

# BORDER BITES

**“Digesting the world’s borders**

**...One bite at a time”**



On December 24, 2016, a truck driver found two men at the side of a highway in the province of Manitoba, Canada. They had nearly frozen to death in the -40 Celsius conditions. While cold-weather rescues are not uncommon in the region, the journey these particular men had taken was much more unusual; refugees from Ghana, they had arrived in the United States hoping to seek asylum. Instead of this being granted, however, they were detained by immigration officials in the US for a year. Upon release, the men had walked north to Canada in the hope of seeking asylum there instead.<sup>1</sup>

In punishingly cold Central Canada, hundreds of kilometers of international border divide the Canadian province of Manitoba from the American states of Minnesota and North Dakota.

## Freezing out Refugees:

Chronicling the Spike in Asylum Seekers at the Canada-US Border

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While the sub-division of Eastman, which forms Manitoba’s southeast border region, is more than 20,000 square kilometers in size, it is home to just 100,000 people. Eastman’s largest town has 13,000 inhabitants; its most prominent border crossing, Emerson, is an unincorporated territory home to 655 people. In any other country, one would hardly expect this frozen, peaceful, largely ethnically homogeneous region to be the site of asylum seekers fleeing persecution.

Yet the Canada-US border is anything but typical.

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<sup>1</sup> Austin Grabish, "It's a very shocking sight': refugees suffer severe frostbite in long walk to Manitoba border," CBCnews, January 05, 2017. Accessed January 20, 2017, <http://www.cbc.ca/news/canada/manitoba/refugees-frostbite-highway-75-winnipeg-1.3923430>.

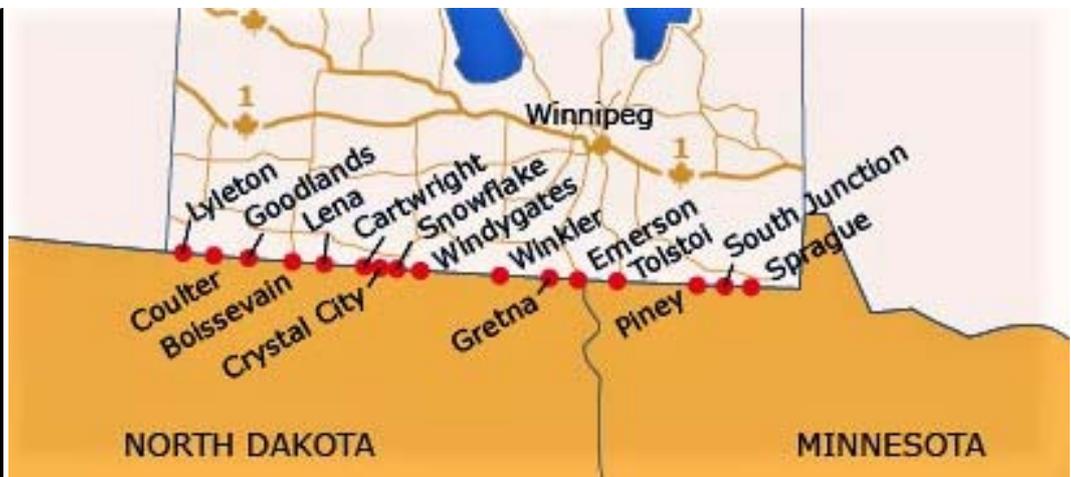
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# BORDER BITES

## Freezing out Refugees

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**Figure 1:** Border Crossings along the international border running between the Canadian province of Manitoba and the states of North Dakota and Minnesota

Colloquially known as the International Barrier, the Canada-US border is an important nexus of travel and trade between the two countries, whose warm relationship keeps the goods and people flowing relatively freely. It is a record-holder in two significant categories: it is the longest border between two countries in the world, and the longest “undefended” border in the world.<sup>2</sup> Here, though, “undefended” refers to the lack of a military presence, not an absence of civil law enforcement personnel.

American and Canadian customs and immigration officials dot stretches of the border at its busiest interchanges: bridges, tunnels, significant highway crossings, and ports. Major airports are also well-staffed. This approach is comprehensive enough to examine the millions of visitors who make the crossing annually. More than 22 million Americans visited Canada in 2015, roughly equivalent to 62% of Canada’s national population,<sup>3</sup> while the USA remains the top destination for Canadian travellers. However, with only 119 official crossings along the 8,891km long border,<sup>4</sup> most rural and remote areas along the International Barri-

<sup>2</sup> “Commission de la frontière internationale | International Boundary Commission,” Commission de la frontière internationale | International Boundary Commission. Accessed February 01, 2017:

<http://www.internationalboundarycommission.org/>.

<sup>3</sup> “Service Bulletin, International Travel: Advance Information, December 2015,” Statistics Canada | Statistique Canada. Accessed February 01, 2017: <http://www.statcan.gc.ca/pub/66-001-p/66-001-p2015012-eng.pdf>.

<sup>4</sup> CBC News, “The Canada-U.S. border: by the numbers,” CBCnews, December 07, 2011. Accessed February 01, 2017: <http://www.cbc.ca/news/canada/the-canada-u-s-border-by-the-numbers-1.999207>.

# BORDER BITES

## Freezing out Refugees

Lisa Jane de Gara

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er are minimally patrolled. In some places, a signpost warning of an international border is the only patrol available.



This rural vulnerability in the border's security is either readily utilized or easily exploited, depending on one's perspective on asylum seeking. The Canadian government does not publish official figures for in-country asylum seekers, but it is estimated by border officials that between April and December of 2016, more than 400 asylum seekers entered Canada through Manitoba.<sup>5</sup> They walked from North Dakota or Minnesota; most waited until winter to cross frozen rivers or lakes, where and when the likelihood of being apprehended by border officers is much lower. It is likely that more enter the country but simply neglect to declare themselves. The risks of the crossing are significant: one of the Ghanaian men rescued, Seidu Mohammed, had frostbite so severe his fingers and toes required amputation upon arrival in Canada.

With its stable institutions, multicultural philosophy, and comprehensive healthcare system, Canada is an attractive end-point for asylum seekers. It also offers comparative advantages to the United States, in part due to stricter American refugee policies. In 2015, Yahya Samatar became briefly famous in Canada. Fleeing the violence of the militant group Al-Shaabab in Somalia, he

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<sup>5</sup> Austin Grabish, "They just walk on through': Hundreds fleeing past Manitoba border seeking refugee protection," CBCnews, January 29, 2017. Accessed February 01, 2017: <http://www.cbc.ca/news/canada/manitoba/refugees-emerson-border-manitoba-1.3923747>.

# BORDER BITES

## Freezing out Refugees

Lisa Jane de Gara

Sixth Course

had paid to be smuggled into the United States but his refugee claim was denied, and he was sentenced to six months in an American detention centre. Upon his release, he headed north, and swam from North Dakota to Manitoba.<sup>6</sup> His claim—that as a human rights worker he was liable to be threatened and potentially killed if returned to Somalia— was refused in the US, but accepted in Canada.

While the Manitoba crossings have attained notoriety, similarly clandestine asylum crossings occur along most rural Canadian borders. The Canadian province of Quebec's densely wooded border with the American state of Vermont is another location for frequent illegal crossings. There, the greater population density affords for a greater volume of border patrol officers, but the geography makes enforcement more difficult.



It is a quirk of law that makes many of these arrivals legal. Canada's federal government maintains a "safe third country"<sup>7</sup> agreement with the United States, meaning that would-be asylum seekers are obliged to seek asylum in the first safe country they reach. In theory, someone arriving in the US should declare

<sup>6</sup> CBC News, "Somali who swam into Canada granted refugee status," CBCnews, October 01, 2015. Accessed February 01, 2017: <http://www.cbc.ca/news/canada/manitoba/somali-seeks-refugee-status-1.3250029>.

<sup>7</sup> "Canada-U.S. Safe Third Country Agreement," Government of Canada, Immigration, Refugees and Citizenship Canada, Communications Branch, June 23, 2016. Accessed February 01, 2017: <http://www.cic.gc.ca/english/department/laws-policy/menu-safethird.asp>.

# BORDER BITES

## Freezing out Refugees

Lisa Jane de Gara

Sixth Course

their intention to seek asylum in that country, not in Canada. However, there are certain noteworthy exceptions to this law. The exemptions include those who have family members in Canada, those who are under 18 years of age, those who would require a visa to enter the US, but not Canada, and those who could be sentenced to death in their home country for a crime not considered a crime in Canada (usually homosexuality or blasphemy.) Canadian courts also offer more leeway as to who may be perceived as a “persecuted person.” Significantly, having had one’s claim denied by the US does not preclude an applicant from seeking asylum in Canada. If one arrives in Canada and seeks asylum, prior history of denial of asylum is not a consideration. However, the “safe third country” law has become a point of contention among Canadian refugee rights activists, who maintain that under the current US administration, the country cannot be considered a safe one.

That Canada’s policy would be more open in certain respects is not surprising, particularly given that Canadian public support for immigrants is uncommonly ubiquitous. In 2016, among surveyed Canadians, a staggering 91% believe that immigrants are “every bit as likely to be a good citizen as someone born in the country.”<sup>8</sup> Despite its comparable history as a settler colonial state, these sentiments are not as broadly shared in the United States. Immigration, particularly illegal immigration, is a major concern. A total of 41% of the population, and 62% of those identifying with the right-wing Republican Party, believe immigrants are a “burden on the nation.”<sup>9</sup>

While the question of immigrant acceptance was posed regarding economic immigrants, refugees have been welcomed in Canada as well. In 2015, Canada vowed to accept 25,000 of Syrian

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<sup>8</sup> The Environics Institute, “Focus Canada: Fall 2016 Immigration and Multiculturalism, Detailed Data Tables,” October 16, 2016. Accessed January 29, 2017: <http://www.environicsinstitute.org/uploads/institute-projects/fc%202016%20immigration-citizenship%20survey%20-%20banner%20tables.pdf>.

<sup>9</sup> Sara Kehaulani Goo, “What Americans want to do about illegal immigration,” Pew Research Center, August 24, 2015. Accessed January 29, 2017: <http://www.pewresearch.org/fact-tank/2015/08/24/what-americans-want-to-do-about-illegal-immigration/>.

# BORDER BITES

## Freezing out Refugees

Lisa Jane de Gara

Sixth Course

refugees; nearly 40,000 have been settled as of January 2017.<sup>10</sup> Many of these refugees were privately sponsored and financed by Canadians, most of whom had no prior personal connection to Syria and simply wanted to offer support to families fleeing war. Conversely, and in keeping with national views on economic immigration, in 2015, 31 of 50 American state governors defied their federal government's more modest proposal of 10,000 settlements and refused to house any Syrian refugees in their states.<sup>11</sup>

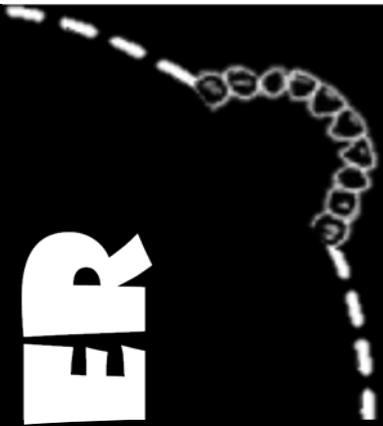
It is a stark contrast in attitude and policy, arguably growing starker. Much to the surprise of many Western leaders, Canadian Prime Minister Justin Trudeau opined that Canada was the world's "first post-national country":<sup>12</sup> a country which could accept all, regardless of ethnicity, religion, or culture. The Minister of Immigration for Canada is officially designated Minister of Immigration, Refugees, and Citizenship—a position held, as of January 10, 2017, by Ahmed Hussen, himself once a Somali refugee. The timely appointment of Hussen following a cabinet shuffle made no mention of US politics, but was perceived by Canadian commentators as a winking dismissal of growing American anti-refugee, anti-Muslim sentiment. Not two weeks later, to the shock of the global community, President Trump signed an executive order suspending the American refugee program altogether and forbidding any entry, even temporary, to residents of seven countries. One of the countries to which the US is currently not granting visas is Somalia—the point of origin of many of the Manitoba crossers.

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<sup>10</sup> "Canada welcomes Syrian refugees," Cic.gc.ca, January 10, 2017. Accessed February 01, 2017: <http://www.cic.gc.ca/english/refugees/welcome/>.

<sup>11</sup> Ashley Fantz and Ben Brumfield, "More than half the nation's governors say Syrian refugees not welcome," CNN, November 19, 2015. Accessed January 28, 2017: <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>.

<sup>12</sup> . Charles Foran, "The Canada experiment: is this the world's first 'postnational' country?" The Guardian, January 04, 2017. Accessed January 29, 2017: <https://www.theguardian.com/world/2017/jan/04/the-canada-experiment-is-this-the-worlds-first-postnational-country>.



# BORDER BITES

## Freezing out Refugees

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Sixth Course

At time of writing, as the dust of the executive order figuratively settles (amidst protest, confusion about the status of legal permanent residents, and questions over the legality of such an order), Canada has firmly declared its position. In response to the executive order, Prime Minister Trudeau tweeted on January 28, 2017: “To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength. #WelcomeToCanada.”<sup>13</sup> Minister Hussein declared that those left temporarily stranded in Canada by the US executive order would be granted temporary residency and access to vital resources.

The executive order remains contentious, having been stayed by a federal judge and the stay sustained by the 9th circuit appeals court—much to the vocal chagrin of the administration. The Trump Administration has declared intent to write a new order on immigration in a similar spirit; what it will entail remains to be seen.

Regardless of the specific orders or policy decisions made from this point, fault lines have been drawn. It is in this distinctly divergent immigration context that the openness of the International Barrier could become subject to greater scrutiny. The approaches are at odds with each other: one country forbidding certain foreign nationals while the other takes pains to accept the forbidden.

If the growing nativist sentiment in the US begins to extend into policy as promised—perhaps even to the point of a rumoured southern border wall with Mexico—there will likely be ramifications for Canada. The political zeitgeist has cast Canada as fundamentally more sympathetic to the plight of refugees, migrants, and those fleeing terror. If deportations in the US intensify as planned, and Canada maintains its “#Welcome” stance, the would-be deportees may be eyeing the northern border’s vulnerabilities rather than risk deportation to their home countries.

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<sup>13</sup> Trudeau, Justin. Twitter Post. January 28, 2017, 12:20pm EST, <https://twitter.com/JustinTrudeau/status/825438460265762816>.

# BORDER BITES

## Freezing out Refugees

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Sixth Course

What has become increasingly obvious with the arrival of a new American administration is a more suspicious, aggressive attitude to incoming foreign nationals. The warmth of the Canada-US relationship, and Canada's many cultural and ethnic similarities to the US, have shielded the country from most of the nativist sentiment so far, but this may not continue indefinitely. In other words, the Canada-US border will almost assuredly retain its record for longest in the world, but its hold on the record for "unsecured border" may be more tenuous in the months and years to come. An American administration that bars entrants and builds border walls will likely have significant concerns with its current ratio of one border outpost for every 75km of unprotected border.



In the meantime, asylum seekers will continue to brave some of the world's coldest conditions to arrive at safe haven in Canada. Following his frostbite amputation, Seidu Mohammed said to Canadian journalists, "The journey was worth it. I'm happy I'm here."