

Speaking Notes (for discussion)

Canada's immigration policies and how they are enforced through the conscious or unconscious biases and preconceived assumptions of immigration officers, create discriminatory outcomes for applicants from certain regions, especially those of racialized backgrounds.

Visitor-visa applications to Canada are refused from all over the world, but particularly from countries in Africa, the Middle East and South America. Over the last two years, 75 percent of applications from Somalia, Yemen, Syria and Afghanistan were rejected.

According to another internal IRCC data analysis report, visa applicants from Africa have more difficulty securing permission to visit Canada than do travellers from any other continent. The TRV approval rate for African applicants fell by 18.4 per cent between 2015 and 2018. Over the same period, the approval rate for applicants from the Asia-Pacific region fell 7.3 per cent; for applicants from the Middle East, it fell by 10.3 per cent; it dropped just .7 per cent for applicants from Latin America and the Caribbean; and for European applicants, the approval rate rose 4.4 percent.

The statistics for Africans submitting temporary residence applications are mostly abysmal. This is especially the case for Africa's largest country, Nigeria.

For example, from January – June 2020 the study permit approval rate for the top ten source countries of applicants to Canada was, in alphabetical order, Bangladesh (27%), Colombia (66%), India (51%), Iran (30%), Japan (97%), Korea (95%), Nigeria (12%), People's Republic of China (64%), Philippines (57%), Vietnam (56%).

For some of Africa's other large source countries of applicants the rates were 18% for Ethiopia, 26% for Kenya, 20% for the Congo, and 54% for South Africa.

In 2019, 33% of Indian nationals with spousal sponsorship applications in processing successfully applied for temporary residence visas. In China the number was 53%. For Nigeria it was 22%.

In 2020 the overall visitor visa approval rate for all countries whose citizens required visas was 66%. For Nigeria, the approval rate was 38%.

From January – May 2020 the work permit approval rate was under 50% for citizens from Afghanistan, Angola, Armenia, Cuba, Curaco, El Salvador, Cameroon, Fiji, Gambia, Georgia, Haiti, Iraq, Kyrgyzstan, Laos, Myanmar, Nepal, Nigeria, Pakistan, Sierra Leone, Somalia, Tajikistan, and Uganda.

In 2019, For the second year in a row, Canada had refused visas to dozens of researchers - most of them from Africa - who were hoping to attend an artificial intelligence (AI) conference in Vancouver. The hassles had caused at least one other AI conference to choose a different country for their next event.

The Canadian Association of African Studies (CAAS) also shared in a CBC report that it has "documented a pattern of continuing, discriminatory bias, and inconsistent treatment of visa applications made by academics from African countries, or Africans writ large, in the existing visa system in Canada" (Meredith Terretta, CAAS president).

These numbers and accounts come as no surprise, considering the very concerning IRCC Anti-Racism Employee Focus Groups Final Report that came out in 2021, which contains many passages that can partially explain the low approval rates for people from Africa. For example, Page 10 of the report states "[IRCC employees] also mentioned numerous examples of microaggressions heard internally in reference to client groups, that not only suggest to them the possibility of implicit biases affecting client treatment and processing... Examples of these include: ... Widespread internal references to certain African nations as "the dirty 30." Stereotyping Nigerians as particularly corrupt or untrustworthy."

Page 13 stated that IRCC employees reported that "established practices meant to reflect policies can have taken on discriminatory undertones for the sake of expediency or performance. These include Discriminatory rules for processing immigration applications from some countries or regions that are different than for others (e.g., additional financial document requirements for applications from Nigeria.)

Numbers from November 2020 have revealed an extraordinarily high (70%) refusal rate of temporary resident visas (TRV) to applicants with ongoing overseas spousal or partner sponsorship applications.

One of the reasons applications are rejected is if the officer is not convinced the relationship is genuine. However, we must consider the lens through which an officer is determining the genuineness of a relationship – a Eurocentric/western lens.

Some criteria that the IRCC takes into consideration when assessing applications:

- Compatibility of couple
- Co-habitation (or lack of)
- Length of relationship (2 years and shorter require more documents)
- Differences in religion, or caste (eg: Indian, Pakistani relationships)
- Age difference
- Difference in education
- Cultural differences

High refusal rates can be attributed in part to biases on the part of the visa officer, or a lack of cultural awareness where "western" concepts of marriage are applied to relationships from diverse cultures.

5 Minute STATEMENT - Some important points to consider:

The value of family reunification:

I think it is important for us to ask what our preoccupation with and predisposition towards the points system of immigration is doing to what immigration is really about. Which is, building healthy communities.

The Canadian index of well-being is rooted in Canadian values – it begins with the belief that our cornerstone value is the principle of shared destiny – that society is best shaped through collective action, and there's a limit to how much can be achieved by individuals acting alone or what I will add even being alone.

If immigrants and therefore immigration is actually going to be successful, it has to be successful within the community development concept.

Which brings us to my first point about the relationship between values and policy.

Family reunification has become a mode of migration that the system is clearly very skeptical about, hence the policing, regulation, and securitization of it.

And yet if our Canadian values were reflected and entrenched in policy and the way that policy is enforced, the question of reunification would be central to it. We would want to build wholesome healthy communities; we would want immigrants to be in healthy relationships.

There is research that shows that people who come here through family class migration do better because they don't have to deal with the same level of integration challenges as those coming in through other modes.

Sadly, we have commodified the support – e.g., through ESL, job search support, but we continue to scrutinize the family reunification process. We must remember that we are dealing with human beings for whom having relationships and a sense of belonging begins with family, so my first point is that we need to centre this notion that family reunification is the most important mode of migration.

My second point is about the self-fulfilling prophecy of cynicism

Immigration policy has been criticized of being skeptical of applicants from certain regions, however, I argue that the way the program is being run, it appears to operate more from a place of cynicism.

Some of the biases and microaggressions that have been found to penetrate within the department amongst the people who are doing this work will naturally reflect in their assumptions and predisposition towards people who they think want to cheat the system.

E.g. when looking at an applicant from rural Botswana, where relationships and marriages are done quite differently, we not only use a Canadian standard to evaluate the genuineness of that marriage. We use an ethnocentric biased discriminative viewpoint and expect to find liars and cheaters, because of the racial stereotypes associated to that region.

If you run a policy with the assumption that the preponderance of those going through the processes are cheating, then that means you are either biased, you are finding what you were expecting to find, or that the outcome of that process of unification is flawed – that there's something wrong with reunification.

The primary purpose of the policy should be to reunify people, not to find cheaters.

However, the number of resources that are put into trying to prove that these relationships are not real is disproportionate. – it is based on this idea that these people are more likely to cheat than not -but you cannot run a policy on that basis because the more common human instinct is to reunify, not to cheat.

If something is happening on the margins, we can't have entire regions subjected to the same standard.

It is rare that someone coming from the US or Europe is subjected to the same requirements of proof.

Rejection rates from these countries are also very low. But is that because the marriages are genuine or because the applicants aren't expected to be bogus, so they are not asked to provide further proof or scrutinized?

Confirmation bias can lead to finding something you are looking for. The problem would then be the policy and the biases of the people running the policy (the choices they are making in those moments of discretion).

How do we ensure applications are being treated fairly?

Research

1. Firstly, we need to invest time and energy into identifying the problem.

We need to obtain data to show the percentage of reunification cases that are subject to extraordinary demands over time and where these cases predominate.

A standardized normalised demand without any data or policy to support the extra measures taken for some regions should not be sustained as the norm.

If there are outlier cases why are we imposing this standard norm, imposing hardship associated to this process on certain people when we know that reunification is a positive value.

2. And, the research needs to be carried out by racialized researchers. My argument would be to not consider Vic Satzewich research as only credible evidence. White scholars have a certain set of eyes and are not self-aware because they operate from a context that is limited. Critical race theory methodology scholars are better at assessing these types of scenarios – because they come in with a certain set of assumptions and eyes.

We also need to ask ourselves, what is the value of asking the perpetrator about the persistence of a phenomenon?

If you want to know if immigration officers are micro aggressing people, we shouldn't be asking the immigration officers.

We should be asking the people who are the subjects of the decision making, those going through the gruelling processes.

The methodology needs to centre the voice and experience of the victims.

We can't analyze public policy without interviewing the subjects of a public policy, you can't simply talk to people who write the policy or those who enforce it.

We also can't place so much value on quantitative research to understand human experiences. So, more qualitative research across the country in a range of departments would provide a better understanding of what we are dealing with.

Diversify the pool of officers

Now moving onto my last point to consider. Looking at the complaints from inside the department– we see there are people within these spaces raising alarm bells about the potentially racist culture and environment of these spaces, *which points us to Diversity Equity and Inclusion.*

If we suspect that visa officers are making decisions based on biases and lack of cultural awareness, perhaps the answer is to change the composition of the people doing this work, by diversifying the pool of officers and raising the ranks of those already there. Having people in decision making roles from the places where applicants come from could help in providing cultural translation, so there is no assumption of universal culture that seems to be applied across the board to entire regions of very diverse people. There needs to be a diverse pool of officers. We don't need impartiality, we need objectivity that is based on an acknowledgement of the lived experiences of racialized officers, who can better understand the culture of the applicants, instead of assuming it.

Anti-racism Training

Training should not be delivered with the expectation that it will eradicate racism. Because likely it won't. What it will do is provide an accountability system, so that we can hold people accountable, and THAT is what usually deters bad behaviour. So many people's default position is, "how am I supposed to know that that's racist?" But if they are trained then they can be held accountable for actions that were carried out, despite knowing the consequences.

This also gives victims a tool to use to say look these people should know what they are doing is harmful for us, they were trained.

People don't take online training seriously – they click through the modules, but at the end of the day, if they get a certificate to say they have been trained and someone accuses them of not abiding by policies, even though there is obligation by law, by statute, to have done training, they know the responsibility is theirs.

There is also good and bad training – when we do good training, we are coming closer to the ability of raising inner consciousness, which happens in some cases, not all.

Bad training – well, there is a lot more bad training than good, and online modules are a good example of bad training where information is consumed but not retained, so people come out without learning anything.

So, my suggestion would be to have more workshop style group training scenarios where officers are being exposed to different worldviews and lived experiences and engaged in conversation with people from diverse cultures.

Thank you!