

# Canada's Inadequate Border Controls

by Martin Collacott

In response to the events of September 11, it will take some time for the United States to put in place all the measures it has designed to reduce the risk of foreign terrorists entering its territory. While Canada must take comparable steps if we wish to keep our border as fully open as possible for the movement of goods and people to the US, it is far from clear that we are prepared to take the necessary action.

The United States, for example, plans to screen and track temporary visitors such as foreign tourists, temporary workers, and students to ensure that they take up the work or studies for which they were admitted and that they leave when they are supposed to. It is high time Canada established a similar system if only for the sake of our own security. Should Ottawa not consider this sufficient reason, we should at least be doing so to assure our US neighbours that our procedures for admitting such foreign nationals do not pose a threat to them. The importance of dealing with the question of such temporary visitors was addressed in a paper recently released by the CD Howe Institute (Rekai, 2002).

More serious from an American perspective is the state of our refugee determination system. Under present rules, Canada allows in tens of thousands of people each year claiming refugee status. Many arrive either without any travel documents or with fraudulent documents. While under the new immigration and refugee legislation security checks are initiated at the time they make their claim rather than when refugee status is granted, virtually all are released into Canadian society almost immediately after arrival, even though it may be months before we know if they have terrorist or criminal backgrounds.

Related to this is the fact that most terrorists who have entered Canada have succeeded in doing so by claiming refugee status. And their numbers are by no means insignificant. The Director of CSIS, Ward Elcock, went into considerable detail as to the extent and the variety of terrorist groups on our soil in a report to a Senate committee in 1998 and, in the interim, there have been a multitude of reports of not only al-Qaeda members, but those of many other terrorists groups operating from Canada (Elcock, 1998).

This is not to suggest that we are the only Western country that has problems in this regard. The United States itself still has a great deal of work to do in asserting better control over its borders if it is to prevent a repetition of September 11. Others such as Britain, France, and Germany all have significant numbers of terrorist operatives in their territories. What makes Canada unique, however, is that we have a common border of more than 8,000 kilometres with the United States and that our economy is overwhelmingly tied to that country.

Other nations have begun taking steps to deal with refugee claimants. Australia, for example, is detaining all claimants who enter its territory without proper documentation—a decision that has deterred such arrivals and has resulted in no more boatloads of illegal migrants reaching its shores since the large numbers that came in 2001. In January of this year, European Union member countries began patrolling the Mediterranean in an effort to intercept large numbers of illegal migrants coming from Africa and Asia.

This does not mean that Western countries are no longer prepared to accept significant numbers of genuine refugees, but simply that, if they are to maintain control over their borders, they have to be in a position to decide whom they let in. Lest this appears unduly restrictive, it should be noted that Canada as well as others also accepts refugees who apply from outside our borders, and whom we are able to screen first to determine if they are really fleeing persecution and do not constitute a threat to our security. We bring in many thousands each year through this channel and this is, indeed, how we should be selecting virtually all of our refugees.



*Martin Collacott is a Senior Fellow at The Fraser Institute and previously served as Canadian High Commissioner to Sri Lanka and Ambassador to Syria, Lebanon, and Cambodia. In September he released a Fraser Institute paper on immigration policy and this Spring will publish a paper on the impact of the events of September 11 on Canadian refugee and visa policies.*



For its part, however, Canada has made only halting moves to bring order to its procedures for allowing refugee claims to be made on our territory. One of the few improvements of note has been a major increase in the number of immigration control officers posted abroad, where they play an important role in preventing individuals from boarding aircraft bound for Canada if they consider them likely to claim refugee status when they get here.

Another potentially useful step is the recent conclusion of the Safe Third Country Agreement with the United States. This requires that claimants already in the US or Canada who want to apply for asylum must do so in the country where they currently reside, and cannot go to the border to try their luck on the other side. Since most of the traffic to date has been from the US into Canada (given that we are generally much more generous in granting refugee status than the Americans), this would appear to be a move in the right direction.

Unfortunately, however, because of Canada's determination to be generous in the extreme, the agreement will be less effective than it might have been. As former head of the Canadian immigration service James Bissett has pointed out, it has been designed with some major loopholes, including exceptions that provide, among other things, for the admission into Canada of claimants accused of crimes punishable with the death penalty (on the assumption they might face a more uncertain future if they stay in the US). The agreement, moreover, covers only one third of all of those who make refugee claims in Canada, as we continue to receive tens of thousands every year via routes that do not pass through the United States. A significant number of these come from terrorist-producing countries and a

majority of them do so with the aid of international criminal organizations.

With the new agreement yet to come into force, there has recently been a rush of individuals to our border to seek refugee status in Canada before the deadline. Most of these appear to be people who have remained in the United States after their visas expired in order to take advantage of employment opportunities there. Under the new American rules drafted after September 11, if they are nationals of certain countries, they will have to register, and if found to be in the US illegally, will be subject to removal. To justify their claims in Canada that they are refugees, they have had to suddenly discover that they will be victims of persecution if they return to their homelands—something that most of them did not seem to be aware of as long as they were staying in the United States. The fact that few, if any of them, had ever previously claimed to be suffering from persecution does not, however, prevent them from entering Canada as refugee claimants and receiving all the benefits that accompany such claims.

The fact that Canada is willing to take them all in, no doubt, comes as a relief to those United States government agencies that would otherwise be faced with the trouble and expense of registering and removing them. Our extreme generosity will, however, probably be viewed in a somewhat different light by those responsible for securing US borders and who believe that Canada is already too relaxed in terms of who it permits to enter its territory.

While security issues related to the operation of our refugee determination system should be our most immediate concern at this juncture, we also have to look at the fact that most refugee claimants are regarded by other countries as non-genuine because they use the sys-

tem to try to gain access for economic benefit rather than because they are fleeing persecution. Other nations, on average, accept for permanent resettlement only a small proportion as legitimate refugees (around 10 to 15 percent). In contrast, Canada approves nearly 60 percent by broadening the definition of who is a refugee to include grounds that go far beyond normal definitions of persecution. As such, we are prepared to consider claims from nationals of many countries that no one else considers to be reasonable sources of refugees. Last year, for instance, the more than 33,000 people who made refugee claims in Canada included 487 Americans as well as citizens of Britain, Australia, Sweden, Japan, and 170 other countries.

The Justice Minister of Ireland, Michael McDowell, made a more realistic assessment of the merits of most refugee claimants in February of this year when he noted that the claims of 90 percent of those who applied for asylum in his country were found to be unjustified at the end of the process. To this he added that, of the remaining 10 percent, only one in 20 was entitled to seek asylum in Ireland since the remaining 19 had reached the country by travelling through safe third countries where they could have made claims. In other words, McDowell concluded that only one of every 200 refugee claims made in Ireland is legitimate.

As a result of Canadian policies, every year we allow in thousands of people who should not be here, and at a cost to Canada of billions of dollars. More than 10 years ago, Daniel Stoffman, in his Atkinson Foundation study, estimated that this cost amounted to \$1 billion a year when such expenses as welfare payments were included (Stoffman, 1992, p. 15). More recently, former Deputy Minister and Secretary of the Treasury, John Manion, suggested the figure



could be as high as \$3 billion. The government no doubt is less than happy to see such large figures bandied about, but appears to be in no great hurry to produce comprehensive estimates of its own since whatever they might arrive at would almost certainly come as a shock to taxpaying Canadians.

Canada, nonetheless, has done little to stem this tide and, in consequence, we have built up a huge backlog of claimants—more than 50,000 at present—which in turn has resulted in considerably longer processing times. To make matters worse, we don't even know the whereabouts of tens of thousands whose claims have been refused and warrants issued for their removal.

In the circumstances, we are doing little to assure the Americans that we are dealing adequately with the issue of terrorism in Canada, particularly when it comes to exercising effective control over whom we allow into Canada through the refugee determination system. Rather than dealing with the roots of the problem, our government has tried to avoid the issue by arguing that Canada has unjustly been accused of being soft on terrorism, and that a good public relations campaign is what is required to correct this situation. Our problems with the presence of terrorists on our soil, however, go much deeper than this as the United States well knows. Statements such as that by Immigration Minister Denis Coderre in January, to the effect that we should "educate" the Americans about the fact that we do not have serious shortcomings when it comes to dealing with terrorism, are both naïve and patronizing.


If we fail to take measures to reassure Washington that we have the problem of terrorism under control, we can expect the processing of goods and people at border points to tighten up and

slow down, an outcome that would be vastly more damaging to Canada than to the United States. In addition to the fact that 87 percent of our exports go to the US compared to 25 percent of their exports coming to us, we must bear in mind that foreign trade comprises a larger part of our overall economy than it does of theirs, and a slowdown in trade, while disruptive for some areas of the United States and some of its industries, would be devastating for our economy.

As indicated above, it will be a while yet before the Americans have put in place all the systems for screening and tracking people entering their country. There can be little doubt, however, that they have the political will and resolve to carry this out. When it is completed, they will certainly want to know that it has not been in vain because there is a gaping security hole along their northern border. We should, therefore, be moving now and as a matter of urgency to implement measures that will ensure better control over who enters Canada, particularly refugees and temporary visitors. Making changes in response to American concerns, does not, more-

over, constitute a loss of Canadian sovereignty nor an erosion of Canadian values as claimed by some who have a vested interest in preserving current immigration and refugee policies. Virtually everything the United States might expect of us in this respect should be put into effect in any event if we are to protect the well being of Canadians and secure our borders.

### References

- Bissett, James (2002). "A Welcome Mat for Murderers." *Ottawa Citizen* (Dec. 5).
- Elcock, Ward (1998). "Section III: The Terrorism Threat to Canada." *Submission to the Special Committee of the Senate on Security and Intelligence* (June 24). Ottawa: CSIS. Available digitally at [www.csis-scrs.gc.ca/eng/miscdocs/kelly\\_e.html](http://www.csis-scrs.gc.ca/eng/miscdocs/kelly_e.html)
- Lucey, Anne (2003). "McDowell Defends Handling of Asylum Seekers." *The Irish Times* (February 6).
- Rekai, Peter (2002). *US and Canadian Immigration Polices: Marching Together to Different Tunes*. C.D. Howe Institute Commentary 171 (November).
- Stoffman, Daniel (1992). "Pounding at the Gates." Ontario: Atkinson Foundation. 

## DONNER CANADIAN FOUNDATION AWARDS

*for* EXCELLENCE IN THE DELIVERY OF SOCIAL SERVICES

❖ Recognizing excellence in social service delivery since 1998 ❖

### **\$65,000 in cash awards to recognize non-profit excellence!**

*Nine awards, valued at \$5,000 each, will be presented in the following categories:*

- › alternative education
- › traditional education
- › child care
- › counseling
- › crisis intervention
- › provision of basic necessities
- › prevention and treatment of substance abuse
- › services for people with disabilities
- › services for seniors

*In addition, the prestigious Donner Award for Excellence, valued at \$20,000 will be presented to the non-profit organization that exhibits the highest level of excellence among the category award recipients in its delivery of social services.*

APPLICATIONS DUE WEDNESDAY, APRIL 30, 2003

*For more information about the Donner Awards Program, or to receive a 2003 application package call toll-free: 1 (866) 716-7175.*