

THE POLITICAL DISCOURSE BEHIND CANADA'S UNUSUALLY HARSH DETENTION  
PRACTICES: THE MV SUN SEA CASE

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# THE POLITICAL DISCOURSE BEHIND CANADA’S UNUSUALLY HARSH DETENTION PRACTICES: THE MV SUN SEA CASE

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## Abstract

On August 13<sup>th</sup> 2010, the *MV Sun Sea* ship carrying 492 Tamil asylum seekers arrived off of the coast of British Columbia. Immediately upon arrival the Tamil asylum seekers were detained for a prolonged period of time, subjected to intensified interrogation techniques, and unfairly questioned even when in possession of identifying documents. This paper examines how the government used political discourse to try and justify the unusually harsh detention of asylum seekers. Through a critical discourse analysis strategy, eight newspaper articles will be analyzed and the theories of securitization, discourse, and orientalism will be used to advance certain political ideologies. The political justifications of detention operate through the theme of the egocentric state, and the theme of categorizing and demonizing asylum seekers. The final theme discussed is the concept of victimization, which will offer an alternate perspective to this paper’s main focus on political discourse.

## **Key words:**

Asylum seekers, political discourse, detention, terrorism, securitization, othering, orientalism, power

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## PART ONE: INTRODUCTION

### **Case study: MV Sun Sea**

On August 13<sup>th</sup> 2010, 492 Tamil asylum seekers arrived off of the coast of British Columbia, aboard the *MV Sun Sea*. The boat contained 380 men, 63 women, and 49 children, who had set sail from Thailand in what was a three-month journey (Sriskandarajah, 2014; Kronick, Rousseau, & Cleveland, 2011). The Tamil asylum seekers were fleeing a 26-year long civil war in Sri Lanka, which involved armed conflict between the Sinhalese government and the Liberation Tigers of Tamil Eelam (LTTE) (Sriskandarajah, 2014). Even though the civil conflict in Sri Lanka ended in 2008 with the LTTE defeated, the humanitarian impact was detrimental as tens of thousands of civilians were killed (Sriskandarajah, 2014; Canadian Council for Refugees, 2015). It is important to note that Canada as well as many other nations such as the United States, the European Union, and India classified the LTTE group as a terrorist organization in 2006 (Sriskandarajah, 2014). This classification contributed to many of the assumptions and security concerns made by the Canadian government once the *MV Sun Sea* arrived.

Immediately upon arrival, the male asylum seekers were placed in a correctional facility separate from the females and children (Canadian Council for Refugees, 2015). About 25 females and 49 children were detained together at the Burnaby Youth Secure Custody Centre with some of these families being held in detention for as long as 7 months (Kronick, Rousseau, & Cleveland, 2011). The process of reviewing each refugee claim made by the Tamil asylum seekers began shortly after detainment; however, the review process diverged drastically from the normal protocol for detention outlined in the *Immigration Refugee Protection Act* (IRPA). The government implemented longer detention periods by broadening the grounds for detention, intensified interrogation techniques, and engaged in active efforts to reject refugee claims

(Canadian Council for Refugees, 2015). Also, before the *MV Sun Sea* ship arrived along the coast of BC, CBSA (Canadian Border Security Agency) officers were sent multiple memos outlining instructions to detain the asylum seekers (Canadian Council for Refugees, 2015). Officers were instructed to make the active effort to try and declare asylum seekers as being inadmissible on the grounds of security and criminality, and to also question the authenticity of any identifying documents (Canadian Council for Refugees, 2015).

In order to understand the government's response to the asylum seekers on board the *MV Sun Sea*, it is important to provide some added context as to what was happening during this period. Nine months prior to the arrival of the *MV Sun Sea*, the *MV Ocean Lady* arrived along the coast of BC carrying 76 Tamil asylum seekers who were also fleeing the conflict in Sri Lanka (Canadian Council for Refugees, 2015). Since Canada had made the classification that the LTTE was a terrorist organization, the media and government began to associate all immigrants, whether they posed a real threat or not, as being potential terrorists (Canadian Council for Refugees, 2015; Sriskandarajah, 2014). The former Public Safety Minister Vic Toews stated that some of the passengers aboard the *MV Sun Sea* were "suspected human smugglers and terrorists" (Canadian Council for Refugees, 2015, p. 2). In a separate statement, the former Public Safety Minister went on to say that "Human smuggling is a despicable crime and any attempted abuses of our nation's generosity for financial gain are utterly unacceptable" (Canadian Council for Refugees, 2015, p. 16). In actuality, out of the 492 asylum seekers on board, 11 were found inadmissible on the grounds that a link could be made from the individual to the LTTE organization, which still did not prove that any of the asylum seekers were guilty of terrorist-related activity (Canadian Council for Refugees, 2015). Overall, the asylum seekers on board the

*MV Sun Sea* were greeted by a very strict Canadian immigration system that continued to target them years after their arrival.

### **Research problem & questions**

The detention of the passengers aboard the *MV Sun Sea* case gives rise to a variety of issues surrounding national security, public safety, terrorism, ‘othering’, ‘us vs them’, racism, and who is considered to be a deserving immigrant. In Canada, legislation on immigration falls under the *Immigration and Refugee Protection Act* (IRPA) of 2001, which outlines procedures for detaining and deporting a non-citizen. Sections 54-71 of the IRPA outlines the four main grounds under which a non-citizen can be detained, as well as, the process for the administrative review of detentions by the Immigration Division of the Immigration and Refugee Board (IRB). CBSA officers are given full discretion to decide whether a non-citizen can be detained on the grounds he or she is inadmissible, a danger to the public, a flight risk, or if an identity cannot be established (IRPA, 2001, s.55). The problem of detention then arises under the IRPA because this body of legislation subjects vulnerable groups of non-citizens such as the asylum seekers seen in the *MV Sun Sea* case to a plethora of humanitarian, rights, and institutional-based concerns.

First, from a humanitarian perspective, detention facilities have negatively impacted the mental health of both adults and children by causing post-traumatic stress disorder, anxiety, depression, a loss of sleep, dizziness, and fainting (Sadoway, 2001; Gros et al., 2015). This has contributed to re-victimizing an already vulnerable group of people who have experienced their own forms of distress and crises before arriving in Canada (Gros et al., 2015; Kronick & Rousseau, 2015). Second, from a rights-based perspective, detainment has produced concerns



over the procedural rights of detainees, and whether a detainee's right to liberty has been fairly restricted (Gros et al., 2015). The IRPA does not have a maximum detention length, and as a result, non-citizens can be detained for an indefinite length of time regardless of the potential infringement of rights under international law (Nakache, 2011).

Third, there are many institutional concerns that have arisen over the practice of detention throughout Canada, especially when analyzing the regional differences throughout the country. Detention statistics have fluctuated significantly since the beginning of the 2000s with the enactment of the IRPA, which caused detention rates to rise from 8,000 to 11,500 (Kelley & Trebilcock, 2010). Following the implementation of Bill C-31, the rates drastically dropped back down to 8,416 non-citizens being detained (CBSA, 2014). Also, institutional concerns extend to the regional disparities that exist across Canada. Central Canada reports higher rates of detention and lower rates of release when compared to both eastern and western Canada. The cause for these regional differences can partly be attributed to the available number of beds in Immigration Holding Centres (IHCs), and the number of non-citizens received at the border (Silverman, 2014; Nakache 2011).

It then becomes clear that the process of detention is not as simple as following the procedures outlined in the IRPA. Instead, detention in Canada is problematic in the sense that the practice results in a variety of humanitarian, legal rights, and institutional concerns, which contributes towards targeting an already vulnerable group of the population. Asylum seekers travel to Canada seeking protection and safety, instead, the detention process subjects these individuals to unfair and arbitrary practices that can produce serious mental health concerns and infringe their basic human rights. Also, depending on the particular legislation enacted at the time and the port of entry, non-citizens can find themselves more likely to be detained regardless

of the four criteria for detainment under s. 55 of the IRPA (Nakache, 2011, Silverman, 2014).

The asylum seekers on board the *MV Sun Sea* were subjected to additional scrutiny practices based on the need to ensure Canada's national security from terror related threats. Thus, detention in Canada has transformed into a problematic practice that unfairly targets an already vulnerable group of immigrants by subjecting them to a variety of humanitarian, rights, and institutional-based concerns.

This paper seeks to unpack this research problem and the stated concerns even further by understanding how certain discourses on securitization, 'othering', 'us vs them', terrorism, national security, racism, power, and influence all work together to justify detention. When analyzing detention from a humanitarian, rights, and institutional perspective, the problems associated with the practice in Canada are clear. However, this paper aims to analyze these problems even further by examining the ideological underpinnings that allow for unfair and harsh detention practices to exist altogether. Using the *MV Sun Sea* as a case study, a critical discourse analysis (CDA) strategy will be used to analyze the three following research questions:

Central question:

1. How did the government use political discourse to try and justify the unusually harsh detention of asylum seekers on board the *MV Sun Sea*?

Subsidiary questions:

2. Does the government's use of political discourse within newspaper articles reinforce certain ideologies (securitization, 'othering', 'us vs them', racism, terrorism)?
3. How are asylum seekers framed within newspaper articles? Positively or negatively?

Under a CDA framework, newspaper articles focusing on the *MV Sun Sea* case are analyzed from three popular online news sources throughout Canada. The aim of this paper is to move

beyond the surface level issues facing detention, and to analyze the deeper ideological issues that are rooted within discourse and power.

This paper begins with a brief history of immigration law in Canada leading up to the IRPA, and the legislative changes made after the *MV Ocean Lady* and *MV Sun Sea*. Part three consists of a literature review on detention, which looks into both scholarly and journalistic publications on Canadian and international detention practices. This section also focuses on providing a detailed analysis of the literature on detention, which includes cases for and against the practice. The following section introduces the theories of securitization, discourse, and orientalism, which act as the theoretical pillars of this research paper. Then, a section outlining the methodology of the adopted research approach and strategy are discussed, which highlight the pros and cons of choosing such methods. The data analysis and findings section of this paper is then introduced where three central and reoccurring themes within the selected news articles are examined: the egocentric state, categorizing and demonizing, and victimization. Finally, this paper will end with the conclusion, which focuses on highlighting future research implications in the fields of detention and immigration.

## PART TWO: IMMIGRATION HISTORY ON DETENTION AND DEPORTATION IN CANADA

This section will provide a brief overview of Canada's immigration history leading up to the development of the IRPA. Also, this section will provide an overview of the IRPA itself and how it operates within the context of detention. Before this discussion takes place, it is first, important to define the terms deportation and detention, as well as who falls under these categories. The Canadian government defines deportation as the act of removing a person from the country due to an immigration law violation, and denying the return of that individual without approval from the Minister of Citizenship and Immigration (Citizenship and Immigration Canada, 2015). Detention is defined as restricting a foreign national or permanent resident's freedom of movement under reasonable and justifiable grounds (Gros et al., 2015). A foreign national includes any person who is not a permanent resident or Canadian. Such persons would include asylum seekers, refugees, unaccompanied children, or stateless immigrants (IRPA, 2001, s.2; Silverman, 2014). A permanent resident includes any person that has been granted permanent residency in Canada and will eventually be able to apply for citizenship (IRPA, 2001, s.2). Any person who is not a Canadian citizen can be deported or detained under the IRPA.

### **Detention and deportation beginning in the 1960s/70s**

This discussion on Canadian immigration starts during the latter half of the 20<sup>th</sup> century as this period in time marks the beginning of many shifts in immigration from a detention perspective. The late 1960s and early 1970s marked the start of Canada's first recession in 30 years (Kelley & Trebilcock, 2010). The country was struggling with high inflation and

unemployment rates, which reached 10% and 7% respectively (Kelley & Trebilcock, 2010).

Along with the ongoing recession, Canada also introduced a points-based immigration system in 1967, which marked the first push towards a more economic-based immigration system (Kelley & Trebilcock, 2010). The points-based system had an immediate impact on who was entering the country because it was the first time in Canadian immigration history where immigrants from Asia were favoured over European immigrants (Kelley & Trebilcock, 2010).

In terms of deportation and detention rates, deportation rates spiked from 3,500 in the late 1960s to 11,766 by 1971 (Kelley & Trebilcock, 2010). The massive increase in deportation rates during this time can largely be attributed to changes in immigration policy, which allowed for immigrants to apply for resident status within Canada, as opposed to waiting for their application to be processed outside the country (Kelley & Trebilcock, 2010). In regards to detention, the 1960s is a pivotal period because this was a time where the humanitarian rights of detainees were brought into question (Kelley & Trebilcock, 2010). After receiving many complaints about the lack of due process rights detainees were given, the Minister of Justice launched an investigation into the humanitarian and rights-based concerns facing detainees (Kelley & Trebilcock, 2010). The recommendations produced from the investigation advocated for the creation of a new act that would allow for an independent review system to assess deportation decisions. Thus, in 1967, a new *Immigration Appeal Board Act* was passed, and allowed for the review of appealed deportation decisions while taking the humanitarian concerns of each case into consideration (Kelley & Trebilcock, 2010).

Soon after the implementation of the new *Immigration Appeal Board Act*, more than 17,000 cases were sent to the government by the early 1970s. The system became flooded with cases because of the additional grounds detainees were given to appeal deportation decisions, as

well as the lengthy review process for each case (Kelley & Trebilcock, 2010). The difficulties faced by the government, the increasing pressure on the government to grant detainees more rights, and Canada's increasing reliance on immigration as a form of population growth eventually led to the creation of the *Immigration Act of 1976* (Kelley & Trebilcock, 2010). Overall, this act adopted a more restrictive view on immigration in Canada, and focused on immigration being linked to economic prosperity. In a similar sense to the rationale behind the revised *Immigration Appeal Board Act*, this new act guaranteed detainees additional procedural rights under the law (Kelley & Trebilcock, 2010). Also, it revised the legal definition of prohibited classes in Canada. Prior to 1976, Canadian law restricted "idiots, morons, the physically disabled, and homosexuals" from entering the state (Kelley & Trebilcock, 2010, p. 408). This definition was changed to "inadmissible classes" which are now defined as people who pose a danger to the public or are considered an excessive burden on society's social services (Kelley & Trebilcock, 2010, p. 408). Essentially, the *Immigration Act of 1976* was implemented at a time where immigration was necessary for the growth of Canada, however; only a certain type of economic-based immigration was considered necessary. This act also codified procedural rights for detainees, and created a fair detention process from a legal perspective.

### **The Immigration and Refugee Protection Act (IRPA)**

The *Immigration Act of 1976* was replaced with the IRPA in 2002. As demonstrated above, the progression of law comes about from changes in circumstance whether economically or politically motivated. This holds true for the creation of the IRPA, which arose from the security threats and subsequent terrorist attacks that occurred following 9/11 (Kelley &

Trebilcock, 2010). From a political perspective, the IRPA was the product of fear mongering, and the need to secure the state's borders from a perceived outside threat (Kelley & Trebilcock, 2010). The former Minister of Immigration stated that the intention of the act was to prevent illegal immigrants from entering Canada, and to grant more power to the CBSA (Kelley & Trebilcock, 2010). Sections 54 to 71 of the IRPA outline the procedures for detainment and detention in Canada. Sections 55 (2a & 2b) state a CBSA officer can detain an individual if:

(a) the officer has reasonable grounds to believe is inadmissible and is a danger to the public or is unlikely to appear for examination [flight risk], an admissibility hearing, removal from Canada, or at a proceeding that could lead to the making of a removal order by the Minister under subsection 44(2); or

(b) if the officer is not satisfied of the identity of the foreign national in the course of any procedure under this Act. - (IRPA, 2001, c6, s.55)

Once a CBSA officer has detained a non-citizen under s.55, the detainee will be sent to either an IHC in Toronto, Vancouver, or Laval, or a provincial prison (Gros, et al., 2015). It should be noted that the decision to detain a non-citizen in an IHC or a provincial prison is based solely on the discretion of the CBSA officer (Gros, et al., 2015). The CBSA is a federally run agency that is responsible for overseeing Canadian borders, customs, and detainment (Canada Border Services Agency Act, 2005). The agency is governed by its own act, the *Canada Border Services Agency Act* of 2005, and CBSA officers are the first point of contact for asylum seekers going through the immigration system (Canada Border Services Agency Act, 2005).

Following detainment, s.57 outlines the process for review and continual detention. The first review to determine if detention will continue must be held within 48 hours of initial detainment (IRPA, 2001, s.57). The second review hearing must be held no more than 7 days after the first, and all subsequent reviews must be held no more than 30 days thereafter (IRPA, 2001, s.57). The burden for demonstrating grounds for detention rests on the government who

must satisfy the standard of “balance of probabilities”, which need only show that one of the grounds for detention exist. Once established, the burden of proof then shifts to the detainee to prove that there are clear reasons to issue a release (Gros et al., 2015). In addition to these procedures, the IRPA does not have a maximum detention length, which means non-citizens can be detained indefinitely (Gros et al., 2015). In the case of the *MV Sun Sea*, some asylum seekers were detained for as long as seven months under the IRPA (Kronick, Rousseau, & Cleveland, 2011). Overall, the IRPA is a product of past legislations, and works to outline the procedures of detention in Canada. Unlike earlier immigration legislations during the 1970s, the IRPA works to ensure detainees are given procedural fairness. That being said, this is a legislation that is still more punitive in the sense that it works towards deterring “unfavourable” immigrants from entering the country, and is a product of the 9/11 and post-9/11 security threats (Kelley & Trebilcock, 2010).

### **Legislation post-MV Ocean Lady/Sun Sea**

Before ending this section on the progression of Canadian immigration law since the 1960s, it is important to address a major legislative change following the *MV Ocean Lady* and *MV Sun Sea* cases. In 2012, the government introduced Bill C-31 formerly known as *Protecting Canada’s Immigration System Act*. This bill was a direct response to the security scares brought on by the two cases of boat people arriving to Canada, and subsequently, the increasing pressure placed on the government to toughen its immigration laws (Wales & Rashid, 2013). Bill C-31 works to deter irregular immigrants from entering Canada by toughening the immigration process (Wales & Rashid, 2013). Appeals for refugee status are now denied under the bill, and sponsored refugee claimants must endure longer wait times to gain refugee status (Wales &



Rashid, 2013). Also, any “irregular” immigrant, or immigrant suspected of being smuggled that enters the country will be immediately detained (Wales & Rashid, 2013). These provisions raise many concerns in terms of the direction Canada is moving from an immigration standpoint, and how future asylum seekers and refugees who are unable to use conventional methods of immigration will be treated. The legislative and government response to the *MV Sun Sea* case will be analyzed further in the data analysis and findings section of this paper.

### PART THREE: LITERATURE REVIEW

This section works towards providing a comprehensive literature review of detention around the world with a particular focus on Canadian research. Within the Canadian context, literature on detention tends to disproportionately focus on the individualistic, mental health impact detention has on vulnerable populations. These vulnerable populations include refugees, asylum seekers, children, the mentally ill, and unaccompanied children (Gros et al., 2015). In order to provide a more complete picture of the issues surrounding detention, this literature review will also rely on international sources from the United States, European countries, Australia, and Japan. The aim in this section is to review both the humanitarian and rights-based issues surrounding detention, and to also critique the limited body of literature that exists within Canada.

First, this section will begin by examining the mental health and procedural issues of detention in both a Canadian and international context. Then, the justifications and rationale for particular detention practices will be examined with a focus on the types of discourses and legislations used. Given the methodology that will be used in this research paper, a section analyzing past journalist responses to detention will also be presented, as it will provide a contrasting view to how detention is presented in scholarly work. Finally, a brief look at the research in favour of detention, as well as a critique of the Canadian literature on detention will be presented.

It is important to take a moment to clarify the use of language adopted by some researchers within this literature review. The term “illegal” immigrant is often used to describe an immigrant who enters a country’s borders illegally bypassing the legitimate or standard avenues of entry (Newton, 2008; Elliot, 2014). This includes asylum seekers arriving by boat,

smuggled immigrants, unaccompanied children, and immigrants who overstay their visas. This term, however, is inaccurate in the sense that it labels an individual as being illegal or criminal based on a country's immigration policies (Newton, 2008). A person cannot be legal or illegal, to attach a label to an individual suggesting so contributes to degrading and grouping individuals into a single, homogeneous category (Newton, 2008; Elliot, 2014). As a result, this literature review will use the term "illegal" in quotations when referring to immigrants in order to signify the problematic nature of the term, and at the same time to respect the language used by the researchers.

### **Humanitarian concerns with detention: mental health & procedural**

Within the Canadian context, there are a variety of mental health illnesses that are produced from being detained for any length of time. Gros et al. (2015) conducted a study in Ontario interviewing 10 former detainees, and 30 experts in the fields of detention and mental health. The researchers found that not only are detention facilities and provincial prisons not equipped to address the needs of immigrants in terms of education and employment programs, but these facilities also lack the ability to address the needs of mentally ill immigrants (Gros et al., 2015). CBSA officers are inadequately trained with regards to handling vulnerable populations, and this has contributed to creating an unfair and vulnerable detention environment (Gros et al., 2015).

The procedural concerns associated with detention facilities in Canada also contribute to worsening the mental health impact of detention seen in Gros et al.'s (2015) study. Silverman (2014), Hussan (2014), and Nakache (2011) all examine the procedural limitations associated with detention in terms of regional disparities that exist across Canada, the lack of mental health

training CBSA officers are given, and the gap that exists between detention theory and application. For example, Nakache (2011) examined statistics from CBSA reports and conducted interviews with immigration professionals and service workers. The researcher found there was a gap between the international protocol and the Canadian application of detention (Nakache, 2011). Canada relies on detention as being a commonplace practice, as opposed to a measure of last resort as stated in international treaties (Nakache, 2011; Hussan, 2014). Also, vulnerable populations can be placed in provincial prisons as opposed to IHCs, which furthers the inadequate and degrading treatment these immigrants receive (Nakache, 2011; Silverman, 2014). Overall, these researchers argue the procedural concerns and inconsistencies with detention have contributed to impacting the mental health of vulnerable populations in Canada (Nakache, 2011; Silverman, 2014; Hussan, 2014).

The mental health impact and procedural inconsistencies within detention facilities are not limited to the Canadian context, but are also seen within detention facilities around the world. Momartin, Steel, Coello, Aroche, Silove, & Brooks (2006) conducted a study comparing the impact of detention on permanent and temporary visa holders migrating to Australia. The researchers found that the latter group reported higher levels of anxiety, depression, and post-traumatic stress disorder when compared to permanent visa holders who did not spend time in detention facilities (Momartin et al., 2006). Similar findings are also reported in Ichikawa, Nakahara, & Wakai's (2006) study where the negative mental health impact of Afghan asylum seekers in Japanese detention facilities were examined, and in Keller, Ford, Sachs, Rosenfeld, Trinh-Shevrin, Meserve, Leviss, Singer, Smith, Wilkinson, Kim, Allden, & Rockline's (2003) study, which examined the negative mental health impact of detention on asylum seekers in the US.

### *Impact of children as a vulnerable population*

So far, this literature review has provided an overview of the impact detention has on the mental health of adult immigrants and how procedural inconsistencies within detention facilities can further exacerbate these mental health issues. The following two sections within the context of humanitarian concerns will focus mainly on the Canadian impact of detaining children and asylum seekers arriving by boat. Under s. 60 of the IRPA, children under the age of 16 may be detained as a measure of last resort (2001). Also, if a child is accompanied by his or her parents, then the parents must make the choice of whether to keep the child within the detention facility or give the child to children's aid (Wales & Rashid, 2013). If, however, a child enters Canada unaccompanied, the issue of detainment becomes more problematic as will be discussed below.

Gauvreau & Williams (2002) examine detention practices after the implementation of the IRPA in 2001, and how detention facilities ignore the needs of immigrant children. The researchers argue that detention facilities mirror provincial jails in the sense that they contain surveillance cameras, metal detectors, and barbed wire fences (Gauvreau & Williams, 2002). In a similar study examining the treatment of refugee children in Toronto's IHC, Sadoway found that children placed in Toronto's detention facility experienced health problems such as a loss of sleep, dizziness, and fainting (2010). Detention facilities in Canada have ignored the vulnerable state of immigrant children, and have moved towards a pattern of continually detaining minors as opposed to looking for alternatives to detention (Gauvreau & Williams, 2002; Sadoway, 2001).

Similar findings are also seen with unaccompanied children who arrive to Canada. Ali (2006) examines the unfair treatment of unaccompanied children at all levels of entry. Depending on the border of entry an unaccompanied child arrives at, his or her treatment from CBSA officers will vary. In Quebec, unaccompanied children are automatically placed with

children's aid services; however, Ontario has no such agreement with children's aid, which increases the chance of being placed in an IHC (Ali, 2006).

It is important to note that the treatment of children in terms of detainment varies significantly around the world. Martin & Curran (2007) compare the past treatment practices of unaccompanied children in Canada and Australia. Compared to Australia, the treatment of unaccompanied children in detention facilities outlined in Ali's (2006) study is quite tame. Prior to 2005, Australia instituted mandatory detention for all unaccompanied children, which resulted in 5,139 children being detained from 1999 to 2002 (Martin & Curran, 2007). Australia has enacted more stringent detention policies than Canada for the vulnerable immigrant populations it receives; however, the researchers argue more can be done from both states to help protect immigrant children under the law (Martin & Curran, 2007).

#### *Impact on immigrants arriving by boat as a vulnerable population*

The humanitarian impact of detention also extends towards asylum seekers arriving to Canada by boat. The *MV Ocean Lady* in 2009 and the *MV Sun Sea* in 2010 are two recent cases where immigrants seeking asylum arrived by boat along the coast of BC (Wales & Rashid, 2013). Both these cases attracted media attention because of the discourse used to describe asylum seekers, and the treatment of asylum seekers by the government (Wales & Rashid, 2013; Rygiel, 2012). Literature shows the government using detention as a tool of power to prevent asylum seekers from entering Canada (Rygiel, 2012). Asylum seekers and children on board the boats were also detained in Burnaby's IHC, which resulted in immigrants experiencing PTSD symptoms, depressive disorder, suicidal thoughts, self-harm, and feelings of isolation (Kronick, Rousseau & Cleveland, 2011; Rygiel, 2012). With regards to asylum seekers arriving by boat,

Canadian literature focuses on the ideologies and mental harms detention has produced towards this group of immigrants.

Liew (2011) further analyzes and contributes to the existing literature on Canada's history of boat people by analyzing the formerly proposed legislation Bill C-4. The researcher draws on mistakes the US has made with its strict penal-based policy of detaining "illegal" immigrants, which has led to an increase in economic costs on the state, and an increase in the fear of criminality facing immigrants (Liew, 2011). As a result, the researcher argues that Canada should learn from the mistakes the US has made, and stop criminalizing and labeling boat people as "illegal" immigrants (Liew, 2011). Immigration policies should be designed to assist all immigrants entering the country, as opposed to deter them. Overall, Canadian literature on immigrants arriving by boat focuses on the two recent cases of the *MV Sun Sea* and *MV Ocean Lady*. It is important to note that the majority of literature analyzes the treatment of asylum seekers in terms of detainment and being processed through the immigration system. However, deeper issues such as the use of specific government discourses, and the public's reaction towards asylum seekers is still missing from this group of literature.

### **Rights-based concerns with detention: justifications through discourse**

From a rights-based perspective, literature on detention focuses on how discourse is used to justify the practice. A common argument within most of the literature on detention is that detention is used by the state as a defensive mechanism to protect the state's national values, as well as to deter future immigrants from entering the country (Walia & Tagore, 2012; MacIntosh, 2012; Mountz, 2004). Walia & Tagore (2012) argue that "illegal" immigrants have been depicted as criminals who threaten the core values of society, and detention has evolved into a tool that

protects these core values (Walia & Tagore, 2012). Refugees and asylum seekers have been placed into a category of unwanted immigrants, and this category has become controlled and regulated by detention practices (Walia & Tagore, 2012).

Mountz (2004) makes a similar argument when analyzing the government's actions towards the 1999 case of smuggled Chinese asylum seekers arriving off of the coast of BC. These asylum seekers were immediately detained in the Burnaby IHC, and some detention periods lasted over 18 months (Mountz, 2004). The researcher argues that the government attempted to make an example out of this group of asylum seekers by using unnecessary power and control in the form of detention (Mountz, 2004). Detention was used as a tool to discourage future "illegal" immigrants from entering the state at the cost of re-victimizing the Chinese asylum seekers (Mountz, 2004).

The justifications of detention are not just limited to broad uses of detention over a large group of immigrants, but also extend to individual cases as well. Kronick & Rousseau (2015) analyze how the term "migrant child" has been constructed and incorporated into Canada's Bill C-31 (p. 6). The researchers argue that the Canadian government is able to justify detaining children, and separating them from their parents because the state has adopted the role of the saviour while immigrant parents are demonized (Kronick & Rousseau, 2015). Essentially, the state has relied on the discourse of compassion and safety to justify detention practices, while the immigrant parent is depicted as a criminal who is unfit to care for his or her child (Kronick & Rousseau, 2015). The three articles above trace the use of detention against asylum seekers, refugees, and children within the Canadian context. These articles show how through discourse, detention has been framed as a necessary means to protect the core values of society, and deter future "illegal" immigrants from entering the country.



Even from an international perspective, discourse has been used to justify the use of detention (Welch & Schuster, 2005a, Welch & Schuster, 2005b; Khosravi, 2009; Malloch & Stanley, 2005). Welch & Schuster (2005a) rely on secondary data to compare the social responses of asylum seekers fleeing persecution in the US with the social responses in the UK, France, Germany, and Italy. The researchers found that societal discourse was based on the “culture of control” and ‘othering’ asylum seekers (p. 332). Both the US and Europe demonize asylum seekers through discourse, however, Europe is much more blatant about these ideas and focuses on bogus asylum seekers, or asylum seekers who have entered a country illegally (Welch & Schuster, 2005a). Even though the way in which ideologies and discourses are spread differ based on the country, the ideologies tend to be similar in the sense that they follow a nationalistic line of thinking that demonizes those considered the ‘other’.

In another international article analyzing the media’s social construction of the term asylum seeker in the UK, Malloch & Stanley (2005) argue that detention has evolved into a tool that legitimizes the social construction of risk and security threats. Asylum seekers in the UK have been described as “ungovernable”, a “risk population”, and “dangerous” (p. 54). The government is able to act upon this discourse by using detention as a way to control the influx of asylum seekers entering the UK, and thus, create stricter detention policies (Malloch & Stanley, 2005). The above section of international articles focuses on particular forms of discourse that attack the individual immigrant to justify the use of detention. Whether it is in Canadian or international literature, detention has been used as a tool of power and control by the state. This has contributed to further victimizing already vulnerable immigrants, and fuelling certain ideologies and discourses.

### *Justifications through legislation*

In addition to the influence of discourse, legislation is another avenue in which the use of detention has been justified. Even though legislation is influenced by certain ideologies and discourses discussed in the previous section, legislation is often read and interpreted in favour of more strict and penal detention practices (Duffy & Provost, 2008; Larsen & Piche, 2009; Fulton 2003). In the Canadian context, Duffy & Provost (2008) analyze the changes made to preventative detention legislation and security certificates. The courts ruled that the use of security certificates against non-citizens was deemed unfair because of the use of secret evidence (Duffy & Provost, 2008). The government attempted to solve this problem by loosening the barriers around releasing secret evidence. Essentially, the researchers argue that regardless of this provision, security certificates still infringe and limit the basic rights of non-citizens. The government is attempting to use legislation to bypass the fundamental human rights problem inherent in preventative detention. By doing so, the legislation on security certificates becomes an easy way of justifying unfair detention practices.

Larsen & Piche (2009) take a different approach to addressing the issue of preventative detention and security certificates in Canada. The researchers analyze the case of Kingston Immigration Holding Centre (KIHC), which was created to detain non-citizens through the use of security certificates. This institution functioned as a way to legally detain non-citizens based on what was written in the legislation on security certificates. However, the legislation did not include the need to ensure the basic rights of detainees, such as the right to a prompt and fair trial. Larsen & Piche describe the KIHC as an institution where “individuals are subject to the laws, but are not subjects in the law” (p. 209). Legislation was used as a tool to justify detention practices, even when the detention practices led to the deprivation of basic rights.

The use of legislation justifying detention practices also extends to international cases as well. Fulton (2003) examines the court case of a Palestinian asylum seeker, Al Masri who arrived in Australia in 2001. Due to a failed refugee claim in Australia and the inability to obtain a visa in Israel, Egypt, and Jordan, Al Masri was indefinitely detained (Fulton, 2003). The Australian courts upheld this decision to indefinitely detain Al Masri because it was deemed all other options had been exhausted, and Al Masri could not be deported without the appropriate paperwork (Fulton, 2003). Fulton argues that the court read the *Australian Migration Act 1958* at its surface level, and did not take the deprivation of certain fundamental human rights into consideration (2003).

In another case displaying the power of legislation, O’Nions (2008) examines the short-term detention of Saadi in the UK. Saadi was an asylum seeker detained for the administrative convenience of the detention system, with the decision to detain upheld by the courts (O’Nions, 2008). In both these international cases, detention was treated as a commonplace and ordinary practice because the legislation allowed for it to be. A key cause for concern outlined in all the Canadian and international articles discussed in this section is that legislation can be changed and interpreted to benefit the government’s desire to control who enters a country. State legislation rarely takes into consideration the human rights concerns of individual detainees, and places the right to detention over the individual’s fundamental human rights.

### **Recommendations for detention practices**

The majority of scholarly literature on detention focuses on analyzing the humanitarian and rights-based concerns detention brings about. As discussed, these concerns range from mental health issues, to how the government and media justify the use of detention through

discourse and legislation. In addition to this body of literature, there is a small body of work that not only acknowledges the problems detention practices can create, but also attempts to provide solutions to these problems. The UNHCR (2015) and UNHCR & OHCHR (2011) conducted reports attempting to end the global detention of children, and provide alternatives to detention practices. These reports advocated for increasing training within detention facilities, building better relations with states on an international level, and relying more on community release conditions, electronic monitoring, and home curfews as alternatives to detention. Although a critique of the literature on detention will be presented at the end of this section, it is important to address a major flaw in both the UNHCR (2015) and UNHCR & OHCHR's (2011) report. The solutions to detention are provided based on the assumption that states will be willing to give up a high degree of state autonomy and sovereignty. As seen in the above sections of this review, the international guidelines for relying on detention as a last resort and not detaining children have largely been ignored by individual states (Wales & Rashid, 2013; Gauvreau & Williams, 2002; Sadoway, 2001). Past cases of detaining children, indefinite detention, and mandatory detention have shown the power of state autonomy over international concerns.

Furthermore, Crepeau & Nakache (2006), Flynn (2012), and Thwaites (2010) all propose their own solution to the problems surrounding detention. Crepeau & Nakache (2006) advocate for a system that balances state sovereignty and the rights of non-citizens. Flynn (2012) proposes the idea of a proportionality test, which analyzes the facility type, operational characteristics, and bureaucratic characteristics of a detention facility to assess whether that facility's detention measures are proportional to the state's immigration policy. Thwaites (2010) argues for a rights-protection model that ensures the rights of the detainee are taken into consideration regardless of his or her migration status. All these researchers attempt to create a new way of detaining non-

citizens that maintains basic human rights while still ensuring the state has control and power over its own borders, which may be a more feasible approach than the recommendations suggested by the UNHCR and OHCHR.

### **Journalist responses to detention**

Thus far, this literature review has focused on examining scholarly articles on Canadian and international detention practices. It is important, however, to also examine journalist responses to detention as well. The opinionated nature of journalistic articles will offer insight into the public and government's perceptions of detention practices that may not be present in scholarly articles. Furthermore, this paper also seeks to examine the journalistic portrayals of asylum seekers through news articles. As a result, this section will contribute not only to providing general information about the perceptions of detention around the world, but will also contribute to showing how issues are depicted in news articles as opposed to scholarly sources.

Within the Canadian context, recent newspaper articles tend to focus on the mental health impact and rights-based injustices asylum seekers suffer in detention facilities. In a *Toronto Star* article, Kronick and Beder discuss the case of a refugee claimant who was transferred to a maximum-security prison because Toronto's IHC was unable to address the needs of mentally ill detainees (2016). In another *Toronto Star* article, Perkel discusses the increasing international pressures on Canada to change its detention practices in a way that gives vulnerable detainees more rights and mental health protections (2016). Finally, in a *Vancouver Sun* article, O'Neil discusses Canada's potential role in assisting Australia with the asylum seekers currently being detained on the South Pacific Islands (2016). A commonality throughout these three articles is that a high degree of emotion was linked to the struggle asylum seekers are going through, and

the individual stories of asylum seekers are often told in the article. In addition to the emotional intensity, there was also a high level of optimism throughout these articles. Canada was described as an immigrant nation willing to help refugees and asylum seekers, and in a way, was presented as a saviour to these vulnerable immigrant groups.

Types of journalistic depictions seen in the Canadian context are quite similar when compared to international articles on detention and asylum seekers. International articles focus on the appeal of emotion, and on the individual level impact of detention. The UK's online news company *RT*, discussed the recent hunger strike organized by more than 200 asylum seekers throughout UK detention centres (2016). The article focused on the individual asylum seekers, and many of the hardships faced within detention facilities such as living in inhumane conditions, the lack of rights, and the lack of mental health services (RT, 2016). In a separate article published by the UK's *Daily Mail*, the impact of child detention in Texas was examined. The lack of safety in detention centres, risk of harassment, and prison-like setting were all listed in opposition to the use of detention (Associated Press, 2016). Whether in a Canadian or international context, journalistic articles on detention differ substantially when compared to scholarly articles. Journalistic articles provide a strong level of emotion to the difficulties asylum seekers face within detention facilities, which is often generalized in scholarly articles. Furthermore, these types of articles are a valuable form of literature because they provide recounts of individual cases as opposed to the broad difficulties faced by asylum seekers as a whole. Overall, both forms of literature have expressed the same content through a different lens, which is the focus on mental health and rights-based concerns within detention facilities.

## **Support for detention**

Thus far, this review has addressed many of the issues facing detention, and has highlighted varying detention procedures and policies around the world. There is, however, a small body of scholarly literature that supports the use of detention, and advocates for ways to legitimize the practice in Canada. Forcese (2010) proposes a solution to the rights-based dilemma facing preventative detention, which seeks a balance between a risk minimizing and rights maximizing approach. The researcher argues indefinite detention can be legitimized if preventative detention procedures ensure the detainee receives a trial within 72 hours of detainment. In this sense, Forcese advocates for a model that legitimizes detention while maintaining certain fundamental human rights.

In contrast to the previous article that examines the practice of detention itself, Nyers (2003) examines the power of society over the government when looking at the use of detention. The majority of this literature review has examined how the government has influenced the public through discourse in an attempt to legitimize detention. It is, however, important to address the other side of power, which begins with the public influencing the government. Nyers analyzes the past case of Algerian asylum seekers fleeing persecution in their native country. The government initially began deporting the asylum seekers back to Algeria, but increasing public activism and pressure resulted in the decision being reversed. This article is unique and important to the discussion on detention because it highlights the role of the public in shaping detention practices and immigration processes.

## **Criticisms of the literature**

The final section of this review will focus primarily on critiquing Canadian literature on detention with the aim of outlining many of the gaps and limitations that exist. This research paper focuses exclusively on Canadian detention practices and discourses; thus, focusing the direction of this critique on the Canadian literature discussed above will shed light on the gaps in research this paper aims to fill. The majority of Canadian literature on detention disproportionately focuses on the mental health impact of detention practices. Aspects such as the health implications of detaining vulnerable populations, the regional disparities that exist across Canada, and the protocol or lack thereof for detaining children have all been documented extensively (Gros et al, 2015; Silverman, 2014; Kronick & Rousseau, 2011; Nakache, 2011). What is missing from this analysis is a deeper examination of the long-term impact of detention after these vulnerable populations have settled, why detention practices are continually implemented despite devastating consequences, and possible solutions to lessen the negative health impact of detention. Studies must extend past the immediate concerns and look towards the long-term consequences, as well as how practical solutions to detention can be developed.

Even when looking at journalist responses to detention practices in Canada, the majority of the responses focus on the surface level implications, such as the mental health problems and the lack of rights non-citizens face. These findings, however important, are not newly documented consequences of detention, but instead, are widely reported and known throughout international literature. Also, similar conclusions can be drawn towards Canadian literature that relies on using discourse or legislation as a mode to examine detention practices. An overwhelming number of studies focus on discourse surrounding security, and maintaining the



social values of the individual state. Factors such as the cause of these security concerns, or the deeper ideological implications connected to social values are ignored.

The problem that then exists within Canadian literature is that detention practices have been analyzed through a very narrow lens that only touches on the surface of detention related problems. Deeper questions examining the types of ideologies and power relations that cause detention practices to withstand human rights violations must also be analyzed. Discussions involving racism, ‘othering’, and the fear of non-citizens “invading” another country should not be shied away from by researchers, but instead, fully embraced and analyzed within discussions on detention. These difficult and sensitive topics need to be addressed within Canadian literature in order to steer our conversations away from the immigrating non-citizen, and instead, towards ourselves.

## PART FOUR: CONCEPTUAL FRAMEWORK

### **Securitization theory**

In this section, three theoretical frameworks are explained and applied to the discussion on political discourse: securitization theory, the theory of discourse, and the theory of orientalism. First, securitization theory was developed by the Copenhagen School in the late 1980s, and analyzes the process by which an event, object, group, or individual becomes associated with the term “threat” (Karyotis & Patrikios, 2010). Securitization is a social process that creates an exchange, usually between politicians and the public (Charrett, 2009). Through their positions of power, political actors are able to frame and construct issues in a particular way by attaching ideologies relating to fear, danger, false claimants, state sovereignty, cultural identity, and terrorism to particular groups of people (Charrett, 2009; Lowry, 2002). Whether these ideologies are accurate is irrelevant within the context of securitization theory. The perceived threat attached to these socially constructed ideologies is enough for politicians or those in power to justify the use of “urgent” and “extraordinary” state measures (Charrett, 2009, p. 13).

The application of securitization theory has been seen throughout Canadian history, especially in the case of asylum seekers. Lowry examines the extent of Canadian multiculturalism and the idea of Canada being an immigrant nation (2002). Only certain types of immigrants are valued within the Canadian context because of the economic benefits these immigrants produce (Lowry, 2002). Asylum seekers are often placed at the other end of the immigration spectrum as immigrants who are assumed to be “queue jumpers”, false claimants, or terrorists (MacIntosh, 2012, p. 206; Lowry, 2002). Through the use of discourse, the government has socially constructed a homogeneous picture of asylum seekers, which groups them into a

single category. This category assumes all asylum seekers arrive to Canada through illegal measures and are potential terrorists. By creating this perceived “threat”, the government is able to gain public support, and thus, create harsher immigration and detention policies.

### **Theory of Discourse**

Second, Michel Foucault’s theory of discourse examines the process of maintaining and creating power through the use of language. Foucault views discourse as a way of discussing a topic through the use of statements or language (Hall, 2007). Language is crucial to Foucault’s theory as it is the tool by which we create knowledge and meaning (Hall, 2007). The theory of discourse operates as a process that starts with the ideologies we possess about the world (Hall, 2007). These ideologies do not necessarily have to be truthful, but nevertheless, do have a certain degree of power attached to them (Foucault, 1980, p. 27). Our ideologies are then spread through the use of discourse and language to create knowledge, which shapes how we perceive our world (Hall, 2007). The element of power is what transforms these ideologies into the “truth”, and creates what Foucault deems the “regime of truth” (Hall, 2007, p. 60). Through discourse and the power of authority figures, certain meanings and ideologies are attached to people even if those ideologies are not truthful (Foucault, 1980). The “regime of truth” is then formed based on who spreads the discourse and what their position of power is (Hall, 2007, p. 60). In the context of Canada, the government has worked to create a “regime of truth” around the security threat of asylum seekers and refugees (Huot, Bobadilla, Bailliard, Rudman, 2016). Whether these vulnerable populations actually pose a legitimate risk to Canada’s national security is irrelevant, the discourse has already been used to create knowledge and meaning about how people perceive these groups of immigrants.

## Theory of Orientalism

Third, Edward W. Said's theory of orientalism is a system of understanding how cultural assumptions created and formed in the West, become imposed on the East or the 'other'. This theory examines how the West works to 'other' non-western societies by attaching notions of inferiority, backwardness, and an 'us vs them' ideology onto these societies (Said, 2007; Huot et al., 2016). Cultures become labeled based on their differences to Western ideals and values, which contributes to forming perceived ideological truths and hierarchies (Said, 2007).

Orientalism works to expose the process of labeling non-Western cultures as being inferior to the West, and how this process is rooted in Western power (Said, 2007). The theory of orientalism is evident in the Canadian context when examining the immigration of asylum seekers. Through the implementation of Bill C-31, the former Canadian government has problematized asylum seekers as being a threat to national security and the economy (Huot et al., 2016). Asylum seekers have been labeled based on their differences compared to Western Canadian culture, and as a result, have become subjected to the will of Western power and values. Orientalism highlights this power imbalance that exists in the world, and how the 'other' is continually subjected to the will of the West.

The three theoretical frameworks presented above contribute towards framing this paper from a political discourse perspective, and also offer some insight in terms of how particular ideologies are created and maintained in society. The theories of securitization and discourse compliment one another by expanding on how political discourse can be used as a tool of power that furthers the "regime of truth". The securitization process will be traced with regards to political discourse surrounding the *MV Sun Sea*, and Foucault's theory on discourse will allow this discussion to extend towards analyzing the power of political figures. The theory of

orientalism supplements the former theories by introducing a deeper ideological framework into the discussion on discourse. Orientalism allows for ‘othering’, an ‘us vs. them’ ideology, and the dominance of Western culture to be applied to the discussion on political discourse. Altogether, these theories are meant to complement one another and provide this paper with an extensive framework that allows for ideas surrounding culture, race, power, and security to be analyzed.

### **Researcher’s self-disclosure**

I am a second generation, West-Indian female who possesses no direct experience with the detention system in Canada. My interest in detention practices and the impact political discourse has on these practices stems from my undergraduate degree in Criminology. This field of study introduced me to broad concepts such as crime and punishment, the impact of media on crime, and the humanitarian concerns within penal institutions. In addition, I volunteer at a Toronto courthouse where I am constantly in contact with vulnerable individuals who have been unfairly treated by the justice system. Both of these experiences, one academic and the other practical, have contributed to steering my interests towards another problematic legal practice in Canada, detention. Furthermore, this paper is rooted in the constructivist worldview, which supports the researcher’s role of constructing meaning and interpreting the changing social world (Mertens, 2005). It should be noted that although my personal experiences will undoubtedly bring some type of bias to my research paper, my experiences are nonetheless treated as a positive aspect. The chosen research approach and strategy depends on some type of subjectivity and interpretation from the researcher. Thus, it becomes an impossible task to try and limit the interpretation and subjectivity that is inherent in the methods used. For this reason, my past experiences and the subjectivity that follows will be embraced throughout this paper.

## PART FIVE: REFRAMING THE RESEARCH QUESTION

### **Research question refocused**

This research paper works towards examining the question of how the government used political discourse to justify the unusually harsh detention of asylum seekers in Canada. This question focuses on the *MV Sun Sea* case and the types of discourses politicians used during this time to justify detaining both the adults and children on board the boat. Key concepts such as securitization, terrorism, racism, nationalism, ‘us vs them’, and ‘othering’ will all be analyzed within this question through a CDA approach, which relies on newspaper articles. Furthermore, this research paper will also analyze whether asylum seekers are positively or negatively depicted within newspaper articles, which contributes towards supporting the central research question. The goal of this research paper is to focus on an area of Canadian detention that has largely been ignored within the current literature. This research question seeks to shift the focus away from the mental health impact and surface level justifications of detention, and instead, focus on deeper ideological issues that surround detention in Canada. The existing gap in literature will be filled by focusing on specific forms of discourse embedded in newspaper articles, as well as the power of discourse in society.

In addition, this research question contributes to the existing body of literature on detention by producing future implications towards the public and scholarly researchers. The public gains an understanding of concepts such as securitization, nationalism, terrorism, and how these concepts are applied and used against a certain vulnerable population. Scholarly researchers can use this study to analyze other avenues of research with regards to detention such as conducting a comparative case study with the *MV Ocean Lady* incident, researching the impact of crises in shaping detention, and examining individual cases of detention from a

humanitarian or rights-based perspective. Overall, this research question and the subsidiary questions that follow all work together to further our understanding of detention in Canada. As seen in the literature review section of this paper, literature on detention focuses on a very narrow perspective that targets the individual impact of detention practices. There lacks a concrete body of work that combines broad notions of securitization and nationalism to more specific ideologies surrounding ‘othering’ and ‘us vs them’. Thus, it is the aim of this research question to produce a body of work that focuses on filling this gap, and shedding light on another area of detention that requires future research and attention.

### **Operational definitions**

It is necessary to define and explain the key terms used within the main research question in order to avoid ambiguity throughout this paper. First, within the context of this paper, political discourse can be defined as any oral or written form of communication from a political figure at any level of government. Political discourse will be analyzed through the statements of politicians represented as quotes within newspaper articles. Second, as discussed in the section of this paper outlining immigration history, detention will be defined as the state restricting a non-citizen’s freedom of movement under grounds itemized in the IRPA (Gros et al., 2015). In order to restrict a non-citizen’s freedom of movement in Canada, he or she will be placed in either an IHC or penal institution (Gros, et al., 2015). Third, asylum seeker will be defined according to the UNHCR’s definition, which states an asylum seeker is any individual who is outside his or her country of origin, waiting for his or her claim as a refugee to be approved by the country within which he or she currently resides (2012). It is important to make the appropriate distinction between an asylum seeker and refugee as these terms are often confused (Nakache,

2011). A refugee is an individual who flees a country out of fear of persecution based on religion, race, nationality, political position, or status in a group (UNHCR, 2012). As a result, upon arrival to a country, an asylum seeker becomes a refugee only once his or her application for refugee status has been approved.

### **Boundaries of the research question**

Before discussing the methodology section of this paper, it is important to first set the research boundaries of the given research question and paper in general. This paper will focus on the *MV Sun Sea* case when analyzing how political discourse justifies the use of detention. This will allow for a more focused study that thoroughly examines a recent immigration and detention-related event in Canada. Also, limiting this study to a specific case will allow for a single group of immigrants, that being asylum seekers, to be examined in the context of political discourse. Instead of producing a broad paper that analyzes many different immigrant groups, this paper will narrow in on asylum seekers aboard the *MV Sun Sea* boat. Another boundary that must be established is the use of political discourse. Political discourse encompasses a variety of forms of communication such as oral and written speech, parliamentary speeches, legal cases, news reports, conferences, and newspapers. For the purpose of this paper, political discourse will be limited to online newspaper articles from three major newspaper sources across Canada. The rationale behind this decision is this paper seeks to analyze political forms of discourse, and also the public's reaction to certain discourses. As a result, relying on a mode of communication that is not only accessible, but also widely available to the public will contribute towards achieving this aim. Ultimately, the boundaries of this paper have been chosen in order to produce a more concise and focused research paper.



## PART SIX: METHODOLOGY

### **Research design: qualitative approach & CDA strategy**

Now we will turn to analyzing the given research question through a qualitative research approach and critical discourse analysis (CDA) research strategy. First, a qualitative approach has been chosen for this research study because qualitative research allows for flexibility and a high degree of interpretation (Creswell, 2014). When analyzing newspaper articles and the specific themes that are embedded within them, it becomes crucial to adopt a research strategy that gives the researcher the ability to not only interpret the data, but also make changes to the research process as it continues. Also, qualitative research thrives on the notion of “depth over breadth”, and incorporates the researcher’s personal experiences, beliefs, and opinions into the research process (Archer & Bardahl, 2011, p. 125; Creswell, 2014). Although a high degree of interpretation and researcher subjectivity is commonly frowned upon in traditional research approaches, qualitative research thrives on these tools and uses them to strengthen the research data. As a result, when analyzing the newspaper articles for specific themes and interpreting the findings, qualitative tools such as relying on my subjective experiences will be used as a positive aspect that provides an alternative perspective to analyzing data.

Second, a CDA strategy will be relied on to collect, analyze, and interpret the data. The broad strategy of discourse analysis (DA) was developed from the workings of Zellig Harris in 1952, and uses language as a tool to construct meaning (Gerring, 2004). Language and the meaning embedded within it are then used to help understand the social world we live in (Gerring, 2004). In this sense, DA is an interdisciplinary strategy that can be applied to a variety of theories, and analyzed through language embedded within written documents, oral

conversations, non-verbal cues, key words, and sentences structures just to name a few (Paltridge, 2006).

CDA can then be classified as a sub-strategy of DA that adopts a more specified approach when analyzing language. This sub-strategy focuses on analyzing discourse that carries a political, social, or ideological underpinning (Gerring, 2004; Paltridge, 2006). Paltridge outlines four main principles of CDA that distinguishes it from other sub-strategies of discourse analysis. First, discourse is a construction and reflection of the political and social concerns of a given society (Paltridge, 2006). Second, power relations operate through discourse, and as a result, people can use discourse to obtain and maintain power (Paltridge, 2006). Third, discourse reflects the social relations of a given society, and helps to reproduce those relations in a variety of forms such as through written text or oral speeches (Paltridge, 2006). Four, discourse provides an avenue by which ideologies can be produced from, regardless of whether these ideologies are true (Paltridge, 2006). Through these four principles, Paltridge has narrowed down the broad focus of DA into a smaller sub-strategy that is concerned with the social and political underpinnings of society. CDA allows for societal issues to be incorporated into the discussion on discourse and power, and thus, focuses on the social power relations that exist within discourses.

For the purpose of this paper, CDA will formally be defined as the analysis of newspaper articles to show the creation and maintenance of power relations, as well as political ideologies. This definition and sub-strategy fits into the discussion on political discourse and detention because this paper seeks to analyze sensitive social issues. Discourse surrounding power imbalances, securitization, race, terrorism, ‘othering’, and ‘us vs them’ will all be key elements that are analyzed through newspaper articles. As a result, relying on CDA as a research strategy

offers the best avenue to analyze these complex issues because CDA not only allows for a discussion on social and political ideologies, but also allows for these ideologies to be challenged and changed (Paltridge, 2006). It should be noted, however, that CDA is not a perfect strategy and will present some challenges with regards to the research question at hand. For example, using online newspaper articles as a form of discourse can be problematic in the sense that online archives may not display the entire range of articles published on a topic, and are subjected to change without the researcher's knowledge. Despite these obstacles, CDA will be used as the research strategy for this paper as it allows for an in depth social and political discussion on detention practices in Canada.

### **Sample selection & data collection**

This CDA examines a total of eight online newspaper articles selected from *The Toronto Star*, *Globe and Mail*, and *Vancouver Sun*. Newspaper articles are selected as the basis for this analysis because of the wide access to information they provide, and their high circulation level when compared to other forms of media (Paltridge, 2006). The three newspaper companies were selected based on a 2014 circulation report by Newspapers Canada, which ranked the newspaper corporations in terms of most circulated (Newspapers Canada, 2014). Choosing the most circulated newspaper companies ensures that only newspaper sources that have reached the highest number of people will be analyzed. Furthermore, one national newspaper company, and two regional newspaper companies were specifically chosen to showcase the differing opinions and discourses that exist across the country, as well as in specific regions such as western and central Canada. It should be noted that analyzing a set of newspaper articles from a major news source in Quebec would contribute towards benefiting this study as Quebec is home to an IHC.

Unfortunately, I have chosen to omit this option due to the language barrier that exists. Within the online databases for *The Toronto Star*, *Globe and Mail*, and *Vancouver Sun*, articles no later than 2010 are analyzed as this is when the *MV Sun Sea* ship arrived in Canada. This limitation also ensures that only relevant articles are included in the data analysis.

In each of the newspaper's online search engines, key words and phrases such as detention, asylum seekers, *MV Sun Sea*, refugees, refugee claimants, political, securitization, national safety, queue jumpers, smuggling, terrorism, Sri Lankan, Tamil, migrants, federal government, border officials, CBSA, and officers are inputted. From the expository of articles available key words, sentences, paragraphs, and ideas embedded in the articles have then been analyzed, and eight articles that best display the linkage between discourse and detention practices have purposefully been chosen. It is important to note that the selection process includes articles from different perspectives in order to ensure an accurate representation of the information available to the public is represented within this study. For example, the articles from the *Vancouver Sun* are more opinionated pieces, as these are the main types of articles available when analyzing asylum seekers and detention. Furthermore, the parameters for the selection process are intentionally kept broad because of the nature of CDA. A CDA strategy thrives on the researcher analyzing and selecting articles that align with the given research question. As a result, it becomes necessary to broaden the search criteria to ensure all articles within the proper parameters are being evaluated.

### **Data organization**

The three articles selected from *The Toronto Star* and *Globe and Mail*, and two articles from the *Vancouver Sun* were firstly organized based on date of publication. The articles range

from being published right after the *MV Sun Sea* ship docked in August of 2010, to five years later in August of 2015. This first step in data organization starts with ordering the articles chronologically, which allows for changes in legislative and detention policies to be traced. Next, specific quotes and sections within the articles are organized based on overall themes such as discourse on the egocentric state, categorizing and demonizing, and victimization. Key words that contributed to the overall themes in the articles were also recorded such as bogus, queue jumpers, terrorism, and human smuggling. Although a small number of articles are being analyzed due to the time constraints of this paper, it should be noted that these articles are saturated with information that will adequately address the research question at hand.

## PART SEVEN: FINDINGS AND ANALYSIS

To recall, this paper seeks to analyze how discourse is used as a tool to justify the detention of asylum seekers on board the *MV Sun Sea*. The use of discourse from a political, public, and journalistic perspective are analyzed while also taking into consideration how asylum seekers are framed within the media. This section draws on the three theoretical frameworks outlined earlier in this paper in order to extend the discussion on detention and discourse to ‘othering’, racism, fear mongering, security concerns, and terrorism. This analysis begins by analyzing discourse that supports the theme of the egocentric state. This theme will be connected to securitization theory and Said’s theory of orientalism. The second theme focuses on the justifications of categorizing and demonizing asylum seekers, which will be linked to Foucault’s theory of discourse and the theory of securitization. Lastly, the theme of victimization is analyzed from a journalistic view focusing on how asylum seekers are framed from a media, as opposed to political perspective.

### **Theme one: the egocentric state**

This section seeks to analyze how political discourse is used to justify detention through the theme of the egocentric or self-interested state. The egocentric state can be viewed as a state or society that is solely concerned with its own well-being. In this sense, the humanitarian needs of others are placed below the state’s own needs, and the state begins to adopt a feeling of superiority and self-entitlement. Also, the theme of egocentricity will be connected to securitization theory and Said’s theory of orientalism. First, news articles are used to show how discourse on privilege and the superiority of the state are used to fuel certain egocentric goals.

Second, the self-interested notion of selectivity is discussed within the context of political discourse, as well as how selectivity contributes to justifying detention.

First, within the selected news articles, political discourse is used as a tool to serve and protect Canada's own interests. Political discourse focuses on placing asylum seekers under the umbrella of privileged people who are allowed to enter Canada, as opposed to people seeking safety and protection under a nation. This type of discourse contributes to creating ideas around national superiority, which can then be used to justify harsh detention practices. A *Toronto Star* article published in 2010 states:

“Ultimately as a government we’re responsible,” Harper said Tuesday following a local announcement in Mississauga. “It’s a fundamental exercise of sovereignty. We are responsible for the security of our borders and the ability to welcome people or not welcome people when they come.” – (Fong, 2010)

From the outset, the former Prime Minister of Canada is creating discourse around the need to protect Canada as a nation, and the right of the state to its own sovereignty. Although state sovereignty and control over national borders are important features, it is also important to examine these ideological features more closely. The real ideological underpinning of Harper's quote does not rest on state security and protection, but instead, on the idea of a superior nation. By stating that Canada has the ability to “welcome people or not welcome people when they come” Harper is placing Canada on a pedestal (Fong, 2010). The civil wars, humanitarian injustices, and years of persecution that the asylum seekers on board the *MV Sun Sea* have endured become irrelevant when compared to the importance of Canada as a nation. Harper is essentially using political discourse to imply that crises happening around the world are not Canada's problem, unless these crises can somehow benefit the state itself. The theme of the egocentric state arises because in this humanitarian case involving hundreds of vulnerable men, women, and children, political discourse is used to shift the conversation back to the state's own

security and safety. The 492 asylum seekers on board the *MV Sun Sea* were given the privilege of entering Canada, being detained for an extended period of time, and unfairly scrutinized within the immigration system. It has now become a privilege for people in humanitarian need to be accepted into another country, as opposed to a humanitarian right.

The theory of securitization can be applied to our discussion of the egocentric state and national superiority. The process of securitization begins when political power is used as a tool to associate certain ideologies of fear and security risk to a particular group of people, which then contributes to constructing the notion of “threat” (Karyotis & Patrikios, 2010). Whether these ideologies are true or not is irrelevant. It is the socially constructed ideologies and influential power of politicians that allow for discourse to spread (Karyotis & Patrikios, 2010). In the case of the *MV Sun Sea*, asylum seekers were labeled as being potential security threats, which allowed for politicians to focus their discourse on protecting Canada, and the need for increased security and safety. This process contributed to legitimizing unfair detention practices, and continuous appeals by the government even after the asylum seekers had been granted refugee status (Keung, 2013). A *Toronto Star* article published in 2013 states:

Janet Dench of the Canadian Council for Refugees said the government’s appeals are a continuation of its effort to block Sun Sea and Ocean Lady passengers from accessing protection. Passengers on the boats were initially detained upon arrival, said Dench and Ottawa fought against their release in court until it was criticized for abuse of process. – (Keung, 2013)

The previous quote by Harper in this section draws on the process of securitization theory, and how state protection and sovereignty are key tools used to combat the constructed “threat” asylum seekers pose. The above quote by Dench captures the impact of the securitization process. Even after years spent in Canada waiting for applications to be reviewed, asylum seekers are still targeted by the government under the justification of Canadian security. The



theory of securitization highlights the ease by which deeper ideological issues such as national superiority and the egocentric state go unnoticed. Through discourse, the government is able to draw the focus and attention to an “urgent” topic such as security (Charrett, 2009). By doing so, the underlying intentions and motives of the political state are placed above the needs of individual asylum seekers, which become accepted by society because of the overshadowing, more “urgent” issues (Charrett, 2009).

Second, in addition to the theme of the egocentric state drawing on ideas of state superiority within political discourse, this theme also rests on the idea of selectivity. The idea of the egocentric state has led to the notion that Canada can pick and choose who it lets into the country. The self-interested goals of the state translate into immigration practices that allow Canada to select economically beneficial, and reject economically non-beneficial immigrants. In an opinionated article written by Harsha Walia with the *Vancouver Sun*, the author argues that Canada is not an immigrant nation opening its doors to asylum seekers, refugees, or immigrants in need of humanitarian protection (2011). Instead, it is quite the opposite as the number of asylum seekers who had their refugee claims approved within the recent years has dropped by 25% (Walia, 2011). Although asylum seekers, refugees, and family class immigrants have seen a drop in approval rates, the number of temporary migrant workers has risen by 30% from 2008 to 2012 (Walia, 2011). Walia argues:

The anti-immigrant rhetoric employed by Jason Kenney and others about “illegal’s” and “terrorists” is to create and cultivate a climate of fear and xenophobia that justifies the recruitment and treatment of migrants as sub-human. By shutting the door to refugees, family sponsorships, and skilled workers, Canada is ensuring the migrants are increasingly worthy only in as much as they meet the labour needs of big business. – (Walia, 2011)

Political discourse in news articles relies on terms such as terrorists, human smuggling, bogus asylum seekers, queue jumpers, ‘illegals’, safety, and protection to justify Canada’s selective

approach. We are no longer in a political arena where Canada is seen as an immigrant nation accepting of all categories of immigrants. Instead, we are in an egocentric arena, where only people who benefit the needs and interests of the state are accepted.

In a similar article by the *Vancouver Sun*, the case of the *MV Sun Sea* is compared with the recent growth in foreign migrant workers. The Vancouver Sun Editor explains the government's rationale behind accepting more temporary workers and rejecting other classes of immigrants:

On the contrary, the federal government has been promoting and facilitating the massive growth in this category of [temporary foreign] migrants. Why? Because unlike regular immigrants and refugees, these workers are being specifically requested by employers, their indentured status makes them unable to exercise key employment rights and leaves them highly vulnerable to exploitation and unsafe conditions, and they are unable to make the same claims to the social and economic rights that Canadians take for granted. – (Vancouver Sun Editor, 2010)

In this situation the government is abiding by the theme of self-interest on two fronts. First, the harsh treatment, and in some cases rejection of refugee applications can be attributed to the government's desire to restrict these kinds of "undesirable" migrants from entering the country. Asylum seekers are viewed as people who do not produce an immediate economic benefit, and thus, become negatively portrayed within political discourse. Second, even the favourable class of migrants, temporary foreign workers, is subjected to the self-interest of the state because this class is being used solely for labour. Once the designated period of temporary work has ended the workers are sent back to their native country. The theme of selectivity within discourse then arises. The desire to better a state at the cost of another vulnerable population has led to discourse targeting asylum seekers, and review practices aimed at rejecting refugee applications. The *MV Sun Sea* asylum seekers are considered as an unfavourable group of migrants. As a

result, government officials have made their migration process as difficult as possible, while justifying their tactics within a security framework.

Said's theory of orientalism can also be incorporated into this discussion of selectivity. Through legislation, discourse, and detention practices Canada has worked to create a divide between Canadians and asylum seekers, or as Said refers to non-Westerners as 'others'. The *MV Sun Sea* asylum seekers have been grouped into the latter category of people who are treated as sub-human and inferior. The West has attached specific cultural assumptions to who the Tamil asylum seekers are before they even arrived in Canada. Terms like terrorists, human smugglers, criminals, bogus, and "illegal" immigrants were attached not only to the asylum seekers, but also to their culture as Sri Lanka migrants (Fong, 2010, Bhandari & Amarasingam, 2014). Western and political discourse has imposed negative cultural assumptions of what the 'other' should represent without actually understanding the situation, culture, and history of the Tamil asylum seekers. In this sense, introducing discourse that casts certain migrants in a positive light while subordinating others becomes an easy task. Political discourse has been used to create a false picture of who specific groups of asylum seekers are, and thus, use this socially constructed picture to fulfill egocentric goals such as ensuring only economically beneficial migrants are accepted into Canada.

Thus, this section has focused on how discourse within the analyzed news articles is geared towards serving the interests of the political state. On the surface, many political statements focus on justifying the detention of Tamil asylum seekers based on the need to protect the security and public safety of Canada. However, analyzing these statements using the lenses of securitization and orientalism allows us to examine the egocentric, selective, and racial undertones embedded within the discourse. Even though the motives behind certain legislative

changes or detention practices are initially justified through a security lens, it is important to recognize that these ideologies are manifestations of the West and possess the end goal of self-interest.

## **Theme two: categorizing and demonizing**

Thus far, we have analyzed how the self-interested goals of the state act as a justification for detention practices, and how ‘othering’ and the entitlement of the West legitimize these justifications. Now, this section will analyze the themes of categorizing and demonizing seen throughout the news articles, and how these two themes have been used by political figures to justify the detention of asylum seekers on board the *MV Sun Sea*. Two major terms used by political figures throughout the news articles have contributed to reinforcing the underlying themes in this section: human smuggling and terrorism, and bogus asylum seekers.

First, human smuggling and terrorism are two terms that are commonly used in conjunction with one another by political figures. In a 2015 *Globe and Mail* article, the former Public Safety Minister, Vic Toews stated “a vessel carrying 490 individuals claiming refugee status - including suspected human smugglers and terrorists – has entered our waters.” (Dhillon, 2015). In another article published in 2010 by *The Toronto Star*, then Prime Minister, Steven Harper stated “the federal government ‘will not hesitate’ to strengthen Canada’s human smuggling laws” in response to the approaching arrival of the *MV Sun Sea* ship (Fong, 2010). Before the *MV Sun Sea* arrived in Canada, influential and powerful political figures had already begun creating discourse on how the approaching Tamil asylum seekers would be depicted. It was assumed that a boat of potential human smugglers and terrorists were arriving to Canada, instead of a boat filled with people fleeing the consequences of a civil war and persecution in Sri

Lanka. Asylum seekers were immediately depicted through a political lens, instead of a humanitarian one. This contributed to politicians, the media, and public viewing the Tamil asylum seekers as not people at all, but as a foreign threat.

The discussion of asylum seekers on board the *MV Sun Sea* quickly shifted to a political discussion where the asylum seekers were categorized as either being part of the human smuggling ring or being a terrorist. By categorizing the asylum seekers into either of these categories, politicians were able to remove the humanitarian element of being an asylum seeker, and replace it with the demonizing element of being considered a criminal or terrorist. The former Minister of National Defence, Jason Kenney stated:

“One thing we know, observing the Mediterranean and the smuggling operations that targeted Australia in the recent past, is that marine smuggling kills people. It kills thousands of people around the world every year. And I think countries like Canada have a moral imperative to take every reasonable measure to break the smuggling syndicates and prevent marine smuggling, in order to keep people safe.” (Dhillon, 2015)

In this statement, Kenney has shifted the conversation away from the individual asylum seekers who have come to Canada seeking protection and safety, and towards building fear and concern around human smuggling rings. The harsh detention and refugee review practices implemented by the government were justified through political discourse, which worked to categorize and demonize the asylum seekers. Statements made by Toews, Harper, and Kenney all contributed to linking asylum seekers to human smuggling rings and terrorism. As a result, the public began to disassociate asylum seekers as humans seeking protection and safety, and instead began to classify all asylum seekers into a single category of criminals.

Furthermore, it should be noted that Kenney’s statement also depicts a distorted conception of humanitarianism. Kenney is not only using discourse to categorize and demonize the *MV Sun Sea* asylum seekers, but he is also using discourse to project the notion that Canada

is concerned with the innocent lives that human smuggling rings jeopardize. By doing so, Kenney is contradictorily drawing attention to the lives of the *MV Sun Sea* asylum seekers. On the one hand, the former Minister of National Defence is creating the notion that Canada is concerned with the people caught in these human smuggling rings. On the other hand, his government has worked to categorize and demonize the Tamil asylum seekers who are the very people Kenney has advocated to protect in the above statement. Thus, through powerful political leaders, discourse on human smuggling and terrorism has spread with the intention of categorizing and demonizing the Tamil asylum seekers.

The process of categorizing and demonizing can also be analyzed using Foucault's theory of discourse. Toews, Harper, and Kenney were able to create the notion that the boat of asylum seekers headed towards Canada was filled with human smugglers and terrorists. Whether this ideology was true or not is irrelevant. According to Foucault's theory of discourse, the political power the former Public Safety Minister, Prime Minister, and Minister of Public Defence possessed was enough to create a "regime of truth" (Hall, 2007, p. 60). The public bought into the idea of asylum seekers being criminals because of the position of power these former federal leaders held. Their discourse through the use of statements and phrases transformed into the "truth" and spread throughout their powerful federal positions of government. In a *Toronto Star* article published in 2010, Kenney stated "Overwhelmingly Canadians are telling MPs right across the partisan spectrum that they do not tolerate this kind of human smuggling, these criminal operations." when asked about the rationale for the proposed Bill C-49 (Brennan, 2010). Essentially, mere months after the *MV Sun Sea* arrived in Canada, the public had already bought into the "regime of truth" (Hall, 2007, p. 60). The connection between boat people and human

smuggling had already been established through the power of discourse, and its ability to spread as seen in Kenney's statement about the public's reaction to boat people.

The second term used by political figures that contributes to the theme of categorizing and demonizing is bogus asylum seekers. In a similar sense to the use of human smuggling and terrorism, the term bogus has been used in conjunction with Tamil asylum seekers. Throughout the analyzed newspapers, there was a growing trend among political discourse to focus on the illegitimacy of migrants who arrived to Canada through irregular means. The term bogus has been used to categorize all migrants as people who are exploiting the generosity of Canada's immigration system. A *Globe and Mail* article published in 2012 states:

Mr. Kenney justified going further on refugee system reform because, he said, it's become clear in the interim that the last bill left gaps that "bogus" asylum claimants are exploiting... "We're facing a large wave of unfounded asylum claims coming from the European Union in particular," he said. "You will not be allowed to remain in Canada for years using endless appeals at the expense of Canadian taxpayers." – (Chase & Baluja, 2012)

Kenney has stated that migrants arriving to Canada through bogus means, which includes asylum seekers arriving by boat, are people who abuse the Canadian system. Kenney has categorized asylum seekers on board the *MV Sun Sea* as being illegitimate because of the way they entered the country. As a result, the humanitarian needs of the asylum seekers are forgotten, and instead, they are demonized by being placed into a category of "illegitimate" people.

Furthermore, the process of categorizing and demonizing Tamil asylum seekers extends further when the notion of security is incorporated along side political discourse. A *Globe and Mail* article published in 2014 states:

So, not only have many Canadians come to consider helping people in need "a question of national security," [Professor Chris Anderson] explains, the refugees themselves are increasingly suspected of being what the government calls "bogus...even though many more would-be refugees turn up at Canadian airports, the arrival of boats has, for some

reason, come to strike a disproportionate amount of fear. – (Bhandari & Amarasingam, 2014)

Politicians have targeted the Tamil asylum seekers on two fronts. On the one hand, the term bogus has been viewed as an illegitimate migrant cheating the immigration system and bypassing the designated process of applying for refugee status. On the other hand, the term bogus has also been viewed as a security threat, where the mode of arrival influences the type of political reaction seen. The term bogus has become a dual weapon where asylum seekers are placed into a category of illegitimate and dangerous migrants. As a result of that categorization, they are then treated not as individual people in need but as a group of criminals.

Thus, many of the analyzed articles have focused on the themes of categorizing and demonizing. Political figures such as Toews, Harper, and Kenney have all used discourse focused on security concerns, terrorism, human smuggling, and bogus to legitimize the tough detention and review processes the government has implemented on asylum seekers. These practices have gone unquestioned and allowed largely because of their positions of power and the “regime of truth” created (Hall, 2007, p. 60). Strong and influential positions of power have allowed for discourse on security concerns, fear of terrorism, and the illegitimacy of bogus asylum seekers to be taken as the truth, and as a result, harsher immigration policies have become supported. Hence, the political justifications of asylum seekers on board the *MV Sun Sea* are based in part, on the themes of categorizing and demonizing.

### **Theme three: victimization**

To recall, this paper set out to answer three research questions. The first two examine how political discourse is justified and the types of ideologies present in newspaper articles. The themes of the egocentric state and categorizing and demonizing asylum seekers have worked to



answer these two research questions by showing the power of discourse, and how ideologies are transformed into the truth. These themes have also illustrated how discourse on security and safety are often used to mask deeper ideological issues such as ‘othering’, racism, terrorism, and ‘us vs them’. Now, the final theme in this section will work towards answering the last research question: how are asylum seekers framed within newspaper articles? It is important to note that this section, and the theme of victimization diverge in focus from the two themes discussed so far. The previous themes examined how political discourse justifies detention through the lens of political statements, and how politicians have depicted asylum seekers. The theme of victimization shifts the focus to the journalistic aspect of the news articles in order to examine how asylum seekers are portrayed within the article itself, and how asylum seekers are often the victims of immigration law. Thus, this theme offers a different perspective on how asylum seekers are viewed by focusing on the opinions of journalists, as opposed to politicians.

The journalistic lens through which newspaper articles are written has allowed for a more individualistic and personal depiction of the asylum seekers when compared to political statements. Journalists focus on the individual victims or asylum seekers who traveled to Canada seeking protection, and focus on re-telling their stories in an empathic and positive light. A *Globe and Mail* article published in 2014 recounts the story of an anonymous male asylum seeker on board the *MV Ocean Lady*, and his current life as a permanent resident in Canada (Bhandari & Amarasingam). Even though this *Globe and Mail* article focuses on the case of a *MV Ocean Lady* asylum seeker, the article combines discourse from the *MV Sun Sea* incident as well. The former asylum seeker is now a sous-chef at a downtown Toronto restaurant and has a home in the city (Bhandari & Amarasingam, 2014). Throughout the article, the Tamil man is portrayed as the victim of the government’s unusually harsh detention practices. The article also

examines the uncertain future for boat people who seek refuge in Canada. Bhandari and Amarasignam write:

...he is now both a homeowner and a sous chef in downtown Toronto... He also may be, if the federal government has its way, one of the last “boat people” ever to reach Canada’s shores. Since the arrival of the 76 Tamils on the *Ocean Lady*... and another 492 the following August, Ottawa has made drastic changes to its immigration-and-refugee policy. (2014)

Although the entire story of the former asylum seeker cannot be captured in this quote, the writers have focused on shedding light on both the victim and perpetrator. The Tamil man is portrayed as a victim who has been subjected to lengthy interrogation and imprisonment periods, and has overcome those obstacles to succeed in Canada. The government is portrayed as the perpetrator who not only created the harsh detention policies, but has also tried to prevent future boat people from entering the country. Individual cases such as the one retold by Bhandari and Amarasignam are a theme that carries across many articles in this study. Journalists have focused on retelling the stories of individual asylum seekers in a positive light, while political discourse focuses on negatively casting asylum seekers as potential terrorists, human smugglers, and bogus migrants.

In addition to journalistic responses focusing on the individualistic depictions of asylum seekers, these types of responses are also used to oppose political discourse. As seen within the previous two sections, political discourse focuses on demonizing and labeling the *MV Sun Sea* asylum seekers as being terrorists, human smugglers, and bogus immigrants. A *Globe and Mail* article retells the story of Mr. Karththikesu who arrived in Canada on board the *MV Sun Sea* (Dhillon, 2015). Mr. Karththikesu was a journalist in Sri Lanka and upon arrival received a letter from Reporters Without Borders, and Journalists for Democracy supporting his application as an asylum seeker in Canada (Dhillon, 2015). Ultimately, Mr. Karththikesu’s asylum claim was

rejected and he was to be deported even though his deportation would lead to the possibility of harm and even death back in Sri Lanka (Dhillon, 2015). In this case, the government used discourse such as protection, national safety, and terrorism to justify the treatment of asylum seekers. Through a journalistic lens, this article has allowed the reader to hear the case of an individual asylum seeker going through the system, and the unfair treatment he has received.

The theme of victimization operates on two levels. First, this theme allows for the positive portrayal of asylum seekers on board the *MV Sun Sea*, which is completely missing from the analyzed political statements. Second, this theme opposes the negative political discourse that focuses on terrorism, ‘othering’, racism, and unfair immigration practices. In the case of Mr. Karththikesu, his story was told as a way to offer an alternative perspective to the government’s decision to reject his asylum claim, and to also highlight the human rights violations that would occur upon being deported to a country where his life would be at risk. Overall, this section has shown that within the selected newspaper articles, asylum seekers are portrayed in a positive light. Journalistic depictions have focused on retelling the stories of the asylum seekers on board the *MV Sun Sea* by highlighting the treatment they received by the government, which sheds light on a different perspective not seen in political discourse.

## PART EIGHT: CONCLUSION

Through the use of political discourse the government has justified the detention of asylum seekers on board the *MV Sun Sea* by relying on two themes: the egocentric state and the process of categorizing and demonizing asylum seekers. First, through the theme of the egocentric state powerful political figures such as Toews, Kenney, and Harper have justified the use of unusually harsh detention practices by acting in the state's best interest. Unusually harsh detention practices were a means of ensuring state safety and protection, and also controlling who is allowed in the country and who is rejected. The theme of the egocentric state ignores the humanitarian concerns associated with vulnerable populations seeking refuge, and instead, focuses on the economic-based concerns of the state. Second, justifications of detention have been analyzed through the theme of categorizing and demonizing asylum seekers. Political statements within news articles have worked to label asylum seekers as terrorists, human smugglers, and bogus immigrants. These labels have contributed towards creating the idea that asylum seekers do not belong in Canada and are a threat to the safety of the state. This type of negative discourse works to give the government the power to use unusually harsh detention practices without question.

The third theme discussed takes a diverging approach from the previous two and analyzes how journalists have depicted the asylum seekers on board the *MV Sun Sea*. In contrast to the discussion on political discourse, journalists have worked to highlight the ways in which asylum seekers are victimized by government policies. News articles focus on retelling the hardships experienced by asylum seekers, and do so in a way that attempts to oppose the power of political statements. Personal stories are relied on to humanize asylum seekers, and give this vulnerable group a voice in a very politicized climate.

Although journalists offer a different perspective on the detention of asylum seekers when compared to political discourse, it is important to note that the government's tactic of using the media as an avenue to gain support for certain detention practices still prevails. The power and influence of political discourse has been used to effectively justify unusually harsh detention practices despite the resistance seen from a journalistic perspective. Journalists have taken a more subtle approach to resisting political discourse by not attacking the specific arguments made by politicians, but instead, highlighting the more humanizing aspects of the stories told by the asylum seekers. Even though journalists have attempted to oppose political discourse, their attempts have not been successful. The positions of power and types of discursive language used by politicians have succeeded in influencing the public and building a distorted perception of the truth. More research is required however, to analyze the relation between political and journalistic discourse as this paper has focused on mainly showing the power of political discourse.

Furthermore, the themes of the egocentric state, and categorizing and demonizing asylum seekers have been structured and supported by the theories of securitization, discourse, and orientalism. All three theories work to support the influence and power of discourse from a political perspective, and show how certain ideologies become accepted into society as the truth. The theme of victimization has mainly been used to offer a different perspective when compared to the power of discourse, and highlight platforms of opposition that exist in the political arena. Future research would benefit from further exploring this theme in relation to Foucault's theory of discourse, and how governmental or media power relations influence the public. Overall, these central theories have also allowed for a more expansive paper that has been able to touch on ideas of terrorism, racism, 'us vs them', 'othering', selectivity, and national superiority.

Although this research paper has focused on the 2010 *MV Sun Sea* incident and the Conservative immigration policies that have followed, it is important to note that Canada's federal government changed in 2015 with the rise of the Liberal Party. Whether this change in government will usher in a new immigration system that welcomes as opposed to pushes away asylum seekers cannot be predicted. What is important, however, is to continue contributing to the field of detention in Canada. Given the time constraints of this paper, I chose to focus on the power of political discourse on a specific case study. Future research would benefit from comparing this study with another case study of asylum seekers arriving by boat in the United States or Australia for example. Also, future research would benefit from taking a more narrow approach to detention, and not being hesitant to discuss the sensitive topics examined in this paper. The debate over the influence of political compared to journalistic power is also an interesting topic that needs to be examined further. This paper has focused mainly on the influence of political power, but as we have seen with the theme of victimization, journalistic discourse can also play a role in opposing political statements. Literature on detention needs to move past the surface level issues surrounding the unfair treatment of immigrants in detention facilities, and the justifications of certain detention practices. Instead, future literature must analyze the deeper ideological underpinnings that have occurred to allow for these injustices to happen, which often include researching sensitive topics such as racism, 'othering', 'us vs them', and terrorism.

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