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## **CRS Working Paper Series**

**No. 3**

### **Globalization, Security and Exclusion**

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CRS Working Paper #3

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**ISSN 1715-7889**

## **Globalization, security and exclusion**

Symbolically, 9-11 has become the dividing point between two qualitatively different periods of world history. In the popular imagination, the pre 9-11 world was a kinder, more trusting place where things like international cooperation and humanitarian immigration policies made sense. By contrast, the post 9-11 world is defined by the ever-present threat of violence and disaster. Here, the security agenda reigns supreme.

Clearly, 9-11 has had a significant impact on the movement of people. Around the globe, states responded to the 911 attacks by increasing border controls and engaging in a general clampdown on movement (Muller, 2004). What often goes forgotten is that the global trend towards more restrictive immigration regimes began long before 9-11. Tellingly, the history of increasing migration controls closely parallels the evolution of free trade and globalization. Canada began its celebrated interdiction strategy of placing migration integrity officers abroad to intercept improperly documented travelers in 1989, the same year it signed a free trade agreement with the United States. The US, for its part, introduced the first US Border Patrol militarized “operations” to seal the frontier with Mexico in 1994, the very year that NAFTA came into force (Pickard, 2005). In Europe, the Schengen Agreement, which calls for the elimination of internal EU border checks and at the same time a harmonization and tightening of external border checks, emerged apace with negotiations on a common European market.

It would appear that the move to increase migration controls is not simply about security against international terrorism, as the post 9-11 discourse would have it, but rather about impeding movement between those countries who are benefiting from globalization and those who are steadily falling behind. The spectacular irony is that the movement continues almost unabated. Evidence from the US-Mexico border, as well as from Europe, suggests that increased spending on border controls has had little effect on overall movement. What border controls have done is to force poor migrants to engage with ever more ruthless smugglers and traffickers, and take ever more dangerous routes in their desperate bid to claim some of the uneven gains of globalization for themselves. Too often, the exploited labour of non-status workers simply feeds the pockets of those already profiting from an increasing ruthless world economic system.

I argue in this paper that the post-facto security justifications for migration controls since 9-11 serve as a convenient smokescreen for a pre-existing strategy whose primary purpose is to perpetuate the increasing divide between rich and poor, both across and within international borders. Furthermore, international security discourse has made it easier for governments to undermine asylum systems as a humanitarian exception to the general rule of segregating the privileged and the exploited.

### **Post 9-11: Justifying exclusion**

Suspicious finger-pointing at refugees and migrants after the events of 9-11 was global in scope and far-reaching in effect. UN Security Council Resolution 1373, the foundation of the international community’s anti-terrorism agenda post 9-11 twice makes

explicit reference to the need to safeguard the system of international refugee protection from abuse by terrorists. Even as the UNHCR exerted pressure on neighbouring Pakistan to keep its borders open to tens of thousands of refugees fleeing Afghanistan, Western countries were closing the doors to refugees (Gibney, 2004).

The US response was most dramatic. The government temporarily suspended resettlement of 20,000 refugees and enacted targeted measures against specific racial groups (Gibney, 2004). Hundreds of predominantly Middle Eastern men were held without charge or bond for lengthy periods. Some were later charged with immigration violations so that they could be held even longer. In an unprecedented move, immigration hearings were closed to the public and families kept in the dark as to what would come of husbands and fathers (Schoenholtz, 2003). The government also enforced a policy of mandatory detention for Iraqis and Haitians (Lawyer's Committee for Human Rights 2003). Proposals for the legalization of undocumented workers, brought to government attention by the lobbying efforts of migrant rights activists as well as the Mexican government, fell completely off the political agenda in the wake of 9-11 (Pickard, 2003; Wright, 2003).

As a longer term strategy, the United States relocated immigration functions within a new Department of Homeland Security. The enforcement-focused mandate of the new agency bodes ill for asylum seekers and undocumented migrants. A history of poor treatment at the hands of enforcement officers is only expected to become worse with the structural separation of enforcement functions from the bureau responsible for immigration services (Lawyer's Committee for Human Rights, 2003).

Four years after 9-11, the United States continues to implement new measures that further increase the vulnerability of refugees. The REAL ID Act, signed into law in May 2005, restricts the definition of those eligible for asylum, makes it easier for decision makers to question a claimant's credibility based on the vague criteria of "demeanor" and expands bars to asylum for those deemed to have an association with a "terrorist" organization (CCR, 2005). The lack of a clear definition of terrorism, combined with a broad interpretation of what constitutes association, makes asylum determination a highly subjective and political process.

Since 9-11, Canada has faced significant pressure from the United States to mirror rights-restricting changes to border and immigration policies. The Smart Border Accord, signed between Canada and the United States in December of 2001, included agreement on the expansion of integrated border enforcement teams, coordination of visa policies to control travel from specific countries, development of common standards for biometric identifiers for documents, augmented data sharing and integrated intelligence (Schoenholtz, 2003; Waller Meyers, 2003).

Canada's National Security Policy also mirrored the American focus on immigration enforcement, prioritizing new measures "to more efficiently identify and remove those individuals who may be attempting to abuse our refugee and immigration system" (*Securing an open society*, 2004). Canada instituted fingerprinting and front-end security reviews for all refugee claimants, allocated significant new funds to detention, and created its own version of the Department of Homeland Security - the Canadian Border Services Agency (CBSA), housed within a new Ministry of Public Safety and

Emergency Preparedness (CCR, 2004; Gibney, 2004; Janik, 2004).

In its infancy, CBSA was given responsibility for conducting pre-removal risk assessments, although outcry from refugee advocates against assigning protection functions to an enforcement agency, later resulted in the transfer of this function back to Citizenship and Immigration Canada (CIC). Confusion over roles and communication lines continues to plague the relationship between CBSA and CIC, to the detriment of refugees and others in need of protection.

Post 9-11, Canada did not simply follow dictates from the US, but also took its own initiative in aggressively negotiating for a Safe Third Country Agreement. This agreement, by forcing refugee claimants to North America to seek asylum in their country of first arrival, would effectively close Canada's land border to refugees. In recent years, approximately one third of refugee claimants to Canada have arrived via the United States. Geography, flight routes and Canada's reputation as a safe haven shaped these travel trajectories. By making those transiting through the US ineligible to claim refugee status in Canada, the Agreement promised to interrupt this pattern and bring about a dramatic reduction in numbers.

Canada had pushed for such an agreement in the 1990s, without success. The US looked unfavourably on a proposal that would increase the burden on its own refugee determination system. By making a commitment by the US to Safe Third a condition for Canadian sign-on to the Smart Borders Agreement, Canada seized the political moment post 9-11 in order to further a pre-existing goal of reducing overall numbers of asylum claims. 9-11 made the strategies for achieving that goal easier to justify to the public. However, the closing down of borders did not represent a new trend.

### **Pre 9-11: Guarding the wealth**

Writing a full year before 9-11, Andreas describes the emergence of a new set of walls in the 1990s to replace the Iron Curtain and Berlin Wall of the Cold War Era:

The new walls are designed not to keep people in or to keep militaries out, but to deter a perceived invasion of "undesirables" - with unwanted immigrants leading the list of state concerns. Nowhere is this more evident than along the geographic fault lines dividing rich and poor regions: most notably the southern border of the United States and the eastern and southern borders of the European Union (Andreas, 2000: 1).

As the free trade agreements and privatization agenda of a new era of globalization favoured increasing concentration of wealth in the North and the West, new strategies were required in order to protect those profits. One of the key strategies involved new border controls reinforcing a "global apartheid" that divides humanity along race and class lines (Moussa, 2000). Workers from the South and East would not be allowed to take "our" jobs or to encroach on "our" profits.

The apparent paradox of globalization is that borders must be kept open to capital and goods, but closed to people. To take a particularly striking example, NAFTA has seen the simultaneous creation of a "borderless economy and a barricaded border"

between the United States and Mexico (Andreas, 2000: 4). The paradox, however, is more of a foregone conclusion than a mysterious anomaly. The predictable outcome of rapid integration between two unequal economies is increased economic disparity and increased migratory pressures. The Commissioner of the Immigration and Naturalization Services (INS) herself testified to Congress in 1993 that NAFTA would most likely lead to an increase in unauthorized immigration from Mexico to the US: “responding to the likely short to medium-term impacts of NAFTA will require strengthening our enforcement efforts along the border” (Nevins, 2000: 106).

Indeed, immigration enforcement efforts have grown apace with increased trade between Mexico and the United States. The dollar value of goods passing through Texas has skyrocketed since NAFTA, with imports from Mexico doubling from \$29.5 billion in 1994 to \$59.7 billion in 1998 (Spener 2000). Over the same period, the number of border control agents deployed along the Mexico-US border has also doubled, from approximately 4200 to 8000. The INS budget for border enforcement efforts grew from \$400 million the year before NAFTA to \$800 million four years later (Nevins 2000).

Like the United States, Europe has also built legal walls to protect economic gains won through integration from invasion by the poor. Here, the walls have not been erected against trading partners within a common market, but rather against those outside the European Union: “the success of a far more ambitious project of regional integration has required the creation of a hard external border dividing rich EU members from their poorer neighbours” (Snyder 2000: 221). The Shengen Agreement, originally signed in 1985, calls for the elimination of internal border controls and at the same time a harmonization and tightening of external border controls. Parallels can be seen in US efforts to force its NAFTA trading partners to step up enforcement, exporting boundaries and creating a common security perimeter. Mexico has been encouraged to increase patrolling of its southern border with Central America, while Canada has received pressure to tighten up its refugee determination system.

More unique to the European context is the creation of a sort of buffer zone on the outside edge of the EU. Under Safe Third Country legislation, asylum seekers crossing through a “safe” country can be deported back to that country for the purpose of refugee determination. The designation of countries like Poland as “safe” countries allow EU member countries to effect chain deportations that eventually expel asylum seekers outside fortress Europe, with little regard for whether they are genuinely safe or at risk of further deportation back to the country they originally fled. At the same time, the carrot of future entry into the EU is used to ensure the cooperation of countries like Poland and Czechoslovakia in deterring the movement of “illegal” immigrants through their territories (Andreas, 2000; Sharma 56).

In the Canadian context, the link between free market economics and increased border controls is less obvious but still clearly operative. Canada has been an international leader in imposing carrier sanctions on airlines and shipping companies found to be transporting undocumented migrants as well as in interdicting improperly documented travelers before they ever reach their destination. Canada inaugurated its celebrated interdiction strategy of placing “migration integrity” officers abroad in 1989, the same year it signed a free trade agreement with the United States.

The strategy has been widely borrowed by the US and other Western countries, and remains a key component of Canadian immigration enforcement practice. Its basic premise is that borders which remain open to trade are necessarily porous – therefore the best strategy for stopping unwanted migration is to intercept travelers before they ever reach the border. In a parallel to larger trends towards decentralization and privatization, it also relies heavily on local and non-state actors to carry out enforcement functions (Lahav & Guiraudon, 2000; Muller, 2004). Canadian migration integrity officers provide advice and training on false document recognition to airline staff and work with local authorities to combat smuggling and trafficking. In 2005, the Canadian government boasts 45 migration integrity officers in 39 key locations worldwide (*Securing an open society*, 2004; Washington Canadian Embassy website).

### **Border controls: Exclusion without or within?**

A key paradox of globalization is that borders must be kept open to capital and goods, but closed to people. The difficulty of doing both at the same time has led to the emergence of a rapidly growing underground economy based on human smuggling and trafficking. In the European Union, increasingly restrictive immigration policies have brought an increase in smuggling and document fraud, leading one observer to comment: “law enforcement and law evasion along the EU’s external borders have expanded together” (Andreas 2000: 9). People who once had access to asylum are now forced to become clandestine migrants, more vulnerable than ever to exploitation by smugglers and traffickers. The UN estimates that up to one million people are trafficked throughout the world each year, generating profits as high as \$10 billion (Cotler, 2004; Department of Justice website).

Governments have responded by negotiating international agreements to combat human smuggling and trafficking. Canada itself took a leading role in the development of the UN Convention against Transnational Organized Crime, and its two supplemental Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air (Department of Justice website). The focus of these protocols, as of their implementation in national legislation has been on criminalization. In Canada, the Immigration and Refugee Protection Act introduced harsh new penalties for those convicted of smuggling or trafficking.

Critics point out that such an approach does nothing to address the root causes of migration and simply raises the stakes, pushing those engaged in smuggling and trafficking to use more dangerous routes and charge higher fees. Asylum seekers and other migrants become more vulnerable, but clandestine cross-border movement continues.

Evidence from the United States suggests that militarized borders and criminal penalties for smugglers and traffickers have been largely ineffective in curtailing the flow of migrants across its southern border with Mexico. In fact, Mexican migration to the United States is estimated to have tripled during the NAFTA years – a result of economic crisis and lost livelihoods in Mexico (Pickard, 2005).

Border patrol “operations” have brought an appearance of order to certain urban areas where public opinion has turned against the migrants. Operation Hold the Line in El Paso, Texas and Operation Gatekeeper in San Diego, California were mostly successful in sealing small sections of the border. Forward deployment of large numbers of enforcement agents, together with the installation of fences and flood lamps, largely stopped the daily flow of migrants between border cities. Yet it is not at all clear that these operations have reduced the overall number of unauthorized crossings along the US-Mexico border more generally. Rather, migrants increasingly rely on professional smugglers and/or cross the border in more remote and dangerous areas (Nevins, 2000; Spener 2000). The tragic numbers of deaths from heat and dehydration in desert areas along the US-Mexico border bear testimony to the scale of this determined but risky migration. One estimate has border deaths at 4000 over the past 10 years (Pickard, 2005).

Those who make it across the border alive seem to be staying longer now, rather than risking multiple crossings to travel back and forth between families left back home and jobs in the United States. US immigration controls are largely concentrated at the border itself. By contrast, the workplace is much less regulated (Andreas, 2000; Nevins, 2000). By staying longer, Mexican and Central American migrants cut their risks, while continuing to feed a structural need in the US economy for cheap and compliant labour. One critic writes:

The real issue at hand now seems to be not border control per se, but rather how border control efforts fit within a wider set of policies that permit the United States to feed its century-long addiction to cheap Mexican labour.... It has chosen to allow entry, albeit with considerable difficulty, while limiting the types of claims Mexicans may make on the state once they have entered (Spener 2000: 132).

The real consequence of stepped-up immigration enforcement is to render migrants more vulnerable, and thus more easily exploitable. The mere threat of deportation makes it virtually impossible for undocumented workers to defend their rights.

In the United States, it would seem that increased enforcement has little effect on overall migration, but rather serves to maintain a highly exploitable migrant workforce. In other words, it is not about physical exclusion, but rather about social exclusion. Does the same hold true for Canada? Early evidence, six months after the implementation of the Safe Third Country Agreement, suggests that a more restrictive policy, together with border vigilance, has in fact reduced the number of refugee claims in Canada. Claims at the Canada-US border are only 50% of what they were prior to implementation. Border claims are such a significant proportion of overall numbers that Canada is predicted to receive in 2005 the lowest number of claims since the mid-1980s (CCR, 2005). What these numbers do not tell us is how many of those who are no longer eligible to make a claim at the border are now making clandestine crossings in order to make an inland refugee claim or, alternatively, to disappear underground. Some suggest that with time, an increasing number of asylum seekers will find other, more dangerous routes into Canada (CCR, 2005).

Partly because of geography, the numbers of undocumented migrants entering Canada is far less than the number of clandestine entries into the United States.



Researchers estimate there are some 200,000 people living with less than full legal status in Canada, compared to over 10 million in the United States (Goldring, 2005; Passel, 2005). Yet non-status workers play key roles in the construction, garment and janitorial industries in Canada, as well as providing many professional families with domestic and child-care services. Some have suggested that the recent housing boom in Toronto would not have been possible without the underpaid labour of thousands of non-status workers.

Furthermore, Canada has been expanding programs for temporary workers to fill labour shortages in industries where conditions are typically difficult and wages low. In addition to the historic Seasonal Agricultural Worker and Live-in Caregiver Programs, there have been smaller experiments with temporary work visas to allow migrants to take jobs in sectors like hospitality and meat-packing. Temporary workers, like non-status persons, are among the most exploited workers in Canada. Because their fragile status in Canada is dependent upon their employment, they are understandably hesitant to risk dismissal by criticizing their employers. As a result, many work long hours for substandard wages and put up with unhealthy or dangerous work conditions.

Despite vigorous protest by NDP immigration critic Bill Siksay, Minister of Citizenship and Immigration Joe Volpe recently announced plans to bring in yet more temporary workers to fill jobs in the trades sector (CTV Oct 31, 2005 “Volpe plans to boost annual immigrant intake”). Most trades people don’t meet the requirements to come to Canada through the immigration points system, which grants permanent residence status.

Even as Canada closes its land border to most asylum seekers and focuses efforts to reform its refugee determination system on measures to more rapidly identify and deport non-refugees, it is expanding programs for temporary workers, who face much less scrutiny than refugee claimants. The real issue is less one of security, or restricting migration, than of restricting access to permanent status and its associated rights. Nandita Sharma, a researcher based at Toronto’s York University, assesses the current situation as follows:

If ever more restrictive immigration policies in the North have not actually restricted people’s migrations, then what exactly are they intended to accomplish? The answer that emerges must be: a decline in the number and proportion of people coming... with permanent resident status and an increase in the numbers and proportion of ... migrant workers or so-called illegals (Sharma, 2003: 56).

Mainstream discourse increasingly identifies those offering cheap labour as a welcome resource to fuel economic growth, while portraying those making a claim to protection and rights as potential security risks.

### **From exclusion to inclusion**

Security concerns post 9-11 have been widely cited by government and mainstream media as the reason for new border controls and immigration restrictions. Yet security concerns seem to be much more of a justification than a cause. The new walls of Fortress Europe and Fortress North America have been under construction for well over a

decade, as rich nations sought to protect the economic gains of globalization against poor migrants and refugees. These walls exclude both literally and metaphorically, by denying entry but also by denying access to status and rights for those whose cheap labour is readily embraced by an avaricious economic system.

Where security discourse has had its greatest impact is in undermining the humanitarian arguments for asylum. Western governments increasingly resist advocacy efforts in favour of refugee rights by arguing the need “to find an appropriate balance with respect to the integrity of our refugee determination system, public safety and national security” (Volpe, 2005). Immigration functions are housed within government agencies whose primary mandate is to safeguard national security. Countries of the South, which already host the majority of the world’s refugees, find themselves under pressure to bear an even greater proportion of the refugee burden, in the name of “regional solutions” (Kumin, 2004).

As humanitarian arguments lose ground, vulnerable migrants are increasingly seen not as persons, but as commodities. Refugees are “warehoused” in refugee camps, like hard-to-sell inventory. Migrant workers, their more marketable counterparts, are used up and discarded at the end of the season or the industry boom, when their labour is no longer necessary. When they are not commodified, asylum seekers and migrants are criminalized. Either way, their rights are dispensable.

The road that leads to dispensable rights is a dangerous road to travel. It is but a small step from dispensable rights for migrants and refugees to dispensable rights for citizens. The dehumanizing effect of globalization on the general workforce is already in evidence, with a rapid decrease in long-term commitment by employers to employees. Anti-terrorism legislation affects not only outsiders but citizens, squelching the right to dissent. If we wish to reclaim our own humanity, we must also defend the dignity and rights of the vulnerable among us. The struggle for refugee and migrant rights is a struggle for all of us.

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