

Opening the Policy Window with “Focusing Events”: Tracing Immigration Detention Policy in Canada

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Abstract

Over the past years, Canada’s immigration detention policy has been receiving heightened attention from domestic and international actors. The United Nations recently criticized this policy which legitimizes the detention of asylum seekers and irregular migrants in maximum-security provincial correctional centers and in immigration holding centers that resemble correctional centers. Permanent residents with criminal convictions are also detained for immigration purposes. Immigration detention violates the human rights of non-citizens. Against this background are policy changes that promote undue immediate and long term physical & mental hardship on immigration detainees. People held for immigration purposes are dying in Canada with the most recent death on October 30, 2017. This poster presentation adopts the phenomenon of “focusing events” to trace the evolution of Canada’s immigration detention policy.

Background

Canada detains non-citizens for immigration purposes.

- **What:** Immigration detention is the “deprivation of liberty for migration-related reasons” (International Detention Coalition, 2016)
- **Who:** Different groups of non-citizens such as irregular migrants including asylum seekers, visa over-stayers, failed asylum and permanent residents with criminal convictions.
- **Why:** Unauthorized entry and/or stay in Canada.
 - Belief of danger or unlikelihood to appear for a hearing, examination or removal order.
 - Inadmissibility grounds relating to security, criminality and violation of international and human rights as well as an inability to authenticate identity
- **When:** Upon arrival, in transit and pre-deportation
- **Where and Oversight:** Immigration holding centers and provincial correctional facilities under the jurisdiction of the Canada Border Services Agency (CBSA) while the Immigration and Refugee Board (IRB) reviews the detention of these groups of non-citizens

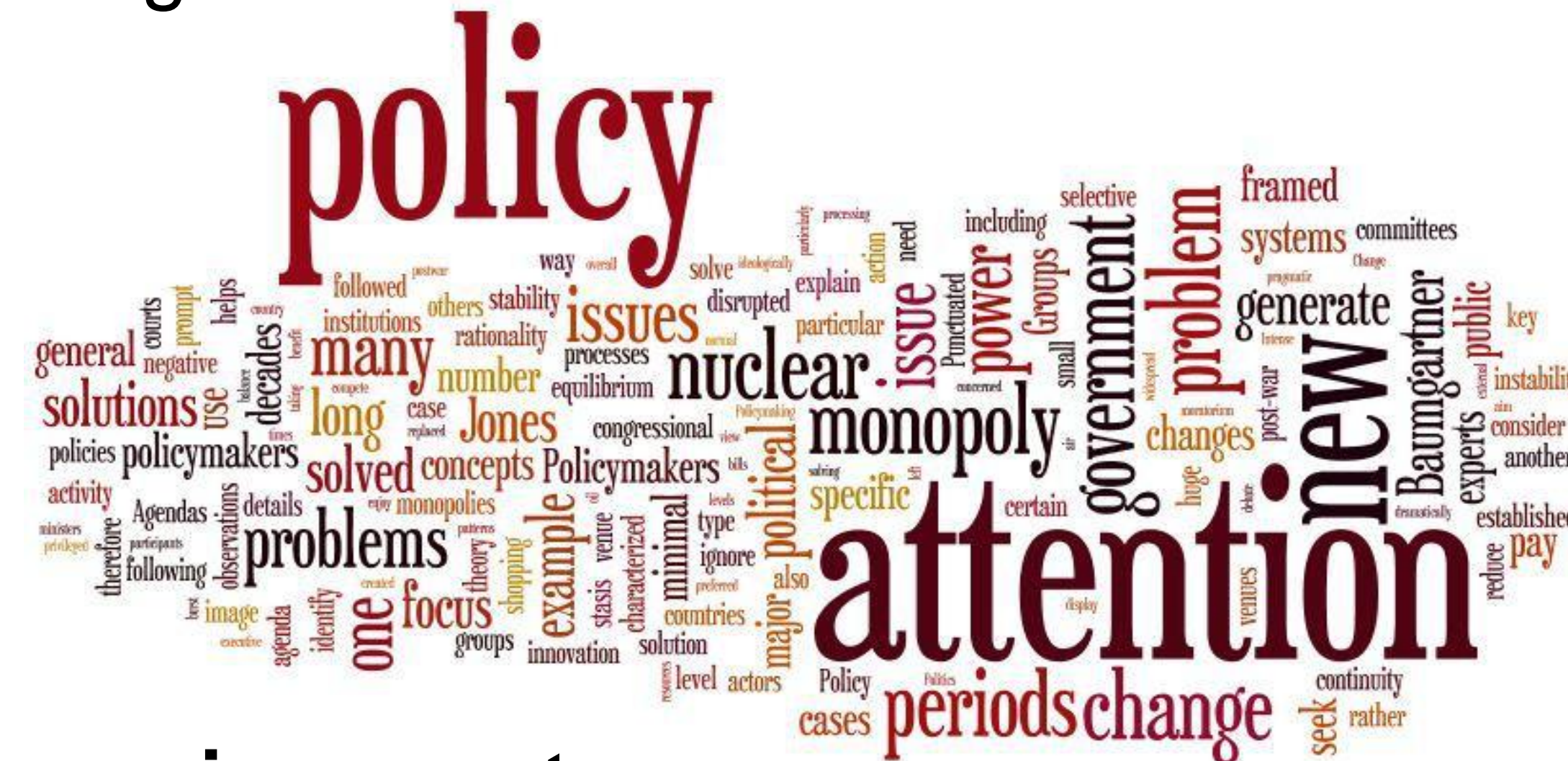
Objectives

This research has both policy and scholarly oriented outcomes. It contributes to the body of knowledge on immigration detention in Canada.

- To investigate events that have contributed to the introduction and embedment of immigration detention in Canada’s immigration, asylum and refugee policies
- To develop an understanding of public policies surrounding the immigration detention of non-citizens in Canada

Methods

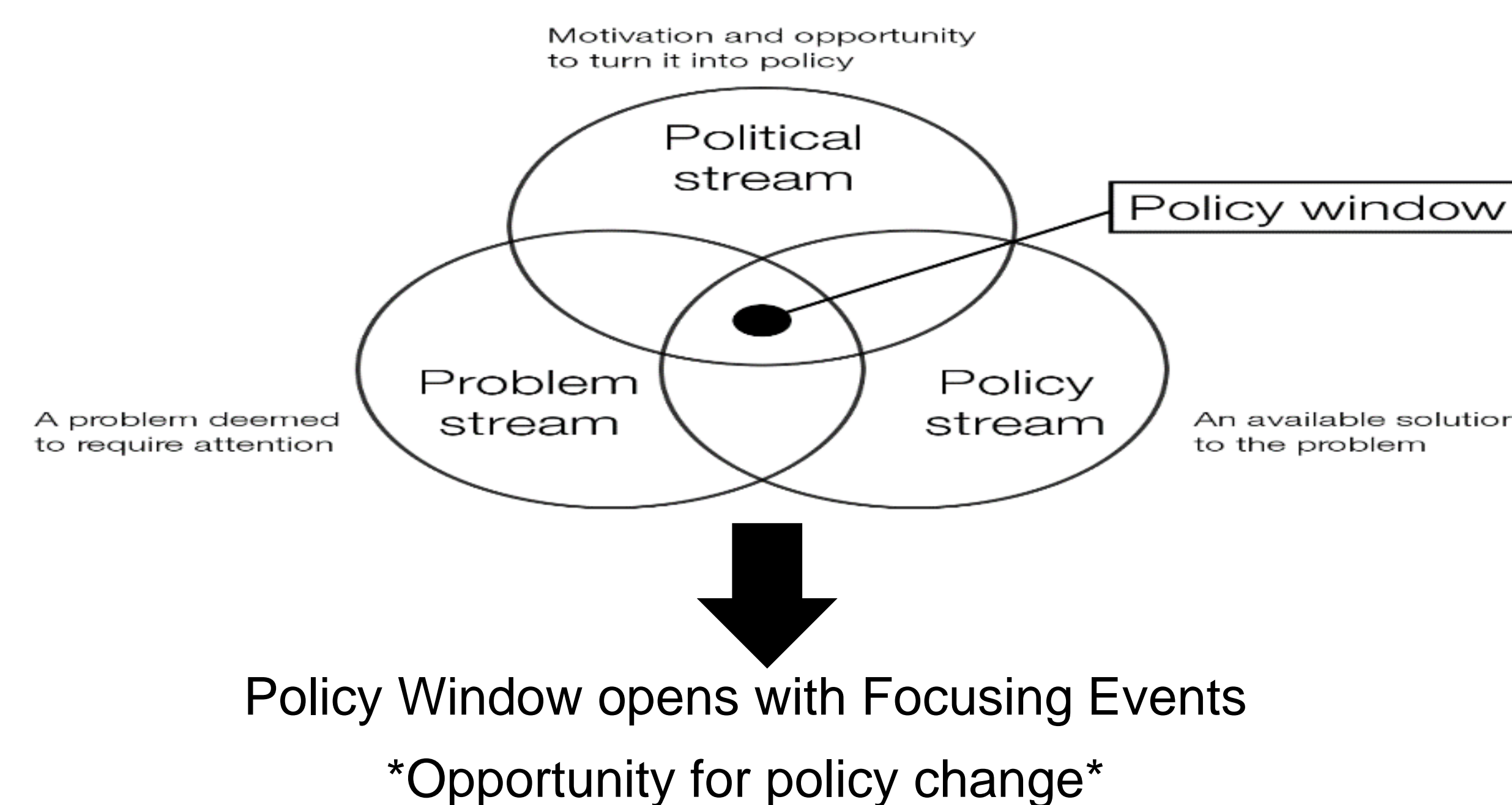
This research adopts the phenomenon of “Focusing Events” as the lens of analysis to explore the evolution and embedment of immigration detention in Canada.



Focusing event:

- Frames the image of a phenomenon as a policy problem that requires an urgent response
- Catalyst that draws the attention of policy makers to a problem that requires attention
- Illuminates a problem that governments need to solve
- Opens a “policy window” or a window of opportunity to push the problem to the political agenda for policy change

The role of focusing events in Kingdon’s Multiple Streams Theory (MST)

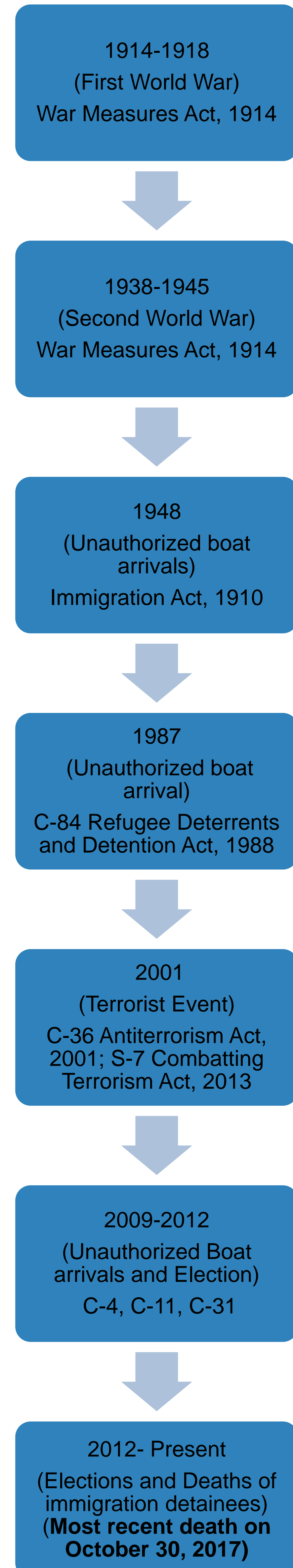


Results

- The practice of detention of non-citizens for immigration purposes traces back to the early 1900s in Canada.
- Immigration detention was officially introduced in Canada through the passage of C-84 (Refugee Deterrents and Detention Act, 1988)

Results

Timeline: Tracing Canada’s Immigration detention policy through the lens of “focusing events”



Conclusion and Reference

- Focusing events create opportunities that reinforce immigration detention policies in Canada. These policies impose undue physical and mental hardship on non-citizens. They violate the human rights of non-citizens and migrants.
- Designing public policies that can effectively balance the protection of non-citizens’ rights while maintaining the sovereignty, border, welfare state and citizens’ rights in Canada is paramount.
- It is paramount because non-citizens rights are human rights.

International Detention Coalition. (2016). “Human Rights for Detained Refugees, Asylum Seekers and Migrants: What is immigration detention?”

Figure 1. Kingdon’s Multiple Streams Theory. Findings (2016). Time for safer injecting spaces in Britain?

http://findings.org.uk/PHP/dl.php?file=hot_rooms.hot&s=eb