

Volume 2



Metropolis eBook

Beyond 2020: Renewing Canada's Commitment to immigration

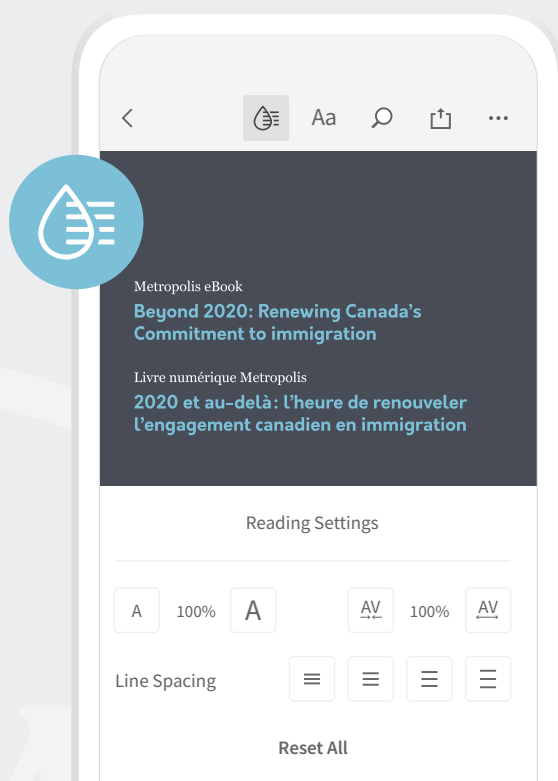
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2020 et au-delà: l'heure de renouveler l'engagement canadien en immigration

*Selected presentations from
the 22nd Metropolis Canada Conference*

*Une sélection de présentations
du 22^e Congrès Metropolis Canada*





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Introduction

The Role of Media and Policy Perspectives

DR. MIRIAM TAYLOR is the Director of Partnerships and Publications at the Association for Canadian Studies and the Metropolis Institute. She is Managing Editor of Canadian Issues and Canadian Diversity.

The annual Metropolis Canada Conference, the country's largest immigration forum, brings together immigrant service providers, academics, as well as representatives from governmental and non-governmental organizations and the private sector. Creating an opportunity for deliberation on some of the most pressing issues of the day, Metropolis has a longstanding tradition of thoughtful productive conversations that play a vital role in the development of future policies. Metropolis Canada was in its 22nd edition when the onset of the COVID-19 pandemic forced a last-minute postponement of the March 2020 conference. Entitled, *Beyond 2020: Renewing Canada's Commitment to Immigration*, the conference aimed to examine some of the country's key immigration-related opportunities and challenges. Reviewing and renewing how Canada attracts, settles and integrates newcomers is an ongoing process, particularly in the context of the need for inclusion, diversity, human rights and a commitment to reconciliation in our society.

The 2020 edition of the conference promised to be bigger than ever, with more than 1,000 participants registered and over 100 workshops and roundtables scheduled. Along with the plenaries, these breakout sessions are one of the great attractions of the Metropolis format, allowing conference participants to form partnerships across sectors and exchange in smaller settings on cutting-edge research and innovative pilot projects, throughout the three-day event. A small selection of the scheduled presentations is being shared here in this two-volume E-book.

The articles in Volume I deal with the nuts and bolts of integration and settlement questions, drawing on the insights of research and practice in the field from a number of forward-looking studies and pilot projects. Volume II looks at the role of media and digital technologies and takes a broader national and international policy perspective.

Volume II is divided into three sections:

- 1_ The Role of Media & Digital Technologies
- 2_ Migration Challenges: Evolving policies in Canada
- 3_ Refugee Crises: International responses

Section (1) touches on the Role of Media & Digital Technologies. Basing herself on field research in the Middle East, the UK, and Canada, Amira Halperin argues that our increasing reliance on communication technology should be leveraged to help alleviate the global refugee crisis. She outlines how the use of technology-assisted solutions can provide life-saving assistance to refugees at all stages of the migration process – a fact that becomes all the more pertinent in the context of the COVID-19 pandemic.

The next two articles in this section consider the media coverage of the Indochinese refugee crisis in the twenty years between 1975 and 1995. First, Hannah Klos looks at the Canadian scene and analyzes the *Globe and Mail's* coverage of the Indochinese refugee movement, showing the shifts in both the newspaper's reporting and public opinion throughout the 20-year period. The United States is then the focus of Sophie Sickert's article. She looks specifically at the approach taken by *The New York Times*, analyzing its news coverage through the period and shedding light on the strategies used to reinforce and/or challenge political interpretations of the refugee crisis.

In (2) Migration Challenges: Evolving policies in Canada, Mike Molloy looks at the Indochinese refugee crisis from a Canadian policy perspective, examining the fluctuating balance between pragmatism and principle, involving a shift over the period in the way people in need of resettlement were identified. Ultimately, responding to changing circumstances and against evolving policy frameworks, Canada resettled approximately 144,000 refugees between 1975 and 1997.

Lindsay Larios challenges the dominant narrative in debates on birthright citizenship (*jus soli* citizenship) in Canada – one which assumes that non-resident pregnant women entering the country are motivated primarily by securing residency. Larios makes the case for alternative narratives which view an increase in uninsured non-resident births as a crisis of migrant and reproductive justice rather than as a threat best responded to through greater restrictions.

The third article in this section is the fruit of a collaboration between two government departments, Immigration Refugees and Citizenship Canada and Statistics Canada, seeking innovative ways of understanding the Canadian immigration context. The article highlights the importance of sophisticated methodological and analytical tools in measuring immigration trends and ultimately in the framing of policy. In a world where International migration has become increasingly fluid and is less often a one-time permanent movement from a source country to a destination country, Hanqing Qiu, Feng Hou & Eden Crossman explain the importance of improving our means of assessing migration patterns. The authors demonstrate how the mining of auxiliary data sources contributes to increasing the accuracy of identifying the number of immigrants living and remaining in Canada over time.

In section (3), Refugee Crises: International responses, the Indochinese humanitarian crisis is examined from the international perspective. Dr. Phi-Vân Nguyen analyzes interpretations of the humanitarian crisis by various national governments and international bodies. She demonstrates the influence of political considerations in the international approach to the issue, with even the UNHCR remaining initially cautious before finally recognizing those fleeing Indochina as legitimate refugees.

In the final article, Ishrat Zakia Sultana provides an historical overview of the Rohingya crisis. Drawing on findings from two refugee camps in Bangladesh, she tells the story of how religious prejudice, bigotry and persecution, a consistent denial of Rohingya's existence, and the Myanmar government's exclusionary Citizenship Act, have turned the Rohingya ethnic community in Myanmar into stateless Rohingya refugees.

Introduction

Le rôle des médias et les orientations politiques

LA DRE MIRIAM TAYLOR est la directrice des partenariats et des publications de l'Association d'études canadiennes et de l'Institut Metropolis. Elle est rédactrice en chef de *Thèmes canadiens* et de *Diversité canadienne*.

Le congrès annuel de Metropolis Canada, le plus grand forum consacré à l’immigration au pays, réunit des fournisseurs de services, des universitaires, ainsi que des représentants d’organisations gouvernementales et non gouvernementales et du secteur privé. Créant une opportunité de délibération sur certaines des questions les plus urgentes du jour, Metropolis a une longue tradition de conversations productives et réfléchies qui jouent un rôle vital dans le développement des politiques de demain. Metropolis Canada en était à sa 22^e édition lorsque le déclenchement de la pandémie COVID-19 a nécessité un report de dernière minute du congrès de mars 2020. Intitulé *Au-delà de 2020 : renouveler l’engagement du Canada en matière d’immigration*, le congrès visait à examiner certaines des principales opportunités et certains des principaux défis du pays en matière d’immigration. L’examen et le renouvellement de la manière dont le Canada attire, installe et intègre les nouveaux arrivants est un processus continu, tout particulièrement dans ce contexte où l’on a besoin d’inclusion, de diversité, de droits de l’homme et d’un engagement à la réconciliation dans notre société.

L’édition 2020 du congrès promettait d’être plus importante que jamais, avec plus de 1 000 participants inscrits et plus de 100 ateliers et tables rondes prévus. Avec les séances plénières, ces séances en petits groupes sont l’un des grands attraits du modèle Metropolis, car elles permettent aux participants au congrès de former des partenariats intersectoriels et d’échanger dans des cercles restreints sur des recherches de pointe et des projets pilotes innovants, tout au long des trois jours de l’événement. Une sélection des présentations prévues est proposée dans ce livre numérique en deux volumes.

Les articles du premier volume traitent des rouages de l’intégration et de l’établissement, en s’appuyant sur de nouvelles connaissances issues de la recherche et de la pratique, tirées d’un certain nombre d’études avant-gardistes et de projets pilotes. Le volume II se penche sur le rôle des médias et des technologies numériques et adopte une perspective politique nationale et internationale plus large.

Le volume II est divisé en trois sections :

- 1_ Le rôle des médias et des technologies numériques
- 2_ Défis migratoires : évolution des politiques au Canada
- 3_ Crises de réfugiés : interventions internationales

La section (1) aborde le rôle des médias et des technologies numériques. S'appuyant sur des recherches de terrain au Moyen-Orient, au Royaume-Uni et au Canada, Amira Halperin soutient que notre dépendance croissante à l'égard des technologies de communication devrait être mise à profit pour aider à atténuer la crise mondiale des réfugiés. Elle explique comment l'utilisation de solutions assistées par la technologie peut apporter une aide vitale aux réfugiés à tous les stades du processus de migration – un fait qui devient d'autant plus pertinent dans le contexte de la pandémie COVID-19.

Les deux articles suivants examinent la couverture médiatique de la crise des réfugiés indochinois au cours des vingt années entre 1975 et 1995. Tout d'abord, Hannah Klos se penche sur la scène canadienne et analyse la couverture du mouvement des réfugiés indochinois par le *Globe and Mail*, en montrant les changements dans les reportages du journal et dans l'opinion publique tout au long de cette période de vingt ans. Les États-Unis sont ensuite au centre de l'article de Sophie Sickert. Elle s'intéresse plus particulièrement à l'approche adoptée par le *New York Times*, en analysant sa couverture de l'actualité tout au long de la période et en mettant en lumière les stratégies utilisées pour renforcer et/ou remettre en cause les interprétations politiques de la crise des réfugiés.

Dans (2), les défis de la migration : évolution des politiques au Canada, Mike Molloy examine la crise des réfugiés indochinois du point de vue de la politique canadienne, en examinant l'équilibre fluctuant entre pragmatisme et principe, impliquant un basculement au cours de la période dans la manière dont les personnes ayant besoin d'être réinstallées ont été identifiées.

En fin de compte, en réponse à l'évolution des circonstances et des cadres politiques, le Canada a réinstallé environ 144 000 réfugiés entre 1975 et 1997.

Lindsay Larios remet en question le discours dominant dans les débats sur la citoyenneté du droit de naissance (citoyenneté *jus soli*) au Canada – qui suppose que les femmes enceintes non-résidentes qui entrent au pays sont motivées avant tout par l'obtention d'une résidence permanente. Larios plaide en faveur d'autres récits qui considèrent l'augmentation des naissances de non-résidents non assurés comme une crise de la justice en matière de migration et de reproduction plutôt que comme une menace à laquelle il est préférable de répondre par des restrictions plus importantes.

Le troisième article de cette section est le fruit d'une collaboration entre deux ministères, Immigration, réfugiés et Citoyenneté Canada et Statistique Canada, qui cherchent des moyens novateurs de comprendre le contexte de l'immigration canadienne. L'article souligne l'importance d'outils méthodologiques et analytiques sophistiqués pour mesurer les tendances de l'immigration et, en fin de compte, pour élaborer des politiques. Dans un monde où la migration internationale est devenue de plus en plus fluide et est moins souvent un mouvement permanent et ponctuel d'un pays d'origine vers un pays de destination, Hanqing Qiu, Feng Hou & Eden Crossman expliquent l'importance d'améliorer nos moyens d'évaluation des tendances migratoires. Les auteurs montrent comment le recours à des sources de données auxiliaires contribue à accroître la précision de l'identification du nombre d'immigrants vivant et restant au Canada au fil du temps.

Dans la section (3), crises des réfugiés : interventions internationales, la crise humanitaire indochinoise est examinée dans une optique internationale. La Dre Phi-Vân Nguyen analyse les lectures de la crise humanitaire par divers gouvernements nationaux et organismes internationaux. Elle démontre l'influence des considérations politiques dans l'approche internationale de la question, même le UNHCR restant dans un premier temps prudent avant de reconnaître finalement les personnes fuyant l'Indochine comme des réfugiés légitimes.

Dans le dernier article, Ishrat Zakia Sultana donne un aperçu historique de la crise des Rohingyas. S'appuyant sur les conclusions de deux camps de réfugiés au Bangladesh, elle raconte comment les préjugés religieux, le sectarisme et la persécution, la négation constante de l'existence des Rohingyas et la loi d'exclusion sur la citoyenneté du gouvernement du Myanmar ont transformé la communauté ethnique rohingya du Myanmar en réfugiés rohingyas apatrides.

Section 1

The Role of Media & Digital Technologies

Le rôle des médias et des technologies numériques

How Media Technologies Help Refugees Cope with Global Crises

The Case Study of the COVID-19 Pandemic

AMIRA HALPERIN is Deputy Director of Institute for Mobile Studies, The University of Nottingham Ningbo China (UNNC).

Dr. Halperin is an expert of mobile studies and immigration. She has been researching the use of media, with focus on mobile phones, by refugees and asylum seekers for the last 15 years, working from a community base and using participatory methodology and an interdisciplinary approach. She has conducted her research in the Middle East, UK, and Canada. Her future research projects will explore mobile phones and immigration in East Asia.

Dr. Halperin has worked as an investigative journalist and television reporter. The highlight was her work on BBC 'Panorama' – the longest running current affairs program – researching the integration of the Muslim community in Britain.

Dr. Halperin presents her research at academic conferences, international organizations, and governments. She appears regularly on the media as a commentator. She has participated in consultations to the British Parliament on migrant communities in the United Kingdom.

Abstract

The post-COVID-19 world will be increasingly reliant on communication technology, including the technology needed to help refugees. The use of technology and social media applications is critical for refugees at all stages of the migration process. This includes pre- and post-migratory settlement (Alencar, 2018, Leung, L, Lamb, C. F., and Emrvs, L., 2010). Little is known about how refugees make use of media or how this might have been impacted by COVID-19. Facebook information on the pandemic in local languages might spell the difference between life and death for refugees who don't watch the news and can't understand English. This article provides an insight into the global refugee crisis in the last decade and suggests media and technology-assisted solutions. I have conducted my research between 2006 and 2020, in the Middle East, UK, and Canada. This article focuses on my current research project on the impact of digital technologies on refugees during COVID-19. It is an important account, based on field research, and suggests solutions to the urgent problems of refugees.

Résumé

Le monde post-COVID-19 sera de plus en plus dépendant des technologies de communication, y compris celles nécessaires pour aider les réfugiés. L'utilisation de la technologie et des applications des médias sociaux est essentielle pour les réfugiés à toutes les étapes du processus de migration. Cela inclut l'établissement pré et post migratoire (Alencar, 2018, Leung, L, Lamb, C. F., et Emrvs, L., 2010). On sait peu de choses sur la manière dont les réfugiés utilisent les médias ou sur l'impact que la COVID-19 a pu avoir sur cela. Les informations sur Facebook concernant la pandémie dans les langues locales pourraient faire la différence entre la vie et la mort pour les réfugiés qui n'écoutent pas les nouvelles et ne comprennent pas l'anglais. Cet article donne un aperçu de la crise mondiale des réfugiés au cours de la dernière décennie et propose des solutions axées sur les médias et la technologie. J'ai mené mes recherches entre 2006 et 2020, au Moyen-Orient, au Royaume-Uni et au Canada. Cet article porte sur mon projet de recherche actuel sur l'impact des technologies numériques sur les réfugiés pendant la COVID-19. Il s'agit d'un compte-rendu important, basé sur des recherches de terrain, qui propose des solutions aux problèmes urgents des réfugiés.

Introduction

The use of technology and social media applications is critical for refugees at all stages of the migration process. This includes pre- and post-migratory settlement (Alencar, 2018, Leung, L, Lamb, C. F., and Emrvs, L., 2010). Technology is key to refugee access to financial resources at both ends (Frey and Gatzweiler 2018). Indeed, mobile phone and Internet access are as critical to refugee safety and security as food, shelter, and water (UNHCR, 2016). Technology enables agencies to share information, communicate, and track results more effectively, thereby helping refugees (UNHCR, 2016). Yet it is also the case that during the pandemic migrants have become even more vulnerable. Structural inadequacies, lack of safety nets, cultural clashes, and lack of access to health care, have all contributed to refugee suffering during COVID-19 (Corley, 2020).

The integration of refugees in North America through ICTs has been under studied.

“Better Research is needed to achieve a more complete understanding of how technology affects the refugee system and how to enhance the benefits and mitigate the risks.” (Kent, 2019)

While the migration and media studies literatures have focused on media representation of migrants (Leurs and Smets, 2018; Smets and Bozdag, 2018) and on Europe and digital mediation within the recent so-called European refugee crisis (Leurs and Smets, 2018), little is known about how refugees make use of media or how this might have been impacted by COVID-19.

Refugee camps have been the source of many challenges related to public health and human rights, even prior to COVID-19, as many lack adequate resources. A major problem is overcrowding, because this makes social distancing and protection from the virus virtually impossible (Corley, 2020).

A variety of technological solutions, which provide refugees with continuity of essential services, updated information, and most importantly, instructions on how to protect themselves from COVID-19, have been advanced by technological companies. For example, in two refugee camps, the innovative blockchain cash-disbursement system, which can be managed remotely, promises the continuity of cash for work (UN Women, 2020). Settlement and aid organizations, and governments, however, face many challenges as they use technology for migration management.

During COVID-19, the in-person services that refugees may have received from settlement and aid organizations have also come to a halt. Settlement agencies in Canada have been struggling with the transition to online services. Major challenges in this regard include low digital literacy rates among refugees, refugees who have no or limited Internet connectivity, refugees that do not have smart phones, and refugees that need access to translators in multiple languages (Bramham, 2020).

Governments have been criticized for potential human rights abuses related to the use of surveillance tools (Molnar, 2020). In April 2020, Google and Apple announced a joint effort to enable the use of Bluetooth technology to help governments and health agencies reduce the spread level of the virus, with user privacy and security central to the design (Newsroom, 2020). This solution should be observed critically. Sirkeci, for example, argues that the use of both Bluetooth and GPS increases the risk of invasion of privacy as well as breaching confidentiality rules in every realm of peoples' lives (Sirkeci, 2020).

The Time Frame of the Research

I have conducted my research on forced migration and digital technologies, between 2006 and 2020, in the Middle East, the UK, and Canada. Between 2005 and 2015, the number of migrants living in the Middle East more than doubled, from about 25 million to around 54 million (Pew Research Center, 2016).

In 2018, nearly half (47%) of the world's resettled refugees were from Middle Eastern countries (Pew Research Center, 2019). Canada has one of the highest rates of migration intensity in the world, leading it in refugee resettlement (Pew Research Center, 2019).

During the time frame of the research period, five major events that occurred in the global arena substantially impacted forced migration in the Middle East and hosting countries: The Arab Spring, The Syrian Conflict, The refugee crisis in Europe, the UK "Brexit" Referendum, and the COVID-19 pandemic.

These events have also transformed traditional media usage practices in the Middle East, revolutionized the ways refugees have been communicating, navigating their ways, consuming news, sharing stories, getting help while in transit, and receiving settlement services in the host countries.

In 2010, anti-government, pro-democracy uprisings, which have become known as, "The Arab Spring," erupted in the Middle East. The protests began in Tunisia and spread to many other areas of the Middle East. Millions of people were forced to flee their homes against the backdrop of the Arab Spring (UNHCR, 2012).

The Arab Spring marked a milestone in the emergence of new forms of journalism. One of the most interesting aspects was the use of social media and digital technologies to both coordinate actions by protesters and report on events (Bossio and Bebawi, 2014).

Following the Arab Spring, in 2011, a civil uprising erupted in Syria, leading to an unprecedented number of refugees and internally displaced persons. The effect of the conflict on forced displacement continues to raise concern, as the ongoing war in Syria entered its tenth year (António Guterres, United Nations Secretary General Twitter, 2020).

Mohammad, a refugee who fled from Syria and resettled in Canada, highlighted the dramatic change resulted in media and technology usage: “In 2011, people started to understand the power of social media, our government used war against us, and social media was used to find safety, to survive, sharing information about soldiers attacking in Damascus, would warn the people in Aleppo” (Mohammed Alsaleh, Vancouver, British Columbia, November 2018).

Five years after the outbreak of the Arab Spring, hundreds of thousands of people, many of them children, have been killed during armed conflicts that continue to rage in Syria, Libya, and Yemen. The Syrian conflict has created the largest refugee crisis of the 21st century (Amnesty International, 2020).

In 2015, a record 1.3 million migrants applied for asylum in Europe. About half have come from the Middle East-North Africa region, including large numbers of Syrians and Iraqis displaced by conflict (Pew Research Center, 2016).

The role of media and technology during this turbulent time has come to the forefront.

“In making their way to safe spaces, refugees rely increasingly on the digital infrastructure of the movement. At the same time, digital infrastructure for movement can just as easily be leveraged for surveillance and control. European border policies, in particular, instantiate digital controls over refugee movement and identity.” (Latonero and Kift, 2018)

The large number of refugees who have entered Europe has led to a struggle with the question of how many, and which, migrants will receive asylum (d’Haenens and Joris, 2019), creating division between European Union countries and other European countries.

This debate had been reflected in the media. Several studies have revealed an increase in negative attitudes toward refugees in EU countries (e.g., De Coninck, Matthijs, Debrael, Joris, De Cock, & d’Haenens, 2018). An analysis of Twitter discussions about Aylan Kurdi, a child refugee who tried to reach Europe, with his family, has proved that solidarity is associated with communicating about the unjust harm experienced by vulnerable others (Smith, McGarty and Thomas, 2018).

Since 2014, more than a million migrants and refugees fled the Middle East to Europe, creating the biggest refugee crisis since World War II as countries struggled to cope with the influx, and creating division in the EU over how best to deal with resettling people (BBC News, 2016). In 2020, the UK withdrew from the European Union, following a UK referendum in 2016. The migration issue has dominated the political and media discourse in the UK, with the focal point in the referendum (Brexit). Migration will remain central to the politics of the continent, raising fundamental questions about European societies (Leurs and Smets, 2018).

Media and so-called fake news played a central role in the process of the UK withdrawal from the EU. Immigration, and specifically EU immigration, has emerged as a key factor in the decisions of many people to vote for the UK to leave the European Union. But the significant increase in the profile of EU migration within recent UK media coverage predates the EU referendum debate and shows that the media was already playing an important role in discussions of the EU and migration in the years leading up to 2016 (The Migration Observatory, 2016). In the case of the UK Referendum, the main influences of fake news were found to be enhanced by extensive use of bot networks. Political groups that strategically generated the most activity on a range of political issues tended to have the most impact.

COVID-19, Digital Technology and Forced Migration

The post-COVID-19 world will be increasingly reliant on communication technology, including the technology needed to help refugees. Immigrants have always experienced social distancing, as they had to stay away from their country, family, and familiar environment (Dorfman, 2020).

The use of technology and social media applications is critical for refugees at all stages of the migration process. This includes pre- and post-migratory settlement (Alencar, 2018, Leung, L, Lamb, C. F., and Emrvs, L., 2010). The refugees have a greater preference for social media platforms over other Internet applications. They have used Facebook, YouTube, LinkedIn, Twitter, Instagram, WhatsApp, Viber, and Google (Alencar, 2018).

Technology is key to refugee access to financial resources across the spectrum (Frey and Gatzweiler 2018). Indeed, mobile phone and Internet access are as critical to refugee safety and security as food, shelter, and water (UNHCR, 2016). Technology enables agencies to share information, communicate, and track results more effectively, thereby helping refugees (UNHCR, 2016). Yet it is also the case that during the pandemic migrants have become even more vulnerable. Structural inadequacies, lack of safety nets, cultural clashes, and lack of access to health care, have all contributed to refugee suffering during COVID-19 (Corley, 2020).

Refugee camps have been the source of many challenges related to public health and human rights, even prior to COVID-19, as many lack adequate resources. A major problem is overcrowding because this makes social distancing and protection from the virus impossible (Corley, 2020). A variety of technological solutions that enable refugees the continuity of essential services, and updated information, most importantly, instructions on how to protect from COVID-19, have been presented by technological companies. For example, in two refugee camps, the innovative blockchain cash-disbursement system, which can be managed remotely, promises the continuity of cash for work (UN Women, 2020). However, settlement and aid organizations and governments face many challenges as they use technology for the management of migration.

During COVID-19, the in-person services refugees may have received from settlement and aid organizations have also come to a halt. Settlement agencies in Canada have been struggling with the transition to online services. Major challenges in this regard include low digital literacy rates among refugees, refugees who have no or limited Internet connectivity, refugees that do not have smartphones, and refugees that need access to translators in multiple languages (Bramham, 2020).

Immigrants Services Society of BC, located in Vancouver, Canada, conducted needs assessment of refugees during COVID-19. The participants are Government Assisted Refugees who arrived in Canada between January 2019 – March 2020. The country of origin of the majority of the refugees is Syria.

“While information about COVID-19 was the most frequently cited need, respondents demonstrated a high level of information about COVID-19. In many cases, the desire was for more information, particularly regarding when things may return to normal, as well as what supports are available”.

The temporary suspension of office-based services owing to COVID-19 has made access to technology more important than ever. Although 93% of respondents have access to a cell phone with data and 97% have Internet, only 37% have a computer at home. The lack of computer access is concerning given remote service delivery in education and settlement services.

Governments have been criticized for potential human rights abuses related to the use of surveillance tools (Molnar, 2020). In April 2020, Google and Apple announced a joint effort to enable the use of Bluetooth technology to help governments and health agencies reduce the spread of the virus, with user privacy and security central to the design (Newsroom, 2020). This solution should be observed critically. Sirkeci, for example, argues that the use of both Bluetooth and GPS increases the risk of invasion of privacy as well as breaching confidentiality rules in every realm of peoples’ lives (Sirkeci, 2020).

Governments and NGOs increasingly initiate policies and strategies that engage technology to foster integration. “Government management of migration relies heavily on technology, both in keeping people out and in processing migrants after they arrive. Some of these technologies raise concerns about migrants’ rights, but others may prove to have more positive applications” (Gelb and Krishnan, 2018).

Alongside the advantages of media and technology, it poses risks to refugees, most commonly digital interference; misinformation and fake news about refugees that might affect public opinion and lead to anti-immigrant sentiment and xenophobia as well as, digital surveillance (Dekker, Engbersen, Klaver, and Vonk, 2018). This issue became dominant on the political agenda during the COVID-19 crisis when using data sources to predict movements of migrants has raised concerns about human rights violations (Black, 2020).

To conclude this point, digital technologies can be used to undermine democracy (Tenove et al. 2018), and lead to political instability (i.e., the “Brexit”). Social media websites can be used to spread hate speech online which can turn to real-life violence. Smartphones are an essential tool but also a threat for refugees, because the digital traces that they leave behind make refugees vulnerable to surveillance by state and non-state actors, and intimidation by extremist groups (Gillespie et al., 2016).

Media and technology limitations create gaps between refugees, in usage, in mobile phones, and in social media. Many refugees don’t have the technical knowledge and they don’t speak English. Refugees who utilize social media for campaigns would benefit from the use of ICT’s, which can lead to individual and collective empowerment and autonomy. But refugees who don’t use social media to approach global audience, will not receive the same level of impact, assistance, and public support.

In May 2020, the United Nations pointed out a rise in instances of hate speech, stigma, discrimination, and xenophobia, as a result of COVID-19. United Nations Secretary-General António Guterres declared:

“We must act now to strengthen the immunity of our societies against the virus of hate.” –United Nations, 2020

Refugees, immigrants, and people on the move have long been linked with bringing disease and illness underscore growing xenophobia and racism (Molnar, 2020). A new study found that international migrants are less likely than people in their host countries to die of heart disease, cancer, respiratory diseases, and other illnesses. The exceptions are hepatitis, tuberculosis, and HIV. The study also found these infections are generally only spread within the affected immigrant communities and not to the wider population (Fox, 2018).

“The stigmatization of migrants and instances of discrimination against them has been exacerbated by misinformation and fake news in the media, especially social media, and the politicization of the issue. The pandemic has been exploited by anti-migrant, far right, and hate groups, with conspiracy theories circulating on the origin of the virus. While some have been claiming that COVID-19 is a bioweapon or is linked to 5G connectivity, others have pointed to migration and migrants as the cause of the COVID-19 outbreak. The stigmatization of migrants is symptomatic of the overload of information on social media over which there is little control and which is exploited for political and other interests” (IOM, 2020).

Solutions

This article has shown the multiple layers of social media and technology usage by migrants, and the challenges they face. Drawing on the interviews conducted for this research, I would like to discuss possible solutions that might assist policymakers, migrant-service organizations, and journalists:

- **Partnerships** between stakeholders in migration governance are key for refugees and host communities, and among governments, civil society, and the private sector. In particular, to build strong, multifaceted partnerships with the technology and telecommunications sectors to ensure that refugees can benefit from the digital revolution.

- **A Paradigm Shift in thinking about Migration:** Long-term political solutions based on scientific rigorous research
- **Design a migration media strategy:** The media is a powerful tool. Governments and UNHCR should design a migration media strategy to approach global audiences. The Canadian Government’s strategic plan for 2018–2022, talks about simplified border services and faster immigration processing: making digital services secure and easy to use, modernized IT infrastructure. But, the plan doesn’t address, for example, the issue of using the media to promote campaigns for refugees.
- **Bypass economic constraints:** Journalists’ role as gatekeepers is more crucial than ever. Mainstream media coverage of migration is driven by economic considerations: if positive stories brought more readers/viewers than positive stories would dominate coverage and the opposite. There should be more media initiatives to promote in-depth coverage of migration background and refugees’ personal stories.
- **Journalists’ training:** With problems of access to the front line, and lack of training, in many cases, journalists fail to provide accurate and reliable coverage of migration. For example, untrained reporters are failing to pick up the relevance of differences between the terms “migrants,” “asylum seekers” and “refugees.” Another result of unprepared journalists is that the media have often reduced refugees to an image where they are either a (male) threat or a group of victims (UNESCO, 2020). Having said that, there are inspiring examples of journalists succeeding to improve the flow of useful and reliable information about the migration and refugee crisis (White and Singleton, 2017).

- **Refugees Portrayals in the media:** The issue of refugees’ portrayals in the media has been discussed extensively in the literature, by stakeholders and by the refugees themselves. The portrayals should represent the reality. But analyzing this issue alone is not sufficient. There should also be a discussion on the hosting country portrayals in international media. Is the issue of accepting a culture that is different than the dominant culture, has been addressed properly in the media?
- **Inclusion:** I stress that the refugees should build a new life, and live within native-born communities, along with preserving their identity. The increasing role of technology mediation in global societies, during COVID-19, is an opportunity to fight discrimination against refugees, as billions of people are going online to connect. Health care professionals and essential workers from refugee backgrounds would have a prominent role in refugees’ campaigns. They would address the problems of racism, as well as, raise awareness of the potential support of refugees who are health care workers by training. Fighting discrimination against refugees during COVID-19 is the key to safer and healthier societies, in which refugees could contribute equally to the host countries.

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Canada's Role in the Refugee Crisis

Debates on Indochinese Refugees in *The Globe and Mail*, 1975–1995

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Abstract

In 1978, the world was facing a humanitarian crisis when refugees began fleeing Vietnam, Laos and Cambodia. The question of who would help these people was a big concern for the UN. In July 1979, the UN decided that all people escaping the area would automatically be considered refugees and be eligible for resettlement in countries such as Canada.

This paper analyzes how *The Globe and Mail* reported on the Indochinese refugee movement between 1975 and 1995 by targeting specific keywords (refugee, boat people and migrant) and then analyzing the articles, letters to the editor, editorials and advertisements published in the newspaper. In doing so, we are able to see how the newspaper's reporting tactic and the public's opinion shifted throughout the 20-year period. *The Globe and Mail* provided its readers with a forum to debate the topic of the arrival of Indochinese refugees. This analysis gives a special peek into the opinions of Canadians regarding the arrival of the boat people at the time.

Résumé

En 1978, le monde était confronté à une crise humanitaire lorsque des réfugiés ont commencé à fuir le Vietnam, le Laos et le Cambodge. La question de savoir qui allait aider ces personnes était une grande préoccupation pour les Nations unies. En juillet 1979, l'ONU a décidé que toutes les personnes qui s'enfuyaient de la région seraient automatiquement considérées comme des réfugiés et pourraient être réinstallées dans des pays comme le Canada.

Cet article analyse la façon dont le *Globe and Mail* a fait état du mouvement de réfugiés indochinois entre 1975 et 1995 en ciblant des mots clés spécifiques (réfugié, « boat people » et migrant), puis en analysant les articles, les lettres à la rédaction, les éditoriaux et les annonces publiés dans le journal. Ce faisant, nous sommes en mesure de voir comment la tactique de reportage du journal et l'opinion du public ont évolué au cours de cette période de 20 ans. Le *Globe and Mail* a fourni à ses lecteurs un forum pour débattre du sujet de l'arrivée des réfugiés indochinois. Cette analyse donne un aperçu particulier des opinions des Canadiens concernant l'arrivée des réfugiés de la mer à l'époque.

Canada never had any particular connection to Vietnam. Unlike the United States, it had never fought in this country. However, when hundreds of thousands of refugees fled Vietnam after 1975, Canada established two categories of immigration to welcome these refugees¹. This was a major change in policy, one that the Canadian press covered in detail.

Several studies have looked at the media coverage of Canadian newspapers in general.² Others have analyzed the impact of specific events, such as the Hai Hong or the public opinion in Quebec during the massive arrival of Indochinese refugees. However, there is no specific study that helps us understand how these newspapers reported on the Southeast Asian refugee crisis, or how this journalistic coverage changed over time. What do editorial choices tell us and what other issues came up with the question of refugee protection?

The first part of our research analyzed the rate at which articles were published and the use of certain keywords (refugee, boat people or migrant) to report the crisis between 1975 and 1995.³ In comparison with *The New York Times*, *The Globe and Mail*, a Canadian daily newspaper known for its reputable journalists,⁴ made a specific editorial choice. Unlike *The New York Times*, which published large numbers of editorials, *The Globe and Mail* published numerous letters to the editor, allowing it to become a discussion forum rather than the voice of a specific political vision. This chapter builds upon this initial analysis to study three debates that emerged with the Indochinese refugee crisis in Canadian society: the question of the welcoming of refugees, whether they were refugees or immigrants, and Canada's role in the global community.

1 Molloy, Michael. 2020. "How Canada Defined Indochinese Refugees: Principle and Pragmatism"

2 Duarte, Filipe. 2019. "Background Paper on the Archival Media Research: *Toronto Star* and *The Globe and Mail* (1975–1985)." Greenberg, Joshua. 2000. "Opinion Discourse and Canadian Newspapers: The Case of the Chinese Boat People." *Canadian Journal of Communication* 25:517 – 537. Marcus, Dara. 2013. "The Hai Hong Incident: One Boat's Effect on Canada's Policy Towards Indochinese Refugees." Pagé, Geneviève. 2015. "How Many Is Too Many? the Canadian and Quebec public debate on the massive arrival of Indo-Chinese refugees, June to December 1979". Masters, University of Quebec.

3 Klos, Hannah and Sickert, Sophie. Forthcoming. "Changing Perceptions", boatpeoplehistory.com.

4 Doyle, Richard J., and Jessica Potter, and Sasha Yusufali, [Globe and Mail](#). In *The Canadian Encyclopedia*. Historica Canada. Article published July 02, 2009; Last Edited April 10, 2017.

We also observed that the coverage of *The Globe and Mail* was structured around three periods. The first period, between 1975 and 1978, was marked by debates over Canada's duty to accept Indochinese refugees. During the second, between 1978 and 1988, the number of refugees admitted created major controversy, polarizing the Canadian population. In the third period, up to 1995, a rapid decline in interest in Southeast Asian refugees was observed.

1975–1978: Canada and Communism's Refugees

In 1975 *The Globe and Mail* published 127 front-page articles about Vietnam. The news, at first, focused mainly on the advance of the Communists towards Saigon and their takeover of the country. During the fall of Saigon, the United States welcomed many refugees and asked that Canada accept them too. Ottawa accepted 3,000 Vietnamese refugees.⁵

In 1975, the press did not use the term “boat people” to refer to Vietnamese refugees yet. This term was first used in 1976 to describe the first Indochinese refugees who escaped the region by boat. In an article published on May 2,⁶ *The Globe and Mail* took a factual tone to speak of the arrival of Vietnamese refugees. The article concludes, however:

“[w]e will have to take our fair share of people who might not be able to make their own way,” [...] “That is what a refugee movement is all about.”

Despite the distance between the two countries, Canada should help the refugees. In the following weeks, *The Globe and Mail* published other articles about the newcomers, underlining the fact that the majority of the refugees had relatives in Canada.⁷

5 Molloy, Michael. 2020. “How Canada Defined Indochinese Refugees: Principle and Pragmatism”

6 ‘Normal Immigration Rules Waived: Canada to Move Quickly’ on 3,000 Viet Refugees.” *The Globe and Mail* (1936–Current), May 02, 1975.

7 “95 Refugees Arrives Today in Toronto.” *The Globe and Mail* (1936–Current), May 09, 1975. JOHN PICTON, *The Globe and Mail* Correspondent. “100 More Vietnamese to Arrive Today in Toronto, Montreal.” *The Globe and Mail* (1936–Current), May 15, 1975.

Despite the few refugees accepted by Canada, many reacted to their arrival. Several letters to the editor and editorials revealed different opinions about this in society. The letters to the editor disapproved of the arrival of Vietnamese refugees. *The Globe and Mail's* decision to publish them shows that the journal did not want to muzzle these voices. Refugees should spark debate. Some Canadians felt that the responsibility for helping these newcomers should not fall on Canada. Jerry Spiegel of Hamilton, Ontario stated:

“(w) ithin hours of Vietnam’s liberation the Canadian government has volunteered to help our poor American neighbors by absorbing 3,000 Vietnamese refugees whose flight was stimulated and at root caused by US policy itself.”⁸

This letter took a sarcastic tone and shows that Spiegel considers that the refugee problem was created by the United States. Therefore, Canada should not accept 3,000 refugees. Spiegel insisted that Chilean refugees, persecuted since the overthrow of social democracy by Salvador Allende, had not received special treatment when immigrating to Canada. Therefore, the Vietnamese should not be privileged.⁹

On the other hand, some Canadians believed that the Vietnamese people deserved to be saved. This was the case for Christians and children. An editorial urged Canadians to take in Vietnamese and Cambodian orphans. The text called upon the good-hearted nature of Canadians.

8 “Royalty.” *The Globe and Mail* (1936–Current), May 12, 1975.

9 “Royalty.” *The Globe and Mail* (1936–Current), May 12, 1975.

“At best Canada can save only a few of the children of Vietnam and Cambodia who will otherwise die. Surely every effort must be made to do that little... Canadians will be able to live with themselves if they rescue as many children as confusion will allow.”¹⁰

These people deserved to be saved. In this quote, the word ‘rescue’ reinforces the idea that these people are victims.

In addition, an advertisement urged reasons to rescue Vietnamese Christians, affirming that they would be persecuted in a communist regime. The reason was simple. Christians had to remain united in the name of God.¹¹ The victims that Canada had to rescue were above all children, without parents or Christians, without churches.

In reality, Canada had not yet accepted many refugees, totalling 9,151 by the end of the period, but this prospect was already being debated.¹² Canadians were not unanimous on the issue and that *The Globe and Mail* had chosen to reflect this diversity of opinion rather than to take sides. Some wondered if the people leaving Vietnam were really victims, while others questioned Canada’s role in this humanitarian intervention.

1978–1988: Canada helps refugees

Between 1978 and the mid-1980s, the international community became increasingly aware of the seriousness of the humanitarian crisis in the Indochinese peninsula. After an international meeting organized by the UNHCR in December 1978 and another one by the UN, in July 1979, a temporary asylum system in South-East Asia and permanent resettlement system in third countries, allowed people leaving the peninsula to receive refugee status.

10 “The Ultimate Humanity.” *The Globe and Mail* (1936–Current), Apr 05, 1975.

11 “Display Ad 7 – no Title.” *The Globe and Mail* (1936–Current), May 08, 1975.

12 Molloy, Michael. 2020. “How Canada Defined Indochinese Refugees: Principle and Pragmatism”.

Canada had, in the meantime, created two new categories of immigration allowing refugees to come to Canada.¹³ This led to a considerable increase in the number of refugees arriving, from 3,000 in 1975, to 60,000 between 1979 and 1980. *The Globe and Mail* questioned the effectiveness of these UN meetings because it believed there should be a stronger focus on human needs than political issues to resolve the humanitarian crisis.¹⁴

During this period, newspapers mainly used the term boat people to refer to Indochinese refugees. *The Globe and Mail* recognized that the boat people were victims of persecution and had to be rescued. Between 1978 and 1980, the newspaper devoted twenty-nine front page articles to them. This news was therefore particularly important. Some articles explained the horrors experienced by the refugees and demonstrated how these survivors left Vietnam at the risk of their lives. For example, the lack of food and water on boats was mentioned. According to an article, refugees were considering suicide because life on overcrowded boats was unbearable.¹⁵ The dangers were such that an article headlined: *Girl survives on wreck, but 49 others die*.¹⁶ This was precisely why these people deserved protection.

An article considered that the Vietnamese government was guilty of causing this flood of refugees.¹⁷ The author explained that Vietnam's offer to allow the refugees to return to the country was hypocritical because such repatriation was subject to ridiculous conditions. *The Globe and Mail* was therefore critical of the communist government. Another article stated: *'the heart of the evil remains squarely in Hanoi'*.¹⁸

13 Molloy, Michael. 2020. "How Canada Defined Indochinese Refugees: Principle and Pragmatism"

14 "While the refugees wait." (Jul 19, 1979). *The Globe and Mail* (1936–Current).

15 Makin, Kirk. "Plight of 2,500 Vietnamese Aboard the Hai Hong: No Food or Water, some Tried to Burn the Ship" *The Globe and Mail* (1936–Current), Dec 14, 1978.

16 "Girl survives on wreck, but 49 others die" (1979, Mar 02). *The Globe and Mail* (1936–Current).

17 "Refugees" (1979, Jun 29). *The Globe and Mail* (1936–Current).

18 "While the refugees wait" (1979, Jul 19). *The Globe and Mail* (1936–Current).

The article went on to explain that attacking Vietnam did not truly help the refugees. The United Nations conference had been organized to ask the resettlement countries to increase their reception quotas. It declared that the boat people were victims of poverty and the chauvinism of their government. Based on these words *The Globe and Mail* sympathized with these victims.

Canadian public opinion wanted to help Indochinese refugees. Based on the letters to the editor published between 1978 and 1980, there was nevertheless a debate on the subject. Of the 108 letters to the editor written between these dates, 41 revolved around this debate. More than two thirds of them supported the arrival of the boat people. *The Globe and Mail's* choice to publish letters that presented both sides of the refugee debate suggest that the paper wanted to give an equal voice to both sides of the debate. The letters to the Editor section became a discussion forum on the Indochinese refugee issue. Their content shows us that this debate was not trying to establish the sources of persecution or the need to protect these people. They discussed first and foremost the impact of these arrivals on Canada.

Refugee protection began to concern more people, but immediately raised the question of shared responsibility within Canada: what should the role of the government be in welcoming refugees? What should be that of the provinces or individuals? The private sponsorship programme that had been created to respond to the Indochinese refugee crisis was a way for Canadians to show their support to these victims.

The government used the success of private sponsorship as a way of reducing the state's responsibility towards refugees. *The Globe and Mail* was critical of the government's position in the article '*Ottawa won't sponsor more Refugees*'.¹⁹ It explains that the government was no longer going to finance the reception of a refugee for each person sponsored after 1979 because the program was an unexpected success.

19 Staff. (1979, Dec 06). "Onus put on public groups: Ottawa won't sponsor more refugees." *The Globe and Mail* (1936–Current).

The article criticized this decision because it meant it deferred the responsibility of welcoming 50,000 boat people to the Canadian citizens. In the article '*While the Refugees wait*' individuals and some Canadian groups, especially churches, expressed their desire to help refugees to prove that human life is sacred and deserves to be saved.²⁰ The Government of Canada was supposed to match the number of refugees sponsored by Canadians up to 50,000. But in an article published in December 1979, it was announced that for 26,196 sponsored refugees only 12,000 refugees were received by the government of Canada.²¹

The National Citizens 'Coalition Case

An advertisement sponsored by *the National Citizens Coalition*²² in August 1979 stirred controversy. This time, it was not just an opinion published in the readers' letters. A group had purchased advertising space in *The Globe and Mail* to publicize their views on this issue. At the centre of this debate was the question of the responsibility Canadians had towards the boat people. According to the NCC, the government should not accept 50,000 Indochinese refugees because their arrival could harm Canadian culture.

About a month after the Canadian government's announcement it would welcome refugees, the NCC published an advertisement stating that the government should not have made a commitment without consulting the entire Canadian population. The first advertisement was published on August 23. The next day, the reaction made the front page of the daily: *Ad on Asian Refugee Policy Racist, Atkey Says* denounced the NCC's claims.²³ According to the Minister of Immigration Ronald Atkey, the claims made in the advertisement were illegitimate.

20 "While the refugees wait." (Jul 19, 1979). *The Globe and Mail* (1936–Current).

21 Staff. (1979, Dec 06). "Onus put on public groups: Ottawa won't sponsor more refugees." *The Globe and Mail* (1936–Current).

22 "Display Ad 53 - no Title" *The Globe and Mail* (1936–Current), Aug 23, 1979.

23 Jefferson, James. "Ad on Asian Refugee Policy Racist, Atkey Says." *The Globe and Mail* (1936–Current), Aug 24, 1979.

“Mr. Atkey said last night the advertisement was ‘aimed at destroying this selfless humanitarian effort,’ and accused the coalition of presenting distortions and inaccuracies as facts.”

Atkey rejected everything that the NCC had said, but more specifically the fact that the arrival of 50,000 Indochinese refugees would lead to the arrival of another 750,000 Southeast Asian immigrants. The coalition ambiguously responded in a letter to the editor.²⁴ The NCC claimed they wanted to start a real conversation about the admission of 50,000 Asian refugees and that it was necessary to give Canadians the chance to express themselves without risking being labelled as racists. A multitude of letters to the editor were published following the announcement.

Several readers of *The Globe and Mail* reacted to this advertisement. Doug Stewart of Toronto, Ontario called the NCC advertisement racist. He opposed the advertisement and urged Canadians to do the same. According to him, the only people who could agree with the ad would also be racist: *“Canadians who find a shift in our cultural pool disturbing.”*

He said the argument presented by the NCC was discriminatory because it excluded the possibility that another culture could have a positive impact on the country.²⁵ The next day, an Ottawa resident made a more moderate contribution. Mary Dawson explained that although she agreed with the idea that Canadians should know more about the refugees, the advertisement was still racist.

“...to say [the refugees] can’t come here because they are Asians and will “destroy or completely change” Canadian society is racist.’²⁶

24 “Letters to the Editor” *The Globe and Mail* (1936–2016), Sep 28, 1979.

25 Stewart, Doug. “Letter to the Editor 1 - no Title” *The Globe and Mail* (1936–Current), Aug 28, 1979.

26 Dawson, Mary. “Letter to the Editor 1 - no Title” *The Globe and Mail* (1936–Current), Aug 29, 1979.

Also, the statement that the arrival of refugees would trigger a chain migration was strongly criticized. A week after the ad was printed, two letters to the editor refuted this claim. *The Globe and Mail* published a first letter written by Senator John M. Godfroy. He ridiculed the idea of chain migration:

“[t] he statement that the 50,000 refugees will sponsor another 250,000 immigrants from Vietnam is ludicrous.”

September 29, a letter to the editor stated that the NCC’s arguments regarding cultural shifts that a massive immigration movement could bring about were baseless and that the projections offered were far-fetched.²⁷ It had become increasingly clear that readers of *The Globe and Mail* did not agree with the claims of the NCC.²⁸

The ad was published in several issues, and each time provoking a reaction from readers. A letter explained that the ad raised doubts about the need to protect victims. It could negatively affect the refugees. The NCC’s opinion did not really represent the views of Canadians.²⁹ A letter submitted by Peter Tsang, president of the Council of Chinese Canadians in Ontario, challenged the NCC to participate in a public debate to dispel the misinformation that had circulated in the ad. Tsang also insisted on the fact that Chinese-Canadians had contributed to Canadian society in many ways.³⁰

27 Anderson, Bob. “National Appeal may Stir the Blood but Not the Reason” *The Globe and Mail* (1936–Current), Sep 29, 1979.

28 “Ludicrous Claim about Refugees” *The Globe and Mail* (1936–Current), Aug 30, 1979.

29 Anderson, Bob. “National Appeal may Stir the Blood but Not the Reason” *The Globe and Mail* (1936–Current), Sep 29, 1979.

30 Tsang, Peter. “Chinese Statistics Refute Claims” *The Globe and Mail* (1936–Current), Oct 03, 1979.

In December, the *National Citizens Coalition* published a new advertisement showing an original communication strategy. It summarized the responses received during their original announcements. It treated these responses like any data collected for scientific purposes.³¹ This second advertisement proclaimed that 26.7% of Canadians wanted to accept zero refugees and that 63.6% believed that 25,000 or less would be acceptable. The ad also claimed that 43.6% of Canadians believed that private sponsorship should not be allowed. These responses made it seem like Canadians did not support the arrival of Indochinese refugees, which seems surprising when considering the letters to the editor published in *The Globe and Mail*. The NCC appeared to publish their statistics as if they were the results of a census of public opinion and not a collection of responses received from their first advertisement.

After this advertisement came out in December, two more letters to the editor appeared in *The Globe and Mail*. On December 8, Brant Fotheringham, a refugee relocation coordinator, asked readers if it was really possible that 63% of Canadians could be opposed to the protection of Indochinese refugees. Fotheringham believed in policies that valued human life and hoped that Canadians, who lived in a privileged country, would share this view.

In another letter, a member of the Thunder Bay Friends of Refugees stated that 50,000 refugees was too low a number and that Canada could have taken more. He wondered why it was necessary to stop welcoming people who needed help. He believed that even if the government could no longer afford to pay to resettle refugees, private sponsorship should be unlimited.

“There are still people here who want to help, and there are still people there who need that help. Why can’t we take in more?”³²

31 “Display Ad 32 - no Title” *The Globe and Mail* (1936–Current), Dec 06, 1979.

32 “Letter to the Editor 1 - no Title” *The Globe and Mail* (1936–Current), Dec 08, 1979.

He defended the possibility of allowing Canadians to save as many Indochinese refugees as possible.

The NCC did not appear to view the boat people as refugees. They showed that they were more concerned with the integration of the boat people as immigrants, rather than the refugees' security. The coalition was concerned first and foremost with the impact of the boat people on Canadian society.

1989-1995: The Importance of Helping other Refugees Worldwide

During the 1980s, Canadian public opinion gradually shifted its attention from the Indochinese refugees to other humanitarian crises, particularly in Central America.³³ In 1989, a United Nations conference reassessed the situation of the boat people. States decided to end automatic refugee status guarantees to the people arriving in the camps. The most significant event of this period was the forced repatriation of refugees from Hong Kong camps, where the boat people were now treated as illegal migrants.

The biggest issue affecting Indochinese refugees was their repatriation. Towards the end of 1989, the United Kingdom decided to repatriate migrants living in Hong Kong refugee camps to Vietnam to stop the flow of new arrivals. Over the entire period, only one article demonstrated a certain hostility towards the Vietnamese survivors. Accordingly, people were taking advantage of the system.

*Refugees “[were] ... taxing the patience of the government [of Hong Kong], which justifiably complains that [... they] have been forced to shoulder the refugee burden.”*³⁴

33 “Canada shifting refugee focus, Acworth says” (1983, Jan 12). *The Globe and Mail* (1936–Current).

34 “The Boat People’s Logjam of Misery.” *The Globe and Mail* (1936–Current), Jun 14, 1989

However, the overwhelming majority of articles on this subject were very critical of forced repatriation. This time, it was not letters to the editor that debated this question. *The Globe and Mail* itself opposed London's decision and published editorial articles as well as front-page articles on the topic.³⁵ An article quoted the Canadian Minister of Foreign Affairs:

*“There should not be forced repatriations, that the emphasis should be an encouraging voluntary repatriation.”*³⁶

Immediately after the first repatriation, Britain decided to pause further repatriations. According to another article, Thatcher appeared to react to public outrage following the first deportation. But London rejected such an interpretation.³⁷

Another article covered the media coverage of the first Vietnamese returning through a voluntary repatriation program set up by the UNHCR. It underscored the highly political context of this humanitarian crisis.

*“The Indochinese peninsula has been one of the principal battlegrounds on which the great international powers waged their wars of interest and ideology”*³⁸

35 Forbes, Donald. «UK Delays Vietnamese Repatriation from Colony» *The Globe and Mail* (1936–Current), Dec 13, 1989.

36 Pomfret, John. «Hong Kong Deports 51 Vietnamese Boat People» *The Globe and Mail* (1936–Current), Dec 12, 1989.

37 Forbes, Donald. «UK Delays Vietnamese Repatriation from Colony» *The Globe and Mail* (1936–Current), Dec 13, 1989.

38 “An Exhausted Vietnam Ponders Change” *The Globe and Mail* (1936–Current), Mar 13, 1989.

For *The Globe and Mail*, these people were victims of international politics. They had to pay the price of a confrontation between the two blocs of the Cold War. The journalist explained that with the end of the Vietnamese occupation of Cambodia, the political tensions would dissipate. The article concluded that Canadians still had other responsibilities ahead of them. While they had accepted tens of thousands of Indochinese refugees, they should now extend their support to those who chose to stay in Vietnam. The country's poverty was therefore a major challenge for the international community.

The journalistic coverage of *The Globe and Mail* became increasingly interested in other issues. In March 1990, a front-page article was published on refugees.³⁹ This article was the first in a series called “the dispossessed” which described the global refugee situation. The first article focused on Indochinese refugees because it was fresh in the memory of Canadians. The rest of the series focused on other humanitarian crises abroad, demonstrating that the Indochinese crisis was only part of the global refugee problem. This article explained that the UNHCR needed support to help the 15,000,000 refugees worldwide. It underlined that the world refugee situation extended beyond the Indochinese peninsula.

Conclusion

The journalistic coverage analysis of *The Globe and Mail* during the Indochinese refugee crisis is important because it helps us to understand the reactions of Canadians. It also allows us to draw several conclusions.

First, readers of *The Globe and Mail* discussed whether the Vietnamese refugees deserved to come to Canada. Canadians did not understand why the Vietnamese refugees were more important than those elsewhere. The idea of prioritizing one humanitarian crisis over another was therefore not unanimous.

39 Malareki, Victor. “Millions in World Taking Refuge as Strangers in Strange Lands” *The Globe and Mail* (1936–Current), March 31, 1990.

In addition, we can see that *The Globe and Mail* made singular editorial choices in its media coverage. *The Globe and Mail* chose to deal with the refugee issue through letters to the editor. It decided to be a discussion forum, but neglected by this same choice, the possibility of moderating the debate and making its voice heard. Yet towards the end of the crisis, the newspaper wrote passionate editorials to denounce the forced repatriation of the Vietnamese. The strategy therefore changed overtime.

Finally, it can be observed that Ottawa's decisions have polarized the opinion of Canadians. The debates caused by *National Citizens Coalition* advertisements are an example of this reaction. These discussions show us that the protection of refugees raises several other issues. The first question is who is responsible for taking care of the refugees. The second relates to whether Canadians should think of the refugees in the same terms as other immigrants.

A Selective Memory of the Vietnam War: Debates on Indochinese Refugees in *The New York Times* 1975–1995

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Abstract

After the conclusion of the Vietnam War, refugees fleeing Vietnam, Laos, and Cambodia overwhelmed the international community. The choices made by the editorial boards of American newspapers had a significant influence on how the crisis was presented in the United States. This paper examines the approach taken by *The New York Times*. An analysis of its news coverage from 1975 to 1995 shows that it never stopped promoting refugee protection. In the 1970s, the newspaper emphasized the U.S.'s moral duty towards the Vietnamese and the benefits of refugee resettlement. In the 1980s, it continued to use the memory of the Vietnam War to criticize American foreign policy but refused to criticize Reagan's instrumentalization of assistance to refugees to punish Vietnam for its occupation of Cambodia. After 1989, as people were being forcefully repatriated back to Vietnam, the newspaper returned to its overt advocacy for the protection of refugees. This overview of *The New York Times'* coverage sheds light on the the strategies newspapers use to reinforce or challenge political interpretations of refugee crises.

Résumé

Après la conclusion de la guerre du Vietnam, la communauté internationale fut bouleversée par un afflux de réfugiés fuyant le Vietnam, le Laos et le Cambodge. Les choix faits par les comités de rédaction des journaux américains ont eu une influence significative sur la façon dont la crise a été présentée aux États-Unis. Ce document examine l'approche adoptée par le *New York Times*. Une analyse de sa couverture médiatique de 1975 à 1995 montre que le journal n'a jamais cessé de promouvoir la protection des réfugiés. Au cours des années 1970, le journal a souligné le devoir moral des États-Unis envers les Vietnamiens et les avantages de la réinstallation des réfugiés. Dans les années 1980, il a continué à utiliser le souvenir de la guerre du Vietnam pour critiquer la politique étrangère américaine, mais refusa de critiquer la manière dont Reagan utilisa la protection des réfugiés comme un moyen de punir le Vietnam pour son occupation du Cambodge. Après 1989, alors que les réfugiés étaient rapatriés de force, le journal redevint un défenseur invétéré de la protection des réfugiés. Cet aperçu de la couverture du *New York Times* met en lumière les stratégies utilisées par les journaux pour renforcer ou contester les interprétations politiques des crises de réfugiés.

The end of the Vietnam War in 1975 led to the complete withdrawal of American forces from Vietnam. Despite this, the conflict and its consequences continued to haunt the U.S. for decades after its departure. Besides the war's military and economic legacy, the refugee crisis that followed the communist victories in Vietnam, Laos, and Cambodia prolonged the region's suffering for over two decades after the conflict's end. As with any overseas crisis, Americans relied on the media to stay informed. When the U.S. government made decisions regarding refugee policy, these outlets had to choose which questions to address and how to react to the developments. They reported prevailing opinions and, inevitably, took a position in the debates. Since editorial choices are so influential, it is valuable to investigate how newspapers represented the refugees, what secondary issues they related to the crisis, and why editors used certain publishing strategies. While scholars have studied the role and responsibility of the media during the Vietnam War extensively, the refugee crisis has received less attention. Studies have largely focused on refugees' experiences in transit camps and in resettlement countries or on journalists' memoirs.¹ There has not been a thorough analysis of a single newspaper to expose its changing representation of the refugees.

A previous quantitative analysis brought to light that, unlike other papers which deliberately fostered debates, *The New York Times* strongly advocated for refugee resettlement.² This second analysis aims to examine the articles' contents more closely. It shows that humanitarian concerns only made up one part of the debate surrounding Southeast Asian refugees.

1 For a list of relevant works on this topic, see Moïse, Edwin E. [Vietnam War Bibliography - The Media](#).

2 A close reading of *The New York Times* articles, editorials and letters to the editors show that 46,374 articles were published on Vietnam with peaks appearing in 1975 and 1979. The displaced population was most often described as refugees (5,565 hits from 1975 to 1995). After 1977 the term "boat people" was also used (1,545 hits from 1975 to 1995). The term migrant appeared less frequently but increased its use from an average of 43 monthly articles between 1975 and 1987 to 79 articles per month between the years 1988 to 1992. For more information see: [Media Representations](#) (forthcoming).

The situation in mainland Southeast Asia highlighted two other issues:

- The memory of the Vietnam War; and
- American foreign policy.

Remembering the War

The withdrawal of American troops from Vietnam left the United States divided. Many Americans believed they had a moral obligation towards the people fleeing the region. *The New York Times* often participated in this debate on ethics. America's duty towards Vietnam was a common topic of discussion.³ In the 1970s, it published editorials and caricatures that advocated for refugee resettlement and were critical towards policies that slowed or reduced aid. Contrasting points of view received little attention from the editors. Journalists assumed that everyone remaining in Vietnam after 1975 had a reasonable fear of persecution. Articles and letters to the editor disputing America's moral duty were rare even after the paper reported that indiscriminate persecutions were not taking place. It seems clear that *The New York Times* wanted American humanitarian involvement to continue after military withdrawal.

Distress in post-war South Vietnam was a recurring theme for *The New York Times*. Many journalists wrote feature articles that highlighted heartbreaking stories. For example, one article told the story of a young girl whose family was giving her up for adoption or marriage to Western strangers in order for her to continue her education. It went on to reveal that families had made suicide pacts so they would not have to live under the Communist regime.⁴

3 References to morality appeared with great frequency in 1975. After the war's end, the paper presented refugee protection as a necessity. See Editorial, "A Moral Responsibility," *The New York Times*, April 24, 1975; Editorial, "'We Have No Choice'," *The New York Times*, May 5, 1975; Editorial, "'Denying Our Heritage'," *The New York Times*, May 7, 1975. Later on in the 1970s, the paper continued to present America's moral duty as a given: Editorial, "Reprise: Moral Duty," *The New York Times*, August 11, 1977.

4 Fox Butterfield, "A Saigon Question: Stay or Flee?" *The New York Times*, April 21, 1975.

As the number of refugees fleeing by boat increased, the paper reached out to survivors and published their testimonies.⁵ Refugees' stories and memories of the past were used to defend a new, humanitarian commitment to the region.

The New York Times dedicated many articles to the lives of refugees who had resettled in the United States. The paper published inquiries meant to educate the public and patriotic stories that played up the “Americanness” of the immigrant experience. To ease tensions that had arisen from Indochinese asylum seekers arriving in the United States, *The New York Times* wrote articles dispelling myths about the refugees and outlined ways in which their arrival would benefit America.⁶ In these articles, journalists did not shy away from the harsh realities that awaited refugees in the United States. Articles mentioned that the Vietnamese were underemployed in the U.S., that they faced discrimination and that they often had trouble adapting to American culture. *The New York Times*, however, counter-balanced this information with positive descriptions: the refugees were grateful, hardworking, intelligent, respectful and well educated.⁷ This, again, seemed to be a calculated decision to further promote refugee acceptance. When analyzed as a whole, a recurring message can be seen in *The New York Times*' reporting: Americans should feel obligated to fulfill their moral duty by helping past U.S. allies.

Operation Babylift

Questions of morality extended past the war itself. It was not only asked if Americans should help Vietnam, but also how this aid should be provided if it were approved. Operation Babylift exemplified this debate. The operation is often seen as a concrete manifestation of American feelings of responsibility and guilt.⁸

5 Fox Butterfield, “Saigon Economy Strained, Refugees Say,” *The New York Times*, September 22, 1975.

6 Douglas Kneeland, “Fears on Refugees Called Unfounded,” *The New York Times*, June 27, 1975.

7 James T. Wooten, “In U.S., Less Hope,” *The New York Times*, April 30, 1976; Gene Maeroff, “U.S. Schools Baffle Vietnamese Refugee Children,” *The New York Times*, Oct 12, 1975.

8 Tracy Johnston, “Torment over the Viet non-orphans,” *The New York Times*, May 9, 1976.

Operation Babylift orchestrated the evacuation of 3,300 children, many of whom were the children of American servicemen, out of Vietnam. Once they arrived in the United States, bilingual volunteers discovered that some of the children still had living parents.⁹ To make matters worse, one plane used in the Operation crashed and 138 people died, including 78 children, 35 employees of the Defense Attaché's Office and 11 staff members of the U.S. Air Force.¹⁰

The New York Times presented mixed views on this issue. It promoted greater protection for refugees, while acknowledging that unmoderated humanitarian aid could become excessive. The articles and opinion pieces it published focused both on the children settling into life in the U.S. and on the moral quagmire caused by the operation.¹¹ Some articles approved of the decision to evacuate the children by presenting comforting stories of orphans adopted into happy American families.¹² Others insisted that adopting children would not fix Vietnam's systemic issues. They implied that the operation was an act of cultural imperialism motivated by American guilt.¹³ Without undermining America's moral duty towards Vietnam, this dual approach allowed *The New York Times* to highlight the interests of those receiving American aid. It showed that there was no simple "fix-all" solution that could put an end to the crisis.

9 Nguyen Da Yen et al. v. Kissinger (1975) 528 F.2d 1194 U.S. Court of Appeals, Ninth Circuit. For a more in-depth account of the implications of Operation Babylift see: Kathleen Ja Sook Bergquist, "Operation Babylift or Baby abduction: Implications of the Hague Convention of the Humanitarian Evacuation and Rescue of Children." *International Social Work*, vol. 52, No. 5, September 2009, p. 621–634.

10 Aviation Safety Network. [Lockheed C-5A Galaxy](#), Friday 4 April 1975.

11 Nan Robertson, "Vietnamese Adoptees in U.S. Are Settling In," *The New York Times*, Jan 4, 1976; Tracy Johnston, "Torment Over the Viet non-orphans: Non-orphans," *The New York Times*, May 9, 1976.

12 James Feron, "3 Orphans Land Here Amid Grief Over Saigon Crash," *The New York Times*, April 5, 1975; *The Associated Press*, "Planeload of Vietnamese Orphans Arrives in U.S.," *The New York Times*, April 3, 1975; Letters to the editor, "The Children's Airlift," *The New York Times*, April 14, 1975.

13 James P. Sterba, "American Couples Besiege Agencies for Vietnamese Orphans," *The New York Times*, April 3, 1975; Roger Neville Williams, "The U.S. in Vietnam," *The New York Times*, April 12, 1975; Carol Bernstein Ferry, "The Misused Children," *The New York Times*, April 15, 1975.

The Reagan Administration and the Refugee Crisis

The election of Ronald Reagan in 1981 brought about an ideological change in the White House. Among other things, the president wanted to inspire a new interpretation of war and American diplomacy. Unlike Jimmy Carter who had advocated in favour of peaceful international relations, Reagan asserted the need for a more aggressive foreign policy.¹⁴ The administration used refugee protection as a strategic tool to reassert America's role in overseas affairs and affirm its opposition to communism. Along with refugee quotas, the very definition of who should be considered a refugee was subject to debate.

Before Reagan's election, the 1980 Refugee Act had determined that up to 168,000 Indochinese refugees could be resettled in the United States. The quota was, however, not met. Up to 16% of Indochinese cases were "deferred" as the Justice Department designated their subjects to be economic migrants, not refugees with a well-founded fear of persecution.¹⁵ First asylum countries in Southeast Asia bearing the brunt of the crisis, felt that these actions were unjust. Refugees were arriving in much larger numbers than they were being resettled, and transit camps were overcrowded and troubled. In 1981, Thailand considered closing its borders to its neighbours. To keep Thai camps open, the newly elected Reagan administration guaranteed the resettlement of all asylum seekers from Mainland Southeast Asia by announcing that the U.S. would process them as refugees. While the House Judiciary Committee worried about economic migrants arriving in the United States, the Reagan administration kept the pressure on Vietnam by insisting that it was persecuting its citizens.¹⁶

14 Reagan condemned resistance to military involvement overseas as a "Vietnam syndrome": Howell Raines, "Reagan Orders Cuts of \$3 Billion More In Spending For '82," *The New York Times*, Feb 26, 1981.

15 Bernard Gwertzman, "Policy That Limits Indochina Refugees Is Reversed by U.S.," *The New York Times*, May 31, 1981.

16 Edward T. Pound, "Cut to Be Sought in Refugee Quota," *The New York Times*, Sep 23, 1981.

This new turn in the Indochinese refugee crisis received a restrained reaction from *The New York Times*. While it published lengthy articles and editorials comparing military interventions in Central America with the war in Vietnam,¹⁷ its descriptions of refugee policy were brief and factual.¹⁸ In 1985, when *The New York Times* celebrated the tenth anniversary of the war it did not hesitate to use this event to criticize American interventions in Central America. However, these commemorative articles did not make a connection between the war and the refugee crisis.¹⁹ When the Reagan administration increased refugee quotas for political reasons, the paper did not question the arbitrary increase, nor did it widely advocate for more places. The paper's reporting strategy had therefore undergone a drastic shift. A disparity appeared between the impassioned criticism of American foreign policy and the limited discussion of Indochinese refugees. *The New York Times* was once again making partisan editorial decisions, now by omission.

In the 1980s, feelings towards refugees were becoming increasingly polarized in the United States. Members of the House of Representatives began publicly questioning the validity of Southeast Asian asylum claims. As more people attributed the boat people's departure to economic hardships, the very definition of the term refugee came into question. *The New York Times* presented both sides of this debate. The paper published the opinions of those who doubted the vulnerability of the asylum seekers and those who maintained that they were refugees. In both cases, the refugee/migrant distinction was highly publicized.²⁰

17 For an example of a connection made between El Salvador and Vietnam see: Bernard Gwertzman, "Side Effect of El Salvador," *The New York Times*, Mar 14, 1981. For an example concerning Nicaragua see: Tom Wicker, "Another U.S. Policy War for 'Democracy': Nicaragua looms after Vietnam," *The New York Times*, Aug 15, 1986.

18 Updates on the refugee crisis often were simply short Reuters articles. For an example see: Reuters, "U.S. Agrees to Accept More Vietnam Refugees," *The New York Times*, June 27, 1984.

19 An article published on the anniversary of the fall of Saigon offers an example: Charles Mohr, "History and Hindsight: Lessons From Vietnam," *The New York Times*, Apr 30, 1985.

20 See Robert Pear, "U.S. Panel Says Indochina Refugees May Increase," *The New York Times*, Aug 14, 1981; Leo Cherne, "Economic Migrants," *The New York Times*, Oct 3, 1981.

All sides acknowledged that de facto refugee status could not be granted indefinitely. *The New York Times* did not take a marked position in the debate. It did, however, continue to use the terms refugee and “boat people” when referring to Southeast Asian asylum seekers. These terms carried a different connotation than the word economic migrant. They acknowledged that the people were fleeing a danger, and that they were facing hardships. Their use therefore suggests that the paper was still defending refugee protection.

In 1985, Bangkok, prompted by Vietnamese attacks against Khmer Rouge fighters in Thai refugee camps, renewed its attempts to repatriate the asylum seekers it was sheltering.²¹ Threats of repatriation pushed Reagan to increase refugee quotas by 1,000 a month.²² Since this renewed crisis aligned with the ten-year anniversary of the fall of Saigon, America’s moral obligation towards Vietnam once again became a matter of discussion. However, after a decade of refugee aid, many people believed that America’s “debt” to Vietnam had been repaid.²³ *The New York Times* again approached this debate carefully. It contrasted articles that contested the increased refugee quota with emotionally charged pieces on refugee acceptance.²⁴ The paper published articles that made refugees seem like the “perfect” American immigrants. They were becoming American citizens and saving up to go see the Statue of Liberty.²⁵ While it did not generally support the Reagan administration, the paper withheld judgment of its migration policy and contented itself with the refugee resettlement that was taking place. There was no need for *The New York Times* to single out the government’s political motivations for refugee resettlement, since this type of combative journalism would only have undermined its own humanitarian agenda.

21 Reuters, “Vietnam Attacks Condemned by U.S.,” *The New York Times*, Apr 18, 1984.

22 Reuters, “U.S. Agrees to Accept More Vietnam Refugees,” *The New York Times*, June 27, 1984.

23 Bernard Gwertzman, “The Debt to the Indochinese Is Becoming a Fiscal Drain,” *The New York Times*, Mar 3, 1985.

24 The pro-resettlement articles often stressed that refugees saw the United States as a beacon of freedom: “Forgotten Refugees,” *The New York Times*, Nov 21, 1985.

25 Special to *The New York Times*, “To Be a Citizen: A Newcomers’ Quest,” *The New York Times*, July 2, 1986; Samuel G. Freedman, “For Vietnamese Refugee, a Heartfelt Celebration of Liberty,” *The New York Times*, July 5, 1986.

Contesting the End of Refugee Protection

With the implementation of the Comprehensive Plan of Action in the late 1980s, “boat people” who arrived in first asylum countries after predetermined cut-off dates were no longer considered to be *prima facie* refugees. This decision incited a revival of opinionated reporting in *The New York Times*. Editorials advocated for refugee resettlement with a passion reminiscent of the Vietnam War.²⁶ The paper’s word choice played an important role in delivering its message of “morality.” Although the paper acknowledged that many asylum seekers were fleeing economic hardships, it continued to refer to them as refugees or “boat people.”

Articles introduced the term “compassion fatigue” to describe the apathy caused by increasing numbers of refugees worldwide. *The New York Times* compared compassion fatigue to victim blaming and strongly condemned how it neglected human suffering.²⁷ Besides passionate editorials, the paper also published photos of refugees being forced onto planes for repatriation in Hong Kong. These emotional images highlighted the suffering of those still held in transit camps. The year 1989 marked a revival of militant journalism that had been sidelined for most of the 1980s. Over time, the newspaper reduced the number of articles it devoted to the crisis. Despite the decrease in coverage, it remained supportive towards refugee aid. The newspaper’s publishing strategy ensured a favourable presentation of the displaced population.²⁸

26 Editorial, “For Refugees: Open Arms, or Stiff-Arm?” *The New York Times*, Feb 29, 1988; Editorial, “Freedom Man, Mocked,” *The New York Times*, Jan 13, 1989.

27 Editorial, “Boat People and Compassion Fatigue,” *The New York Times*, July 14, 1988; Editorial, “The Boat People and the Commonwealth,” *The New York Times*, Jan 5, 1990.

28 For an example of an article describing refugee treatment at the very end of the crisis, see Steven Erlanger, “Malaysia Accused on Boat People,” *The New York Times*, April 17, 1990. And for supportive letters to the editor, see Arthur Helton, “Thai Brutality,” *The New York Times*, March 8, 1988; Charles Schumer, “Congress Would Vote Funds for More Refugees,” *The New York Times*, January 25, 1989.

Conclusion

The media coverage of *The New York Times* shows that the newspaper had a partisan view of the refugee crisis. Between 1975 and 1995, it alternated between silence and the persistent publication of editorials, feature articles and images to defend refugee protection. For Americans, the crisis in Mainland Southeast Asia was intrinsically linked to the Vietnam War. By repeatedly reminding its readers of the war and its consequences, the paper underlined the ethical necessity of international aid. The crisis allowed Americans to debate their immediate responsibility for the refugees as well as to think about the future role of the United States either as a peacemaker or a police officer in the world order. *The New York Times* did not hesitate to use its influence as one of the largest newspapers in the United States to voice its opinion. It believed that the United States had a responsibility to help those who were in danger. The protection of Indochinese refugees was therefore highly symbolic. In many ways, the Vietnam War had sullied America's global reputation. By providing the displaced populations of continental South-East Asia with compassion and assistance, the United States could reassert its place as a beacon of hope and freedom.

How Canada Defined Indochinese Refugees

Principle and Pragmatism

A career foreign service officer, **MIKE MOLLOY** has 35 years of experience in international and refugee affairs and served in Japan, Lebanon, Minnesota, Geneva, Jordan (twice), Syria and Kenya. In 1972 he helped bring 6000 Ugandan Asians to Canada. He led the implementation of the refugee provisions of the 1976 Immigration Act including the refugee sponsorship program, the designated classes, the WUSC student refugee program and the annual refugee planning process. Between 1979 and 1980, he coordinated the resettlement of 60,000 Indo-chinese refugees. He served as Counsellor for Humanitarian Affairs at the Canadian Mission in Geneva and managed immigration operations in Jordan, Syria and East Africa. Following Director General level assignments in Ottawa and Toronto he was appointed ambassador to Jordan (1996–2000) and was Special Coordinator for the Middle East Peace Process (2000 to 2003). He is president of the Canadian Immigration Historical Society and an honorary Senior Fellow at the Graduate School of Public and International Affairs at the University of Ottawa and adjunct research professor, History Department, Carleton University.

Abstract

Between 1975 and 1997 Canada resettled approximately 144,000 refugees from Laos, Cambodia and Vietnam. How Canada defined these people for resettlement evolved over time due to changing legislation, a shifting balance between pragmatism and principle, and ultimately the international Comprehensive Plan of Action (CPA). In 1970, Canada adopted the 1951 Refugee Convention definition for resettlement purposes. Subsequent operational experience demonstrated there were circumstances where people in need of resettlement did not meet that definition. The 1976 Immigration Act contained a provision for “designated classes” for people needing resettlement where the Convention definition did not fit.

The numbers of people fleeing Vietnam, Cambodia and Laos escalated dramatically in late 1978. Canadian policy makers concluded they had good reasons for escaping, and whether or not they were Convention refugees was not critical to their need for resettlement. The Indochinese Designated Class adopted in late 1978 provided a targeted, flexible and robust instrument for processing large numbers very quickly. A decade later, when the international community concluded most people were “fleeing” for economic reasons, Canada replaced the designated class with the Convention definition under the CPA.

Résumé

Entre 1975 et 1997, le Canada a réinstallé environ 144 000 réfugiés du Laos, du Cambodge et du Vietnam. La façon dont le Canada a défini ces personnes à réinstaller a évolué au fil du temps en raison de l'évolution de la législation, d'un équilibre changeant entre le pragmatisme et les principes, et finalement du Plan d'action global (PAG) international. En 1970, le Canada a adopté la définition de la Convention de 1951 relative au statut des réfugiés à des fins de réinstallation. L'expérience opérationnelle ultérieure a montré qu'il y avait des circonstances où les personnes ayant besoin d'être réinstallées ne répondaient pas à cette définition. La loi sur l'immigration de 1976 contenait une disposition prévoyant des « catégories désignées » pour les personnes ayant besoin d'être réinstallées mais pour qui la définition de la Convention ne correspondait pas.

Le nombre de personnes fuyant le Viêt Nam, le Cambodge et le Laos a augmenté de façon spectaculaire à la fin de 1978. Les décideurs politiques canadiens ont conclu qu'elles avaient de bonnes raisons de s'échapper et que le fait d'être ou non des réfugiés au sens de la Convention n'était pas déterminant pour leur besoin de réinstallation. La catégorie désignée des Indo-chinois, adoptée à la fin de 1978, a fourni un instrument ciblé, souple et solide pour traiter très rapidement un grand nombre de personnes. Une décennie plus tard, lorsque la communauté internationale a conclu que la plupart des personnes « fuyaient » pour des raisons économiques, le Canada a remplacé la catégorie désignée par la définition de la Convention en vertu du PAG.

Introduction

Between 1975 and 1997 Canada resettled approximately 144,000 refugees from Laos, Cambodia and Vietnam. How they were officially defined or categorized for the purposes of the refugee program depended in part on evolving Canadian legislative, regulatory and policy frameworks, in part on a shifting balance between pragmatism and principle, and ultimately by the international Comprehensive Plan of Action. This paper explores how and why official categorization of the movement referred to as “boat people,” Vietnamese refugees or Indochinese refugees, evolved over time.

Assigning categories to this large, heterogeneous movement is tricky. None of the labels is completely satisfactory. The term “boat people” applies mainly to Vietnamese and Vietnamese Chinese who escaped or were expelled from Vietnam by boat: it does not cover the vast numbers of Cambodians and Laotians who fled to Thailand “overland” and across the Mekong River. Nor does it cover the hundreds of thousands of Chinese residents of Vietnam who were expelled directly into China, let alone Laotian and Cambodian Chinese minorities who fled with their compatriots to Thailand. While the Vietnamese boat people made up the largest component of those resettled by Canada, between 1979 and 1980 29% came from Laos or Cambodia.¹

The term “Indochina” (i.e., between India and China) was invented by the French to define their 19th century empire in Southeast Asia that included Vietnam, Cambodia and Laos. It is a colonial term for an entity that no longer exists and lumps together three very different countries. The term was, nevertheless, used by the media and the international community at the time and was embedded in Canadian regulations. The Canadian Vietnamese, Cambodian and Laotian communities prefer the term “Southeast Asian refugees” but there are ten countries that define themselves as part of the Southeast Asia region.

1 Unless otherwise specified all statistics for the 1979–1980 movement to Canada come from the government’s final report: *Indochinese Refugees: The Canadian Response, 1979 and 1980*, Minister of Supply and Services, MP23-60/1982).

The Canadian immigration documentation system was not particularly precise at identifying variations in national and ethnic identity but in 1979 and 1980 it did capture data on “native language” revealing a complex picture:

Indochinese Movement 1979–80 – Native Languages

Vietnamese	28,759	47.9%
Khmer (Cambodian)	3,998	6.7%
Lao	8,341	13.9%
Thai	67	0.1%
Cantonese	12,212	20.3%
Mandarin	1,032	1.7%
Other Chinese dialects	4,777	8.0%
Other Asian	863	1.4%*

*Most likely Hmong

People whose mother tongue was a Chinese dialect accounted for 30% of the movement, outnumbering the Cambodians and Laotians combined. Vietnam has over 50 recognized minorities and even within the ethnic Vietnamese majority there is considerable diversity.²

Background

The decades of conflict following WWII in France’s Southeast Asian colonial possessions (Indochina) produced relatively few external refugees. The agreement which ended the French Indochinese war in 1954 included the option to choose to live in the communist North or the western oriented South. Between 600,000 and 1 million people (including the majority of the Vietnamese Catholic community) chose to move south from the Democratic Republic of Vietnam (North Vietnam) to the Republic of Vietnam (South Vietnam) while 160,000, including 100,000 militants/combatants, chose to relocate in the north.

2 See Ahn Ngo, “A Case Study of the Vietnamese in Toronto: Contesting Representations of the Vietnamese in Canadian Social Work Literature”, *Refuge*, vol. 32, No. 2, 2016.

The subsequent 20-year war to reunite Vietnam under a communist regime and parallel struggles in Laos and Cambodia resulted in enormous internal population displacements but few people sought to avoid the violence by fleeing across borders. By contrast, the communist victories in March and April 1975 touched off mass exoduses from all three countries.

The Canadian government did not initially foresee a need for intervention. But, as a communist victory became certain, the arrival on Parliament Hill of a group of Vietnamese students from Montreal, terrified for their families back home, prompted swift government action. Vietnamese students in Canada (numbering perhaps 1,000) were offered permanent residence and told that Canada would do its best to evacuate their close relatives. The names of over 15,000 relatives provided by the students were wired to Canadian missions in Saigon and Hong Kong. Rigid exit controls and the rapidly expanding communist control meant few could be rescued but thousands were sent letters promising visas to them if they could get to a Canadian diplomatic mission.³

Canada's initial response: the policy framework

On May 1st, 1975, responding to an American appeal for assistance, Canada agreed to accept relatives of Vietnamese and Cambodians already in Canada along with 2,000 Convention Refugees (CRs) from camps in the U.S. and 1,000 from Asia.

The refugee policy at that time had been established by Cabinet decision in July 1970,⁴ following Canada's 1969 accession to the 1951 Refugee Convention and its 1967 Protocol. The policy had three main elements:

3 Molloy, Duschinsky, Jensen and Shalka, *Running on Empty: Canada and the Indochinese Refugees, 1975–1980*, p. 30.

4 Memorandum to the Cabinet *Selection of Refugees for Resettlement in Canada*, July 27, 1970.

- 1_ Cabinet cancelled Canada's postwar refugee definition⁵ and adopted the 1951 Convention definition as modified by the Protocol. That meant that Canada's refugee resettlement program was no longer confined to Europe;
- 2_ In determining whether refugees would be capable of successful establishment, officers were to use the point system but were encouraged to use their discretionary authority given extra settlement assistance available to refugees;
- 3_ "By the early sixties it was recognized that the Convention definition could not cover all the circumstances in which Canada could appropriately intervene... the policy staff in Immigration coined the term 'Oppressed Minorities' to give policy coherence to the humanitarian choices of the government."⁶ Cabinet established the "Oppressed Minority Policy" for oppressed people who had not yet been able to leave their countries.

Four categories of refugees were identified in the operations memorandum⁷ announcing the new policy on January. 2, 1971.

- R-1_ Refugees who meet normal immigrant selection criteria;
- R-2_ Refugees visaed under exercise of the visa officer's discretion;
- R-3_ Handicapped refugees;
- R-4_ Special Refugee Programs: groups of refugees admitted voluntarily by Canada or at UNHCR's request.

5 Between 1951 and 1970 with Canadian refugee definition was a person who: a) as a result of events arising out of World War II, was displaced from one European country or another and has not been permanently resettled; or b) because of fear of persecution on religious, racial or political grounds, left one of the Soviet bloc countries since the International Refugee Organization terminated its activities on December 31, 1951, and has not been permanently resettled.

6 Raphael Girard, "Designated Classes: A regulatory, device to target humanitarian resettlement programs". *Canadian Immigration Historical Society*, Bulletin 47, November 2005.

7 Department of Manpower and Immigration, Immigration Manual, *Operations Memorandum 17*, January 2, 1971.

Refugees from Southeast Asia between the communist victory, April 1975, and December 1978 fell under R-4 including 4200 refugees with relatives and 2300 Convention Refugees without.⁸

By the end of 1975 Canadian teams in Hong Kong, Guam, Wake and the U.S. accepted 7,000 people. Another 2,000 were admitted by December, 1978, bringing the first wave to 9,151.

“Boat People”

The origins of the term “boat people” is obscure but Tove Bording, the manager of Canada’s small visa office in Singapore 1975-77 (responsible for refugee operations in Thailand, Malaysia, Indonesia and Singapore), claimed in an interview with the author, to have coined it to distinguish those escaping by boat from Vietnamese “truck people” who fled to Thailand by truck across Laos.

The author first heard the term in September 1976.

Impact of Shifting UNHCR Policy

Until early 1978, UNHCR policy stated Vietnamese “boat people” needed resettlement but refugees from Cambodia and Laos should be permitted to remain in Thailand. In November 1977, with the 3,000 quota expended, the government agreed to a “metered approach”: Canadian teams in Hong Kong and Singapore would send 50 “boat” families to Canada each month. The term Small Boat Escapee (SBE) was assigned to distinguish the Vietnamese boat refugees on their immigration documentation. SBE would appear on Canadian documentation until 1997, but, “boat people” remained the label of choice.

8 Department of Manpower and Immigration, Immigration Annual Report. 1975/76. Elsewhere the department puts the number at 7,408.

The UNHCR's policy of reserving resettlement for the Vietnamese shifted in the spring of 1978 when the High Commission for Refugees asked Canada to accept a few Laotian and Cambodian refugees.⁹ A small office was opened in Bangkok to process 20 "overland" refugee families per month from Thailand. A new program identifier – TOR – (Thailand Overland Refugees) distinguished these refugees from the boat people. Thus Canada identified two large clusters of refugees not by ethnicity but by mode of escape: boat (SBE) or overland (TOR).

The Indochinese Designated Class

The impact of the 1976 Immigration Act on Canada's response to the Indochinese refugees has been documented elsewhere.¹⁰ Most scholarly attention has focused on the debut of Canada's private sponsorship program and the spectacular number of refugees sponsored by private Canadians in 1979 and 1980.

Of equal importance was section 6(2) of the 1976 Act, which authorized "designated classes" to facilitate the acceptance of people whose admission "would be in accordance with Canada's humanitarian tradition with respect to the displaced and persecuted." "An important objective of the Designated Class framework was to allow the Canadian government to respond to individuals in need of protection beyond the rather narrow definition of a refugee in the Convention."¹¹ Experience had revealed situations where the UN Refugee Convention definition did not fit the circumstances of people needing resettlement on humanitarian grounds.

9 Ibid 86.

10 Molloy, Duschinsky, Jensen and Shalka – *Running on Empty*, Chapter 4; Molloy and Madokoro "Civil Servants and Refugee Policy in 1970s Canada", *Refuge* Vol. 33 No. 1, 2017; Batarseh *Inside/Outside the Circle: From the Indochinese Designated Class to Contemporary Group Processing*, and Shauna Labman, "Private Sponsorship: Complimentary or Conflicting Interests", both in *Refuge*, Vol. 32, No. 2 2016.

11 Robert C. Batarseh, "Inside/Outside the Circle: From the Indochinese Designated Class to Contemporary Group Processing", *Refuge*, Volume 32, No, 2, p. 57.

By early 1978, far from tapering off as expected, the number of boat arrivals was increasing and many were perishing at sea. With full refugee camps, neighbouring countries were preventing boats from landing or towing them back to sea. It was clear that boat people who survived and arrived in Hong Kong, Thailand, Malaysia or Indonesia must be resettled: most host governments considered them security threats.

In March of 1978, the Immigration Department's Legal Services began drafting a "Small Boat Escapee Designated Class" to simplify and speed up the selection process. The UN High Commissioner's request that Canada accept Laotians and Cambodians broadened the target group to include those nationalities and thus the "Indochinese Designated Class."

The 1976 Immigration Act revised the refugee resettlement framework established by Cabinet in 1970. A Convention Refugee Seeking Resettlement class regulation exempted recognized Convention refugees from the point system, substituting more flexible selection criteria.¹² It provided for them to be sponsored by civil society organizations or groups of five or more individuals. The selection process for the CR class involved two steps:

- 1_ Eligibility – does the applicant meet the definition¹³ of a refugee as set out in the 1951 Refugee Convention and its 1967 Protocol?

12 *Regulations Respecting Admission and Removal From Canada of Persons who are not Canadian Citizens 1978* sections 2(1), 3(a), and 7.

13 Convention definition: any person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion a) is outside the country of his nationality and is unable or, by reason of such fear, is unwilling to avail himself of the protection of that country, or b) not having a country of nationality, is outside the country of his former habitual residence, and is unable or, by reason of such fear, is unwilling to return to that country.

- 2_ Admissibility – will the Convention Refugee be able to become successfully established in Canada? The regulation directed visa officers to consider personal qualities, education, skills, language ability, sponsorship by a relative or private sponsor and “any other financial or other assistance available in Canada for such Convention refugee in making their decision.”¹⁴

In establishing the Indochinese Refugee Designated Class in 1978, policy makers recognized that all of the boat people and many of the Cambodian and Laotian refugees must be resettled. The willingness of neighbouring countries to let people come ashore or cross borders to safety depended on the international community resettling large numbers quickly: “open doors for open shores.”

“Given that none of the boat people in Southeast Asia were going to return to Vietnam and they could not stay any length of time in the countries of first asylum, the issue of the Convention status of the individuals was not crucial to their need for resettlement.”¹⁵

A person could be considered a member of the Indochinese Designated Class if they met the following definition:

- Are citizens or habitual residents of a country listed in the schedule (Vietnam, Laos and Cambodia who left their country of citizenship or former habitual residence subsequent to April 30, 1975 (fall of Saigon);
- Have not become permanently resettled;

14 Immigration Regulations, 1978, section 7. (1)

15 Girard, CIHS Bulletin 47.

- Are unwilling or unable to return to their country of citizenship or former habitual residence;
- Cannot avail themselves of the protection of any other country; and
- Are outside Canada and seeking resettlement in Canada.

“The test of having simply left their country and being unwilling or unable to return... and having no other solution was much less stringent than determining whether the individual met the Convention Refugee definition”¹⁶ and permitted Canadian visa officers to make their decisions in minutes. The inclusion of “former habitual residence” meant officers did not have to concern themselves about the citizenship status of (e.g.) the Chinese Vietnamese boat people.

The rules for private sponsorship of Indochinese Designated Class members mirrored that applied to Convention refugees and other designated classes.

Drafted over the spring and summer of 1978, the Indochinese Designated Class came into force in the fateful month of December 1978. That month, 600 refugees rescued on instructions from Immigration Minister Bud Cullen, from a derelict freighter, the *Hai Hong*, off the coast of Malaysia, arrived in Montreal – garnering considerable media, public and political attention. A few days later Canadian officials attending emergency consultations in Geneva were told that the refugee situation in Southeast Asia was the worst since World War II and more resettlement commitments were needed. Later in December, the Trudeau Cabinet authorized the admission of 5,000 Indochinese refugees.¹⁷

16 Michael Casasola, “The Indochinese Refugee Movement and the Subsequent Evolution of UNHCR and Canadian Resettlement Selection Policies and Practices”, *Refuge*, Vol. 32, No. 2, p. 45.

17 Privy Council Office, *Revised Record of Cabinet Decision, Annual Plan for Refugee Resettlement*, 15 December 1978 Serial No. 613-78 RD.

To replace the four categories created in 1970, the late Carla Thorlakson, Chief of Refugee Policy, devised 5 new categories indicating whether refugees came under the Convention Refugee Class (CR) or one of the Designated Classes (DC) and the settlement program that applied when they arrived.

- CR 1 or DC 1 Government Assisted (GAR);
- CR2 or DC2 Sponsored by a relative;¹⁸
- CR3 or DC 3 Privately Sponsored program (PSR);
- CR4 or DC 4 Joint Assistance Program for difficult cases cosponsored by government and a private group;
- CR5 or DC 5 possessing sufficient funds to cover their own settlement expenses (Very rare).

In January 1979, using the new Indochinese Designated Class Regulations, Canadian Immigration teams in Singapore and Hong Kong went into high gear to deliver the 5,000 refugees. In January 1979 as well, the new private sponsorship program came to life when the Mennonite Central Committee opened negotiations with the government, leading to the first sponsorship Master Agreement. Three churches immediately followed. By June they had sponsored over 1,300 refugees.

Over the first six months of 1979 arrivals of boat refugees in Hong Kong, Malaysia, and Indonesia escalated month by month (March 13,000, April 26,000, May 51,000, June 57,000)¹⁹ while massive numbers of Cambodians and Laotians poured into Thailand.

18 Family Class included spouses, fiancé(e)s, minor children, aged parents, and adopted children under 15. Assisted Relatives included uncles and aunts, nieces and nephews, adult children, grandchildren.

19 Gil Loessher, "The UNHCR and World Politics: A Perilous Path", Oxford University Press 2001, pp 188-9.

When the Conservative government of Joe Clark assumed power in June, it raised the target from 5,000 to 8,000 and asked private groups to sponsor 4,000. In July the Clark Government increased the target to 50,000 including the 8,000 previously announced and 21,000 privately sponsored matched by 21,000 government assisted.

Categories

After December 1978, refugees admitted under the Indochinese Designated Class fell into the two broad categories identified by Program Identifier codes:

SBE_ Small Boat Escapees processed by Canadian officials in Hong Kong, Bangkok, Singapore and Manila, were overwhelmingly Vietnamese and ethnic Chinese Vietnamese;

TOR_ Thailand Overland Refugees were the responsibility of Canada's Bangkok team and consisted of 1) refugees from Laos, including Lowland Lao, ethnic Chinese and a small group of Hmong²⁰ hill tribe people, and 2) Cambodians, including the Chinese minority.

In addition to these main categories the Immigration Department assigned Special Program Codes²¹ to others including:

PAG_ Pagoda People. Cambodians who escaped the Khmer Rouge to Vietnam and sheltered in pagodas near Ho Chi Minh Ville. UNHCR flew 467 of these people to Paris where Canada/Quebec officials sent them on to Canada in September 1980.²²

20 Robert Shalka, "The Hmong after 40 Years in Canada". *CIHS Bulletin* Issue 91, December 2019.

21 Email M. McCormick to M. Molloy; *Program Codes and Identifiers*, August 29, 2012 11:11:55 AM.

22 *Running on Empty*, p. 149-50.

Other program identifier codes had been introduced in 1975 but ceased to be used when SBE and TOR came into use. They included:

- KRP_ Cambodians sponsored or nominated by relatives;
- KRU_ Cambodian refugees evacuated by/to the USA (1975/6);
- KRS_ Cambodian Refugees – other;
- VNP_ Vietnamese sponsored or nominated by relatives;
- VNU_ Vietnamese Refugees Evacuated to the USA (1975/76);
- VNQ_ Vietnamese Refugees;
- LIT_ Laotians in Thailand;
- HHP_ Hai Hong Refugee Program (Nov/Dec 1978);
- UAM_ Indochinese Unaccompanied Minors (1979 onward);
- RAS_ Indochinese Rescued at Sea.

The efficiency injected into the selection process by the designated class was reinforced by simplified documentation, 181 charter flights, a high pressure system to match refugees with 7000 sponsoring groups, and two reception centres on military bases.²³ 60,049 refugees arrived between January 1979 and December 1980.

23 For descriptions of the matching system, process streaming, the airlift and the reception centres. See *Running on Empty*, Chapter 7.

Return to the Convention: The Comprehensive Plan of Action (CPA)

The refugee program continued at a rate of about 6,000 a year from 1981 to 1990²⁴ and tapered off after that until the program's end in 1997. Refugee admissions were complemented by the Family Reunification Program which provided safe immigration directly from Vietnam for relatives of refugees in Canada.

As the 1980s went on, officials and some NGOs perceived many of those arriving by boat were seeking resettlement for economic or family reasons and that the “explicit or implicit promise of admission as refugees stimulates its own refugee flow... to guarantee admission to a high-wage economy to successful boat people... (was) an invitation to them to risk their lives in boats.”²⁵

A UNHCR survey of boat people in 1985 concluded that less than two thirds had a claim to Convention Refugee status.²⁶ A senior UNHCR protection expert reported many claims were “derivative” i.e., based less on personal persecution and more on the experiences of relatives.²⁷ In 1979, massive resettlement had been the solution to the refugee problem. A decade later, it was seen as part of the problem.²⁸

24 Clare Glassco in [Before the Sun Comes Up: The Making of Canadian Refugee Policy amidst the Refugee Crisis in Southeast Asia, 1975-1988](#) pg 42, 31 October 2020.

25 Michel Teitelbaum quoted in W. Courtland Robinson: *Terms of Refuge: The Indochinese Exodus and the International Response*. Zed Books, London and New York. 1998 p. 160-1.

26 Ibid, 178.

27 Ibid quoting UNHCR official Erika Feller, p. 205.

28 Ibid p. 180.

Had the flow of boat people decreased, the issue might have gone away but there was a dramatic upsurge of boat arrivals in the later 1980s caused by the release of a large number of people from re-education camps, high unemployment from the collapse of state-owned companies, and relaxing of internal travel controls. Simultaneously, Europe and North America experienced the arrival of a large number of asylum seekers from around the world and the Cold War ended. The arrangements established by the July 1979 Conference collapsed under the weight of the escalating numbers of refugee arrivals. New arrangements were needed.

A series of meetings²⁹ in 1988 and 1989 culminated³⁰ in another international conference in Geneva, June 13–14, 1989. At a preparatory meeting in Malaysia, 7–8 March 1989, there were differing interests regarding cut off dates, the fate of the “long stayers” in the refugee camps, screening for refugee status, what to do about those found not be refugees and the obligation of states to readmit their own citizens. There was, nevertheless, a great deal of common ground. At the same meeting, the UN High Commissioner for Refugees stated that it was:

“... unrealistic to expect resettlement countries to continue to accept responsibility for resettling all those leaving their countries of origin for reasons not related to refugee status.”

Detailed descriptions of the evolution and the complex implementation of the CPA can be found elsewhere³¹ and for our purposes it is sufficient to report the main points of the CPA as accepted by the June 13/14 1989 international conference:

29 Sten A. Bronee, “The History of the Comprehensive Plan of Action.” *International Journal of Refugee Law*, 5, No. 4, 1993:541.

30 Canadian Embassy Kuala Lumpur report KLMPR XJIM1283, 9 March 89, “Prepcom KLMPR 07–09 Mar.”

31 W. Courtland Robinson, *Terms of Refuge: the Indochinese Exodus and the International Response*, Zed Books, London and NY. 1998; Sten A. Bronee, “The History of the Comprehensive Plan of Action,” *International Journal of Refugee Law* 5, No. 4 1993:541.

- 1_ Efforts are to be made to deter clandestine departures;
- 2_ Regular departure procedures and migration programmes, such as the Orderly Departure Program (family reunification) are to be encouraged;
- 3_ All those seeking asylum will be given the opportunity to do so. Temporary refuge will be given to asylum seekers, to whom UNHCR will have full and early access;
- 4_ Refugee status determination mechanisms are to be established region wide, using criteria recognized in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;
- 5_ Resettlement of Vietnamese refugees will continue to benefit all individuals who arrived in temporary asylum camps prior to the announcement of the intention to establish refugee status determination mechanisms as well as all newly recognized refugees;
- 6_ Persons determined not to be refugees should return to their country of origin in accordance with international practice reflecting the responsibilities of states towards their own citizens. In the first instance, every effort will be made to encourage voluntary return.

The CPA also called for cooperation between UNHCR, Laos and Thailand to resolve problems relating to Laotian refugees and established a 15-country steering committee (including Canada) to oversee implementation.³²

32 UNHCR Press Release REF/1634, 14 June 1989. The international steering committee consisted of Australia, Austria, Canada, France, Laos, Malaysia, Netherlands, Norway, Philippines, Switzerland, Thailand, United Kingdom, United States, and Vietnam.

The CPA established cutoff dates after which new arrivals would be required to have their claims to refugee status individually adjudicated. Resettlement would remain an option for people who arrived before the cutoff date and newcomers recognized as Convention refugees. Those found not to be refugees under the Convention and Protocol would have to return home.³³

As the CPA applied to the Vietnamese Boat People and to Laotian refugees, Canada's Indochinese Designated Class Regulation was amended on 31 August 1990 as the Indochinese Designated Class [Transitional]³⁴ with a change to clause [f] [cf. page 5]:

“F. arrived in Hong Kong before June 16, 1988, or arrived in any other country before March 14, 1989.”

The Transitional Designated Class covered Laotians and Vietnamese. The original DC remained for the benefit of Cambodians³⁵ who continued to be eligible for consideration under the IC Designated Class until it was finally cancelled with the Introduction of the Humanitarian Designated Class on May 1, 1998.³⁶

The CPA was messy to implement and never free from controversy but the figures speak for themselves. Once word of the new screening system became widely known in Vietnam, the number of those seeking asylum and resettlement dropped: from 70,000 in 1989 to 41 in 1992.³⁷

33 Ibid, p. 539-40.

34 SOR/90-627 31 August 1990, *Canada Gazette* Part 11, vol. 124. No. 19.

35 Ibid, p. 58.

36 SOR/97-183PC 1997-477, 8 April 1997.

37 “Power: Chasing the Flame: Sergio Viera de Mello and the Fight to Save the World” (New York, *The Penguin Press* 2008) 69.

Comment

During the first phase of the Indochinese refugee movement, April 1975 to December 1978, those targeted by Canada were regarded as Convention Refugees, admissible because they had relatives in Canada or they appeared capable of successful establishment. They fit neatly into the refugee framework approved by Cabinet in July 1970.

The admission of 9,000 between 1975 and 1978, was much the same scale as 7,000 Ugandan Asians in 1972 and 7000 Latin Americans in 1973-79. The emphasis on family reunification was standard Canadian policy towards humanitarian displacement at the time.³⁸

The exodus of people from Vietnam, Cambodia and Laos, first declined then, in 1978, returned with a vengeance. Given the persecution of class enemies and ethnic minorities, Canadian policy makers concluded people had good reasons for seeking to escape, and that, in the case of the boat people, safe asylum depended on rapid resettlement [i.e., open doors = open shores]. Whether or not they were Convention refugee, status was not critical to their need for resettlement and the Indochinese Designated Class provided a targeted, flexible and robust instrument for processing large numbers very quickly.

With the passage of time and the resettlement of over a million people, national and UN officials began to report that more of the boat people appeared to have economic or family reunification motives. Intensive consultations overseen by UNHCR led to the agreement in June 1989 known as the Comprehensive Plan of Action. The CPA returned the focus to compliance with the 1951 Convention definition and led to the establishment of refugee status determination processes in the asylum countries: those found to be Convention refugees were “screened in” and made available for resettlement. Those “screened out” were informed they would have to return home. The Transitional Indochinese Designated Class reflected this new international consensus.

38 Cypriot Special Program, 1975, Iraqi Kurdish movement, 1976, Lebanese Special Movement 1976 -95.

Against these evolving policy frameworks, Canada resettled approximately 144,000 refugees including 70,000 between 1975 and 1980 plus another 74,000 between 1981 and 1997.³⁹

In a sense the Canadian resettlement program came full circle as it responded to changing circumstances: first using the Convention definition and proactive family reunification from the fall of Saigon to the end of 1978. Next, responding to the massive outflows where rapid resettlement helped keep shores and borders open with the broad, flexible definition contained in the Indochinese Designated Class.⁴⁰ And finally, when the international community collectively concluded that the movement of people out of Vietnam and Laos was increasingly motivated by economic and family considerations and that the guarantee of open-ended resettlement had become part of the problem, returning to the Convention definition for newly arrived asylum seekers under the Comprehensive Plan of Action.

39 Clare Glassco, [Before the Sun Comes Up: The Making of Canadian Refugee Policy Amidst the Refugee Crisis in Southeast Asia, 1975-1988](#), p. 41-42, Tables 1 and 2 provide arrivals under the Indochinese designated class for the years 1981 to 1997. Accessed October 31, 2020.

40 For an interesting assessment of the long term impact of the Canadian experiment with designated classes see Batarseh, "Inside/Outside the Circle: From the Indochinese Designated Class to Contemporary Group Processing" in *Refuge*, vol. 32, No. 2, 2016.

Reproducing Harm: The “Passport Baby” Narrative and Migrant Women in Canada

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This work emerged as part of her PhD dissertation, *Pregnant and Precarious: Canadian Immigration through the Lens of Reproductive Justice* (Forthcoming). Ethics approval for this project was granted by the Concordia University Human Research Ethics Committee. It was funded by a SHRCC Joseph-Armand Bombardier CGS Fellowship.

Abstract

Debates on birthright citizenship (*jus soli* citizenship) in Canada have frequently centred on the “passport baby” narrative. This narrative is premised on the perceived threat of non-resident women entering the country in order to give birth and avail their baby of the benefits of Canadian citizenship and provide a potential pathway to secure residency for themselves. Although widely critiqued, this remains the dominant narrative lens through which to discuss pregnant women’s migration or births by nonresident women within western countries with *jus soli* citizenship. Based on interviews with women who have been pregnant while having temporary status in Montreal, Canada, this chapter argues that this narrative does not capture the nuances of these experiences and its pervasiveness exacerbates the challenges these mothers already experience as they access prenatal and obstetric care. This chapter makes the case that we need alternative narratives to make sense of these experiences – narratives which view an increase in uninsured nonresident births not as a threat best responded to by restricting access to the rights of citizenship further but as a crisis of migrant and reproductive justice.

Résumé

Les débats sur la citoyenneté du droit du sol (citoyenneté de *jus soli*) au Canada ont souvent été centrés sur le récit du « bébé passeport ». Ce récit est fondé sur la menace perçue des femmes non-résidentes qui entrent dans le pays afin de donner naissance à leur bébé et de leur faire profiter des avantages de la citoyenneté canadienne tout en s'assurant d'obtenir pour elles même une possibilité de résidence. Bien que largement critiqué, ce récit reste le principal moyen à travers lequel nous pouvons discuter de la migration des femmes enceintes ou des naissances des femmes non-résidentes dans les pays occidentaux avec la citoyenneté de *jus soli*. Basé sur des entrevues avec des femmes qui ont été enceintes alors qu'elles avaient un statut temporaire à Montréal, au Canada, ce chapitre soutient que ce récit ne saisit pas les nuances de ces expériences et que son omniprésence exacerbe les difficultés que ces mères rencontrent déjà lorsqu'elles accèdent aux soins prénatals et obstétricaux. Ce chapitre démontre que nous avons besoin d'autres récits pour donner un sens à ces expériences – des récits qui considèrent l'augmentation des naissances de non-résidents non assurés non pas comme une menace à laquelle il est préférable de répondre en limitant davantage l'accès aux droits de citoyenneté, mais comme une crise de la justice en matière de migration et de reproduction.

Introduction

Canadian citizenship is allocated to anyone born within the territory regardless of parentage (*jus soli*) and to anyone born outside the territory with Canadian citizen parents (*jus sanguinis*) (Canada 2019). Historically, Canada's means of allocating citizenship has not been overtly politicized and amendments to citizenship policy were generally considered progressive moves toward inclusivity (at least symbolically) (Buhler 2002). However, beginning in the mid-1990s, various federal governments have periodically raised the question as to whether the policy is too inclusive. In particular, *jus soli* citizenship has increasingly fallen under political scrutiny.

Frequently, concerns regarding *jus soli* citizenship follow the logic of the “passport baby” narrative. This narrative is premised on the idea that pregnant noncitizens are potential threats to the integrity of Canada's citizenship and immigration system – both in securing citizenship for their children despite having no prior formal attachment to the country and as creating a potential pathway to secure residency for themselves through future family sponsorship. Furthermore, this act of giving birth is viewed as a threat to the social welfare state – both in terms of healthcare resources (e.g., when hospital bills go unpaid) and in their potential future access to other state resources if their child is to stay. The “passport baby” narrative frequently centres on two figures, both often racialized: the relatively wealthy “birth tourist” who is leveraging their transnational mobility to maximize the benefit to their family; and a less privileged migrant woman who is framed as having “anchor babies.” While it could be the case that this motivates some parents to come to Canada, these narratives have been widely critiqued as mobilizing harmful assumptions that incriminate racialized migrant women's fertility and sexuality while failing to take into account the structural inequalities embedded within global migration systems (for example, Lozanski 2020; Hartry 2012; Browne 2002). Nonetheless, this remains the dominant narrative lens through which to discuss pregnant women's migration or births by noncitizen women within western countries with *jus soli* citizenship.

The focus of this chapter is to raise concerns about what narratives these political and public debates on *jus soli* citizenship are mobilizing, who they are targeting, and how these shape the experiences of a wide range of migrant women in Canada as they access prenatal and obstetric care. In order to highlight the lived effects of the “passport baby” narrative, this chapter drew from 24 narrative interviews conducted with women living in Montreal who experienced being pregnant while having precarious immigration status, conducted between in 2018 and 2019.¹ A thematic narrative analysis was used to understand the impact of immigration status on experiences of pregnancy, birth, and motherhood. This chapter will highlight excerpts from five of those interviews in order to unpack how the logic of the “passport baby” narrative impacted participants’ experiences.

Debating Birthright Citizenship/ Reproducing Harmful Narratives

The first significant debate on *jus soli* citizenship was in 1994 under a Liberal government. A Standing Committee on Citizenship and Immigration reported that “some women may be coming to Canada as visitors solely for the purpose of having their babies on Canadian soil, thereby ensuring Canadian citizenship for their children” (Standing Committee on Citizenship and Immigration 1994). Employing a “birth tourism” narrative, this was framed as an abuse of Canada’s citizenship policies and prompted debate as to whether to withhold automatic citizenship from children born to parents who were not citizens or permanent residents (with certain caveats, for example, if it meant a child would be stateless). While this proposal did not move forward, the issue remained one of enduring public and political concern (Buhler 2002). For example, in 1998 then Liberal Minister of Citizenship and Immigration, Lucienne Robillard, suggested an end to *jus soli* citizenship.

1 Larios, L. (Forthcoming 2020). *Pregnant & Precarious: Canadian Immigration through the lens of Reproductive Justice*. PhD Dissertation. Department of Political Science. Concordia University.

In this case, the issue was raised in relation to a court ruling that prevented the deportation of a noncitizen mother on the basis that it was a human rights violation to her Canadian-born children (Browne 2002). Rather than “birth tourism,” this response employs the logic of the “anchor baby” narrative – that people have babies in Canada in order to secure their own residency.

Within the last ten years, the Conservative Party of Canada (CPC) has most often taken the lead in initiating this debate – although both Liberal and Conservative MPs have put forward petitions proposing restrictions. In 2012, for example, the government under Stephen Harper issued a number of citizenship reforms aimed at limiting access, framed as “strengthening Canadian citizenship” (Abu-Laban 2015). While then immigration minister, Jason Kenney explicitly proposed abolishing *jus soli* citizenship in order to discourage “birth tourism or what some people call passport babies” (as quoted in Stechyson 2012). Once again, citizenship reforms fell short of abolishing citizenship as a *jus soli* birthright at this time, but debates continued. Most recently, CPC leader, Andrew Scheer, approved a resolution stipulating that if elected the party would “eliminate birthright citizenship in Canada unless one of the parents of the child born in Canada is a Canadian citizen or permanent resident” (as quoted in Hopper 2018). Subsequent remarks indicated this proposal was specifically devised to “end birth tourism” (Dickson 2018). This was met with opposition – for example, the New Democratic Party (NDP) leader Jagmeet Singh criticized it as symbolic of a politics of “division and hate” (Selley 2018). Despite this politicization, such proposals have not succeeded in prompting changes to Canada’s citizenship policy. However, then-Liberal Minister of Immigration, Refugees, and Citizenship Canada (IRCC), Ahmed Hussen, while not endorsing the proposal, responded that:

“the government of Canada recognizes the need to better understand the extent of this practice as well as its impacts”
(quoted in Selley 2018).

Policymakers have often cited an overall lack of data as the reason for inaction. When data is available, it has not convincingly made the case that this issue should prompt such a major policy response. Meaningful data is difficult to ascertain as health authorities do not explicitly track immigration status of their patients, nor do immigration authorities track the entrance of pregnant people into the country. One method, developed by researchers at the Canadian Institute for Health Information, has analyzed hospital financial data coded for services provided to nonresidents without public health insurance (“other country resident self-pay”) (Griffith 2018). This analysis shows an overall increase in nonresident births (accounting for 1.2% of births in Canada, not including Quebec), and argues that this may be indicative of an increase in birth tourism. The data used, however, includes a range of different immigration categories, like international students, temporary workers, foreign government personnel, those on temporary residency visas awaiting family sponsorship, and undocumented individuals – all of whom may give birth in Canada but whose entry into the country is not a matter of birth tourism. As argued elsewhere, assuming every (or nearly every) pregnant nonresident without insurance is in the country for nefarious reasons is highly problematic (Gaucher and Larios 2020; Dickson 2018) – a point that is largely glossed over in media reporting using this data. In failing to do so, pregnant migrant women, broadly speaking, have come to be stigmatized through the logic of the passport baby narrative – each one framed as a potential threat regardless of their immigration pathway or intentions.

The way these claims are mobilized, as well as the groups they have problematized, has varied over time but all operate under the same logic – that certain people’s (most often racialized women’s) reproduction is a threat to the country. Kenney explicitly referred to Chinese women and French-speaking women from Africa and the Middle East as the most likely alleged offenders (Brean 2012). Despite attempts to abstract away from race, the discriminatory logic of these narratives has deep roots in citizenship and immigration politics in Canada (and the US) – for example, policies that have explicitly discouraged the permanent settlement of Asian families and criminalized refugee claimants (particularly, those from Africa, Latin America, and Southeast Asia). Questions of citizenship, immigration, and reproduction raise clear questions of who belongs in the national body. These narratives cannot be separated from this history.

Policy Context: Temporary Migration and Health Insurance

Questions of who belongs in Canada and how they should be incorporated have become increasingly more pertinent. There has been a sustained increase in international migrants moving around the world. In 2015 the International Organization for Migration (IOM) estimated there were a total of 244 million international migrants – an increase of 57% over the previous 15 years (2018). Canada now accepts more people into its borders on a temporary basis than as permanent residents. This shift away from permanent settlement or status upon arrival has led to intensified experiences of precarity for noncitizens (Goldring and Landolt 2013). In Canada, such precarious migration pathways include temporary workers, international students, visitors, refugee claimants, as well as those who are without formal status.

International migrants' ability to access the public health insurance varies by geography (where they are coming from and what province they are residing in) and immigration status. In the case of international students, for example, eligibility for public health coverage varies by province. In Ontario, Manitoba, and Quebec² most international students and their families are not eligible for public health insurance. Another category of noncitizen resident that has seen a consistent increase has been temporary workers. Generally, temporary workers have access to public healthcare insurance; however, access may vary based on the length of an individual's work permit and the province in which they are working, and often requires a three-month probation. When workers experience a delay in the renewal of their work permits or applications for permanent residency, they can also experience a gap in their health coverage. Those who come as visitors may be in Canada for various reasons, including to live with their spouse while waiting for approval of their spousal sponsorship. All visitors, as well as migrants in more precarious situations, like those with expired visas or refused refugee claimants, do not have access public health insurance. When individuals who fall into these categories become pregnant, they most often have to pay for prenatal and obstetric care out of pocket (most private health insurance plans do not cover all or any of these costs).

2 Students from Belgium, Denmark, Finland, France, Greece, Luxembourg, Norway, Portugal, Romania, and Sweden are able to access public insurance via a Social Security Agreement between these countries and Quebec.

Living the “Passport baby” narrative

Despite the flurry of recent reporting on issues related to pregnant noncitizens, we continue to see a lack of specificity and nuance in these discussions. Given this, migrant mothers with a range of immigration experiences are frequently confronted with narratives that frame every pregnant noncitizen as primarily motivated by procuring Canadian citizenship for their child. Although these are not necessarily the intended targets of the critiques of *jus soli* citizenship and the “passport baby” narrative, they are nonetheless impacted by these broad criminalizing generalizations as they navigate accessing care throughout their pregnancies and postpartum.

Mothers, especially those who saw themselves as actively contributing to their communities, found it particularly painful to be viewed through this criminalizing narrative – as Sana³ explains. She came to Canada from Central Asia as an international student accompanied by her immediate family. A few months before relocating to Canada to study, she discovered she was pregnant. She was delighted with the news and decided to move forward with her studies as well as the pregnancy. It soon became apparent that her private insurance would not cover her pregnancy-related health care costs. Being uninsured, she experienced many difficulties finding a doctor, resulting in her putting off prenatal care. After giving birth, she contacted the hospital to work out a payment plan. As Sana describes:

“When I saw the bill, I was terrified. It’s a shock for me to see a bill for \$21,000. That’s a big amount of money they asked me to pay. [...] [T]hey made me feel ... that I came to Canada to have a Canadian baby ... and abuse the system. And for me that was ... the bill was shocking, but then to also accuse me ... like that is more shocking.”

3 Pseudonyms are used throughout to protect the anonymity of participants.

I felt that I had to explain to them that my intention wasn't to manipulate the system and my goal was not to have a Canadian baby, and to do that was painful. It hurts. It hurts a lot. It's painful to feel that you have to justify your choices, to show people that you don't have the intention to abuse the system".

Inés also first arrived in Canada from Europe as an international student and was able to transition into an open work permit after graduation, while beginning her application for permanent residency. She experienced many delays during the process and when her work permit expired she was not eligible for a renewal. This left her without any formal status in Canada while she waited for her permanent residency application to be approved. When she became pregnant, Inés considered terminating the pregnancy because she did not have health insurance and was already struggling financially to cover her immigration costs. In the end, she moved forward with the pregnancy, deciding that the experience of being a mother would bring meaning to her life beyond the temporary immigration challenges she was currently experiencing. Like Sana, she struggled to find a doctor for prenatal check-ups and the stress of financing the birth weighed heavily on her.

Inés described being viewed through this dominant “passport baby” narrative and used this narrative to make sense of her situation and the way she has been treated:

“I have read that a few years ago a lot of foreigners who didn't have the Canadian passport or anything, they would come here just to give birth, and then they would go back to their country – just to give their baby a Canadian passport and a better chance in life.

You cannot blame the parents for doing that for their kids, but there's certainly abuse of the system. The government got tired of it, which you can understand in a certain way. But now, instead of understanding each case [individually, they put us all in] the same basket. So, I'm in the same basket as those people that abuse the system. [...] We're considered as bad as those people who have used the system, but we're not. [...] If it was all for the paper and the passport, I would go back to my country, to be honest. [I think my country's] passport is better than the Canadian one. I'm not doing it for the papers, or because I don't have my permanent residency and I want to activate the process, or I'm desperate, or anything. It's just ridiculous”.

Samira, a woman from North Africa, also drew on this narrative to understand her own treatment while pregnant. She arrived in Canada pregnant as the spouse of a temporary worker who was just granted permanent residency status. At the time, her partner had remained in their country of origin to tie up loose ends before the move. Permanent residents have access to public health insurance only after a three-month probationary period; however, the province of Quebec where Samira settled waives the probationary period for pregnant women. Despite this policy, she had difficulties persuading the health authorities she was going to be residing in Canada permanently and to grant her coverage:

There was a wave of [foreign nationals], they came here, they gave birth, they gave the nationality to the baby, and then they left again. So that's what made the [the public health authorities] take a little more [time] – they asked for a few more documents and then they doubted everything.

This led to a delay in accessing prenatal care Samira needed for her high-risk pregnancy.

Agathe also described being confronted with this narrative when trying to access prenatal care. Her partner is a Canadian citizen, and while they've lived for many years together in her home country in Europe, they decided to relocate. She is currently in Canada on a temporary visitor's visa awaiting the spousal sponsorship application to be approved. A few months after relocating, she became pregnant. As a "visitor" she is not eligible for public health insurance; and while she has private insurance, it does not cover any pregnancy-related costs. She described one interaction with a service provider who questioned her intentions:

It's happened where we've gone somewhere and they've told us, "Well, why didn't you use protection?" It's not like it was [planned, but] I wouldn't want to lose the baby ... or abort it unless, of course, medically necessary. [...] We have all the proof that we're here to stay. I didn't come here just to give birth and get my child Canadian citizenship. It just happened that way⁴.

Maya fled experiences of violence and poverty in her home country in North America; however, her claim for asylum was rejected. As a refused refugee claimant, Maya also was without health insurance for her pregnancy. She described her feelings trying to access prenatal and obstetric care without insurance.

4 Translated from participants' language of preference.

“There’s this view of you, if you go [to the hospital] and you’re not a citizen, [that] you’re leeching off our country, you’re lower than us. I didn’t want that view, because I’m not. [...] I didn’t want that energy around the newborn baby. I’m not badmouthing the doctors and the nurses, because it’s not them, but there’s just this [system that divides us]. [...] I also know both sides – because there are a lot of women here from different countries that go in and have their babies there, and there’s a lot of pressure on the doctors to deliver babies that weren’t on their docket, and that they weren’t prepared for, [...] and now all of a sudden they’re in their hospital and they have to care for them. So, I do understand both sides of the story. I’m not totally blind to that. But I didn’t wanna be viewed like that. I didn’t wanna be treated like that”.

Discussion

Each case provides an example of how migrant nonresident mothers in Canada are both confronted with and framed in terms of the “passport baby” narrative, and/or use that narrative to make sense of the barriers they face in accessing care. The logic of this narrative forces them to justify their reproduction and migration choices in order to position themselves in opposition to this narrative (e.g., Sana and Agathe). Furthermore, this narrative is used to justify withholding care until people can prove they do not fit this narrative (e.g., Samira) (see also: Ruiz-Casares et al. 2013; Vanthuyne et al. 2013) and can affect how safe they feel accessing the healthcare they need (e.g., Maya).

Understanding this wide variety of experiences through the logic of the “passport baby” narrative, which frames every uninsured migrant pregnant person as a potential threat, does not capture the nuances of these experiences and exacerbates the challenges to access these mothers already experience.

We need alternative narratives to make sense of these experiences – narratives which view an increase in uninsured nonresident births not as a threat to national sovereignty best responded to by restricting access to the rights of citizenship further but as a crisis of migrant and reproductive justice.

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Estimating immigrants' presence in Canada within the context of increasingly fluid international migration patterns

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Abstract

International migration has become increasingly fluid and is decreasingly viewed as a one-time, permanent movement from a source country to a destination country. Immigrant-receiving countries often describe long-term economic and population-related goals as motivations for permanent immigration programs, making immigrants' presence and absence patterns of increasing policy interest. This article explores two methodological issues related to measuring immigrants' potential presence in Canada. The first is the use of auxiliary administrative data sources as a means to supplement the T1 income tax return file, which to date has been one of the key data sources used to estimate emigration among Canadian immigrants. The second is evaluating the sensitivity of emigration estimates to the definition of immigrant disappearance and reappearance in administrative data. The results show that, in a given year, the use of additional data sources (specifically, the 13 auxiliary data sources available in the Fiscal Activity Indicator File collected by Canada Revenue Agency) captures 4 to 5 percentage points more immigrants than using only the T1 income tax return file. The estimated emigration rates of immigrants vary considerably with the definition of disappearance and the data sources used. For example, the estimated emigration rate by the 10th year after landing ranges from 15% to 20% among immigrants who arrived from 2000 to 2004 and were aged 25 to 64 years at landing. Overall, the results of this study show that using auxiliary tax data available in CRA's FAIF in addition to the T1 PMF increases the identified number of immigrants potentially living in Canada. As a result, the inclusion of these data sources reduces the estimated emigration rate of immigrants in Canada.

Résumé

La migration internationale est devenue de plus en plus fluide et est de moins en moins considérée comme un mouvement ponctuel et permanent d'un pays d'origine vers un pays de destination. Les pays d'accueil des immigrants décrivent souvent les objectifs économiques et démographiques à long terme comme des motivations pour les programmes d'immigration permanente, ce qui fait que la présence et l'absence des immigrants suscitent un intérêt politique croissant. Cet article explore deux questions méthodologiques liées à la mesure de la présence potentielle des immigrants au Canada. La première est l'utilisation de sources de données administratives auxiliaires comme moyen de compléter le fichier de déclaration de revenus T1, qui a été jusqu'à présent l'une des principales sources de données utilisées pour estimer l'émigration des immigrants canadiens. La seconde consiste à évaluer la sensibilité des estimations de l'émigration à la définition de la disparition et de la réapparition des immigrants dans les données administratives. Les résultats montrent que, pour une année donnée, l'utilisation de sources de données supplémentaires (plus précisément les 13 sources de données auxiliaires disponibles dans le fichier des indicateurs d'activité fiscale collecté par l'Agence du revenu du Canada) permet de saisir 4 à 5 points de pourcentage de plus d'immigrants que l'utilisation du seul fichier de déclaration de revenus T1. Les taux d'émigration estimés des immigrants varient considérablement selon la définition de la disparition et les sources de données utilisées. Par exemple, le taux d'émigration estimé à la dixième année après l'arrivée varie de 15 à 20 % parmi les immigrants arrivés entre 2000 et 2004 et âgés de 25 à 64 ans à l'arrivée. Dans l'ensemble, les résultats de cette étude montrent que l'utilisation des données fiscales auxiliaires disponibles dans la FAIF de l'ARC en plus du CMR T1 augmente le nombre identifié d'immigrants vivant potentiellement au Canada. Par conséquent, l'inclusion de ces sources de données réduit le taux d'émigration estimé des immigrants au Canada.

I. Introduction

The net contribution of immigration to a country's population growth and labour supply is determined by the level of immigrants staying in the receiving country. Immigrant-receiving countries often identify long-term economic and population-related goals as motivations for permanent immigration programs, making immigrants' presence and absence patterns of increasing policy interest. However, an expanding literature suggests that international migration has become increasingly fluid and that the line between temporary and permanent migration has become blurry (Budnik 2011; Fauser et al. 2015; Vadean and Piracha 2010). Yet no well-accepted quantitative indicators have been developed to measure the transitory nature of international migration.

In the absence of a direct data source collected on immigrants exiting Canada, previous studies have had to rely on indirect estimation methods including the residual method, reverse record check, tax data, and the Demographic Estimates Program at Statistics Canada (see Bérard-Chagnon 2018 for an excellent overview). Using varying criteria, these studies tended to treat emigration among immigrants as a one-time, permanent move. The differences in methodology and estimates are particularly large among studies using administrative data from income tax files. For example, Dryburgh and Hamel (2004a) estimated that among immigrants who landed in 1990 and filed income taxes in Canada at least once, 7% left Canada by 2000. They defined emigrants as those who stopped filing taxes for at least two years by 2000, and all of their landing group (family or extended family who landed together) also stopped filing taxes at the same time. In their estimate, immigrants who never filed taxes were excluded from the base population and not counted as emigrants. In contrast, Aydemir and Robinson (2008) included all landed immigrants, regardless of whether they had ever filed a tax return, as the base population, and defined emigrants as immigrants who never filed a tax return or who stopped filing for four consecutive years. Based on their definition, about 27% of immigrant men aged 25 to 35 years at landing and who arrived in 1991 left Canada within 10 years of immigration. They also noted that if the analysis was restricted to immigrants who filed taxes at least once, the estimated emigration

rate would be reduced by half. Similar to Dryburgh and Hamel (2004a), Bérard-Chagnon, Tang, and St-Jean (2019) only considered immigrants who filed a tax return at least once in their estimation of immigrant emigration. However, these authors applied a more stringent definition of emigration. They identified emigrants as those who stopped filing a tax return for at least three consecutive years and did not file again before the last observed year in the data, with the exceptions of 1) women in childbearing ages (19 to 45 years) who are the only member who stopped filing in their landing group; and 2) immigrants aged 65 years or over who landed within the last 10 years and were not eligible to receive Canada's Old Age Security payment.

The results showed that among immigrant tax filers who were aged 18 years and over at landing in 1990 to 1991, about 18% had emigrated 10 years after immigration and 36% had emigrated 20 years after immigration. Clearly, how to treat immigrants who never filed an income tax return and how to define immigrant absence are two main sources of differences in the methods and results among previous studies that have used administrative data to estimate immigrant emigration.

The present study seeks to refine the estimation of emigration among immigrants to Canada by assessing methodological choices concerning data scope and definitions of absence using tax-based administrative data. The analysis first examines the prevalence and characteristics of immigrants not filing income tax returns but engaging in other fiscal activities that are captured in auxiliary administrative data sources collected by the Canada Revenue Agency (CRA). Patterns of disappearance and reappearance from these data sources among immigrants are subsequently explored. Finally, the sensitivity of emigration estimates to different definitions derived from the frequency and duration of disappearance from Canada among immigrants is investigated.

Methodologically, this study deals with two difficulties typically encountered in previous Canadian studies on emigration of immigrants. The first challenge is deciding how to interpret data on immigrants who are counted as having landed in Canada, but who never appear in the income tax return file. Some studies have made the assumption that immigrants who never filed taxes left Canada (e.g., Aydemir and Robinson 2008). However, this assumption suffers from two sources of potential bias. First, the linkage rate between immigrant landing records and the tax return file is not perfect. Individuals whose landing records are not matched to the tax file may be absent from income tax files due to mismatching rather than not filing taxes. This problem has been mitigated by recent data improvements. The linkage rate of Longitudinal Immigration Database (IMDB), which is a main data source used to study the emigration of Canadian immigrants, increased from 55% in the mid-1990s (when the database was first developed) to about 81% in the late 2000s; by the mid-2010s, the linkage rate was 97% (see Statistics Canada 2019, section 8 for details).¹ Another source of bias arises from the possibility that some immigrants might live in Canada without filing an income tax return. Some studies have ignored immigrants who never appeared in the income tax return file, and only estimate disappearance rates among immigrants having filed a tax return at least once (e.g., Bérard-Chagnon, Tang, and St-Jean 2019; Dryburgh and Hamel 2004b). This report addresses this bias by assessing the extent to which immigrants who never appeared in or disappeared from the tax-return file are present in auxiliary data sources collected by the CRA.

The second methodological challenge is deciding how to define emigration. Past studies have generally defined emigration as the disappearance of an individual from the tax return file for a number of continuous years (e.g., absence of a tax return for 2, 3, or 4 years) (e.g., Aydemir and Robinson 2008; Bérard-Chagnon, Tang, and St-Jean 2019). However, this discounts the possibility of an individual reappearing in the tax file after this time period elapses.

1 The Longitudinal Immigration Database (IMDB) combines administrative files on immigrant admissions and non-permanent resident permits from Immigration, Refugees and Citizenship Canada (IRCC) with tax files from the Canadian Revenue Agency (CRA).

Using the IMDB, Dryburgh and Hamel (2004b) showed that over 20% of immigrants reappeared in the tax files several years after an initial disappearance of three years. Similar to never having made an appearance in the tax return file, the disappearance of an immigrant in the tax file records does not necessarily indicate emigration. Furthermore, the estimate of reappearance is less feasible for more recent immigrant cohorts because of a shorter period of observation. This report evaluates the sensitivity of the emigration rate to the choice of years used to define disappearance and account for the reappearance.

This study is organized as follows. Section II describes the data and sample selection for the estimation of immigrant emigration in Canada. Section III examines the use of auxiliary data sources to assess fiscal behaviour and enhance emigration estimates of immigrants. Section IV describes the impact of different measures of duration on disappearance and reappearance of immigrants in CRA data. The summary and discussion are found in Section V.

II. Data and sample selection

Canadian residents are required to file a tax return.² This information is captured in the T1 Personal Master File (T1 PMF), which is a cross-sectional dataset consisting of the T1 personal income tax records of Canadian tax filers who submitted their returns before an assessment date. It contains a wide set of information about these individuals, including demographic characteristics (e.g., year of birth, sex, marital status, province or territory of residence), income (e.g., employment, self-employment, investments, capital gains), and many federal and provincial amounts for taxes, transfers, credits, and allowances.³

2 For details regarding who is expected to file a tax return, refer [here](#).

3 The T1 PMF constitutes the source file from which Statistics Canada constructs several analytical datasets commonly used by academics, analysts, consultants, and governments, including the Canadian Employer – Employee Dynamics Database, Intergenerational Income Database, Longitudinal Administrative Databank (LAD), Longitudinal Worker File, and the T1 Family File (T1FF).

However, there are individuals in receipt of taxable benefits and/or employment income who do not file a tax return or do so after the filing deadline.⁴ As a result, these individuals are not captured by the T1 PMF. It is possible, however, they are captured by other tax data sources collected by the CRA. For example, personal income tax files submitted more than two years after the assessment date are not included in the T1 PMF, but are counted in the T1 Historical Personal Master File (T1 HPMF). Additionally, individuals in receipt of employment income or Employment Insurance (EI) benefits⁵ are saved in the databases of T4 Statement of Remuneration Paid or T4E Statement of Employment Insurance and other benefits.

Consequently, use of the T1 PMF alone may underestimate tax reporting behaviour and associated estimations of the presence in Canada of immigrants. To address this issue of underestimation, this study combines the T1 PMF with 13 other tax file data sources held by the CRA in the Fiscal Activity Indicator File (FAIF). The FAIF is an administrative file used to identify longitudinal tax-reporting behaviour of every Social Insurance Number (SIN) reported at least once in any of 14 selected tax files provided by CRA to Statistics Canada.⁶ Data sources in the FAIF are listed in the following table.

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- 4 More than 99% of individuals in the T1 PMF filed their income tax return for year T no later than T (December) +1 year. Less than 1% of individuals filed their income tax return in T (January or February) +2 years.
- 5 The Employment Insurance (EI) program provides temporary income support to unemployed workers while they look for employment or upgrade their skills. The EI program also provides special benefits to workers who take time off work due to specific life events (illness, pregnancy, or caring for a new-born or newly adopted child, a critically ill or injured person, or a family member who is seriously ill with a significant risk of death). Workers receive EI benefits only if they have paid premiums in the past year and meet qualifying and entitlement conditions. Self-employed workers may participate in EI and receive special benefits.
- 6 The Social Insurance Number (SIN) is a 9-digit number that individuals need to work in Canada or to have access to government programs and benefits.

Table 1: Data components in the Fiscal Activity Indicator File (FAIF)

Source File	Brief description	Tax file versions used
1 T1 Personal Master File (T1 PMF)	Includes individuals who filed a tax return before the cut-off date (December 22nd in the year following the tax year).	2000–2017: final
2 T1 Historical PMF (T1 HPMF)	Includes the same individuals as the T1 PMF plus those individuals who submitted a late return (i.e., individuals who did not submit tax returns to the CRA in time to be included in the conventional database).	2000–2015
3 Canadian Child Tax Benefit (CCTB) Standard	A tax-free monthly payment made to eligible families to help them with the cost of raising children under 18 years of age.	2000–2002: historical July 2002 to June 2003 July 2003 to June 2004 ... July 2018 to March 2019
4 T4 Statement of Remuneration Paid (including late filers)	An information slip prepared and issued by employers to employees and the CRA for how much employment income employees were paid during a tax year and the amount of the income tax that was deducted.	NON-LATE FILERS 2000–2017: final LATE FILERS 2000–2016
5 T4A Statement of Pension, Retirement, Annuity and other incomes	Issued to individuals who received income from pensions, retirement allowance, annuities or other types of income (such as benefits for medical premiums, Registered Disability Saving Plan [RDSP] payments, grants for the apprenticeship incentive, death benefits, and Registered Education Saving Plan [RESP] payments).	2000–2017: Final

6 T4E Statement of Employment Insurance and other benefits	Issued to individuals who received Employment Insurance (EI) benefits or repaid an overpayment in the previous year.	2000–2017: Final
7 T4A (OAS) Statement of Old Age Security	Issued to individuals who received the Old Age Security (OAS) pension.	2000–2017: Final
8 T4RIF Statement of Income from a Registered Retirement Income Fund	Issued to individuals who received income from a Registered Retirement Income Fund (RRIF).	2000–2017: Final
9 T4RSP Statement of RRSP Income	Issued to individuals who withdrew from their Registered Retirement Savings Plan (RRSP) account or received RRSP income.	2000–2017: Final
10 T5007 Workers' Compensation Benefits and Social Assistance payments	Issued to individuals who received Workers' Compensation Benefits (WCB) or Social Assistance (SA).	2000–2017: Final
11 Registered Retirement Savings Plan (RRSP)	Issued to individuals regarding the amount of their contribution to the Registered Retirement Saving Plan (RRSP) in a tax year.	2000–2017: Final
12 Canadian Pension Plan (CPP)	Issued to individuals regarding the amount of their contribution to the Canadian Pension Plan (CPP) in a tax year.	2000–2017: Final
13 Québec Pension Plan (QPP)	Issued to individuals regarding the amount of their contribution to the Quebec Pension Plan (QPP) in a tax year.	2000–2017: Final
14 Shelter Allowance for Elderly Renters (SAFER)	Issued to individuals who received cash payments to subsidize rents for eligible senior renters in some provinces.	2000–2005 and 2007–2017: Final

Using the T1 PMF plus the 13 auxiliary data sources in the FAIF, this study examines the extent to which using only the T1 PMF may underestimate the potential presence of immigrants in Canada. The sample of immigrants is selected from the Immigrant Landing File (ILF) from Immigration, Refugees, and Citizenship Canada (IRCC).⁷ This file contains the characteristics of all immigrants who landed in Canada from 1952 onward. This study focuses on immigrants who landed in Canada from 2000 to 2015 because the current version of the FAIF covers the period from 2000 to 2016. The study sample excludes individuals who died between 2000 and 2015 by using the death indicator from the mortality database.⁸ Since children generally have a low tax filing rate, the analysis is restricted to immigrants aged 25 to 64 years at landing. The sample is further restricted to include only those with a reported sex. With these restrictions, there are 2,454,935 observations for the analysis.

The immigrant sample is linked to the FAIF by using the linkage key of the Social Insurance Number (SIN). The original IRCC Immigration Landing File (ILF) does not contain SIN data. To create the basis for matching to other data sources, Statistics Canada performs a probability record linkage method to add SINS to the IRCC ILF.

7 This study looks at presence in Canada of immigrants, that is, people who have been granted permanent resident status in Canada. Excluded from this study are temporary residents, that is, foreign nationals who are lawfully in Canada on a temporary basis under the authority of a valid document (i.e., a work permit, study permit, Minister's permit, etc.) issued for the purpose of entering Canada and individuals who seek asylum upon or after their arrival in Canada and remain in the country pending the outcome of processes relative to their claim. Temporary residents include foreign workers, international students and refugee claimants.

8 The Vital Statistics – Death Database (CVSD) is an administrative survey that collects demographic and medical (cause of death) information annually from all provincial and territorial vital statistics registries on all deaths in Canada. Some undercoverage, while minimal, may exist in the database that is potentially more biased towards immigrants because the database does not include deaths of Canadians who died outside of Canada.

III. Using auxiliary data sources to measure tax-reporting behaviours

This section examines the value of using the 13 auxiliary data sources in the FAIF in addition to the T1 PMF to capture the presence of immigrants in Canada. To provide an overall picture, this section first looks at how many landed immigrants who arrived over the 2000 to 2015 period had a Social Insurance Number (SIN) and, among those with a SIN, how many appeared at least once in the T1 PMF and the 13 auxiliary files in the FAIF.⁹ Since some immigrants may file taxes in some but not all years, this section further examines the pattern of immigrants appearing in the T1 PMF and the 13 auxiliary files in the FAIF by years after immigration.

Table 2 shows the distribution of landed immigrants¹⁰ in four exclusive categories: 1) Appeared in the T1 PMF for at least one year from 2000 to 2016; 2) Were absent from the T1 PMF but appeared in the 13 auxiliary FAIF data sources; 3) Had a SIN but whose SIN was not found in the 14 FAIF data sources; 4) Were in the ILF but did not have a SIN at all and thus could not be linked to the FAIF.¹¹

9 Tables in sections III and IV only show the results for the pooled sample of immigrants who landed from 2000 to 2015. The results for the 2000–2004, 2005–2009, and 2010–2015 arrival cohorts are available on request.

10 This is not a balanced sample. Immigrants who landed in 2000 potentially have 16 years of tax reporting records between 2001 and 2016, while immigrants who landed in 2015 have only 1 potential year of tax reporting records (2016). The results produced for the three separate arrival cohorts (2000–2004, 2005–2009, and 2010–2015) are available on request.

11 The SIN is issued by Service Canada. The application for a SIN is a separate process from the application for immigration. If an immigrant did not apply for a SIN from Service Canada after having landed, they do not have a SIN and therefore cannot be linked to the FAIF.

In Table 2, the second column shows the number of immigrants in the final sample as well as the frequencies by demographic characteristics. Among 2,454,935 immigrants who landed from 2000 to 2015 and were aged 25 to 64 years at landing, 92.9% filed a personal tax return at least once over the 2000 to 2016 period and thus appeared in the T1 PMF for at least one year (third column). Since the study sample is restricted to adult immigrants aged 25 to 64 years at landing, this high filing rate is expected. The fourth column shows that 0.8% of immigrants who were absent from the T1 PMF during the entire 2000 to 2016 period were captured in the other 13 auxiliary data sources in the FAIF. The last two columns show that 4.1% of immigrants had a SIN but were not found in any of the 14 FAIF data sources over the 2000 to 2016 period, and 2.2% of immigrants from the original IRCC landing files (the ILF) did not have a SIN and therefore could not be linked to the FAIF based on the SIN.

Table 2: Tax-reporting rates of immigrants who were aged 25 to 64 years at landing and arrived between 2000 and 2015, by demographic characteristics, pooled 2000–2016 tax data, Canada¹²

Demographic Characteristics	Immigrants	Appear in the T1 PMF for at least one year	Absent from the T1 PMF but in the other 13 FAIF data sources	Have a SIN but absent from all FAIF data sources	Do not have a SIN but in the ILF
	Total counts	Percent			
All	2,454,935	92.9	0.8	4.1	2.2
Sex					
Male	1,192,185	0.9	92.6	4.5	1.9
Female	1,262,750	0.6	93.3	3.7	2.4

¹² In all tables, frequencies are rounded to the nearest 5.

Age groups					
25 to 34 years	1,223,505	93.2	0.7	3.7	2.4
35 to 49 years	967,700	93.0	0.8	4.3	1.9
50 to 64 years	263,730	91.9	0.6	5.2	2.3
Immigrant Class					
Federal Skilled Workers	794,960	88.0	1.1	7.9	3.0
Provincial Nominee Program	218,900	96.8	0.4	1.7	1.1
Canadian Experience Class	57,115	99.0	0.1	0.3	0.6
Other economic class	483,470	93.2	1.1	4.3	1.4
Family	649,420	94.7	0.5	2.0	2.8
Refugees	220,130	98.8	0.2	0.2	0.8
Others	30,940	99.0	0.2	0.3	0.5
Education					
Less than high school	539,460	95.2	0.5	2.3	2.0
High school or trade	301,110	95.2	0.7	2.3	1.8
Some post-secondary	286,510	95.2	0.7	2.5	1.7
Bachelor's degree	903,165	92.8	0.8	4.4	2.0
Graduate degree	424,030	87.2	1.2	8.2	3.4
Not stated	665	96.5	0.6	1.7	1.2

Source country¹³					
China	337,760	91.3	0.4	5.2	3.0
India	320,960	89.1	1.0	6.5	3.3
Philippines	247,425	98.6	0.2	0.7	0.6
Pakistan	97,970	92.6	0.8	5.0	1.6
Iran	85,745	92.1	1.0	5.9	1.1
United Kingdom	82,465	91.9	1.1	4.2	2.8
United States	63,915	91.8	1.0	3.6	3.6
South Korea	57,070	92.8	0.5	3.7	3.0
France	52,800	93.1	2.0	3.0	1.9
Morocco	42,365	90.5	1.7	6.4	1.4
North and South America (excluding the United States)	236,080	95.4	0.8	2.4	1.5
Europe (excluding the United Kingdom and France)	230,785	94.1	1.0	3.2	1.7
Africa (excluding Morocco)	249,265	93.8	0.9	3.7	1.6
Asia (excluding China, India, Philippines, Pakistan, Iran, and South Korea)	322,150	91.9	0.7	4.8	2.6
Oceania & other)	28,185	93.2	1.1	3.5	2.2

13 Source country is derived from the variable country of citizenship. The top 10 source countries are countries from which the most immigrants came over the period, followed by broad source regions which exclude the top 10 countries.

Official language					
English only	1,494,530	92.7	0.7	4.3	2.3
French only	130,185	95.3	1.0	2.5	1.2
English and French	288,905	91.7	1.4	5.0	1.8
Neither English nor French	541,055	93.7	0.5	3.4	2.4
Not Stated	255	94.9	0.8	3.1	1.2
Canadian work experience prior to landing					
No	1,807,845	90.8	0.9	5.5	2.8
Yes	647,090	98.9	0.3	0.3	0.5
Canadian study experience prior to landing					
No	2,248,660	92.5	0.8	4.4	2.3
Yes	206,275	98.0	0.5	0.8	0.8
Intended occupation					
ICT	121,875	86.2	1.1	8.9	3.8
Engineering	84,935	90.0	1.3	6.5	2.2
Management	95,390	89.7	1.0	6.8	2.5
Professional or technical	476,045	91.5	1.2	5.2	2.1
Other	192,775	96.9	0.6	1.4	1.1
Unknown	1,483,915	93.8	0.6	3.4	2.2

Source: The Immigrant Landing File (ILF) and the Fiscal Activity Indicator File (FAIF).

Table 2 also shows that T1 PMF tax filing rates vary by immigrant characteristics (column 3). Immigrants admitted as Federal Skilled Workers had a lower tax-filing rate than other immigrant classes, mostly because they were more likely to have no SIN, or their SINs were not found in any tax files. Only 88% of immigrants landing as Federal Skilled Workers filed a personal tax return at least once from 2000 to 2016, compared with 99% of immigrants in the Canadian Experience Class. Differences are also evident by education level. Immigrants with a graduate degree at landing had a lower tax filing rate (87.2%) than those without a university education (95.2%). Immigrants who landed in Canada with an intention to work in Information and Communication Technology (ICT) had a filing rate of 86.2%, which was lowest among all intended occupations.¹⁴ Among the top 10 source countries of immigrants, immigrants from India had the lowest filing rate at 89.1%, while those from the Philippines had the highest filing rate at 98.6%. Finally, immigrants with work or study experience in Canada prior to landing had higher tax filing rates than those with no such experience.

Excluding landed immigrants who did not have a SIN and whose SIN was not found in any tax files, only a small portion (0.85%) of immigrants who appeared in the other 13 FAIF data sources did not file any T1 tax return. Thus, the 13 auxiliary data sources did not capture many more immigrants than the T1 PMF. However, some immigrants who filed an income tax return at least once may not have filed every year, and they may appear in the auxiliary data sources in those intermittent years. In order to measure the presence of immigrants in Canada, the pertinent information is whether immigrants appeared in the auxiliary files in the years when they did not file a T1 return.

14 Information on intended occupation is not available in the IMDB for all immigrants; the missing rate (unknown) in this sample is around 60%.

Table 3 shows the percent of immigrants who appeared in the T1 PMF and the 13 auxiliary FAIF data sources by years after immigration. Data are pooled for immigrants who arrived over the 2000 to 2015 period. In the table, the year of landing is denoted as T, while T+ i (i= 1 to 10) refers to the ith year after the landing year. For the ith year, the calculation is based on all immigrants who have arrived for at least i years. For example, in the year T+1, the calculation is based on all arrival cohorts, while in T+10 the calculation is based on immigrant cohorts who arrived at least 10 years before 2016 (the last observed data point).

Table 3: Tax-reporting rates by years since landing, immigrants who were aged 25 to 64 years at landing and arrived from 2000 to 2015, Canada

Years since landing (T)	Immigrants	In the T1 PMF	Not in the T1 PMF but in the other 13 FAIF data sources	Otherwise ¹⁵
	Frequency	Percent		
T+1	2,454,935	86.0	3.8	10.2
T+2	2,279,240	86.4	3.6	10.0
T+3	2,108,355	86.2	3.7	10.1
T+4	1,946,010	85.3	3.7	11.0
T+5	1,784,665	83.4	4.3	12.3
T+6	1,630,355	81.7	4.7	13.6
T+7	1,455,795	80.2	4.9	14.9
T+8	1,300,085	78.9	5.1	16.0
T+9	1,148,830	78.0	5.1	16.9
T+10	1,006,015	77.1	5.1	17.8

Source: The Immigrant Landing File (ILF) and the Fiscal Activity Indicator File (FAIF).

15 In Table 3, the fifth column labelled “otherwise” includes the last two categories in Table 2 (that is, immigrants who have a SIN but are not in any of the FAIF data sources, and immigrants who do not have a SIN but are in the ILF).

The second column (Immigrants) in Table 3 shows the population counts for the calculation of percentages in columns 3 through 5. The total counts decrease from year 1 to year 10 because the number of observable cohorts decreases in each sequential year. As shown in the third column (In the T1 PMF), the tax-reporting rate measured by the T1 PMF alone dropped from 86% to 77% from year 1 to year 10. The fourth column includes immigrants not in the T1 PMF, but who appeared in any of the other 13 data sources in the FAIF. Using the other 13 data sources in the FAIF raises the tax-reporting rates by 4 to 5 percentage points. These shares equate to a considerable number of additional immigrants being accounted for – ranging from 93,700 individuals in T+1 to 50,840 individuals T+10. Thus, auxiliary data sources in the FAIF can provide meaningful information to supplement the measurement of tax-reporting behaviour of immigrants on a yearly basis.

In Tables 2 and 3, the 13 auxiliary data sources in the FAIF are pooled together. It is possible that some data sources may contribute more than others in increasing immigrant tax-reporting rates. This possibility is confirmed by examining the data sources in which immigrants appear most frequently. Table 4 looks at the fiscal activities engaged in by immigrants not in T1 PMF but present in at least one of the 13 other FAIF data sources.¹⁶ The top three categories are: those who filed a late tax return (T1 HPMF), those who received a Canada Child Tax Benefit (CCTB), and those who received T4 slips from an employer. Between the first and tenth year after landing, the shares of immigrants filing a T1 HPMF and those in receipt of T4 slips (but not having filed taxes) declined. Over the same period, the share of those in receipt of CCTB (but not having filed taxes) increased. Notably, the share of those who contributed to the Registered Retirement Savings Plan (RRSP) (but not having filed taxes) increased between the first and tenth year after landing.

16 To calculate results in Table 4, the frequencies in the fourth column in Table 3 are used, i.e., immigrants not in the T1 PMF but present in at least one of the 13 other FAIF data sources.

Table 4: Fiscal behaviour of immigrants not in the T1 PMF but in the 13 other data sources in the FAIF, by years since landing, immigrants landed from 2000–2015, Canada

Years since landing (T)	Immigrants	T1 HPMF	CCTB	T4	T4A	T4E	T4RSP	T5007	RRSP	Other ¹⁷
	Frequency	Percent								
T+1	93,700	54.8	29.0	41.6	9.8	3.8	1.3	7.3	3.0	0.1
T+2	81,935	51.4	36.7	39.8	9.8	6.3	2.0	6.4	4.0	0.2
T+3	77,345	48.9	42.0	39.6	9.8	7.1	2.6	6.6	4.9	0.3
T+4	72,505	42.1	48.5	39.3	9.4	7.8	3.2	6.9	5.9	0.4
T+5	77,015	38.4	53.4	36.6	8.4	7.4	3.5	6.6	6.4	0.6
T+6	76,545	35.8	58.4	33.4	7.4	6.9	3.5	6.0	7.0	0.8
T+7	72,025	34.0	60.2	30.9	7.0	6.4	3.5	5.9	8.1	1.0
T+8	66,145	32.1	62.5	29.9	6.5	5.8	3.6	5.7	9.4	1.2
T+9	58,240	28.9	64.0	29.8	6.4	5.7	3.6	5.8	10.1	1.5
T+10	50,840	27.5	64.3	29.5	6.1	5.4	3.6	5.7	10.7	1.9

Source: The Immigrant Landing File (ILF) and the Fiscal Activity Indicator File (FAIF).

In sum, the inclusion of auxiliary FAIF data sources raises the tax-reporting rates by 4 to 5 percentage points among immigrants on a yearly basis. Among immigrants captured in the auxiliary data sources but not in the T1 PMF, the majority are those filing taxes late (T1 HPMF), those in receipt of the Canada Child Tax Benefit (CCTB), or those in receipt of a T4 (but having not filed taxes). Overall, the use of the auxiliary data sources in the FAIF can enhance the measurement of the presence of immigrants in Canada.

17 Other data sources include the T4OAS, T4RIF, CPP, QPP, and SAFER.

IV. The frequency and duration of disappearance and reappearance of immigrants in tax file data

This section uses tax-reporting behaviour to measure immigrants' presence in Canada, demonstrating that the inclusion of auxiliary data impacts estimated rates of disappearance and reappearance in tax file data, and ultimately that of emigration. The analysis is restricted to immigrants who landed between 2000 and 2004 to ensure a long enough period of observation to examine the frequency and duration of disappearance and reappearance. The sample excludes individuals who died between 2000 and 2015 by using the death indicator from the mortality database. The sample is further restricted to those aged 25 to 64 years at landing and with a reported sex. The final sample contains 696,643 observations.

As mentioned earlier, previous studies on immigrant emigration have used different measures of duration to define disappearance. This study compares two different duration lengths to define disappearance of an immigrant: not filing a tax return in 2 and 4 consecutive years after landing, corresponding to the shortest and longest duration used in previous studies (Dryburgh and Hamel 2004a; Aydemir and Robinson 2008). Whether an immigrant returns to the tax data within 5 years after having disappeared – or “reappearance” – is also examined.

Combining different durations and data sources, this study uses 4 alternative methods to measure disappearance:

- 1_ Not in the T1 PMF for 2 consecutive years after landing;
- 2_ Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 2 consecutive years after landing;
- 3_ Not in the T1 PMF for 4 consecutive years after landing;
- 4_ Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 4 consecutive years after landing.

Below is an example illustrating the method used to calculate the rate of disappearance and reappearance for immigrants who landed in 2004:

Example: Using 2 consecutive years to define disappearance

T	T+1	T+2	T+3	T+4	T+5	T+6	T+7	T+8	T+9	T+10	T+11	T+12
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
		Disappear	T+1	T+2	T+3	T+4	T+5	T+6	T+7	T+8	T+9	T+10
			Disappear	T+1	T+2	T+3	T+4	T+5	T+6	T+7	T+8	T+9
				Disappear	T+1	T+2	T+3	T+4	T+5	T+6	T+7	T+8
					Disappear	T+1	T+2	T+3	T+4	T+5	T+6	T+7
						Disappear	T+1	T+2	T+3	T+4	T+5	T+6
							Disappear	T+1	T+2	T+3	T+4	T+5
								Disappear	T+1	T+2	T+3	T+4
									Disappear	T+1	T+2	T+3

In this example, T refers to the year of landing. An immigrant is considered to have “disappeared” if he/she did not file taxes for two consecutive years. The first incidence of disappearance can only happen by the end of T+2 for immigrants not filing a tax return in T+1 and T+2. Immigrants defined as having disappeared by the end of T+2 will not be used in the calculation of disappearance rates in T+3, T+4 and so forth. Immigrants not having disappeared by the end of T+2 are carried forward to T+3 and again assessed for disappearance. In other words, each immigrant disappearance is conditional on no previous disappearance.

The analysis here focuses on 5 arrival cohorts: immigrants who landed in 2000, 2001, 2002, 2003, and 2004. The observation period is from 2000 to 2016. Since each arrival cohort has different possible maximum years of stay in Canada, the number of observable disappearances is different for each cohort. To ensure having 5 years of observations after disappearance to determine reappearance, the last disappearance is calculated in 2011. For the 2004 cohort (see figure above), only 6 possible disappearances are observed, and the last disappearance is calculated in T+7 (in 2011 or 5 years before 2016). In the same manner, the last disappearance is calculated in T+8 for the 2003 cohort, T+9 for the 2002 cohort, T+10 for the 2001 cohort, and T+11 for the 2000 cohort. Thus, from T+2 to T+7, the calculation of disappearance is based on all cohorts. Starting from T+8, in each additional year after immigration, one cohort is lost due to the end of observation period. In T+11, only the 2000 cohort is left for the calculation of the disappearance rate.

The definition of duration of disappearance as 4 consecutive years of absence from tax file data is similar to the 2-year definition except the first disappearance happened in T+4.

The rate of disappearance from tax data among immigrants who landed between 2000 and 2004 is presented in Table 5. The second column in the table shows the denominator used to calculate the disappearance rate. From T+2 to T+7, all 5 cohorts are available. The sample size starts to decrease as of T+8 because in each subsequent year one cohort is lost. In T+11, only immigrants who landed in 2000 are used as the denominator of the disappearance rate.

Table 5: Rate of disappearance from tax data among immigrants who landed between 2000 and 2004, Canada

Year as of landing (T)	Immigrants	Not in the T1 PMF for 2 consecutive years (Method 1)	Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 2 consecutive years (Method 2)	Not in the T1 PMF for 4 consecutive years (Method 3)	Neither in the PMF nor in the other 13 FAIF tax data sources for 4 consecutive years (Method 4)
	Frequency	Percent			
T+2	696,645	11.1	8.7
T+3	696,645	1.8	1.2
T+4	696,645	1.8	1.1	9.3	7.7
T+5	696,645	2.0	1.1	1.3	1.1
T+6	696,645	2.3	1.3	1.4	1.0
T+7	696,645	2.1	1.4	1.6	1.1
T+8	554,930	1.9	1.3	2.0	1.3
T+9	422,130	1.6	1.3	1.9	1.3
T+10	284,985	1.4	1.1	1.8	1.3
T+11	135,240	1.2	1.0	1.5	1.3
Cumulative disappearance rate	...	27.1	19.6	20.8	16.0

Note: “...” in the table should be interpreted as “not applicable”.

Source: The Fiscal Activity Indicator File (FAIF)

In the last row of Table 5, the cumulative rate of disappearance is calculated from the sum of the rate of disappearance between T+2 and T+11. The results demonstrate the measurement of disappearance from tax data among immigrants is sensitive to the duration of disappearance and the data sources applied. When disappearance is defined as being absent from the T1 PMF for 2 consecutive years (Method 1), the cumulative disappearance rate is 27.1% at eleven years after landing. Alternatively, if disappearance is defined as being absent from the T1 PMF and the other 13 FAIF tax data sources for 4 consecutive years (Method 4), the cumulative disappearance rate at eleven years since landing is much lower, at 16.0%.

As mentioned previously, immigrants may return to the tax data after having disappeared, a phenomenon referred to here as “reappearance”. Table 6 presents the rate of reappearance of immigrants in tax data in the 5 years after having disappeared in year Y. The rate of reappearance is calculated based on the cumulative number of immigrants who disappeared from T+2 to T+11 (Table 5). Therefore, the denominators are different across different methods because the rates of disappearance vary from methods 1 to 4.

Table 6: Rate of reappearance of immigrants who landed between 2000 and 2004 in tax data after having disappeared, Canada

Year as of disappearance (Y)	Not in the T1 PMF for 2 consecutive years (Method 1)		Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 2 consecutive years (Method 2)		Not in the T1 PMF for 4 consecutive years (Method 3)		Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 4 consecutive years (Method 4)	
	Frequency	%	Frequency	%	Frequency	%	Frequency	%
Y+1	169,270	13.8	120,855	7.8	121,115	4.0	93,705	2.0
Y+2	169,270	6.1	120,855	3.2	121,115	2.4	93,705	1.3
Y+3	169,270	3.4	120,855	1.9	121,115	1.9	93,705	1.2
Y+4	169,270	2.1	120,855	1.3	121,115	1.4	93,705	0.8
Y+5	169,270	1.6	120,855	1.1	121,115	1.1	93,705	0.8
Cumulative reappearance rate		26.9		15.3		10.8		6.1

Source: The Fiscal Activity Indicator File (FAIF).

The results in Table 6 indicate that the reappearance of immigrants in the tax data after having disappeared is more likely to occur within the immediate three years following disappearance. In all four different methods, the reappearance rates are much higher in the first three years compared to later years.

The last row in Table 6 shows the cumulative reappearance rate, which is calculated from the sum of the reappearance rate that occurred in the 5 years after disappearance. The cumulative reappearance rate 5 years after disappearance varies from 6% to 27% across different methods. The cumulative reappearance rate tends to be higher when fewer years are used to define disappearance. When the duration of disappearance is fixed, reappearance rates are lower when auxiliary administrative data are used to measure disappearance and reappearance. This is because the additional data sources capture more immigrants who might be counted as disappeared when only the T1 PMF is used. Compared with immigrants who are not in the T1 PMF or any of the 13 additional data sources, those who are not in the T1 PMF but in the 13 additional data sources are more likely present in Canada or only temporarily absent, and thus are more likely to reappear in the T1 PMF. If immigrants are not captured in any of the 13 additional data sources, it is highly possible they have actually left Canada, and hence will not reappear.

By combining both the cumulative disappearance rates and the cumulative reappearance rates, it is possible to calculate the emigration rate of immigrants. In this study, emigration is defined as disappearance from CRA tax file(s) after landing with no reappearance in the 5 subsequent years. The following equation is used to calculate the emigration rate:

$$\text{Emigration rate} = \text{cumulative disappearance rate} * [(100 - \text{cumulative reappearance rate})/100]$$

The estimated emigration rate is calculated in the last year of the observed period, which is 2016 in this study. The results should be interpreted as the extent to which immigrants who landed between 2000 and 2004 had emigrated by 2016. Table 7 shows that, by 2016, the estimated emigration rate of immigrants who landed between 2000 and 2004 varies considerably by method used, from 15.1% to 19.8%. Therefore, estimated emigration rates are sensitive to the length of duration used to define disappearance and the data sources used to measure the disappearance and reappearance of immigrants.

Table 7: Estimated emigration rates for immigrants landed from 2000 to 2004 using four different methods

	Not in the T1 PMF for 2 consecutive years (Method 1)	Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 2 consecutive years (Method 2)	Not in the T1 PMF for 4 consecutive years (Method 3)	Neither in the T1 PMF nor in the other 13 FAIF tax data sources for 4 consecutive years (Method 4)
Cumulative disappearance rate	27.1	19.6	20.8	16.0
Cumulative reappearance rate	26.9	15.3	10.8	6.1
Emigration rate	19.8	16.6	18.6	15.1

Source: The Fiscal Activity Indicator File (FAIF).

In sum, the exercise in this section demonstrates how emigration estimates using tax-reporting behaviour are sensitive to the inclusion of auxiliary data and the years of duration for measuring disappearance. A shorter duration used to define disappearance (2 vs 4 consecutive years) is associated with a higher reappearance rate. With a shorter duration to define disappearance, the inclusion of the auxiliary data sources reduces more of the estimated disappearance rates. When reappearance is taken into account, the inclusion of the auxiliary sources makes a larger difference to the estimated emigration rate than the choice of duration of defining disappearance.

V. Summary and Discussion

International migration is not always a one-time, permanent movement from the source country to the destination country. Some immigrants may return to their countries of origin, some may move forward to a third country, and some may stay only intermittently in the destination country. These migration complexities pose challenges for national statistical accounts and related research in countries with incomplete exit control statistics. To assess the extent of such challenges, this study explores two methodological issues related to the measurement of immigrants' potential presence in Canada. The first is the use of auxiliary administrative data sources as a means to supplement the T1 income tax return file, which to date has been a key data source used to estimate emigration among immigrants to Canada. The second is evaluating the sensitivity of emigration estimates to the definition of immigrant disappearance and reappearance in administrative data. The main findings of this study can be summarized as follows:

- 1_ Using the additional 13 tax data sources from the FAIF captures more immigrants by 4 to 5 percentage points on a yearly basis than using only the T1 PMF.
- 2_ Among immigrants captured in the auxiliary data sources but not in the T1 PMF, the majority are those filing taxes late (T1 HPMF), those in receipt of Canadian Child Tax Benefits (CCTB), or those in receipt of a T4 Statement of Remuneration Paid (but having not filed taxes).
- 3_ The estimated emigration rate by the 10th year after landing ranges from 15% to 20% among immigrants who arrived from 2000 to 2004 and were aged 25 to 64 years at landing, depending on the duration used to define disappearance and the data sources used to measure disappearance. While both the data sources and the duration for defining disappearance matter, when reappearance is taken into account, the inclusion of the auxiliary sources makes a larger difference to the estimated emigration rate than the choice of duration.

In sum, using auxiliary tax data available in CRA's FAIF in addition to the T1 PMF increases the identified number of immigrants potentially living in Canada. As a result, the inclusion of these data sources reduces the estimated emigration rate of immigrants in Canada.

More importantly, this study highlights the fact that estimating emigration is a difficult task. Even with the inclusion of 13 auxiliary data sources, it is still possible that immigrants who appear in tax files in a given year do not actually reside in Canada, or those who disappear from tax files actually reside in Canada. Objective and complete entry and exit information is needed to accurately measure individuals' Canadian residence status. The federal government has established an entry/exit program to collect exit and entry data at the land border with the United States and will also collect exit data from airlines on all travellers leaving Canada by air.¹⁸ Before the complete exit data are collected and made available for research purposes (and to examine periods of time prior to that which will be covered by the newly collected data), other administrative data sources can be used to refine the measurement of immigrant emigration. One example is the Longitudinal Social Data Hub (LSDH) that is currently being developed by Statistics Canada's Social Data Linkage Environment. The LSDH is a statistical register of person-level activity information in the domains of work (Employment Insurance status vector), education and human capital (the Postsecondary Student Information System, Registered Apprenticeship Information System), health and well-being (Birth, Death, Continuity of Care Record, Discharge Abstract Database, National Ambulatory Care Reporting System metadata), family (T1 Family File), and crime and victimization (Integrated Criminal Court Survey). In addition, provincial register data such as driver license and health card information databases would also be useful for the measurement of presence in Canada of immigrants in future studies. These data sources would help capture those immigrants who have no connection with the CRA but are engaged in other social activities in Canada (e.g., education, health care, crime and victimization, activities requiring a license, etc.).

18 Immigration, Refugees and Citizenship Canada, [Entry/Exit Program](#). Accessed April 29, 2020.

On the flip side, looking at emigration by country of destination would inform on reasons for leaving Canada. It may be possible to use international data sources to provide a measure of subsequent immigration by immigrants to Canada. This would inform, for example, on the issue of “step migration” – that is, persons who first immigrate to Canada and subsequently immigrate to other countries (e.g., it may be possible to use the American Community Survey and the Department of Homeland Security data to provide a measure of subsequent immigration by Canadian immigrants to the United States). This could provide a picture of the extent to which living in Canada may or may not be the ultimate destination country for some international migrants and improve our understanding of emigration patterns from Canada. At the same time, the use of international data sources could provide information on the specifics of “return migration”, in which persons who become permanent residents of Canada subsequently return to their countries of origin to live (and become emigrants from Canada). Using data from receiving countries would contribute to the picture of estimating immigrants’ presence in Canada within the context of increasingly fluid international migration patterns.

It is also important to understand whether emigration has increased, decreased, or remained stable, and if so, under which conditions each of these trends presents. Looking ahead, for example, does emigration increase during a recession, such as that induced by the current Covid-19 pandemic? What is the nature of the emigration taking place during recessions (and during economic booms)? Does it consist of highly educated and skilled immigrants or lower-skilled immigrants? Does it depend on immigration category – economic, family, and refugee? Future research will be enhanced by the methodologies developed now to look at what types of immigrants were likely to continue to stay or leave after the recession.

When complete exit information becomes available, it will be possible to develop measures to better capture the fluidity of immigrants’ Canadian residence status. The conventional emigration rate does not reflect such fluidity because it conceptualizes emigration as one-time, permanent move. Its estimation is also sensitive to the duration used to observe disappearance and reappearance.

More useful indicators should be able to measure the stock, flows, and longitudinal dynamics of immigrant presence in Canada. The stock indicators should include the number and share of immigrants in an arrival cohort who reside in Canada in a given year, and among those who reside in Canada, the number and share who are actively engaged in the labour market. The flow indicators should include the number and characteristics of immigrants who leave or return to Canada in a given year. The indicators of longitudinal dynamics should include statistics on the duration of absence, frequency and time interval of leaving and returning, and cumulative years of residing in Canada. Together these measures can provide a comprehensive picture of the demographic and socioeconomic impact of immigrants.

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**Repenser les enjeux autour de la protection
des réfugiés :**

La crise des réfugiés sud-est asiatiques, 1978–1979

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Résumé

En 1978, le flot de réfugiés quittant le Vietnam, le Laos et le Cambodge plongeait l'Asie du Sud-Est dans une crise humanitaire sans précédent. En fin de compte, les états trouvèrent une solution à cette crise lors d'une conférence organisée par le Secrétaire général de l'ONU en juillet 1979. Mais avant cette date, les états étaient en profond désaccord au sujet de la nature de ce mouvement de population. Ces personnes étaient-elles des réfugiés, des personnes évacuées ou des migrants clandestins ? Ce papier analyse l'interprétation que les états ont faite de la crise humanitaire. Il montre que le droit international et les droits de l'homme n'ont pas compté dans l'interprétation de certains états. Les États-Unis, le Vietnam et la Chine ont utilisé la protection des réfugiés comme une arme politique contre leur adversaire. Les états sud-est asiatiques évitèrent d'utiliser le mot « réfugié » pour éviter d'engager toute responsabilité de leur venir en aide. Le HCR lui-même fut au départ, très réservé. Ce ne fut qu'en novembre 1978 que son représentant régional prit un engagement ferme. À partir de ce moment, le HCR traita les personnes s'enfuyant en bateau comme des réfugiés en raison des dangers auxquels ils étaient confrontés en haute mer.

Abstract

In 1978, Southeast Asia faced a major humanitarian crisis as refugees left Vietnam, Laos, and Cambodia. States eventually found a solution at a conference organized by the UN Secretary General in July 1979. Yet before that, states disagreed on the nature of this population movement. Were the people leaving Vietnam, Laos, and Cambodia refugees, evacuees, or illegal migrants? This paper analyzes the states' interpretations of the humanitarian crisis. It shows that international law or human rights standards had little to do with the perceptions of certain states. Instead, political factors influenced states' interpretations of the situation. The United States, Vietnam, and China used refugee protection as a political weapon against their opponent. Southeast Asian states avoided using the word refugees so that they would not have any legal obligation to protect the incoming population. Even the UNHCR remained cautious at first. It was only in November 1978, that its regional representative made a strong commitment. From that date, the UNHCR considered the people leaving by boat to be refugees, because of the danger they faced at sea.

Introduction

En juillet 1979, le Secrétaire général des Nations Unies organisa une rencontre internationale à Genève pour régler la question des réfugiés indochinois. Cet événement marqua la création d'un système de protection très élaboré. Pendant dix ans, les personnes qui quittèrent la péninsule indochinoise passèrent par des centres de tri en Asie du Sud-Est, avant de rejoindre de manière définitive d'autres pays à travers le monde. Cependant, la situation était au départ, bien plus compliquée. Les pays ne s'entendaient pas sur la manière de régler la crise. Quels acteurs étaient impliqués et sur quels aspects de la crise étaient-ils en désaccord ?

Une manière de déterminer le statut des réfugiés est d'adopter une approche légale. Celle-ci a pour mérite d'établir les faits, puis de les confronter aux textes de loi et à la jurisprudence. Le spécialiste de droit international Martin Tsamenyi a analysé la crise des réfugiés sud-est asiatiques et a déterminé que les « boat people » devaient être considérés comme des « réfugiés politiques » en vertu du droit international (Tsamenyi 1983). Mais ce procédé n'est pas aussi utile lorsque l'on tente de comprendre comment les réfugiés ont été protégés dans la pratique. Une approche strictement légale néglige en effet un aspect important. La protection internationale des réfugiés dépend également des états et de leur perception. Car certains gouvernements acceptent, ignorent ou déforment la réalité en fonction de leurs intérêts politiques. Ce chapitre étudie comment les états et certaines organisations internationales eurent des interprétations contradictoires de la crise humanitaire avant qu'ils ne trouvent une solution en juillet 1979. Son objectif premier est de montrer que la loi n'était pas le seul élément déterminant dans le processus de déterminer le statut de réfugié. Les dimensions politiques et culturelles comptèrent tout autant et influencèrent la perception que les états se font de ces populations.

Contexte historique

La crise des réfugiés sud-est asiatique ne fut pas le résultat d'un seul et unique événement. C'était l'accumulation de plusieurs crises humanitaires. La première commença par les guerres d'Indochine. Depuis 1945, des millions de personnes prirent la fuite en raison du conflit armé, des bombardements et de la déforestation au Vietnam, au Laos et au Cambodge. Ils trouvèrent refuge à l'intérieur de ces pays ou à l'étranger. Au terme de la Seconde guerre d'Indochine, le Vietnam à lui seul, comptait près de quatre millions de personnes déplacées¹.

La seconde crise humanitaire fut la conséquence de deux victoires communistes dans la région. En avril 1975, les communistes vietnamiens parvinrent à réunir leur pays. Ils firent le choix de ne pas créer de gouvernement de coalition. Au contraire, le pays adopta une nouvelle constitution et prit le nom de République socialiste du Vietnam. Une partie de la population dans le sud du Vietnam dut suivre une rééducation politique alors que les plus récalcitrants furent assignés aux travaux forcés (Duiker 1980), (Ngô Vinh Long 2006). Les Khmers rouges prirent le pouvoir le même mois. Ils mirent en place des réformes radicales, visant à vider les villes et forcer la population à travailler aux champs. Ces mesures, telles que les objectifs de production agricole utopiques, causèrent de nombreux départs du Cambodge, ainsi que la mort de 1,5 à 2 millions de personnes en à peine dix-huit mois (Kiernan 2008, Chandler 1991).

Plusieurs pays portèrent secours aux personnes qui redoutaient les représailles des autorités communistes. Les pays avoisinants les acceptèrent, de même que plusieurs pays occidentaux. Mais seuls les États-Unis et la France accueillirent en masse ces réfugiés, car leur gouvernement et une partie de l'opinion publique reconnaissaient l'importance de ce geste. Ces gouvernements éprouvèrent une obligation morale, compte tenu de leur passé d'allié militaire ou de puissance coloniale. Entre 1975 et 1976, 91 % des 36,373 personnes qui prirent la fuite à pied et 66 % des 11,903 autres qui s'embarquèrent par voie de mer trouvèrent asile dans ces deux pays².

1 UNHCR/F11/1-1/0/RVN/GEN. « Incoming Cable From UNHCR New York to UNHCR Geneva on a New York Times Article From Anthony Lewis 'Helping the Vietnamese-Time for Action', 8 avril 1975. »

2 UNHCR/F11/2/39_391_39d. « Consultation With Interested Governments on Refugees and Displaced Persons in South-East Asia, Background Note, 29 novembre 1978. »

Cependant, ces deux crises humanitaires débordèrent au-delà de la péninsule indochinoise. L'écart entre le nombre de réfugiés arrivant dans les pays sud-est asiatiques et le nombre de départ vers un pays d'asile permanent se creusait considérablement. La réaction des autorités, comme celles de la Thaïlande ou de la Malaisie, fut de repousser les nouveaux arrivants (Robinson 1998, Wiesner 1988). Cette situation créa une autre crise humanitaire. Ces personnes dérivèrent en mer, sans savoir quand ni où elles n'allaient pouvoir débarquer. Tant que ces pays repoussaient leur arrivée, ces personnes devaient faire face à d'autres dangers, tels que la noyade, la déshydratation et les attaques de pirates. C'est à ce moment que la perception des pays et des organisations internationales de la crise humanitaire divergea drastiquement. On peut constater que les intérêts politiques des états influencèrent considérablement leur interprétation de la situation.

Différentes interprétations du déplacement

Tous les états ne pensaient pas que les personnes qui quittaient la péninsule indochinoise étaient des réfugiés. Le droit international ne pouvait même pas servir de repère commun, car presque aucun pays de la région n'était signataire de la Convention de 1951 sur le statut du réfugié (Davies 2007). Tous les états partageaient la notion qu'un réfugié était un étranger vulnérable demandant une protection parce qu'il craint d'être persécuté. Cependant, les critères pour déterminer une telle situation variaient considérablement. En réalité, les états ont toujours pris en considération les aspects politiques de l'asile. Aujourd'hui encore, la Convention de 1951 offre la possibilité aux états d'utiliser la possibilité aux états de défendre leurs intérêts. L'obligation de se trouver à l'extérieur de son pays d'origine permet de dénoncer l'état d'origine comme une source de persécution (Goodwin-Gill 2008). La notion de bien-fondé et la nécessité de craindre avec raison une persécution soulignent d'ailleurs l'idée qu'il doit exister un consensus autour de ce qui constitue une menace. La crise en Asie du Sud-Est nous montre également que les intérêts politiques influencèrent fortement la manière dont les états ont chacun interprété la situation (Keely 2001, Frost 1980).

États-Unis : Responsabilité morale et instrumentalisation politique

En 1975, les États-Unis ouvrirent leurs portes à ceux qui fuyaient l'avancée du communisme. Le gouvernement, tout comme une partie de la société civile était prête à leur porter secours. Il fallait venir en aide à toutes les personnes qui craignaient des représailles parce qu'ils avaient fait partie du régime déchu ou travaillé pour l'armée américaine. Comme le démontre Sophie Sickert dans son analyse du *New York Times*, plusieurs pensèrent que les États-Unis avaient l'obligation morale d'aider leurs anciens alliés. Certains revendiquèrent cette implication pour des raisons humanitaires, alors que d'autres jugèrent que Washington était responsable de cette crise humanitaire. Enfin, d'autres encore espérèrent que Washington pût prendre le rôle de chef de file similaire à celui qu'il tint dans l'Administration des Nations Unies pour le secours et la reconstruction (UNRRA) en Europe dans les années 1940³. Cependant, les raisons qui ont amené Washington à accueillir les réfugiés ne furent pas uniquement humanitaires. La protection des réfugiés faisait partie intégrante de la stratégie américaine de négociations avec le Vietnam.

La fuite de milliers de Vietnamiens était le moyen idéal pour déprécier la victoire des communistes sur le plan international. C'était aussi une manière de convaincre une partie de l'opinion publique américaine qu'il était trop tôt pour normaliser les relations entre les deux pays. Après 1975, Washington renforça encore sa position contre Hanoi (Menétrey-Monchau 2006, Franklin 2013). Plus aucune troupe américaine ou alliée ne se trouvait sur le terrain. Le seul levier dont disposaient les États-Unis, outre l'embargo commercial, était donc la pression diplomatique. C'est pourquoi Washington utilisa la question des disparus au combat (MIA, Missing in Action) et des prisonniers de guerre (POW, Prisoner of War). La fuite de personnes loin d'un régime communiste était aussi une manière de démontrer que Hanoi n'était pas un gouvernement respectable.

3 UNHCR/F11/1-1/0/RVN/GEN. « Incoming Cable From UNHCR New York to UNHCR Geneva on Us Requesting UN Secretary General to Appeal to Communist Authorities in Vietnam Not to Interfere With the Evacuation of Refugees, 3 avril 1975. »

C'est pourquoi la protection des réfugiés devint un nouvel atout dans les négociations. Tant que des Vietnamiens étaient prêts à quitter leur pays, Washington pouvait temporiser la mise en place de relations diplomatiques.

Mais ce qui semblait être un avantage commença à devenir un fardeau. Le nombre de réfugiés continua de croître, mais les États-Unis ne pouvaient pas tous les accueillir. Washington devait donc impliquer plus de pays occidentaux. La Maison-Blanche considéra qu'elle assumait une surcharge inégale dans cette crise humanitaire. Ce n'était pas un problème strictement américain. Cette urgence humanitaire était un problème pour toute la communauté internationale. Lorsque d'autres pays se joignirent aux solutions multilatérales créées par les Nations Unies, Washington continua d'utiliser la question des réfugiés comme un levier dans ses négociations avec Hanoi. La grande différence cette fois fut que les États-Unis pouvaient dire qu'ils n'étaient pas seuls. Avec la mise en place d'une réponse multilatérale à la crise des réfugiés, Washington pouvait prétendre que plusieurs autres pays pensaient également que l'état vietnamien était une menace pour ses citoyens.

Vietnam : Une arme à double tranchant

Le Vietnam ne pensait pas qu'il s'agissait de réfugiés. Ces personnes étaient des évacués, qui, à la suite de leur défaite, quittaient le territoire. D'après Hanoi, ce départ était la conséquence inévitable de l'intervention militaire américaine et des politiques de Pékin, visant à encourager les personnes d'origines chinoises à quitter le Vietnam⁴. Elles n'étaient pas capables de s'adapter aux difficultés économiques de l'après-guerre. Accoutumées à une vie oisive stimulée par le capital étranger, elles se faisaient leurrer par de vaines promesses de prospérité à l'étranger⁵. Pour Hanoi, ces personnes étaient donc des lâches, sans aucun sens patriotique. Au meilleur des cas, des évacués.

4 Margaret Thatcher Foundation/PREM19/129 f35. « Vietnam: UKE Hanoi to FCO ('Vietnamese Refugees') [Vietnamese Government Response to UK Actions on Refugees]. »

5 UNHCR/F11/2/39_391_39d. « Draft Summary Report, Consultative Meeting With Interested Governments on Refugees and Displaced Persons in South-East Asia, Geneva 11–12 décembre 1978. »

Toute participation à solution multilatérale sur des réfugiés indochinois semblait aller à l'encontre des intérêts du Vietnam. Cependant, Hanoi ne rejeta pas l'idée d'une intervention du HCR⁶. Depuis la victoire des Khmers rouges, plusieurs centaines de milliers de personnes avaient trouvé refuge dans la partie vietnamienne du delta du Mékong. Le soutien du HCR pouvait être utile pour des raisons humanitaires et politiques. Dans un pays dévasté par des décennies de conflits et sujet à un embargo commercial, toute aide était la bienvenue.

Mais l'intervention du UNHCR pouvait aussi servir les objectifs diplomatiques de Hanoi. Elle confirmait le fait que les Khmers rouges persécutaient leur population. Un tel geste pouvait appuyer Hanoi dans ses tensions avec son voisin⁷. Washington n'était donc pas seul à utiliser la question des réfugiés pour des raisons politiques et humanitaires. Hanoi était prêt à utiliser la protection des réfugiés dans ses propres relations bilatérales avec le Cambodge.

La Chine : un nouveau champ de bataille

La Chine se trouva dans une situation unique à la fin des années 1970. Elle ne pouvait plus se reposer sur la solidarité du monde communiste. En revanche, elle pouvait compter sur l'appui de nouveaux alliés, tels que Tokyo et Washington (Chen Jian 2006). Pour Pékin, Moscou était l'ennemi numéro un. Mais il existait une autre menace sur son flanc sud. Non seulement Hanoi refusait de reconnaître la Chine comme le nouveau leader du monde communiste, mais le Vietnam semblait se tourner du côté de l'Union soviétique (Westad and Quinn-Judge 2006).

Hanoi introduisit des réformes contre les milieux d'affaires privés et le capital privé. Ces mesures intensifièrent les tensions entre Pékin et Hanoi. Ces réformes ne ciblerent aucun groupe ethnique en particulier. Mais les commerçants chinois furent touchés de manière disproportionnée (Woodside 1979, Quinn-Judge 2006).

6 UNHCR/F10a/1_1975/3. « Accord entre Le Haut Commissariat Des Nations Unies Pour Les Réfugiés et Le Gouvernement de La République démocratique du Vietnam, 11 juin 1975. »

7 UNHCR/F11/2/60_600_SRVa. « Background Note on Vietnamese of Chinese Origin in Australia, 27 juin 1978 »

Selon la Chine, le Vietnam menait une attaque systématique à l'encontre de la population chinoise⁸. Pékin rejeta toute la législation vietnamienne portant sur le statut des personnes d'origine chinoise au Vietnam. Les autorités chinoises déclarèrent au contraire qu'ils étaient des citoyens chinois. La Chine devait les protéger face à cette discrimination (Chiu 1980). Cette attaque contre Hanoi eut cependant des conséquences inattendues. Les états sud-est asiatiques débordés par l'arrivée de réfugiés prirent la Chine au mot⁹. Accepterait-elle d'accueillir les Chinois qui s'entassaient dans leurs camps ? L'interprétation chinoise de la situation changea cependant en l'espace de quelques semaines.

En effet, la tension entre les deux pays atteignit son comble. En décembre 1978, des troupes vietnamiennes envahirent le Cambodge en réponse aux incursions khmères rouges sur son territoire. La Chine riposta immédiatement pour venir en aide à son allié. Des troupes chinoises envahirent les hauts plateaux vietnamiens. Mais la campagne militaire ne parvint pas à ses fins. Les troupes chinoises se retirèrent du territoire vietnamien après vingt-sept jours et n'avaient pas modifié le *statu quo ante bellum*. Hanoi ne révisa pas son alliance avec Moscou et ses troupes n'avaient pas quitté le Cambodge. Ce fut à ce moment que la Chine prit un intérêt particulier à la réponse multilatérale apportée à la crise des réfugiés.

La Chine cessa d'affirmer que les personnes fuyant le Vietnam étaient des compatriotes qu'elle devait protéger. D'abord, elle ne pouvait pas courir le risque de rapatrier toutes les personnes d'origine chinoise persécutées à travers le monde (FRUS 1977–1980, Volume XIII, China). D'ailleurs, Pékin comprit que présenter les personnes quittant le Vietnam comme des réfugiés pouvait faire plus de tort à Hanoi. La Chine commença à participer à des réunions du comité exécutif du Haut-Commissariat aux Réfugiés à partir de juin 1979, bien qu'elle en fit partie depuis 1972. Cet intérêt soudain pour la protection des réfugiés nous montre que les Nations Unies devenaient un nouveau terrain de combat pour la Chine.

8 UNHCR/F11/2/60_600_SRVa. « Letter of the UNICEF/UNHCR/UNIC Joint Representative for Australia and New Zealand, Sydney to UNHCR Geneva, 27 juin 1978. »

9 UNHCR/F11/2/39_391_39d. « Draft Summary Report, Consultative Meeting With Interested Governments on Refugees and Displaced Persons in South-East Asia, Geneva 11–12 décembre 1978, par. 107 ». »

Au bout du compte, Pékin accueillit 200 000 personnes venant du Vietnam. Selon les cartes d'identité délivrées par les autorités gouvernementales, ces personnes étaient des *guigo nanmin* [réfugiés revenus en Chine] (Song 2018). Cette catégorie réconciliait les deux postulats. Elle sous-entendait que le Vietnam était une source de persécution et que ces personnes revenaient à leur patrie.

Le fardeau des pays sud-est asiatiques

Les pays de l'Asie du Sud-Est acceptèrent initialement les personnes qui quittaient le Vietnam, le Laos et le Cambodge comme réfugié. Cet accueil dépendait surtout de la volonté d'autres pays à offrir un asile permanent. Cependant, le nombre de places d'asile permanent n'accéléra pas au même rythme que les nouvelles arrivées. Ces pays réalisèrent aussi que des navires prétendirent être en détresse pour obtenir la permission de faire débarquer les réfugiés qu'ils transportaient. C'est pourquoi ces états repoussèrent toute nouvelle arrivée.

Les gardes-côtes indonésiens puis malaisiens empêchèrent un navire, le Hai Hong, d'accoster. À la place, ils lui fournirent de la nourriture et de l'assistance médicale à bord, puis l'escortèrent jusqu'aux eaux internationales (Wain 1981). Ceci créa une situation sans précédent tant au niveau de la protection des réfugiés que pour ce qui est du droit coutumier maritime¹⁰.

Les pays sud-est asiatiques justifiaient leur refus de diverses manières. La Thaïlande, par exemple, déclara que la population arrivant après la chute de Saigon en 1975 était des réfugiés parce qu'elle avait fui la persécution communiste. Mais Bangkok refusait de considérer les personnes arrivées après janvier 1979 en ces termes. D'après les autorités, cette population qui avait vécu sous les Khmers rouges était communiste. Bien qu'elle eût fui l'invasion vietnamienne, elle était néanmoins communiste. Ces personnes étaient donc des migrants illégaux en territoire thaïlandais.

10 UNHCR/F11/2/39_391_39d. « Draft Summary Report, Consultative Meeting With Interested Governments on Refugees and Displaced Persons in South-East Asia, Geneva 11–12 décembre 1978. »

Le gouvernement malaisien refusa également de traiter ces personnes comme des réfugiés¹¹. Selon eux, les personnes qui embarquaient ces bateaux étaient des migrants qui avaient payé des réseaux criminels pour quitter leur pays. Ils s'apprêtaient à présent à envahir leur territoire¹². Les appeler « boat people » par conséquent était un moyen utile d'éviter de les appeler « réfugiés » (Tsamenyi, 1983). Bien que ces termes fussent créés pour distinguer les « cas par voie de terre » (*land people*) et les « cas par voie de mer » (*boat people*) leur utilisation permettait aussi à certains états d'en parler sans reconnaître qu'ils avaient la responsabilité de protéger ces personnes vulnérables.

Le Haut-Commissariat aux réfugiés : un équilibre des intérêts

Dès le départ, le HCR offrit un soutien aux pays de la péninsule indochinoise pour venir en aide à la population déplacée par la guerre. Mais il ne tenta pas de trouver une solution multilatérale à cette crise humanitaire. En fait, l'agence resta prudente, car toute implication de sa part pouvait avoir des conséquences politiques.

Dans une région où la légitimité des états était hautement contestée, une aide humanitaire de la part du HCR pouvait être interprétée à la fois comme un soutien politique aux autorités existantes et comme une charge symbolique contre ses opposants.

L'organisation respectait également les réserves de plusieurs pays. L'Australie, par exemple, avait une interprétation toute particulière de la situation. Le communisme n'avait pas généré un état autoritaire ou créé le régime oppressif d'un parti unique.

11 UN/Kurt Waldheim Files/S-0907/0009/10. « Letter From Prime Minister of Thailand, General Kriangsak Chamanan to Kurt Waldheim, 12 juin 1979 ».

12 UN/Kurt Waldheim Files/S-0907/0009/10. « Letter From Prime Minister of Thailand, General Kriangsak Chamanan to Kurt Waldheim, 12 juin 1979 »

C'était un système économique. Par conséquent, ces personnes avaient pris la fuite pour des raisons de subsistance ou pour poursuivre de meilleures opportunités¹³.

Elles ne pouvaient donc pas être des réfugiées. Une autre interprétation répandue considérait que les États-Unis étaient responsables de cette crise humanitaire. Hannah Klos nous montre que plusieurs Canadiens le pensaient. Selon eux, Ottawa ne devait pas donner l'asile aux Vietnamiens et laisser d'autres réfugiés, comme les Chiliens à leur sort.

Cette prudence initiale changea lorsque la crise empira. Le HCR prit position aussitôt que l'Indonésie et la Malaisie refusèrent de laisser les bateaux débarquer sur leurs côtes. Plusieurs états refusaient de les considérer comme des réfugiés. Selon eux, ces personnes avaient fui des difficultés économiques. Elles avaient payé des réseaux criminels pour embarquer et reçurent l'aide des gardes-côtes vietnamiens pour quitter le pays. Cependant, le représentant régional du HCR en Malaisie s'opposa à cette interprétation (Wain 1981). Selon lui, ces personnes étaient confrontées à de nombreux dangers sur mer. Les raisons de leur départ ou l'implication de trafiquants étaient donc sans importance.

L'ensemble du HCR confirma cette prise de position. Le haut-commissaire invita trente-neuf pays à des consultations. Des états non-signataires de la Convention, comme le Vietnam et les pays avoisinants de l'Asie du Sud-Est, de même que des pays d'accueil se réunirent à Genève en décembre 1978. Cette rencontre permit de constater qu'il était impossible de trouver une solution à la crise par des négociations bilatérales.

Aucune personne ne pouvait être sauvée sans qu'elle ne pût débarquer. Et aucun pays du Sud-est asiatique n'accepterait d'ouvrir ses frontières sans une augmentation significative du nombre de places d'accueil permanent dans d'autres pays. Seule une approche globale pouvait fonctionner.

13 UNHCR/F11/2/60_600_SRVa. « Report of the Joint UNHCR/WFP Mission to the Socialist Republic of Viet Nam, 17–27 mai 1978 », UNHCR/F11/2/39_391_39a. « Letter From the Permanent Mission of Australia to the United Nations Office at Geneva to F. Homann-Herminberg, Director for Special Assignments UNHCR, Geneva, 25 octobre 1978. »

Malgré ce consensus, la réponse apportée à la crise demeura insuffisante. L'augmentation des places d'asile et les contributions financières au HCR ne parvinrent pas à compenser le nombre d'arrivées. C'est pourquoi la Thaïlande et la Malaisie prirent des mesures encore plus radicales et menacèrent de faire usage de la force. Au cours de ces mois, le HCR négocia avec Hanoi la création du *Orderly Departure Program* qui permit à l'agence de trier la population au départ avant même qu'elle n'eût quitté le Vietnam.

Mais la plus grande avancée se produisit plusieurs mois plus tard, après qu'un conflit armé éclata entre la Chine, le Vietnam et le Cambodge. Ce ne fut qu'en juillet 1979 que les états trouvèrent une solution à la crise. Les états participants acceptèrent d'accueillir les réfugiés lors d'une conférence organisée par le Secrétaire général des Nations Unies. Cette fois, les enjeux politiques et humanitaires avaient tous deux été le moteur de cette initiative.

Comprendre les multiples enjeux de la protection des réfugiés

La dimension légale de la protection des réfugiés est essentielle. Et la détresse des réfugiés absolument indéniable. Cependant, d'autres facteurs entrent en ligne de compte dans la formulation d'une réponse humanitaire à la crise des réfugiés. Une analyse des différentes représentations des réfugiés sud-est asiatiques nous révèle que des considérations politiques ont fortement pesé dans la question de savoir si ces personnes étaient des « évacués », des « *land people* et *boat people* », des « migrants illégaux » ou des « réfugiés. » Elle montre également la position ambiguë des Nations Unies. C'est d'une part, un agent actif dans la promotion des standards internationaux et la protection des droits de la personne. Mais c'est aussi, d'autre part, une institution vulnérable lorsque des états l'utilisent pour faire avancer leurs propres intérêts.

Ce bref aperçu soulève également de nouvelles questions. Les états impliqués dans la crise sont parvenus à régler leurs différends en quelques mois. Qu'est-ce qui a provoqué ce changement ? Les standards légaux, des considérations humanitaires ou des intérêts politiques ont-ils guidé ce processus ?

Une bonne compréhension de la protection doit aussi regarder la réception du public. L'opinion publique partageait-elle la position de leur gouvernement? De quels aspects de la protection des réfugiés se préoccupait-elle en particulier? Toutes ces questions semblent nous montrer que la protection des réfugiés ne dépend pas uniquement du contexte légal. Le cadre de la loi impose les conditions à remplir pour obtenir le statut de réfugié. Mais ce sont les gouvernements qui décident du budget, des programmes et des ressources humaines dédiées à la protection des réfugiés.

Les perceptions du grand public sont tout aussi importantes, en particulier si certains ne pensent pas que les réfugiés sont des personnes vulnérables. Dans une telle situation, les réfugiés peuvent subir une stigmatisation. Ils peuvent même faire face à des menaces plus graves encore que celles qu'ils avaient tenté de réchapper.

Ce sont ces aspects de la protection des réfugiés que nous étudions dans un projet de recherche financé par le Conseil de recherche en sciences humaines. Deux articles dans ce volume, écrits par Hannah Klos et Sophie Sickert, apportent un éclairage sur l'opinion publique et la couverture journalistique du *Globe and Mail* et du *New York Times*. Les autres résultats de ce projet sont publiés sur [un site internet](#), qui sera disponible dans le courant de l'année 2020.

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Rohingya Refugee Crisis in Bangladesh

A Historical Overview¹

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18 This paper is an adapted version of one of the chapters of the doctoral theses of the author.

Abstract

The historical overview of the Rohingya crisis includes not just some years and pieces of events in those years. It also includes perspectives and actions of people from the past. Myanmar government's perspectives and actions, in the past and in the present, clearly tell how gradually the Rohingya ethnic community in Myanmar turned into stateless Rohingya refugees. This paper presents an historical overview of the Rohingya crisis. It uses findings of qualitative research conducted in two refugee camps – Kutupalong and Nayapara – in Cox's Bazar, Bangladesh between 2014 and 2016. It addresses a few key perspectives and actions of Myanmar through which the Myanmar government has become successful in committing ethnic cleansing and genocide against the Rohingya in 2016 and 2017. The Myanmar government's exclusionary Citizenship Act, religious prejudice and bigotry, constant denial of Rohingya's existence, and persecution, have made the Rohingya community stateless.

Résumé

L'aperçu historique de la crise vécue par les Rohingyas ne se limite pas seulement qu'à quelques années et à quelques événements. Il inclut également les perspectives et les actions des personnes du passé. Les perspectives et les actions passées et présentes du gouvernement du Myanmar, montrent clairement comment la communauté ethnique Rohingya du Myanmar s'est progressivement transformée en réfugiés rohingyas apatrides. Cet article donne un aperçu historique de la crise des Rohingyas. Il utilise les résultats d'une recherche qualitative menée dans deux camps de réfugiés – Kutupalong et Nayapara – à Cox's Bazar, au Bangladesh, entre 2014 et 2016. Il met en exergue quelques perspectives et actions clés du Myanmar ayant permis au gouvernement du Myanmar de commettre un nettoyage ethnique et un génocide contre les Rohingyas en 2016 et 2017. La loi à effet d'exclusion relative à la citoyenneté du gouvernement du Myanmar, les préjugés religieux et le sectarisme, la négation constante de l'existence des Rohingyas et les persécutions ont rendu la communauté rohingya apatride.

“I was born in Burma, but the Burmese government says I don’t belong there. I grew up in Bangladesh, but the Bangladesh government says I cannot stay here”.

-A 19-year-old Rohingya, Médecins sans Frontières-Holland (2002, p. 8).

“They took our photographs. They took our fingerprints. And then once in the boats, about 20 minutes out at sea, we were told we had been sold”. -The war on the Rohingyas, Thailand security supplies Rohingyas to trafficking rings (Reuters, 2013, p. 2).

The first quote is about how by denying citizenship, the Rohingya ethnic community has been made stateless, and the second tells how the Thai authorities remove Rohingya refugees from its immigration detention centres and hand them over to human traffickers. Indeed, both are examples of human rights violation against the Rohingya ethnic community, known as the world’s largest persecuted group. Several factors, such as geopolitical context, stigma towards ethnic and religious identity of the Rohingya, etc., cause human rights violations. The historical background of the Rohingya crisis, however, helps us to understand how these factors were shaped and created a context for the violation to take place. The violations eventually turned into genocide and ethnic cleansing in 2016 and 2017.

The issue of Myanmar Rohingya refugees has been a widely known topic in the field of human rights, international protection regime, and in many other disciplines concerned with geographical, political and social thoughts. Although the underpinnings of violent conflict in Myanmar have been extensively circulated throughout the world, international communities have been unable to find a durable solution to the protracted situation of the Rohingya. Today, they are widely known as Rohingya refugees of the Rohingya ethnic community.

Based on a sociological study conducted in the Rohingya refugee camps in Bangladesh in 2016, this paper presents a historical overview of the Rohingya crisis. My study focuses on Rohingya refugees inside and outside the refugee camps, it demonstrates how the Myanmar government has consistently been anti-Rohingya through its several discriminatory policies. Before describing these historic, exclusionary acts, it is necessary to know the key geopolitical historical events that gradually laid the foundation for today's Rohingya crisis.

Chronological Historical Overview of the Rohingya's Geopolitical History

The Rohingya people have historically claimed that they are the inhabitants of the former Arakan, which had always been an independent state but is now known as the Rakhine kingdom of Burma (Myanmar). Although there is a lack of consensus regarding the origins of the Rohingya people, many scholars agree that they are the descendants of the Arab and the Persian traders that included Indian and Bengali migrants who settled in the Arakan region between the ninth and 15th centuries (Ahmed, 2009; Ullah, 2011; Kipgen, 2013). Currently Bangladesh has the highest concentration of Rohingya refugees. Yet the lack of official recognition of Rohingya's existence in Bangladesh has exacerbated the Rohingya issue significantly.

Below is a chronological overview of the geopolitical history related to the origin of Rohingya, and their displacement from their land:

Year	Events
1784	Chittagong remained part of Arakan until 1784
1784 to 1785	Arakan is occupied by the Burmese
1785	Burmese king conquered Arakan and killed more than 200,000 Arakanese
1796	Arakanese's attempt to overthrow Burmese rule failed, and the first exodus of two thirds of Muslim Arakanese into neighbouring Chittagong area
1805 to 1820	Famine and cholera severely affect Burma
1872	The British administration conducted a tainted census by excluding Arakan
1885	The British incorporate Arakan into its empire; many Arakanese return from Chittagong
1886	Arakan becomes part of the province of Burma of British India
1891	Another census is conducted by the British being affected by displacement of people
1939	Buddhist Rakhine and Arakanese Muslims live together until World War II
1941	Japan declares war against the British government
1942	Japanese brutality, in collaboration with Rakhine Mogs ² , Muslim massacre takes place
1948	Burma becomes independent
1962	Military junta seizes power
1977	Burmese military registers all of its citizens prior to a national census in 1977
1978	200,000 Rohingyas are pushed to Bangladesh by the military authority of Burma
1982	Burmese Citizenship Law excludes Rohingya from 135 legal ethnic communities
1989	"Burma" is named "Myanmar" by the Burmese military
1990	"Arakan" is renamed "Rakhine" by the Burmese military
1991 to 1992	Between 210,000 and 250,000 Burmese Rohingyas enter Bangladesh due to violence in Burma
1993 to 2005	Repatriation continues from Bangladesh to Burma
2006 to Sept 2016	Rohingyas continue living in Bangladesh
2014	The UN-backed census in Burma does not count Rohingya as the Burmese government bans the official use of the term "Rohingya."
Oct 2016 to 2018	Ethnic cleansing in Burma continued which pushed 738,196 Rohingya to Bangladesh after August 25, 2017, making the total number of Rohingya in Bangladesh 906,572 as of December 31, 2018.

Source: Ahmed, 2009; Ullah, 2011; Kipgen, 2013; Richell, 2006; Loescher & Milner, 2008; Pittaway, 2008; Uddin, 2015; UNHCR: Refugee response in Bangladesh, 2018; "A Short Historical Background" n.d.; MacLean, 2018

2 The Mog are the descendants of the Arakanese, now known as the part of Burmese military who exploit the Rohingyas.

The following map shows the location of the Rakhine State, formerly the Arakan kingdom – the homeland of the Rohingya, where the Rohingya have been persecuted for the last few decades:



Based on the chronological overview of Rohingya's geopolitical history, it can be said that the Myanmar government's exclusionary Citizenship Act, religious prejudice and bigotry, constant denial of Rohingya's existence, and persecution, have made Rohingya community stateless.

Exclusionary Citizenship Act

Despite Myanmar's irrational and inhuman exclusionary approach to force the Rohingya to leave Myanmar, the Rohingya people never forget their origins. In the word of a research participant:

“I am from Burma – that’s all I can say. Because here [in Bangladesh] when I go outside, the first question I am asked is where I am from. And I have to tell that I am from Burma. I can’t say that I am from Bangladesh. And why would I claim to be a Bangladeshi? I was born in Burma, and I am here because I was forced to leave my country”.

His narrative points to a clear connection between his ethnic identity and his country, Myanmar. This 40-year-old man called “Burma” his country, but in Myanmar, Rohingya people are called “temporary guests.”

To go back to the historical overview, according to Uddin (2015):

“Arakan was an independent kingdom until 1784, when it encompassed the Chittagong region in the southern part of today’s Bangladesh”. (p.66)

Later, as Yusuf (2014) notes, “British Empire in Burma created identities based on people’s religions and ethnicities, as evident through the creation of the census in 1872” (p. 2) – which did not record its inhabitants’ identity according to birthplace – creating a greater division between local Burmese and other ethnicities. In the past, the British excluded the Rohingya community from the census and the Burmese, more recently by virtue of the 1982 Citizenship Act, excluded them from 135 legally recognized ethnic groups, calling them illegal migrants.

According to U Nyi Nyi, the former director of the Attorney General's Office of the Burmese government, Rohingyas "are not in conformity with either the 1948 or 1982 Act. That is the main reason that they are not entitled to become Myanmar citizens" (Myanmar Times, February 9, 2014, n.p.). Similarly, the Myanmar military regime claims that the reason for the non-inclusion of the Rohingya in 1982 Act is, the "Rohingya were 'Bengalis' who migrated from Chittagong in southeastern Bangladesh after 1823, and thus were ineligible for citizenship" (MacLean, 2018, p. 88). Ullah (2016), MacLean (2018), and others reject these claims as historical records, such as Buchanan's travel records of 1798, prove that Rohingya's presence in Myanmar "predates the 1823 cutoff by centuries" (MacLean, 2018, p.88). Yet, it is important to know the strategies that the 1982 Act followed to exclude Rohingyas from being Burmese citizens.

The Act confers Burmese citizenship under three categories: citizenship, associate citizenship, and naturalized citizenship. For the first category, the Act suggests that if someone fails to produce proof of his/her linkage to ancestry and/or their settlement in Myanmar before 1823, they will not be citizen under this category. The second, associate citizenship, applies to "those who did not obtain citizenship but applied for it under the 1948 Union Citizenship Act as per Chapter III of the 1982 Citizenship Law" (Chakma & Ahmed, 2017, n.p.). The final category, Naturalized Citizenship, applies to an individual "who has entered and resided in the State anterior to the 4th of January 1948 and offspring?" were born within the State, and the individual has not yet applied under the Union Citizenship Act 1948 " (Chakma & Ahmed, 2017, n.p.). Furthermore, if at least one parent of an individual fits any of the above three categories of citizenship, that individual is also eligible for Burmese citizenship.

The divisive 1982 Citizenship Act still has the authority to grant citizenship to the Rohingya, particularly under categories 1 and 3. The Rohingya have been living in Myanmar from long before 1823, fulfilling the condition of the first category, and have resided in Myanmar long before the 4th of January 1948 and Rohingya mothers gave birth to children within Myanmar, fulfilling the condition of the third category.

However, the purpose of the 1982 Act is to exclude the Rohingya community by denying the truth. The racist and fascist nature of the Act of 1982 robbed Rohingyas of their right to citizenship in a cleverly devious manner – by splintering a legal bond between a state and an individual. Such a denationalization process was implemented through the issuance of three coloured cards to its citizens: pink cards for the full citizens, blue cards for associate citizens and green for naturalized citizens. Based on a Joint Statement between Bangladesh and Myanmar signed on April 28, 1992, Rohingya repatriation began. While all parties agreed that the returnees would be given “appropriate identification” in Myanmar, in practice they received “returnee identification cards,” “yellow colour cards which only identified them as persons having returned from Bangladesh by giving them no legal status” (Ullah, 2015, n.p.). Clearly, the yellow card did not carry any benefits for the repatriated Rohingyas. Rather, the purpose of this card was to identify them as returnees from Bangladesh.

In fact, the 1982 Act successfully represents the Burmese government’s unfair attitude towards its ethnic communities through its inclusionary and exclusionary policies. This Act includes Karen, another ethnic community of Myanmar, as citizens. The Karen demand an independent state. In order to fulfill their demands, the Karen community has been operating the longest self-determination movement in Myanmar since 1949 (Mcconnachie, 2012). This Act excludes the Rohingya community that wants legal status and a separate identity but not a separate state. Being victims of the 1982 Act, the Rohingya and Karen ethnic communities have been living as refugees in Bangladesh and Thailand, respectively.

Religious Prejudice and Bigotry

Another key reason for the Rohingya crisis is their religious identity. Rohingyas are Muslims. The majority of Myanmar residents are Buddhists. While Rakhine Buddhist and Arakanese Muslims lived together in Myanmar until the World War II (Uddin, 2015), a Muslim massacre by Rakhine Buddhists was instigated by the Japanese invasion in Myanmar. Later, in 1962, the Burmese military introduced propaganda and threats: that Myanmar is not a country for the Muslims.

The Burmese government's racial discrimination against Rohingyas has been fuelled by religious differences. Rohingyas are disqualified to be Burmese citizens because of their religion. Like other minority ethnic Muslim communities, Rohingyas in Myanmar have become the "others," which means they are not Burmese citizens per se. Myanmar's nationalist, anti-Islam, Buddhist perspective considers the Burmese as "civilized," and the Rohingyas as "unruly" (Wade, 2017). Ironically, a contrast between beliefs and actions is manifested in the way Buddhism is practised in Myanmar. For instance, the members of the movement led by Buddhist monks known as the Organization for the Protection of Race and Religion, which is locally known as Ma Ba Tha, clearly point to such manifestation when they, on the one hand, claim that "Buddhism stands for truth and peace" (Wade, 2017, p. 5) while Buddhist community continues killing and persecuting Muslims in Myanmar. They justify these acts in the name of preserving their religion, along with their race and nation.

The table above shows that the first exodus of Rohingyas to Bangladesh in 1796, and their descendants returned to Myanmar in 1885 after almost one hundred years. The Rohingyas' connection to Bangladesh is longstanding, although Rohingyas maintain a sense of belonging to Myanmar, not Bangladesh. This is illustrated by the narratives of my research participants, presented in the later part of this dissertation. However, the Anti-Muslim Burmese government uses Rohingya's connection to Bangladesh in a distorted manner, labelling them Bangladeshi Muslims, while taking a biased position on the Rakhine community living in Myanmar. Anwar (2013) notes that more than half of the Buddhist Rakhine community living in today's Rakhine State of Myanmar migrated there from Bangladesh and settled during Ne Win's era after 1958.

Indeed, Rakhine's multiple back-and-forth movements between Myanmar and Bangladesh took place until Myanmar's independence, and many of the Rakhine's ancestors and descendants still live in the southern region of Bangladesh. Yet the Burmese government does not have a problem with the Rakhine community's connection to Bangladesh. Moreover, the 1982 Act demands valid evidence of residence only from Muslim Rohingyas, not from Buddhist Rakhines; Muslim Rohingyas must prove the presence of their foreparents in Myanmar before 1823.

Interestingly, the Rakhine, if asked, would not be able to show any evidence to support their connection with their ancestors in Myanmar (Anwar, 2013). But religious prejudice and bigotry of the Burmese government have resulted in persecution at first, then ethnic cleansing, and finally genocide against the Rohingya Muslims in Myanmar. According to an FGD participant at Kutupalong unregistered camp:

“We had no chance to celebrate anything, in the Ramadan, they used to lock the mosque so we couldn’t go to pray. [We] couldn’t sacrifice animals during the Eid-Ul-Adha [the second-largest festival of the Muslims], couldn’t send kids to schools. They will kill you if you practise your religion. Now tell me, how we would stay there [in Myanmar].”

Practising religion, in general terms, refers to saying five times prayers every day, either at home or in the mosques, fasting from dawn to sunset for 30 days, and performing night prayers as part of observing Ramadan, celebrating Eid-Ul-Fitr and Eid-Ul-Adha – two significant religious festivals, going to Mecca to perform hajj (depending upon financial and physical ability), giving to charity, etc. For Rohingya, none of these activities was allowed in Myanmar.

Although religion does not always play a crucial role in uniting, it raises hope for people in disadvantaged situations. For instance, Bangladesh and Pakistan separated into two countries in 1971 despite having religious homogeneity. On the other hand, Rohingyas considered Bangladesh to be a safe haven to flee from persecution in 1976, 1991, 2012, 2016, 2017, and onward because of the religious commonality between Rohingya and Bangladeshi people. Life in Bangladesh offers them the religious freedom they longed-for.

To sum up, the anti-Islamic attitude of the Burmese government is one of the main reasons for Rohingya persecution. It is evident in the “establishment of new Buddhist settlements on vacated Muslim lands; and demolition and burning of mosques, Muslim houses and villages, and Islamic religious schools” (Parnini, Othman & Ghazali, 2013, p. 137) in Myanmar.

Very few scholars, except Ullah (2016), Wade (2017), and MacLean (2018), clearly imply that it is the state-sponsored communal violence that has fuelled the flames of exclusion of Rohingya in Myanmar, since the expressed purpose of the Burmese government is “to build a mono-religious nation” (Ullah, 2016, p. 289) where Muslims have no place.

Denial of Existence

The use of the term “Rohingya” is offensive to the Burmese government. Both Burmese historians and politicians are committed to their refusal to use the term “Rohingya.” They ignored multiple references of the widespread use of the term Rohingya even long before the Burmese conquered Arakan. Although tracing the exact period of the origin of Rohingyas in Arakan may seem difficult, available references suggest that the origin of the term Rohingya is rooted in Arakan, as is the Rohingya ethnic community.

In fact, “Rohingya” is a phonological derivation of words like Rakhanga (Leider, 2012); “Reng,” “Roung,” Rossawn,” “Russawn,” “Rung” (Buchanan, 1992). Arakan history expert Leider (2012) confirms that the term “Rossawn” is Roshang, the Bengali word for Arakan. Asiatic Researches (1799) state that “The Mohammedans settled in Arakan, call the country Rohingaw, the Persians call it Rekan” (p. 223). While travelling through British India in 1798, famous European traveller Francis Buchanan, whose book was published in 1992 – almost 200 years after recording an account of his journey – mentioned the name Roang as an alternative to that of Arakan (p. 104). Buchanan (1992) also informed that “Roang language was spoken by people who used to live in Arakan” (p. 108).

The research evidence reaches one single conclusion, and that is that the Rohingya community did exist in Myanmar in the past. The evidence terminates the validity of the Burmese government’s deliberate denial of Rohingyas’ existence in Arakan, or Myanmar. The stateless Rohingya community did not contrive their identity recently, but nurtured it among themselves over time. They identify themselves as Rohingya because they have been living in Myanmar as a native of Rohang, or Arakan, or Myanmar.

There may be a lack of available research or historical evidence on the ways in which Rohingya people formed their identity as a particular group of people, yet sufficient historical research confirms their existence in Myanmar as an ethnic group for many hundreds of years. My research participant, a 23-year-old man, boldly refutes the denial of existence theory of Myanmar:

“If I won’t have any parents, then how could I come into being. Similarly, if we don’t have a place ... a country of our own, how come I am here in this world? I feel like it is a sort of disability ... we are here in this world but we are not part of this world.”

Consistent Persecution in Myanmar

The coercive power of the British colonial regime dismissed the indigenous territorial boundaries in Myanmar (Lang, 2002). As Pittaway (2008) observes, the Rohingya Muslims “were promised that if they supported the British, they would be given their own national area, but the British later reneged that promise” (p. 86). Amid violence, some Rohingyas stayed in Myanmar while, according to the UNHCR (2007a) report, many fled to East Bengal (now Bangladesh) during the invasion of Japan. Later, Rohingya people merged into the local community, which was facilitated by their cultural, religious, and linguistic similarities.

The following years, after Myanmar became independent in 1948, brought further suffering into the lives of Rohingyas as the Burmese government continued treating Rohingyas as illegal migrants, and denied them citizenship (Pittaway, 2008). Although, the Rohingya people claim themselves residents of NRS (the Northern Rakhaine State in Myanmar), the discrimination and violence against the Rohingyas began in Myanmar’s western Rakhine State following the 1962 coup, when the military junta first seized power (New Statesman, 2009, p. 30).

In order to exclude the Rohingyas, the Burmese military registered all of its citizens prior to a national census in 1977 (Pittaway, 2008). This event triggered extreme violence, widespread killings, and rape; 200,000 stateless Rohingyas were pushed to Bangladesh by the military authority of Myanmar in 1978 (Loescher & Milner, 2008, Ullah, 2011). Because of consistent persecution in Myanmar, another major wave of 210,000 and 250,000 Burmese Rohingyas fled from Myanmar to neighbouring Bangladesh between December 1991 and March 1992 (Refworld, 2001). Geographical proximity between Myanmar and Bangladesh – one of the main factors of the exodus – gave Rohingyas easy access to Bangladesh. In addition, as Farzana (2011) states, “when they were forced to come to Bangladesh, leaving behind everything, the Rohingyas thought they would have a peaceful life in this new country; after all, they thought, they belong to the ‘same religion’” (p. 225). However, from the beginning, they were unwanted in Bangladesh, an already overpopulated country with limited resources.

Although the Bangladeshi government has banned Rohingyas’ stay, it has granted them temporary residence – in cramped and unhealthy conditions – in two government-run makeshift camps at Nayapara and Kutupalong in the Cox’s Bazar District. Cox’s Bazar is located in the border area of Bangladesh (Murshid, 2014) where forced labour, violence, persecution and lack of security are everyday phenomena (Pittaway, 2008). After a series of unsuccessful negotiations between the government of Bangladesh and the UNHCR, as well as some forms of repatriation and refoulement (forcible return of refugees), 32,000 registered Rohingya have been housed in the two camps for years (“Bangladesh Plans to move Rohingya,” 2015, n.p.), while a large number of unregistered Rohingya have been able to manage temporary shelters in the nearby villages until 2016. After the mass exodus in 2016 and 2017, Bangladesh government employed military for the accommodation arrangement of both the newly arrived Rohingya and the previously known unregistered ones. Bangladesh now calls them Forcibly Displaced Myanmar Nationals (FDMN), a completely new term that does not exist in the Rohingya vocabulary.

The Role of UNHCR

At this point, a few words on the role of the UNHCR in the Rohingya crisis is necessary. One might ask about the role of UNHCR in protecting persecuted Rohingyas. While the United Nations has described them as “the most persecuted people in the world” (Al Jazeera, April 18, 2018), UNHCR’s passivity in response to Rohingya crisis since 1978 – the first exodus of persecuted Rohingyas in the independent Bangladesh – is clear in two quotes. One says, “There comes a time when silence is betrayal” (by Martin Luther King); and the other, “If you are neutral in situations of injustice, you have chosen the side of the oppressor,” (by Desmond Tutu). UNHCR has a mandate to protect refugees and stateless people, and it has failed to do so for the Rohingya over the last four decades. UNHCR does publish dozens of thick reports with colourful illustrations and heartbreaking photos of Rohingya refugees, and assists goodwill ambassadors of other UN agencies and internationally renowned persons by visiting refugee camps, etc. Yet, even when other UN agencies facilitate a discriminatory census conducted by the Burmese government, UNHCR remains silent. For example, with the help of United Nations Population Fund (UNFPA), the Burmese government conducted a census in early 2014, which did not count Rohingyas. According to Human Rights Watch report, in the 2014 election, “1.09 million people were not counted” (“Burma: Amend Biased Citizenship”, 2015, n.p.). UNHCR’s neutral and/or silent position in Rohingya crisis puts UNHCR on the side of persecutors.

To conclude, despite the purposeful and agenda-based behaviour of the Burmese government in denying the Rohingyas’ existence in Myanmar, and despite the Burmese government’s evasiveness by not using the name “Rohingya” as a way to make them “others” (Wade, 2017, p. 129), the historical evidence clearly confirms Rohingya’s origin and existence in Myanmar. The Rohingya “cry for identity and homeland remains unheeded,” however, for the last 30 years (Yusuf, 2014, p. 4). They are neither Burmese, in the eyes of the Burmese government, nor Bangladeshi, in the eyes of the Bangladeshi government. Since they “do not fit in our particular image of the world” (Johnson, 2014, p. 134), they are forced to suffer victimization, discrimination, and an exile status, treated like human waste because they have “no useful function to play in the land of their arrival and temporary stay, and no intention or realistic prospect of being assimilated and incorporated into the new social body.” (Bauman, 2005, p. 97).

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