that Canada and other nation-states have pursued in their efforts to combat human smuggling.

Main strategies to combat smuggling

In spite of the challenges that I reviewed, nation-states such as Australia, the US, the United Kingdom, and Canada have pursued a variety of strategies to combat human smuggling. Some are more proactive, others more reactive. Some seem more effective, but

47 Ko-Lin Chin's work is very popular among civil servants working in this area because he has done the most thorough documentation of the experiences of smuggled migrants over time (1999).
each has its advocates and detractors, and because of the lack of overall sustained knowledge about smuggling movements, it is challenging to conduct a comprehensive assessment of the effectiveness of each strategy. In this section I discuss the various options and later, I will return to these strategies to address some of the arguments regarding the apparent absence of boat arrivals in 2000.\footnote{Although some argued that boats did come (\textit{Globe & Mail}, 3 January 2001). CIC investigated each of these rumors and accusations, but never confirmed either publicly or in interviews whether intelligence that more boats had arrived could be corroborated. In ensuing years, they did send crews out to investigate ships suspected of carrying smuggled migrants, but they all turned out to be false alarms.} This section does not address specific policy recommendations (the topic of Appendix 1), but simply reviews the possibilities and notes those pursued by Canada to date. I have divided this discussion into strategies that are reactive and proactive, and will discuss each in terms of its cost-efficiency, desired effects, secondary effects, and critiques.

The main reactive strategy that CIC pursued directly in relation to this movement was to focus on detention and removals. Despite detention being among the most costly of options to combat smuggling, both Australia and the United States have been leaders in this area, having steadily increased their detention capacity and practices of detention and removal in recent years (\textit{New York Times} 2001, 9 November 2001).

Detention entails a variety of sub-strategies. Intelligence and enforcement people in immigration use the time when migrants are detained to learn as much as possible about their journey. In this case, they monitored telephone calls and mail in order to find out the people and places to which detainees were connected. They also took note of those who came to post bail and believed that some of them were not the relatives that they claimed to be, but rather people employed by the smugglers, posing as relatives. In this regard, detention is part and parcel of the strategy of containment. In detention, not only are migrants contained physically, but their mechanisms to connect and share information with others are contained and monitored as well in order for authorities to learn more about smuggling operations.

There are several problems with detention. In addition to the cost, the logistics of detaining on a large scale occupied the time of many people in CIC. Aside from a holding center with a small and short-term capacity that opened at Vancouver International Airport in 2001, CIC does not have much capacity for detention in BC. In the years following the 1999 arrivals, RHQ entered into and withdrew from a variety of expensive contracts that renovated and held space in provincial prisons such as the Vancouver Island Regional Correctional Center in Victoria to detain migrants. It is expensive to enter into contracts, and expensive to
maintain them. The inability to commit to longer-term contracts reflects indecision within the Department about whether or not to build this capacity on a national scale. It also illustrates that detention is a tricky, expensive, long-term commitment.

Detractors of this strategy criticized the federal government for poor treatment and for incarcerating people who made refugee claims for long periods of time. The counter-argument that people in CIC and in the UNHCR made was that they had worked to provide extra services and support for the migrants. They argued in response that legal counsel and refugee advocates who encouraged the claimants to exercise every opportunity to appeal negative decisions when the outcome was unlikely to change were themselves to blame for the extended period of detention.

Another important critique of wide-scale detention is that this strategy attempts to stop human smugglers by punishing their clients; in other words, it has the effect of going after more powerful people by punishing those who are their victims. Finally, it is also crucial to recognize that detention practices can go awry and in Australia in particular have led to well-documented cases of human rights abuses, resistance and riots on the part of detainees in the form of self-mutilation, hunger strikes, and suicide. Additionally, complicating this strategy is the status of minors and families in detention. The UNHCR was particularly interested in this issue. While Australia detains minors, Canada has been more careful not to do so, particularly under the vigilant eye of the Province of BC, legally the guardian for unaccompanied minors.

Another strategy that falls more on the reactive side is prosecution. The European Union appears to have been on the forefront in this case, and CIC was particularly interested in a case in the Netherlands that involved the prosecution of nine individuals believed to be involved in the Dover case and under investigation since 1999 (The Guardian, 4 June 2002). There are two main critiques of prosecution as a strategy to curb smuggling. First, enforcement officers express frustration with their binding relationship to a legal justice system that they perceive as too slow procedurally to contend with the speed and dynamism of smugglers. In order to prosecute enforcers, investigators and lawyers must meticulously investigate and assemble a case against them by working within the investigative frameworks of multiple federal departments (the Department of Justice, CIC, and the RCMP). This is costly in financial terms, but the main investment that frustrates those involved from an enforcement perspective is time. The second critique is that despite the threat of stronger punitive measures that accompany successful prosecutions, including fees and jail sentences,
prosecution is simply not a strong enough deterrent from the lucrative profits to be gained. Still, Canada did pursue this strategy by prosecuting the Korean members of the crew on the second boat\(^{50}\) and by increasing punitive measures for smugglers in the new immigration act.

A range of more proactive strategies is available to federal governments, and CIC has also pursued some of these. Like other nation-states where traffickers operate, Canada increased its capacity for interception abroad by posting Immigration Control Officers in source countries like China. A more recent strategy is to place Airline Liaison Officers in transit countries. While in Hong Kong, I met with ALOs from Canada, the United States, Australia, and the United Kingdom. While their jurisdiction there was severely limited, they were able to feed information to Hong Kong immigration and other authorities, and to establish working relationships with the airlines that enabled them to check documents and pull passengers from flights.\(^{51}\) After the boat arrivals, CIC also placed an additional ICO on the ground in China. There is no doubt that ICOs and ALOs have had success in reducing the numbers of migrants with the intention to travel to Canada. But the counter-argument set forth by refugee advocates is that this increased interception abroad pushes those seeking asylum more readily into the hands and services of human smugglers (United States Committee for Refugees 2000b).

Canada was also proudly vocal about its leadership role in drafting and ratifying the UN Protocols to combat trafficking (United Nations 2000).\(^{52}\) CIC appointed one person to a special office to work on these Protocols. The Protocols will actually have little effect in receiving countries like Canada. Their primary objective is to apply pressure from the international diplomatic community to countries such as China where trafficking movements originate to increase policing and penalties. By signing on, those countries must agree to stiffer penalties for those apprehended.

Canada also pursued diplomatic dialogues that were more informal than the protocols, and this is where CIC entered an interesting role as quasi-diplomat in conducting work generally undertaken by the Department of Foreign Affairs and International Trade (DFAIT). Most of this quasi-diplomatic work consisted of senior level managers and the Minister, Deputy Minister, and Assistant Deputy Ministers traveling to China in the months following

---

\(^{50}\) They were ultimately acquitted. Other enforcers, however, were convicted of smuggling and sentenced to four years in prison (Globe & Mail, 17 March 2001).

\(^{51}\) Interviews, Hong Kong, May 2001.

\(^{52}\) Interview, Ottawa, March 2001.
the boat arrivals as part of a publicity campaign to meet with government officials and to discourage potential clients of smugglers directly. In a bimonthly publication that serves as a newsletter distributed by CIC called "Vis-à-vis for the B.C./Yukon Region," a short piece on the Minister's upcoming visit to China in early 2000 summarized the message that she would provide on her trip: "... Snakeheads are lying to you, they are cheating you, you put your lives at risk when you get on those boats or into a container, we have found people dead" (Vis-à-vis, January/February 2000: 1). This strategy repeated a similar campaign undertaken by the US in 1993 (P. Smith 1997: 4) and 2000 (New York Times, 4 July 2000) and Australia in 2001. Among the more dramatic episodes in the Australian public campaign in China was a propaganda video that showed the dangers of the Australian outback, such as wild animals, for those who migrated there and found themselves detained.

People lower down in the hierarchy of the bureaucracy in enforcement and intelligence also play important quasi diplomatic roles in their travels abroad to communicate and collaborate with colleagues at their level from other governments. This is the type of work that ALOs and ICOs abroad do on a daily basis, but mid-level managers and senior people in intelligence and enforcement also traveled to Australia and the US on a number of occasions to meet with their counterparts to learn and share strategies. The cost of this work is not high, but the desired effects and success rates are difficult to measure.

Finally, a successful strategy pursued in Hong Kong in the years following the boat arrivals was the decision to freeze the financial assets of those under investigation for involvement in trafficking, and to then track the connections to the money (New York Times, 8 February 2003). Again, this strategy, like others, parallels the fight of nation-states against terrorism. This strategy was successfully pursued against the Al Qaeda network soon after the attacks on 11 September 2001.

The view from Hong Kong

In Hong Kong at the Canadian Consulate, Canada's ALO gazes out of her office window over the water that surrounds the island. As ALO, Jan's job is to monitor and intercept smuggling movements and potential refugee claimants en route to Canada. She is sad to be leaving a job that she's mastered, but it's time for her to move on to her next post. She takes me to a back room to show me a cache of confiscated Canadian passports piled on a table and points out how technology has shifted over time. Jan carries her cell phone with her at all times. She is ready to be called to the airport at the drop of a hat, and makes frequent visits. She sometimes roams the airport herself to screen the boarding of a particular flight, but she invests as much time in training airline staff to look for false documents and to call her when they encounter a suspect individual.
She fosters these relationships as well as those with a network of colleagues from Australia, the US, the UK, and Hong Kong. With the exception of Hong Kong immigration, none of the ALOs have authority to make arrests, but they share information, identify trends, and build connections to Hong Kong authorities in order to pass on information to those able to act on it.

Fieldnotes, Hong Kong, May, 2001

The spatiality of governance of refugees and asylum seekers is changing. States are reconfiguring this geography in practice already. Canadian civil servants work abroad in Hong Kong and China as ALOs and ICOs where they do not have jurisdictional authority and yet practice interdiction by sharing information with other authorities such as Hong Kong immigration and companies such as airlines and airports. This is one mode of respatialization at work, another arm of the state acting as networked practices at home and abroad by interacting informally with others to exchange information. Viewed through the eyes of the Canadian ALOs working in international airports, human smuggling looks more subtle than the boats arriving off the coast of BC. Hence, civil servants rely on informal networks and relationships to build the patchwork visions of human smuggling abroad.

How the state imagines and communicates human smuggling

A more localized, proactive approach taken by RHQ during the year following the boat arrivals was an attempt to collaborate through communication. As I will continue to argue in ensuing chapters, one of the problems that CIC faced in responding to smuggling was that it was constantly anticipating and reacting to the media. CIC also, however, created and conveyed its own set of images in its quest to curb human smuggling to BC. One such image was formulated in the form of a poster circulated in the spring of 2000 to communities along the western coast of Vancouver Island and on the Queen Charlotte Islands, including Haida fishermen (see Figure 4.9).

Figure 4.9 here: "Keep Watch: Protect Our Waters"

Through its text, the poster conveys a message to Canadians to "Keep Watch" in order to "Protect Our Waters." It explains that "criminal enterprises" are smuggling migrants to the western coast of BC and implores people to contact the Coast Guard or CIC if "any unusual activity of this nature" is observed. The text goes on to describe the "Profile of a Criminal
Smuggling Vessel" with a series of physical descriptors such as the expected size, condition, coordinates, markings, and behavioral patterns of migrant ships. In a second column entitled, "What to watch for," the text lists additional details about the vessels and the people they carry, indicating that there will likely be no crew visible on deck, but people who can be "caught peering from portholes/uncovered hatches." Photographs of two of the ships intercepted in 1999 accompany this text, as well as a series of cultural symbols.

Like the text and photographic images, the symbols draw on a Canadian national lexicon and reveal something about how the state sees smuggling. A red maple leaf covers the "A" in WATCH and an osprey perches on the "E" in KEEP, ready to swoop. An enlarged version of the poster also shows the Canadian maple leaf in the eye of the osprey. The symbol of a wave moves between "Keep" and "Watch," and the two boats and the text regarding what to be vigilant about is framed by a large gray and white symbol of balance: the yin and the yang. The symbol likely references many of the clear dichotomies drawn in the federal narrative of the struggle against human smuggling: good against evil, the law against illegality, "Our Waters" against the Asian enterprises through which "People are being smuggled." Like written policy, this poster in practice provided more of a record than a forecast; it tells more about the past than the future. No further cargo ships smuggling migrants in this manner were intercepted. Over time, smugglers again proved themselves more flexible than the state.

This poster distills down to a set of images the ways in which the state set its sights on human smugglers during "boating season" (May - October, after which time storms make the Pacific seas too rough). Its intent supports the argument that the boundaries surrounding the state are fluid in as much as Citizenship and Immigration Canada relies on collaboration with a host of other parties and institutions in its response to smuggling. The poster relays a powerful reality for the state: the need to rely on others, and especially on local knowledge in order to detect smugglers. The larger figures in the text are typeset in the same broken black and white text of the logo for the popular American television show "America's Most Wanted," a show that invites a national audience to assist in solving crimes that remain open, the fugitives gone missing for too long. But here, there are no snapshots or sketches of smugglers, only the shell of crimes committed. I will return to this paradox in ensuing chapters: that the federal response to human smuggling requires collaboration and information-sharing, but that it is not necessarily built into the structure of the bureaucracy as such. Local knowledge is needed
where the state cannot see, and in order to achieve local knowledge, bureaucrats need to build relationships and trust with various groups and institutions. First Nations in BC have not had a long history of trust with the federal government. This reliance on others includes other federal departments in Ottawa, spotters on the ground in British Columbia, and in Hong Kong where Airport Liaison Officers do not have jurisdiction and so rely on diplomacy and the good will of Hong Kong authorities. Unfortunately, bureaucrats shift jobs often and are therefore challenged to develop relationships over long periods of time in one place. Once again, the very qualities that characterize the bureaucracy inhibit a more sustained investment in work on human smuggling over time.

* * * *

AM: Why do you think boats aren't arriving?

R: Oh geez, I wish I knew. I'd be rich now! I don't know, I don't know! I predict that what you will see... The Minister is coming out here the end of this month to Vancouver. If there's been no boats, there'll start to be declarations of: "Because we were so good at detention, because we showed them that we wouldn't stand for it, because we're working with the Chinese, because the Chinese are more active in preventing them from leaving." Everybody will look to take credit for it. The reality is that there may not be more boats arriving, but there are more arrivals of Chinese in Europe than ever before. So maybe they're just changing their routes. Maybe that's what happened.53

Representation played a central role throughout this chapter which has sought to convey how nation-states see human smuggling. Images were central to CIC's response and relayed not only their investigation of the boat arrivals retrospectively, but their preparedness for future movements. These images lived in the memories of civil servants who later recounted them as markers in time, from the televised mention of smuggling by a US authority years before the 1999 arrivals that set the initial preparation for a marine response in motion to the news broadcaster reporting the arrival before authorities even arrived on site themselves.

As exemplified by the "Keep Watch" poster, the state sees the success of future interceptions of smuggling movements as bound up with the vigilance of others interested in policing Canadian borders, which requires relationship-building and the communication of images of what smuggling movements look like. The view of the state is formed through the daily work of civil servants who share information through a variety of informal networks. The end result resembles a patchwork quilt of images rather than a comprehensive portrait of the smuggling environment. Through these everyday practices of civil servants, human

53 Interview, Vancouver, August 2000.
smuggling looks different around the globe. In Hong Kong, it looks like the wrong accent, the wrong clothing, the wrong story, or the wrong papers in line to board the plane. In the office tower in Ottawa for the intelligence analyst, smuggling looks like a geographical trend coming across the listserv or database. Or it looks like an image in the media. In Esquimalt, human smuggling appears in the guise of 599 refugee claimants for whom Canada decides to expedite due process.

The problem, of course, is that a smuggling movement only looks like a duck once. Then it transforms into something else, takes on other shapes and performs other optical illusions, such as young Chinese men walking through airports dressed in the baggy pants and other urban gear of Asian-Canadian youth. In the years following the 1999 marine arrivals, while boats carrying migrants in large numbers abated, other quieter forms of smuggling continued. There have been several shifts in movements just during the short time that I have been doing research, from boats, to container ships, to air cargo holds, to boarding pass swaps in airports, to living mail deliveries. Meanwhile, the bureaucracy spends months - and in the case of the 1999 boat arrivals, years - designing policies and posters to respond to what looks like a duck - while migrants fly across borders via other methods such as travel by air in cargo holds and even in the landing gear of airplanes out of the Caribbean, Central America, and through London's Heathrow Airport into Canada and the US (e.g., New York Times, 9 August 2001). The bureaucracy simply cannot keep up and is not well-served by its monologic narratives; by its one clean "truth."

During each "boating season," there has been a heated debate about why no more boats have come. In fact, one employee at RHQ wrote an insightful and lively piece on this matter, called "Where were the boats this year?" Most senior-level officials whom I interviewed in Ottawa quickly cited the successes of their response to the boat arrivals as the reason why they had stopped coming. But once again, the explanations of what was happening varied geographically and hierarchically between BC and Ottawa. Had they been successful? Or had smugglers simply shifted their routes and methods? Or had they not actually been successful in stopping the boats as they claimed? Rumors that additional boats were missed on the

---

54 Interview, Vancouver, May 2000.
55 The arrival that most closely related to the experience of the cargo boat arrivals for CIC were two container ship arrivals into the Vancouver port in January of 2000, four months after the last boat arrival.
56 In-house document, "Where were the boats this year?" September 2000.
Pacific coast in the ensuing months continued. Additionally, at what scale can success be measured if Canada's strengthening of control measures resulted in the movement of smuggling elsewhere? In this instance, the construction of human smuggling and the federal response as a national issue obscures the effects of control visible at other scales.

I want to return now to the issue of scale and to the relationship between scale, immigration, nation-building, and representation. It is only since the relatively recent era of the nation-state that human mobility came under the control of the state and therefore became a national issue (cf. Torpey 2000). Since the birth of states, immigration and the nation-state have been re-producing one another through discourse (see Hage 1998, Razack 1999, Nevins 2002, Nyers 2002). Viewed through the lens of immigration, the argument can be made that Canada did not exist and will not continue to exist over time without immigration. But it is important to note the dramatic turn in the relationship between the nation-state and immigration as a threat. Empirical processes like human smuggling bring into relief the articulation and production of the nation-state, and indeed, the boat arrivals in 1999 served as a nation-building moment for Canada and generated a powerful climate into which new immigration legislation was introduced months later in the spring of 2000. They also provided a moment for western Canada to position itself in relation to the objectives of the federal government in Ottawa. The region often perceives itself outside of, in conflict with, or overlooked by federal goals.

This chapter moved discussion from the global contexts in which human smuggling takes place down to the local geographies of smuggling from Fujian to BC and the government response. I have illustrated that geographies of the nation-state and human smuggling are mutually produced at different scales - that immigration and the nation are articulated distinctly throughout time and space. Chapter five enters further into daily life at Regional Headquarters to understand the capacity of the bureaucracy to trade in representations and circulate information while undertaking an enormous logistical series of operations.

---

57 They learned this information through either inland claims or interceptions elsewhere in North America. Migrants reported being brought by boat, and in their description of the trip and geography, officers inferred that there had been boat arrivals to the Pacific coast.
Figure 4.1 Map of global smuggling patterns
Figure 4.2 Media and government choppers leave downtown
Source: Citizenship and Immigration Canada
Figure 4.3 Fourth boat listing and flyover
Source: Citizenship and Immigration Canada
Figure 4.4 US currency rolled in women's sanitary napkins
Source: Citizenship and Immigration Canada

Figure 4.5 Pulling maps from a drawer
Source: Citizenship and Immigration Canada
Figure 4.6 Makeshift medical exam room in Workpoint Gym
Source: Citizenship and Immigration Canada
One of the more active groups since at least the 1980s—and almost certainly behind some of the migrant boat traffic in 1999—belongs to notorious smuggler Cheng Chui Ping, who was arrested by Hong Kong authorities in March 2000 and is now awaiting extradition to the United States on charges of hostage taking, money laundering, and extortion.

The tattooed smuggler in this photograph was on a boat interdicted while attempting to smuggle Chinese migrants into Australia in 1999. Such tattoos generally signify dedication to a specific group. The smuggler was serving as an "enforcer," a term used for "snakeheads" who use intimidation and occasional force to control migrants while in transit.

Figure 4.7 Reading bodies as texts
Source: Poster circulated by the US government
Figure 4.8 The footprint in Esquimalt in September 1999
Source: Citizenship and Immigration Canada
People are being smuggled from Asia to the west coast of North America by criminal enterprises. Critical months are May through October, but arrivals at any time are possible. Help us watch our waters and report any unusual activity of this nature.

Profile of a Criminal Smuggling Vessel

- Pacific Longitude 126° to 138°
- Pacific Latitude 48° to 54° 45'
- Deck may be cluttered
- Large external water tanks
- Makeshift shelters aft (tarpaulins)
- Lots of rust and poorly maintained (usually bought out of scrapyard)
- Limited or no life saving equipment
- Listing to port / starboard - often result of fishing equipment removed from one side. In fact limited gear mounted
- Bilges discharging oil
- Fails to answer calls or hail
- Not transmitting on VHF / MF or HF
- No light arrays - runs dark
- Garbage on decks
- People can be caught peering from portholes / uncovered hatches
- Outside normal shipping lanes
- No crew on decks

What to watch for:

- Scramble cargo nets, multiple lines aft / starboard for climbing off vessel
- Large external water tanks (destains) on deck
- Makeshift shelters aft (tarpaulins)
- Lots of rust and poorly maintained (usually bought out of scrapyard)
- Limited or no life saving equipment
- Listing to port / starboard - often result of fishing equipment removed from one side. In fact limited gear mounted
- Bilges discharging oil
- Fails to answer calls or hails
- Not transmitting on VHF / MF or HF
- No light arrays - runs dark
- Garbage on decks
- People can be caught peering from portholes / uncovered hatches
- Outside normal shipping lanes
- No crew on decks
The first time I went to a meeting at CIC's Regional Headquarters (RHQ) for the BC/Yukon region, I was struck by its location downtown. Whereas government offices dominate many of the buildings that they occupy and indeed much of the landscape in Ottawa, here in Vancouver, CIC's offices are dispersed amid a commercial business section of downtown. RHQ occupies a few floors of an office building and quietly fits into the commercial landscape across from Virgin Records, Planet Hollywood where I watched tourists eat their lunch from my desk, and the studios of Vancouver Television. The only clue as to the occupation of the building by government offices are the Canadian flags outside.

On my first visit, I was also struck by the understated nature of the entire office.  

I did not know where to go when I got off the elevator. I was in a hallway with only doors and earthquake preparedness warnings, no signs whatsoever. I peered through the glass of one of the doors where I saw no one and could not open the door. Eventually, a woman appeared on the other side of the counter of the small reception area, waved me in and contacted the person whom I had come to see. In those moments before he entered, I noted how sterile the office was. Wall-to-wall carpeting connected gray walls to one another, and the Queen looked down at me - as she does in every federal office - from her portrait that hung alongside the Department's mission statement.

Fieldnotes, Vancouver, April 2000

This office where I spent my time is one of three downtown buildings occupied by CIC and the only one among them where staff do not meet directly with clients during their day-to-day work. In my travels to other offices to conduct interviews, I noticed an aesthetic homogeneity. I soon learned, however, that this sameness existed only on the surface. There was more than meets the eye to the people working behind the bland façade of CIC offices. This chapter tells the story of what happens when diverse people working in a variety of jobs within the same federal department come together to work through an extraordinary event.

Introduction

This chapter serves as the ethnographic heart of the thesis and presents the findings of the institutional ethnography of the Department. It provides insight into the environment in
which bureaucrats struggle with the weight of public image in their day-to-day work. I will begin by drawing on other studies that have approached bureaucracies of immigration in different ways and by providing an abbreviated history of the Department of Citizenship and Immigration Canada. The bulk of the chapter then relays findings organized thematically around the ordering of daily life in the office, and looks particularly at what happened to the daily life of the bureaucracy during "the summer of the boats." I will end with a more analytical discussion of what ethnographic data offer conceptually to political geographical understandings of the nation-state.

While my research focused on the case study of the boat arrivals and on how the state sees smuggling more broadly, implicit in this inquiry is a more general examination of how immigration is managed by a federal bureaucracy. While the boat arrivals were an extraordinary event in the careers of civil servants, they were also par for the course in many regards. People's experiences and frustrations in their work in the response to smuggling related to other experiences within the bureaucracy. Many of the issues that arose with regard to smuggling were the extension and exacerbation of long-standing relationships between people fulfilling different jobs in the workplace.

This chapter holds an important place in my broader argument that the nation-state is re-spatializing through governance, and that this process is best understood through analysis of microgeographies, by tracking civil servants through their quotidian work. A portrait will emerge of the operation of state practices as networks across which information flows. The chapter is arranged to highlight the orientation and cultural practices of the bureaucracy that order the day-to-day work of managing immigration. I will explore a set of ideas that will recur in the remainder of the thesis, including the paradox of a powerful state comprised of bureaucrats who feel powerless and in a state of crisis. As in chapter four, the importance of constructing images and constructing scale will also resurface.

The timing and layers of interpretation involved in my fieldwork were informative. I started research several months after the fourth boat was intercepted. I stepped in during the next summer, an anticipatory period when everyone was expecting the arrival of more boats from China. As I asked questions about the marine arrivals, I also learned about the day-to-day life of the bureaucracy by observing and listening to how people recounted an event in

1 In contrast, the time that I spent in INS offices in the US - prior to 11 September 2001 - involved checkpoints, personal identification, metal detectors, guards, and escorts.
relation to the bureaucracy. The time spent observing in the workplace offered key context to the information gathered on the events themselves.

**A brief history of Citizenship and Immigration Canada**

Before becoming the Department of Citizenship and Immigration Canada, the bureaucracy that handled immigration and citizenship issues was actually a much larger one, Citizenship and Employment Canada. In the 1990s, this department was broken down and the functions of citizenship and employment separated. The result was the emergence of a relatively small federal bureaucracy with a relatively large role to play on the national political stage, still known today as CIC. Long-time civil servants with CIC explained that this major internal reorganization left behind the "bare bones" of the Department and resulted in a concentration of administrative and financial functions such as human resources and communications in a branch known as "Corporate."²

During the time when I conducted fieldwork, three individuals occupied the position of Regional Director General, and several others served as "acting" DGs on a routine basis. In order to locate the BC/Yukon region on the national landscape, I quote extensively here a compilation of their responses to the request to describe their position in interviews.

I'm the Regional Director General of BC and the Yukon, one of five regional heads in Canada³. In British Columbia, I have about 400 staff, an annual operating budget of just over 20 million dollars,⁴ of which most of that's in salaries, and then some of it's for overhead. The biggest chunk of that's for detention and removal costs. In this region, we deliver all of the services for Citizenship and Immigration. So that includes for Citizenship, all of the ceremonies, the testing and ceremonies for all new citizens in British Columbia. Last year we did about 35,000 new citizens. It includes all of the services at the Ports of Entry for people that are coming into Canada as visitors: students, business visitors, NAFTA, or just tourists. It includes all of the services for immigrants that are already in Canada that are seeking to remain . . . If they're seeking employment authorizations from the system, getting clearance, facilitating individuals who again are already inside Canada, so they've gone through the Port, and they're here as visitors but wish to extend their visit as a student or as an employment authorization. The job is the specifics of dealing with our immigrant and visitor population here.

---

² CIC boasts a work force that is diverse in terms of age, race, ethnicity, and gender. The Department has a reputation of hiring and promoting women to positions of leadership, and my own experience of interviewing several women in leadership positions in NHQ seemed to resonate with this reputation. The work force is quite multicultural and multilingual, and in this regard, not at all consistent with the image of "whiteness" often ascribed to immigration officers by postcolonial studies.
³ There is also one head for the "international" region. So for the rest of the world, there's a sixth person.
⁴ Estimated expenditures on detention and removals alone in the response to the boat arrivals far exceeded the annual operating budget for the entire region at $36 million (as of 2000). These figures shift over time and are perpetually under negotiation.
That's just the service to clients, as well as all of the other things that come with running a regional organization: all the partnerships that are affected with other federal agencies, provincial governments, sometimes municipalities, all of the relationships to non-governmental organizations. And then, as a member of the executive team in Ottawa, the requirements as a part of that team to go back to Ottawa to assist in decision-making in all of the corporate, program, policy, operational issues in the Department involves a fair amount of travel and a fair amount of e-mail traffic back and forth to Ottawa.\(^5\)

CIC is a department with a diverse set of responsibilities that fall under the general rubric of being both facilitative of immigration and enforcement-oriented. At a regional level, the Department holds the same responsibilities. In the BC/Yukon region, over four hundred individuals police airports, other ports-of-entry, and international borders, and land thousands of immigrants and refugees annually. This means that everyday life at CIC is a complex network of offices, employees, policies, and responsibilities. The breadth of these responsibilities contrasts with the limited financial and human resources of the Department and sets the stage for what became a time of crisis when the boats arrived.

**The geography of the workplace**

The geography of the Department is key to my understanding of "the state" as an everyday practice. CIC has three offices in downtown Vancouver: Admissions, Enforcement, and Regional Headquarters where I spent the most time. The other two lie within a ten-minute walking distance from RHQ.\(^6\) There are also significant regional offices located in Victoria, at the Vancouver International Airport (VIA), and at the Douglas Crossing on the US-Canada border, the most trafficked of BC's international land crossings.

Many aspects of the workplace affirm my argument that the externalities of the bureaucracy function to conceal identity. Civil servants have been trained to move from office to office and function with minimal adjustment, regardless of geography, and the design of their offices reflects that reality. Like many business offices, the workplace conveyed a sense of sameness. Offices in Vancouver, Victoria and Ottawa all have signs outside that demarcate

---

5 Interview, Vancouver, August 2000.

6 Admissions on Hornby Street hosts the Regional Call Centre for anyone in Western Canada calling to find out information about immigration policies and the status of their application and deals with short-term visitors, refugees, and business immigrants to Canada. Enforcement is based at Library Square in the same tower as the Immigration and Refugee Board (IRB). There, employees work on detention and removals, marine arrivals, war crimes, and are divided into branches that specialize in geographical regions such as the Americas and Eastern Europe. While most applications are processed at a Case Processing Centre in Vegreville, a small town in Alberta, applications with problems and those that require further documentation or interviews are sent to Admissions in Vancouver. Interview, Vancouver, August 2000.
"Citizenship and Immigration Canada" rather than "Admissions" or "Enforcement." Inside, all consist of a floor with offices around the perimeter where occupants enjoy window views, and cubicles in the center. Desks have computers on them that attach users to a central network, swiveling desk chairs, cabinets above, bookshelves and file cabinets beside them. I was always surprised by how little workers did to personalize their space with decorations and personal mementos. Many had a few tasteful family photos, and the occasional photograph or objet d'art from an unusual place or event experienced in the field. But for the most part, there was an anonymity to the place that extended to the way in which people answered telephones. I always wondered if there were instructions not to personalize space, or whether this was in fact the culture of the place that had developed: one in which people moved around frequently between offices in different locations.\(^7\)

The floor where I spent most of my time was arranged around a central hallway with four elevators and four doors that opened to various parts of the inner offices. The micro-geography of the office reflected the power structures and centrality of different workers. The Regional Director General (RDG) occupied the largest corner office in a prime location overlooking an intersection that served as a center of the action in this busy downtown commercial district. The DG had a few administrative assistants lined up in cubicles outside this office, with a powerful Executive Assistant occupying the nearest desk. While several DGs moved in and out of the corner office during the course of my fieldwork, an even greater number of administrative assistants rotated through the cubicles.

Directly across from the DG's office were the offices where the communications employees worked. Their centrality reflected their central role in the day-to-day functioning of the office. Various managers occupied a number of private offices (with walls) around the inside ring of the floor, and the remaining employees occupied cubicles, with the exception of those working in intelligence. Intelligence analysts were the only employees with their own private office protected by reinforced walls in one corner of the floor. Everyone used an electronic key to enter the floor, but entering this corner office required an additional layer of security. This location reflected an attempt to protect and also separate intelligence. Despite

\(^7\) Other ways in which people occupied the workplace also leaned toward a sense of anonymity with regard to location. The usual telephone greeting, for example, was "Citizenship and Immigration Canada," unaccompanied by a branch that would specify the individual's location among his or her four hundred colleagues in the region. Managers and others higher up in the bureaucracy all had two phone lines: one listed on business cards but rarely answered and a cell phone that they did answer. Whichever they chose to pass on seemed to signal the sincerity of their intention to communicate.
occasional suggestions that they be integrated with co-workers, such integration never came to pass.

The third floor where I was seated opened onto a balcony above a busy street where a few smokers congregated for breaks. At the center of the office was a small lunch room with a coffee pot, microwave, and water jug where some met during the lunch hour.

The office was a quiet one. During my time there, I often noticed a silence that drew my attention to the constant hum of computers. One woman working there for several months on secondment from another office referred to it as "the morgue," and mentioned that people had even asked her to be quiet when she had gotten to laughing in her cubicle. She mentioned other incidents when co-workers turned down one another's phone ringers. The controlled air and tinted windows further subdued the atmosphere by blanketing the vibrant street life surrounding the building outside in a shade of gray even on the sunniest of days, a rarity in Vancouver.

While the architecture of the cubicle did not allow occupants much privacy, it did foster interaction between them, including ritual gatherings throughout the day. Employees' daily routines started early between 6:00 and 7:30 am and included ritual coffee breaks around 9:00 to 10:00 o'clock in the morning and lunch around noon. Most people traveled together to nearby coffee shops for breaks, and a smaller number would go out to buy lunch on any given day. On Friday mornings, employees gathered in the conference room near the DG's office for coffee and donuts. The day ended anywhere from 3:00 to 6:00 pm.

One DG at RHQ described the rhythm of his day-to-day: "There's a hum to this, although there's a lot of stress . . . you don't notice time go by because the time is all filled." Still others, such as summer interns and people on secondment who had perhaps not been as well-integrated into the office complained of boredom.

I sat a little ways down the hall from the DG and communications employees, alongside employees working in Information Technology (IT). IT services not only those regional offices close by that I mentioned, but also smaller and more remote offices located deeper into the interior of the Province, bordering Alaska, for example. This location gave me a sense of the geography across which the administration of the region unfolded every day. Calls came in from Vancouver Island, the airport, and the Douglas border-crossing that a

---

8 Interview, Vancouver, August 2000.
9 Interview, Vancouver, August 2000.
network or a computer was down, and IT members, all of whom carried beepers and cell phones, would mobilize to respond. They spent many long hours at RHQ and all over the Province. I witnessed their work in crisis-mode on several occasions when servers blew or something major had to be moved or reconfigured. I also observed the more mundane, yet equally important crises for those to whom they happened, most frequently, the jammed printer.

IT workers contributed to a sense of constant comings and goings from the office where people visited for all kinds of training workshops on other floors, meetings, and press conferences. The faces changed constantly at RHQ not only because of these more cyclical visits, but because of a high turnover rate in the bureaucracy as well. On a nearly routine basis, someone new would be shown around the office and introduced to everyone on their first day of work. People seemed transient because of internal moves or moves to other CIC offices, moves to other departments, or assignments in faraway places when offered a post abroad. Employees also traveled frequently between Vancouver and Ottawa.

The geography of the workplace thus suggests a network in action where employees circulate frequently among offices located throughout Canada and the rest of the world. They are linked to one another technologically through various lines of communication maintained by a hard-working set of employees in IT. The high turnover rate and the assumption that workers can be transferred easily among offices denies the importance of geographically-specific knowledge, institutional memory, and informal local networks that proved essential to the success of the response to human smuggling. The bureaucracy cheats itself with a false sense of sameness.

The crisis

Juxtaposed with the quiet "hum" of daily life at RHQ, it is difficult to overstate the terms in which CIC employees described their work experiences when responding to the boat arrivals. These descriptions usually involved animated facial expressions and hand gestures that conveyed an enormous sense of emotion and the feeling of being pushed to the edge. Respondents often likened the response to the boat arrivals to times of war and natural disaster. These metaphorical descriptions of the environment involved violence, danger, and threats to personal safety of both migrants and authorities who put themselves at risk in what were out-of-the ordinary work experiences on the water.
Descriptions of these times of crisis are best left to those involved. The following are interview excerpts with the DG at the time of the boat arrivals that compare his work life during times of crisis and "normal" times, a distinction that he and others made often. I asked him to describe his average day during each.

On an average day here, it starts every morning. The first thing I do is I review all of the incoming media clips that we get from Ottawa to look at any that are BC-specific. So that if there's something moving that's here, we have to do on an average day; house cards for Ottawa. Because if the House is sitting, the Minister goes in, she has to have her cards done. And we have about a two-hour window to get them done because of the time difference compared to Ottawa. So that's the first thing we do every morning is to review the clips and see if there are any updated house cards that are needed on media issues that are out there. And then usually, your day is booked around a series of meetings and events that can be anything from dealing with partners to dealing with issues within the office or in the region, HR [Human Resources] issues.

The two priorities on a normal day are a daily review of media clips and house cards for the Minister. This orientation of the DG extends to everyone working under him or her and shows the authority available to those in Ottawa, highlighting the link between scale and work priorities. Ottawa's needs always "trump" other aspects of the workload.

AM: Now, you mentioned the crisis versus the non-crisis day. What makes a day a crisis day, typically?

R: A day becomes a crisis day when you have a bad case that's become all-absorbing or when you have some incident which was unpredicted like the boats, that then requires a focused response. Or when you have something that all of a sudden hits you. Not a bad case, but unexpected: a leak of some nature, some document in your region, or some local issue in your region that affects staff or something, and it's about to blow... It isn't so much a bad day as it becomes a day where you have to give up your agenda, the meetings. Whatever you had going gets cancelled, and you become focused with a small group on that specific issue or problem, and you're trying to manage it.

This theme that everything changes during times of crisis was recurring. This was the DG's "generic" description of an average crisis day. But the boat arrivals far exceeded the "average crisis" and changed everything in the workplace:

Everything changed completely. From the first boat, from its sighting... And I remember it well because on the 19th of July I was at the airport and I was on my way to Ottawa to go to another meeting, and I got called at the airport in the lounge by [a colleague] to say that a boat had been sighted that fit the profile. And my immediate reaction was, "Can you just manage this for a couple of days while I go to Ottawa?" And he said, "I think you need to stay here." And of course, he was right and I did stay, and from that moment on, my complete agenda became nothing but the management of these arrivals and the processing of these migrants which occupied all of my time and all of my space from 6 o'clock in the morning sometimes until 10 to midnight at night, seven days a week for that whole time period from July the 20th to the end of September...
You manage something like this, which is a duration of well over two months, it has significant impact on you, on all of the people around you. And one of the biggest impacts is that you stop doing everything else that you would have normally done. And the organization's management team becomes completely a team that is focused on managing these boats.  

An official higher up in the Department at NHQ in Ottawa recalled vividly where he was and what he thought when he saw the first images of the first ship on the water.

*At the end of our interview, as I was about to leave his office, John recalled seeing the image of the first boat. It was right before he was meant to leave for vacation, and he told me that he thought to himself, "This is the beginning."*

Fieldnotes, Ottawa, March 2001

Like other officials who had been watching high seas interdictions on the rise in the US and Australia, he sensed that this was the beginning of something different for Canada, and he was right. This feeling of crisis began with the first arrival and continued beyond the fourth. This was the context in which decisions were made and policy devised within a Department in crisis because it was under-staffed and under-resourced.

The boat arrivals marked a cathartic experience for all involved at CIC, one that not only signaled a change, but caused them retrospectively to distinguish between a time before and a time after, both personally and professionally. For some respondents, this was the "biggest" thing that had happened to date during their career.

In all of my nineteen years of service, I had never lived anything like it. And Frank, who had thirty-two years service, said in his thirty-two years in immigration, he'd never ever lived through a period like that where there was that kind of focus and pressure and stress in the organization.

It matters that the boat arrivals were a crisis for people responding, and I will return to the implications of a state in crisis later. Stress levels and emotions were high, and people were exhausted. A "beleaguered bureaucracy" (cf. Morris 1985 with reference to the INS) to begin with, as a bureaucracy in crisis, CIC was stretched to its limit regionally in terms of both the costs of the arrivals that far exceeded Regional Headquarter's entire annual operating budget and other resources. Everyone was involved, which meant that people and other resources were diverted, and the Department was "bifurcated" regionally.

The clients still come through the front door; the citizens still get their citizenship. So the rest of the organization has to keep working because the applicants don't stop; the processes don't stop.

---

10 Interview, Vancouver, August 2000.
11 Interview, Vancouver, August 2000.
So you bifurcate your organization. And you have one part of it which is continuing to process as best it can the clients who are coming in through the ports, in the downtown offices, et cetera, and everybody else in the organization who would have done anything else is completely diverted to assist with the crisis that you're working on.\textsuperscript{12}

AM: It sounds like the workload for you and for your agency overall practically doubled.

R: At least.

AM: At least. So what were the additional resources - you mentioned in the beginning a huge budget that far exceeded your -

We put the call out and brought people in from back east. So we got some staff that came from back east. We also took some of our own staff, for example, examination officers at ports of entry and moved them over to Victoria, and then when they left the ports of entry, we brought back retired staff and others, casuals and so on, to backfill while they were gone. So we either did it internally within the region, or we got people to come from back east to do it... we were hit hardest on our corporate side. Corporate means communications, human resources, finance and admin. Because basically what happened there was we just diverted our corporate resources into managing this... So it meant that communications was doing only this issue for two months, nothing else. It meant that the human resources side of it really, really does get deflected.

Hence the disruption to the organization at this time reached far and wide beyond the sites of interception, processing, and detention and into the corners of every office that lost managers, translators, and immigration officers. These statements reveal a bureaucracy caught unprepared for this response and stretched to the absolute limits.

Being under-resourced meant that the contingency of a successful response rested on the performance, work ethic, and leadership of employees involved. While people worked tirelessly to coordinate resources and communications behind the scenes at RHQ in Vancouver, still others worked in other pressure-filled environments on the frontlines during First Response on the water and during Second Response at the Workpoint Barracks where migrants were processed in Esquimalt. There, managers and immigration officers felt the impact of slow decisions and the need for resources to come together and all manner of collaboration to work as quickly and smoothly as possible. They embarked on the implementation of familiar processes in the context of unfamiliar surroundings with smuggled migrants and enforcers on a military base.

Processing the first two boats of migrants proved particularly challenging. When the first boat was sited, CIC employees had only twelve hours to set up Workpoint Barracks. They quickly devised procedures for processing and then adjusted and improved them over

\textsuperscript{12} Interview, Vancouver, August 2000.
time. In interviews, respondents recounted time at Esquimalt marked not by days but by boat. "The first boat was a really long process. They were starting to make plans to try out different things, and I helped with that. In fact, by the time I got there, everybody was bagged."  

In addition to setting up procedures to provide due process to refugee claimants, people working the Second Response in Esquimalt attended to health and safety issues while also remaining flexible to attend to logistical issues.

AM: It's so interesting to me, just all of the logistics involved.

R: Which is huge! These poor people in Victoria just went mental because all of a sudden they get a boat, so they'd be phoning around, like ok, I need 20, and then you think of the [motel] rooms. Because you have the officers, you have the MRT, the translators.

Of all of the logistics involved, locating skilled and available translators proved to be among the most challenging.

We had a hell of a time with the translators last year. We were flying them in from Toronto to Vancouver! I'm serious!

AM: So you didn't have translators in Vancouver?

R: We didn't have people. Because part of the problem is you want security clearance.

But it was just getting people short-term released. I mean people have jobs. So last year was bad. I mean we said we wanted people, we were calling up groups, calling up this and that: you know we need Mandarin-speaking people. And then they'd get over there, and they'd think, they didn't like the environment. So by boat 3, I said, I want to hold a briefing. So all these interpreters came in and we had a little briefing, and said, "This is how we want you to do it." Well, we tried to get 20 to 30, because we needed so many, but I don't think for boat 3 that we even had that many. At the end of it, one guy came up and said, "Well I don't speak Mandarin, I only speak Cantonese." What the hell are you doing here? And another one said, "This just isn't for me," looking around. And they'd literally flown over on a plane that afternoon, and were just on a plane two hours later that afternoon leaving. And some were just terrible. They just made the translations terrible.

And then accommodations, and then supplies. It was just constant. Like DND would want [something], and they needed bras for the ladies, so somebody would have to go out to Kmart to get bras for the ladies. I mean there were just so many things! It was just huge last year.  

Logistics alone overwhelmed those coordinating this work in Victoria and Vancouver. Other logistical challenges included finding medical personnel and equipment, such as an x-ray machine.

---

13 Interview, Vancouver, August 2000.
14 Interview, Vancouver, August 2000.
I remember phoning Health Canada, and they said, If it's a quarantine issue, yeah, I'll talk to you, otherwise talk to provincial health. And I was boggled. I said, I need an x-ray machine! I have to do x-rays of all these people for TB. Where the hell am I going to get an x-ray machine? You can't go buy those things. You can't rent one. That was a big thing. I'm an immigration officer. Where do I get an x-ray machine? (Charlton et al. 2002: 39).

Employees also had to figure out how to secure the base, and the logistics of coordinating such a great number of people was challenging. Once enforcers had been separated from clients (for the most part), the atmosphere at Esquimalt was busy but relatively calm most of the time, despite the large number of people and ongoing activities.

AM: How many people all together were working over there at a time?

R: Let's say in the gym, if we were interviewing, they'd have this hot, hot gym. And there would be say 150 migrants, 40 cops maybe, maybe 40 milling around, maybe 30, and officers: 10 to 15, and then that would mean 10 to 15 translators or 20 translators. I mean it never always necessarily looked like a lot because people were going for breaks and that, but there could be a lot like in the morning for the briefing.

AM: That is a lot of people. What was the environment like there? Was it calm? Was it hectic, noisy?

R: It could get really hectic. For the best part it just was calm. Especially once the migrants were there for a few days, and they're sleeping. You kind of got to know a few of them that would say "hi" to you when you walked by. The kids were really cute. And one of the mounties, he was really good, and he went out one day and he bought - out of his own money, because there wasn't really a whole lot - so he bought a basketball. And it was so cute. There was this one mountie who was like 6'8" - so you can imagine some of these little migrants - and they just moved - the way the gym was set up - they just moved some of the cots back and they had this basketball game going and it was really cool.

But for the most part, I mean you're in the gym together, it was pretty laid back, especially with the Island guys, the Island mounties playing with the kids. And then they'd go out in the exercise yard. For the most part it was pretty calm. It would get a bit hectic with the showers and that because they'd be lined up with the excitement. You'd come in in the morning, and it'd be a bit loud. But for the most part it was fairly calm, and they were just moving people around.

Many employees working in Victoria and Vancouver described physical and emotional exhaustion brought on by stress and being overworked.

It is completely emotionally draining. In the normal working days and weeks when I would go home at 5:30, 6:00 pm, I could take work home with me in the evening as I would often do, and

15 For this task, they consulted the RCMP and BC Corrections managers.
16 Enforcers were never all identified and separated.
17 Mounties is a term for officers of the Royal Canadian Mounted Police (RCMP).
18 RCMP police officers based on Vancouver Island.
19 Interview, Vancouver, August 2000.
work for an hour or more in the evening in preparation for the next day... In the times of boat crisis, when I might have got home at six or seven at night... I was completely unable to look at anything else. I was completely exhausted. I had no energy, I had no desire, I had no care. And so I just stopped doing it.\(^\text{20}\)

This statement from a dedicated, long-term manager suggests the extent to which people and the organization as a whole were stretched and exhausted.

When asked to describe how the boat arrivals affected them personally, some described the stress that being overworked placed on their personal relationships with partners and other family members. One manager spent so much time worried about a potential leak of information pertaining to the boat arrivals one weekend that his wife confronted him concerned that there were problems in their relationship that he had been hiding from her. Still others joked about designing t-shirts that said, "Not tonight honey I have a migrant." The demands placed on employees were tremendous, and humor was a coping mechanism.

All aspects of this logistical crisis were amplified by the constant and noisy presence of the media throughout the response.

**The fishbowl**

In interviews with people in CIC, the most frequently cited source of stress in the response to human smuggling was the need to interact with and manage the outside world or external environment, constituted not only by traffickers and their clients, but by other institutions within Canada: other federal departments, provincial ministries, lawyers, advocates, NGOs, and suprastate institutions. The most stressful part of the external environment were the media.

It is important to note here that the DG's descriptions of both crisis and non-crisis days revealed that *every* day began with analysis of media representations and held the potential to revolve around media representation. A "crisis" day involved representations and information not yet reigned in and under control. One reason why the bureaucracy seemed closed, distanced, and attempting to contain the situation, according to interviews, was the climate created by the media. As events unfolded as a crisis in the media, the media became part of the crisis engendered by the boat arrivals for the federal government. The boat arrivals were a crisis, *not* necessarily for the nation, but certainly for people in government.

\(^{20}\) Interview, Vancouver, August 2000.
When I began this ethnography, what surprised me the most was the extent to which the operation of the bureaucracy was oriented to responding to the media. From the office layout to the architecture of daily routines, media representations and public opinions were tantamount to everyday life in the bureaucracy and were shrill in 1999. Many respondents complained of the general media climate and its pervasive impact on their day-to-day work. One long-term civil servant referred to this climate as "gotcha journalism," a shift he associated with the Watergate Scandal in the early 1970s that led to Richard Nixon's resignation as United States President in 1974. Respondents explained repeatedly that the media created a climate in which "people in government are not allowed to make mistakes." This reality impacted their work to the extent that they anticipated media coverage and the assignment of blame like moves in a chess game.

The most powerful expression of this reality is the way in which not only the DG, but all CIC employees at RHQ start every day. Every morning, employees receive news clippings across email that include every mention of CIC in the news the day before. So the start to every day for employees entails thinking about how they were portrayed by the press the day before. There was a running commentary in the lunchroom and across e-mail exchanges about certain journalists who were the least forgiving in their commentaries.

For managers, DGs, and the communications department, these morning clips were not only how they started their days, but sometimes how they spent their days, as illustrated by the DG's comparative descriptions of a normal day and a crisis-oriented day. During "the summer of the boats," the DG of RHQ started every morning by reviewing multiple newspapers and daily television news shows and analyzing them with communications employees. A leak or negative portrayal could throw the office into disarray until appropriately and adequately handled. In my review of in-house files, I read entire e-mail exchanges spread over days among a group of employees spread geographically between Vancouver and Ottawa regarding statements that had been made in the press. So the daily work of responding to the media was partly reactive:

You would start in the morning. And you just completely become fixated on one issue only. And your days become patterned because you come in at 6:00 to 6:30 am,\(^{21}\) and you do clips first. Your media focus and attention goes from being here in the morning 20 minutes to being an hour to an hour and a half because there was so much more to focus on, so much more to look at. So that by eight o'clock, you've gone through everything. You'd do the clips and that morning you'd read

---

\(^{21}\) This is close to when Ottawa’s work day starts with a three-hour time difference.
about what the media said about you yesterday, and you'd then determine were they accurate or not, did they get it right? If they didn't get it right . . . that becomes part of your work for the day.

But work with the media was also proactive as bureaucrats attempted to predict what the media would say and do:

Then, we've got some things happening today, we're moving some people, blah blah blah blah. The media will know or want to know. How are we going to manage that? So you set up: are we going to have a media conference today? If so, who's going to do it? What are our Q & As? What are we running here? What lines are we putting out? And what are our anticipated questions from the media, and how will we respond? Work that through. So you're reacting to yesterday, you're getting ready for today, because you're doing some things that you want to tell them about. And then you're trying to think about what else do you think they're gonna ask us that isn't necessarily a today issue but might be coming at us from left field? And so you're working through all that in your mind as well.

This powerful quote relays the extensive work put into dealing extraordinarily proactively with the media in triple time, thinking about what was published yesterday, what might come out today, and would likely arise tomorrow. Far from extraordinary, however, this relationship with the media was routine fare. Extraordinary during the summer of the boats was the extent of the craving held by the media for information from CIC. Attending to the media with the usual combination of sensitivity and rigor generated a crisis.

These anxieties suggest a perception that there would be dire consequences when mistakes were made before the press, a reality that compounded the stress of these interactions.

And then your spokesperson that goes before these cameras that are - some of them are live - we were on live feeds back to CBC Newsworld or CTV Newsnet. I mean these people are being seen across the country. So it's really important that [they] project images of knowledge, of understanding, and don't get riled, don't get emotional. And we were lucky because we had good spokespersons who projected those kinds of images. And all of that is some luck and a lot of hard work and preparation.

Despite extensive hard work and preparation not to convey emotion, the media always managed to throw something unexpected their way.

And usually, every day, there would be one item in the media that would come out, a press story or something that was totally unexpected, unanticipated: something that we couldn't predict. And so when that was happening, you had to have a capacity with the unexpected, the unpredicted, to be able to take it and figure out how to manage it as opposed to take it and fret about it and worry

22 English and American audiences will note that CBC is the public channel equivalent to the Public Broadcasting System (PBS) in the US and the British Broadcasting Corporation (BBC) in the United Kingdom. CTV Newsnet is the corporate Canadian equivalent to CNN in the US.
about it and let it eat you up. The need for flexibility, the need for understanding that a lot of what was going on wasn't within our control - would come from outside - was fundamental to knowing: given that reality, you'd better be able to make the time for the unexpected and manage back.

Because of the dramatic nature and excessive coverage with which the press responded to the boat arrivals, human smuggling for CIC became synonymous with excessive media coverage. Excessive coverage meant that human smuggling was synonymous with a crisis in the bureaucracy, not only because of the logistical and operational work required, but because of the extraordinary resources invested in working with the media.

National Headquarters also invested significant human resources in the response to the media. They subscribed to various media services and employed an in-house team of five people who gathered, analyzed, and circulated news clippings.23

In BC, from their presence reporting on each interception, to the base where they peered through fence holes during processing, the media were a constant companion during the response to the boat arrivals. If the media presence proved domineering in office life, this effect was multiplied on the ground, or in this case, on the water.

Figure 5.1 here: Aerial photograph of interception and media

Figure 5.1 shows an aerial shot of the first ship intercepted in Nootka Sound on 10 July. As responders approach from the platform ship, the Coast Guard's MV Tanu, via RCMP zodiac, a boat and a float plane filming coverage hover nearby. During interception, various media outlets competed with one another to film coverage on the water. I heard a story of media workers drawing straws to get out on a shared boat on the water. Their technological presence challenged governmental authorities who were forced to compete for satellite space with cell phones and to find land lines for more secure communications. CIC also struggled with the media to protect the anonymity of the migrants.

Media communications remained central to the governmental response and exemplified the need to control information and to promote the image of being in control. This feeling of constantly responding to the media left bureaucrats with feeling powerless. "More than anything else, communications dominated all of it and completely absorbed us each day as to

23 Interview, Ottawa, March 2001. To contextualize this investment in human resources, there were only three people working in intelligence in the entire BC/Yukon Region, only one of whom was assigned to gather intelligence about smuggling movements.
how [to respond]." And through the media, they sought tirelessly to convey a sense of power, of having the situation under control. Nonetheless, with regard to the Fujianese refugees, the federal government was rarely portrayed by the media as being in control (Hier and Greenberg 2002).

The importance granted to the media manifested in the primacy and power of the communications branch within CIC, referred to by one person I interviewed as "the tail wagging the dog." Not just anyone in the bureaucracy could respond to the press, and only on occasion did those on the frontlines communicate directly with the public. This branch faced a tremendous amount of pressure in Ottawa and especially in BC where they accepted interviews and conducted press conferences for local, national, and international news outlets.

Every day, that office, which is just across from me here, had two phones in there and they would ring constantly the whole time all day. So [they] had stacked up calls, people to get back to. [They were] getting help from staff, but this was the kind of pressure that [they] had.25

In relation to the 1999 boat arrivals, this resulted in an interesting chain of command in which people operationalizing the response actually needed to run their work by communications first, a practice that met with a healthy degree of cynicism among those working in "ops."

People on the frontlines at Workpoint Barracks perhaps felt more than others the extreme pressure of the media. Once the boats had been intercepted and the migrants entered into processing at the base, the media still clamored for coverage and set-up camps along the perimeter. One person working on the base described the media presence: "The stupid media . . . they would be camped around the fence at little vantage points. They were filming through the fence. That drove me crazy."26 Another person working at Workpoint Barracks with many years of experience as a civil servant described this experience: "The media scrutiny was something I've never experienced. They were on us like hawks all the time. Vultures. We couldn't walk from the gym to the trailer.27"

Other parties in Esquimalt were adept at working the media to their strategic advantage to add pressure to CIC to advance their own agendas. Lawyers attempted to gain access to the

24 Interview, Vancouver, August 2000.
25 Interview, Vancouver, August 2000.
26 Interview, Vancouver, August 2000.
27 Interview, Vancouver, April 2001.
migrants and local residents angered by all of the commotion\textsuperscript{28} suddenly taking place in their quiet neighborhood called press conferences of their own and challenged CIC.

[The neighbors] were complaining, and they would get the media down there, and they would complain to the media because there was a lot of traffic... And they were scared too when people got released... So you know this nice quiet little neighborhood, and they had the use of this gym, and then all of a sudden it turns into this camp. They had a town hall meeting. Poor Ron kind of got roasted; he was like the sacrificial lamb... You know they were phoning their MPs and then one guy would get the press down there.\textsuperscript{29}

These parties were thus able to provoke the media further, all of which intensified the pressure on CIC employees at the base and required diplomatic responses on their part.

In interviews, respondents repeatedly brought up the media as the most stressful aspect of the response to human smuggling. A manager working at Esquimalt said, "Everything you did, you were in the fishbowl. I just waited for something to go left."\textsuperscript{30} The "fishbowl" was a recurring phrase in interviews and a rich metaphorical description of work in immigration during that time: the feeling of being constantly watched.\textsuperscript{31} The fishbowl is the embodied state: the place where people go about the day-to-day work of enforcement and facilitation - the management of transnational flows - under the constant surveillance of the media.

With the media as a constant audience, the bureaucracy seemed willing to work as proactively with them as possible. While employees in communications did not work directly with clients, they were among the first flown to sites of interception to begin working with the press. There were daily press conferences during the First and Second Responses. Some in CIC were critical of these interactions. In interviews I always asked people what role the media played in the response. Respondents' verbal answers were often accompanied by powerful body language: sighs, slouches, groans, a roll of the eyes, a shake of the head, and a look of utter frustration that came over them in response to my question. Note the visceral terms with which one CIC employee described the relationship and its impact:

We couldn't get out in front of the cameras fast enough. As soon as another issue came up, we were arranging to get in front of the media again. They were all slobbering. They wanted us. They could smell blood.\textsuperscript{32}

\textsuperscript{28} Local residents complained about the impact of barbed wire, police cars and dogs, construction, and traffic. Their complaints grew more vociferous as the infrastructure and subsequent footprint grew over time.
\textsuperscript{29} Interview, Vancouver, August 2000.
\textsuperscript{30} Interview, Victoria, March 2001.
\textsuperscript{31} This is an interesting twist: states are often thought to be the agents, rather than the object, of surveillance; but these findings correspond with the overall feeling that bureaucrats expressed in interviews that they often feel quite the opposite - in the dark.
\textsuperscript{32} Interview, Vancouver, April 2001.
This statement not only critiques the media, but also the proactive stance taken by CIC during the response. His remark begs the question of the "chicken and egg" relationship between the government, the media, and the public more broadly. The relationship between CIC and the media during that time can be characterized as both antagonistic and symbiotic. CIC employees complained constantly, and yet also constantly worked with the media. They complained about their coverage and yet understood implicitly how important it was that the public be informed and that the government be portrayed positively. On a number of occasions, I asked people in interviews what would happen if they simply ceased behaving so reactively and proactively with the media. Often this question elicited a disbelieving facial expression and a silence that seemed to suggest my naïveté.

The media climate dominated to the extent that it impacted upon everyone's daily work. This impact was not only professional, but personal as well. Those required to go before the media - especially those not in communications - worried about their careers. One manager explained, "You're so tired, and you could say something that would haunt you for the rest of your life. There is always the potential to go left.\(^{33}\) So this fear that something would go sour, or "go left," extended beyond professional concerns to personal ones with the constant knowledge that one's career hung in the balance during conversations with the press. In the event of a mistake, blame would eventually be assigned. Furthermore, CIC officers often felt scorned in the press for their work, and comments regarding their professional work turned to derogatory personal humiliation. Two exhausted managers addressing a mistake were portrayed as two "red-faced immigration officers" under pressure. Accusations during press conferences evolved into this image on the front-page of local newspapers the following day. One brought up this incident in our interview, a memory that had not faded.

The media were not only critical of work at the base in Esquimalt, but for the duration of the entire response, from interception to deportation. For some civil servants involved in these events, their observations of the interactions with the media opened their eyes to the close relationship between public policies such as detention and the media, as exemplified by the following exchange:

AM: Would you say that this experience somehow changed you as a civil servant?

\(^{33}\) Interview, Victoria, March 2001.
R: Nope. I don't think so . . . I just think it was an interesting experience. I think it made me realize how easily the government is swayed by media and public perception. You know my big thing was: people would say, "You know, I don't know how you're letting these people in." And I would say, "You know, I've been working with refugees for years at border points and inland. They're coming in every day at our airports, way more than this, and we're not lockin' 'em up." So it pisses me off a little bit that we're doing all this just because of media and [public] perception. And I think, "Well look what's coming in at Pearson [Airport in Toronto], look what's coming in at VIA! Lock 'em up! Let's be consistent. And I have a problem with that. So all it did—it didn't change me—it just made me realize that government doesn't have any backbone. They don't have any backbone, they really don't.

AM: Why is that?

R: They're so concerned about public perception. Because the laws are there. We're just not allowed to enforce them a lot of the time. That's what's frustrating . . . They'll say look, we've got this legislation, aren't we the best? We're gonna be tough. . . At VIA, they just cut 'em loose, cut 'em loose, everybody's just cut loose. And then we've got these guys.

AM: So what is the fear of the public? I mean, what's the worst thing that could happen? Just severe criticism?

R: Yeah, because what else could they possibly do? 34

The fishbowl consisted of a climate in which "people in government are not allowed to make mistakes." This powerful statement conveys a sense of fear among bureaucrats with regard to the media and provides an interesting contrast to the image of the immigration officer as a powerful figure. Most expressed feelings of powerlessness with regard to the media, a feeling taken to new heights during the summer of the boats. This relationship between the media and state practices shows that federal departments negotiate for power through the media. But in so doing, they make themselves vulnerable. With an asymmetrical investment in information coming into the Department (less) and in information going out (more), mistakes happen and bureaucrats steel themselves for the assignment of blame.

New roles and collaborations

The strains placed on the bureaucracy in terms of shifts in human resources resulted in many employees playing new roles during this time of crisis, some of which were discussed in chapter four. Managers working on removals in the enforcement branch found themselves practicing "quasi-diplomacy" in negotiation with authorities in the PRC. Accountants and IT personnel who spoke Mandarin found themselves communicating with migrants and

34 Interview, Vancouver, August 2000.
smugglers and even boarding ships. And still others were pulled from their normal jobs to do the same kind of work in an entirely different environment at Esquimalt.

These new roles also coincided with a series of collaborations that were new for the Department yet required of its response on the water. CIC collaborated with people at all three levels of government, as well as non-governmental institutions. Some of their greatest challenges involved working with other agencies or "partners," which one person identified as "the single greatest challenge."\(^{35}\) Having done the recent tabletop exercises as well as training in Incident Command, the operational responses went relatively smoothly and, surprisingly, did not pose the greatest challenge. But once again, working with the media alongside other institutions proved difficult. Speaking of some of the "unexpected" issues that arose during the response, one manager said:

Some of it had to do with partnerships because it was more than one agency that was involved, and who was saying what to whom, and getting their stories aligned correctly, and saying the same consistent thing. I think that of all of the things that we learned in terms of this issue, in terms of the arrival of boat migrants, that the single greatest challenge is not doing the operation, is not interdicting them and bringing them in, it's not processing, it's not detaining them, it's not removing them, all of which we do and I think we do more or less fairly well. It's working with your partners to manage the issue so that you aren't in fact negating or making yourself look bad because you're clearly not working together. So our partners were RCMP, DND and Coast Guard, and there was a constant struggle because they all have pieces of this in terms of who would say what in terms of what issue, and how it would be released, and what we would do.\(^ {36}\)

This statement that, among all of the challenges faced, media coordination proved most difficult, suggests that the management of immigration relates closely to the management of optics. Regardless of the number of governmental agencies involved, it was the public image of CIC that was most at stake because it was seen as the federal department responsible.

We were defined as being the lead agency. That happened because it's migrants. Nevertheless, some pieces of the process, we don't have. They're migrants in the end, so they're ours. If [another department] screwed up, it's immigration, and we would get calls about something going on. If [another department] would do something that again was seen negatively, we would get calls. So the need to work across partners, not just with communications, although communications was critical, but also from the operational standpoint, is the single greatest challenge in being effective in doing this kind of work.\(^ {37}\)

CIC assumed responsibility for explaining operational issues and managers described this as both a burden and an opportunity to be the lead messenger.

\(^{35}\) Interview, Vancouver, June 2000.
\(^{36}\) Interview, Vancouver, August 2000.
Collaboration posed additional challenges. CIC employees described experiences that related to distinct cultures among departments in their interactions with others. One CIC person involved in the response on the water explained how strange it was for his colleagues in the military to be carrying out operations alongside federal employees without a ranking system, a clear chain of command during operations on the water, and a slew of patches on their chest as the embodiment of more militarized relations.\textsuperscript{38}

People working collaboratively in Esquimalt also worked through cultural and mandate differences between departments.

The first two boats had a bit of tension with the cops doing security and what not; and by boats 3 and 4, it went a lot smoother. I realized that we had to work together, so I tried really hard, and I got on quite well with them. . . People would complain, and we'd run out and put little fires out.\textsuperscript{39}

These shared experiences and exchanges did sometimes highlight differences of opinion with regard to immigration matters.

I mean nobody really hated [the migrants]. The snakeheads were a bit nasty to deal with - they were separated. But I don't think anyone did. Initially there was, not from immigration, because we're used to this, I mean you don't blame these people for wanting a better life. There's no point in getting angry at them. That doesn't mean I agree with it, with what they're doing. But there's no point at getting angry. But some of the mounties have that a little bit. You know, like you'd try to explain the legislation to them and they would just say, "I think we should just send them back." Well . . . what are you gonna do? Why don't you just take your gun and kill them right now, because that's what would happen. You know, I'd get really annoyed with them. . .

And a few were really good. Like they'd say, "I don't understand, how does this work?" And then you'd sort of explain . . . "This is how it works." You know, you ask Joe Blow on the street, they have no idea how immigration works, the majority . . . But for the most part, they were pretty good, and I think they walked away with a better understanding of immigration and the difficulties. And you know, it's the same thing for them. You can arrest a guy on the street and he's out in the afternoon, and I could say, you didn't do your job. Well it's got nothin' to do with you. It's just the way the legislation works.\textsuperscript{40}

But again, it wasn't necessarily a cop mentality. It was more of a Canadian mentality in a sense. Like why can't you do this? People would say that to me all the time. It did start to really frustrate me.

AM: They'd say what?

"Why can't you just send them back?" You know, and then I got to the point of saying, OK, that's not an option. Use your brain. Are you smart enough to come up with something else? No? OK,
well I don't want to hear that. Because even if you say to people, ok, they would die. There's no food, there's children on there, they would die. Well I don't think they should come. OK, well come up with another solution. I'd start to get a big frustrated with it, you know?

Two tensions emerge in these statements that I introduced in chapter four. The first relates to the tension between CIC and the RCMP, a more enforcement-oriented federal department. The second relates to the overall mindset of people who enforce Canadian borders and feel limited in their capacities.

Overall, then, there were tensions, but also productive exchanges between civil servants who were members of different departments involved and who found opportunities to learn from one another. These exchange and collaborations extended to all levels of CIC during the response, including NHQ where the Minister wrote Memoranda of Understanding (MOU) to task the military to perform operations, and people working directly below her met routinely with an interdepartmental working group to work through issues collaboratively.

**Leadership**

The boat arrivals certainly placed enormous stresses on institutional figures of authority with ultimate responsibility for the successes - or failures - of an operation. These strains, shifts, and demands provoked everyone to draw on personal and professional resources that were normally not required on the job. Extraordinary circumstances drew out leadership capacities at all levels of the Department, from the Minister and those supporting her to middle managers to employees boarding ships on the water.

This was true in the case of institutional authority and in leadership skills exercised in more informal ways, in terms of those small creative, ingenious, or heroic acts that make things happen. I heard many such stories about successful working relationships built on trust with others such as the military. I heard about small acts of humanity performed in the response. I also heard about the support and understanding required of those involved within CIC, among the work-horses at the base and in the office.

The following excerpts are taken from an interview with a manager discussing her experiences at Esquimalt. These experiences illustrate leadership, hard work, the exhaustion of those responding, and a sense of crisis and just "getting by:"
Boat 1 wasn't bad. There was long hours, put in a bit of OT... Boat 2: ah, long hours. There seemed to be a lot of pressure to hurry this through, so we were under a lot of pressure to work. That was quite stressful. I was so tired! The longest stretch I did I think was about 34 hours in a row... What happened was I was busy getting ready. They said, "Well, can you do this?" And I got a big panicky, and I was out all day and then I remember going to the airport and I worked 'til midnight getting ready, and doing all this stuff, then all of a sudden, boat 3 came, and we weren't ready... We worked all day, and then literally raced home to get my stuff because we had a four o'clock flight to Victoria because we knew that they were on their way down with the migrants.

So we got over there like at 4:30, got to the base at 5, had to make sure things were set up. Just started working, working, working. The officers showed up, [we] did a briefing. The interpreters showed up, [we] did a briefing. Sent the officers home because the boat didn't come in - or the buses didn't come in until like 3:00 in the morning, and we started the process. We didn't finish until noon the next day. It was a really long process.

I remember at one point, I'd forgotten it. I was sitting at a desk, I was writing something, and my head just went down, clunk. And [my supervisor] goes, "Wake up! You can't sleep yet." And it was like one o'clock in the afternoon, and we seriously had been up since 7 the morning before.

[I was] exhausted. 'Cause not only was it the sleep, but it was just all these issues we were dealing with. And then we went back in and then the long hours, and then mostly what I found was: I tried to send the officers home at 6 or 7 because they'd been interviewing all day, and I would just be pulled in a million different directions: we need this, we need this, the cops want this, somebody wants that. It never stopped all day. The only time I seriously would sit down was we'd go over the mess for lunch, and I'd sit for 15, 20 minutes, and otherwise, I never sat down. And then I'd send them home, and I'd still be there, because they wanted to brief this, they'd want to do that... Then, by the end of it, I think they were getting a little worried because I was getting really tired and punchy. And they said, well, just in case there's another boat, why don't you go home for a couple days. So I went home, did some bills, came back.

When I came back, I sent everybody home. And I walked in one morning and there was a bunch of stuff to do, and one of the mounties says to me, "Hey, did you hear there's another boat?" And I went, "Yeah, you're pulling my leg." Because they were always buggin' me and stuff. And he says, "No, there is." "Yeah." (joking) Finally, I was like, "There is? Holy shit!" And as it turned out, I was the only one there from Immigration. I had 190 still in the gym. So then of course [different agencies] start to phone... and I'm the only contact! That was the most nuts I've ever been in my life. We still had boat 3 in the gym, and they went off to get boat 4. And everybody had gone home.

Oh and they phone and says, "The Minister's coming out for a visit, can you give her a tour?" I'm a little busy! On top of all that. Then she showed up and I had to give her a tour! I mean, there are moments when I just said, this is absolutely nuts... by that time I was just on adrenaline.

One of the most telling moments in this narrative was the arrival of the Minister, an added layer of stress. Far from unusual, these experiences were typical among managers involved in First Response on the water and Second Response in the base. Another manager was up for a 72-hour period during that time with only occasional naps to sustain her.
This was a time in people's careers when they were called upon to perform extraordinary duties during extraordinary times, and many rose to the occasion and were recognized and rewarded for their work with awards during the ensuing months.

"Command Center"

Fascinating to me was the amount of time invested among a small group of people doing the work of many. The "command center" at RHQ reinforced this façade. While interceptions occurred off the waters of Vancouver Island and the Queen Charlotte Islands, hours away from downtown Vancouver by plane, RHQ served as the central base of command during the response and the primary node of communications between those agencies involved in the interception from Vancouver Island, regional leadership in Vancouver, and national leadership in Ottawa. This experience again highlighted for regional CIC employees that they were understaffed and otherwise under-resourced. In keeping with the metaphor of the Wizard of Oz, the moniker of the "Command Center" at RHQ gave collaborating agencies the impression of a sophisticated center of operations. This was a running joke to those involved from within CIC who knew that Central Command consisted merely of one individual working in one of many small cubicles at 800 Burrard Street, rigged with the same computer and telephone as the rest. The major difference was that a foldable cot was moved in for him to sleep during nights when an interception was underway and he had to stay at the office to receive calls from BC and Ottawa. On many occasions, his was the only desk light on well into the night, and his co-workers would bring him breakfast when they returned the next morning. This reality highlighted the demands placed on a department that was too small to begin with and not at all resourced to do this kind of work. It also underscores the contingent nature of policy on human smuggling.

"Policy on the fly," public opinion, and political contexts

The Minister was so public, as she has been, a number of times that she's spoken on it, she's said, we have to focus on the smugglers. We have to stop it where it starts over there. If it doesn't, if it gets here, we have to catch them, we have to try them. We have to create the disincentive. We have to wherever possible detain when it makes sense and remove when people have exhausted all processes. We will give all due processes. We have the Charter. They have rights. They go

---

42 Interview, Vancouver, August 2000.
43 Canadian Charter of Rights and Freedoms.
through the refugee process and they have all the appeal processes, but then when they've exhausted processes, they must leave. They must go back. And that's what we have done here. And we have been, in British Columbia, the cutting edge of all of it for more than a year now, with the two largest removals in the history of immigration in these past few months. We are witnessing things that have never happened before. And so, because they are new, we don't have a long historical experience to base what we're doing on. We just have current knowledge and what we think will work and ought to work.\textsuperscript{44}

One of the reasons why there was so much stress in 1999 is that this movement was unprecedented in recent history to BC, and there was no clear policy driving a response to marine arrivals, resulting in what some called inventing "policy on the fly" where no policy existed. One respondent called this "what to do to not get the government in trouble."\textsuperscript{45}

A lot of what we were doing here - because it was so new - we were in fact doing it here and we were almost in a way making policy here because we didn't have guidance in some of the areas, we had to try and figure it out and do it ourselves.\textsuperscript{46}

This applied especially to work at the base in Esquimalt. When I began research at RHQ the following summer, managers were working on procedures to follow for the expected arrivals to come that next summer.

So then they decided that if there was a boat this year [2000] . . . they wanted to work out, change the operating procedures. Well, we didn't have all that sort of stuff before. We didn't have job expectations and different things.

AM: So how did you handle that, just write things down constantly, and then turn it into procedure?

No, it was just all up here, trying to remember everything that we did last year. You know, for procedures, just trying to think. So mostly, it was just all in my head, what didn't work last year.

This process supports the notion that policy acts as much as a mirror into the past as a guide for the future. In 1999, there simply was no guide, and bureaucrats drew on their creative resources to make things happen. In the long-term, one element of policy on the fly was detention, one among several strategies outlined in chapter four. Since Canada does not detain as readily as the US and Australia and because detention is costly, this was a controversial decision. Employees based at RHQ gave me the impression that there was not much discussion around why or whether to detain at the time. Many spoke, however, of the

\textsuperscript{44} Interview, Vancouver, August 2000.  
\textsuperscript{45} Interview, Vancouver, July 2001.  
\textsuperscript{46} Interview, Vancouver, August 2000.
immense pressure from the media and the public to "do something." One respondent linked "policy on the fly" to the public outcry to the arrivals:

So it was this big outcry, so they locked them up. Yes, in the end, that's probably what helped deter the boats. But initially, I bet you, if people were honest, that wasn't why they locked them up. It was just like, we've got to do something, and they were just bending to public pressure to keep them locked up. Because if they were really concerned... That's why it was good, in a sense, for me, when [one journalist] started to say, "Wait, hang on, look at the number of PRCs coming through VIA, why are the two different?" And [the government] sort of said, "Well, this is organized smuggling."... This might be a bigger operation, but one guy bringing in four people is no different than this person bringing in 150. Because this guy does it ten, fifteen times a year. So that was a bit frustrating I thought.  

This respondent references articles written by a few journalists that went into more depth than most coverage to contextualize this movement numerically in terms of other streams and modes of smuggling to BC. These journalists pointed out that greater numbers of migrants were smuggled through the airport without being detained (e.g., *The Globe & Mail*, 14 April 2001). This respondent from CIC expressed cynicism regarding the inconsistency on the part of the federal government and satisfaction when the journalists pointed it out. She suggested that the decision to detain was at least partially wrapped up in the importance of image and the desire to sustain the integrity of the federal government in the mind of the public in light of the heavy criticism of their response (see Hier and Greenberg 2002). While detention is among the most expensive, reactive, and short-term solutions to human smuggling, it is a visible expression of a strong government response, of containment of the problem.

*Figure 5.2 here: Minors portrayed in handcuffs in The Globe & Mail*

Images in the newspapers that portrayed a government out-of-control of its borders in political cartoons and photographs soon gave way to images like that in Figure 5.2 of migrants moving in and out of detention centers.

The question as to why this group was treated differently by the public and the government largely went unanswered if one scratches beneath the surface. Officials cited the involvement of organized crime, the failure to provide identity documents, and the fact that they were likely to flee. The same could be said, however, of many arriving at VIA who were released during the same time period. People provided a set of different answers to explain

---

47 Interview, Vancouver, August 2000.
this in interviews. One official in Ottawa noted that the “boat people” were a “small problem,” relatively speaking, but that the arrivals “struck a nerve” for three reasons: "It struck a nerve because it was first of all a direct attack on Canadian sovereignty. Also because they arrived illegally, not intending to claim refugee status. And because they were clearly not refugees." He remarks echo those of many others who brought up illegality and a perception that the refugee program was being abused. Another official based in Ottawa offered additional reasons that further elucidated a sense of erosion of the integrity of sovereignty, the law, and the refugee program:

AM: What do you think it is about this issue that provoked such lively debate?

R: Why does a small number invoke such a large reaction... Because you have to situate it within the context... of the public perception and attitudes towards immigration and public perception and attitudes about an immigration system that is out of control, that doesn't have proper enforcement, that doesn't have integrity for refugees applying and working through the system. And in British Columbia, you've got the one province which has got the most negative perceptions and attitudes towards immigration. I won't say immigrants, but towards immigration systems and processes. And so you just put into it... these very visible, symbolic boats, which spark reactions unlike the airplanes that are landing as we speak right now in airports across Canada that have on them refugee claimants. Because they are so symbolic... these pictures that you can never forget, seeing these rust buckets with people in these absolutely abysmal conditions and what they've put up with, and what they've suffered for, and how it's all part of this large organized crime, and how it's endangering their lives. It's a human interest story. And the fact that the Charter gives them all of these rights, and because the government will not push boats away, but will in fact bring them to ensure that their health and safety is ensured. And so you have a generous nation. We live in a country with the largest legal intake per capita of any country in the world. We take more immigrants per capita than any country. A significant refugee program overseas of resettlement. A significant internal processing of 25,000 to 30,000 domestic refugee claimants annually, of those, a significant number being found to be refugees and remaining in Canada. So we are an immigration and refugee country. We pride ourselves on that. We pride ourselves on our citizenship and its value and encouragement to our immigrants and refugees to become citizens.

And then you have this. Which is not only the human interest drama of people risking their lives to get here and of organized crime working its tentacles in the worst way, but you have the two key factors which enraged Canadians and British Columbians about these people, these Chinese migrants. One, they didn't wish to be seen to come here. They wished to enter surreptitiously without being seen or caught. Why? Because they would have been met by others who would take them either by other small boats or by land to other destinations... So not only was it surreptitious entry which was being desired: not being seen, not being caught, but secondly, they had no desire to be in Canada. They were on their way somewhere. They were going somewhere. This totally enraged Canadians! Why? Because we've spent $36 million just in detention and removals. God knows all the other costs, for a group of people whose intention was not to be here. So that's why it's different. That's why a small number has huge impact. Because it hits at the core of what Canadians have determined to value from their programs in immigration and citizenship. We want to bring people to come to Canada for family reasons, for refugee reasons, or for economic reasons.

---

48 Interview, Ottawa, March 2001.
We will protect people who get here and make a claim, and if they're refugees, we want them to stay here and be good citizens. This small number of people didn't fit it, didn't fit the images upon which we've built the traditions, the values of immigration. And that's why people were enraged and continue to be and will always be when you have a group that wants to enter surreptitiously and whose destination isn't here. That's what it is.49

This respondent brought up a series of important issues - the attention garnered by dramatic and symbolic images of people coming by boat, the criminal act of entering illegally, and the apparent interest that the migrants had in merely passing through Canada as a transit country en route to the United States - all of which spiraled into a negative response to arrivals viewed as disorderly. One of his comments that I found most interesting is the challenge posed by smuggling to immigration as a Canadian value. The response to this sense of an erosion of state sovereignty was to exercise sovereignty.

The respondent also located British Columbia as the least tolerant and welcoming Province of immigration issues, which is interesting given that it boasts among the highest rates of immigration, with a provincial government that recruits immigrants, and the second largest immigrant-receiving city in the nation, in terms of the number of immigrants smuggled (see Hiebert 1999).

We [in BC] have probably the most polarized political province in Canada, and that plays out in all major issues, and so it shouldn't surprise us that it would play out in this one. So our attitudes and views on immigration tend to be more negative. There was a large poll done in January or February by Ekos - that's our big polling group. And they did it because they wanted to give that information to the Minister prior to her tabling of the Act because it would help her to frame what she said. There's really interesting stuff in there. There was a surprise because there was a view back east in Ottawa that BC is a problem: that it's those folks in BC that are so negative and anti-immigrant. And what the poll showed was that it was clear across the country. There wasn't much difference at all between BC attitudes and Prairie and Quebec attitudes. And that surprised a lot of people. I think they began to say, this isn't just a regional thing, it's bigger than that... it was like holy shit! The whole country was feeling it.50

Another respondent also emphasized the cost of processing and detention and the realization among the taxpaying public of this issue:

I think that as it went on, the media was really savvy to the immigration process: how long it takes - things that bothered us for so long - the cost of processing them, all that stuff. And then that started to get reported and then I think that people became very knowledgeable and said, "Hang on, this person comes and they're entitled to free medical, and they get this, and they get that, and it's gonna cost us this much to take this on? What the hell is going on?" And I think that was a big part of it. Because initially people were like, oh, a boatload! And then it became, hang on, and

49 Interview, Vancouver, August 2000.
50 Interview, Vancouver, August 2000.
they got more knowledge and found out how it works. .. And most of it was cost, like, "Why should I be paying for that?" 

Over time, much of the media coverage and many of the access requests made to CIC for information indeed pertained to the cost of the response, the most expensive part of which was detention. This is a case where the construction of human smuggling at a particular scale politicizes "stakeholders." By referencing costs to Canadian taxpayers without referencing the extent to which Canadians benefit economically from global inequalities exacerbated by trade agreements and undocumented migrations, the arrivals were constructed as a national problem. But framing the issue transnationally makes other political economic arguments possible.

Still another respondent connected the public response to racialization. She associated "normal" physical appearance with those around whom the public rallies support; whereas those racialized as "other" to the norm did not receive support.

AM: What is it that you think about this issue that just ignited so much public outcry as opposed to the people streaming in, the more steady cases at the airport?

R: The people feel they're getting screwed in a sense, like here's all these people riding on our shores. But I can't help wonder if it wasn't a boatload from England what they would have done. I think it's important to look at that... And then you get [these arrivals], and everybody's saying, "Send the bastards back." I don't know, I never see them rallying around a family of... I don't know, I mean that's just my perception. If they look normal, and everybody says, "Oh, immigration's so bad, they should just let them stay. Look at the big bullies picking them up." But they want the Hondurans gone. You don't seem them rallying around them. You don't see them rallying around the Chinese... I wonder myself. If you got a boatload from England, what people would say. I really do, I think it would be different.52

By suggesting that the public rallies around people who "look normal," but wishes acts of enforcement against people of color, this respondent associated "looking normal" with whiteness.

Another respondent provided an additional piece of context with regard to the way in which this movement was singled out and over-dramatized by the media and the public, and the policy responses solicited as a result of public opinion and media representations. Given the prominence of the boat arrivals from Fujian, most members of the public would probably guess that Chinese asylum applicants comprised the largest source country in British Columbia in 1999. This is not the case. Few realize that Mexican nationals actually comprised the largest group of claimants in BC in 1999.

51 Interview, Vancouver, August 2000.
Our number one source country was Mexico. And that would drive me crazy... There's other areas that we should be looking at too but nobody seems to think so. But Mexicans come in. They don't cause a bother, they come in in little trickles, even though the numbers are high, and nobody wants to look at it. And it just kills me... So every time I'd be in a meeting with Ottawa and what not, and of course the Hondurans were the big thing. Now granted, the Hondurans are not the nicest people in the world. But again, it was the media. And I'd be in the meeting going, "You know, we only get a few of those. I know they're causing problems. You want to look at the Mexicans?" Everyone ignored me.

As this scenario indicates, the boat arrivals and the response were never separate from the national political stage. When I began research during the summer of 2000, I was told that people in the BC region were being "watched like hawks" by Ottawa because of the upcoming election. During several false alarms in the ensuing months, the DG in Vancouver mentioned receiving direct calls from the Prime Minister's office to find out what was happening.

I mean the reality is that if there had been another summer of boats this summer, that would have led to - next year's an election year - so that would have kept it in focus, the profile, and it would have become an election issue. But it hasn't happened.

"Policy on the fly," while not guided by existing policy, was certainly guided by several complex factors occurring on political stages, among the public, and in the media, the confluence of which commanded a strong enforcement response to the marine arrivals. But why did policy on the fly occur? To some extent, the Department seems to have a history of brushing human smuggling under the rug with the hope that it will not occur again. But there is also something to say about the decision not to fix policy in place. An absence of policy means an absence of decision-making and public consultations that surround immigration policy in Canada, such as those that surrounded Bill C-31. Without set policy, the ties suggested by respondents to political contexts could be realized. And the result of a failure to prepare was a crisis. Those most affected by this reality in 1999 were managers in BC responsible for a successful response without sufficient policy or resources to guide them.

52 Interview, Vancouver, August 2000.
53 During the year prior to the boat arrivals from Fujian, local media coverage fixated on a relatively small group of Central Americans believed to be Hondurans, some of whom were arrested for selling drugs in Vancouver. This coverage set the stage for the explosive coverage of the boat arrivals during the following year by portraying the Hondurans as abusive of the refugee program that prohibited them from deportation.
54 Interview, Vancouver, August 2000.
55 Interview, Vancouver, June 2000.
Frustration within the bureaucracy

In his exploration of the “thought worlds” of immigration officers, Josiah Heyman found that immigration officers were influenced by personal histories prior to their entrance to the bureaucracy, and then socialized to a new set of worldviews within the INS (1995). Noting that "social relationships are produced through the bureaucracy" (1995: 263), he argued that immigration officers embody the sovereignty of the state and thus think through their decisions according to the overarching ideas of self and other that manifest at the border. In CIC, as employees explained their day-to-day work in relation to the mandate of the Department, the inconsistencies in their objectives illustrate that conflicting perspectives existed not only among government bodies, but within them.

Higher up in the bureaucracy, there emerged a narrative about transnational organized crime networks facilitating human smuggling and about the protection of sovereignty and the integrity of borders in relation to fighting these nefarious, global forces. Officials discussed detention of smuggled migrants as imperative. Bureaucrats working in office buildings were far-removed from the "frontline work" of those located along borders, in airports or in inland claim centers. It was easier for these officials to distance themselves from the migrants as individuals and to instead characterize them as a criminal group they worked to deport. The more removed bureaucrats produced cleaner, more simplistic narratives of human smuggling as "bad," enabled by distance and "dehumanization" (Heyman 1995).

Individuals working in distinct locations within the state, however, often work in tension with others in ways that disrupt the cleaner, dominant narratives of the state. Through fieldwork, I moved up and down along the hierarchy of the bureaucracy to interview not only office workers, but also those working directly with migrants. Employees lower down in CIC suggested that coherent, publicized narratives were shot through with ironies and inconsistencies. Divergent narratives about the response to the boats related to the locations, roles, and identities of employees within the bureaucracy, and to their own histories and social embeddedness in relation to their work. These locations informed the different ways they related to smuggled migrants and enacted policy. Those with more personal, proximate involvement produced narratives infused with more emotion, passion, and complexity enabled by intimacy. One intelligence officer called these employees "attached," and described how

56 Interview, Vancouver, August 2000. This is precisely what happened in Australia during the following year (New York Times 2001, 9 November 2001).
difficult subsequent deportations would be for them. Some argued that there was never any
discussion about why they would suddenly shift policy to wide-scale detention of claimants.
Others questioned whether “transnational organized crime” was involved at all. Dissecting
these conflicting viewpoints within the state offers the opportunity to recover alternative
perspectives not pursued; responses and philosophies beyond those enacted and presented to
the public.

These tensions were likely exacerbated in the context of a moment of crisis when the
usual challenges faced in relation to the administration of immigration - such as geography,
management, and the media - multiplied.

Many of the frustrations of bureaucrats have already emerged in interview data
analyzed thus far, such as the extent to which institutional positions swayed with political
context, media climate, and public opinion, as well as the extent to which these realms seemed
inextricably connected. And yet, there were other elements of frustration to do with structural
constraints that served as a constant backdrop to day-to-day work: "paper-pushing" and "red
tape," slow decision-making, bickering over finances and the law, and the out-of-touch people
in Ottawa. Respondents often complained of legal issues, privacy issues, and access requests
that impeded rather than supported their work.

Lawyers and the law

Bureaucrats joked that they seemed to make more work for themselves wherever they
went. The law and lawyers were primary among this litany of complaints, and a major source
of frustration in relation to the response to the boat arrivals. While the boat arrivals required
immediate operational responses, lawyers tended to work within a much slower time
framework. Whereas operational people were oriented to managing immediate problems
arising in a crisis scenario, lawyers were concerned with respecting the law and preventing
litigation. These differences in time and objectives were a source of significant tension during
the summer of the boats.

One manager I interviewed compared the "intense experience" of processing migrants
at Esquimalt to the "indecision" that he identified as a problem of the Department's in
general.58 He identified problems with lawyers involved on all sides of an adversarial system,

58 Interview, Vancouver, April 2001.
including Legal Aid lawyers working for the migrants and lawyers working in Legal Services for CIC. For this manager, this all amounted to "a lack of direction from above:"

"National Headquarters was very involved and supportive and wanting to help. But in terms of legal advice, we had a lack of clarity, a lack of direction, and we were left on our own." He distinguished between the cooperation of lawyers regionally and his frustration with lawyers in Ottawa in describing experiences that infuriated him when he tried to get direct answers from lawyers in Ottawa over the phone. He relayed the experience of having a lawyer hang up on him and recounted another time when he asked what to do and was given a legal line in response: "We reserve the right to make an opinion later." His interpretation of these incidents was that when there were mistakes, someone had to "take the fall," and like others, lawyers did not want the blame.

Respondents provided other examples of these frustrations as they played out during the marine arrivals, some metaphorical and others more concrete. They relayed experiences of asking for legal opinions that took several months to fulfill, at which point the entire incident was over. One respondent related these experiences to the issue of urgency and offered his interpretation: "CIC is standing on a train track with a train coming. The train smacks us, and [the lawyer] says six months later [in a legal opinion], you shouldn't have been standing there." When asked if such antagonisms were unique to the boat arrivals, he replied, "As for legal services in Ottawa, this was not unique. They are always slow and reactive." He went on to say that while not unique, the issues were magnified because of the volume and otherwise extraordinary circumstances of the response.

While there were lawyers in the Immigration Branch of the Department of Justice working on this issue with RHQ in Vancouver and with NHQ in Ottawa, the regional tensions also played into the scenario. CIC employees on the ground in Vancouver perceived the lawyers in Ottawa as distanced and out-of-touch with regional issues. There was also a perception expressed by middle managers that authority was confused in the relationship between lawyers and departmental leaders. Managers mentioned that lawyers became too involved in decision-making, enabling departmental authorities to then "hide" behind lawyers' decisions by arguing that given the legality of a situation, they had to concede certain decisions. This was perceived as a cowardly way to proceed. They argued that a leader must take risks and that departmental leaders should take the advice of DOJ as a client, factor
opinions into their decisions, and then ultimately make and hold responsibility for their own decisions.

These tensions between the law, immigration and refugee policies, the system through which they were enacted, and the players involved, never went away, and will be revisited during this thesis as a primary tension regarding the law as both enabling and inhibiting.

Finance

A distinct set of challenges and antagonisms existed when institutions faced the question of who would pay for the response. As in the media, this issue remained foremost on everyone's minds, because it was a constant topic in the press that linked taxpayers to migrants, and because it was a real struggle for CIC and between CIC and a slew of other institutions involved. As relayed earlier by a respondent, this issue clearly belonged to "Immigration," but did all of the costs as well?

In practice, they did not. Other federal departments covered some of the costs, as did provincial ministries, but rarely without a complicated struggle.

AM: The resource issue must have been incredibly complicated with the different agencies?

Oh yeah, it was huge! Because for example, RCMP, they had huge numbers of people in Victoria at Esquimalt at the processing centre, because all of our security was provided by them last summer. So they would have - I don’t know, they might have 24 people on a shift, and they would run two shifts in a day, and so that’s 48 people. And there was just huge complaints that these were 48 officers who were diverted from other jobs in communities in British Columbia who were now over there, so they weren't doing policing in those communities. There was some truth to that, although some of it was based on overtime and people giving up holidays to make the extra money. But there also was a diverting of their resources which is why it took so long this year for us to come to final agreement on, if boats arrived this year, who would do the guarding at Esquimalt...

So yeah, everybody was impacted. DND was impacted, Coast Guard because we were using their boats was impacted. Everybody. I mean, I have no idea, but the total bill for this is going to be huge. When we say $36 million, that's just for detention and removals, I mean that's not all these other agencies.

The most recent estimate of the cost of the response that I saw that included "all those other agencies" exceeded operating budgets by above $70 million.

59 It was eventually decided that if boats arrived in 2000, the RCMP would have a reduced presence with Corps Commissionaires trained to do most of the security at Esquimalt.

60 Interview, Vancouver, August 2000.
Another major battle over finances took place between the Province and the federal government. The agreement that exists between provinces and the federal government of Canada relies on shared costs for immigration. While the federal government pays for the processing of immigrants and refugees, the Province foots the bill for settlement-related costs such as English language instruction, health care, and employment programs. Because of the extraordinary costs involved in designing and staffing programs and setting up facilities to house the unaccompanied minors, the Province tried persistently to get the federal government to pay for some of these costs that had not been factored into the budgets of the Ministry of Children and Families or the Ministry of Multiculturalism and Immigration. Authorities in Ottawa referred to this as a major "irritant" in relations between the two levels of government. As one person at NHQ explained, the federal government refused to assume these costs because it simply could not afford to set this precedent.  

Once it became apparent that no more boats would come the following year, CIC came under criticism for the amount of money spent the year before, and for the amount spent in 2000 in preparation for potential arrivals. At RHQ, the perceived meaning of an internal study funded by NHQ on "Lessons Learned" in 2002 was an attempt to audit expenditures on the boats and to place blame.

The wild west: hierarchy and regional geographies of the federal department

While the hierarchies of CIC are not as stringent as those of military federal departments, they do manifest in the everyday work of bureaucrats and provide significant context to some issues that occurred in the response to the boats. Hierarchical antagonisms often played out geographically. Whereas Ottawa seemed to people in BC the distant administrative center, detached and lacking local knowledge, some people in BC fancied themselves the "rogue region" or "wild west," as respondents in BC suggested, out boarding boats on the water, conquering new frontiers in terms of policy and smuggling movements. Some misunderstandings ensued across this divide. These related to the political and geographical distances between Ottawa and BC.

It is important to place these regional antagonisms into a national context that extends beyond the bureaucracy and policies of immigration. Western Canada frequently finds itself outside of the priorities of budgets and policies designed by Ottawa.

---

61 Interview, Ottawa, March 2001. I will return to this issue more fully in the next chapter.
RHQ bureaucrats attributed some of the misunderstandings that took place to the inability of people working in office towers in Ottawa to understand the geographies of interception on the west coast and the nature of other pressures they negotiated locally. This misunderstanding was affirmed at one point when people visiting from NHQ for meetings asked RHQ contacts to arrange for them to visit the sites of interception along the coast over lunch. Exasperated, the recipient of this request explained the logistical impossibility of fulfilling such a request during lunch time given the distance to sites of interception and the geographic inaccessibility of the coast. Such a trip would be a day-long excursion by air.

The national geography of the federal government pervades most aspects of life in the day-to-day bureaucracy, including lexicon. The swooping phrase, "Ottawa," mentioned often by RHQ employees, referred to CIC employees at NHQ, the crazy political contexts in which they worked, their inexplicable decisions, and odd behaviors all at once, and was a firm point of reference over which employees at RHQ bonded. Sometimes simply referred to as "they" in conversation, "Ottawa" was never far away, a constant presence to which people referred with cynicism or frustration. This closeness became hyperreal during "the summer of the boats" with frequent e-mail and telephone calls. Sometimes it was enough to just say, "Ottawa" as one would say in exasperation with a little roll of the eyes or a little shrug, and colleagues would empathize.

When "Ottawa" waffled on decisions, people in RHQ often explained these misunderstandings as differences in their respective places in the hierarchy. On a few occasions in interviews, respondents mentioned, "For them, this is a career. For me, it's a job." Such antagonisms were present, for example, in the frustrated realizations of how closely government policy was tied to public opinion as it related to an inconsistency with detention by sea and by land. This reinforced a constant awareness that responding to human smuggling was a job for some, a political issue for others.

Of course these frustrations parallel hierarchies in any work place where employees bond over frustration with management. One person at RHQ once explained a desire to do an exercise where managers would be seated around the outside of an inner circle of their employees, not allowed to speak but only listen. And yet the geography of the Department and the distance between Ottawa and BC, applied to the response to human smuggling in BC, was significant. These frustrations affected translation and transference of meaning and reflected antagonisms in times of crisis when people out responding on the water were not
those with institutional authority in policymaking or the law. Still, Ottawa held the "monopoly on vision" because of their power and authority.

In the wake of the 1999 marine arrivals, federal policymakers in Ottawa drafted a National Marine Policy Framework. The two-year wait for CIC to then sign the framework once again exemplified for people based in BC a lack of support and belief in the potential for future marine arrivals, as well as the inability on the part of leaders in NHQ to act, commit, and prepare. Not wanting to find themselves in the same situation, this was another example where Ottawa just "wasn't getting it." RHQ employees argued that Ottawa did not understand the extent to which relationship-building and trust must be established over time in order for the collaborations to work locally among partners.

Civil servants are organized by a bureaucracy designed to function despite conflict, across regional and local geographies with distinct economic, political, and demographic realities. Narratives of border management illustrated that geography matters, and that it matters at different scales. There is a particular geography to the federal government, to the Provincial government of British Columbia, and to the local governments where migrants were processed. I heard often of the growing distance between British Columbia and Ottawa, expressed as conflict between National Headquarters in Ottawa and Regional Headquarters in Vancouver, with people in Ottawa too far away, unable to understand the geography of the coast, the difficulty of the response, or the nature of local media pressure. This geographical tension is not visible on the pages of policy.

Analysis of the state as a series of cultural practices shows that policies are enacted amid tension, conflict, and difference, but higher-level bureaucrats and a powerful communications branch construct coherent and clean narratives for the public. According to Bakhtinian logic, this is a monologic narrative wherein one truth prevails; one tale emerged from the bureaucracy, and these were the identities into which migrants were scripted.

According to Heyman, the bureaucracy must uphold coherent narratives and implement them despite inconsistencies (1995: 277). The ethnographic strategy of embodiment includes narratives "lower down" which not only conflict with public messages, but connect with both migrants and other institutions more closely. One federal employee who worked more closely with the migrants was herself smuggled from China to Canada as a child many years ago. She described being overcome with emotion in her initial interactions with the migrants. She described her experiences as "very painful," particularly when relating to the women and
children from the boats, with whom she empathized. She was especially upset in her interactions with a young woman whom she believed had been raped and wounded during the journey. She reported that many memories had returned to her as she worked with the migrants. When she tried to talk to a friend about it, her friend reminded her that she was just doing her job and told her to forget about it. To me, however, she described intense emotional experiences connected to her own history with human smuggling.

Likewise, provincial workers in prisons and social workers in group homes in BC came to know migrants and were upset by their deportation. Another CIC employee mentioned spending many hours on a plane with one of the large groups deported back to China in the spring of 2000. During the circuitous route back, he came to know the personalities of some of the migrants and to regret that they made the trip in handcuffs, to realize how poorly they might be treated once in China, and therefore the gravity of their repatriation. These employees experienced points of identification rather than distance and abstraction. Like everyone, they lead lives that are complex, inconsistent, challenging, and interesting. Through emotional processing of their experiences with the migrants, they came to question the simple narratives of the "bad," "illegitimate," and "bogus" claimant. The response to human smuggling in 1999 held great personal impact for civil servants involved which many contextualized in interviews in relation to other work-related, life-changing events. One person described "attachment" as a problem in detention centers where officers and migrants had begun to learn bits of one other's language and had grown more accustomed to one another. He noted that deportation would be more emotionally difficult for them. But these experiences opened space for dialogue in that they challenged the subjectivity of those who implement immigration policy and caused them to reflect on their day-to-day work. These feelings hold potential to change practices because they cause employees to challenge the more legalistic categories into which "the state" sees transnational migrants and refugees. The young woman suspected of being raped, for example, seemed to one respondent to be less of an enforcement problem and more of an individual in need of humanitarian assistance.

63 Interview, Victoria, March 2001.
64 Interview, Victoria, September 2001.
65 Interview, Vancouver, April 2000.
Work identities

Employees also sometimes held conflicting perspectives according to their jobs within the bureaucracy. The ways in which co-workers positioned each branch and its function within the Department as a whole offered insight into the response to the boat arrivals. People who designed policy, often referred to affectionately as "policy wonks," were positioned by those involved in operationalizing policy as abstract thinkers who were removed from the action and aligned with Ottawa, where most of them worked. They were accused of not being perceptive enough of demands and challenges of implementing policy on the ground.

Frontline workers and mid-level bureaucrats frequently expressed frustration with lawyers in legal services whose job it was to provide legal guidance, and with employees in communications whose job it was to communicate events to the public via the media. Often these frustrations related to time. Whereas lawyers were accused of moving too slowly, taking months to write a legal opinion long after the issue already had to have been resolved on the ground, communications people were accused of moving too quickly and communicating too proactively with the media.

At RHQ, those working in the field of communications were the well-dressed movers and shakers who were clearly "going places." People in communications excelled with skills that were highly valued in the bureaucracy: they communicated well, represented the Department well, and moved easily from place to place. At RHQ, they occupied the central offices, and wielded power and influence that corresponded with this location, enjoying a direct line of communication with leaders anxious about public image. They also garnered some resentment from co-workers as a result. Whereas other employees dedicated years of work to specific fields within immigration, communications employees were assigned the task of representing this work to the media in digestable soundbites.

In contrast, people working in the areas of intelligence, enforcement, detention, and removals did not occupy central offices. In fact, at RHQ, they were cordoned off and separated, a geographical expression of their lack of integration. They expressed frustration with a lack of resources, support, and respect. While overwhelmed and called upon like everyone else to act in a time of crisis when the smuggling movements arrived, they expressed frustration that this was one of the few times when the Department realized how vital their
positions were. Once the boats stopped coming in 2000, they saw human smuggling slip off the national agenda, perceived to have fallen by the wayside along with other enforcement issues.

Despite internal struggles, and perhaps because of the success of the communications branch, employees sustained a strong culture regarding who was allowed to speak officially for the Department. This was the process by which singular, unified narratives of what had happened came through to the public. This process signals a place for research that recuperates narratives repressed by the bureaucracy.

Additionally, the constant shuffling of employees among positions resulted in a small institutional memory with regard to smuggling issues. Only a handful of those involved regionally in 1999 continued to occupy the same positions even a year or so later when I began interviews. These tended to be mid-level bureaucrats with lengthy careers as civil servants. There were not enough people with sustained resources assigned to work on human smuggling issues over long periods of time.

Conference calls and "the need to know"

During the height of the response, there were intense and infamous daily conference calls to attempt to bridge the distance between RHQ and NHQ with a large and diverse number of people on the phone in both places, including a representative from the Minister's office, deputy and assistant deputy ministers, lawyers from legal services, and people working in communications, refugee issues, enforcement, and operations on both ends. In the beginning, two daily conference calls took place between RHQ and NHQ and became a normal part of the daily routine for people in Vancouver and Ottawa. They discussed the status of the situation overall, as well as legal and enforcement issues that arose. The lawyers would interpret law into procedure, which often confused people.

For people in RHQ, the stress of these calls with Ottawa added to the stress of a larger issue which was keeping informed everyone who needed to know of new developments. They attempted to separate out "need to know" cases and prioritize them. "You had all your calls to

---

66 Interview, Ottawa, October 2001.
your partners who you have to keep in constant contact with: RCMP, National Defence, you've got all that stuff going on. You have constant, constant media pressure."\textsuperscript{68}

Communications to employees at RHQ suffered as a result.

It's really tough... I mean we pride ourselves in the organization in being able to inform our staff about issues in the organization that are going to become media events before they are published in the media. Because we always want them to hear about it from us first and not read about it in The Globe & Mail. But the reality on this one was that we were so, so absorbed in it and having to manage it that we didn't have the capacity to continually keep our staff updated on what was going on. And because the media was so, so absorbed in it and so reporting on it morning, noon and night, we couldn't possibly keep up with the media. And so the staff was hearing about it from the media before they got it from us, and there's nothing we could do about that except hope that they would understand what we were living.\textsuperscript{69}

Sometimes during stressful times, disputes erupted regarding who did have "the need to know" and longer-standing antagonisms among employees working in different branches played out. People working in communications often found themselves at the center of such disputes because they were determined by the Department as those with "the most" need to know, and therefore held significant power in determining the hierarchy of others with whom they would share information.

People on both ends of conference calls and e-mail exchanges complained about the difference in time zones. People in Vancouver argued that despite arriving at work so early in the morning, they were still perpetually behind with reference to Ottawa's time frame and desire for information. And sure enough, people at NHQ in Ottawa also noted that when they arrived in the morning, they would read the last e-mail sent from Vancouver the night before, but were frustrated that they would then have to wait until people on the West Coast arrived to work for a more recent update.\textsuperscript{70}

In the meantime, people processing migrants in Esquimalt waited on the decisions negotiated during these phone calls, some of which involved important legal decisions that took place more slowly than officers working on the frontlines would have liked.

At noon... we said ok, we're ready to start the exams. We couldn't get Ottawa to OK these forms. Ottawa still hadn't made the decision. And they just weren't getting it! Because most of them have never been in the field. And it's like, OK, we've got 150 people here. Do you feel that we've got 150 people in the gym right now, ready to go, could you make the bloody - Oh, I just couldn't! And then I'd get mad at the manager. And he lost it on the call, one of them. He was just screaming, he got so mad.

\textsuperscript{68}Interview, Vancouver, August 2000.
\textsuperscript{69}Interview, Vancouver, August 2000.
\textsuperscript{70}Interview, Ottawa, March 2001.
AM: Because he was the one going back and forth to Ottawa?
More than I was. Because I was sitting there waiting.71

Tensions sometimes ran strong during these conference calls when leaders, managers, operational people, and lawyers would come together across time and space to make important decisions. They could feel the distances and differences between them, best represented by this respondent's belief that people on the telephone in Ottawa had never worked in the field.

Infused into these logistical operations was the demand for the circulation of information among people geographically far-flung. At these times, the informal network of state practices became more formalized to connect people across time and space.

**Time and space**

Some frustrations within the bureaucracy had to do with the geography of relationships within the organization. One respondent at RHQ once asked me, "What is time?" He went on to explain that while they worked as quickly as possible to provide due process to refugee claimants that had arrived by boat, some more vocal refugee advocates in the press accused them of placing refugees in long-term detention for ten months. But, he continued, when they attempted to expedite the refugee process, they were accused of jeopardizing due process.72

*Time* is a crucial and yet entirely subjective concept. Michael Herzfeld calls time "the great social weapon" of the bureaucracy (1992). At CIC, everyone worked within a distinct time frame, among different institutions and even among those people working within different branches. In the response to boat arrivals, the time that it takes to conduct an operation is distinct from the time it takes to gather intelligence, which is different from the time it takes to conduct an investigation, which is different from the time that communications has to respond to the media, which is different from the time that human resources has to shuffle people around, which is different from the time that lawyers might take to assess or respond to a legal issue.

Not only did those within CIC struggle with the amount of time that it took to conduct different kinds of work, but they struggled with their location in different time zones as well.

71 Interview, Vancouver, August 2000.
72 Interview, Vancouver, June 2000.
Ottawa's time zone managed to dictate the daily schedule at RHQ, and this difference affected many aspects of the response to smuggling.

Outside CIC, service providers, lawyers, advocates, and human rights monitors also worked within different time frameworks, depending on their mandates, as I will discuss in chapter six. In interviews within and beyond CIC, many cross-institutional frustrations related to these differences.

**E-mail**

In addition to the telephone that enabled instant communication and large meetings via conference calls, another technology that radically altered time-space relations of the federal government and mechanism for the circulation of information was electronic mail or "e-mail." The immediacy of email imposed an additional layer of expectations from Ottawa that moved at a faster tempo and rendered memos, for example, redundant.

One DG described the amount of time-sensitive work generated by e-mail:

On an average day, my computer will receive from 100 to 200 emails. So you have to figure out a way - because you don't want to become a bottleneck - of keeping your system cleared. In this position, one of the things you're doing is basically supporting the management team around you that works in the ports - to make sure that they have everything they need to do the job, and that they have all the information in a timely manner that they need to do their job. So a key objective for this position is by the end of the day . . . that your emails have all been checked and moved out to people that need to have them or trashed if they're not of use. And that requires the strong assistance of an executive assistant who is trained and knows what's important in your absence and knows what needs to be routed quickly if it's of an urgent nature. So email has complicated what is already a very complex job . . . And of 100 emails on an average day, there may be 5 or 10 that are truly important to you, and the rest aren't. But you'd better make sure that those five or ten are ones that you or somebody else has looked at and has moved because the world of email is the expectation of the world of quick response and if you're not there, you could miss out on something that could be significant. So that's become brutally difficult.73

This respondent went on to explain that it was only during the two years prior to the boat arrivals that e-mail had become a prevailing mode of communication in the bureaucracy, when it had "just exploded," as he said. And yet it is difficult to imagine how such close communication and coordination could have taken place between RHQ and NHQ without e-mail because it was a crucial medium of communications during the boat arrivals.

An additional major role that e-mail has begun to play within the bureaucracy in recent years is that of record-keeping. Many of the files that I reviewed of that time period, and

73 Interview, Vancouver, August 2000.
indeed, the lasting historical record within the bureaucracy - alongside reports that had been written retrospectively - were e-mail exchanges between Vancouver and Ottawa that relayed a history of the drama as it unfolded in real time with each boat.

Files

E-mail messages represented one among several types of records kept by RHQ regarding the boat arrivals. They had hundreds of files on the matter. Over four hundred consisted of clients' files on the migrants themselves, and well over 100 pertained to the response more broadly. I had the opportunity to review most of the latter. They included instructional manuals and policy interpretations; legal opinions, e-mail messages, letters, memos, and reports; communications strategies; speeches; binders of photographs; research into infrastructure and logistics such as translation and security; research on other interdictions at sea in other places; contingency plans; and all manner of records on the ships themselves.

There existed, of course, different kinds of files on the marine arrivals within different branches and with different individuals working on the issues throughout CIC; all presumably monitored by some sort of central registry and disposed of by institutionalized mechanisms such as shredding. What was fascinating, however, was the degree to which subjectivity will, over time, determine the historical record on this episode within the bureaucracy. While there is an entire industry in place within CIC to monitor, destroy, and "vet" those documents released to the public, one of the results of the significant downsizing of the federal government in the 1990s has been a reduction in the number of people in secretarial or lower-level administrative positions. This human resources issue is reflected in the impoverished record-keeping capacities of the Department and in the deficiencies of what bureaucrats told me was once a more robust archival system. This means that mid-level bureaucrats largely decide themselves what to keep and what to discard, and they are responsible for doing so themselves. Some complained that they worried about not having an administrative assistant to organize and maintain the files. Those individuals involved in the marine response who had insight into the place of this work in the historical record had the foresight to print and file many of their e-mails. Some also decided or were given support by their superiors to write reports on the events; while others at the center of the response were less interested in writing or simply did not have time to do it. This shows the role of agency even in record-keeping within the state, and the reliance of history upon visionary people who see the big picture and
wish to contribute to the records. This affected not only records kept on the arrivals from a historical perspective, but also who could be informed and in what way at the time.

Incidentally, it was not surprising that the media files on the boat arrivals were the most robust. The communications department saved every piece of coverage nationally pertaining to the boat arrivals, including editorials, political cartoons, and letters to the editor. They also kept two long videotapes of local news coverage of the boat arrivals.

Because records on the marine arrivals were maintained separately within different divisions such as communications, policy, and intelligence, for example, this made for an interesting dynamic where few people, if anyone, knew everything on record. This contributed to the dynamic described in chapter three wherein people worried that I had been given access to a "smoking gun" of some sort, whereas others more familiar with the files insisted that there were no such hidden secrets contained therein.

The subjectivity involved in creating a historical record also contributed to the problem of short institutional memory with regard to human smuggling. Some people involved in monitoring human smuggling movements would write and circulate short environment scans and clippings of events. If they found enough time, they would write some analysis of these episodes and comment on their potential impact on Canada. This kind of work, however, usually involved an investment in time not included in the other work responsibilities assigned to these individuals. The number of people who kept abreast of the global smuggling environment at RHQ and NHQ depended entirely on the ability and will of a few people to inform them. Likewise, I too, along with those who might choose to study this issue one day in the future, will be only as informed as those individuals (i.e., not "the state") involved at CIC plan for us to be.

Access to information requests

Of course bureaucrats and researchers were not the only people interested in the records on the boat arrivals. A steady stream of requests for information flowed into CIC as the usual fare enabled through Canada's Access to Information Act. Once again, people such as lawyers and the media who made such requests and the bureaucrats who responded to them gave me the impression that there was far more subjectivity involved in their responsibilities than I would have - naively - anticipated. Time, too, played a crucial role in these exchanges.
When someone makes an access request, the federal government has 30 days to fulfill the request, although the Minister may request an extension to this time period under certain conditions. This time period is, on the one hand, an opportunity to do the sizeable amount of work involved in such requests. The request is directed to those in the agency whose records contain the information at hand. This person then sends the information to a person working in Privacy who reviews the documents and whites out any protected information, whether personal information on clients or employees or pertaining to national security issues.

There was, however, a second meaning to this time period within and beyond the bureaucracy. It was seen as an opportunity to respond carefully to the request in such a way as to shield information at the same time that it was being made available. Lawyers outside of CIC shared experiences of making the same request more than once and receiving a slightly varied set of documents each time. Furthermore, lawyers and media workers complained that CIC sometimes took up to a year to fulfill access requests.

A lack of perfection should not be surprising given the subjectivity involved in keeping records and filling access requests. The steady stream of access requests creates an enormous amount of work for people in CIC and impacts upon their everyday work in multiple ways. At times, employees invest a large percentage of the workday fulfilling these requests. Given the amount of information and paper that they handle on any given day, any information request holds the possibility to overwhelm. One person joked that he was waiting for just a few more access requests to come in, and he had calculated that he would then cease to do his regular work assignments and just spend his remaining years until retirement fulfilling access requests.

The realities posed by these requests meant that people in CIC actually had to think through the ways in which they documented things before they were requested. They even shaped the ways in which they communicated to the public at times so as not to divulge certain phrases and pieces of information that could set forth a stream of access requests on a given topic. As in the relationship between the Department and the media, bureaucrats were always aware of the possibility, indeed, the probability of access requests, and therefore thought proactively about the documentation of information internally as it related to an external audience.

So while in theory, access requests enabled the public to be informed about the government, in practice they also served as a complex and somewhat muted and uneven mode of communication between government and civil society; an imperfect way to keep the public both informed and distanced through time and the protection of information.
Illegality, boundaries, and identity

On many occasions, people in CIC expressed a "bottom line" of sorts in interviews with relation to the boat arrivals. They argued that when all was said and done, the outrage about, and swift response to, this movement related to legality and criminality. These migrants had simply broken the law by attempting to enter "surreptitiously," and for this reason, Canada was required to react swiftly.

One high-ranking official in CIC explained the outcry in response to this movement: "It struck a nerve because it was first of all a direct attack on Canadian sovereignty... because they arrived illegally, not intending to claim refugee status, and because they were clearly not refugees". This identification of the nation-state in relation to its own public and to the global community is intimately bound up with the policing of international borders (cf. Heyman 1995, Hage 1999, Nelson 1999, Razack 1999, Sharma 2001, Nevins 2002). The boat arrivals from China raised important questions regarding Canadians' transnational identification as a humanitarian, refugee status-granting nation of immigrants versus one that is "too soft." The migrants were actually en route to work in the US as undocumented laborers, like the other estimated eight million who work for low wages, in poor conditions, without access to social benefits. This posed challenging questions regarding Canada's role as a transit country.

The response to this movement was of symbolic importance to the Canadian transnational imaginary because rather than emphasize its more customary role as humanitarian, the federal government instead responded to pressure from national and international publics with an enforcement stance. Popular and legislative discourse regarding immigration shifted towards the strict establishment of legitimate versus illegitimate means of movement. Identifiers of smuggled migrants were wrapped up in this discourse with the establishment of "bogus refugees," "boat people," and "illegal aliens." The ways in which CIC responded to the smuggling movements - with the largest mass detentions and deportations in Canadian history - and engaged in this discourse, spoke powerfully to the role of the state in relation to transnational movements and to the production of trans/national identities. Not surprisingly, Canada played a leading role in drafting the UN Protocols on Human Smuggling and Trafficking (2000) as an enforcer in the global community.  

74 Interview, Ottawa, March 2001.  
75 Interview, Ottawa, March 2001.
The transnational imaginary of the public regarding Canada's place in the world was manifested in the day-to-day work of bureaucrats and influenced their anxieties about Canadian sovereignty and their views on legality and illegality. Many CIC employees maintained a firm belief in the law.

I distinctly remember interviewing this woman and her daughter and issuing an exclusion order... The daughter starts to cry. The mum starts to cry. They don't want to sign this document. The interpreter starts to cry. And somebody else was there, and they're crying. And I was just thinking, will you sign the damn thing? Come on! And I remember going home that night, I mean it didn't even really bother me. I think it's just so much like, these are the laws, I believe in the laws.76

But there are a few ironies and inconsistencies with relation to the law. First, while CIC employees seemed readily and voluntarily willing to affirm their belief in the law, they frequently expressed their utter frustration with lawyers who not only took a long time to interpret the law, but sometimes presented interpretations with which those implementing policy for CIC disagreed. Second, while the Department maintained its commitment to upholding the law, it also seemed somewhat manipulative of the law through its strategic legal interpretations at the same time. A comment that one CIC authority once made resonates: that in their work, laws tend to get in the way, and they have to try to accomplish what they need to despite the laws.77 Third, the federal government's enactment of laws with regard to human smuggling is inconsistent with detention by sea and not by land or by air, for example. And fourth, even within BC, there are three levels of government operating, each guided by a different set of laws that conflict on occasion. This proved the case, for example, with regard to the detention of minors and the different purviews of CIC and the provincial Ministry of Children and Family.78

Of course, there are many "laws" being referenced here: refugee law, the Immigration Act, and Canada's Charter designed to protect human rights, including those who make refugee claims. But is not the law, the law?

Or is it?

Like facts, terms and policies, laws are also social constructions of their era, written, interpreted, and re-interpreted over time as contexts change. Speaking historically, it is only in

---

76 Interview, Vancouver, August 2000.
77 Interview, Vancouver, June 2000.
78 These conflicts related to conflicting legal definitions of a minor, conflicting perspectives on the security of accommodation for minors, and conflicts regarding who was responsible for paying for this all. I will discuss this more fully in chapter six.
recent years that nation-states have imposed the right to determine laws (Heyman and Smart 1999) and to impose them on human mobility. In Canada, immigration laws are known to be designed on the "looser" side with heavy regulation through implementation that enables a modicum of flexibility on the side of the state over time.

There are moments when the state, the media, and the public pay more attention to particular border-crossings. Nevins writes about Operation Gatekeeper as one such moment (2002). He and others addressing border-crossings between Mexico and the US illustrate the many ironies and inconsistencies with which that border is policed (Kearney 1991, Rouse 1992). Since the inception of Canada and the United States as nation-states, immigrants have been positioned strategically in relation to nation-building in transnational contexts. Much of the debate about sovereignty and the integrity of Canada's borders relates to an insecurity in relation to its more powerful neighbor to the south – especially in light of globalization and free trade programs of the 1990s. The boat arrivals stirred an intense moment of nation-building. After the public outcry over the attempt to enter illegally and the discursive construction of the "bogus refugee," we saw an unusual show of force by CIC. As the state "thinks the subject" (Lubiano 1996: 65) of the transnational migrant, it does so in relation to how it imagines itself in the world.

Nelson's (1999) conceptualization of the state as constitutive of, and constituted by, others through identity is central to understanding the social and political contexts of public policy. The federal government embarked on an enforcement response to human smuggling that was enabled by discursive practices of identity construction. The identification of the migrants within the transnational landscape of human migration as criminal justified an enforcement response. Those enacting these policies on the ground, however, struggled with their inconsistencies, recognizing that human migration and life histories were more complex than public narratives of policy. Ethnographic research enables closer examination of points of identification, intimacy, and difference through which the state is constituted. My findings suggest that the state sees spottily through networked interactions with information, colleagues, and migrants, than the categories and narratives of the response to human smuggling suggest. The more personal narratives of the work of governmental and non-governmental employees disrupted the cleaner national narratives of the Canadian self and other and offer the possibility to reconfigure those relationships. And yet frequently, the
explanation of the response to the 1999 arrivals relied on simplistic references to legality and illegality, legislation among the structures affecting how the state "sees."

The development of infrastructure

Speaking in 2000 of preparations in early 1999 for a response to potential marine arrivals, one person involved remarked: "But we had done that more on our own than having a national plan. We were just doing that regionally. This year it's all national, and everybody's into it."79 During the following year, CIC was much more prepared and planned for eight to ten boat arrivals in BC. Not only did NHQ develop an Operations Centre through which to respond to emergencies, but they also created an Interdepartmental Working Group that met and communicated, and these lines of communication could easily be re-activated with another emergency, according to people involved in Ottawa.80

The same could not be said, however, of infrastructure developed regionally in BC. Regional employees planned and planned. But eventually, when boats did not arrive in 2000, support for their preparations dried up. As a result, the local interdepartmental relationships upon which a successful response depended were not institutionalized and nourished regionally as they had been in Ottawa. Instead, they depended on tending from the individuals involved. Ultimately, however, without sufficient support from NHQ, these relationships suffered.81

Regionally, this caused frustration and stress among those who would be responsible if boats continued to arrive. They found support withdrawn for training and other preparations planned in the ensuing years. Like managers and lawyers spread between Vancouver and Ottawa, they asked who would "take the fall" and predicted that they would in fact be the ones to blame in the event that there were marine arrivals for which they had not prepared a response. Those at the heart of the 1999 operational response were the same people preparing for the future, and in their frustration, they divided the Department into what they called, "believers" and "non-believers." They said that either you believed that human smuggling by all possible routes was a live issue and that more boats would come, and you prepared; or you did not. Clearly, they were believers.

79 Interview, Vancouver, August 2000.
80 Interviews, Ottawa, March 2000.
The division between Church and State

Others relayed this division within the Department to another longer-standing divide that one person referred to as "the division between church and state" and this was the divide between those working on enforcement issues and the rest. Given the "softness" that immigration officers perceived as their image within the "federal family," those working on enforcement within CIC felt particularly anxious about their status in the Department and frustrated about a lack of support to deal with enforcement issues such as human smuggling. This relates back to the dilemma presented in chapter one as the differences in mandates to facilitate and enforce. There are those who believe that these two mandates should result in separately functioning government bodies altogether (see Charlton et al. 2002: 34). Until that time, however, planning for human smuggling, clearly positioned within CIC as an enforcement issue, falls prey to this lack of a long-term commitment by the Department's leaders and politicians to enforce.

There were also fractures along a philosophical divide over the distinct mandates of CIC as facilitator versus enforcer. People within CIC disagreed about whether they should be involved with boat arrivals, and how, and they occupied distinct positions depending on the framework within which they worked. Those whose responsibility it was to create a public image used smoke and mirrors to create the impression of an organized, meaningful, and unified response to what was presented as transnational organized crime. Their message was that the Canadian state was not vulnerable. But those within operations and planning felt vulnerable and unprepared as they clamored for more resources to do their work, to learn more about smuggling networks. Those working in enforcement felt that they represented the "dark side of immigration . . . the things that no one wants to talk about."82 They did not feel that they had the support of the Department: not in policy, finance, human resources, or general respect. When they attempted to prepare for smuggling movements, they felt ignored. Their interpretation was that CIC politicians did not like the image of immigration officers working out on the water as enforcers, removing people from rather than attracting them to Canada.

The difficulty of planning and preparing, however, was not only a function of mandate and philosophical divides within the Department, but also a budgetary dilemma. Government budgets are rarely designed to project resources needed for possible costs.

81 Interview, Victoria, March 2001.
82 Interview, Victoria, March 2001.
Last summer, we stopped at four. We thought we could have got two, three or four more. If we'd have got that many more, it would have become an actual crisis, not just a BC-run, managed-well crisis. And why? Because by the end of the fourth boat, we had reached saturation. Our capacities had all been reached. We had no more detention space. Our staff were getting exhausted. And if we had somehow got [a few] more, it would have become a national crisis. The responses would have been different. We might have had army camps opening up; I don't know what. And there would have been a lot more presence of military than there was now because we didn't have the people. We'd reached our limit. That's why when we planned for this year, in all of our plain assumptions, we planned for doubled intake. So instead of four, we planned for eight to ten. It wasn't so much because we knew it would be eight to ten. We didn't. But wanted to be in a position that if two came at once, we could do it... And so everything we did this year was to create double capacities for managing two at a time.83

The federal government invested substantial resources in planning for marine arrivals in 2000. Once there were no boats, there were fewer and fewer resources.

The challenges to planning for the future were not only financial but logistical. It was extremely difficult, for example, to find adequate translators to work.

But it was just getting people short-term released. I mean people have jobs. Even this year: we put a big recruitment thing out. We called all these people in, they did written tests, and we put them into an oral interview. And it was just terrible. The quality people - they've got jobs. And we couldn't guarantee them a job this year. There were also medical people to keep on alert, facilities to pay for, services to contract out - food, military services. That's why this year we're all ready. Like we contracted a place, we had people taken off their old jobs just dedicated to this.84

Planners invested funds in reserving human resources such as medical personnel, security, and translators. They also spent about $20,000 stationing supplies at lighthouses and Coast Guard stations, now ready with more medical supplies for future interceptions.

Additionally, the more time that bureaucrats invested in planning, the more complicated the situation became.

One of the lessons learned is that because everything happened so fast last year, although we did have some planning, you know, we didn't think about some things and so you had to just react. This year because we had so much time to plan from October through to the spring, and we had so much more time to work with our partners on what to do, we had so many more problems in getting agreement on anything. Everybody could see why it wouldn't work or why they shouldn't do this. The more time you have to plan, the more likely it is that in the planning process, something will go wrong or won't work, that you'll be stopped from doing it, or whatever. The less time you have to plan, the more it's an urgent crisis, the more likely it is that everybody will pitch in and get it done. This is a basic lesson learned from all of this... You know, it's crazy! But there were just big issues between [other institutions] and us, and we just couldn't get it resolved. Months and months!

83 Interview, Vancouver, August 2000.
84 Interview, Vancouver, August 2000.
Insecurity about the commitment to detention facilities also relays this fear of commitment to plan for human smuggling incidents as well. Since 1999, CIC has entered into and pulled out of contracts with a variety of detention facilities in BC. So while some people tried to plan and build infrastructure for a future response to human smuggling, others remained unconvinced that resources for a comprehensive response were necessary. This ambivalence about projecting resources to prepare for an arrival illustrates not only concerns about resources, but also the deep divide about whether and how to build capacity to respond to future smuggling movements.

But smuggling movements were happening all of the time, if not sensationally on the water. All of those involved needed a comprehensive picture of what was happening and of what type of response was appropriate. Better planning could mean that the next response might not have to be a crisis.

**Unity and success**

Everyday practices within the bureaucracy revealed tension surrounding a number of issues. I have written a fair amount in this chapter about the conflicts that arose in relation to the marine arrivals. One of the goals of this thesis is to show how diverse the state is; that it cannot be conceptualized as a monolith with regard to any issue. In interviews, respondents discussed tensions because they were foremost on their mind when they reflected on the trials of the 1999 response. They also, however, shared a sense of achievement, of working together to overcome great challenges, and I do not want to omit this sense of unity conveyed. One manager expressed it in the following terms:

> I can't believe we were actually able to get through that process. It's almost like it has been designed not to work. You throw in that complexity, you throw in high volume, a lack of infrastructure, enormous media pressure, a legal counsel system there to make it not work and to be adversarial. We were able to make it work because of the commitment of the people that we had there. What it took was extraordinary work. I can't believe we did it. And it was against all odds. 85

In contrast with - and perhaps to overcome - the conflicts that arose, small groups or networks of employees working within CIC expressed a sense of unity and achievement acquired by working together through adverse, stressful conditions.

AM: How did you cope with the stress personally?

85 Interview, Vancouver, April 2001.
R: Well, you know, you just, it ends up being managed by a group, a small group that sort of become close, and some people thought that it was an inside thing here. Inevitably, there's an inside group and the out - who's not inside, who's out? But you know, you work with the DG, executive assistant, manager of communications, manager of enforcement, director of marines. You work with a small group, and you see a lot of each other because you're constantly working through issues. And you are reinforcing each other when you're sitting here like we did many nights here at this table and go out for takeout food and bring it in. You sort of develop a social cohesiveness which is partly just because you know what it's like, you're living it, and partly you have inordinate faith and trust in each other that if someone for some reason can't be there, then someone else will pick it up, if there's some other circumstance, family illness or whatever. And a little bit of humor certainly helps, we had to have that to get by on. And great self-respect and mutual admiration for each other's capacities and supporting each other. But in the end, there is this requirement when it does become a small group that ends up managing it: that these qualities and these characteristics be shared by all individuals. And we were lucky; we had a very, very, very good group, and that was part and parcel of why we were able to get through it without a major issue arising internally. Notwithstanding that, I worried about it at the time about how much more we could have taken without somebody breaking down . . . we were at the edge by that point in September, and I don't know how much longer we could have held together without some emotional crisis not having occurred amongst us, within the group. But anyway, we got through it. It's amazing what you can draw on sometimes.  

This sense of accomplishment and unity in the face of adversity sometimes got employees into trouble when they found themselves not aligned with either public opinion or the impassioned beliefs of others who did not view their accomplishments as successful. One example took place in the spring of 2000 when a complex and challenging series of accomplishments from people in CIC enabled the deportation back to the PRC by two chartered planes that would transport 90 Chinese migrants who had been imprisoned up to that point and whose refugee claims had been rejected. At that moment, the climate of war metaphors, stress, and anxiety gave way to what people saw internally as a victory. To boost morale and reward staff, a manager in enforcement purchased and distributed collared golf shirts with an enforcement insignia and the text, "Vancouver Enforcement Office: Class of 90" to those involved. This proved to be an oversight on the part of a department that on most days tediously thought through the media climate. Refugee advocates found out about the shirts and accused CIC of making light of the serious matter of deporting refugee claimants to China. Of course, the media also found out about the shirts and caused a stir that resulted in an apology from a CIC spokesperson for the oversight (The Province, 22 June 2000). I see this episode as an expression of the common goal that CIC employees had to deport the migrants and of their sense of unity in the face of the adverse conditions in which they worked to

---

86 Interview, Vancouver, August 2000.
achieve this goal. It highlighted the adversarial sense of "us" against "them" that developed. They overcame feelings of powerlessness amid a crisis with hard work and success. The underside to this story was the solitary goal of repatriation that led to this oversight.

I think that the story also related to the sense of being constantly beaten up in the press on all sides. On occasion, CIC employees would remind me during interviews that they had also put concerted efforts into landing over 5,000 Kosovar refugees only months before the boats arrived from China in 1999. The Canadian public and media had been overwhelmingly supportive of their work at that time, whereas in the summer of 1999, they had to accustom themselves to overwhelmingly negative portrayals of their work. But CIC employees were also proud of their successes in a time of crisis during which they fulfilled their mandate and responsibilities to the Immigration Act and the Charter, regardless of their lack of popularity with the media and the Canadian public. Various people in communications, on the marine team, and other individuals won awards for this work from a variety of government bodies.

The wait

*I think it's so fascinating how this whole office runs in two modes now: boats or no boats, crisis or no crisis. It seems more boring to me when there aren't any boats.*

Fieldnotes, Vancouver, August 2000

During the summer of 2000, CIC predicted the arrival of eight to ten boats and meticulously measured the beginning and end to "boating season" according to weather and the seas of the Pacific. When I began to spend more time in the office in August, a sense of anticipation had waned. People expressed both relief and frustration and disappointment that they would not have the opportunity to enact their plans. This was definitely the anti-climax to the catalyzing experience of responding to the arrivals in 1999. Only summer interns openly told me that they had been hoping for a boat arrival, but one of their seniors actually shared his disappointment with the Minister during one of her visits to BC. He mentioned that he was sorry that no boats had arrived and enabled them to put their plans into action and only realized the gravity of his remarks afterwards.

I acquired the impression that that while the daily work in the bureaucracy was not necessarily boring, it rarely matched the excitement of responding to marine arrivals under pressure. The immediacy and magnitude of these events offered something entirely outside of the day-to-day routine and called upon resources not normally exercised either personally or
professionally. Everyone waited with baited breath during the following summer for the boats to start coming again.

For the "believers" who knew that one the day boats would - will - return to the shores of BC, the route having been re-activated, the wait caused them additional anxieties. For the non-believers, the quiet seas affirmed their convictions that the response had been a complete success.87

This wait underscored the meaning of that time during their worklives and careers as civil servants. It also reaffirmed the "before" and "after" of the experience.

**Analysis: the bureaucrat**

Everything changes in times of crisis, including bureaucratic operations. Policy that appears neatly on paper - if at all - is more convoluted when implemented on the ground, when decisions are made in haste without sufficient time for discussion. Without recent precedent, there was no specific policy driving a marine response on the Pacific coast, and this resulted in what some dubbed "policy on the fly." Ethnographic analysis underscores the importance of qualitative research with policymakers in illustrating that the government response to the arrivals depended more on personality than policy; as much on extraordinary hard work and accomplishments on the part of individuals and small groups as on the functioning of the whole system. At the time, employees were overworked and exhausted. Stress levels and emotions soared and were exacerbated by the experience of being under intense media scrutiny. The regulation of public expression and the subsequent impact on everyone's daily work made this work a draining force on federal employees. In interviews, CIC employees complained about the suppression of alternative opinions regarding the enactment of policy. Overall, an over-responsiveness to the mainstream media on the part of the Department, viewed as the key to positive results in public opinion polls, resulted in a stressful work environment.

The patchwork vision with which civil servants see human smuggling limits their information on human smuggling, and constraints such as international laws and bureaucratic finances limit their abilities to respond. Despite this lack of information coming in, the Department constantly sent information out to the public through the media, every working moment of RHQ and NHQ employees attuned to the eyes peering in on the fishbowl.
The locus of power within the network of daily state practices shifted according to the location of information and action. Despite this shifting core of activity, institutional actors linked to "higher" scales through Ottawa or international relations and protocols were always able to "claim" a higher scale as a move to assert power and prioritize an agenda (Peck 2002).

Those responding came into tension along various axes of difference. Governmental departments responding alongside CIC - such as the RCMP, the Coast Guard, and the Department of National Defence - sometimes disagreed, and these disagreements sometimes made it to the press. There were also conflicts among different levels of government. There were also fractures among people working in different frameworks within CIC. Embodied, the state is a great number of institutional subjects. Individuals do exert agency within the bureaucracy where policy is implemented unevenly and amid tension.

This chapter has been full of examples of the primacy of subjectivity and individual agency exercised through state practices, from record-keeping and the fulfillment of access requests to the design and implementation of policy. Narratives of the response to smuggling reveal conflict, tension, and contested interpretations of policy that played out across space and time. The nation-state emerges not as monolithic, static, and unified, but as dynamic, conflicted, and multiple. However, because of the desire to present a unified message to the public, high-level bureaucrats and a powerful communications branch construct coherent and clean narratives for the public. According to Bakhtinian logic, a monologic narrative in which one truth prevails emerged: transnational organized crime brought economic migrants to Canada. As Michael Holquist suggests, however, (2002), Bakhtin's theory of dialogism (1981) can be applied to the bureaucracy, a noisy place where multiple and conflicting realities coexist in muddled, gurgling perspectives; where multiple truths emerge through dialogue. Through fieldwork, I was able to enter inside to hear different narratives about human smuggling and about this response. In interviews with those who enact the state on the frontlines, the cleaner narratives of policy recede, and the processes, personalities, and politics surrounding policy come to the fore. The repression of these narratives means that the management of a situation suffers from blind spots in vision on the ground where policies are implemented. Management suffers without the geographical knowledge and experience that is only acquired on the ground over time, never on the telephone.

Institutional ethnographic research thus tells us about the geography of the state, the management of migration, and the importance of the media to the response to smuggling. There is a clear disjuncture between the theories of the powerful state that course through political geography and the views articulated by bureaucrats. I interviewed many civil servants who felt in the dark, powerless, unprepared, unsupported, and cynical. From intelligence officers who worried that they did not have enough time or resources to "see the forest for the trees," to people in the thick of the first and second responses on the water and at Esquimalt who expressed a lack of support from Ottawa, many involved in the response to human smuggling felt powerless in relation to human smugglers, despite the tenuous declarations at the end of "boating season" in 2000 that they had enacted successful deterrents. The embodied state is multiple, conflicted, and in perpetual negotiation. Embodying the state by studying the day-to-day locations and challenges of bureaucrats shows a far more diverse, diffuse, and conflicted state, and challenges the notion that civil servants can be and do all that some theorists think the state capable of. Embodiment is, therefore, a step toward a fuller dialogue about smuggling and about the political geography of the state. Ethnographic research uncovered tensions obscured by the abstractions of the state at other scales and the role of identity, personality, emotion, and conflict in the enactment of policies. An embodied state is less powerful and more vulnerable, and this vulnerability related as much to the media as to human smuggling.

The media constrain state practices by exacerbating a "fishbowl" climate in which mistakes are "not allowed." These oft-repeated phrases suggest a fear of blame that underlies decision-making processes and interactions with the world outside the bowl as well.

Ethnographic findings depict state practices brought to fruition through informal relationships among people who feel powerless but must appear powerful. These living, moving networks are central to the respatialization of governance of smuggled migrants and asylum seekers.

Ethnographic research illustrates the extent to which the media generated more of a crisis to people in communications than did the smugglers to those working on operations. Why? Why this over-attentiveness to the media, and why did it trump all other issues in every relationship? Why was this a crisis? Did it have to be? Human smuggling is a global phenomenon for which CIC should be prepared. However, this chapter has shown that the

88 Interview, Vancouver, April 2000.
priorities of the Department relate to political contexts, and to what is foremost on the minds of the Canadian public and the Canadian press. Such shifts caused resistance on the part of federal leaders to commit resources to further planning and preparation over time and caused considerable tension among the ranks as a result. The bureaucracy has a high turnover rate and a short institutional memory, and little has changed since 1999. A lot of people involved regionally in the response have left, having retired or been transferred to other parts of CIC or to other departments. As a result, the federal government will likely remain in a crisis mode in the response to human smuggling until more proactive measures are taken.

The ramifications of this failure to plan do not only impact CIC employees, but extend into their relations to other groups. In discussion of the media and the response to access requests, this chapter hinted at evidence of an adversarial relationship between the government and the public. Bureaucrats in fact interacted with many non-governmental institutions such as the media, lawyers, suprastate groups, advocates, service providers, and provincial ministries. While they found these interactions with others stressful, the success of the response to human smuggling largely depended on the work of these institutions in assisting claimants through the refugee process. So while the state appears as monolith in theory, in practice, state practices take place heterogeneously, with more fluid boundaries between state and non-state institutions. Institutional ethnographic analysis incorporates these other institutions into conceptual understandings of the state and interprets the meanings of their insights and relationships. In the next chapter, I look at how CIC related to other institutions in the anxious climate in which some were very careful to control the public image of the response.
Figure 5.1 Aerial photograph of interception and media
Source: Citizenship and Immigration Canada
Handcuffed children ask Canada for asylum

Smuggled Chinese youths fight backlash

TIM LIDMAN
Victoria, British Columbia

N a 60’s toy face, framed by a
mob of black bangs, lit up with
a broad smile yesterday as he lifted
his handcuffed wrists to give his
lawyer a thumbs-up sign. He had
been deemed eligible to make a ref­
ugee claim.

His name is Jian. He is 15. He
wants to stay in Canada.

He appeared in a Victoria navy-
academy classroom that was trans-
formed into an immigration hear­
ing room yesterday, with nine other
Chinese boys as young as 14.

They were oversized green cover­
alls, handcuffed and, secured their
wrists, white labels marked with
numbers in track their jail files.

They were as ragged as their ears like
schoolboys, facing an immigration
adjudicator behind a teacher’s
desk. RCMP officers and social
workers attended, while a police
dog barked outside.

Some of the boys were so small
their standard issue coveralls were
rolled up in thick loops above their
ankles.

“Look at them,” said their lawyer,
Vaughn Barrett, shaking his head.
“They’re just kids.”

Jian is one of about 50 children
who made a two-month voyage
across the Pacific Ocean from their
native province, Fujian — without
their parents — before being
dumped by a decrepit ship on the
rocky shores of a remote British Col­
umbia island last week. Immigra­
tion officials bewail seeing groups of
the children yesterday.

The smuggled children are
embarking now on another journey to
stay in Canada as refugees in the
wake of a bitter backlash against
their arrival. They are part of
the second boatload of human cargo
from Fujian in less than a month.

Figure 5.2 Minors portrayed in handcuffs in *The Globe & Mail*
Source: *The Globe & Mail*
I sit in a room on the 16th floor of the towering office building of Library Square in downtown Vancouver. Around the room sit two senior male members of the Immigration and Refugee Board (IRB), a young female refugee claimant from the second boat from Fujian, her legal counsel and a translator, the Refugee Protection Officer, a Representative for the Minister of Citizenship and Immigration, a BC Corrections officer who accompanied the claimant in handcuffs and green prison uniform only moments ago, and beside me in the back of the small room, a representative from the United Nations High Commissioner for Refugees (UNHCR). We are all present to witness this claimant's moment of truth in Canada. The IRB members welcome the UNHCR representative deferentially and proceed to run the hearing diplomatically, expeditiously, and humanely, with breaks when needed, such as moments when the claimant breaks down in tears.

The claimant's legal counsel and the Minister's representative interact through an adversity born of familiarity that is clear from the moment each enters the room. Huge piles of paper are wheeled in and spread before those involved in the case. The UNHCR representative attempts neutrality, and I observe quietly from the corner, unable to feign neutrality as I watch this woman sitting before me and close to my own age alternatively shake with fear and shake with tears. Legal counsel for the claimant speaks the most, and the translator works hardest of all, although I am aware that entire exchanges such as legal debates go untranslated.

Timing appears to be everything today, from the fact that this claimant was initially issued an exclusion order after arriving on the second boat and then invited to make a claim, to the complaints of her counsel that CIC failed to respond to repeated requests to release the information in her file in a timely and comprehensive manner [he lists sixty pages absent]. The lawyers argue about the time when processing ended and detention began and about whether this claimant - along with others - should have had access to legal counsel sooner. At stake is the inclusion of notes in the claimant's hearing from the early interviews during processing at Esquimalt before the claimant had met with legal counsel. Today, her legal counsel requests that the Board reject everything included in her personal file - including these notes - unless everything therein is disclosed to him in a timely manner by CIC. CIC lawyers argue that they had not had sufficient time to prepare a counter-argument to this request in time for today's hearing. Legal counsel for the claimant accuses CIC of making the entire process adversarial through the manipulation of time.

The invitations to the claimant to speak solicit her biographical information and dwell especially on religious involvement and birth control practices. Conversation moves from the removal of Intrauterine Devices (IUDs) to sterilization to abortion and an abusive husband. The claimant has one child and has spent the last year in detention in Canada. My thoughts turn to the tendency of states to involve themselves in the intimacy of our daily lives.

The meeting is adjourned and another re-scheduled with a promise from the members of the board to attend to it as energetically as possible. The Minister is invited to submit a full dossier for the claimant - in which case all of the information will be included - up until the time when a decision is made on her case. We all adjourn.

At the end of the hearing, the claimant's lawyer approaches me to explain why he was open to my presence as an observer. He explains that the influence of the media on immigration policy has
been so powerful with this group that he has begun to encourage his clients from the boats to get more involved with the media, as he has done.¹

Fieldnotes, Vancouver, August 2000

Introduction

This refugee claimant was one among a group from the second boat initially issued exclusion orders in Esquimalt in July. Eventually, she was granted refugee status in Canada and stayed.² My own presence at this hearing was somewhat odd and also telling. During the course of this research, I observed and interacted, often without a clear institutional purpose. Both the claimant and the IRB acknowledged my presence ambiguously, without fully understanding why I was there. As I interacted with different groups, I came to sympathize with them all. I could see during this hearing how their diverse interests butted up against one another, and how the claimant and her legal counsel struggled with the strong narratives circulating about the identity of this group. I observed as the claimant, her lawyer, the members of the Immigration and Refugee Board (IRB) and others present each struggled to fit her narrative into one of several boxes available. As her lawyer reminded me on departure, he felt that the media had influenced immigration policy in the response to the boat arrivals. The media had certainly constructed a powerful and oft-repeated narrative in which these claimants were scripted as economic migrants. The manipulation of time and the debate about whether to include or exclude notes from the initial claimant’s immigration interview each related to the issue of her identity. One side struggled to show that she was a convention refugee while the other struggled to show that she was not. Both brought her body into the realm of institutional debate.

I was struck during this hearing by the number and diversity of claims laid on its outcome. This hearing highlights the subject of this chapter: the important role played by institutions other than CIC in the response to human smuggling (see also Minghuan 2001). While the federal government obviously played a key role in the response to the boat arrivals, a series of lesser-known institutional players were also central. While these relationships sometimes played out in adversarial fashion, they were always necessary to a successful enactment of the claimant process. This chapter contemplates the roles of different institutions

¹ This was not the first time that my position as a researcher was confused with that of a journalist.
² Interview with her legal counsel, Vancouver, September 2001. This claimant was one among twenty-four who received refugee status among those who applied from the boat arrivals. I will discuss this figure further in chapter seven.
involved and the challenges to cross-institutional collaboration among them. While I have separated out these groups for organizational purposes in the thesis, I aim to show that the boundaries between governmental and non-governmental institutions collide in terms of human and financial resources that they share. The goal of the chapter is to examine political strategies, standpoints, and collaborations among institutions in order to better understand the relationship between the Canadian nation-state and the smuggled migrants. I will illustrate that the networks between institutions operated more smoothly when they shared agreement about the identity of this group of claimants. When extra-state institutions impinged on state practices and standpoints, however, friction prevailed.

This chapter holds a key place in the broader argument of the thesis that "the state" consists of a diverse array of institutional actors whose interactions at a local scale challenge the notion of "the state" as monolith. Salt and Stein advocate the placement of greater emphasis on the institutions involved in the business of human smuggling (1997). While they have in mind the organizational networks through which smugglers turn a profit, I wish to point out that a series of governmental and non-governmental institutions and industries operate around the response to human smuggling in "host" or "transit" countries as well. The perspectives of employees of these institutions offer alternative narratives of what happened and alternative objectives of the response as they related across distinct institutional cultures and mandates. I explore the roles of these institutional actors in order to understand governance practices in the response to human smuggling.

The experiences of employees of these institutions should each be the subject of a fuller study. For the purposes of this chapter, I group them in categories and address their experiences in turn. I aim not only to document their roles, but to analyze the ways in which each interacted with CIC. Vis-à-vis examination of who had access to governmental decision-makers, some institutional actors emerge as more influential than others, and these findings illuminate the institutional power dynamics at play in the response to human smuggling. CIC was reliant on some organizations, but struggled with others. Some people were invited into dialogue and played central roles in the response, while others were kept at bay and continued

---

3 According to the Global Development Research Center, "Governance is a broader notion than government, whose principal elements include the constitution, legislature, executive and judiciary. Governance involves interaction between these formal institutions and those of civil society. Governance has no automatic normative connotation. However, typical criteria for assessing governance in a particular context might include the degree of legitimacy, representativeness, popular accountability and efficiency with which public affairs are conducted" (Global Development Research Center 2003).
to push from the outside. The objective here is to understand how the networks among groups were practiced and to what effects.

The boat arrivals caused a significant spike in applications in BC, accompanied by significant logistical challenges for the IRB, charged with the administration of over 300 hearings in Prince George. The presence and roles of various institutions represented at the claimant's hearing provide a window into ongoing struggles among these different interests. Like the IRB, the translator and legal counsel earned a living by doing their usual jobs in response to events that were "routine" in some regards, but not at all in others, as the lawyer at the claimant's hearing pointed out. For the representative for the Minister of CIC, there were longer-term issues at stake, including whether or not CIC would be able to include interview notes and other pieces of information that called into question the veracity of claimants' personal histories, their identification, and therefore the credibility of their claims. This decision would affect the remaining claimants from the boats, future proceedings, and could impede one federal goal to deport large numbers of claimants that would serve to discourage human smuggling to Canada in the future. The UNHCR also held long-term interests in the fate of these migrants and the ramifications for asylum and detention policy and procedures in Canada. At the same time, the presence of the UNHCR as monitor served as a legitimizing force for the compliance of Canada with the 1951 Convention and 1967 Protocol.

I proceed by outlining in further detail the conceptual underpinnings of this chapter, which include contemplation of the ways in which scale, boundaries, and identities are constructed in the response. I then address different institutional actors, grouped primarily by common goals and mandates, including lawyers, NGOs, advocates, suprastate institutions, and the Province. I will point out connections between them where interesting alliances occurred and then return to a conceptual discussion of the implications for understanding governance in the response to human smuggling. As with my presence as witness at the hearing, I wish to document the interactions of these groups and discuss their experiences. My goal is not to judge their positions as "right" or "wrong." I aim, rather, to analyze their standpoints in relation to the mandates of institutions in order to make sense of what happened when diverse institutions with diverse objectives struggled over this group of claimants.

---

4 The overarching mandate of the IRB is clear in its mission statement: "The Immigration and Refugee Board is an independent tribunal established by the Parliament of Canada. Our mission, on behalf of Canadians, is to make well-reasoned decisions on immigration and refugee matters, efficiently, fairly, and in accordance with the law."
Scale, boundaries, and identity

In the conclusions of an oft-cited essay on scale, Neil Smith asked, "How is scale constructed in everyday life and how are different scales connected?" (1992: 78) As I work to understand the state, it is through the interactions and struggles between institutions that I understand how both scale and the state are mutually constituted and re-constituted geographically through governance. While the UNHCR assigned a representative to work on highly localized issues of detention in BC in 1999, the institution did so in an attempt to monitor the implementation of refugee policy on a national scale within Canada, knowing that there could be international implications regarding all signatories' compliance with the Convention. While taking place in regional contexts, what happened to refugee claimants in Australia, the US, Canada, and the EU influenced the environment in which migrants sought asylum in BC. CIC, while working at the national scale to implement federal objectives, worked closely with the Province and local groups in order to enact a successful response, but also drew on suprastate institutions for legitimacy. In exploring the relationships among institutions, I will illustrate how each produces scale and locates refugees in local, provincial, national, and global contexts, each with an eye toward a variety of audiences.

As I demonstrate in the remainder of this chapter, different institutions struggled over these boundaries and jumped scale as a way to claim authority (Peck 2002). Power was thus embedded and reproduced through these interactions. As scholars like David Sibley (1995) and Julia Kristeva (1982) argue, boundaries play a central role in identity construction through processes of abjection. The nation-state defines itself through daily practices of enforcement of international borders (Razack 1999, Nevins 2002). I demonstrate that subject positions of migrants and institutional employees themselves are not stable but perpetually reconfigured by those around them through governance. The hearing portrayed in the opening vignette represented a struggle over the claimant's identity as an economic migrant or genuine refugee. Also at stake were the identities of the institutional actors present, each there to influence the outcome of the hearing in one direction or the other. Another powerful undercurrent was the identity of the Canadian nation-state according to its ability to enforce borders and select
refugees. This analysis thus extends to the "nation-state" as a collective practice, always defined and re-defined by those included in and excluded from its network (Nelson 1999). 

Legal counsel

I begin with the lawyers because they were among the first people to become involved with the refugee claimants, following government employees. They by no means represent a united category of interests or institutions. Lawyers themselves work for different institutions with varied objectives, and accordingly, position themselves distinctly in relation to refugee claimants and the federal government.

In this section, I refer primarily to the legal counsel for refugee claimants who arrived by boat in 1999. They too can be further divided into different categories. There were lawyers working with claimants for a brief period early on at the military base assigned through Legal Aid in Victoria (once granted access). There were four lawyers to whom Legal Aid eventually granted contracts to represent claimants in large numbers in Prince George. Finally, there were a group of lawyers based in Vancouver who were the most specialized within the Province of BC in refugee law. Lawyers in this last category represented some of the claimants from the boats who were in detention in Greater Vancouver, consisting primarily of women and minors. It was this last group with whom I conducted interviews. In interviews, each expressed frustration with the experience of representing this set of claimants and detailed the ways in which this group from the boats had experienced the Refugee Determination Process (RDP) distinctly. Because of their specialization in refugee and immigration law and their location in Vancouver, this set of lawyers were also those most involved in an ongoing basis with the various institutions in the field of immigration that were part of the response. Some worked with local advocacy groups for refugees, while others served on the Advisory Council to CIC. They spoke at conferences about this experience and wrote short pieces for legal newsletters such as Bartalk and The Lawyer's Weekly. As was the case for the other representatives of institutions at the refugee claimant hearing that I attended,

---

5 I am particularly interested in the power of ethnographies of the state to locate these boundaries in quotidian practices as perhaps no other method can.
6 Legal Aid pays for legal representation for those who cannot afford it.
the lawyers saw the long-term ramifications of what they perceived as adjustments in the RDP, not only for the 1999 claimants, but for future refugee claimants as well.\textsuperscript{7}

It is, of course, challenging to place lawyers institutionally because each is aligned with a different set of institutions. Most work as private practitioners for firms where they are employed by individual clients. Many are members of the Canadian Bar Association (CBA) and the Law Society of British Columbia and may also be members of the Immigration Section which became active in relation to the procedures of due process for migrants from the boats (Charlton et al. 2002: 13, see Bartalk 1999).

The Bar tried to come together to operate in a somewhat cohesive fashion, which included lobbying efforts on behalf of these individuals, and also developing and sharing legal arguments and precedents for these cases (Charlton et al. 2002: 16).

The lawyers whom I interviewed underscored themselves that they were not a "unified" group by remarking upon one another's interests and agendas, pointing out that while some were interested in providing good counseling, others represented these claimants for business, and still others as a "media opportunity."\textsuperscript{8}

Furthermore, lawyers interacted with a diverse set of institutions outside of the legal community to assist refugee claimants through the process: CIC, the IRB which adjudicated detention reviews and claimant hearings, Legal Aid which paid for representation, and the Ministry of Children and Families which acted as the legal guardian for the minors, to name but a few.\textsuperscript{9} They also interacted with BC Corrections where clients were imprisoned and with NGOs and advocacy groups that serviced clients in other capacities.

Many people in CIC expressed frustration with the legal representation for the claimants and described them as "adversarial." One respondent in CIC identified: "a complete lack of cooperation and responsibility from legal counsel to try to make the system work . . . They came in with an agenda, and this agenda was not to make the system work."\textsuperscript{10} This

\textsuperscript{7} These hearings were taking place after Bill C-31 was tabled in the spring of 2000, so this was a time when the Minister proposed changes to the RDP that would limit appeals, and these changes were highly contested and debated during the consultation period and in public dialogue.

\textsuperscript{8} Interview, Vancouver, August 2001.

\textsuperscript{9} One lawyer who represented minors explained: "Our retainers come from the Provincial Attorney General's Office; and the Ministry of Children and Families (MCF) were guardians for the unaccompanied minors. So as lawyers we're retained by the Attorney General; we're taking instructions from the MCF; we're representing the unaccompanied minor refugee claimants -- which may lead to conflicts. Who are we representing? Who are we taking instructions from?" (Charlton 2002: 15).

\textsuperscript{10} Interview, Vancouver, April 2001.
stance was not surprising given that the objectives of CIC and legal counsel were diametrically opposed. While CIC aimed to provide due process and ultimately deport most of the claimants, legal counsel representing them pursued whatever measures were available to achieve a successful claim.

Meanwhile, the lawyers whom I interviewed contended that there were significant issues with which they struggled and pointed out a set of irregularities that they had observed throughout the RDP for this group. I categorize their arguments and experiences here more or less chronologically.

The first major contention of the lawyers was the definition of detention so carefully subverted by CIC with the designation of the Workpoint Barracks at Esquimalt as a port-of-entry (POE). Migrants in detention have a right to legal counsel, but migrants being processed at a port-of-entry do not have a right to counsel, based on a Supreme Court of Canada ruling. The migrants were being held and processed in Esquimalt for several days without access to legal counsel. In interviews with me and publicly during that time, lawyers asked under what circumstances a migrant was detained. For them, the presence of barbed wire, dogs, and RCMP officers on a military base signified detention. If detained, a person had a legal right to counsel. They agreed that the migrants should have showers and medical exams, but argued that there was no need for this process to be prolonged up to fourteen days, the amount of time that it took for some migrants to be processed at Esquimalt.

CIC, in the meantime, was interested in providing due process and learning as time progressed how to do this most efficiently. The Department was also trying to learn as much as possible as quickly as possible about the method by which the migrants had been smuggled to Canada.

Lawyers complained of a prolonged lack of access to clients throughout their stay in Canada, beginning with this time at Esquimalt. Normally, lawyers who represent refugee claimants are retained by clients through the offices of Legal Aid, to whom they are generally referred by immigration officers at ports-of-entry. In this case, however, lawyers became involved in a non-conventional way, quite outside of routine institutional procedures. Rather than be retained by refugee claimants through Legal Aid, some lawyers chose to involve themselves because of their belief that these migrants should have access to legal counsel.

---

11 Interview, Vancouver, August 2001.
12 Interview, Vancouver, August 2001.
earlier than had been determined. They organized collectively through the Refugee Committee and the Immigration Section of the BC branch of the Canadian Bar Association.

The Immigration Bar is deeply concerned with the position of the Department of Citizenship and Immigration Canada that the migrants have no right to counsel for the purposes of their initial interview and Senior Immigration Officer (SIO) interview. The Bar is concerned that migrants do not understand the law, and do not understand that they must initiate their claims before the SIO interviews conclude (BarTalk 1999: 1).

This debate about the beginnings and ends to processing and detention pertained to time, space, and access. Lawyers wondered whether migrants had understood the opportunity and method by which to make a refugee claim.\(^{13}\)

So social justice motivated lawyers to become involved regionally.

It was with respect to social justice issues that the lawyers in BC first got involved with the boats before we were retained to represent any of the individuals. We realized that people were being detained at port-of-entries in Esquimalt without representation. Immigration Officers were interviewing them and taking their statements; in some cases, individuals were being excluded from making refugee claims prior to having even seen counsel. The lawyers got involved, urging CIC to allow the individuals to have access to lawyers. We were also involved pushing with the Legal Services Society of British Columbia that provides legal aid to fund counsel, because these migrants at this point hadn't been able to go into a Legal Aid office and make claims (Charlton et al. 2002: 13).

Legal Aid sent a lawyer from Vancouver to Victoria to manage the situation, and CIC did soon grant access to lawyers at Esquimalt.\(^{14}\) Overwhelmed by the number of cases and by the cost of representation, Legal Aid would not pay for lawyers' travel or accommodation from Vancouver to Victoria. It took time for lawyers located across institutions and geographical locales to mobilize. As one lawyer in Vancouver explained, "Everybody was sitting on their hands saying, 'Well, it's not my responsibility.'"\(^{15}\)

Many of the lawyers' complaints about CIC and the lack of access at Esquimalt crystallized around the exclusion orders mistakenly issued during interviews with migrants who had arrived on the second boat. Migrants who arrive without a visa or proper identity documentation can be issued exclusion orders if they do not make a refugee claim. They are then excluded from making a claim and accessing the system. On the second boat, 78

\[^{13}\text{Another challenge posed to this early involvement of lawyers in an advocacy capacity, however, pertained to time and money, according to lawyers interviewed. This work comprised unpaid labor done by lawyers who already had full caseloads. Interview, Vancouver, August 2001.}\]

\[^{14}\text{The amount of time between the arrival of migrants at Esquimalt and their opportunity to meet with legal counsel was reduced, beginning with the arrival of the second boat.} \]
migrants were issued exclusion orders, including the claimant whose hearing I attended, on the basis that they had not stated "refugee claim" during their interview. On review, however, the interview notes of immigration officers showed that they had in fact spoken of a fear of return. Once again, lawyers intervened:

Lawyers got involved and a number of lawyers obtained legal aid certificates in order to represent some claimants in federal court to try to overturn the exclusion orders. The lawyers who were working on those particular cases found in the notes of some of the immigration officers from the interviews, that some of these people had made statements about being afraid to go back to China. In a number of those cases, we didn't even have to wait for a decision from federal court; there were agreements made between the Department of Justice to have those cases sent back down and reviewed and allowed to enter the refugee process (Charlton et al. 2002: 13-14).

CIC employees involved argued that these statements had been overlooked due to a paperwork error. Yet for lawyers, these mistakes accentuated their contentions with the process and its geography. They noted three concerns with the lack of access at Esquimalt: they questioned whether migrants had been adequately advised of their rights, they lamented that CIC was insufficiently "watched over", and they argued that there existed no mechanism by which to verify accusations of abuse of the refugee process that later came to pass.

Ironically, there were a higher percentage of successful claims from the batch of people who had been initially excluded than from all of the claimants from the boats combined. The reasons for this are not quite clear, and there are a lot of hypotheses. It underscores, however, the importance of having people represented by lawyers at the front end (Charlton et al. 2002: 14).

Furthermore, lawyers for the claimants had not been present when those early interviews took place, and they argued that the migrants' understanding of the proceedings were negligible. The lawyers outlined a number of doubts about the entire RDP process.

Non-legal refugee advocates also expressed doubts. This was an interpretation of events at Esquimalt according to Direct Action Against Refugee Exploitation (DAARE), a local advocacy group, speaking in the context of their explanation of how the refugee system should work generally and how it worked distinctly for this group:

15 Interview, Vancouver, August 2001.
16 Interview, Vancouver, August 2000.
17 The UNHCR and the Red Cross were in fact monitoring the process and conditions at Esquimalt, but the lawyers sometimes conflicted with the UNHCR, and they were dismayed more specifically that they themselves were not able to play more of a role in monitoring the process.
18 Interview, Vancouver, August 2000.
19 Interview, Vancouver, August 2001.
Questions of legal counsel and interpretation at the entry interviews are important because the notes taken at these interviews have been highly adverse to the interests of the asylum seekers. They came off a dangerous voyage by ship, they were held behind barb [sic] wire by people with guns, they were treated in a very criminalized way, and in the context of these traumatizing experiences, they may have said a variety of things which could easily be misunderstood or misrepresented.

These adverse statements were used against the refugee claimants in their hearings, often without questioning the people who elicited these statements about how the statements were taken, and without questioning whether these people were biased against them (DAARE 2001: 31).

DAARE introduced additional cultural contexts to the relationship between enforcer and client by pointing out the contrasting milieu of immigration officers and of migrants who had just completed a harrowing journey under the influence of enforcers.

Lawyers and advocates emphasized the significance for migrants - with a cultural fear of authorities and imprisonment - of being interviewed while detained at a military base. Lawyers argued that the expectations of these early interviews were unrealistic; that their clients would likely say as little as possible given their fear of authorities, smugglers, and poverty if returned home. Eventually, CIC and the Department of Justice agreed to overturn that set of exclusion orders. Months later, however, CIC and the IRB used these interview notes to question the credibility of claimants during the process, which contributed to the determination of their cases.

The regional UNHCR representative provided a distinct response to this episode and to broader complaints about access:

But I would like to make a few comments about the access issues raised in the context of the boat arrivals to put the challenge in perspective. Identifying people who are in need of protection . . . who have been smuggled is not a straightforward exercise. I’ve sat in on a number of eligibility interviews for the boat arrivals and for the subsequent container arrivals, and I’ve worked beside CIC officers. In many cases, it’s not a clear case . . . There was no indication of a flight or fear of persecution. Even if the word refugee was used, when the responses were elaborated upon, there was no indication that these were the people for whom the refugee system was intended to operate. And yet these officers had an obligation to refer directly to the refugee board. I think that was extremely difficult for them, particularly claimant after claimant, and after so many who had been referred had disappeared. I observed and was told how this certainly undermined their confidence in the asylum process.

For me this was understandable, but also extremely worrisome. Officers are the first point of contact for many refugees – the gatekeepers to the asylum process. Even with the best laws and procedures, meaningful access to asylum procedures depends upon their open-mindedness, their

20 Interview, Vancouver, August 2001.
21 This was at issue in the claimant hearing in the opening vignette of this chapter.
sensitivity to potential protection needs, even when the individuals before them are not immediately forthcoming (Charlton et al. 2002: 25).

The differing interpretations of these exclusions relate not only to the identities of the migrants, but to the institutional positions of those working with them. What to CIC turned out to be human error, to advocates provided evidence of discrimination in the form of material exclusion. The fact that many of those initially given exclusion orders were later granted refugee status confirmed for lawyers what they saw as an initial "panic" of CIC in responding to these migrants. The UNHCR representative, however, intervened with an interpretation that suggests that frontline immigration officers struggled with competing pressures on the outcome of their work. The statement by the UNHCR representative shows how many factors beyond the law and the migrants' narratives were present in these negotiations. The representative brought up frustration, dwindling confidence, fatigue, and the sense of being overwhelmed by the scale of the arrivals.

These exclusion orders relate to broader issues of access throughout the process wherein institutional geographies complicated lawyers' involvement.

To identify an underlying theme for us, it would be the lack of access that clients had to retain lawyers and to meet with their lawyers. This primarily resulted from first, CIC's decision to detain these people en masse; and second, to detain them in areas where there were limited numbers of experienced immigration and refugee lawyers and qualified interpreters (Charlton et al. 2002: 16). The geography of detention in Victoria and, over time, in Prince George, distanced refugee claimants from Vancouver where they could access more experienced refugee lawyers, as well as advocacy and service communities. Once migrants had been moved to longer-term detention sites in Prince George, opposition to detached geographies of detention increased and for some lawyers interviewed, served as the source of their greatest criticism of CIC's handling of these arrivals.

And once the issue of detention came about, it was a question of where they were going to be detained en masse. They were detained outside of the Lower Mainland in Prince George. This was very significant because again it limited access to legal counsel for the detainees. Prince George is halfway up the province. There aren't a lot of refugee lawyers practicing in Prince

---

23 These detached geographies of detention parallel similarly isolated practices in the US, England, and Australia where refugee claimants smuggled by boat are detained in remote locations (Simon 1998, Bowden 2003, Perera 2002c).
24 Interview, Vancouver, August 2001.
25 This term references the Greater Vancouver area.
George. There are also not a lot of certified interpreters and translators in Prince George (Charlton et al. 2002: 14).

With Prince George a difficult, ten-hour drive from Vancouver into the interior of BC, lawyers called these contingency plans "disastrous" and argued that in many respects, they served CIC's goals of negative decisions and deportation well. In Prince George, the claimants were situated even further away from experienced legal counsel, qualified interpreters, and NGOs that provided immigration-related services and advocacy.

In the meantime, Legal Aid, still overwhelmed by the number of claimants in need of representation and not accustomed to servicing this number of clients simultaneously, initiated a bid process wherein lawyers bid for contracts to represent large numbers of claimants. The Legal Services Society (LSS), which funds Legal Aid, reviewed bids by lawyers to represent a block of clients for a variety of fees. While LSS never released the rationale for which four contracts were subsequently awarded, the experienced refugee lawyers whom I interviewed noted that the four lawyers chosen were not those who regularly attended the immigration subcommittee meetings of the Canadian Bar Association, nor were they generally well known to the community of refugee lawyers in Vancouver. There were a series of controversies surrounding the competency and experience of these lawyers, as well as their ability to represent such a large caseload of clients at once to whom they had so little access because of the nature of their detention. The legal community speculated that the bids had been awarded for reasons to do primarily with cost. In short, the more experience refugee lawyers who were not selected questioned the criteria by which the four had been selected, the quantity of clients represented per lawyer, and therefore the quality of representation for those imprisoned in Prince George. According to one lawyer, the controversy "bears out the worst fear. I think that Legal Aid failed." To him, this represented an institutionalized failure of the system for this set of claimants.

Lawyers detailed the specific ways in which their access to clients in detention was limited. Because of the challenge of finding skilled interpreters with security clearance from

---

27 The Legal Services Society is a provincial body funded by the provincial government.
29 The Refugee Committee of the BC Branch of the Canadian Bar Association wrote a letter to the Legal Services Society concerning the bidding process and the award of a contract to one lawyer in particular.
30 Interview, Vancouver, August 2001.
the RCMP, and because of lunch breaks and guard breaks during the day at the prisons, they spent a lot of time waiting to meet with clients and, according to them, significantly less time than normal meeting with clients to prepare their Personal Information Form (PIF).

We also had problems because when we were in the facility with the interpreters, we only had set times to meet with the claimants. There were very few rooms where a lawyer could meet with a client, and these rooms were hot and cramped. If you happened to go to the prison while other lawyers were meeting with their clients, there may have been a lack of physical space to meet with your clients.

Once again, lawyers criticized CIC and the IRB for timing and access issues.

The whole preparation was done in an accelerated fashion as well; because these people were detained, the Immigration and Refugee Board gave priority to having their claims heard. So the regular process that you would have to sit down, meet with a client for three, four, five times with a certified interpreter to prepare their statements was out. Lawyers were preparing the forms in less time and without the qualified interpreters, and with claimants who didn't really know if they could trust you or not (Charlton et al. 2002: 15).

The difficulty of assessing some of these arguments relates to the number of institutions involved. The IRB faced significant logistical challenges in processing this group. BC Corrections had limited experience working with refugee claimants, and CIC faced criticism for the lengthy detention of refugee claimants.

In addition to their challenges to space and time with the RDP process, lawyers also condemned the detention review processes in Prince George. Refugee claimants in detention have routine detention reviews, during which time federal lawyers argue the case for continued detention, and the IRB adjudicates. As routine detention reviews took place for claimants, lawyers argued that they were treated as a homogenous group. CIC legal counsel routinely presented the same document at the reviews that profiled migrants from Fujian, which one lawyer argued was evidence of "racial profiling."

It was very clear with this group of people that they wanted to contain them. So it looked to us like they were practicing racial profiling. But of course they took great exception to that. . . I asked them, "How would you describe this book? You're profiling this group. You're detaining them as a group; you're processing them as a group."

---

32 One law firm I interviewed flew their own interpreters to Prince George only to learn once there that BC Corrections would not allow them past security at the prison.
33 The PIF is the primary document filed by the refugee claimant with the IRB within 28 days of making a claim. The PIF solicits biographical details in order to raise the information relevant to the refugee claim. This criticism does not apply to minors held in the custody of the Province in much less secure sites such as group homes and foster care who were allowed to visit legal counsel's office freely.
34 Interview, Vancouver, September 2001.
He described this book as a series of color photocopies of rusted ships and went on to say that the Minister's representatives argued for continued detention with a "standard script" and a statement about why Fujianese migrants traveled to Gold Mountain. He argued that the claimant process was supposed to "individuate" but that, in actuality, names and dates of birth were the only distinctions made among clients' files in detention reviews for this group.

Lawyers blamed other institutions alongside CIC for the problems that ensued while their clients were imprisoned in provincial prisons. They argued that BC Corrections employees were not experienced in working with refugee claimants and that CIC claimed not to be accountable for the treatment of migrants once they had contracted out institutions where they did not control the rules.

Lawyers expressed disappointment with the IRB for its failure to challenge some of CIC's decisions regarding claimants' access to the system. With no offices in Prince George, members of the IRB were flown in and temporarily accommodated. They also asserted that the IRB could have stood up to CIC to better service the refugee claimants by insisting that the hearings take place in Vancouver where the hearings are normally administered, rather than move offices and staff to Prince George. They argued that the IRB adjudicators disliked this experience and were therefore biased by the geography of the process. One lawyer recounted the experience of representing a client on a Friday afternoon before members of the IRB who had already been working in Prince George on a temporary basis for a week or two. As it began to snow outside, he said that they rushed out of the hearing to take a flight home to Vancouver.

Lawyers criticized the failure of the IRB to oppose CIC's decision to detain and require hearings in Prince George, and used this criticism to call into question the separation between the IRB and CIC. They noted, however, that it would be difficult to challenge publicly the relationship between the two because there was little evidence of their relationship and interaction with regard to decision-making. They argued that while CIC and IRB remained at "arm's length" theoretically, in practice, they often behaved sympathetically to one another's

---

35 Interview, Vancouver, September 2001. The term "Gold Mountain" refers to the movement of Chinese immigrants to North America in the mid-1800s (originally to California and soon thereafter to Canada) in search of gold.
37 Interview, Vancouver, August 2001.
38 Interviews, Vancouver, August and September 2001.
objectives. One lawyer asked, "How do you maintain partiality through that sympathy?"  
He went on to say, "By the IRB facilitating for CIC, the lawyers found themselves outmaneuvered."  

Lawyers also pointed to a conflict of interest when immigration officers become board members or adjudicators. They noted too that the Minister of CIC appoints members of the board and decides whether or not to renew their terms without any public evidence of the criteria upon which these decisions are made.

For their part, the institutions handling the claims, including CIC, the IRB, and BC Corrections were also challenged and frustrated with the logistics of the arrangements and with the limited options available in terms of sites to detain because of the scale of the movement. The CIC and the IRB attempted to balance full access to the system with the desire to not prolong detention for these claimants any longer than was necessary. CIC officials responded that they were criticized both for keeping migrants in detention for long periods of time, and for prioritizing these claimants' hearings in order to end their trial in Canada without jeopardizing their access to the system. Likewise, they were criticized - by different parties - when they detained refugee claimants and when they released migrants who then disappeared.

Advocates also argued that the fact that claimants entered the room handcuffed and in prison uniform and that they had their tribunals held in the prison also potentially biased the outcome of the hearings. They argued that the consistency of IRB adjudicators over time to keep claimants in detention and later, to deny their claims, called into question the sincerity and individuality of their access to the system.

Lawyers also expressed disappointment with fellow lawyers: "I was amazed by the extent to which the Bar played along. Even the lawyers are institutionalized, have unspoken codes, and institutional biases." This lawyer also argued that by agreeing to the bidding process, the lawyers implicitly accepted the assumption that these were economic migrants and the legal community had therefore to "go along" with this procedure of expedited representation, which then implicitly legitimated the procedures set in place on behalf of the legal community. He went on to say that those lawyers who did not concede to the system

---

39 Interview, Vancouver, August 2001.
41 Interview, Vancouver, September 2001.
42 Interview, Vancouver, August 2001.
were those who successfully argued the twenty-four positive cases. "But really what did we achieve by acceding to all this?" He noted that both Legal Aid and the IRB were seen in the end as having succeeded in moving the claimants through the system.44

Lawyers also addressed the effects of the political climate on the RDP. They identified the media as "the court of public opinion,"45 and accused the media of contributing to a climate in which refugee claimants were profiled as economic migrants. They linked this pressure from the media to the decisions of members of the IRB, who they believed would need to defend their decisions to grant positive refugee claims in this political climate. Layering additional political context on IRB decision-makers at that time, refugee lawyers explained that the IRB had been accused of being ineffective and "weak" on many occasions and believed that the institution was in danger of being disbanded if perceived to handle these cases poorly.46 As a result, they believed that the IRB had the sense of "being watched" and therefore moved cases through the system quickly, rarely granting adjournments.47

One lawyer attributed the fact that the Minister contested every positive decision handed down through judicial review48 as the deliverance of the message of disapproval from CIC to the IRB adjudicators. He painted the image of one part of the "machinery" of the federal government going after another.49

Lawyers also pointed out problems with the timing of these refugee hearings and argued that the cases moved in and out of the system at a faster rate than normal.50 Because the hearings were expedited, legal counsel argued that they did not have as much time as usual to gather evidence for the case. From the IRB's perspective, however, the cases were prioritized because the claimants were in detention and, in the case of minors, because they were unaccompanied minors. The IRB found itself in a catch-22 scenario, challenged to oversee cases fairly and in an expedited fashion because advocates and lawyers also criticized the federal government for detaining refugee claimants for long periods of time.51

46 The authors of Not just numbers (Davis et al. 1997), the findings of a legislative review of the immigration system, recommended that the IRB be disbanded.
48 Claimants can file for judicial review with the Federal Court of Canada in order to argue that law or justice has been carried out inaccurately.
50 In 1999, the average refugee claimant process lasted nine months (United States Committee for Refugees 2000a), so not all of the hearings moved faster than the average, although some certainly did.
51 Interview, Vancouver, August 2001.
Accessing information from CIC frequently proved another source of tension related to timing. When representing a client, legal counsel would submit an access request for information on the client. Often, their files came back with anywhere from fifty to one hundred pages missing, or with many portions “whited out.” Sometimes lawyers received immigration officers' interview notes, and other times they did not. This is at issue in the legal arguments made in the opening vignette of this chapter, where the IRB asked CIC to make port-of-entry interview notes available to legal counsel faster. But CIC still tended to either delay the process, or worse, to use the interview notes in refugee hearings without having shared them. Claimants' lawyers argued that these POE notes had been taken before the claimant was granted access to legal counsel. They also questioned the competency of interpreters, given the nature of these notes.

Those POE notes are very significant because they are used at the refugee hearings, and if anything is different between the POE notes and the testimony, if there are any omissions, it goes to the credibility of the refugee claimant. And the Refugee Board, particularly in Vancouver, has a culture of credibility. It's easier to find a negative decision for lack of credibility because it protects from judicial review. . . because Immigration will often argue that these POE notes should be used at the refugee hearing, that they are significant to find out what the true story is. And I think in terms of assessing the whole process, how likely is it that somebody who is controlled [by enforcers] . . . How forthcoming are they going to be at the very beginning with the whole story? (Charlton et al. 2002: 35-36)

Lawyers pointed out that even those notes that contributed to exclusion orders that were later overturned were eventually used in claimants' hearings. One lawyer reported that in the cases that he had won, the judge had agreed to throw out the POE interview notes; but for all that he had lost, they were included and often used to challenge the credibility of the claimant.

Another contentious piece of information rarely but occasionally included in clients' files were requests for travel documents made by CIC via memo to the Chinese embassy. When legal counsel did receive such memos via access requests, they circulated them amongst each other as evidence that CIC was already planning the repatriation of their clients. To some, this confirmed their belief that the identities of this group of claimants as economic

---

52 Interview, Vancouver, September 2001.
54 Interview, Vancouver, September 2001.
migrants were determined early on, and that they were then treated as a homogenous group, their identities and experiences contained for the sake of efficiency and a strong message.

Accessing people in CIC also proved challenging and, for the lawyers involved, signaled a lack of transparency and accountability. One argued that CIC "generated transparency. They do a very good job of trying to look transparent" through access requests and frequent communications with the media, for example.\textsuperscript{56} They also, however, noted how uneven their experiences with CIC had been, explaining that decision-making and transparency differed by location within the hierarchy, location by branch within CIC, geographically among different ports-of-entry, and individually among employees.

Finally, every lawyer interviewed accused CIC of enacting an adversarial stance and provided a slew of arguments to back-up this position, from the moment the first boat arrived when "an alarm sounded" and they entered "a crisis mentality;"\textsuperscript{57} to the decision of the federal government to contest every positive decision handed down by the IRB to these claimants, including, as lawyers pointed out, those handed to children. They also cited the "Class of 90" t-shirts that celebrated removal as evidence of the stance of the Department. As one stated, "Everything CIC has done has shown that they're more interested in removal policy than in the care of minors."\textsuperscript{58} For those minors initially granted status, against whom the federal government filed a judicial review, it became harder for legal counsel to argue their cases successfully a second time because they were older, and for some, no longer a minor, and therefore no longer under the care of the Province.\textsuperscript{59} One lawyer argued that CIC treated the migrants as problems of the state and assets of the smugglers, rather than victims.\textsuperscript{60}

Some attributed this to the fact that, like other institutions, CIC was overwhelmed and attempting to "contain" the situation:

\begin{quote}
It was obvious that CIC did not have the capacity to deal with this group of people when they arrived. . . What I noticed was a series of system failures that ensued. The question then becomes, how do you contain 600 people? Well, you contain with an army base, guard them with guns, search them. They have to target them, contain them, investigate them.\textsuperscript{61}
\end{quote}

\textsuperscript{56} Interview, Vancouver, September 2001.  
\textsuperscript{57} Interview, Vancouver, August 2001.  
\textsuperscript{58} Interview, Vancouver, August 2001.  
\textsuperscript{59} Interview, Vancouver, August 2001.  
\textsuperscript{60} Interview, Vancouver, September 2001.  
\textsuperscript{61} Interview, Vancouver, September 2001.
This theme of containment continued with restricted access over time. In Prince George: "Immigration as a part of its containment strategy decided to move people to PG." In Prince George, they noted that migrants were isolated, removed from the Chinese community and advocates in Vancouver. Their only link to the outside world was through interpreters.

As an extension of this argument, lawyers contended that they had requested follow-up studies regarding "lessons learned" from the various institutions involved, including the Refugee Division of the IRB, CIC, and the Legal Services Society, but that none had complied. Lawyers were critical of this lack of transparency among institutions and lamented the absence of reflective dialogue about what had come to pass and about how the process could improve in the future in terms of legal representation, interpretation, cultural issues, and overall access for clients. Pressing the notion of containment further, one respondent used the metaphor of the black box recovered after an airplane accident to describe this episode. He insisted that there remained a significant amount of information still wrapped up in the black box that needed to be examined and understood retrospectively in relation to these events.

Lawyers posed legal challenges to several of CIC's decisions throughout this response. They challenged the designation of Workpoint Barracks as a port-of-entry and the time that CIC took to conduct interviews prior to granting claimants access to legal counsel. They challenged the exclusion orders made after the second arrival and later, in hearings, the inclusion of immigration officers' POE interview notes. As the process continued, they challenged the document used during detention reviews as one that racially profiled this group of claimants. The legal challenges made to CIC by lawyers through the BC immigration branch of the CBA, as well as their desire for positive decisions from the IRB meant the exacerbation of a truly adversarial relationship between lawyers and CIC. Both sides expressed frustration with one another. This is interesting, given that each also needs the other for the system to function. Lawyers are funded by government through Legal Aid and necessary to a successful response for their role in guiding and representing refugee claimants through due process. Yet both seemed to hold opposing, extreme positions with regard to

---

63 One lawyer accused interpreters of divulging information to CIC. Interview, Vancouver, September 2001.
64 Interview, Vancouver, August 2001.
these claimants. While CIC struggled to contain the issue and process the migrants, migrants' lawyers struggled against this plan. Together, CIC and the refugee lawyers represented the two most powerful players as they sparred to negotiate whether these claimants would have a future in North America. In the end, however, with a 2.5% acceptance rate, there was nearly a solitary outcome to their negotiations, the practice of the law another iteration of state sovereignty.

Most refugee claims in British Columbia take place in Vancouver. The lawyers' experiences and litany of complaints in representing this group highlighted legal geographies of power (Blomley 1994) and called into question whether those refugee claimants who arrived by boat in 1999 had substantive or skeletal access to due process. Central to assessing lessons learned from this response as they pertain to planning for the future are the institutional geographies of the response. The geographies of access, detention, advocacy, interpretation, and service provision were paramount to lawyers' arguments. While the federal and provincial governments argued that logistical planning, scale, and financial considerations contributed to their decision-making regarding the location of detention facilities, advocates and lawyers for the migrants clearly did not accept this argument and accused them of choosing geographies of "convenience" that best served their own objectives.

Non-governmental organizations

The next set of institutions to become involved with the migrants can be loosely grouped together as non-governmental organizations. Like the lawyers involved, these institutional actors represented a diverse set of objectives in relation to the migrants. Some functioned as settlement agencies, while others became involved in search of social justice in Canada vis-à-vis the refugee program. For the purposes of this discussion, I have divided them into two categories: those that provided a broad set of services - rather than advocacy -

---

67 In some cases, it was in the public interest of groups to publicize their involvement with this group of migrants. For others, publicizing work with this group made it even more difficult to service them, as a result of media coverage, the interest of smugglers in clients' whereabouts, and the lack of support in the wider community for this group of claimants. For this reason, I name those organizations that were more publicly involved with the migrants, including the advocacy and suprastate groups. I do not specify NGOs interviewed because they are smaller organizations interested in protecting clientele and maintaining funding bases.

68 An additional NGO that played a crucial role in responding to the boat arrivals was the non-profit medical community that serviced refugee claimants on the boats and in Esquimalt. I included them in chapter four because of the key role that they played in the response on the water.
to immigrants and refugees on a routine basis and those that existed specifically in an advocacy capacity, which will be the subject of the subsequent section.

Those NGOs that worked with the migrants in British Columbia were based in Victoria, Vancouver, and Prince George. They ranged in size and in the variety of services available, from smaller agencies designed to specifically service refugees, to the largest of immigrant-service organizations in Vancouver that offer a large range of services to a variety of immigrant communities. Overall, the NGOs played a smaller role in the response to these arrivals than the lawyers because so many of the migrants were detained. For the most part, those migrants who were released from detention were referred to the settlement agencies, which meant that the largest group of migrants with whom NGOs worked arrived on the first boat in July when the largest group was released. When this happened, agencies were overwhelmed by the scale of the clients referred at once and by the media coverage and security issues that placed additional stress and demands on servicing this group.

The largest group of clients was initially released from detention in Esquimalt and referred to a service organization there. This organization then sent them to Vancouver where they would be better serviced by larger, more numerous organizations, a greater number of skilled interpreters, and a larger Chinese immigrant community. These shifts in jurisdiction continued over time and proved challenging to NGO staff involved. In the first instance, the migrants' transference from Victoria to Vancouver proved challenging logistically because their files and lawyers all had to be transferred as well.  

Once in Vancouver, migrants continued to move and cross boundaries which posed challenges to organizations that themselves faced a series of constraints that were more localized within the city. While jurisdictional boundaries were static, the migrants were in motion. The following is a quote by the director of a refugee settlement agency in Vancouver who worked with the claimants:

We were looking at the challenge of physical boundaries. Now that doesn't sound like a big deal, but you're looking at administrative and physical boundaries, set up by different jurisdictions in the space that we were working in in Vancouver, which is essentially a conurbation. So physically you've got this big spread; administratively, you've got these little cantons trying to work together. And they have different mandates, different resources, different rules, and so on. The refugees don't recognize that, and people are passing backwards and forwards. The Chinese migrants tended to stick within Chinatown, but would also access the other Chinese enclaves around town. When you're the agency dealing with them, you're constantly having to switch whoever else

69 The Red Cross escorted the migrants from Victoria to Vancouver.
People move more readily than do jurisdictions, but the different levels of government see migrants as fixed in place. One reason for movement was a strategic relocation of migrants who were under the surveillance of local enforcers, particularly in Chinatown, although most were eventually contacted wherever they were accommodated. From the time that the migrants entered temporary accommodations, NGO staff realized that they were in touch with human smugglers by telephone. Furthermore, many went on to cross the international border to migrate to the US with the assistance of the smugglers. So there were competing visions on the landscape at work among institutions, individual migrants, and enforcers.

According to NGO employees, these clients required immediate and continued assistance in the form of food, accommodation, health care, and so on. The organizations worked together to develop a list of clients and to look for emergency temporary accommodation. They worked with housing organizations that provided emergency shelter in hostels and half-way houses. The NGOs directed migrants to a variety of services available from other institutions. They brought them to CIC and to the IRB to report addresses. They traveled to Legal Aid for legal counsel and made significant investments in time to arrange meetings between clients and lawyers. They helped clients to apply for income assistance and cash checks, to apply for health care from the Province and a Social Insurance Number (SIN) from Human Resources and Development Canada. They helped clients to contact CIC to find out the status of their applications and offered "survival ESL classes" where clients learned basic English language skills to do food shopping, for example.

Language issues proved challenging for NGOs, as they had for CIC staff and lawyers. CIC, the IRB, lawyers, and NGOs all competed to hire the same interpreters. Some of those interpreters spoke Fukienese dialects but not English, hence double translations were required. NGOs in Vancouver organized group sessions where clients completed applications for SIN during which time a Human Resources and Development Canada staff member explained the procedure, and the instructions were then translated into Mandarin and Fukienese. They also found the low literacy rates of this group of claimants to be challenging.

---

70 Interview, Vancouver, September 2000.
71 Interview, Vancouver, September 2000.
72 They had to report within forty-eight hours of their release or their refugee claims would become void.
Like lawyers, NGOs were challenged logistically in servicing clients who were detained. They assisted lawyers to set up meetings and also found it difficult to communicate with clients in prison. Because clients were only allowed to make telephone calls at one specified time during the day, the agencies often had to abandon anything else they were working on to receive these calls in order to communicate with detained clients. One NGO staff member said that these logistical challenges made it difficult for lawyers, NGOs, and their clients to comply with deadlines imposed by the claimant system, which then contributed to the end result of many among this group dropping out of the system.\textsuperscript{73}

Overwhelmed, a couple of the organizations increased their staffing on a temporary basis and also recruited volunteers. Some organizations actually had to re-orient their own continuing staff to work with refugee claimants rather than new immigrants. Smaller organizations did not have the full-time staff to work with the migrants, nor the physical capacity to accommodate them, and so they teamed up with larger organizations to pool resources. The first month spent servicing these clients proved particularly hectic, given these logistical challenges. This was also the time during which organizations had the most contact with clients, many of whom gradually disappeared to the United States.

NGO staff expressed frustration that - like CIC - they had been forced to divert support and resources from other clients to handle this large group at once. They reported "burn-out" among staff members, exacerbated by the reality that many of their clients disappeared over time. Aware that this made the helping agencies resistant to working with this group, they tried to strike a balance between meeting basic needs of the Fujianese migrants with those of other clients as well.\textsuperscript{74}

Staff members of NGOs explained that it was sometimes both as much of a challenge as a relief to work together with advocacy groups. Volunteers and advocates, while well-intentioned, had often not worked with refugee claimants directly and therefore required an education in the RDP, other governmental procedures, and refugee law. Already overwhelmed by the extraordinary scale of the intake, NGO staff members with more experience working with refugees found their workload increase further as they trained volunteers.\textsuperscript{75}

Organizations also solicited donations from the public in the form of clothing, kitchen utensils, pots and pans, and mattresses. In at least one case among high profile community

\textsuperscript{73} Interview, Vancouver, September 2000.
\textsuperscript{74} Interview, Vancouver, September 2000.
organizations, this jeopardized their relationship with community and donors because of the stigma attached to this group. Members of the long-term Chinese immigrant community in Vancouver were particularly opposed to governmental and non-governmental support of this population\(^76\) and threatened to withdraw or in fact withdrew support from those agencies that assisted them. Despite this pressure, the organizations decided to provide assistance, but they issued a statement to the public explaining that they did not condone human smuggling or the methods by which this group had traveled.\(^77\) This suggests an interesting place for the local public to intervene in governance. Most NGOs are funded by a variety of sources, some more heavily by private donations, others by government sources. The organizations therefore balanced their missions to serve within politicized contexts.

The media coverage also proved challenging for NGOs. Like lawyers, they took issue with the language, images, and messages of media coverage and the criminalization of refugee claimants that became generalized beyond this group. NGO staff also found media clamoring outside to speak with clients. This challenge required creative responses such as sneaking people out through back entrances.\(^78\) Staff members themselves were contacted for interviews by local media and by media outlets from Toronto and New York.\(^79\) While the larger organizations granted interviews, smaller organizations already stretched beyond capacity were not willing or able to accommodate the immediate demands of the media.\(^80\)

Unlike lawyers, NGO employees generally held more nuanced views about the movements of these claimants through the system. Some argued that they did not think that these were Convention refugees, but rather economic migrants as the system had shown. But most explained that their role was simply to provide support and services to those who had made refugee claims, to assist them through procedures, not to judge their claims. Whereas lawyers' objectives were consistently to represent refugee claimants within the RDP where they sought positive claims, the objective of NGOs was to service clients in a realm beyond the RDP itself. Employees of service organizations were also more supportive than lawyers of

---

75 Interview, Vancouver, September 2000.
76 A point of view well documented in articles and letters to the editors of local Chinese language newspapers in Vancouver.
77 Employees of NGOs commented on the striking contrast in public sentiment toward the Chinese refugee claimants compared to over 5,000 Kosovar refugees brought to Canada in previous months, during which time members of the general public called organizations frequently to offer assistance. Interview, September 2000.
78 Interview, Vancouver, September 2000.
80 Interview, Vancouver, September 2000.
the federal government's response on the whole, although critical of the treatment of refugee claimants as inmates.\textsuperscript{81} Overwhelmed themselves by numbers and frustrated by access issues, they empathized with governmental institutions regarding the problem of scale.

The main challenge that NGOs mentioned in working with CIC over time matched regional CIC employees' challenges in working with local NGOs: building trust and relationships given the high turnover rate within the bureaucracy. From CIC's perspective, NGOs that provided services played an important role in this response, particularly for those migrants released from detention.\textsuperscript{82} The NGO service community did not press CIC on issues pertaining explicitly to this group, and CIC maintained an ongoing and productive relationship with servicing-providing NGOs, clearly part of the devolution of the responsibilities of the state to the "shadow state" (Wolch 1989).\textsuperscript{83} CIC's relationship with the advocacy community, however, was another story.

\textbf{Advocates}

At a national level, the Canadian Council for Refugees (CCR) - based in Toronto - has served as a long-standing umbrella group for all organizations across Canada involved with refugees. The CCR advocated for the Fujianese migrants, played an informal monitoring role, conducted press releases, and lobbied the federal government on behalf of the migrants.

Locally, a parallel organization called the Vancouver Refugee Council operated and provided a more informal forum for those involved in service provision and advocacy to communicate, collaborate, and release tension.

Regionally, two organizations advocated for the landing and improved treatment of the Fujianese migrants in British Columbia. The first was called the Vancouver Association of Chinese Canadians (VACC), an organization with a series of objectives that pre-dated the boat arrivals. One particularly vociferous spokesperson for this group became a well-known adversary of the Canadian federal government in the mainstream media.

A second group grew out of and separated from VACC in July 1999 when it was formed with the explicit goal of advocacy for the 90 Fujianese women who arrived by boat.

\textsuperscript{81} Interview, Vancouver, September 2001.
\textsuperscript{82} Furthermore, both federal and provincial governments fund immigration service organizations, directly and indirectly.
\textsuperscript{83} It is interesting to think about the different positions that lawyers and NGOs occupied in this response. Both are part of the reception community, but maintain distinct cultures, objectives, and funding sources.
This group called itself Direct Action Against Refugee Exploitation (DAARE). DAARE visited the women in detention, provided many kinds of support for those who were released, conducted outreach and educational campaigns to intervene in media messages and educate the public, and lobbied the federal government for amnesty, release, and fair treatment. At early educational events in the fall of 1999, they distributed pamphlets that described their mission:

DAARE[^84] was formed by a group of women in Vancouver to support the rights of the people - especially the women - from China seeking refuge in Canada. We are concerned about their safety and well-being. We are working to ensure that they receive fair and just treatment from Canadian authorities, the media, and the public.^^[^85]

DAARE worked to bring an anti-racist campaign to what they saw as racialized coverage in the corporate media. They organized events such as educational forums, experimental video shows, protests, rallies, meetings, and press conferences that brought to light Canadian refugee policies, other immigration issues, and anti-racist platforms. Through these events, they sought to counter and contextualize the myths perpetuated by the mainstream and Chinese language media that the migrants came to Canada for economic reasons, that "Canada's refugee laws are too loose," that Canada spends too much on immigrants and refugees, that refugee claimants were illegal, and that deportation would curb smuggling.^^[^86] In doing this work, DAARE members found themselves competing with an effective communications branch at CIC that structured stories strategically, did quick press releases, fed on deadlines, and was generally savvy and well-resourced.

Labeling their actions "a local response to the global phenomenon of migration" (DAARE 2001: 7), DAARE jumped scale effectively through their many political strategies. They called on international protocols and policies as well as international human rights standards to protect the women migrants. They also developed a set of measures which they recommended be taken nationally, such as ceasing detention by profile, ceasing forcible repatriation, increasing immigration and refugee rates, and eliminating class bias in the point system by which Canada selects immigrants (DAARE 2001: 5-6). DAARE aligned with the political standpoints of First Nations people in their struggle for social justice against closed borders. They were one of few institutions who linked this movement to the global economic

[^84]: The group went by the acronym DARE until they were challenged by the DARE corporation in the US and changed it to DAARE.
[^85]: This mission statement was printed on the back of a pamphlet distributed by DAARE in the fall of 1999.
[^86]: These five myths were stated and countered in the same pamphlet.
picture in order to point to Canada's complicity in creating refugees through participation in economic practices such as trade liberalization (2001: 35-37).

[W]e see the urgent need to speak out for social justice in the face of the Canadian government's harsh response to these people. In DAARE's view, the decision to detain all these people is based on a racialized group profiling practice which violates people's basic rights and ignores Canadian responsibility in the creation of the inequitable global economic and societal conditions which give rise to widespread migration (DAARE 2001: 7).

They advocated for the expansion of the definition of a refugee to include economic displacement.

Many members of DAARE were young and themselves descendants of immigrants to Canada. Through their own life experiences, they had been politicized to take radical standpoints and to find spaces of protest, and in so doing, broke with the opinions of many in the greater Chinese immigrant population in Vancouver. They linked Canada's racialized present to its past, including the Chinese Exclusion tax and the head tax (see Anderson 1987, 1991, Li 1998); and the economic motivation that drives immigration policy today to the founding of the nation-state in the 1800s (DAARE 2001: 9). They also emphasized the gendered nature of displacement by emphasizing women's reasons for leaving China, such as forced sterilization, debt bondage, religious persecution, and poverty (2001: 13).

DAARE's direct work with women included visits to see them in the Burnaby Correctional Centre for Women (BCCW) and letter exchanges, which also enabled them to carry messages from the women to the public to call attention to their experiences. They struggled with their own positions in Canada with the freedom to advocate for the women:

As women advocating for our imprisoned Chinese sisters, it has been challenging to negotiate, on the one hand, the need to use our access and physical freedom to speak to whoever might listen, including our local communities, the corporate media and the government, and on the other hand, the need to somehow facilitate opportunities for the women themselves to speak out about what is happening to them (2001: 14).

Members of DAARE used interviews, biographical histories, letters, and artistic expressions such as poems, songs, and theatre that detailed the women's experiences and carried their own messages in their own voices from sites of detention to the public. In a report written by members of DAARE after nearly two years of this advocacy work, they included translations of letters from the women detainees that conveyed the importance to the women of the solidarity and support that they had provided. This is one representative sample:
On the evening of March 8th, we saw the broadcast showing you and other social activists speaking out on our behalf during the Women's Day activities and demonstrations, giving us encouragement and emotional support. I don't have words to express my gratitude for everything you have done for us. I can only say thank you.

I am just 19 years old and now I am going through this kind of punishment. This is a dark shadow that I find difficult to bear. (DAARE 2001: 17).

DAARE called attention to prisons as "an undesirable growth industry" (DAARE 2001: 23) and documented the specific problems with the detention of the Fujianese women, including mental health issues, depression, suicide attempts, separation from family members, hunger strikes, a lack of Mandarin-speaking staff, inappropriate treatment such as handcuffs and leg shackles, punitive isolation, a lack of access to information resources, and an episode in the Prince George Correctional Center when five women were beaten (2001: 24-25). \(^{87}\) They used these and other arguments to protest the continued incarceration of the women, including an "unnecessary use of state force," "cumulative communication barriers," and the damage caused by prolonged imprisonment (2001: 24-27).

An information and public relations war of sorts existed between this advocacy community and CIC, both of whom attempted to speak through the press. Members of DAARE described the frustrating experience of interacting with the mainstream media:

The catch-22 of trying to address the corporate media is striking. There is on [sic] one hand an urgent need to inform the public about the migrants' situations in order to counter the ongoing dehumanization and criminalization of them. However, the mainstream media, while reaching large numbers of people, is extremely limited in its analysis and indeed often terrible in the damage it creates through selective information, ignorance, and misrepresentation (DAARE 2001: 27-28).

Nonetheless, members of DAARE also grew savvy with the media and conducted press releases, interviews, and press conferences in their attempts to counter the prevailing messages in the press about the Fujianese migrants. They also communicated their plight through alternative media.

The geography of DAARE's work provides insight into their political strategies and to their own exclusions from dialogue with government employees. As I will show in the next

---

\(^{87}\) Some of these episodes were documented by other sources; others were not. The UNHCR investigated allegations of abuse and never found anything. The UNHCR concurred, however, that mental health issues were a major concern among this group of migrants, whether detained or not. Suicide attempts, depression, verbal abuse, and punitive isolation for emotional outbursts were documented by a special investigator from the UN Human Rights Commission (The Gazette, 15 March 2001). The appropriateness of treatment and the availability of translators was a significant source of tension and difference of opinion between institutions.
section, suprastate groups such as the Red Cross and the UNHCR monitored CIC in a way that legitimizes the government response and CIC, in turn, legitimized the standpoints of these groups by inviting them in to play a monitoring role and publicizing their opinions. DAARE, on the other hand, stood in protest - literally - outside government institutions such as Library Square where claimants' hearings took place and BCCW where women were imprisoned.

While these advocacy groups supported refugees and were among the few collectives who spoke out with important messages to educate the public and counter the media coverage, it is hard to say whether their work had much impact on the policies and decisions of the federal government. Service-oriented NGOs involved complained that advocates did not do enough to coordinate with them. Refugee lawyers and NGOs suggested that some, while well-intentioned, nonetheless used these events as an opportunity to "legitimize their name," as one respondent pointed out. In interviews, people in CIC frequently brought them into conversation as their adversaries in the press. Across the board, respondents complained about the strategies of one particular advocate the most, calling him a "one man advocate" who "never met a microphone he didn't like." One employee of the provincial government argued that the advocacy community had failed to appreciate the nuances among different government institutions and employees and their roles and in so doing accused everyone in "government" of wrongdoing. He said, "In summary, VACC and DAARE's handling of matters created a more adversarial climate that wasn't very productive."

While these advocacy groups may not have seen material results from their struggles, they played an important role nonetheless, the outcomes of which are difficult to document. Working with the press, they managed to push CIC and others to defend decisions and policies. Whereas few institutions protested the federal response to this movement, these more vocal advocacy groups provided a constant monitoring role from a standpoint outside of the dialogue. CIC did not give DAARE much respect in the form of meetings and dialogue, but remained constantly aware that the group would be a persistent and vocal monitor with whom the federal government would have to contend in the domain of the media. The suprastate institutions that worked in a monitoring capacity could not be so characterized.

Suprastate institutions

88 Interview, Vancouver, August 2001.
89 Interview, Victoria, September 2001.
It is interesting to contrast the geography of DAARE’s work to that of suprastate institutions that would also identify themselves as advocates for refugees. While DAARE protested outside of institutions such as provincial prisons and immigration offices, suprastate institutions were invited in by CIC to work in a monitoring capacity.

Two institutions that operate in an international capacity to respond to disasters and protect refugees became involved in the response to the boat arrivals regionally. The Canadian Red Cross based in Victoria provided aid in the form of games, clothing, and supplies for detention and escorting services. The Red Cross is trained to provide humanitarian assistance in times of emergency, and wanted to be involved in some capacity with the response to the marine arrivals which fit squarely into its mandate. While the organization had worked with refugees abroad, the Red Cross had done little of this kind of work in Canada. When the boats were intercepted, the Red Cross telephoned CIC and the military to volunteer its services and left it to the government to inform them of their needs. But CIC was reticent to accept in the beginning, citing fears of security issues. Retrospectively, the Red Cross would have asked to tour the detention site to conduct an impartial analysis of the situation and needs themselves. In the meantime, CIC needed recreation supplies, Chinese reading materials, and clothing. The Red Cross solicited donations and contributed such items and services.

Eventually, the federal government invited the Red Cross in to tour the facilities. The organization assembled a response team for Western Canada that solicited advice from its members overseas who had worked with migrants in large camps. The assessment team consisted of a doctor, a nurse, logistical experts, disaster services staff members, and an immigration specialist. In assessments, the organization found the Esquimalt site to be commendable and humanitarian and to improve over time. The organization criticized CIC only for the breakdown of legal procedures while processing migrants from the first boat when legal counsel was not made available quickly, and for a failure to have more speakers of the

---

90 Interview, Victoria, September 2001.
91 Interview, Victoria, September 2001.
92 Interview, CIC, Vancouver, August 2001.
93 In the months that followed the boat arrivals, once things had calmed down, CIC did approach the Red Cross to ask the organization to take on a more formal, long-term agreement to monitor detention by conducting independent assessments. The Red Cross accepted and officially took on a more prominent role in monitoring the detention of migrants and refugee claimants in Canada in the ensuing years.
94 The Red Cross also assisted with extra transportation to unusual services outside of the holding area.
95 Interview, Victoria, September 2001.
96 The Red Cross noted that those working in Europe had more experience with this kind of work, and they found people based in the Netherlands particularly experienced and helpful.
Fukienese dialects available at the beginning of processing. The Red Cross hired an interpreter and offered the services of this interpreter to CIC; but CIC declined, perhaps because of security issues. The Red Cross also offered its world-wide "tracing and reunion" services to reunite family members, but again, CIC did not follow-up on this offer. Over time, the Red Cross also conducted assessments of longer-term sites of detention in Burnaby and Prince George.

The Red Cross tends not to involve itself politically at a local level, but rather to interact with governments at a higher level. They learn information, provide assessments, and then step back rather than pressure government officials. The Red Cross granted some television and radio interviews to explain its position, but these were minimal. These more limited and less political interactions with media and government were the primary differences between the roles of the Red Cross and the UNHCR in the 1999 response.

The United Nations High Commissioner for Refugees (UNHCR), based temporarily in the offices of the IRB at Library Square in Vancouver at that time, played a more vocal and political role in the response in BC in 1999 and 2000. The UNHCR placed a representative in Vancouver, and she described her work in Canada at this time as more akin to the work that the UNHCR does "in the field" with refugees than in very compliant signatory states of the 1951 Convention and 1967 Protocol like Canada.

Internationally, we exist to promote and protect the rights and physical security of refugees wherever they may be. Most people are a little surprised to find us here in Canada. Obviously, our role in a country like Canada is a little different than in the field operations most people associate with UNHCR. We're more involved in monitoring and informing policy initiatives and procedures that may affect refugees... I think our work with the Chinese boat arrivals was more similar to our field operations than our usual role in Canada. (Charlton et al. 2002: 23).

The UNHCR's mission is to protect the rights of refugees according the Convention. The main objective of the UNHCR representative involved was, therefore, to ensure that Canada complied with its responsibilities as a signatory to the Convention and Protocol and provided due access to refugee claimants in response to this and future movements, hence preserving the long-term integrity of the program. The organization's position with reference to human smuggling and trafficking relates to its mission to preserve access (UNHCR Summary Position, 11 December 2000).

97 Interview, Victoria, September 2001.
98 Interview, Victoria, September 2001.
The first and biggest concern for UNHCR, whenever there is a measure to address human smuggling, is to ensure access for those who need protection; not access to the country to stay necessarily, but at least access by asylum seekers to an effective system for refugee status determination, to determine who's in need of protection and to then look at what options might be available for them. This is becoming an increasingly significant refugee protection issue as more and more states are using interception as a method to address human smuggling, so that people don't even make it to the territory (Charlton et al. 2002: 24).

Well aware of shifting geographies of interception, the UNHCR called the attention of nation-states to the correlation between increased interception and increased human smuggling.

More and more, the legitimate channels for flight - both for exiting a country of persecution, and more particularly, for entering a country of asylum - become strangled... the vast majority of refugees have no choice but to use illegal documentation at the very least, and often the assistance of smugglers, to reach their intended destination (Charlton et al. 2002: 23).

These migrations usually consisted of both economically and politically-motivated migrants or "mixed flows." The UNHCR lobbied states not to "crack down" on smuggling entirely so as to protect access for all.

With some four hundred migrants detained in four to six prisons, the lone UNHCR representative followed a strategic approach to this work and chose, for the most part, not to play an advocacy role. The UNHCR largely agreed with the federal government that this group did not consist of Convention refugees and worked with authorities to "mitigate the effects of detention;" to ensure that detention was humane, fair, and culturally sensitive to the unique needs of asylum seekers.100

There was also the likelihood, frankly, that the vast majority of those fleeing from or leaving Fujian by that method were in fact economic migrants. And I think after we've all had a chance to interview them in more depth to assess their refugee claims, that turned out to be the reality.

Therefore, unlike refugee advocates who focused on aberrations, the UNHCR focused on the "skeletal" forms of access, which meant insuring that procedures were in place. The UNHCR believed that if lawyers, NGOS, and other advocates disagreed with the manner in which due process was implemented, that it was up to them - and not the UNHCR - to hold Canada responsible.101 As a result, the UNHCR often came into conflict with the legal counsel for the claimants and with advocacy groups.

100 Interview, Vancouver, September 2001.
We also worked with legal counsel, and there were some frustrations, certainly by counsel with us: that UNHCR was not being more vociferous on some issues. The reality is that our mandate is in some ways limited, and our ability to push governments is limited to the obligations they have assumed under refugee international law. In a country like Canada, there are much higher standards for access to legal counsel, which is not something that is guaranteed in the 1951 Convention in any way: issues like when counsel should be granted access . . . or whether counsel should be permitted in the first interviews are not specifically set out . . . Canada has a higher standard regarding when and how legal counsel must be involved . . . We were asked to assess quality of counsel issues by the Legal Aid Division, and we had to respond to them: we’ve sat in on the hearings, we are satisfied that the process worked to enable this person to get their full claim out.

Implicit in this response is the belief of the UNHCR that most of these refugee claimants were not convention refugees.

We worked with NGOs, and many of the NGOs involved were not the traditional refugee-serving NGOs. They were more involved on issues of racism and human rights abuse, and many of these NGOs thought that it was a human rights abuse to send people back . . . And they were very disappointed that we were not advocating more strongly on some of those issues. Our position is that the integrity of the asylum system and our ability to ask states to keep the most open and generous asylum system possible depends in some ways on states being permitted to return rejected asylum seekers when they have been fairly found not to be asylum seekers. So we had to support that, and in fact urge it, because quick removal of rejected asylum seekers was the humane response.102

Once again, implicit in this statement is both the belief that these were not convention refugees and an affirmation of the work of CIC. The UNHCR often explained and defended CIC policy to the public and was often, therefore, in the position of espousing views that contradicted those of other vocal advocates.103 This meant that some advocates and refugee lawyers grew increasingly dissatisfied with the position of the UNHCR with regard to their access to clients, and clients' access to the system.

Hence, unlike others in the advocacy community that focused on the importance of hearing individual cases, the UNHCR, like CIC, focused on granting the whole group access to due process, with the exception of extreme cases.104 But the question of who advocated for this group and how remained an open question.

102 This is an interesting contrast to the usual criticism from the public that the federal government is too slow to remove refugee claimants, including high profile cases like Ahmed Ressam who was intercepted crossing the border from Canada where he had lived with claimant status for some years in Montreal into the US in December 1999 with explosives (BBC News, 24 December 1999). When Bill C-11 was introduced to Parliament in April 2000 with a series of measures to tighten the entry of refugee claimants at the front end of their arrival, the reduced temporality was explained as a security measure rather than a humane response.

103 In one instance, the UNHCR representative participated as a guest on CBC radio where she debated and defended Canada's decision to detain the migrants.

UNHCR plays a diplomatic role - among other roles - in the nation-states where it operates. Like Canadian Immigration Control Officers and Airline Liaison Officers working abroad, the UNHCR relies on the good will, openness and collaborative spirit of the host state. This requires UNHCR representatives to behave diplomatically, strategically, and in good faith. While their primary goal is to ensure the protection of refugees, accomplishing this requires investments in long-term relationships between immigration departments and the UNHCR built on trust, mutual respect, and understanding to effectively communicate their objectives. The UNHCR sought to maintain a balance between protecting the rights of asylum seekers and the maintaining the respect of the federal government by showing respect as an institution - embodied through the practices of the UNHCR representative - for CIC's concerns. The UNHCR representative described this position:

So we made a hard decision here, in the face of clear evidence that most of these individuals did pose a flight risk, and in the climate of exaggerated anxiety and concern by CIC and by the Canadian public that the generous access to the refugee system in some ways made the country vulnerable. There was some sense that if Canada gives generous access to the refugee system and they all disappear, then even if you’ve got a system to determine who’s in need of protection or not, you have no way of actually removing those who are not. So the asylum system becomes seen as a sieve. It’s eroded, and its integrity is eroded, and it becomes seen as a conduit that facilitates human smuggling rather than a vital channel through which victims of human rights abuses can reach protection. That is significant for UNHCR in that it can lead the public to demand - and governments to respond - by tightening access to asylum procedures, looking at ways to keep fewer asylum seekers from reaching your territory. If you ultimately determine that they’re not refugees and you feel there’s no way to remove them, then you start putting up more control at the front end. For UNHCR, maintaining open access to asylum procedures was the more critical issue (Charlton et al. 2002: 26).

There is an interesting, subtle shift in this statement from an "exaggerated anxiety" on the part of CIC to actual erosion in the system. There is also a contradiction in the UNHCR's position that smuggling movements constituted mixed flows generally, and yet that this group consisted primarily of economic migrants.

The quote above also suggests a belief in the relationship between public opinion and the well-being of the RDP. Like DAARE and CIC, the UNHCR was also concerned with media representation and public opinion and embarked on a publicity campaign that continued into the ensuing months.

The access issues we were more concerned about were the potential impact of this perception on the processing of these individuals and on the public support for the asylum system under which

---

105 This belief was also affirmed by the decision of the UNHCR to conduct an advertising campaign in support of refugees in Canada in the months that followed the boat arrivals.
they were all permitted to enter Canada to have their refugee claims determined (Charlton et al. 2002: 27).

UNHCR also had a big public awareness challenge relating to the Chinese boat arrivals. There was a lot of hostility towards asylum seekers at that time, and a blurring of the line between illegal immigrants and refugees, a sense that the people who were coming to Canada were not real refugees and that the system was flawed. We tried to remind people that the refugee system has a protection basis and a human rights basis, because if confidence in the asylum system is eroded, not only does it lead to change in the system, but the ability of refugees to integrate in this society, and the welcome for those individuals is compromised (Charlton et al. 2002: 28).

The UNHCR worked with an advertising agency in Montreal on print and television advertisements designed to "soften" Canadians' "hardened" positions on refugees (National Post, 30 August 2000).

Part of the publicity campaign on the part of the UNHCR consisted of the explanation and defense of government policies. As it became apparent that the UNHCR approved of the conditions of detention and procedures in place, CIC became more welcoming and found a vocal advocate in the UNHCR representative who countered accusations of groups like VACC and DAARE. When asked about their interactions with non-governmental institutions, CIC managers most frequently cited the involvement of the UNHCR who they deemed to play an important role in oversight and communication with the media with regard to the stories containing accusations of abuse and mistreatment. One CIC manager attributed the key role to the fact that the UNHCR had "world-wide credibility" and was "believable, non-biased, and impartial."106 Another explained that "it's in our best interest to work with the UN and the Red Cross" because it helped CIC "when they report that everything is fine."107 This shows the authority of the global community constructed as a scale beyond Canadian public opinion. CIC employees consistently positioned the UNHCR as supportive of the operation and willing to represent this support to the media.

Likewise, the UNHCR was complementary of CIC's participation, audible in these public statements:

With CIC, we had very good cooperation and amazing transparency as we poked and prodded and criticized through this in a way that I must say would not have worked in many other states in which we work. We were grateful for that. But there existed nonetheless: the competing mandates and imperatives, the enforcement immigration control imperatives, and the pressure to respond to security concerns versus our concerns about maintaining the quality of asylum systems in Canada and the rights of individual asylum seekers.

107 Interview, Vancouver, August 2001.
Whereas most lawyers and advocates complained of a lack of transparency from the Department, the UNHCR found "amazing transparency."

CIC managers also tended to contrast this "non-biased" and "impartial" position of the UNHCR with those of the advocacy groups which they saw as partial, and which CIC held at bay and did not trust. The UNHCR representative played a very important role in supporting CIC's position to the public and as a result, was granted access to detention sites, decision-makers, and dialogues whereas advocates were not.

The UNHCR was well aware of how strategic a role it played for CIC's protection of its public image, and at one point likened the role to "an alibi" for government lawyers. In reality, the representative was able to attend only a small percentage of the refugee claimant hearings.

The politics of scale enter this discussion in interesting ways. DAARE and the UNHCR both drew on the global scale in contrasting fashion. In DAARE's arguments, opening up the international scale implicated the Canadian nation-state as complicit in displacement. The UNHCR, conversely, drew from the global picture for refugees an interest in the institutional perspectives of receiving states, and a desire to preserve refugee programs in light of their deterioration in places like Australia where human smuggling movements were perceived to be out of control. These differing perspectives resulted in the enactment of distinct political strategies locally. While local refugee advocates pointed to legal aberrations and biases in the system, the UNHCR identified many such arguments as a set of "smoke screens" devised by the advocacy community. Whereas lawyers and advocates called the bidding system implemented by Legal Aid a "travesty," the UNHCR called it "triage." Other "smoke screens" identified by the UNHCR included arguments that lawyers had restricted access to clients, that detention was a blanket problem, that detention was the cause of poor mental health, and that there were abuses taking place in detention. The UNHCR argued that most refugee lawyers only tended to meet with clients once, that detention was defensible because this group posed a viable flight risk, and that serious mental health issues occurred for this group in and outside of detention. The representative, once again positioning the UNHCR in opposition to advocates, implicated the legal and advocacy communities more

---

than the federal government in prolonging the length of detention of the claimants by advising and encouraging them to exhaust every possibility for appeal and in so doing, providing "false hope." ¹¹⁰

In an institutional dynamic that paralleled that of CIC, the UNHCR representative in BC in 1999 took direction from above, guided by an international organization with a strong mandate whose implementation was dependent upon effective skills, personalities, relationship-building, diplomacy, and the ability to maneuver a complex political climate locally in order to influence the nation-state. Once again, it could be argued that the UNHCR served CIC's objectives to convey a positive public image well, while also playing a crucial role in monitoring access, detention, and overall compliance with the Convention. ¹¹¹ This finding supports Hyndman's arguments that the power of the state to manage refugees has been devolved to suprastate organizations like the UNHCR (2000: 173), and that the complicity of states in displacement is then legitimized through these groups (179). Both the Red Cross and the UNHCR were invited in to monitor practices and served as legitimizing forces for the federal response to human smuggling.

The UNHCR representative played a careful balancing act, working diplomatically to remain on good terms with the federal government and to have access to monitor detentions, while also playing a vocal role as a liaison to the community. The UNHCR thus played an interesting role in relation to refugees, the state, and the broader advocacy community. While interested in the well-being of refugees overall, because of the determination that these were not Convention refugees, the organization often aligned with the federal government when disputes took place: "...we chose to fight the battle to maintain open access and to allow people to go through the system, to have their claims heard" (Charlton et al. 2002: 27). By "choosing battles," respecting, and defending the challenges faced by CIC in the 1999

¹¹¹ In addition to the Red Cross and the UNHCR, there were other international institutions with the potential to play a role in the response to human smuggling. The International Organization for Migration (IOM) is an international body often subcontracted by states to transport migrants. The IOM does, however, support research on human smuggling (e.g., Skeldon 2000a) and write position pieces relating to global human migration (e.g., IOM Statement, 13 July 2000). Additionally, the UN Protocols on Trafficking and Smuggling (UN 2000) provided important guidance to signatory states in the years following the boat arrivals to Canada. The UNHCR provided input and asserted its position. On the ground, however, in BC, these Protocols and other international bodies of governance had little to no role.
The UNHCR maintained a positive relationship with the federal government and was then able to push on select issues and to maintain access to the RDP.\textsuperscript{112}

The Province

While the relationship between the Province of British Columbia and the federal government with regard to immigration is, for the most part, collaborative and guided by the federal-provincial agreement - wherein BC provides services pertaining to settlement and integration - it can, at times, be adversarial. Discussion of the provincial government must mirror the efforts of this thesis to continually challenge such categories as "the state." As with the federal government of Canada, the provincial government of British Columbia comprised a series of institutions and programs with different interests and objectives with regard to human smuggling. Different provincial ministries found themselves pulled into the boat arrivals in 1999 for a variety of reasons. Some landed lucrative contracts, while others fought for months for funding to support extensive programs created in the response to the boat arrivals. The three ministries most involved were the Ministry of Multiculturalism and Immigration (MMI),\textsuperscript{113} the Ministry of Children and Families (MCF),\textsuperscript{114} and the Ministry of Public Safety and Solicitor General which houses BC Corrections. I will discuss each in turn.

The Ministry of Multiculturalism and Immigration (MMI)

As the Ministry responsible for all issues pertaining to immigration in the Province, MMI played a key role as "manager," "communicator," "mediator," and "facilitator" during the 1999 boat arrivals.\textsuperscript{115} Many of the roles and challenges played by MMI paralleled the work of CIC on a smaller scale. A primary responsibility for MMI was receiving and providing information to those with a need to know, such as the Minister of MMI. MMI's mandate was

\textsuperscript{112} These select issues involved extreme cases where individuals required intervention. Smuggling fell outside of the mandate of the UNHCR and therefore required creativity and flexibility from the organization. The UNHCR also expressed concern about mental health issues of migrants who had traveled by boat and about long-term detention.

\textsuperscript{113} In the spring of 2001, MMI was downsized and subsumed by the Ministry of Community, Aboriginal, and Women's Resources.

\textsuperscript{114} Now called the Ministry of Children and Family Development.

\textsuperscript{115} Interview, Victoria, September 2001.
to manage the issue in "a manner beneficial to the Province," which often came down to negotiations over financial resources.\footnote{Interview, Victoria, September 2001.}

MMI handled negotiations on behalf of the Province for what the federal government referred to as a set of "provincial-federal irritants." These related to the issue of detaining migrants, housing and caring for unaccompanied minors and the cost of services therein, and policing issues.\footnote{Interview, Ottawa, March 2001.} MMI had to negotiate the interests of its own Minister, as well as those of Ministry of Children and Families (MCF), the Ministry of Public Safety and the Solicitor General, and a slew of programs housed by each of those Ministries. Care of the minors also involved the Ministry of Education, the Ministry of Health, the Ministry of Public Safety and the Solicitor General, and Legal Aid. Additionally, the provincial government funded NGOs such as settlement agencies that provided services to immigrants in BC.

Like other institutions involved, MMI did not have any official position or policy in place for a response to human smuggling. As a result, the response placed considerable stress on the organization where employees sometimes spent 100% of their time handling this "crisis situation" to which they felt they were constantly reacting.\footnote{Interview, Victoria, September 2001.} While they faced many operational challenges, the most difficult for the Province pertained to resources: "Nobody really had the resources to deal with this so it was very stressful. Everybody learned a lot from 1999."\footnote{Interview, Victoria, September 2001.} The main challenge was a lack of financial support from Ottawa for services provided. Finance-related negotiations continued for several months following the boat arrivals, and CIC eventually paid for detention, renovations to facilities, IRB hearings, and some health services.\footnote{Interview, Victoria, September 2001.} The services to the minors proved most expensive and included health services, room and board, facilities, social workers, interpreters, telephone expenses, health services posed a particularly complex institutional challenge. Normally the federal government pays for health services for migrants, while the Province pays for health services for inmates through the BC Medical Services Program. BC Corrections mistakenly had the migrants apply for the BC Medical Services Plan, and correcting this mistake was complex. Additionally, provincial workers felt that the federal health plan that covered adult migrants with minimal services - such as pulling problematic teeth - was not appropriate for minors.\footnote{Until this time, unaccompanied minors tended to arrive in smaller numbers at the airport, in which case, they would be directed to a provincial social worker who would then find foster care. This was the first time that the
and legal aid. Ultimately, CIC agreed to pay for only half of what the Province had paid to provide these services up until March of 2000.\textsuperscript{123} While there was a Memorandum of Understanding (MOU) in place to cover detention of adults, no such agreement existed to service minors, until a precedent-setting three-party agreement between MMI, MCF, and CIC was put into place.

Like CIC, the Province had a diverse set of interests and constituents, roles and responsibilities. When the federal government decided to detain migrants in Prince George, the Province deliberated over how to provide services there effectively. The Province worried about a growth in the underground economy and the possibility that undocumented migration could undermine the BC economy, trade issues, and border issues.\textsuperscript{124} They were also concerned with the shifts in public opinion in BC that occurred at this time towards all refugees, which respondents explained ranged from "compassion fatigue" to "backlash."\textsuperscript{125} They also struggled with communications to the public and reported that their main message at the time was that the federal government was handling the issue, with the exception of the minors.\textsuperscript{126} At that time, CIC - interested in providing a consistent message - invited the Province to attend briefings and to develop strategies on how to handle the press. Institutions worked together closely to provide "the right message."\textsuperscript{127} As it turned out, however, there was no singular message to distribute from the Province, but rather a plethora of Ministries and objectives.

\textit{The Ministry of Children and Families and the unaccompanied minors}

At the center of the storm over resources and objectives was the Ministry of Children and Families (MCF). Struggles over the treatment of the unaccompanied minors became one of the most institutionally complex issues and exemplified in the extreme the existence of adversarial tension among governmental institutions. CIC, working within an enforcement framework, sought to treat minors fairly similarly to adults: to move them through the refugee determination process expeditiously and pursue repatriation. However, the Province of BC Province accommodated such a large number and housed them as a group, which required opening special facilities.

\textsuperscript{123} Interview, Victoria, September 2001.
\textsuperscript{124} Interview, Victoria, September 2001.
\textsuperscript{125} Interview, Victoria, September 2001.
\textsuperscript{126} Interview, Victoria, September 2001.
\textsuperscript{127} Interview, Victoria, September 2001.
assumed legal custody of unaccompanied minors according to the Family Relations Act and contemplated a range of options regarding their care, accommodation, and legal representation. Fundamental to their dispute were differing legal definitions of a minor: under 19 years of age according to the Province but under 18 years of age according to the federal government. This meant that there were individuals held in long-term detention by CIC for whom the Province considered itself the legal guardian. In some cases, this scenario included minors who had been enforcers on the boats and were then held in youth detention facilities, also under joint custody.\textsuperscript{128}

Vis-à-vis its response to this movement, British Columbia became a leader in developing programs to respond to separated minors in Canada where such policies and procedures had been enacted unevenly across provinces, if at all. Because of the scale of the movement, with over 100 unaccompanied minors (according to the Province), there was a political will to develop policy and infrastructure to work with unaccompanied minors that had not existed elsewhere in Canada and in few other places in the world at that point.\textsuperscript{129} Like other institutions involved in the response, the MCF learned from their European counterparts who had developed standards of practice under the rubric, "Separated Children in Europe."\textsuperscript{130}

There were conflicts between the two levels of government regarding how, where, and when minors would be detained, as well as who would pay for these services. Once the federal government had released the minors into the custody of the Province, CIC still sought to control the conditions of their accommodation. Yet the Province asserted its position that minors should not be detained and refused to implement security measures that resembled detention. Instead, the MCF increased supervision with an intensive staffing model.\textsuperscript{131} Over time, they granted more freedoms to the minors such as telephone calling cards and public bus passes, which concerned enforcement staff at CIC.

\textsuperscript{128} Migrants often misrepresented their age in order to be accommodated with minors. Because most of the migrants arrived without identification documents, CIC subcontracted specialized dentists and doctors to conduct controversial tests to assess their age, which included dental and wrist x-rays.

\textsuperscript{129} Interview, Vancouver, September 2001. As a result of this work, the UNHCR and provincial workers in BC became involved in a series of roundtable discussions taking place in North America and in Europe to share ideas and policies. BC was often presented as a global model, its program director invited to travel and speak to other countries. Early discussions included attempts to agree on definitions of smuggling, trafficking, and separated children; efforts to lobby for legislation; and efforts to improve data (see Maloney 2000).

\textsuperscript{130} BC was particularly interested in cases in the Netherlands where some five to six thousand unaccompanied minors were Chinese. Interview, Vancouver, August 2001.

\textsuperscript{131} The UNHCR and the Red Cross monitored these facilities and were "very pleased" and held them up as "model care" facilities for minors. Interview, Vancouver, August 2001.
The costs for these facilities were sizeable, as were negotiations regarding who would pay. MCF contracted security firms to patrol the grounds, food services from local Chinese restaurants, and interpreters. The federal government resisted payment in order to avoid setting a precedent. According to those involved, these were some of the most negative exchanges regarding bureaucracy and finance that took place in the response to the arrivals. The UNHCR often acted as mediator during these negotiations and encouraged both sides to consider the needs of the minors ahead of those of the bureaucracy.

Opening these facilities posed considerable challenges to the MCF, and at first, providing residential services for such a large non-English-speaking group "bordered on a crisis."

Despite the fact that we have that number of kids in care, to have 134 land on our plates in a very short space of time was quite unique... plus all of the complicating factors of how they arrived, their language requirements, potential health issues (Charlton et al. 2002: 21).

The minors required full-time in-house staff as well as medical, social, and educational services. There were complex emotional issues surrounding all that the minors had and would experience during this journey, including the refugee claimant process. The MCF immediately hired interpreters who telephoned the minors' families to ask a series of questions regarding whether they wanted their children home again, where they had been destined, and with whom. They also created the Migrant Services Team that consisted of a director and two social workers based in Vancouver and Victoria.

Despite the extensive costs involved and the problems with security issues, one provincial worker described the minors as "model citizens" who were grateful for the services and "easy" and "wonderful" to care for.

Primary on the list of concerns were security issues. Provincial and federal employees conflicted over the security of the institutions where minors stayed. MCF pursued a variety of options, from group care facilities to foster care in Victoria and Vancouver. When the MCF held an informational meeting for potential foster care households for minors who had arrived

---

133 Interview, Vancouver, September 2001.
135 Interview, Vancouver, August 2001.
136 Interview, Vancouver, August 2001.
on the first boat in July, more people than usual showed up and caused concern that some may be employed by enforcers.

With the first boat, I think there were 18 kids. And without obviously knowing what was coming along, we decided that we would look for Chinese-speaking foster homes. We did a fairly large recruitment in Vancouver where there's a large Chinese community, and the response was really overwhelming. Very large numbers of people turned out over two evenings of information sessions. Then we realized there was a real concern with this because we always have Chinese children in our care, and we [normally] have a really hard time finding Chinese-speaking foster homes. . . Then we started to realize really when we thought this through, we didn’t know what issues came along with these kids, and we didn't know what dangers we would be putting the children or the foster parents in by parceling them out across the community (Charlton et al. 2002: 21).

Sixty-seven minors from the second and third boats were housed in a seniors' care facility that had been closed in Burnaby. This was the largest group accommodated together. A smaller group of 25 from the fourth boat were housed in a similar facility in Victoria. When the minors turned 19, they were no longer under the legal custody of the Province, and MCF assisted them to set-up independent living arrangements. Most shared apartments and found work.

Despite attempts to keep the location of these facilities under wraps, the minors were allowed to come and go and make telephone calls. Over time, provincial workers were aware that human smugglers were in touch with them. They were in communication and susceptible to abduction by enforcers who would not receive profits until clients had arrived in their final destination and so persisted toward this objective.

These tensions played out legally with the involvement of so many institutions in the minors' cases. The Migrant Services Team realized how much they had to learn about the refugee claimant process, how complex this process would be for the minors in their care, and how few precedents existed to guide them.

This was unfamiliar territory for us. We have two pieces of provincial legislation that we routinely deal with for child protection matters. The primary one is the Child, Family and Community Service Act, and that sets out when and how we take a child into care when they’re at risk. The other piece of legislation is the Family Relations Act, which allows us to assume guardianship of a child who has been abandoned. So in this particular case, these children were taken into care under the Family Relations Act. But we did assist them all the way through their refugee claim process, worked with the lawyers, worked with immigration, worked with the refugee board to help us understand exactly what we were getting into and what our role was. In each case, we were also

---

137 Provincial workers also discovered that members of the media also found the group homes and lurked around or hid in the bushes on occasion to report on the minors.
the designated representative under the Immigration Act for each one of these kids.\textsuperscript{138} That was certainly a complex and new role for us to take on (Charlton et al. 2002: 22).

The decisions regarding the options to pursue status in Canada and risk deportation or flee to the US were complex for minors and the institutions working with them.\textsuperscript{139} According to legal counsel, evidence showed that recidivism was probable; that those sent back to China were likely to be trafficked again.\textsuperscript{140} Jumping scale, the Province decided, therefore, that it was not "in a child's best interest" to be repatriated to a family that had sent him or her abroad, to a country where he or she could be endangered upon return, facing the possibility of a prison sentence and repeated trafficking over time.\textsuperscript{141} Furthermore, the Province could be held legally responsible for this decision.\textsuperscript{142} The Province decided instead to pay for legal services to support the minors through the claimant and appeal processes, as far as they chose to carry their claims.\textsuperscript{143}

One group of minors had their claims accepted. They were represented by a law firm in Vancouver whose legal counsel argued successfully that as minors, they had been trafficked, and that trafficking was in itself a form of persecution.\textsuperscript{144} Like the MCF, the law firm successfully drew on a global scale to put the RDP process to work at a national scale. Once again, these decisions brought out the differing standpoints of the Province and the federal government regarding the status of the minors. The federal government contested the positive decisions in judicial review in every case, and successfully overturned some of them. Eventually, nine minors between the ages of 13 and 18 were allowed to stay (USCR 2001).

Most of the minors followed the claimant process through to completion - including appeals to the initial ruling - but the vast majority were denied refugee status in Canada and left once status was denied.\textsuperscript{145}

The majority of our kids have moved on. We're not sure exactly where, but we know that for the most part they all came with a plan, and the plan was not to stay in Vancouver. Vancouver was a

\textsuperscript{138} The NGOs assisted in varying degrees with the support of the unaccompanied minors who were legally in the custody of the Province. Some NGO staff were designated representatives for minors at hearings while others worked directly with the minors to assuage fears about IRB hearings and security where they were living in group homes.

\textsuperscript{139} Interview, Vancouver, August 2001.

\textsuperscript{140} Interview, Vancouver, August 2001.

\textsuperscript{141} Interview, Vancouver, August 2001.

\textsuperscript{142} Interview, Vancouver, August 2001.

\textsuperscript{143} A key piece of political context to note is that the MCF held this position at a time when the New Democratic Party (NDP), was still in power in BC. The NDP is more supportive of immigration than the political party that then took its place in leading the Province, the Liberal Party of BC.

\textsuperscript{144} Interview, Vancouver, August 2001.

\textsuperscript{145} Interview, Vancouver, August 2001.
transit point. They had obligations to move on. They had tremendous pressures the entire time they were in our care, primarily from their parents. Parents did not want them to stop and make a refugee claim in Canada. They wanted them to be moving on. And I think what we learned was the parents themselves were under tremendous pressure from the traffickers back in China. So the kids just held on as long as they possibly could. And once it appeared that they weren’t going to be able to legally stay in Canada, they opted to move on (Charlton et al. 2002: 23).

The minors were under constant pressure from enforcers and family members (who were also receiving pressure from enforcers) to move on to the United States. Once the minors started to receive negative decisions, they began to run away in the spring and summer of 2000. Ultimately, most fled the group homes, usually assisted by smugglers, en route to the US.

Whereas this result was an affront to enforcement-oriented managers in CIC, it was viewed more positively by the provincial workers supporting the migrants. This conflict, one of several between the federal and provincial governments, opened space for alternative viewpoints and debate within “the state” about how to respond to smuggled migrants who themselves comprised a diverse group. Because the federal government fought so hard against the minors' refugee claims, it is difficult to know whether they were correct regarding their concerns about security of facilities and the assumption that most would flee or be abducted by human smugglers. CIC sought to blame the Province for lax security when the minors ran away, while the Province held the federal government partially culpable for their efforts not to land the minors.

Among the small number of minors repatriated to the PRC, the Province received proof that some were detained upon return, including a young boy who spent three months in jail. These minors were four young children who had come under the guardianship of adults. Provincial workers who serviced the minors in BC received some communications from them once they had traveled to the US. They estimated that at least forty were living in NY, while others were fanned out across the US. Reportedly, the minors were not in "bad" situations and

---

146 When minors disappeared from the homes, workers often found evidence left behind and learned retrospectively of elaborate plans to meet up in sites throughout the lower mainland and then move across the border. They often met these contacts in Chinatown. Interview, Vancouver, August 2001. In June of 2000, all of the minors at the group facility in Victoria ran away together. Interview, Vancouver, August 2001.

147 Interview, Vancouver, August 2001.

148 Interview, Vancouver, August 2001.

149 The MCF worked with international groups including the International Red Cross, International Social Services, and the IOM to learn about the status of the children's families and homes abroad. This information is consistent with that provided by other groups such as DAARE and immigration lawyers who stayed in touch with the migrants after deportation and found that many had spent three or so months in jail and paid fines of approximately $4,000 Cdn. Interview, Vancouver, August 2001.
not working in the sex trade, findings that were supported by a piece of investigative journalism done on their whereabouts during the following year (Jiménez 2001).

The details of this history confirm in the extreme the notion that the state is not a monolithic actor. Both the MCF and CIC expressed a great deal of frustration about their dealings with one another which related not only to financial decisions, but to opposing objectives with regard to the minors. Interested in the welfare of the minors, the MCF was frustrated by the enforcement-minded responses of CIC and vowed to support them through the appeals process in Canada and on to the US if necessary. Provincial workers also expressed frustrations with the reluctance of CIC to share information.150

Furthermore, like the federal government, the provincial government is also subject to a distinct political climate. After developing the Migrant Services Program that was viewed globally as a model care program for unaccompanied minors, the program was cut from the budget following a dramatic shift toward conservative leadership when the Liberal Party of BC assumed power in the Province of British Columbia in 2001. The Province is now almost back where it started in relation to the arrival of unaccompanied minors.

The Ministry of Public Safety and the Solicitor General, Corrections Branch

Whereas relations between MMI, MCF, and CIC seemed murky, as reported to me by parties on both sides, the relationship between CIC and the Ministry of Public Safety and the Solicitor General's Office was more straightforward and often narrated in straight business terms. This collaboration was perhaps more to the point because a pre-existing policy - an "exchange of services agreement" - had been exercised for years and set the precedent and financial agreement - if not the scale - for this relationship.

As with other institutions, BC Corrections was overwhelmed by the scale of the migrants. During "normal" times, they might hold some 20 to 30 people in provincial prisons on behalf of CIC, a small percentage of their average annual inmate population of 2,400.151 As a result of human smuggling movements between 1999 and 2001, this population peaked at about 500, thus increasing the population by approximately 20%.152 CIC paid BC Corrections a per diem rate for these services and also invested some $2 million between 1999 and 2001 in

150 Interview, Vancouver, August 2001.
151 Interview, Victoria, September 2001.
152 That means that BC housed more migrants in its provincial facilities than some smaller provinces house among the general inmate population on an annual basis. Interview, Victoria, September 2001.
renovations to BC prisons. This included renovating existing facilities and also expanding existing capacity with trailers (see Figure 4.8). This meant that human smuggling to BC brought a lot of business to BC Corrections, and this relationship was largely narrated to me in business terms.

The Province re-opened a prison in Prince George that had been closed in 1993 when a newer facility was opened. It also crammed some prisons in the lower mainland to capacity by housing some of the migrants in facilities such as the Burnaby Correctional Centre for Women and the Allouette River Center. BC Corrections hired entry level people on an auxiliary basis - "as and when required" - to staff the additional population. Prince George felt the biggest economic impact of these changes where most hires occurred. These hires were temporary, however, and most auxiliary staff were eventually laid off: "We really had no idea whether this was a business that was going to last." All staff hired to work with the migrants went through an initial orientation, and the Province invited the UNHCR in to train employees to work with asylum-seekers. Prison staff implemented a series of culturally sensitive program adjustments, from changing signs into Chinese characters, to shifts in dietary and health services, and cultural programming. They contracted interpreters to

153 Interview, Victoria, September 2001.
154 While the prison industry played a central role and provided a key service with a significant contract, there were other industries that also turned a profit as a result. These industries did not exist because of migration, nor did they necessarily work directly with the migrants. Yet they became involved because of the response and profited greatly from this movement. Food services and motels on Vancouver Island profited during the height of the summer tourist season when boats arrived, migrants were processed in Esquimalt, and staff required food and accommodation. In Prince George, the detention of a few hundred migrants provided a boost in the ensuing months. Translators, transit, construction, trailer, and security companies all turned a profit. Media outlets perhaps profited most of all from the sale of sensationalized news coverage. Increasingly, researchers are documenting the lucrative profits and corporatization of the detention industry (Simon 1998); and increasingly, nation-states like the US and Australia are contributing to the business by increasing detention of immigrants and refugee applicants. The same transnational corporations such as Wackenhut that build prisons for "native" inmates around the world also build them to house refugee claimants. CIC RHQ looked into the services of Wackenhut and other corporations as options in the event that longer-term detention centers would be necessary. In 1999, however, BC Corrections cornered the market on contracts from the federal government to detain the Fujianese migrants. The profits to these sectors underscore the importance of an analysis that shifts scale in order to understand the diverse interests and stakes in the response to human smuggling. While newspapers often articulated human smuggling as an expensive battle between migrants and Canadian taxpayers, the response boosted local economies and also some branches of the provincial government.
155 Interview, Victoria, September 2001.
work on a daily basis and ESL teachers to teach classes. They also organized events along with volunteers to celebrate Chinese holidays. Staff members won awards from MMI for culturally sensitive service delivery during this time.

Despite these efforts, advocates accused BC Corrections of cultural insensitivity with regard to dietary issues and language interpretation capacities. Responding to the concerns of the advocacy community posed new challenges for the Province. While BC Corrections had a history of working with advocates for inmates, the institution had never worked with an advocacy community that brought issues to the media so quickly, and this caused significant tension. Employees working within the prisons, for example, did not understand why management allowed the advocates in when they then went to the media afterwards to criticize their work. One Corrections manager argued, "Yes, we made mistakes along the way. But I don’t think that the advocacy groups understood the magnitude. To go from 0 to 400 [imprisoned migrants]. . . It's quite amazing to me that we pulled all that off."

Of course, the media attention also brought new challenges to those working for BC Corrections. One person described

an over-emphasis. It was intense; it was daily. They were very much uncritically responsive to disclosures made by the advocacy groups. The media would want an instant explanation and confessions for things that hadn't happened. It got odd. . . The media wanted to get as much sensationalism out of this as they could, and the advocacy groups played them.

Like other institutions, managers at the headquarters for BC Corrections also faced demands to circulate information to other provincial ministries, CIC, its own staff in the field, and the media. One person working in headquarters said, "When I think of it now, I just get tired because it was an enormous undertaking."

Meanwhile, staff in the field faced other challenges, such as security issues. Retrospectively, they were "100%" certain that they had not been able to effectively separate all of the enforcers from their clients, despite their efforts. Furthermore, as time went on, they handled some difficult episodes such as hunger strikes, escapes, riots, and suicide

---

156 Interview, Victoria, September 2001.
158 Interview, Victoria, September 2001.
159 Interview, Victoria, September 2001.
161 Interview, Victoria, September 2001.
162 Interview, Victoria, September 2001.
attempts among migrants. One official explained that these episodes related to the amount of time spent in jail and to the uncertainty of the outcome of the refugee claimant process: "It's the mentality of not knowing what their fate will be that creates a lot of anxiety." The same uncertainty of fate could be said of the ongoing challenges posed to BC Corrections with regard to planning for future arrivals. One person described this as "a shifting landscape . . . rapidly evolving." It is interesting to think about the dynamism of the human smuggling industry compared to what would appear to be a rather static institutional reality for corrections facilities. On the contrary, however, BC Corrections proved to be rather flexible with regard to shifting capacity to respond to these movements to BC over time. In 2000 and 2001, CIC paid about $1 million to renovate an arm of the Vancouver Island Regional Correctional Center in Victoria to process and detain up to 200 migrants. The federal government paid a monthly fee to lease this space, but eventually withdrew from the contract. As one official for the Province said, "The challenge for us now is, are we in this business in the future or not?"

This is a powerful question that CIC itself has not yet answered. Withdrawal from this and other contracts during the years following the boat arrivals illustrate both an ambiguity about where human smuggling lies as a priority for the federal government, as well as an even deeper uncertainty about the potential capacity for Canada to detain asylum seekers in the future. These collaborations between CIC and BC Corrections were an interesting learning experience for both parties. As one BC Corrections person explained, Corrections did not know much about working with refugee claimants, and CIC knew little about prisons. For the most part, both were willing partners because of the compatibility of their goals.

Analysis: scale, power, and containment through governance

There were recurring themes among the narratives of these diverse institutional players: institutional adjustments to deal with an issue that was not a part of the original mandate, responding to an emergency, feeling overwhelmed by scale, negotiating geographical challenges and access to clients and to CIC. As for CIC, some of this work was "routine" for

---

163 I will discuss these episodes in more detail in chapter seven.
164 Interview, Victoria, September 2001.
165 Interview, Victoria, September 2001.
166 Even before the prisoners were moved to longer-term facilities, BC Corrections officials provided consulting services at the Workpoint Barracks regarding effective detention practices, such as separating detainees into smaller groups for manageability.
these institutions, but aspects of it were not at all routine, such as security and media issues and new cross-institutional collaborations.

Where chapter five uncovered the variety of perspectives on human smuggling that existed within CIC, this chapter highlighted the verisimilitudes of this response across a greater variety of institutions: the semblance of many overlapping truths and perspectives that affirm that a "monopoly on vision" cannot do justice to the complexity of the events that took place. In several instances, the narratives among institutional actors in this chapter contradicted one another outright. A comprehensive telling must consist, therefore, of a set of narratives that highlight differences of opinion as well as overlapping agendas. As the vignette with which this chapter opened showed, these differences of opinion were often bound to disputes over the timing of the refugee claimant process and the differing objectives of the institutional players who became involved. And, as the opening vignette also showed, these narratives had material effects and constituted the categories into which the refugee claimants struggled themselves to fit.

These politics of representation often settled into struggles over language, one discourse where identities are formulated. As exemplified by the designation of the military gym as a Port-of-Entry, each institution, and every migrant, held a stake in the language of this experience, which in turn influenced access to the nation-state. For lawyers, "POE" was not a convincing substitution for "detention." For the UNHCR, these migrants were not refugees. For DAARE, the term refugee was not inclusive enough. By seeing the state as a bundle of everyday material practices, rather than an abstract concept, and by examining the geography of government procedures, we begin to see the material struggles that manifest in language. Every institution had a stake in the outcome of the claimants' hearings, exemplified once again by the opening vignette to this chapter.

These struggles emphasize the need to understand the response of the nation-state to human smuggling as one that was enacted by a diverse array of governmental and non-governmental institutions with varied relationships working across shifting landscapes of power. While CIC held primary responsibility for the response, the Department depended on several other institutions to make it happen. Most of these were supported by either federal or provincial sources, thus blurring the line between governmental and non-governmental institutions. And yet despite such collaboration and co-dependence, these players often interacted in adversarial fashion with respect to the migrants. "The state" was therefore not a
monolith but rather a multiple and diverse set of practices operating at different levels across disparate geographies, comprised of individuals working within diverse mandates and cultures. The dissolution of the boundaries around the state challenges various binaries between policy and practice, "outside" and "inside," and state and civil society.

I counted provincial institutions in this chapter among the "others" of the federal government. As members of "government" they often did not consider themselves aligned with CIC. In principle, they supported the mandates and objectives of the federal government; but in practice, they often seemed to be bullied by, employed by, or in conflict with CIC on a variety of issues. Meanwhile, lawyers, service providers, and advocates who worked with the smuggled migrants from outside of the parameters of government addressed how difficult it was to establish long-term working relationships with CIC. They mentioned inaccessibility, secrecy, and a high turnover rate as barriers to communication and relationship-building with the federal government.

I gave the lawyers such prominent space in this chapter because they were the institutional players with the most powerful potential to intervene in the fate of these claimants because they were in detention. Many of their disputes highlighted the power of the geography of boundaries, brought into relief through legal and financial negotiations. Also at work in negotiations among institutions were efforts to jump scale that I highlighted throughout. Whereas the media emphasized the national scale most often, referring in somewhat decontextualized terms to what would be "good" or "bad" for Canadians, other groups achieved most success by drawing on the international scale. DAARE suggested a human rights frame, as did lawyers and the MCF for the minors. CIC, too, drew on suprastate organizations as a method to claim a higher authority as a form of legitimacy (cf. Peck 2002).

As the responsibilities of the welfare state dissolve into the non-governmental "shadow state" (Wolch 1989), the boundaries and relationships between them become ever more clouded. Bureaucrats exercised agency in enacting policies amid these relationships. In so doing, they struggled with the agency of other institutions and the migrants themselves. The state acts as a network through these practices by entering into dialogue with some groups but not others. Governance signals the involvement of a variety of institutions beyond "government." But, the embodied state practices acting as a network show efforts to contain the response even through these collaborations. CIC's decision to privilege interactions with some groups over others was self-serving at times and related both to the need to enact a
successful response in an extraordinary situation and also to the need to convey a positive public image. At stake were public opinions toward immigration and refugee programs, as well as the reputation of the Canadian federal government in the eyes of national and international audiences. But also at stake was access to the RDP for claimants. CIC was the most powerful decision-maker at the center of the response, and it chose to work most closely with those who provided support, and to distance itself from those who did not. CIC networked strategically by inviting in and collaborating with the Red Cross and the UNHCR who would improve the image of the federal government by publicly legitimizing the response and countering those who criticized CIC. Among those not invited into dialogue were lawyers and advocacy groups. Not as constrained as CIC by political or legal responsibilities, these groups assumed more radical spaces of opposition from the outside. This analysis illustrates complex power dynamics between the federal government and other institutions and is consistent with Scott's argument that states most successfully implement projects on the ground where they find the least resistance (1998). In this case, the federal government worked the local institutional landscape to its advantage.

* * * *

This chapter has shown that the policing of boundaries is an activity taken up through governance practices among a slew of institutions that often operate in tension with one another. The territorial borders of the state became contested sites of negotiation as institutions struggled to assist claimants and influence policymakers. Central to these negotiations were processes of identity construction. There were three kinds of identities worked out through these collective negotiations: the identities of "the state" (as humanitarian or enforcer), the identities of institutions (whose positions related to their mandates), and the identities of migrants (who struggled to stay in Canada). And they were worked out geographically. The next question that I explore in chapter seven is where precisely among these institutions were identities scripted? What were the broader narratives circulating through the media and influencing negotiations? And, how do the boundaries around the state relate to the identities of migrants (Nelson 1999, Razack 1999, Nevins 2002)?
During the year before the boats arrived off the coast of British Columbia in 1999, members of the Economic Development Corporation traveled to China to conduct an assessment and hold a dialogue regarding China's plans to liberalize trade and join the World Trade Organization. The global story was that after decades of isolation under communist regimes, China was opening up to the west. Other high-profile issues, however, had always hampered this dance between China and partners such as Canada and the United States. Among the black marks on China's record were human rights abuses such as persecution under the one child policy and the suppression of dissident political viewpoints and religious practices.

These abuses amounted to diplomatic embarrassments, having factored into geopolitical relationships and refugee issues in North America over the years. Relatively high rates of acceptance among asylum-seekers in North America embarrassed China, and defensively, the PRC often accused nation-states such as Canada and the US of inviting economic migrants to apply for asylum by enacting overly generous and liberal refugee programs (Vancouver Sun, 7 February 2000). These issues served as a backdrop to the negotiations between Canada and the PRC over the refugee claims and repatriation of the Fujianese migrants in 1999 and 2000.

Chinese diplomats informed CIC bureaucrats that they would only issue travel documents for the repatriation of an entire boatload of migrants at once. This would serve as a symbolic public message that confirmed that these were not in fact Convention refugees fleeing persecution in the PRC, but rather economic migrants who had left China for opportunistic reasons and did not qualify for asylum in Canada.

Once CIC bureaucrats knew this to be the case, some wanted to stop the communications branch from releasing the number of migrants on each boat to the public. The media, however, were too hungry, and the bureaucracy too eager to assuage this hunger to keep such important details out of the public domain. As a result, PRC authorities in Canada and in China were well aware of the numbers of migrants who arrived on each boat.

As time passed, CIC managers and assistant deputy ministers learned how to navigate diplomacy with Chinese officials and obtained travel documents. Eventually, on 10 May 2000,
CIC chartered a flight to deport a large group of 90 migrants back to the PRC and repeated this process with another group of 90 on 27 July 2000. These mass removals of 90 overlapped with a visit of the Canadian trade mission to China, and affirmed two complementary narratives: that boatloads of migrants were deported because they were not found to be political refugees in Canada and that China was not necessarily a place - at this moment in time - where political persecution and human rights abuses caused migrants to flee.

There were some glitches, however. Depending on their experiences with the RDP in Canada, it took migrants varied amounts of time to make their way through the process, depending on the scheduling of hearings and the number of appeal processes pursued. Under these conditions, it was a logistical impossibility for CIC to load a plane with migrants from the same boat. Therefore, while the group deportations had the semblance of coming from the same boat, in actuality, they were a mixture of migrants from different boats.

Introduction

This story of the migrants' arrival by boat and their return by plane underscores the importance of appearance - the maintenance of a positive public image - for states. But putting a group of migrants on a plane as though they and their experiences were homogenous glossed over differentiated experiences for the sake of diplomacy to convey a powerful, clean, unified, and secure message regarding human smuggling from China to Canada. It shows the pressure on, and the desire of, the bureaucracy to report to the media.

I have argued throughout this thesis that geographers' understandings of the nation-state can be limited by the scales and methods through which they approach the state. The last two chapters detailed regional geographies of governmental and non-governmental employees' negotiations. The premise of this chapter is to shift to the finer scale of the body to understand more about the state. I emphasize interlocking processes of boundary construction around migrants, bureaucrats, and the nation-state (cf. Campbell 1992, Nelson 1999).

I will show that thinking about the scale of the body uncovers power relations otherwise obscured and pokes holes into the dominant narratives deployed to explain the boat arrivals and other human smuggling movements by questioning some of their underlying assumptions. The episodes in which migrants were grouped on chartered planes for deportation illustrated the desire for states to homogenize this transnational migration, to impose an explanatory narrative
that scripted meanings and identities onto migrants and states in relation to one another. The scripting of migrants as criminal projected Canada's identity as an enforcer and China's as an innocent bystander. So looking at migration and states from a distance tells one tale: several hundred economic migrants attempted to cross borders illegally. These "bogus" refugees were granted due access and ultimately deported. The system worked. But take, for example, the experience of the woman at her refugee hearing in Vancouver with which I opened chapter six. Ultimately, the IRB accepted her claim, based on her experiences in China. The embodiment and the gendering of her migration experience disrupted the overarching story that this movement was comprised of bogus refugees.

I will look at the process through which a set of bodies are homogenized through the media. At a theoretical level, this chapter provides a key building block in the foundational challenge of this thesis to the ways in which the state is conceptualized and posits embodiment as one method through which to deconstruct the seemingly all-powerful state. This chapter advocates a feminist geopolitical strategy of articulating dis/embodiments. This entails production of the actual boundaries around the state, as well as the boundaries around identity construction.

As bureaucrats struggled with the public narrative that they were ineffective, migrants struggled with the narrative that they were bogus. Meanwhile, the overarching master narrative taking shape through competing representations in the media was that of the identity of Canada. I look to media representations and to the relationship between the government and the media in order to understand this process of homogenization. I will argue that the embodiments that took place in relation to human smuggling served as a form of identification of who the migrants were, and of the threat that they posed to a "leaky" nation-state. The absolute centrality of the role of representation and public image of the state has been the weightiest of my findings regarding the operation of the bureaucracy in relation to human smuggling. It would be difficult, therefore, to grant too much weight to media representations when they are paramount not only to public opinion (Palmer 1998, Rivers and Associates 2000), but to the

1 But what if it is becoming more difficult to become a refugee through legitimate means and people must employ the services of human smugglers? And what if the definition of a refugee is no longer in line with contemporary causes of displacement? What if this group of migrants who attempted to enter surreptitiously to travel to work in the US would trade anything to live, work, and contribute to Canadian society legally? What if
orientation and operation of the federal bureaucracy. The process of identification that took place in the media, far from superfluous to the federal response to human smuggling, provided a narrative that explained the response and justified the geographies of access over which different institutions struggled.

**Media analysis**

How can they hear the truth above the roar? 

*Sung lyrics, "Razzle Dazzle 'Em," Chicago, 2003*

if it was heroic for runaway slaves to seep into Canada, why is it villifiable for Chinese migrants to hide in the belly of a dream now: and when you want to draw the line or put your foot down or formulate enough is enough is enough is enough is enough what colour is enough? what language does it speak? 

Excerpt of a poem by Wayde Compton, cited in DAARE 2001: 42

The empirical findings of my institutional ethnography illustrated the extent to which the bureaucracy was oriented to media coverage on a day-to-day basis. The work of monitoring media coverage of immigration issues grew explosively at that time because of the frenzy that took place in the mainstream Canadian media. I have analyzed this coverage, along with other scholars, including Canadian journalists and sociologists (Clarkson 2000, Greenberg 2000, McGuinness 2001, Mahtani and Mountz 2002, Hier and Greenberg 2002). CIC, too, invested significant resources in analyzing media coverage of the boat arrivals. In this section, I will summarize findings regarding media coverage, highlighting, connecting, and in some cases, expanding on the main themes identified by existing analyses. This dramatic, sensationalized coverage provided a lot of "noise" around this issue. What I aim to show is that amid the chaos, various ideas and assumptions about the identification of the migrants and about that of the Canadian nation-state crystallized through their reiteration.

When the boats were intercepted, the Canadian media were saturated with images of a group that came to be known as "the boat migrants." Discourses in the media immediately foregrounded the migrant body, focusing early coverage on the potential for disease, including

---

there were displaced persons in need of protection who, in the end, did not actually have full access to due process? This brings us back to the tension between CIC's mandates to enforce and facilitate.

2 Most of these studies entailed content or discourse analysis, a method that examines the underlying messages and meaning of terms circulated through the media. This is a common mode of analysis with which media scholars have studied the racialized metaphors and stereotypes through which immigrants and other marginalized groups have been represented in diverse media (Henry and Tator 2000).
tuberculosis and hepatitis, and other medical conditions like malnutrition, dehydration, and hypothermia. Front-page photographs of the boat arrivals portrayed migrants crowded on boats, having just crossed from international waters into Canadian waters in an attempt to enter the country surreptitiously.  

Simultaneously, images of officers of the Canadian law boarding the boats emerged in newspapers. Members of the Emergency Response Team of the Royal Canadian Mounted Police (RCMP) and of the federal Departments of Citizenship and Immigration Canada (CIC) and National Defence were shown clothed in full uniform and mask to protect them from the spread of disease. Despite the efforts of CIC to present images of control, the boat arrivals played in print and news media as a crisis that provoked anxiety in the public. Media representations positioned the migrants as a threat to Canadian security, a fear exacerbated by images of crowding on boats.

Figure 7.1 here: "Quarantined" headlines The Province

Images of containment such as the front-page article in The Province in Figure 7.1 centered the body.

In an analysis of coverage of immigration stories in two daily newspapers in BC - the Province and the Vancouver Sun - from 1995 to 2000, I found a "roar" in coverage in 1999. In collaboration with Minelle Mahtani (Mahtani and Mountz 2002), I conducted advanced searches on the search engine, "Infomart," for articles on immigration in each of these papers using the same search formula for each year. The word "immigration" was required to appear anywhere in the story, along with either "British Columbia" or "BC." The number of "hits" for each year are representative of a pattern that we identified, wherein public opinion regarding immigration becomes more pronounced - in both tone and quantity - surrounding high-profile immigration events (Palmer 1998). The search yielded the following results:

---

3 These images reflect similar constructions of Chinese migrants as harbingers of disease during migrations to Canada a century earlier (Anderson 1991, Li 1998).
Table 7.1  Local media coverage of immigration issues, 1995-2000

<table>
<thead>
<tr>
<th>Year</th>
<th>Vancouver Sun</th>
<th>Vancouver Province</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>99</td>
<td>24</td>
<td>123</td>
</tr>
<tr>
<td>1996</td>
<td>130</td>
<td>51</td>
<td>181</td>
</tr>
<tr>
<td>1997</td>
<td>204</td>
<td>86</td>
<td>290</td>
</tr>
<tr>
<td>1998</td>
<td>194</td>
<td>63</td>
<td>257</td>
</tr>
<tr>
<td>1999</td>
<td>259</td>
<td>212</td>
<td>471</td>
</tr>
<tr>
<td>2000</td>
<td>238</td>
<td>106</td>
<td>344</td>
</tr>
</tbody>
</table>

Source: Mahtani and Mountz 2002: 19

Not surprisingly, with 471 articles, or nearly four times the number of articles printed in 1995, 1999 was a particularly intense year for coverage of immigration issues. CIC made front page stories some 80 times that year (Charlton et al. 2002: 5). This particular movement intensified public debate about, and media coverage of, immigration.

This finding that media coverage intensifies around high-profile events resonates with other scholars' analyses of reporting on human smuggling. Hier and Greenberg use Hay's concept of the "tipping point" when decisive coverage precedes a moment of crisis (2002: 494). Such "tipping points" during the boat arrivals identified by media scholars included coverage of two opinion polls conducted by the Victoria Times-Colonist, following the first and second boat arrivals (Hier and Greenberg 2002: 500). The bold headline "Go Home" drew readers into an article about the responses of the poll: that 1,272 callers wanted the migrants returned to the PRC immediately, while 44 thought that they should stay (Victoria Times-Colonist, 12 July 1999). Retrospectively, reporters and media scholars called into question the methods and rigor of the "unscientific" polls (McGuinness 2001: 9). But by the time the Times-Colonist ran a second poll, the influence of the first - along with the weight of other media representations with similar messages - had already held sway in the court of public opinion. The paper ran the results of a second poll with the provocative front-page headline: "Go home: Yes: 3,362; No: 105." (Victoria Times-Colonist, 15 August 1999). In subsequent days, the National Post and the Toronto Sun ran these results as well (Hier and Greenberg 2002: 500). After conducting interviews with the reporters involved, Sorcha McGuinness cited this as one
example of the ways that journalists were "swept along by waves of public opinion, dammed by institutional constraints and caught in an undertow of bias" (2001: 23).

This contrasted significantly with coverage only months earlier of Kosovar refugees to Canada that emphasized the success of Canada's role on the global stage with headlines such as, "B.C. rolls out welcome mat: Teen who lost parents among first arrivals" (The Province, 13 June 1999). The coverage of the landing of Kosovar refugees told a Canadian success story and exhibited pride in the extension of the humanitarian acceptance of refugees in BC. The tone changed dramatically, however, with the arrival of the four boats characterized as "irregular migration." The articles and cartoons in 1999 and 2000 characterized Chinese refugee claimants as "bogus" and "illegal," whereas Kosovar refugees were constructed as deserving. In particular, the Chinese migrants were treated as "illegal aliens" whose motivation to come to Canada did not necessarily stem from political persecution in their home country, but rather from the desire to pursue upward mobility (Greenberg 2000).

Greenberg argued that all five major Canadian dailies articulated exasperation and anger towards government while at the same time shaping resentment toward refugee-seekers. In reference to two British Columbia papers (The Victoria Times-Colonist and the Vancouver Sun), he noted that the editorials, op-ed pieces and guest columns were "unambiguously critical of the federal government's actions and official position" (Greenberg, 2000: 21).

Sorcha McGuinness (2001) analyzed the content of 237 articles on the boat arrivals in four dailies: The Globe and Mail, The Vancouver Sun, The Province, and The Victoria Times-Colonist. In her review of coverage in each paper, she illustrated that through content, language, visual imagery, headlines, and the use of official sources, news coverage of the boat arrivals played a central role in "the maintenance and legitimization of class, power and racial inequality in society" (2001: 3).

In addition to quantitative shifts, coverage of these arrivals also signaled a qualitative shift in content, tone, and language, all of which contributed to what Hier and Greenberg identified as a "discursive construction of a crisis" with "a capacity to recruit and mobilize newsreaders as active participants" (2002: 491) in the narrative of who comprised this group of

4 Douglas Palmer reported a similar finding in his analysis of the relationship between opinion polls and media reportage: that negatively portrayed events quickly catalyze negative views toward immigration broadly speaking (1998).
migrants, and who comprised Canada in relation. Much of this crisis in the news unfolded as a "moral panic" in which the events of the boat arrivals and the numbers of migrants were decontextualized, took on a life of their own, and hence became a "phenomenon" (Hier and Greenberg 2002: 503). Hier and Greenberg argued that the state was implicated in this crisis in two ways: through the construction of the crisis ("weak" immigration and refugee policies) and through its resolution (a "strong" enforcement response) (2002: 492).

As Clarkson (2000) argued, the media contributed to the crisis by doing little to contextualize the numbers as small compared, for example, to the number of people smuggled through Canada's airports, estimated in the tens of thousands annually. The media portrayed the boat arrivals as "the last straw," with particularly notable headlines in the Province, such as "ENOUGH ALREADY" (The Province, 1 September 1999) (See Figure 1.5). Comparatively speaking, six hundred is a small number in a larger, continuous arrival of migrants in BC without legal status. The number was also small compared to the Kosovar movement during the months prior. But in this case, six hundred people symbolized, simply, "too many" (Clarkson 2000). Numerical decontextualization contributed to the sense of crisis and exacerbated the notion that immigrants would potentially "flood" Canadian cities.

The language of this discourse portrayed migrants through natural metaphors, as flooding the nation-state, an oft-repeated trope in stories about immigration (see Ellis and Wright 1998, Hage 1998). Newspapers provoked fear of disease, suggesting public health concerns, such as tuberculosis, that never materialized. Migrants were portrayed as carriers of disease, exaggerated in the press by coverage of migrants secured on boats. Images circulated of the migrants crowded on boats in close proximity and unsanitary conditions. Newspapers placed public health concerns related to the boat arrivals on their front pages. One notable example in The Province showed a picture of the migrants on the boat with the enormous caption, "Quarantined" underneath (The Province, 21 July 1999) (See Figure 7.1).

---

5 Interview, Ottawa, October 2001.
6 See McGuinness for an interesting dialogue with reporters of The Province regarding inflammatory headlines (2001: 6-8).
7 Ghassan Hage refers to phrases such as "too many" as racialized "categories of spatial management" (1998: 38).
8 "To date we have not encountered communicable diseases on the boats and there has not been one incident of TB discovered in the population following subsequent medical screening (including chest x-rays)." CIC in-house document: "Pre-boarding brief" (no date).
read, "Justice slips on a mask" when a provincial court judge ordered everyone in the courtroom to wear a safety mask (The Province, 17 August 1999).  

Whether through metaphors of disease, natural disaster, or criminality, the migrants were positioned as an invasion and a threat to national security. This movement was generalized to a broader critique of the federal government, and the story went that these problems opened Canada's immigration and refugee programs to abuse. Part and parcel was the portrayal of the Canadian federal government as incapable of controlling its borders, overwhelmed by human migration, and guilty of weak laws and a flawed bureaucracy (Greenberg 2000).

Constructions of criminality intensified as the story of 600 "illegal" migrants facilitated by organized crime developed. The story was repeated so many times across newspapers that it seemed irrefutable: these migrants were "bogus" not genuine, "economic" - and therefore opportunistic - and not "political." These constructions of criminality - also a common trope in media coverage of recent immigrant communities - gained momentum throughout the migrants' time in Canada, from their portrayal through security fences under surveillance at Workpoint Barracks, to their movement in and out of correctional facilities and courts during the next 18 months (McGuinness 2001: 20-21).

These associations were suggestive in some articles, and more blatant in others where images, for example, portrayed Chinese refugee applicants in handcuffs and prison uniforms (see, "Handcuffed children ask Canada for asylum," Globe and Mail, 20 August 1999). (See Figure 5.2). A language of criminality ("illegal aliens") not previously associated with immigration to Canada accompanied media representations of the boat arrivals saturated with...
headlines such as "Detained aliens investigated" (*Vancouver Sun*, 22 July 1999). This language pitted a Canadian "us" against a foreign "them," as in the headline, "Beware, illegal immigrants. We Canadians can be pretty ruthless" (*The Province*, 13 August 1999). The migrants came to be associated with the transportation by which they arrived, an image indelibly recorded for the public with countless pictures of old, rusty ships carrying "boat migrants."12

Mahtani and Mountz found that "articles that associated immigration with criminal activity rose significantly in scale and pitch" from 1995 to 2000 and culminated with the boat arrivals in 1999. They also changed in scope, from discussion of criminal activity committed previously in the country of origin to transnational criminal activities such as gangs and smuggling networks. Despite the distinctiveness and relatively small scale of this movement, this increase in the association of immigration with criminality was accompanied by a shift in Vancouver coverage to more generalized anti-immigration sentiments and associated language.

Another major topic in the coverage of the boat arrivals was the cost of the response to the taxpaying public. The media emphasized economies of migration and attacked federal spending, a criticism exacerbated by the portrayal of an inadequate, slow, and "soft" or "abused" refugee determination process. Government budgets on immigration were contrasted with perceived spending on a non-immigrant or "native" population, a tactic consistent with the political backlash against due process, manifest in the "Canadians first immigration reform."13 This simplistic division furthered the distance perceived between "us" and "them."

Amid the roar of the media coverage, assumptions persisted, alternatives were drowned out, and one narrative prevailed. It is precisely in their eagerness to project a particular message that state practices are embodied in superficial fashion with most tensions surrounding practices and policies suppressed by public narratives. Narratives of the response to human smuggling suggested that communications are central to the control of information and people in the bureaucracy. CIC invested significant resources in carefully developing this public image

---

11 It is interesting to think about this language as an Americanization and, therefore, harmonization of borders through discourse.

12 One of the lawyers whom I interviewed expressed frustration with media representations and noted that these representations made their way into the detention reviews where federal lawyers showed pictures of rusty boats as part of the process of identifying this group. This lawyer asked an important question: "What does the rust have to do with it?" Interview, Vancouver, September 2001.

13 This is a political campaign that is reacting to current immigration level and advocating that funds shift away from immigration programs to Canadian nationals.
through the communications branch, charged with suppressing conflict and alternative viewpoints for the sake of a united message for the media.

Communications

The mass communications media are the connective tissue of democracy. They are the principal means through which citizens and their elected representatives communicate in their reciprocal efforts to inform and influence (Mughan and Gunther 2000: 1).

Media scholars working within diverse analytical frameworks and national contexts argue consistently that the mass media play a primary role in framing political issues for the public. Obviously, federal politicians and bureaucrats are well aware of the importance of the media in advancing their agendas and remaining accountable to constituents, and this awareness was well-represented in my depiction of the work of CIC in response to the boats.

The response to the boat arrivals "became a communications issue," according to one communications employee, and it also became a well-known case study for journalism and communications students at local universities who were learning to manage crisis situations. The response served as an ideal case study in the world of communications for its longevity, exposure of the organization, portrayal of human tragedy, relevance to contemporary political debates and international relations. The communications branch at RHQ developed and, on several occasions, delivered a presentation aimed at students and others in the field of communications to explain how CIC managed the response.

During the time of crisis, there were three people working regionally in communications. On many occasions, they worked 16 to 18 hour days and arrived home in the early hours of the following morning. During the height of the crisis, such as days when boats arrived, the voice mailbox of the lead communications person would fill up every hour. In total, communications in Vancouver fielded some 1200 calls during a ten-week period.

As one manager explained, "It's not an option to be silent." Communications had a general plan in place for such a response, but no "book of procedures," which meant dealing with each new scenario that arose, many of which were unexpected. Communications employees expressed a need to be "proactive" because they "have to control what gets out." This revealing quote illustrates the desire of communications to carefully screen, shape, and

deliver information. Press conferences required days of preparation, when possible, and caused days of reflection and retrospective dialogue. CIC faced extreme scrutiny from national and international audiences, a high demand from journalists for information, and the tendency of the media to highlight conflict and place blame. One communications plan for marine arrivals listed "Key Audiences" as the following: federal ministers concerned, CIC staff, staff of partner organizations (including provincial ministries), Members of Parliament, Province, and municipalities, the legal and NGO community, the media, the public at large, and foreign governments and international partner organizations. These audiences are broad and diverse and again highlight the central role of the circulation of information. When I asked journalists about the climate in which bureaucrats were not allowed to make mistakes, they responded generally that this was the role and "the nature of the media," to report mistakes.

My interviews with journalists showed a rather accepting and even complimentary stance regarding the way that CIC handled the issue. Journalists who attended press conferences in Vancouver and Esquimalt noted that CIC "did a good job of balancing information and the needs of refugees" and were "good with information." Journalists saw their role as one of providing the public with basic information about the boat arrivals and the government procedures in place to process the claimants, and CIC provided substantial information on both counts. One journalist explained that at first they had been interested in the "nitty gritty details" such as "the conditions on the boat, the health of the people," but over time, there was more interest in the refugee process more generally and in the dynamics between smugglers and their clients.

Journalists reported two struggles with language. The first related to a complaint that some CIC employees speaking with the press used too much "jargon." The second related to

---

17 This is an interesting contrast, however, to CIC's poor reputation in providing timely responses to access requests. One journalist echoed the frustrations of lawyers and noted that he had made access requests that had not been completed over the course of a year. Interview, Vancouver, August 2001.
18 Interview, Vancouver, August 2001.
19 These tended not to be the main communications employees, but rather those managers on the operations side who communicated with the press on occasion. Interview, Vancouver, August 2001.
the language of the movement and the identification of the migrants. One journalist identified "one big issue" to be "what we called these people."  

Journalists told researcher Sorcha McGuinness that they drew the language with which they portrayed the movement directly from CIC communications to the press (2001: 13). CIC, however, told a different story, and reported being offended themselves by the language through which the Fujianese migrants had been portrayed (13).

Journalists who covered the boat arrivals expressed conflicting viewpoints on their impact on public opinion. They certainly believed that they had played an important role in informing the public, but were rather cynical about the extent to which they might have swayed public opinion. One journalist said, "I think everybody knows what they did. I don't think opinions would change no matter what we call them." 

In the meantime, a dance developed between journalists who clamored for information, and communications employees of CIC who planned press conferences, devised communications strategies and "talking points" for those communicating with the press, and entered into extensive e-mail dialogue between Assistant Deputy Ministers in Ottawa and managers in BC about what had been released so far, and how they would respond to potential questions. In interviews, communications employees mentioned repeatedly the need for "ownership" of the issue and cohesion in the message: the need for operations and communications within CIC to be "in sync," and the need to collaborate with partner organizations involved in the response in order to present a "unified" view of the federal government. Even those bureaucrats working regionally in communications concerned themselves with protecting the relationship between China and Canada.

Communications used this as an opportunity to communicate with various publics about the refugee program, including local communities and a national audience. Many of the talking points included explanation of the rights of migrants and the obligations of the federal government according to the Immigration Act, the Charter, and the Convention. They

---

20 Interview, Vancouver, August 2001. Struggles over language were ongoing from the moment the migrants landed, in the media and among civil servants. In an interview in Ottawa, one official explained that there was "an underlying issue: how to view people like that? We were always hemming and hawing around a politically touchy issue. Even though they're not refugees, it is possible to see them as people who deserve due process, as people that fled a repressive regime, people who still want to become Canadian." (Interview, Ottawa, March 2001).

21 Interview, Vancouver, August 2001.
contended with the need to assuage public fears about disease and security issues. Talking points also frequently addressed the conditions and costs of detention and removals. Regarding costs, one communications employee said, "You can't spin, massage, or couch that information."22

Critical media scholars note that there once was a time, during the Cold War particularly, when people believed that the role of the media varied most greatly between democratic and non-democratic societies (Mughan and Gunther 2000: 3). Mughan and Gunther now contend, however, that this distinction was oversimplified. With the deregulation of mainstream corporate media outlets that occurred throughout the 1980s and 1990s, the proliferation of news sources that resulted, and the increasing role of television in informing the public in shorter soundbites than the print media, the role of the media as a whole has shifted dramatically in democratic societies (2000: 5). The media have lost their civic mission to inform the public about governmental policies, and have instead entered into a competition to provide entertainment through news:

In the United States, for example, it has been argued that journalistic cynicism, coupled with trivialization and personalization of media coverage of politics, has undermined the possibility of the kind of healthy and substantive political debate that democratic government requires. The complaint is increasingly heard that the American media in general, and television in particular, now undermine democracy by equating news with entertainment and deemphasizing coverage of serious, substantive political issues. Instead of broadcasting policy-relevant information to help to create and sustain an informed electorate, the media are accused of devoting undue attention to ephemeral, nonsubstantive matters like current public opinion poll standings and the personalities, character, and foibles of the leading political figures (Mughan and Gunther 2000: 7).

In the case of the marine arrivals in 1999, the "classic" case study on crisis management from a communications perspective, the relationship between media, government, and democracy resonated with Mughan and Gunther's arguments (2000). The phrase "crisis management," used frequently by CIC managers to describe this time period, suggests a bureaucracy behaving reactively. But I found communications employees to be incredibly proactive, a stance facilitated by the larger investment of the Department in their work. The communications employees at CIC were well aware of the tendency of the media to sensationalize and dramatize, and they prepared proactively and strategically with key messages that they wished to convey to the public through such soundbites. They circulated these plans

to everyone involved in the response within CIC. As a result, key, unified, and unitary messages issued forth from a large, diverse bureaucracy to the public.

Facing extreme criticism in the press, they worked to explain the objectives and responsibilities of the federal departments that participated in the response and to assuage public fears and complaints. Working conditions, of course, were not ideal for anyone involved, including members of the press and employees of communications. But the two worked symbiotically and developed a routine, a rhythm, and a set of expectations of one another. Human agency also infused itself into these working relationships. Bureaucrats frequently mentioned the journalists for whom they held the most and least respect, and journalists did the same for bureaucrats.

None did much to step outside of this system, but were instead complacent and cynical with regard to the reality of the media environment - and business - in which they worked. This was, ultimately, the business of selling newspapers and selling advertising space. The mainstream media is not an ideal place for debate of political issues in comprehensive or nuanced fashion. Through simplistic soundbites emerge simplistic narratives and scripted identities, which result in the homogenization of groups, including civil servants.

Securing the leaky state

Human smuggling and trafficking serve as particularly poignant affronts to the nation-state because they entail an illicit undermining of international borders and laws and the apparent victimization of migrants. These industries involve the movement of bodies as commodities for consumption in the global sex trade and other service economies.

Ellis and Wright (1998), Cresswell (1997), and Sibley (1995) have exposed spatial metaphors of displacement that deem bodies out-of-place. Some bodies are more visible because of race, class, gender, and citizenship, all of which figure prominently in discourse on immigration and are central to decisions about who "belongs" to the nation-state. These differences are inscribed onto the body and reveal the operation of power (Pratt 1998, 1999).

Images of immigration often narrate the story of the emasculated state: one that is rendered powerless by immigration that is out of control, embodied by migrants who materialize in discourse with metaphors of invasion, flood, and waves (Ellis and Wright 1998). This discourse of leakiness with regard to North American borders was on the rise for some
time, and skyrocketed after 9/11. Consistent with Saskia Sassen's argument that in an age of globalization, nation-states flex their muscles at bodies and borders (1996), the Fujianese migrants were represented in the media as a challenge to Canadian sovereignty and its ability to police international borders.

Whereas Canada was once known as a more progressive, humanitarian state in its granting of refugee status, it was now portrayed in the media as soft, with the integrity of its refugee program threatened.

**Figure 7.2 here: Canada as a marine filling station**

The cartoon in Figure 7.2 depicts the Canadian government as a marine filling station, offering welfare assistance, a lax court system, and the acceptance of hard luck stories. This movement catalyzed a notable shift in Canadian public opinion toward immigration, public discourse surrounding immigration, and the political will and capacity of the government to respond. The media produced these images for consumption by an anxious Canadian public, the migrants serving symbolically as an expression of a perceived loss of control of Canadian borders.

The border around the nation-state serves as a symbolic expression of the well-being of the Canadian social body (see Nast 1998). Migrant subjectivities are bound up powerfully in narratives of nation-building and immigration policy, positioned as the foreign body that compromises the home. Cresswell (1997) theorizes society as a human body, and leaks as out of place, in need of being cleaned or removed, and this is precisely what happened with strong narratives and practices of containment with which the federal government responded to the Fujianese migrants. In response to pressure from national and international publics to strengthen its "leaky" borders, the federal government communicated a semblance of control to

---

23 The US viewed the border between itself and Mexico as "leaky" or leaking undocumented migrants for decades (Nevins 2002). But more recently Canada became the source of such leaks across the northern border of the US. The attacks on 11 September 2001 provoked extensive discussion of vulnerabilities along the border. In response, the US has poured millions of dollars worth of resources into strengthening the Canada-US border with new policing agents and technologies.
the public in order to counter media representations of a diseased Canadian social body, leaking out of control (see Cresswell 1997, Hage 1998, Nelson 1999).\footnote{This is an interesting parallel to Nelson's analysis of the Guatemalan state as a wounded body, and ethnic organizing as "the finger in the wound" (1999). She reviews countless images of the ways in which the nation-state in turn positions the bodies of Guatemalan citizens through articulations of national identity.}

With the nation-state represented as a leaky body, the construction of boundaries around identity is one strategy of containment of these leaks. These postures have powerful material ramifications for refugee claimants and other displaced people, such as the decision to detain. As lawyers suggested, however, these practices of containment extended beyond detention of the migrants themselves. The federal government contained the messages to the media, through which it retained the power to identify and classify (cf. Scott 1998). Immediately, there arose a powerful discourse about the identities of the migrants. They were "bogus refugees," accused of sneaking in, of committing a criminal act and therefore not "legitimate" or "deserving" refugees. Lawyers argued that these narratives worked their way into the refugee determination process (RDP) and resulted in extremely low acceptance rates. So borders are policed through routine exchanges that center migrant subjectivities and influence inclusions and exclusions.

Simultaneously, there were practices of containment unfolding within the government where there was a strong effort to control the public image of the federal response.\footnote{This is an interesting parallel to Nelson's analysis of the Guatemalan state as a wounded body, and ethnic organizing as "the finger in the wound" (1999). She reviews countless images of the ways in which the nation-state in turn positions the bodies of Guatemalan citizens through articulations of national identity.} So the nation-state exercised boundaries around identity construction to depict tight narratives about human smuggling and the government response. But processes of abjection (Kristeva 1982) are always less concrete and more ambiguous than governments' attempts to categorize. There is more bleeding and grating (Anzaldúa 1987), than the lines on a map or the law would have us believe. The containment strategies were an attempt to delineate between black and white, good and evil, between the inside and the outside of the nation-state. But such clean dualities between self and other never hold. Scott's (1998) view of how the state sees and manages works only from a distance, not with intimacy. Processes of identity construction on the ground are far messier. The dualities bleed.

Power, too, bleeds through these dis/embodiments of the nation-state, and it is therefore important to analyze who is embodied, how, and why in the relationship between the state and
smuggled migrants. These dis/embodiments reveal the spatialized processes through which the power of the state materializes in quotidian life. To some extent, the disembodiment of the state is a function of a large bureaucracy that suppresses and normalizes the individual by emphasizing the whole. Bureaucracies are designed to protect and manage information as well as public image, and their outward expressions usually entail written policy, organizational diagrams, and press conferences. In this sense, the federal government often appears to be transparent on paper and in the media.\(^26\)

Whereas immigration bureaucrats tend to work behind the scenes, however, the boat arrivals drew officers out of their offices and onto the water in ways that made them very visible to the Canadian public. Federal officials were portrayed in particular ways. Covered in white biohazard uniform with hood, black vest, and black boots, they were homogenized and secure, an embodied expression of the boundaries of the nation-state. The state is therefore strategically and visibly embodied in distinct ways and in relation to different policies and populations. Therefore, in the response to human smuggling, a generic disembodiment turned to a strategic embodiment of the federal response to a delicate situation.

Moira Gatens challenges monologic narratives of the state by questioning the representational utility of the 'body politic' as a metaphor (1991). "The metaphor functions to restrict our political vocabulary to one voice only: a voice that can speak of only one body, one reason, one ethic" (81). She notes that if the body politic is ascribed only one voice, then "any deviation takes the form of gibberish" (85). Her ideas dovetail with Robyn Longhurst's (2001) argument that there is a need to keep a 'solid' body intact.\(^27\) This is why it is imperative for political geographers to conduct more qualitative research on the state; in order to make their renderings of state objectives, projects, and participation more complex. Even the most casual conversations with bureaucrats, and even the most cursory look at the conflicting agendas within one federal department show how diverse they are. Yet disembodiment of the state in

---

\(^{25}\) As time went on, there were some leaks of information within the state and a parallel effort to contain government employees in the interest of presenting a consistent message. Bureaucrats usually accused other federal departments of these leaks, informally in interviews, and sometimes in the media.

\(^{26}\) Most immigration policies are a matter for public record, although the National Marine Policy Framework is among the exceptions, protected because it contains information regarding protocols for the response to human smuggling that, if revealed, could threaten the integrity of responses designed to protect national security.

\(^{27}\) Singular narratives of the state are masculinist projects; the maintenance of the solid, secure, uniformed and unified bodies of officials is a way to preserve the power of the message. Within political geography, this points to a need to challenge the securities of "strong" state theories (Jessop 1990); to gender the state.
Theories of political geography reify geographical knowledge of the implementation of social policies and the impact upon those whom they effect. Embodiment is, therefore, a step toward a fuller dialogue about smuggling and about the political geography of the state. An embodied state appears less powerful, more vulnerable, and a bit unprepared to respond to smuggling.

**The dis/embodiment of human smugglers**

Human smugglers themselves were another group homogenized through media representations where they were positioned paradoxically as both central to smuggling practices and yet absent. Representations of human smugglers were drawn in the powerful narrative of the federal government regarding smuggling and its response to the boat arrivals. At the time of the arrivals, there was sizeable speculation as to the networks through which they had been organized, immediately labeled "transnational organized crime." Those who comprised these networks, however, were not identified. They remained a "nefarious" force against whom federal authorities struggled. Those responding locally at the center of the intelligence capacity insisted that they could not with any certainty characterize these movements as transnational organized crime - much as they "looked like a duck" - and suggested that this was a sexy term used by enforcement agencies to marshal resources. Higher up in the bureaucracy, and further away from BC, the narrative was confident and coherent, part of building an image of power, the perception of control, and the need to combat a known evil. Lower down, the narrative was less secure. The image painted for me was a colorful one of frontline officers and street-level bureaucrats scrambling to maintain the façade.

For federal governments driven by the power of public opinion, the smuggled migrant body is the most visible expression of an illicit activity that undermines the integrity of political boundaries. Human smugglers receive partial payments for their services over time as clients

---

28 Human smugglers moving people from China are commonly known as "snakeheads." The term "snakehead" refers to the more powerful individuals running smuggling operations. Snakeheads are unlikely to actually travel with migrants, but rather employ an extensive network of "enforcers" to transport migrants from their homes to the boats and then on to their destinations. The enforcers are known to use violent tactics to control migrants on board. Some of the enforcers on the boats that came to BC were identified, arrested, and prosecuted. Enforcers, however, are employed by smugglers and believed to occupy a low position within the hierarchy of command.

29 It is interesting to note alternative perspectives on human smugglers sometimes held by their clients. Clients often respect human smugglers for facilitating their movement and entrance into jobs and social structures (see Chin 1999).
make their way to the final destination. While the Canadian federal government has not committed resources, infrastructure, or political will to large-scale detention as practiced in Australia and the United States, Canada did decide to detain, a controversial decision. People noted in interviews that detention was an effort to stop human smuggling to Canada by freezing the migration in place, thus preventing smugglers from receiving full payment. Intelligence officers suggested, however, that detention was among the more reactive, short-sighted, and ineffective strategies to combat human smuggling.

Another reason to detain was to sustain the integrity of the federal government in the mind of the public and other foreign governments. In interviews, respondents expressed a clear demand from the public to do something. Detention is among the most expensive, reactive, and short-term solutions to human smuggling, but it is a visible expression of a swift government response, of containment of the problem. Images in the newspapers of a government out-of-control of its borders soon gave way to images, such as Figure 6.2, that portrays minors from the boats in handcuffs, moving in and out of detention centers; bodies contained, a situation brought under control. In locating the immigrant body at the center of the nationalist imagination in his analysis of Australian public discourse about immigration, Ghassan Hage referred to detention as "ethnic caging" (1998: 105), the ultimate physical expression of racialized othering. As with the dehumanizing view of smuggled migrants crowded on boats, the proximity of other bodies inscribed onto their own, detention also dehumanizes and depersonalizes the refugee claimant as one in a contained crowd.

30 To the smuggler, the migrant body represented significant revenue, from $30,000 to $60,000 US upon arrival in the final destination. Well-documented practices of abduction and torture are the punishment to the individual or his or her family for not making such payments (Kwong 1997, Chin 1999).

31 Australia, among the nations facing the largest human smuggling movements by boat in recent years, pursued detention most vehemently among states, with approximately 4,000 migrants detained in remote locations in 2001 (Klintworth 2001, Bowden 2003). Australian public opinion about the marine arrivals became so shrill in 2001 as to influence the platform of candidates in the national election. The pro-immigration candidate actually assumed a strong, enforcement-minded, anti-smuggling position (New York Times, 9 November 2001).

32 Other strategies target smugglers through more direct means. One example involves tracing the movement of money, freezing the assets of suspected smuggling rings and then tracking down the individuals connected to the funds. Another is even more proactive: increasing the capacity of intelligence to monitor smuggling movements. Yet another strategy is to put more resources into prosecuting smugglers, which entails longer-term criminal investigations by the RCMP and legal work by the Department of Justice. The US and increasingly Australia deploy a strategy of more aggressive interception and diversion of boats to island territories that do not obligate the state to provide due process. CIC studies these models in other states. Managers have traveled to Europe to observe prosecutions, to the US to learn about interception practices, and to Australia to observe detention sites.
This strategy was an effort to reach the unidentified human smugglers. By detaining the migrants to impede the smugglers, the nation-state imprisoned one set of people in order to deter another. While smugglers remained unidentified, their clients were essentially over-identified, held captive as a visible and costly message to various publics and to smugglers themselves. Detention communicated to several audiences - including potential migrants in China, the Chinese and American governments, and the Canadian public - that human smugglers would not operate successfully in Canada, that Canada would respond with a show of force and maintain its ability to police international borders. In their absence, the state painted a portrait of human smugglers in a narrative that involved an enforcement response. Migrants, of course, are also central to this narrative, embodied in particular ways.

Illegality and the rise of "the bogus refugee"

The smuggled migrants were not the wealthy, "flexible citizens" (Ong 1999) whose migration Canada facilitates; nor were they represented as "genuine" political refugees. This increasing distinction between legitimate and illegitimate or criminal transnational subjects drawn in the image of invasion bolstered the need for an enforcement response. The response of the Canadian government to human smuggling illuminated inconsistencies regarding the global positioning of Canada as both humanitarian, refugee-receiving nation and enforcer. The contradictory impulses to attract and repel represented the conflicting demands placed on the nation-state and the paradoxical postures assumed in response. This tension was represented not only in the media, but in new immigration law, designed to "open the front door and close the back door." It was part of the day-to-day work of civil servants where philosophical divides play out. And, it was evident in the uneven enactment of borders and policies, often tied to image.

The arrival and eventual deportation of the Fujianese migrants, coupled with the announcement of new immigration legislation in April 2002, marked the culmination of a decade of tightened controls over immigration, during which time, remarked Sherene Razack, "The criminal attempting to cross our borders featured as a central figure in the discursive management of these new [federal] initiatives" (1999: 160).

To underscore the shift in tenor and representation, I want to return to an earlier migration to BC not so long ago. In her documentation of the process through which Canada
recruited entrepreneurs from Hong Kong through the business immigration program, Katharyne Mitchell wrote in the early 1990s that "The contemporary message of Canadian identity and nationhood is the message of multiculturalism . . . all cultures together will form the essence of what it means to 'be Canadian'" (1993: 271). By the end of the decade, attention to the class of those migrating and the racialization of their relationship to the nation-state had shifted, as had contemporary messages regarding Canada's place in the world of migration. In the context of human smuggling, Canadian identity and nationhood were constructed in opposition to, rather than through, the promise of immigration. Regarding changes to Canadian immigration legislation in the 1990s, Razack argued, "One of the paramount tasks of border control, and the justification for all new initiatives, became the separation of the legitimate asylum seeker or immigrant from those deemed to be illegitimate" (Razack 1999: 160). This was the narrative formulated through the media representations that I reviewed earlier. Several months after the boat arrivals, these contrasting narratives of "good" and "bad" immigrants crystallized in the language of Minister of Citizenship and Immigration Elinor Caplan's introduction to Bill C-31: legislation that would preserve the promise of Canada's future through immigration, facilitating desirable immigrants while protecting the nation against illicit movements.

The discourse surrounding the boat arrivals from China reflected these efforts to categorize according to legitimacy. The magnitude and tenor of the public response positioned this group of Fujianese migrants as particularly egregious. Eventually the representations settled into repetitive construction of the binaries - "good" or "bad," "deserving" or "undeserving" immigrants - identified by Razack (1999). In contrast with business immigrants about whom Mitchell wrote (1993), landed for the promise of their economic contributions, the "boat migrants" were constructed as greedy. More than greed, however, implicit in the processing of this group was the materiality of their bodies as disorderly.33

This process of identity construction is consistent with Foucault's theories of biopower and governmentality (1991), wherein the state manages populations by producing identities discursively through practices of classification and categorization (cf. Scott 1998), exercises that entail the material inscription of identities onto the body (see Pratt et al. 1999; 1998). The media thus contributed to the regulation and surveillance of migrant bodies in relation to popular interpretations of immigration policy. The narrative of the illicit entrant affirmed the
story of the violation of what was perceived as a nation already too generous with its immigration policies (cf. Razack 1997: 173). This discourse contributed to the environment in which migrants experienced the refugee determination process. It is, therefore, important to think about the ways in which governmental policies and procedures unfold: never in a vacuum, but rather recursively amid social and cultural contexts. The RDP process unfolded within linguistic and optical contexts of criminalization as the media portrayed migrants in detention, in handcuffs, and in BC prisons.

Like CIC, advocates and the migrants themselves battled the weight of media representations as they saw their refugee claims through the process in Canada. In interviews, lawyers argued persuasively that these refugee claimants experienced an irregular refugee determination process that was not consistent with routine process, but expeditious and aberrant in terms of the geography of the process, access to legal representation, and their identification and treatment as a group rather than as individuals. One lawyer for the claimants described the weight of media representation:

The media played a massive role in criminalizing these people by referring to them as illegal migrants. Also the fact that they were seen to be in detention added to the specter of illegality. We tried to get out the fact, and I think not always very successfully, that refugee claimants are not illegal. They are not operating outside the law.

According to our laws, a person has the right to make a refugee claim after arriving in Canada - regardless of how they get here. To come to Canada and make a refugee claim is not illegal. That is not an illegal refugee claimant. It was something that I don't think was ever properly explained in the media or elsewhere. The illegal aspect is that they arrive without valid documents; they arrive without a visa, but they make their refugee claims after arriving in Canada in accordance with Canadian law. They're not jumping queues, but following a set process for persons who claim to have a fear of persecution (Charlton et al. 2002: 15-16).

These statements affirm that legality and criminality are social constructions with shifting meanings across time and space.

As the process of criminalization ensued in the mainstream media, the domain of the public court, many of the migrants were held in a provincial prison located in Prince George, in the interior of the Province, a ten-hour drive from Vancouver where the industry that services immigrants and refugees is based. Lawyers argued that the conditional aberrations placed on the RDP, detailed in chapter six, related to the identification of the migrants as illegitimate,

33 See Rajaram (2002) for a discussion of the notion of the refugee as helpless.
illegal, and bogus. At routine detention review hearings, federal lawyers used the same
document to provide background on each claimant and to argue for continued detention.
Immigration lawyers argued that claimants moved through the system as a homogeneous group.

In their struggle against media representations, lawyers linked the response of the
federal government to the process of identification that took place in the public domain, thus
completing the connections between boundaries around the nation-state, governance, and
migrant identities:

The overarching frame in all of this was, "Oh, we know they're economic migrants, and we have to
give them due process. We will give the appearance of due process, fund due process. But what
does that really mean?" 34

This lawyer distinguished between "thick justice" and "thin justice" and argued that "the
substantive quality of justice is what I think justice is about." Due process gives claimants
representation, the right to speak, and physical access to the system. But, he argued that these
claimants experienced a form of "skeletal justice" rather than substantive justice. He accused
the federal government of "profiling by pushing people through the system... but the frame
doesn't hold." 35

Statements like these suggest that the systems and policies of the nation-state are
implemented unevenly across space and time; that different groups have differential levels of
access to the nation-state, and that a geographical analysis of "the translocality of state
institutions" (Gupta 1995: 392) uncovers the processes by which the state shapes access.
Nation-building practices inherent in the regulation of immigration policies are not only bound
up discursively with identity construction, but experienced materially by those denied entry.

In contrast with the discourses of globalization that involve flows of capital and elite
business professionals across borders, migrants, and especially poor migrants, are often
characterized as leaks and invasions. This narrative parallels trends in Australia and the
European Union where it was also becoming increasingly difficult to be a "legitimate" refugee.
Increasingly, in North America, Europe, and Australia, refugees and asylum seekers are drawn
into the narrative about the loss of state sovereignty and viewed as somehow "economic" and
therefore not "political" or genuine. Constructions of illegality in the media have led to the rise

34 Interview, Vancouver, September 2001.
of "the bogus refugee." At the same time that states are tightening controls on refugee movements, the media are delegitimizing those individuals that do succeed in making refugee claims. Bound up with this process is the artificial distinction between the economic and the political refugee.

Nation-states operate over large and diverse geographies to legislate citizenship by classifying and categorizing (Scott 1998), an exercise in power that, in the case of transnational migration, involves reading and scripting bodies as texts. Immigration policies prescribe varying degrees of national belonging. The operation of the federal bureaucracy corresponds with Foucault's theory of governmentality (1991) wherein governance of the individual moves into the realm of the social body. While fulfilling the mandate to protect, CIC proceeded in a context in which this group of claimants was constructed as distinct from others, in terms of their mode of travel. The media contributed substantially to a climate in which important events transpired. Millions of dollars were mobilized to the response and the state entered the business of detaining refugee applicants. This was the environment into which new immigration legislation was proposed in the House of Commons only a few months later. It was also the environment in which the IRB adjudicated the claims made by the 1999 arrivals.

I now turn to the powerful material results of this discourse, visible through a geographical analysis of the institutional landscape of detention and access. This is where discourse meets materiality, the question being how did this affect the quality of access of claimants to the refugee system?

The "long tunnel thesis"

The federal government responded to enormous pressure for an enforcement response to human smuggling with a containment strategy that entailed detention, the control of flows of information, and deportation. When the boats arrived, CIC quickly set-up a temporary site for processing at Esquimalt, a military base of the Department of National Defence located in a residential suburb of Victoria. There, CIC processed migrants through stations of showering, delousing, medical exams, and immigration interviews. In an effort to identify people and to distinguish clients from enforcers, they sought and photographed markings on the body such as

36 More accurately, the Province of British Columbia entered the business of detaining refugee claimants by way of a lucrative contract with the federal government.
tattoos. They also numbered migrants on their backs in black magic marker and on their wrists with wristbands. CIC conducted initial immigration interviews, recorded refugee claims, and over time, provided access to legal counsel.

The political will for detention gave way to an expedited enactment of the refugee claims process. As one lawyer remarked:

"The system was very eager to contain, and the system was eager to process them on an expedited basis. And I would say with a desired outcome. The frame was that these were not actual refugees. The frame was that these were economic migrants. . . The question then becomes, how do you contain six hundred people. . . Build a frame; work within that. Anything that leaks out, push it back in."

The overembodiment and shaping of migrant identities for the public connected powerfully to their access to due process across time and space. Refugee advocates and immigration lawyers criticized CIC for the stress of long-term detention, for the criminalization of refugee applicants, and for the geography of detention. There are several points in the process where their claims are supported. I will discuss two examples that highlight that local geographical analysis tells us something about the state and the quality of access. Both relate to detached geographies of detention.

There was a lengthy debate about when the claimants would have access to legal counsel during processing at Esquimalt, at which point lawyers might advise migrants to make a refugee claim and to relay their history in a certain way. But CIC wanted unfettered access to the migrants without legal counsel during as much of the processing as possible. They developed something that they called the "long tunnel thesis." They compared processing at the base to the experience of walking through the long tunnels of an international airport, during which time one is not officially landed in national space but being processed. So what had the optics of detention - guard dogs, barbed wire, and commissionaires - was officially designated a Port-of-Entry, not a site of detention. The migrants were processed for up to fourteen days at Esquimalt, a very long tunnel indeed; although they did meet with legal counsel prior to their release. This shows a struggle over language, law, geographies of access, and legalized geographies of power (Blomley 1994).

Most detainees were distanced from more experienced refugee lawyers in Vancouver; first during processing at Esquimalt and then for the longer part of their stay in the interior of BC. Most migrants were detained in the small city of Prince George, a ten-hour, difficult drive
from Vancouver in the winter. Once this geography was determined, the process spiraled from there. Far away from refugee lawyers, interpreters, advocates, settlement agencies, human rights monitors, and from the regular tribunals of the IRB, special accommodations had to be made for processing. Whereas hearings normally take place in the chambers of the IRB in Vancouver, for this group, they were held in provisional tribunals established within the prison in Prince George and adjudicated by officers of the IRB who were flown in temporarily. Claimants attended hearings in prison uniform and handcuffs. Detached geographies of detention in Esquimalt and Prince George limited lawyers' access to clients and the claimants' access to due process. So the ways in which the state sees human smuggling have powerful material ramifications for displaced persons.

The next logical step is to question the outcome of these detached geographies of detention. The geography of the claimant process gave way to an interesting outcome. China, in 1999, was the second largest source country for positive refugee claims in Canada with a 58% approval rate (United States Committee for Refugees 2000a). The rate for those who arrived by boat in 1999 was around 4.5% with only 24 positive claims granted (United States Committee for Refugees 2001). Most of the claimants who had been detained were ultimately deported in 2000 once they had exhausted their options for appeals through the courts.

These two women, among the claimants from the boat arrivals, are pictured in the Globe and Mail in 2000, standing atop of their lawyer's office building in downtown Vancouver (Figure 7.3).  

Figure 7.3 here: Two claimants in The Globe & Mail

One of the women had her claim denied, and the other was accepted. The ninety adult females on the boats comprised only 15% of the group, but received more than 50% of the positive claims. There are two possible explanations. The first has to do with gender: some argued

38 There is some numerical discrepancy here. The United States Committee for Refugees (2000a) cites a 2.5% acceptance rate among the Fujianese migrants who arrived by boat and made refugee claims, whereas 24 among some 549 claims (see Table 1.2) would be around 4.5%. Perhaps this discrepancy relates to the challenges of quantifying the legal status of a dynamic population, wherein different sources also cite different numbers of total refugee claimants among this group.
successfully that they had faced persecution under China's one-child policy. They also received successful claims of persecution for religious practices.

The second argument has to do with geography. The majority of the 24 positive claims were granted to women and minors, housed primarily in prisons - such as the Burnaby Correctional Centre for Women - and youth facilities in the greater Vancouver area. There, they were able to access better services, interpreters, advocates, and refugee lawyers in Vancouver who represented only a handful of claimants each, and the standard tribunals of the Immigration and Refugee Board downtown, rather than the temporary tribunals in the prisons. As one lawyer said, "Having a choice of counsel really makes a difference." Overall, according to legal representation for the claimants, the IRB heard these cases in more individualized fashion.

While detention was not the most effective or cost-effective strategy, it was chosen and implemented with particular geographies, under a framework of enforcement, security, and diplomacy with China. Over time, some 330 of the migrants were repatriated (United States Committee for Refugees 2001). According to the estimates of a Vancouver-based refugee lawyer who represented claimants, some 300 migrants were represented by lawyers hired by Legal Aid through the bidding process detailed in chapter six. Approximately 100 were not covered through these contracts. Twenty-two of the positive claims were among the 100 not represented by contracts awarded through bids, and most of them were located in Vancouver. While the process appeared to "work" for detainees in Vancouver, it appeared not to work for those detained in Prince George. The question remains, whether with more even access, there would have been more than 24 claims.

Thus viewed from the scale of the body, analysis of these processes reveals uneven implementation of federal policy across BC. As with the mass deportations by plane, a more disembodied narrative tells a simpler story: the arrival of a large group of economic migrants who were not political refugees, an assertion supported by the outcome of the claimant hearings. But a closer look at the embodied geographical experiences of claimants moving

---

41 The nation-state is produced unevenly across space and time on a greater scale as well. It is common knowledge, for example, that it is easier to acquire refugee status in some provinces than in others, despite the conformity of policy and procedure of the Immigration and Refugee Board across provinces.
through the RDP shows that the story is more complex; that those moving through the process had differential access to the system.

The body as a political tool and mode of expression

There remain extremely important questions that exceed the scope of this dissertation regarding the ways in which the migrants themselves survived and resisted these experiences. Here I wish to point out some of the more extreme actions taken by the migrants who were detained. These actions were at once intensely public and private, institutionalized and personal.

Robyn Longhurst argues that despite recent interest in the body, geographers often fail to mind the physicality and messiness of the actual human body (2001). Mindful of her argument, and of the limited modes of expression available to those migrants who were imprisoned for many months in British Columbia with their futures hanging in the balance, I do not want to overlook some of the powerful ways in which they utilized their own bodies to protest the actions of the state. The body was significant not only at the level of the representation, but in the most material ways as well. These same migrants portrayed in the media behind security fences and in prison uniform and handcuffs worked from within those constraints to protest their treatment in prison and in Canada.

The migrants in detention embarked on hunger strikes at Esquimalt, Prince George, and BCCW at different times (see Table 1.1). In July, a riot broke out in the Prince George facility. According to media accounts, during the riot, migrants protested their treatment in the jail, while the hunger strikes a few months later in the fall were protests of their overall treatment by the federal government as detained asylum-seekers in Canada.

At one point, seven migrants escaped from Prince George and were later intercepted and returned that same day. Migrants also attempted to escape the situation via suicide attempts. The visiting UN rapporteur on human rights issues confirmed reports that migrants were quarantined when they became emotional. There were several suicide attempts made among migrants in the facilities. One lawyer for a female refugee claimant relayed that after his
client's claim was rejected and she was slated for removal, she attempted suicide a few days before deportation. She was then deported to the PRC accompanied by a medical attendant.42

These were all powerful expressions of protest, among few options available to people who were detained. Their actions paralleled even more desperate actions taken by claimants detained in Woomera, Australia43 and were a strategic response to the power of the state to contain.

**The embodiment of research**

To complete analysis of the relationship between body and state, I want to return to some of the methodological constraints surrounding this research with examination of the ways in which the government positions research and researcher. The disembodiment of the state has, unfortunately, been reified by social scientists studying immigration who have done the important work of privileging migrant narratives, but who have not sufficiently endeavored to contribute the life stories of bureaucrats and border guards to conceptual models of immigration.44

The federal government was widely criticized in the press and in Parliament for the response to this movement in 1999. It was thus in a sensitive context that I began research with CIC in August of 2000. The research process itself was fraught with tension. The challenges to doing institutional ethnography are an instructive element of the analytical strategy of embodiment. I learned about the bureaucracy according to how CIC reacted to me as a researcher. The Department of Justice, on behalf of CIC, wished to contain the research in various ways: by determining interviewees, reviewing transcripts, having lawyers present at interviews, and ultimately housing, owning, and destroying data. While much of the research capacity of the state has devolved to think tanks and universities, more "intimate" research processes such as this one on policy, bureaucracy, and "lessons learned" usually take place in the form of contracted labor wherein the state owns the data. Academics, on the other hand,

---

43 Claimants detained in Woomera attempted suicide, staged hunger strikes, and stapled their mouths shut in protest.
44 There are important exceptions, including, for example, Nevins (2002), Heyman (1995), and Hyndman (2000).
have few opportunities to study the bureaucracy itself, thus reinforcing power differentials between governmental and non-governmental institutional actors.

It is interesting to think through my own complex positionings as a researcher to whom bureaucrats rendered themselves vulnerable and powerless in multiple ways. I was positioned simultaneously within and outside of the bureaucracy, ultimately beyond its control, but also inside its inner workings, able to discern goings-on beyond the public messages. Like Toto in the Wizard of Oz, permitted inside the workings of government, I was able to observe some of the inconsistencies behind the public messages. I stepped behind the curtain to speak to those not normally allowed to speak for the Department. I interviewed a lot of civil servants who felt in the dark, powerless, unprepared, unsupported, and cynical. The embodied state is multiple, conflicted, and in perpetual negotiation. In interviews with those who enact the state on the frontlines, the cleaner narratives of policy recede, and the processes, personalities, and politics surrounding policy come to the fore. Many employees supported my research and were reflective about their work. Yet their openness conflicted with government’s need to protect information. While those at the center of the response to human smuggling within the Department were more open to discussing their work, those whose job it was to create public images were more closed. The latter were most concerned about someone moving inside the Department behind the public image so carefully designed and communicated. Embodied, the state is fluid, layered, textured, more personal, and less powerful. If the nation-state is only as powerful as its image and its ability to reproduce the perception of power, then this explains initial resistance to my research and investment in considerable resources to protect themselves from me.

Conclusions

A growing dialogue on transnational feminist practices offers some helpful strategies from which I draw insight and to which geographers have made key contributions. Beginning with Inderpal Grewal and Caren Kaplan's essay and edited collection (1994), feminist scholars have been searching for ways to connect, compare, and contrast uneven power relations in different locations. Grewal and Kaplan theorize “scattered hegemonies” as “the effects of mobile capital as well as the multiple subjectivities that replace the European unitary subject”(7). Kaplan sees "the politics of location" as central to this dialogue (1994). In a
parallel move, Cindi Katz works with the geographical metaphor of topography to examine the uneven effects of globalization in different locales (2001). Hyndman conceptualizes a "transnational politics of mobility" in her work on displaced persons that both analyzes and transcends the controls of nation-states analytically (2000). In each case, transnational feminist approaches delineate, connect, and challenge uneven power relations across diverse geographies.

During the month following 11 September, six feminist scholars circulated a short statement that outlined a "Transnational Feminist Critical Practice" (Bacchetta et al. 2001). They listed a series of strategies and standpoints that have woven their way through this thesis. The authors invoke scale in their opening statements: "As feminist theorists of transnational and postmodern cultural formations, we believe that it is crucial to seek non-violent solutions to conflicts at every level of society, from the global, regional, and national arenas to the ordinary locales of everyday life." This thesis has linked the multiple scales at which immigration unfolds through everyday life in the bureaucracy. The authors called for critical analysis of the role of the media, to analyze the gendered and racialized effects of nationalism, to analyze racialized stereotypes and tropes mobilized during crisis, and to understand their manifestation in inclusions and exclusions (2001). In media coverage of the boat arrivals, the narrative of the illicit entrant affirmed the violation of what was perceived as a nation already too generous with its immigration policies. These positionings manifested in the language and images of the movement and contributed to the environment in which migrants experienced the refugee determination process. The problem with a government driven by media coverage is that this climate leaves no room for reflective dialogue, the admission of mistakes, or exploration of alternatives. The embodied state has many truths where diverse institutional subjects operationalize immigration policies. So to the list of strategies, I add the geographical tool of jumping scale to understand the state as a site of contradictions and struggle where uneven power relations are negotiated. My contribution to transnational feminist practices as a geographer is to inquire into the location of the state and into the different scales at which actions are rendered visible. This thesis has pursued this objective through the analytic of embodiment. I see potential in drawing connections among processes occurring in different places - such as the discourse of the bogus refugee, the increasingly desperate and treacherous practices of trafficking, and the imprisonment of asylum-seekers - through embodiment.
Relationships among states materialize at the body most obviously for the displaced person. But an embodiment of the state reveals other sites of global struggle suppressed in our narratives of transnational migration. Through everyday, local geographical analysis, embodied experiences show struggle on the part of migrants, bureaucrats, and others, despite the powerful homogenizing effects of media representations. Much of the success of this government response was measured by the effective communication of images. Bodies are caught up in these excessive efforts to project images.

In this analysis, bodies emerge as more and less visible in distinct locales. Both the state and the media have the power to produce identity for mass audiences. The inscription of identity onto the body is particularly powerful for immigrants racially and legally othered in the nation-states where they arrive. These discursive representations connected powerfully with material realities, including the ways in which the migrants experienced the refugee claimant process. In this case, the state positioned the migrant to create a self-perception of power and control while itself remaining a selectively opaque institution.

Analysis of the state through the body uncovers a powerful fixation on inscribing identity onto the migrant deemed political or economic. It also involves a powerful inscription of non-identity or non-difference among civil servants. In analyzing the capacity of CIC to respond to smuggling, I recognized the internal conflicts and tensions regarding the allocation of resources as the attempts of a bureaucracy to manage a diverse staff. There were surprisingly few people within the Department involved in sustained fashion in the operational and policy aspects of the response, but the perception of their power to the outsider was maintained by their invisibility. In the meantime, their perception of their own power within the Department, behind the façade, was remarkably low. Embodiment of civil servants uncovers power relations not usually embodied, but hidden, disembodied within the bureaucracy. Ethnographic research uncovered tensions obscured by the abstractions of the state at other scales by pursuing the epistemological strategy of providing a view from somewhere (Haraway 1991). Embodiment of the nation-state uncovers the role of identity, personality, emotion, and conflict in the enactment of policies. An embodied state is less powerful and more vulnerable. Ethnographic research uncovered that the state perceived itself to be less vulnerable to human smuggling than to the enormous threat perceived in the media. None of the tensions outlined can be included in the public images of control required of the federal government. This
suggests, therefore, an important political imperative to the strategy of embodying the nation-state.

The media also produce scale and need to be incorporated into geographies of the state. Interactions among nation-states are often driven by images of power. The media construct and communicate these images at different scales. One policy implication of this finding is a search for modes of transparency and accountability beyond the mainstream media, beyond an environment where civil servants are not allowed to make mistakes, where every story is a potential crisis. If there is no room for mistakes on the part of civil servants, then there is no possibility for reflection and dialogue with others collaborating in the response to human smuggling. The current media climate is therefore not conducive to transparency, reflexivity, or research.

The state is respatializing geographically and discursively through the production of identities. In this chapter, I have illustrated that these processes are one: discourse and materiality are one; the narrative of who these migrants were explains where they were located and vice versa.

The strategy of embodying the state draws on the feminist geopolitical project identified by Hyndman (2001) to ask, "security for whom?" and on feminist theories that locate knowledge in a time and a place. An important strategy is thus to analyze disembodiments and transform them to more accountable embodiments. This is accomplished by shifts in scale: in this case, looking at transnational flows from the perspective of the nation-state, and at the nation-state from the perspective of the body. By embodying the state with ethnographic research, we can uncover the inconsistencies, the holes in the tight discursive power plays through which migrants are over-identified. Looking through a finer lens, we see that the state is not able to contain identities through boundary-making because identities are not contained, but themselves leaky within and through governance. As an alternative to Scott's depiction of the ways in which the state sees and categorizes human mobility from a distance, we can analyze the nation-state through the body and dissolve boundaries by locating their reification around the body of individual migrants and immigration bureaucrats alike, in their day-to-day lived experiences where they negotiate state constructions of identity.

My conflation of boundaries as international political lines and as practices of identity construction is intentional. These are the corporeal geographies of the nation-state, a counter-
strategy to the state's power of identification. It is an attempt to identify and call into accountability the state by drawing geographies of the nation-state at multiple scales. It is in the blurring of boundaries at sites of nation-building, governance, and identity construction that I also see political potential. And they are all blurred through embodiment.
Figure 7.1 "Quarantined" headlines The Province
21 July 1999
Figure 7.2 Canada as a marine filling station

*Victoria Times-Colonist, 22 July 1999*
The boat people's big gamble

Figure 7.3 Two claimants in The Globe & Mail
22 July 2000
Once investigative procedures and court cases had run their course, and members of the Korean crew from the second boat were acquitted in Victoria on the argument that their ship had been pirated (Vancouver Sun 2001, 29 August 2000), the fishing trawlers took on a life of their own. The considerable debate about their fate that ensued mirrored many of the conflicts detailed in this thesis. The ships were deemed unseaworthy by safety specialists and a pollutant by environmental specialists. Their cleansing and disposal would cost many thousands of dollars. Which federal department would be responsible for the clean-up, sale, or destruction? The negotiations had begun.

But then in 2000, with a stroke of luck, three of the four vessels were sold to the Port Alberni Reef Society on Vancouver Island for $1,000. The Society planned to clear them of pollutants and sink them off the coast where they would serve BC's ecotourism industry as a little plastic castle for divers.

In order to raise funds to support this process, Port Alberni's tourism office started giving daily tours of the boats which quickly became a popular tourist attraction above the water. Then, one morning, when tour guides arrived, the boats had simply vanished, having been sabotaged and sunk in the middle of the night during the summer of 2001.

Introduction

The material fate of these vessels signals metaphorically the location of smuggling issues on the radar screen of the federal government. There was a struggle in the response to human smuggling, there were unexpected consequences, and then, the issues disappeared from the scene. But human smuggling never stopped; never even tapered off. It simply continued in different forms, and many believe that more boats have traveled to the West Coast of British Columbia (Globe & Mail, 3 January 2001) and will again. Either way, the boats will reappear eventually.

Each of the opening vignettes to the chapters of this thesis - and indeed much of the empirical evidence detailed throughout - told a recurring tale: images were central to the response to human smuggling, and nothing was ever quite as it appeared on the surface.
"Policy" sometimes boiled down to operations designed "on the fly." Rumors and anticipations kept the entire bureaucracy on its toes, as did the media. Transnational organized crime "looked like a duck" and provided a simplistic explanatory narrative of what had taken place. Members of the crew of a Chinese boat did not respond to hails in Mandarin because they, in fact, spoke Korean. There were "genuine" refugees in this pile of "bogus" claims, and many institutions struggled over their identities and their fate. As for the bureaucracy, it turned out to be anything but a series of nameless, faceless bureaucrats working boring, repetitive jobs.

This study made a set of empirical contributions to the dialogue about human smuggling: the story of what happened when boats arrived in British Columbia, the inner-workings of one bureaucracy in the management of migration, the role of communications in government, the abilities and hindrances of federal responses to human smuggling, and the roles of institutions other than the state in these responses. This thesis contributes to conceptual models a fuller picture of the role of the nation-state, and the cultural practices in one bureaucracy through which the civil servants see and manage transnational migrations. I also explored the manifestation of this purview in Canada's refugee determination process by looking at the way in which identities were inscribed onto migrants and manifested in policy implementation. I contributed an understanding of the sights and oversights of nation-states to a growing, interdisciplinary dialogue on human smuggling by arguing that states are comprised of more than policies, budgets, organizational diagrams, and political agendas.

There were all sorts of secondary effects surrounding this movement. Canadians' awareness of human smuggling grew, while their overall goodwill toward refugees diminished. The language of human smuggling made its way into Bill C-31, the Immigration and Refugee Protection Act, which incorporated tougher penalties for human smugglers. Policymakers and politicians entered into an ongoing debate about whether or not to increase long-term capacity to detain migrants while people in law enforcement worried about a steady growth in the undocumented population in Canadian cities like Vancouver and Toronto. Institutionally, everyone involved in the response to the boat arrivals in BC and in Ottawa in 1999 wondered if they would ever re-activate the extraordinary networks and collaborations that coalesced for a successful response. They divided themselves into "believers" and "non-believers," struggled over resources, and struggled with researchers.
In the meantime, I pestered, poked, and prodded in my attempts to understand what had taken place. The same twists of fate for the boats could be applied to the relationships between researchers and policymakers where intended outcomes and actual effects are not always the same. There are intriguing institutional and cultural differences between the ways in which government and academe gather, process, and share information. In the remainder of this chapter, I pull together the pieces of the thesis into a culminating summary portrait of the spatial practices of state networks and examine what this means in relation to human smuggling. I then fill in the pieces of this puzzle by connecting the daily work of enforcement in the bureaucracy to the idea of statelessness. In so doing, I review the main contributions of the thesis as well as the evolving landscape in which it was written. In concluding sections, I contemplate the relationship between researchers and policymakers and explain why this is a story not yet relegated to history.

Putting together the pieces

Whereas western states recruit wealthy and highly skilled migrants that Aihwa Ong calls "flexible citizens," they inhibit some of those that are poorer, such as the Fujianese migrants. The state achieves these ends with the strategic manipulation of geography (e.g., Hyndman 2000). How does this happen?

One of the more philosophical people I interviewed at CIC once asked me, "What is a border?" Borders, laws, states, immigrants, and refugees themselves are all relatively recent constructs (cf. Torpey 2000). They are also all entities that exist only in relation to one another. This study begs a set of geographical questions surrounding displacement, mobility, and refugee issues. Where are borders? Where is the state? "What is a camp?" (Perera 2002c). Where is a camp? These spaces are constructed in relation to the location of smuggled migrants, potential asylum seekers, and civil servants. The state operates as a series of networks in daily practice. Civil servants "see" migration through informal networks, the composite sketch of which form a kind of patchwork vision. The extended transnational networks of governance through which civil servants attempt to see and respond to mobility suggests a respatialization of state practices that have moved beyond the boundaries of nation-state territoriality to which the administrative center once attended (Weber 1947, Giddens 1985) and into more global practices of governance.
Civil servants largely find themselves "in the dark" and powerless in relation to human smuggling. The lone intelligence officer responsible for human smuggling movements in British Columbia and the Yukon, the lone Airline Liaison Officer responsible for human smuggling movements through Hong Kong, and the handful of Immigration Control Officers moving around China seem more overwhelmed than powerful. These feelings are inherent to the model of the crisis-driven state, pared down to the bare bones with few resources to prepare. CIC did not invest sufficient resources in planning, designing policy, building human resources, gathering intelligence, or acquiring assets to prepare for a response to human smuggling. As a result, the boat arrivals threw the bureaucracy into total crisis, pushing civil servants and the Department to outer limits. Meanwhile, media portrayals deepened these feelings of a lack of control and mocked the "soft" or "leaky" Canadian nation-state unable to control its borders.

Overwhelmed, the federal government actually responded with a strong show of force. A lot can and did happen in a time of crisis when there was little time for dialogue or debate. Enormous resources were mobilized and invested in detention and interception with no long-term plan in place.

Detached geographies of detention are part of a trend in which asylum-seekers have less access to asylum systems and fewer advocates in the remote places where they are detained. "Stateless" spaces in quasi-state territories and within national territories, in airports and detention centers such as the long tunnel of Esquimalt, are on the rise. These stateless spaces illustrate a manipulation of local institutional landscapes. Suprastate organizations are invited in to legitimize this process while others are kept at bay. By locating civil servants in their day-to-day work on human smuggling, I have also located their points of contact with potential refugee claimants. These points of contact, whether within the territorial nation-state, abroad, or in stateless interstitial spaces, illustrate the reconstitution of international borders.

The narrative of the federal response to this movement perpetually brought up the containment of flows of information, migrants, and the situation as a whole. During this process, migrants were scripted into boxes, the narrative of who they were reinforced by their limited access to the system. The growth in stateless areas and remote detention sites corresponds with the discursive "rise of the bogus refugee." Each justifies the other. Discourse and materiality are one. The story of who these people are - the optics of their criminality - explains where and why they are located in detention.
While I have attempted here to fit together all of the pieces of the story neatly, I do not actually see any grand plan at work in the relationship between statelessness, the bureaucracy, and refugees. On the contrary, most civil servants I interviewed poignantly articulated the absence of a grand plan in their daily work and identified instead, an ad hoc world in which policy shifts with the winds of political change, media representations, and public opinion. But if there is no grand plan, how did these stateless spaces come into being?

**Statelessness and the bureaucracy**

Geographers have focused on theories that connect "the local" and "the global," but never has it been more timely for us to think with renewed vigor about geographies of the nation-state (see N. Smith 2001). We must move beyond political geography's historically dominant framing of the world through international relations where the interests and security of states drive agendas (Hyndman 2001, 2003) and perpetuate the uneven distribution of resources at a global scale. Scholars from a variety of disciplines have identified shifts in governance and sovereignty (Ohmae 1995, Sassen 1996, Hardt and Negri 2000). Some position the nation-state as a static, dying entity where the globalizing world swirls past (Ohmae 1995, Appadurai 1996). Others unsettle more centralized understandings of the nation-state by suggesting that states remain powerful and are themselves restructuring and re-spatializing at different scales (e.g., Sassen 1996, Leitner 1997, Marden 1997, Ong 1999, Hardt and Negri 2000). Hansen and Stepputat note,

> As modern forms of governmentality penetrate and shape human life in unprecedented ways, the practices and sites of governance have also become ever more dispersed, diversified, and fraught with internal inconsistencies and contradictions. . . The strength of the modern state seems... to be its dispersion and ubiquity (2001: 16).

Flint suggests that "[t]he contribution political geographers are making lies in the detailed studies of exactly how state sovereignty is changing" (2002: 393). I am interested in examining contradictory and multiple state practices to see what effects they have on sovereignty and the governance of transnational migration. This thesis has explored the spatial exercise of sovereignty in relation to refugees and has illustrated that analyses of these changes must shift the scale of political geographies of the state to the local, the everyday, and the body.
Nation-states - in conjunction with non-governmental institutions - are operating beyond traditionally conceived territories, and in so doing, are reconstituting borders through the work of enforcement across time and space. At an international scale, borders are shifting for different people in different ways: they are enabling for "flexible citizens," while disempowering for those seeking asylum. For asylum-seekers, borders and enforcement activities shift according to their own locations.

In the relationship between states and refugees, there is thus a respatialization of governance happening in practice. This involves more aggressive practices of interdiction and detention - included in Canada's Bill C-31 - which signal a more strategic control of mobility through space. In an alarming trend, security-minded states are increasingly ignoring international agreements that regulate their actions. In 2001, Australia was chastised by refugee advocates for not complying with the 1951 Convention by diverting boats of smuggled migrants to small island territories and denying them access to refugee programs (United States Committee for Refugees 2002). The US leads the way with interdictions at sea in its pursuit of the "wet foot / dry foot" policy\(^1\) and the diversion of ships of smuggled migrants to islands like Guam (United States Committee for Refugees 1999).\(^2\) On a smaller scale, the detached geographies of detention exercised by Canada and other states are a step in this direction. Jennifer Hyndman analyzed the management of refugees in camps abroad, located alongside borders just beyond the sovereign territory of the nation-state (2000). My own work highlights a parallel spatial management of refugees within territorial space, once such control measures abroad failed. The most important undercurrent at work here is the geography of the exercise of state power. This study has shown how the nation-state is produced and its policies operationalized through the strategic manipulation of institutional geographies where international borders may be enacted in surprising places.

The answer to the question of how stateless spaces come into being lies with the conditions of a state in crisis. In the "fumbling through," "ad hoc" environment of crisis where migrants are in motion and civil servants overwhelmed, the networks of state practices expand outward toward refugee claimants with stronger geographies of detention and interception that

---

1 This is an aggressive interdiction tactic at sea that prevents those who do not make it to dry land from submitting a refugee claim in the US. Like the strategy to pursue detention with migrants smuggled by boat in BC, this strategy in the US favors potential refugee claimants with the funds to travel by plane.

2 These strategic geographical moves on the part of states in relation to refugees parallel the decision of the United States to defy other UN conventions by incarcerating foreign nationals on Guantánamo Bay without naming them prisoners of war and thus granting them access to legal counsel and other rights.
make the RDP less accessible. By resisting fixed policy that requires dialogue, consultation, and preparation, the federal government creates the conditions for crisis.

These "stateless spaces," designed by "the state," are actually not "stateless" at all, but rather render those people contained within them as stateless. The state maintains the exclusive right to create and implement laws (Heyman and Smart 1999) and to control human mobility (cf. Torpey 2000), a privilege maintained by the power to mobilize force (Fyfe 1991). Increasingly, states are placing refugees in interstitial places, stateless by geographical design. These are located in small territories off the coasts of Australia and the US where states have more of a modicum of control over the process. They are also located in airports and in detention centers within the territory of the nation-state, as in Esquimalt.

Meanwhile, NGOs have called on the UNHCR to protest interception practices that violate the 1951 Convention and 1967 Protocol (United States Committee for Refugees 2000b). But the UNHCR itself has been weakened by recent cuts in funding and by broader moves on the part of the US to undermine the place of the UN in international affairs. If these actions are not challenged more powerfully, then we may have already entered a new era for state enforcement in the name of security that will continue current trends toward the restriction of access for asylum-seekers. Central to these trends are the ways in which state practices mobilize international borders and manipulate institutional geographies - the time and space of processing, for example - to restrict access.

James Scott (1998) outlines the desire of states for legibility of simplified landscapes and clean categories through which to implement projects on the ground. He argues, further, that states implement projects most successfully where they meet the least amount of resistance. Remote sites of detention and stateless spaces signal the manipulation of geographies to avoid resistance. These geographical moves place asylum seekers far from asylum systems and advocates. Suprastate organizations legitimize these practices, as they did in BC in 1999. But life is always messier on the ground, and plans never work exactly as intended. The refugee claimants did not all fit into the boxes into which they were scripted, and advocates and lawyers resisted CIC's plan.

The state is too often theorized as an abstract concept located outside of rather than embedded in local social, economic, and political contexts. This endeavor to research the daily operations of the federal department of Citizenship and Immigration Canada was, in part, a response to the *disembodiment* of the state and follows the work of poststructural studies that
have re-scaled geographies of power to the body. My research has sought to understand the respatialization of governance of nation-states in relation to human smuggling by locating bureaucrats in their daily work in relation to migrants. This strategy also, therefore, locates the reconstitution of Canadian borders - borders embodied by civil servants - in relation to asylum seekers.

The institutional ethnography of this response illustrated the need to understand not only the narratives of civil servants that manage immigration, but also their interactions with other non-governmental organizations. Analyses of state practices must include the multitude of stake-holders participating in governance, from media and corrections industries to advocacy groups. This thesis has sought to spatialize discourse and interactions among these institutions. Studying the geography of the workplace and the geography of detention sites shows how the government is respatializing and scaling power, from the finest microgeographical analyses to the global scale. Human agency was central to what ensued as individuals struggled to negotiate and re-negotiate these boundaries, and formed relationships and alliances along the way among institutions. Ethnographic research portrays state practices as a network. Civil servants interact through informal relationships to share information, collaborate, and design "policy on the fly." Their collective view of human smuggling is formulated through these networks where institutional actors re-framed human smuggling by claiming authority through constructions of scale.

This ethnography of the state has followed in the spirit of others by going "inside the state" (Heyman and Smart 1995, Hansen and Stepputat 2001), into the bureaucracy and behind public policies, narratives, and organizational structures. Far from defunct, the nation-state is a powerful agent in need of transparency, accountability, and deconstruction. It is in the informal dialogues and negotiations surrounding the implementation of policy that the objectives and confusions of state practices emerge. The silence of immigration officers in conceptual models normalizes the taken-for-granted right of the state to define categories of human displacement and to determine legality and illegality (see Kearney 1991, Heyman 1999, Hyndman 2000, Nevins 2002). This silence also erases differences within the state. Bureaucracies reinforce this concealment. A critical methodology examines uneven power relations within the state and reveals the state as a site of struggle. A critical geographical approach to the state asks not only what the state is doing, but where, how, and at what scale are these actions rendered visible?
This thesis has shown the role of human agency in enacting informal networks of state practices across which information is circulated. Institutional ethnographies of the state are uniquely able to convey the dialogues, negotiations, emotions, climates, and daily idiosyncrasies that surround the implementation of policy. Conflicts over the porosity of borders are present in the conflicting mandates of CIC to protect, facilitate, and enforce. This tension is reflected in new immigration law in Canada designed to "close the back door" in order to "open the front door." It is part of the day-to-day work of civil servants where philosophical divides play out. And, it is evident in the uneven enactment of borders and policies, often tied to image. The most powerful indication of the importance of image is the policy of detaining migrants who are smuggled more visibly by boat, but not those who arrive, in far greater numbers, smuggled by plane (Globe & Mail, 14 April 2001). The state thus intervenes with distinct groups at distinct moments.

The crisis of the state brought on by human smuggling is closely bound to the role of the media. Media representations played into Canadians' fears of the growth of undocumented populations in cities and these fears corresponded with an anxiety about group arrivals that is absent when smaller groups of individuals are smuggled into Canada on a daily basis. The media are a key site where the politics of representation and processes of identity construction occur. While there was no grand plan, a pattern emerged. It is increasingly difficult for refugee claimants to reach states like Canada and the US, and they increasingly employ the services of human smugglers, which results in an increased criminalization of mobility. This shift in spatiality also takes place discursively where the media delegitimize refugee claimants. Media representations of this movement contributed to the environment in which migrants experienced the refugee process. Ethnographic research uncovered that in practice, civil perceived themselves to be as vulnerable to the threat perceived in the media as to that posed by human smuggling. The findings of this institutional ethnography provide an interesting contrast to the notion that the state is the agent of surveillance. Daily life in the bureaucracy reveals the state also to be the object of surveillance conducted by the media. Viewed from "the inside," the state is rather more like the Wizard of Oz. But conversely, the state is also a purveyor of powerful images through its communications department and through its decisions to allow others in. Bureaucrats feel powerless, but they are powerful in practice. The federal

3 CIC news release, 14 June 2000.
government has a responsibility to act in the best interests of many parties without bending to the pressure of the media.

This project engaged in shifts in scale. My empirical analysis shows the need to follow migrants and civil servants themselves along their quotidian movements to understand the spatialization of enforcement. Mobile bodies make state practices visible by perpetually rousing the state into action (cf. Nyers 2003). As such, the body is a crucial part of analyses to understand the operation of power in relations between states and migrants. As this re-spatialization takes place, the operation of power is invisible at some scales, but visible at others.

At stake is the ability of displaced people to access refugee programs globally. I have argued that locating the body is central to understanding geopolitical relationships, that it tells us something about the relationships among states and transnational migrants. To drive home and extend this argument, I want to return to the parallels between the discourse surrounding smuggling and terrorism. Both involve networks that transcend international borders. Both operate in ways that the state cannot clearly engage, and both threaten refugee programs. Since 2002, the US Immigration and Naturalization Services has required the registration of male immigrants from predominantly Muslim countries currently living in the United States, many of whom traveled to Canada to make refugee claims as a result of detentions and deportations that ensued (New York Times, 25 February 2003). Where the geographies to the campaign of terror are clouded and not clearly visible to the state, there is still a demand for visible action, for the sense of containment that comes with surveillance. In response to a fear that is nameless and faceless, the state inscribes fear onto the bodies of those who must register. For the state, therefore, the body signals a geography of terror, pronounced through nomination, racialization, and identification. Those who must register with the INS and those who are detained feel most poignantly the scale of the geopolitical and the power of the nation-state. For this reason, we must not overlook the scale of the body.

This thesis placed the body, unsettled and located the state, and also disrupted and displaced the border through the daily work of enforcement. Never mere lines on a map, borders, like states, are geographically dispersed spatial productions, mobilized by diverse actors. Borders are constituted everywhere that migrants and civil servants meet: everywhere that state networks are exercised. It is important to think about the location of borders for those who are smuggled. They are drawn in the daily work of enforcement through the Hong
Kong international airport where Airline Liaison Officers stop potential refugees from boarding planes. They lie somewhere on the water beyond territorial limits where US military ships routinely intercept boats. They are enacted in the temporary tribunals of prisons in Prince George and in the detached detention centers of Woomera in the remote outback of Australia. They are also on Guam and in the US naval base in Guantánamo Bay, Cuba, where people are held in territories determined by the US military to be outside of the state and therefore outside of the parameters of national and international law; stateless by geographical design. For smuggled migrants to Australia, the border extends to small islands such as Nauru where boats have been diverted (New York Times, 2 September 2001). The border is indeed a site of identity construction, but those "sites" are neither unitary nor linear. For the undocumented, the displaced, and the stateless, the border is everywhere. And for people imprisoned because of their legal status, the border is everything, hunger strikes and suicide attempts, powerful expressions of the pain of containment and the path to liberation.

In his essay, Nation and Narration, Homi Bhabha argues that nations are constituted through narration: through the naming and scripting of bodies as texts by enrolling and attempting to control the body of the nation's racialized others. By pulling together themes of embodiment, visibility, borders, and cultural geographies of the bureaucracy, this dissertation has conceptualized the relationship between boundaries around the state and the body. These processes of nomination and identification are now occurring in most refugee-receiving nation-states (e.g., Hage 1998, Duncanson 2002a, 2002b), and we must find ways to highlight and intervene in this global trend.

In our discipline, we are challenged to understand an emerging post-September 11 political geography tied to investments in enforcement measures to restrict human mobility. We must be politicized in new ways to address issues around borders, globalization, governance, and immigration. The nation-state exercised the ability to categorize and order identities, to normalize, legalize, and legitimize some crossings while delegitimizing others (Heyman and Smart 1998, Scott 1999, Nevins 2001). But despite these efforts, leaks bled through processes of identity construction of bureaucrats and migrants. It is through these leaks and inconsistencies that change is possible (Gupta 1995). Where do figures of resistance stand in relation to the state (see Mitchell 1991, Nelson 1999, Butler 2000)? If the state is fragmented, multiple, and diffuse, where are refugees and who advocates for them?
I see the embeddedness of state actors as a way in to discussions about policy, which shows that the state is not only "penetrating" (Hardt and Negri 2000), but also itself penetrable or porous. The "state" may not be knowable as a coherent whole because it does not exist as such. Like other institutions, the state is highly variegated, complex, and entwined in many relationships; difficult to pry apart. One political task at hand is to explore the inconsistencies in narratives and to seek within them ways to disrupt the most audible material political projects of the state. As Gupta argues, "it is here that seizing on the fissures and ruptures, the contradictions in policies, programs, institutions, and discourses of “the state” allows people to create possibilities for political action and activism" (1995: 394). Far from nowhere and far from everywhere, the state is located through the daily work of civil servants.

**The times and places in which one writes**

For my part, the story has only just begun. As I wrote this thesis, I was reminded perpetually of the extent to which writers are located in the times and places in which they write, as are the documents that they produce. So much has happened in the world since I initiated this research. When I began fieldwork, despite the frenzy that surrounded the boat arrivals, human smuggling and enforcement issues along Canadian borders writ large were already slipping off the agenda. Trans-border regional groups like Cascadialobbied for more open borders, primarily for smoother transfers of goods and elite workers between Canada and the US.

But the attacks on New York and Washington, D.C. on 11 September 2001 altered the geopolitical landscape and launched many of the quieter struggles regarding the porosity of borders into the stunned realm of public dialogue. Suddenly the world dissected the intelligence industry and its failure to track down terrorist cells that operated covertly across international borders (New York Times, 11 July 2002). As the United States retaliated for the terrorist attacks organized by Al Qaeda in Afghanistan, discourse shifted to discussions of "empire" and American imperialism (Ignatieff 2003). "Average" Americans, until then rather oblivious to all things Canadian, suddenly expressed critical of the Canadian refugee program, border enforcement, and military capacity. In Canada, this translated into boosts in federal funding to enforce land borders and patrol coasts.
September 11 became a point of reference in my research interviews where the boat arrivals were no longer the most recent event with a "before" and an "after" in the work lives of Canadian enforcement officers for CIC.

When the United States went to war in Afghanistan to fight Al Qaeda and the Taliban and in Iraq to fight for regime change and the elimination of dictator Saddam Hussein, the Halliburton Corporation acquired contracts to construct and service temporary prisons to detain a diverse group of foreign nationals at the US naval base in Guantánamo Bay, Cuba. In Iraq, in April of 2003, coalition forces struggled to house some 7,000 prisoners of war. The break with international laws surrounding these events, including the failure of the US to declare war, to declare detainees Prisoners of War and to grant people access to legal representation, called into question any notions of international borders, protocols, or even laws as static entities (New York Times, 24 April 2003). As the war in Iraq began, some six hundred journalists "embedded" with coalition forces highlighted the role of the media as tool for propaganda and the need for the nation-state to communicate its agenda and to set the stage immediately, forcefully, and selectively to a national audience via the corporate media.6

In the United States, President George Bush and his colleagues created the Office of Homeland Security, the largest federal department assembled during the largest reorganization of the federal government since the Department of Defense was created following World War II. The INS and several other departments were suddenly subsumed into an enforcement framework with the objective of "homeland security." These sweeping changes restricted the civil liberties of native-born, naturalized citizens, and foreign nationals in North America. The Canadian federal government passed Bill C-36, anti-terrorism legislation. In a move reminiscent of the internment of Japanese Americans during the second World War, the FBI increased surveillance and "voluntary interviews" with Iraqi immigrants in the US. Local police were granted the power to arrest undocumented migrants in the US and to hold them in detention indefinitely (New York Times, 14 April 2003; New York Times, 3 June 2003), and

4 Cascadia is a regional group that spans the Canada-US border between BC and Oregon. The term references a trans-border region, a corporate-backed project with interests in liberalized trade, and an environmental movement (see Sparke 2000).
5 Dick Cheney was the CEO of the Halliburton Corporation prior to becoming Vice President of the United States. The corporation won this contract without having to compete with other submissions.
6 These media outlets are arguably in one of the heaviest periods of corporate mergers, monopolization, and consolidation in history in both Canada and the US.
researchers studying immigration provided testimony to the US House of Representatives on "Securing the Homeland through Immigration Law Enforcement" (Krikorian 2003).

As the US clamped down in the name of security, it pressured other countries to do the same. These changes involved a tightening of controls that impacted asylum-seekers in North America and world-wide. In the US, Attorney General John Ashcroft announced the power of the state to detain asylum-seekers indefinitely for security reasons. Ashcroft assumed this power in response to a boat arrival of Haitian immigrants in Florida in 2002 and stated its objective to discourage "future surges in illegal migration by sea . . . diverting valuable Coast Guard and (Defense Department) resources from counterterrorism and homeland security responsibilities" (San Francisco Chronicle, 25 April 2003). To the frustration of refugee advocates, Canada and the United States signed the "Safe Third Country" agreement that could potentially cut its refugee applicant population by an estimated 15,000 (United States Committee for Refugees 2002a). As refugee-granting nation-states restricted entry, those refugees who were landed in Canada and the US faced additional stigma of association with terrorism (Globe & Mail, 3 April 2001).

One might assume that these events would have precipitated a tightening of the border from the Canadian perspective; that 9/11 would have shut down dialogues about harmonization, perimeter theory, and programs such as "Canpass" that facilitated cross-border traffic. But the opposite seemed to take place. Rather than reach agreement on border issues, the contradictions intensified as the border continued to open for some and shut down for others. At the same time that enforcement grew stronger and more crude with more steady interrogations of people from predominantly Muslim countries, the border simultaneously grew "smarter" and more nuanced. The conditions were set in place for increased incarceration of foreign nationals by the US - the country with the highest rate of incarceration (The Sentencing Project 2002) - all over the world.

---

7 A country designated as "a safe country of transit or residence" is one in which an individual could have found protection as a refugee before arriving where the person now makes a claim. Refugee advocates in Canada long resisted this agreement between Canada and the US because of the geopolitical relationships influencing asylum decisions in the United States.

8 Canpass is a permit for which frequent border-crossers apply and pay a fee that enables them to cross more quickly than most. Both Canada and the US experimented with several such programs in the late 1990s.

9 On 1 May 2003, a Danish security company called Group 4 Falck decided to sell its 57% share of the Wackenhut Corporation that runs 60 correctional facilities world-wide. The Group 4 Falck spokesperson stated,
The relationships between policy and research

As the state continues to devolve its research capacity to large-scale collaborations such as the Metropolis Project that involve many institutions, researchers must think critically about their roles and the relationship of their work to policy. As I highlighted in my discussion in chapter three about the methodological challenges to doing this work, I learned by the way in which I was positioned as a researcher about the different objectives with which institutions approach research. I understand now that segments of the bureaucracy reacted to me in its classic *modus operandi*: as a potential crisis, wherein lawyers were brought in and blame assigned.

Canada's Metropolis Project is a unique experimental project designed to foster dialogue among constituents working in the field of immigration who often do not have such opportunities. One can never predict all of the intended objectives and actual effects of such an enormous project. My hope is that this has been a learning process full of the unexpected, not only for me, but for people in CIC as well. It is essential for researchers to study not only the effects of immigration policies on the ground, but also their operationalization in the bureaucracy. There are, of course, risks involved in participation, particularly on the part of a bureaucracy so attuned to public image. By signing on and funding the Metropolis Project in the mid 1990s, CIC welcomed research on immigration and took the risk of opening itself up to reflection and dialogue surrounding policies.

I have occupied a complex institutional position in relation to CIC, the University, the Metropolis Project, and many other institutional constituents who contributed generously to this project. I was both insider and outsider with regard to the state, invited in to do research but never actually a working participant. This position has enabled me to test the relationship between researchers and policymakers in important ways and to locate and push the limits in the institutionalized relationship between Metropolis and CIC as it takes place through day-to-day exchanges.

In a postmodern moment that brought me full circle, I was approached in 2001 by researchers subcontracted by CIC to conduct a study on "lessons learned" in the federal response to the boat arrivals in 1999. The researchers followed in many of my footsteps in their interview process. The decision to commission this report was a positive step towards

"Our interest is in guarding and alarm services, not in running prisons and asylum centers" (*New York Times*, 1 May 2003).
dialogue about the 1999 response, although some CIC employees believed that the report was done to justify costs. Unfortunately, however, it will not be made public. Furthermore, CIC contracted the research and therefore owns the report, which meant that managers were able to revise wording and re-frame findings. This reality underscores the place for university-based research on contested political terrain (see Appendix 1).

This issue arose during the workshop organized by myself and practitioners involved in the response to human smuggling in Ottawa at a National Metropolis Conference in October 2001. The following exchange took place between a city councilwoman who attended the workshop and a manager in CIC who had been involved in my project:

**Question:** [Regarding] the release of information. I guess the press and the media just has a life of its own, and the public reaction to some of the stuff that’s written in the media becomes shrill, vitriolic, and condemning. And then you end up with perceptions that simply aren’t true. So sooner or later the truthful information has to be released in a way that the public can understand this issue. And I’m asking as a question: when you go through the evaluation and setting up of intelligence, is there an opportunity to write a book - not a paper, not a research document - but a book that the general public can read and understand these phenomena? The questions I’m asking are very naïve because we don’t have the in-depth understanding that you do. And that has to be relayed, but in a truthful way, not through the media... And research papers become very hard to [read]. . . not the average person reads them. And this has to be told. This is an incredible story, and it has to be told.

**Answer:** Can I just say in response to [the] question about getting information out. Alison, I don’t know if you noticed, but her PhD is on this whole thing. But it’s very true that the information that we say either has a government twist to it - so there are messages to things the government wants to get out - or has an NGO-twist, an advocacy message of some sort... But where is that more independent, you know, academic [perspective]... there isn’t a whole lot of it. I look at Alison and think to myself, you can start to write on this. If I could encourage you to write on this, to try to put the pieces out in some way... because you come to this from a more objective place, and we don’t have a lot of people that do. We’re all in it (Charlton et al. 2002: 41).

This exchange raised some sticky issues, including a sense among the public that they had not been well-informed by the federal government on this issue, and the belief that researchers can provide an objective analysis, as well as the conviction that they are unable to disseminate information in a manner accessible to the public. For my part, this dissertation is a step in a longer process of disseminating information to a variety of audiences, the challenges of which will surely continue.

---

10 The Canadian Metropolis website is http://canada.metropolis.net/Metrop.
A story not yet relegated to history

This story has no end. Deputy and assistant ministers like to write this event down in history as a successful response, the repatriation of migrants and the failure of boats to come in ensuing years serving as affirmation of a job completed successfully. But this purview is only possible from within a bureaucracy with a limited institutional memory and a sensitive relationship with the media. Human smuggling to Canada in fact predated and outlasted the boat arrivals. There exist a variety of possible explanations as to why no boats came in 2000, the subject of a lively paper written by someone at RHQ in Vancouver and the source of much speculation during the latter half of 2000.

What happened in 1999 is a story not yet relegated to history for a number of reasons. Many believe that boats will arrive in BC again. Others still seek to understand this movement in relation to other human smuggling movements that are ongoing. Most importantly, the ramifications of the smuggling movement are still settling into changes in Canada, such as ongoing debates about whether to increase long-term detention capacity.

There is another reason why this story has not yet been relegated to history, and that is the failure of federal and provincial governments to prepare for future boat arrivals by investing in dialogue that is both reflective and proactive, as well as policy, infrastructure, and human and financial resources. All of my discussions regarding the past response in interviews collided with the present and the future, and most respondents complained of a lack of institutional capacity to prepare for future human smuggling movements to BC. Like CIC, when NGOs attempted to prepare for further large-scale arrivals in the future, they found themselves unable to find funding from the Province to do so. Likewise, the Province was not able to find continued support to plan from the federal government.

Canada played a leading role in anti-trafficking institutionally, particularly in drafting the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons (2000). The Province of British Columbia played a leading role in developing infrastructure, institutions, and policies to work with unaccompanied minors. Yet despite these roles, little has changed in BC and in Canada. Support for regional CIC employees to prepare for human smuggling largely dried up once boats failed to arrive as anticipated in the summer of 2000. The federal government also failed to commit resources to provincial infrastructure and programs through MMI, MCF, or BC Corrections, suggesting that there was no longer a
political will in Canada to deal with human smuggling issues. The ramifications are severe, the main implication being that future large-scale arrivals will once again generate a crisis for the federal government, and that this entire process will take place again.

This reality incensed those working on the frontlines responsible for human smuggling and boat arrivals on the west coast. To them, this lack of support affirmed the failure of Ottawa to understand their responsibilities. They suggested that regardless of the failure of NHQ to support preparations financially and philosophically - because they are the non-believers - the believers in BC would be the ones to take the fall.

Writing about human smuggling in the US context in the 1990s, Peter Smith argued that ambivalent feelings toward immigration resulted in "an official US government policy of 'muddling through' the crisis" (1997: 17). Smith (1997) and others characterize federal policies on human smuggling as "ad hoc" (Van Impe 2000: 115). The same could be said of federal and provincial policies in Canada. While this "muddling through" was perhaps more defensible in 1999, it will not be so in the future when a failure to evaluate the past and prepare for the future will be evident when the next crisis arises. The state that "muddles through" eventually becomes the state in crisis, a time that is dangerous for everyone involved.

11 "Where were the boats this year." 1 September 2000. In-house document.
appendix 1  
policy recommendations

During the course of this research, many thoughtful civil servants and practitioners gave generously of their time to meet with me. I came to know intelligent and entertaining people with whom I am lucky to have had the opportunity to spend some time. They humored my naivété and research-oriented questions. In the spirit of exchange, I offer them here the bullet point list.

• **Generate conditions to avoid crisis. Prepare for boat arrivals.**

Human smuggling is a global reality with which all nation-states must contend. The Department responsible for immigration should not descend into crisis every time a smuggling movement surfaces. This climate proved detrimental to employees, to other institutions, and to refugee claimants themselves. Invest in human resources, marine assets, and planning so that the bureaucracy is not in crisis when Canada receives a boat. This planning must involve *policy clarification* on all facets of the response to smuggling and among all levels of government. Create an environment where civil servants are allowed to make mistakes and then discuss and learn from them.

• **Prepare to receive unaccompanied minors.**

• **Draw on the insights of civil servants who operationalize policy.**

• **Try to bring in as much information as you send out as a Department.**

• **Shift resources away from communications and invest in public consultations.**

Enter into more reflective, proactive, and inclusive forms of dialogue with stakeholders, including service, legal, and advocacy communities and other levels of government. Through this consultative process, the federal government can provide more comprehensive information about human smuggling and refugee programs to the public. Move backward in time, peeling back the layers of decision-making in 1999. Move forward in time to address the following questions in consultations: What role should Canada play in relation to human smuggling and asylum-seekers? What are the objectives of, and political will, for increasing capacity to detain asylum-seekers? What is the goal of detention? Where should it happen? Should minors be detained? What kind of detention is appropriate? Is statelessness a direction in which Canada wishes to travel?

• **Work proactively to counter the discourse of the bogus refugee.**

Engage the media further in dialogue regarding the relationship between human smuggling and refugee movements. Move away from the mainstream media to alternative venues where fuller dialogues might be possible.

• **Re-define "refugees" in relation to contemporary causes of displacement.**

Challenge the dichotomy of economic or political refugee. When do politics not relate to economic issues, and when is the economic not political? Canada can become a leader in revising the interpretation of a refugee in such a way that is more in line with contemporary global realities and causes of human displacement. Look as comprehensively as possible at causes of migration and at the complicity of states in displacement.

• **Address the link between refugees and human smuggling more carefully.**

The perception that human smuggling and trafficking movements threaten the integrity of refugee programs is already having material ramifications on displaced persons globally. While some believe that "generous" refugee programs attract human smugglers, some researchers have found the opposite to be the case (Koser 2000, Kyle and Dale 2001, Nadig 2002). They argue that tightened refugee controls stop asylum-seekers from reaching systems through legitimate means and encourage them to employ smugglers, thus endangering those for whom refugee programs were designed. There is more to explore in the relationship between asylum and smuggling.


312


National Post (2000) UN preaches tolerance to Canadians. Ads target 'narrow-mindedness' about refugees: 'They shouldn't be lecturing us' about policy, Alliance critic says. 30 August.


(2001) "Which Australian Candidate Has the Harder Heart?" November 9.


(2003) Hong Kong Human Smuggler Gets Four Years. 8 February.


(1999) Quarantined. 21 July.

(1999) Beware, illegal immigrants. We Canadians can be pretty ruthless. 13 August.


(1999) Enough Already. 'It's time to toughen the law.' 1 September.


(2000) Canada to blame for migrants, China says. 7 February.


