

***Decolonizing Borders: No One Is Illegal movements in Canada and the negotiation of counter-national and anti-colonial struggles from within the nation-state***

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The exercise of state border and immigration policy increasingly extends far beyond the arrival and exit of foreign nationals at points of entry. Instead people *experience* and *resist* borders in a multitude of ways. A high school student is called to the principal's office in the middle of class where immigration enforcement officials await to take her to detention; a community radio programmer is arrested while at an International Women's Day bake sale at a local university because her exotic dancer visa has expired and she has failed her refugee claim; a gay Nicaraguan youth is forced into hiding because a refugee arbitrator believes he does not look "gay enough" to be granted refugee status; a migrant woman avoids accessing a women's shelter after hearing that immigration enforcement has entered the shelter in her pursuit; a migrant worker program is expanded in order to build sites for the 2010 Olympics in Vancouver on unceded indigenous land. Berinstein et al. (2006) note that, "For non-status immigrants the borderline is not just at physical entry points at ports, airports, or land crossings. Rather the border exists where and whenever they try to access social services" (p.9). Thus, accessing vital services or simply going about one's daily life as a non-status person is a challenge to borders.

While migrant justice organizing has been a consistent part of social movements in Canada for decades, contemporary movements that challenge borders and the nation-state differ significantly from traditional left nationalist

politics in Canada (Sharma, 2003). Slogans such as, “no one is illegal”; “no borders, no nations, stop the deportations”; and “we didn’t cross the border, the border crossed us” challenge traditional discourse around citizenship rights and benevolent “host country” claims. Inspiring a variety of creative and complex strategies and tactics, the process of challenging the border is both instrumental and contradictory in social struggles for migrant rights within nation-states.

The shift in political and discursive strategy from national and transnational frameworks towards anti-colonial and anti-imperialist frameworks by a number of contemporary migrant justice groups in Canada impacts the way in which borders are conceptualized. This, in turn, has significant effect on the types of demands being sought and the types of campaigns, tactics and alliances that emerge within contemporary struggles for migrant justice.

### ***REFRAMING MIGRANT JUSTICE***

It is estimated that there are close to 11.6 million people living without full immigration status in the United States (Hoefer et al., 2009) and up to 500,000 undocumented people living in Canada (Jimenez, 2006). While estimates are difficult to ascertain with any accuracy, due to the fact that there is no consistent way to measure a population that is primarily unauthorized or unregistered, these figures would respectively represent 4% and 1.5% of the total populations of the United States and Canada. Living and working without status in North America, undocumented people contribute significantly to the economy through their labour and by paying into social security (De Genova, 2004; Bacon, 2008; Lipman, 2006). Despite these contributions, people living and working in North

America without immigration status are often barred from rights granted to those with citizenship or legal immigration status, thus contributing to an overall decline in health, welfare and social mobility (Barrero, 2007; Lipman, 2006; Berinstein et al., 2006) and creating an apartheid class of migrants without the rights bestowed upon citizens (Richmond, 1994; Sharma, 2006).

What kind of impact does the framing of these emerging migrant justice movements as anti-colonial, anti-imperialist, and/or counter-nationalist have on strategy and decision-making within the movements? How do these movements negotiate the contradictions inherent in fighting for immigration status while advancing opposition to the legitimacy of borders? This paper will seek to analyze how organizations such the autonomous network of No One Is Illegal groups in Toronto, Montreal and Vancouver conceptualize their work within a counter-hegemonic “no borders” framework; what contradictions and negotiations occur; and how such strategies and principles challenge the way these movements conceptualize borders and boundaries.

The pervasive Canadian left analysis of capitalist globalization as the loss of Canadian state sovereignty is challenged by Sharma(2006, p.139) and other recent scholarship has noted a growing shift away from nationalist concepts of human rights and social justice towards more complex counter-hegemonic community-based movements that work across nation-state borders (Basok, 2009; Brydon, 2009; Kim-Puri, 2005; Shantz, 2005; Wright, 2006). While movements for migrant justice remain overwhelmingly comprised of individuals working within a bi-national and transnational political context (see Karpathakis,

1999; Landolt & Goldring, 2010; Labelle et al., 2007; Landolt, 2007; Cheran, 2007; Nanz, 2009), there is an emerging network of autonomous movements that challenge the validity of borders and the nation-state as part of a growing resistance to the neocolonial interventions of neoliberal capitalism (Sharma 2006; Shantz 2005; Wright, 2006).

Using recent theoretical scholarship that problematizes the 'national' in transnational (Puar, 2007; Basok, 2009; Kim-Puri, 2005; Sharma & Wright, 2008; Sharma, 2002; Noble, 2005) and scholarship on the emergence of "no-borders" movements in North America (Baines & Sharma, 2002; Nyers, 2003; Shantz, 2005; Akers Chacon, 2006; Bacon, 2008; Fernandes, 2007; Wright, 2006); and my own experience as an organizer and member of No One Is Illegal-Toronto this work seeks to contribute to a growing discourse within activist and academic literature that theorizes the relationship between borders and belonging. Specifically, this research attempts to address how the negotiation of borders and belonging occurs in practice with migrant-based social movements and what the implications are in different context and settings.

Significant academic work within the national and transnational frameworks have focused on the social construction of "illegal" and/or "undocumented people (De Genova, 2002; De Genova, 2007; McNevin, 2006; Peutz, 2006). De Genova (2002) problematizes the construction of migrant "illegality" as deriving from "the laws seemingly uniform application among asymmetrically constituted migrations from distinct countries (p.424)". Arguing that the immigration system is set up precisely in order to illegalize some

migrants (racialized and poor migrants from the Global South) and to fast track others (wealthy professionals and business people from both Global North and South countries), De Genova (2002), asserts that current immigration legislation in North America is set up to create precarity and uncertainty in the domestic labour market and to maintain an underclass of undocumented people.

Conversely, research that corresponds more closely with anti-colonial and anti-imperial frameworks highlights the interconnections between neoliberal economic factors of wage deflation, precarious employment and temporary migration on deportations and the “illegalization” of migrants (Sharma, 2003; Sharma, 2006; Berinstein et al., 2006). Other authors have focused specifically on the rise of movements comprised of undocumented people and their allies who struggle against deportations and detentions and challenge borders and colonial immigration policy (Wright, 2006; Basok, 2009; Lowry & Nyers, 2003; Nyers, 2006; Khandor et al., 2004; Bacon, 2008; Akers-Chacon & Davis, 2006). Focusing specifically on the Canadian context, Wright (2006) characterizes movements that seek to legalize undocumented people; that oppose detentions and deportations; and that have no-border/anti-globalization orientations as being bolstered by an anti-imperial lens that also includes oppositions to wars, occupations and economic devastations that often cause conditions that force people to migrate.

While this scholarship is pivotal in gaining a fuller understanding of the context and conditions that have given rise to contemporary struggles for migrant justice, sparse research currently exists on how groups engaged in these struggles

negotiate framing their movements as anti-colonial/anti-imperial or counter-national within the context of making significant claims on the nation-state.

### ***THE EMERGENCE OF NO ONE IS ILLEGAL & COUNTER-NATIONALISM IN CANADA***

Movements organized under the banner “No One Is Illegal” emerged in Canada as a response to the increased border securitization, tightened immigration policy and racial profiling that occurred in North America following the attacks of September 11, 2001 (Wright, 2006; Basok, 2009). Heightened anti-terrorism legislation was combined with existing immigration laws to create a state of continual uncertainty and legal precarity for many migrants in Canada.

When the Canadian government ended the moratorium on deportations of Algerian refugees in April 2002, Algerian migrants in Montreal organized the Action Committee for Non-Status Algerians and began using increasingly confrontational tactics in order to fight deportations in their community (Lowry & Nyers, 2003). The newly formed No One Is Illegal group in Montreal became intimately involved in supporting the Algerian community in that city and developed a set of demands, including an end to detentions and deportations and immigration status for all, these would become foundational goals for No One Is Illegal groups organized in Toronto, Vancouver and other cities. Differing from past national migrant rights networks, the coalition of autonomous No One Is Illegal groups maintained local decision-making structures, an emphasis on decentralization, and a system of coordination rather than a national umbrella network with local chapters. This political organization would significantly impact future campaigns and strategies and provide both a flexibility to adapt to local

challenges and a malleability to respond to major shifts in national and international political climates.

In conjunction with the campaign in support of non-status Algerians in Montreal, that included a “No One Is Illegal” contingent at G8 protests in Ottawa in 2002, organizers from Vancouver, Toronto, Ottawa and Guelph met in Montreal in February 2003 to host a conference that helped to develop a basis of unity and core demands for the loose coalition of groups. In Toronto, organizers had also become more invested in issues of borders and migration, particularly within the Ontario Coalition Against Poverty (OCAP), the Campaign to Stop the Secret Trials, Project Threadbare, and STATUS. The Ontario Coalition Against Poverty for instance, had adapted its style of direct action casework to support cases of people facing deportations (Shantz, 2005); similarly organizers within Project Threadbare, including a significant number of newcomer and second generation immigrant youth and youth of colour, mobilized against the arbitrary arrest, detention and eventual deportation of 23 Pakistani men accused of having links to terrorism (Odartey-Wellington, 2009). The Campaign to Stop the Secret Trials emerged in opposition to the imprisonment of five Muslim men on unsubstantiated terrorism accusations under Canada’s security certificates legislation. STATUS on the other hand, mobilized a number of academics, community workers and migrant organizations to begin having serious discussions on the issues of migrant legality and the effects of living without documentation in Canada.

The shift in discourse within these formations towards more anti-colonial and anti-imperial politics differed significantly from other mainstream advocacy efforts for immigration reform in Canada (Shakir, 2007). This, in turn, resulted in more aggressive political tactics by many of the emerging migrant justice organizers. As one organizer interviewed by Lowry & Nyers in their 2003 study noted:

*“The traditional tactics just aren’t working. I mean they are actually an abject failure. They try to work within a system, to basically humanize a system that is essentially inhumane... I think we need to talk and adopt various tactics to the broader strategy of making fundamental policy changes: the regularization of all, amnesties, the treatment of migrant workers (p.71).”*

It is within this context that a No One Is Illegal group premised on similar goals as those set out in Montreal formed in Toronto. Similarly, in Vancouver, a No One Is Illegal collective emerged out of organizing taking place under the banner *Open the Borders!* which coordinating militant campaigns opposed to deportation and detentions. No One Is Illegal-Vancouver-based much of its initial work in building strong relations with Coast Salish indigenous communities in British Columbia (Wright, 2006).

After nearly a decade of actions, events and demonstrations, the autonomous network of No One Is Illegal groups in Canada has expanded beyond Montreal, Vancouver and Toronto to include collectives that have appeared in Brampton, Ottawa and Halifax among other cities. The groups have also allied themselves with a myriad of migrant justice organizations that include Justice for Migrant Workers, MIGRANTE Ontario, Solidarity Across Borders and dozens of other collectives that share similar principles and points of analysis. While



maintaining strong allegiance to unifying principles that include an end to detentions and deportations; the implementation of a full and inclusive regularization program for all non-status people; the recognition of indigenous sovereignty; end to war and occupation; and an end to exploitative temporary work programs (No One Is Illegal-Toronto, 2010), each of the autonomous collectives has worked to negotiate these principles within their local context.

While the concept of “no borders” struggles can often be mistaken for idealist trope, it is used by No One Is Illegal both explicitly and implicitly to critique Canadian colonialism and to challenge the settler state’s legitimacy in determining who can and cannot enter the country. This challenge is often tempered, however, by the reality that the state *does* control who enters the country and under what status. Such a contradiction necessitates a variety of strategies and tactics that challenge the legitimacy of the state, while at the same time being cognizant of the day-to-day lived realities of migrants seeking to gain some form of status in Canada.

To illustrate how No One Is Illegal groups in Canada negotiate the many contradictions of being engaged in anti-colonial/counter-nationalist struggles within a nation-state context, I will look specifically at three practices foundational to the work of the groups. Specifically, I will highlight the attempts to build solidarity with indigenous sovereignty struggles and the inherent complexities of this work; the creation of localized campaigns that challenge the legitimacy of federal immigration policy; and the support of anti-war and national

liberation struggles in relation to a broader politics challenging the root causes of migrant displacement.

***NO ONE IS ILLEGAL, CANADA IS ILLEGAL: AN ANTI-COLONIAL FRAMEWORK***

Indigenous struggles for sovereignty, particularly those directly related to land claims, are often at odds with the calls made by migrant justice activists to liberalize immigration policy. Understanding the legacy of colonialism and settlement in North America does not change the fact that calls for free movement of people and challenges to borders can risk undermining indigenous struggles for sovereignty. Lawrence & Dua (2005), in their written appeal for the decolonization of anti-racist organizing practices, challenge migrant justice activists to “think through how their campaigns can preempt the ability of Aboriginal communities to establish title to their traditional lands “(p.136). The risk of undermining significant struggle by indigenous communities to Canada’s colonial policies through treaties, blockades, negotiations and other forms of resistance through a movement for open borders is real and should be taken seriously by migrant justice groups. Internal education and an evolving analysis of anti-colonial struggle among No One Is Illegal groups have tempered the framing of their goals as a struggle for open borders. Each of the collectives in Vancouver, Montreal and Toronto has instead attempted to integrate the critique of borders and nation-states within an anti-colonial analysis. This critique has been actualized in solidarity work with indigenous communities that links racist immigration policy and the exploitation of migrant labour as being instrumental in Canada’s colonial project.

On February 12, 2010 protestors in East Vancouver successfully blocked and re-routed the Olympic Torch on the last leg of the corporate-sponsored torch run prior to the opening ceremonies of the Vancouver 2010 Olympics (Dyck, 2010). Throughout demonstrations and protests in dozens of cities across Canada, protestors united under the slogan “No Olympics on Stolen Native Land” in an effort to highlight the colonial legacy of theft of indigenous land and particularly the fact that British Columbia as a province sits on unceded indigenous territory. At the forefront of this largely indigenous-led movement were groups like No One Is Illegal-Vancouver, who had undertaken years of slow and consistent solidarity work in order to build stronger links with anti-colonial indigenous struggles.

In its guiding principles, No One Is Illegal-Vancouver prioritizes building solidarity with indigenous sovereignty struggles, noting:

*As we struggle for the right for our communities to maintain their livelihoods, we prioritize building alliances and supporting indigenous sisters and brothers fighting displacement. We recognize that those colonial and capitalist forces that create war, poverty, and destruction throughout the global South are causing dispossession of indigenous peoples within the global North. Therefore our work must be carried out in solidarity with the struggles for the self-determination and justice of indigenous communities (No One Is Illegal-Vancouver, 2010).*

These principles of solidarity, shared by groups in Toronto and Montreal, have formed the backbone of calls to action in solidarity with indigenous communities among organizing work in Vancouver around migrant justice and have significantly influenced the solidarity work taken on by No One Is Illegal groups in Montreal and Toronto (particularly with the indigenous communities at Six Nations and Tyendinaga). The significant work exerted by organizers in

Vancouver has provided a model example for migrant justice organizers throughout Canada with respect to the long-term and committed nature of indigenous solidarity.

The concerns of Lawrence & Dua (2005) that a call for opening borders may affect indigenous struggles for land and sovereignty, is reinforced in the practice of engaging in indigenous solidarity with diverse indigenous nations in Tyendinaga, Six Nations, Kahnasatake, Grassy Narrows and other communities where the histories of colonialism differ as do the strategies and tactics chosen by separate nations to oppose Canada's colonial policies. To build internal understanding of these complexities, groups have engaged in education, outreach and solidarity actions to support blockades at Six Nations, Tyendinaga and Grassy Narrows. There has also been a greater commitment in supporting broader campaigns such as the no-2010 Olympics movement opposition and framing this work as specifically anti-colonial. In order to build honest and self-reflective solidarity with indigenous struggles, groups have attempted to create spaces internally for discussion, debate and critique in order to ensure that the migrant justice principles being upheld are conducive to an anti-colonial praxis.

Such practices are in line with recommendations put forward by Sharma & Wright (2009) in their response to Lawrence & Dua (2005). In their article Sharma & Wright (2009) suggest that the call for open borders or free movement by migrant justice organization can simultaneously be integrated with solidarity for indigenous sovereignty struggles through "a consideration of ways to undo the divide between 'indigenous' people and 'migrants' by working towards

practices of decolonization that are fundamentally antiracist and toward an antiracist politics fully cognizant of the necessity of anti-capitalist decolonization (p.122)". With the exception of the "No Borders Camp" held in Montreal in 2007, there has been reluctance by No One Is Illegal groups to formally place a call for no borders within their principles and demands. This reluctance is partly the result of ongoing analysis building with respect to an anti-colonial political frame that takes into account indigenous sovereignty as being integral to any process of liberation of migrants. It is also based on the understanding that colonial practices in the Global South that continue to displace people are inherently linked to the dispossession of indigenous land in the Global North (No One Is Illegal-Vancouver, 2010).

#### ***ORGANIZING TO RESIST LOCAL BORDERS & BOUNDARIES***

A frequent critique of migrant justice organizing in Canada is that it lacks national coordination (Wright, 2006). In comparison to the United States which relies heavily on national networks (particularly within the Latina/o community) to coordinate mass mobilizations and work stoppages in an effort to gain legislative reforms such as the DREAM act (see Barreto et al., 2009), most radical migrant justice groups in Canada tend to be small autonomous collectives that share similar goals but utilize different strategies and tactics that blur the lines between national and local organizing (Shantz, 2005). While there have been nationally coordinated days of action (notably in 2006-2008) that have been expressly aligned with political actions for migrant justice in the United States culminating around the first of May as a day of action, the day-to-day campaigns

of No One Is Illegal groups and their allies in Canada's major cities have been highly decentralized and locally-oriented.

In Toronto, the best example of this localized work is the emergence of the Shelter, Sanctuary, Status (SSS) campaign. The Shelter, Sanctuary, Status campaign is often described in No One Is Illegal-Toronto calls to action as a form of "regularization from the ground up" (Mishra & Kamal, 2007). More specifically, the campaign seeks to empower community workers, shelter workers, civil sector employees, local shopkeepers and other migrant organizations to create policies and develop action protocols that would bar immigration enforcement from entering into their spaces. It would also ensure that undocumented migrants can access basic services (health, housing, women's shelters, emergency services, food banks) without the fear of being detained or deported. This strategy is not unique and has been effectively used within migrant justice struggles in the United States (Wright, 2006). However, by simultaneously fighting for an "access without fear" protocol in Toronto that would ensure that undocumented migrants are able to safely access essential services without fear of detention and deportation. Moreover, the campaigns offer the potential for a fundamental shift in how community activism around migrant justice occurs within institutional spaces such as community centres and women's shelters. It provides the potential for transformative and long-term change and re-centers the power for those change towards the local community and away from the federal government.

Starr & Adams (2003), in their research looking at "the global fight for local

autonomy”, argue that part of the reason autonomous movements like No One Is Illegal “show depth of political economic analysis” and show preference for anti-colonial orientations is due to the versatility of such a frame of political reference.

They note,

*[An anti-colonial analysis] can handle many forms of domination (multiple oppressions) effected by corporate hegemony (economic, political, cultural, ideological, alienation of land)...and it proposes a vision of how to address the problem (decolonization and sovereignty) with the understanding that decolonization is an intimate, complex, ideological process, not just a change in political order (p.36).*

Thus, while the autonomous and localized organizing structure of No One Is Illegal groups does not currently have the highly coordinated mass base (and labour-backed) strength of similar movements in Britain and the United States, the flexibility and versatility within which these groups organizes within an anti-colonial framework may open creative possibilities that have the potential to give community members the power to intervene in immigration enforcement in a more direct manner.

No One Is Illegal-Toronto’s SSS campaign, for instance, has the potential to challenge who traditionally thinks of borders as impacting their lives and gives them tools to engage in direct resistance. In March 2010, immigration enforcement entered into a women’s shelter in search of a woman who had fled abuse in Ghana in an effort to deport her. Seeing this as a violation of sanctuary provided to women fleeing violence, women’s organizations and shelters from across the city held a press conference to denounce the incursion and proclaimed their goal of resisting immigration enforcement within the shelter system

(Bonnar, 2010). Contextualizing deportations as violence against women, the groups mobilizing around SSS have highlighted the high profile case of the murder of a young Mexican woman who sought refuge in Canada twice (and was deported both times) showing how the state violence of immigration policy directly contributes to violence against women (see Keung, 2009). Similarly, the organization has taken on campaigns to prevent the deportation of students in high school and university in an effort to build sanctuary spaces in schools all in an effort to build the power of the community to resist state immigration policy.

***STATUS FOR ALL vs. NO ONE IS ILLEGAL***

The overarching demand made by No One Is Illegal groups across Canada has been for a full and inclusive regularization program that would ensure that all people living in Canada would acquire full and permanent status in Canada. While this demand is critical to the movement's analysis, it is not clearly a call for open borders or for free movement, rather it is an explicit negotiation with the Canadian state to reform immigration legislation in order to remove the conditions that produce illegality and precarity among migrants (De Genova, 2006; Goldring et al., 2009). While this is seemingly contradictory to the anti-colonialist stance advocated by the collectives within their principles, a fuller analysis of strategy, tactics and goals is warranted.

Rooted in much of the anti-globalization and anti-war struggles that have emerged since the late 1990s in North America, No One Is Illegal groups seek to negotiate their demand for status for all within the context of an anti-imperialist struggle. Supporting the resistance to Canada's occupation of Afghanistan, its



economic support for the war in Iraq and its role in the Haitian coup, No One Is Illegal groups make the links between Canada's role in displacing people and its regressive immigration policies. These commitments are best exemplified within the Palestinian solidarity struggle in which No One Is Illegal groups have played a solidarity role. Significant to this struggle is the call for a right of return for Palestinians displaced by the Israeli state. In a 2006 statement released by No One Is Illegal-Toronto in support of Palestinian refugees, the group asserts the demand for:

*[T]he right of displaced Palestinian refugees and their descendants to return to the Occupied Territories and that complete compensation is required for lost property and other assets for all refugees, regardless of their willingness to return, by the responsible governmental authorities (No One Is Illegal-Toronto, 2006).*

This statement also recognizes the right of Palestinians to self-determination and gives support for the liberation struggles of the people of Palestine. The support for national liberation struggles remains a point of contention within organizing strategies, however, significant work has gone into supporting Tamil liberation demonstrations, Haitian anti-occupation struggles, and anti-war demonstration opposing Canada's role in Iraq and Afghanistan. Such solidarity links the politics of justice for migrants with a politics of the right to not be displaced and sees Canada's imperial, environmental and corporate policies as being intimately linked with displacement globally. Differing from a dominant strain of left nationalism in Canada (particularly within the labour and environmental movements); these anti-imperial movements seek to problematize Canada's colonial legacy as intricately embedded in capitalist globalization.

## **CONCLUSION**

The emergence of the No One Is Illegal movement within the Canadian political landscape has significantly altered how migrant justice activism is framed. It has had an impact on official discourse in its challenge to the use of the term “illegal immigrant” as one that criminalizes people who are displaced directly as a result of economic and political policies of the Canadian state. Starr & Amory (2003) suggest that groups that organize within an “autonomous” framework such as the No One Is Illegal collectives are more likely to “assert the legitimacy of autonomous community authority in diverse local political systems” (p.20). Such local autonomy allows for the diversity and creativity that emerges within the context of collective principles and demands for migrant justice. While no cohesive decision making structure within the network exists, an attempt to build respect, solidarity and creativity among the various No One Is Illegal collectives has allowed for flexible tactics and strategies that incorporate a process of decolonization within each groups political context.

In framing such movements as anti-colonial and anti-imperial, No One Is Illegal has broadened its strategic focus to include building community power, subverted immigration legislation in a local context and working in solidarity with other anti-colonial struggles to go along with a specific call for immigration legislation reforms. While contradictions remain pervasive with respect to an acknowledged desire to both oppose the legitimacy of Canadian immigration legislation and to seek redress from such policies simultaneously, organizing within an anti-colonial framework allows the groups to negotiate such

contradictions strategically. This requires long-term and consistent solidarity built with indigenous communities fighting for sovereignty as well as re-centering the power structure towards the local rather than national. Inherent in such struggles is the shift in slogans and language within the migrant justice movement that challenges the legitimacy of borders as a colonial project exclaiming emphatically that "*We didn't cross the borders, the borders cross us!*" Such framing suggests a desire to grapple with the complexities of colonialism and to assert the rights of individuals to stay in their lands unhindered by colonial incursions rather than to call for a free movement of people, who may irresponsibly or non-consensually occupy lands, cultures and homes.

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