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# TURNSTILE BUREAUCRATS: THE FRONTLINE IMMIGRATION OFFICER

Frontline immigration officers man the turnstiles of the nation. They work in the trenches of the immigration business as ordinary "grunts" with an extraordinary view of the passageways to Canada. Their rudimentary theory of immigration is: "The-good-guys-should-get-justice-and-the-bad-guys-should-get-order." Therefore, their practical stance or position on immigration more or less boils down to this: "Let's-let-the-good-guys-in-and-get-rid-of-the-bad-guys." The problem with immigration, at least from the vantage of the typical frontliner, is that, in reality it is too hard to get the-good-guys in, and even harder to get the-bad-guys out. In addition, frontliners often feel overwhelmed by the enormity of immigration's bureaucracy, which faces them like an abstract force and authority, a thing out of control, a thing represented by the senior-suits-in-Ottawa, who really don't have a clue as to what is going on. Furthermore, frontliners are the flak-catchers for mau-mauing lawyers and consultants who know how to "shake the bureaucratic tree"; and the various elected officials who wish they knew how to shake the tree. While they often feel overwhelmed by it all, frontliners also believe their everyday work life and life's work is not abstract, or superficial; they believe they work-in-the-trenches-where-the-action-is, and attempt to provide custodialship for the nation by wrestling the-bad-guys to the ground (in the face of opposition from lawyers and consultants and assorted politicians and big-time bureaucrats in Ottawa). Thus, for frontline immigration officers, the paramount reality of the immigration business takes place in the spirited relationship they have to the trenches.

### *The Frontline Versus the Hardline in Immigration*

Everyone has, or has heard, a story of the arrogant, obnoxious, foul-mouthed immigration worker who will not give you the time of day if his or her life depended on it. Since this is a country of immigrants, most Canadians have had a personal encounter of some form or another with a negative, "rule-obsessed" immigration officer, who lacks interactional skill as well as a sense of tact and decorum, and may seem to engage on occasion in gestapo-like tactics.

This phenomenon is so renowned in fact, that in the parliamentary debate on the immigration act, Bill C-86, several elected officials used their allotted debating time to lament what they described as "the-bad-apples-of-the-immigration-barrel" that always seem to be strategically located, answering the phones in local offices in their constituencies, and at visa offices and embassies abroad. (The common complaint was that some arrogant immigration workers routinely state that they don't care if they are speaking to a Minister of Parliament, or

God of the Universe, their position is non-negotiable on this or that matter, and the conversation is as of now terminated). Some of the parliamentarians went as far as to call for a new provision in the immigration act to either increase their own discretion or influence, or to subdue the discretionary powers of immigration officers.

When the general public, or the parliamentarians that serve them, speak of the terrible experiences they have had with immigration, they are usually referring to contact they have had with an immigration officer who perverts the good-guy-bad-guy equation. In everyday life they fit well within the confines of the general definition of "the hardnose bureaucrat". But in the immigration business proper these officers are often known as "hardliners" (those who have hardened over time).

There is a difference between a frontliner and a hardliner. Hardline immigration officers simply react badly to the human quagmire of immigration. For frontline immigration officers it's good-guys-in-and-bad-guys-out; but for hardline immigration officers it is as if everybody-is-the-bad-guy. Hardliners are a breed of turnstile terrorist who see the barbarian at the gate. And when immigration officers start seeing barbarians at the gate, they can become the barbarian.

Of course, because of the nature of the work, the transition from a frontline view to a hardline view is an ever-present risk. A reporter for the *Globe and Mail* newspaper in Toronto cataloged for posterity the following tension-filled remarks of an examination officer on a busy day at Pearson International Airport:

One inspector expressed his frustration to this reporter more vehemently. Dealing with a Ghanaian refugee claimant who said he had destroyed his passport and had no documents of any kind, he said it is ridiculous that inspectors cannot search people.

"How do I know he doesn't have his passport or his ticket or his boarding pass or identification in his pocket?" he asked. "We're not allowed to look. What kind of an immigration system do we have? This whole thing is a sham, and nobody gives a damn."

An Immigration Department manager, who was accompanying the reporter, cautioned the inspector to moderate his comments. "Why should I?" he said. "People should know what a waste of time this is. Anybody gets into Canada. We are not allowed to do anything. People should know what is going on." (27.10.88).

Often because of their general frustration with the incompetence of system-management, and a feeling of powerlessness to do anything about it, immigration workers become hardliners and take out their frustrations on all outsiders. In this event, they tend to distinguish clients, parliamentarians, and other outsiders as objects rather than subjects, as an interminable nuisance rather than as the very purpose of the system. They are often rude, suspicious, cynical, accusatory and prosecutorial. Furthermore, there is a marked tendency to evaluate the subjects of the immigration system in terms of varying degrees and categories of deceit, fraud, duplicity, and abuse. And, as they see the matter, it is their job to rectify the situation.

Most frontline officers feel a profound sense of frustration and powerlessness from time to time, but they do not take "the hard line"; they generally attempt to accentuate the positive. Of course, this is little comfort for anyone who has had to deal with a bona fide hardline

immigration officer, for all that it takes is one to ruin a family's life, or alter its course forever through misplaced hostility. Still, in the immigration business there is a an analytic difference between the frontline and the hardline, in the same way that there is a an analytic difference between aspiring toward the Good and merely seeking to avert the Bad.

Hardliners are strictly one-dimensional thinkers: they think you can preserve the good by eliminating the bad. Here, bad is the rule and good is the exception. Good is merely an aberrant expression of the bad. So, rather than accentuating the positive, they tend to expend themselves and all their energies trying to rectify the negative.

However, the vast majority of frontliners genuinely believe the immigration system enshrined in law is aimed at the good, and the continual crises with which the country finds itself arise out of the failure to apply it. In this respect, most immigration officers are two dimensional thinkers: they think "The Act" represents the highest potentials of Canadian society in regard to its order and justice; and they see themselves as attending the reciprocal relationship between the people and the system of immigration -- the rights and the responsibilities of immigration – in equal measure. Accordingly, they speak about their commitment at times almost reverently in terms of "Upholding The Act", and "Observing Their Statutory Responsibility", and ensuring "Procedural Fairness."

Nevertheless, ordinary immigration officers, across the board, often feel as if they have to *become* the instrument of order and justice in the system, which is not without its own risks of excess. As with the examination officer quoted above – “This whole thing is a sham, and nobody gives a damn” – the lack of system(ic) power can lead to the desire to exercise excessive situation(al) power. Here, the frontline goal can become one of mediating order and justice in the system to the strict letter of the law, and beyond the machinations of all outsiders, and even the senior bureaucrats in Ottawa, if at all possible.

For instance, frontline immigration workers have gone as far as to engage in covert fundraising efforts aimed against their own employer:

Frustrated frontline Toronto immigration workers have begun a covert drive to help Metro Police raise funds to sue their employer.

Metro Police have launched a suit against the federal immigration department for not deporting two illegal immigrants charged in the killings of Const. Todd Baylis and Georgina "ViVi" Leimonis.

Immigration workers involved in the fundraising effort refused to be identified, fearing they'd be fired from their jobs ... (*The Toronto Sun*, 4.09.94).

Participating in covert efforts to undermined their employer is a indication of how frontliners often feel they are the Canadian border.

That is, they commonly assume, at least psychologically, an awesome charge of safeguarding the nation from external trespass and internal mismanagement. This grand aspiration, however, is where the potential snare of hardnosed, intellectual rigidity, and emotional bankruptcy, lie. For the grievous criminal acts perpetrated by some illegal aliens, such as murder and rape, can easily be interpreted as everybody alien is a potential murder and rapist. Or, more specifically, since the illegal immigrants charged in the brutal killings of Police Constable Todd Baylis and Georgina "ViVi" Leimonis (mentioned in the news item) happened to be Jamaicans, the hardnosed solution to cracking-down on these heinous killers is to tighten

the border restrictions on Jamaican immigration. By taking on the momentous psychological role as the custodians of the nation, frontliners always risk becoming hardliners – de-personalizing and de-humanizing others on the spot. Here, rather than focusing on the prosecution of a group of law-breakers and criminals, they can actually attempt to criminalize entire groups.

### ***The Subject-Object Split***

This is further complicated by the nature of the work itself. Immigration officers wrestle the subjectivity of the people they encounter with the objective designations of classes, categories, and procedures, which stand opposed to any human particularities. On the frontline, people are "PC's" (persons concerned) and their needs and aspirations are the stuff of "programs" and "streams". As a result, the individuals who are the subjects of immigration are typed or typified; transformed into objects or calculable events for purposes of manageability and control; and referred to using object-like or objectifying procedural language about "cases" and "action on a case" and "case termination", as a matter of routine. Individuals are typified and then objectified – creating a tension between the subjective and the objective bases of the immigration system.

Hardline immigration officers go a step farther. For them, there is no tension between subjects and objects in immigration. Individuals are typified and then objectified and then reified -- that is, they come to be treated as "thing-like", therefore, their humanness is distorted. When individuals are reified, they are implicitly viewed by hardliners as alien beings or entities migrating to Canada in the same way that amoebas moves toward the sunlight for sensual gratification. Within the terms of the good-guy-bad-guy equation, these officers find their niche by accentuating the negative. They always look for a hidden negative agenda; the short-comings of people and the pitfalls of procedure. And the negative possibilities always seems to override anything that could be conceived to be positive.

In this process of reification, human beings are routinely de-personalized and de-humanized. The subjects of immigration become objects and the objects become subjects. And no amount of "client service training" (see pp. 308; endnote 18), which is regularly conducted within the immigration commission to sensitize staff to the people they serve, has had any appreciable effect in transforming the subject-object split of hardline or negative immigration officers. When client-newcomers are reified, and perceived to represent varying degrees of self-indulgence, deceit, fraud, duplicity and abuse, service training is interpreted as merely a naive waste of time and energy, concocted by some mush-brained-high-power bureaucrat in Ottawa. Here, hardliners perceive that the immigration officer's function is not to give good service, or to serve the greater good; it becomes one of making sure the global riff-raff don't contaminate the "authentic" character of Canadian society.

### ***Social Rights and Individual Responsibilities***

There is another distinction that may help illuminate frontline attitudes in the immigration business which revolves around the issue of "social rights" versus "individual responsibilities". The tension between the subjective and objective bases of immigration, is actually surpassed by the tension between rights and responsibilities, protections and observances. This is to say, there

is a collective projection of a two-dimensional truth in the immigration trenches that may be formulated this way: Social rights without individual responsibility is a recipe for disaster.

When we speak of social rights we are referring to the claims on the social system by all members of society to a basic standard of living, and to equal opportunities for education, health, and so forth. The emergence of social rights claims, in the twentieth century, accompanied the advent of universal adult suffrage and the phenomenon of widespread participation in the political system. This development of social rights and entitlements in the political sphere has meant a very slow but gradual erosion of privilege in other spheres, like economics, as well, which may be viewed as part of the process of secularization that the classical sociologists identified as a distinguishing feature of advanced industrial society (Durkheim, 1947; Weber 1958; Simmel, 1978). Sectors of society and culture are removed from the domination of religious institutions and symbols, as well as the princely or elite classes. Coincident with this secularization process and the development of social rights in Canada, governments have sponsored activities ranging from educational to medical and health insurance, while the growth of the "welfare state" has absorbed many of the functions that use to be performed by the church and other private charitable organizations.

This has not been an easy transition by any standard. In most developed societies around the world there is a growing neoliberal ambivalence and disagreement about how far social rights should extend in society. For some, general welfare measures are viewed as a safety net indispensable to the truly advanced society; for others they are seen as ultimately bringing about human and social decay. And the matter is even more ambivalent and complex when it comes to immigration, and the possibility of recognized entitlements for those who are not yet even citizens, only potential members or temporary residents of society. Doubts still rage everywhere regarding foreign nationals having any rights claims or entitlements in society at all.

However, to the extent that "universality" is advocated and exists in Canada's immigration system, it is an extension of the concept of social rights as it relates to the tenets of liberal democracy and the welfare state. Here, in accordance to the 1976 Act, immigration policy is translated into tangible admission regulations and practices that prohibit discrimination based on grounds of race, nationality or ethnic origin, color, religion, or sex; that protect the civil rights of all those who would set foot on Canadian soil; and ensure that every individual is afforded the full protection of the Charter of Rights and Freedoms and due process of the law.

The extension of social rights in the field of immigration is perceived as both a blessing and a curse by typical immigration officers. To their way of thinking, it is precisely the extension of social rights and the growth of the welfare state that has made Canada into a country of international acclaim and recognition, on the one hand – but, has also made it into a potential dupe, on the other. So, while frontliners are typically committed to a transnationalized and liberal democratic ethos (insofar as it is embodied in the Immigration Act that they attend), this commitment is tempered by the conviction that there is an inordinate number of people in the world who want to take a free ride on Canada's democratic ethos.

This classic photostat, "chain" letter detailing arrival instruction was found in the luggage of an Sri Lankan national enroute to Canada:

*"When you arrive in Canada they will ask you on what name you traveled. Who sent you here? Tell them the following: You had been in India only for a month. Your friends paid money to a travel agent and they only helped you to go to*

*Canada. If they ask you the agency name or address just give them an imaginary name. These are routine questions, no problem. The agent only brought you to Bombay and boarded the aircraft. If they ask you on what name did you travel, tell them you were frightened, so you did not take any notice. ... do not tell the authorities anything other than what I have told you in writing. As soon as you arrive at the Canadian airport, at the counter tell them "I need political asylum". Then they will give you Immigration forms. Immigration with the help of an interpreter will do the enquiries. At that time tell them lies as if they are true. You must tell them lies in such a way that they must be able to believe you. Do not be frightened. Everyone who comes here, they come like you. They tell the same thing and they are all here, so this is not happening only to you but to everybody. Do not tell them you stayed in India for a long period. Do not tell them you were a member of a terrorist organization. Tell Immigration, house and everything is destroyed so in order to save my life I came via India here only. Parents stay in relative's house. Even tell them brothers and sisters not there. Brothers and sisters in Sri Lanka, only parents are there. Tell them the army arrested you 2-3 times and harassed you. They will ask you the time and month. Just give them some date. They will ask you which month, what date you were arrested, so just be prepared with specific dates. At the end only parents came to the camp and after arguing and screaming the army let us go. Army did not feed us, they really beat us. When the officer asks you this tell them as if you are telling them a real sad story which has happened". (Immigration Intelligence Division Bulletin No. 89-04, from the Visa Section of the Canadian Embassy in Colombo).*

It is often difficult for even seasoned immigration officers to distinguish "the-real-sad-story-which-has-happened" from "the-real-sad-story-which-didn't-happen", and it becomes more difficult all the time when there are informal correspondence courses for bogus refugee claimants around the world.

Of course, Sri Lanka, like all other countries in the developing world, symbolizes the queue between today and tomorrow. In this age of "global migration" – when millions of people from around the sphere are in flight from desolation, despair, poverty, persecution and death – immigration officers know that Sri Lanka, China, India, Jamaica, etcetera, are the primary source countries of Canadian immigration. They also know that this age of global migration can also generate "global appetites", or a burning desire for a better life, which many people around the globe will do anything to fulfill.

In this regard, an Immigration Act that is based on enlightened color-blindness, if you will, is also not immune from slipping into just plain-old blindness. The difference for the frontliner can be clarified subtly. Plain-old blindness means the equal distribution of rights and privileges. Enlightened color-blindness means the equal distribution of rights and responsibilities.

The typical frontliner doesn't separate social rights from social responsibilities in their thinking. It is almost immediately observable in the day-to-day activities on the frontline that the extension of social rights without a countervailing extension of individual responsibility to the host society, transforms a democracy into anarchy. And nowhere in the everyday world of immigration is this more apparent than in the area of immigration investigations.

Immigration Investigators specialize in dirtiest of the dirty work – tracking down illegals and charging them under applicable sections of the Immigration Act. They have their own units, they work days and nights, they carry badges, they wear flak-vests-and-jackets, and they are perhaps the frontliners who are the most purely engaged in the practical tasks of enforcement and control. Yet, they are not hardnosed, per se, they are hardboiled; they have a protective interaction shield that is referred to in the business as being "tough skinned". These are the officers (and the image), as a matter of fact, to which people refer when they say: "Immigration is coming to get you". It is their existence (hardboiledness) that raises the liberal democratic question often posed in the media about the profession of the immigration officer: In an age of global migration, are the heightened senses of the craft too acutely attuned to "Sri Lankans", or to "Chinese", or to "Sikhs" and/or other "visible minorities" and "third worlders", such that their very thoughts, or daydreams, violate the necessary idea of a common humanity? On the other hand, they also represent the clearest, albeit inverted, reflection of the typical immigration officer's version true egalitarianism. Their motto is: "We go after everybody regardless of race, creed or color".

Item: The following Bulletin No. 89-01 from the Immigration Intelligence Division from the Visa Section of the Canadian embassy in Islamabad, details the discovery of a Pakistani smuggling ring producing fraudulent Canadian travel documents.

*Acting on a tip from an airline employee stating that two Iranian nationals carrying fraudulent Canadian travel documents would try to board Pakistan International Airline (PIA) flight 723 (Islamabad-Toronto) that same evening after allegedly bribing a Federal Investigation Agency (FIA) agent responsible for checking passports of departing passengers boarding that flight, as well as a counter clerk, the FIA arrested the suspected Iranians in the airport parking lot.*

*The documents -- Canadian refugee documents -- were similar to some other ones reported previously. Two other persons have been arrested in connection with the case.*

*Through questioning it has been determined that a smuggling ring is currently producing blank Canadian travel documents in Karachi using a color photocopier. The blanks are then sold to various smugglers or forgers across Pakistan, and perhaps abroad.*

Chinese syndicate operations seem to follow a set pattern as suggested by Immigration Intelligence Division Bulletin No. 89-01 from the U. S. State Department:

*Chinese aliens enter Singapore via a third country usually Nepal*

*In Singapore they receive their photo-substituted passport and are introduced to their "escort" who coaches them and teaches them English*

*They check in at Singapore's Changi Airport with their PRC (Peoples Republic of China) passport and a ticket to Hong Kong or some other location.*

*After passing through Immigration an accomplice provides them with a ticket to join a tour group in the USA or Canada.*

*From the airport itself they mail their PRC passports to a contact in Singapore, and then board the flight with the altered passports.*

*The aliens and their escorts split from the tour group in the USA or Canada and head for New York or Toronto. (Bulletin No. 91-04, Immigration Intelligence Division).*

The following Bulletin No. 89-01 from the Immigration Intelligence Division outlines the document fraud tendencies in Jamaica:

*Document fraud is endemic in Jamaica today but it is not a new phenomenon. It is also similar to that of any country with a large population seeking economic opportunity outside its borders.*

*False document vending is big business in Jamaica today and almost any documents from passports to bank books can be purchased. Other scams are also used to facilitate the operations of the smuggling industry such as "fly now, pay later" plans, development of close contacts with government officials, entry without inspection, U.S. Farm Labour Program abuses, the different stamps and seals needed, arranged marriages, ship's crew visas to name a few.*

*Among the documents found available in Jamaica are British and Canadian photo-subbed documents.*

*What distinguishes the Jamaican document industry is its close link to organized crime groups in the U.S. Even officials at the highest levels of the Jamaican government have acknowledged those links among alien smuggling, document vending and narcotics trafficking.*

*It is believed that there are about 6 to 8 organized gangs dominating the industry employing more than 80 individuals in Jamaica today. It also has been noticed that the industry's ranks are being swelled by naturalized U.S. citizens and Jamaican legal permanent resident aliens.*

*So far there has been few successful prosecutions and although some document vendors have been arrested and jailed, other gang members are able to quickly reopen the business.*

Life at the front today is not about being ethnoracially top-heavy or heavy-handed, and it is not about conventional versions of left and right, although these issues are intimately interwoven into the fabric of everyday life; it is really about the frontliner's version of the good-guys and the bad-guys. So, while frontliners may have nothing against Sri Lankans or Jamaicans or any ethnic or cultural group per se, for whom Canada is now a country of first asylum; they have everything against the subjective "working" and manipulation of the objective system. Within the order-justice equation, the immigration officer represents a conscious attempt to order the consciousness of "other" and make it receptive to the justice that is offered.



Their deep and abiding commitment is crystallized as a crusade to make the system-as-a-whole work in the face of those who would work-the-system. Sri Lankan Tamils like the Liberation Tigers, who choose to import terrorism; and Jamaican Posses like The Black Rose, whose chosen calling is to import narcotics and firearms; are the immigrants who bear most fully on the consciousness of frontline immigration officers.

Frontline immigration is hardly alone in the conviction that our democracy requires an "intellectual tough-skin" in order to be preserved and sustained. These same sentiments have been echoed at the highest levels of jurisprudence. The Federal Court of Canada -- in *Orantes v. Canada (Minister of Employment and Immigration)*, fed. T.D., Doc. No. 90-T-602, March 13, 1990 -- was of the opinion, for instance, that maintaining of fabric of the Canada's social order has primacy over "the asserted entries by aliens no matter how sympathetic the immigration case":

"If parliamentary democracy is to survive in Canada, Parliament must make choices about which foreigners, if any, may be legally admitted for permanent residence and not become helpless in the face of asserted entries by aliens no matter how sympathetic their cases. It takes a certain degree of intellectual toughness to support the principles of democracy in the face of various individuals who seek migration into Canada against the will of the democratically elected representatives of the people. If the Charter is interpreted in such a manner as to obviate the will of Parliament in a matter such as this, it is the sort of frustration which would ultimately destroy national government by amputating the lawful means of governance."

In the *Orantes* case, an immigration officer refused to grant a humanitarian and compassionate exemption to the law, and allow a foreign national permission to be processed as a landed resident of Canada, because the individual was a person described in subsection 19(1)(b) of the Immigration Act. That is, there were reasonable grounds to believe the individual would be unwilling or unable to support himself and those persons who are dependent on him for care and support.

The commitment to the democratic ethos is tempered on the frontline by the conviction that the very good of democracy could spell its own demise, if and when the rights of individual newcomers become an end in itself, rather than a means to an end. Thus, the ultimate challenge for every immigration officer is to remain true to the frontline version of the order-justice equation: "The-good-guys-should-get-justice-and-the-bad-guys-should-get-order" -- for there are crucial problems to be negotiated everyday related to what I have called the "the subject-object split" and "social rights versus individual responsibilities" that can be digressive or hardening. And everyday, they are faced with the risk of become digressive and hard.

Yet, in the pure form of the frontline equation, social order is achieved through the enforcement of "due process of law", which guarantees equal application of the provisions in the Immigration Act; and social justice is achieved through the enforcement of "the universality of our immigration programs", which guarantees that the equal treatment for all source countries will be preserved. As the agent of the social order the frontline immigration officer is obliged to protect the community from extra- and non-legal activities that would violate the societal bonds of trust. As the agent of social justice, he or she is obliged to be sensitive to the rights of

individuals – the right to have a full and impartial consideration on an equal footing with the interests and needs of other individuals. This is the vocational mandate, this is the calling.

### ***Frontline Immigration and the Blasé Attitude***

Of course the public has its own take on the situation. Many people in the public tend to think of the immigration officer as just a job – a bureaucratic, do-nothing, government job at that. Bureaucrats, it is said, are like cockroaches in that they have no redeeming earthly value; and like the cockroach, they are almost impossible to exterminate. The most indoctrinated are supposed to be rich in caution, clever, curiously cool, their desks neat, their clothes inconspicuous, their haircuts inoffensive, passing their days poring over the minutiae of big fat dossiers in relative anonymity. The universal joke is that they never look out of their office windows before lunch, because then they'd have nothing to do in the afternoon. Rightly or wrongly, it is a commonly held supposition that government bureaucrats squander public funds, and don't do any real work. This becomes a common stock of knowledge in everyday life, and speaks volumes in regard to the taken-for-granted understanding that they belong to a general class of de-erotized minds; merely "paper shuffling automatons dealing in human flesh with a contemptuous attitude and a generous annuity."

In the classical sociological analysis of *The Metropolis and Mental Life*, Professor Georg Simmel maintained: "There is perhaps no psychic phenomenon which has been so unconditionally reserved to the metropolis as has the blasé attitude" (1950: 413). His usage was a descriptive lampoon of sorts, signifying that the bureaucratic schemata of big city life can de-erotize the mind, and the mind of course is a terrible thing to waste. Today, however, with the ever-increasing bureaucratization of life attendant to the intensification of urbanism, Professor Simmel's original character description seems to have expanded into a full-blown social psychology; and bureaucratic government jobs have become even more odious in the public mind as something in the order of: "The blasé attitude with a strong dose of indolence, a smidgen of misanthropy, and daydreams of a big fat pension at the end of the road".

What we have here is what Professor W. I Thomas (1980) called the creation of a spontaneous and public definition. In the public mind, or in the public "definition of the situation", as Professor Thomas would say, the government bureaucrat is a generic type or universal concept for the rule-obsessed automaton, locked into a world that resembles a huge paper factory with a negative purpose. Of course, in regard to immigration officers specifically, this prevailing public imagery can go even further to suggest a rule-obsessed automaton with his face buried in the public trough on the one hand – or, a rule-obsessed automaton handsomely paid for inflicting more misery on the mounting masses of miserable global migrants, on the other.

This is a rather typical view of the nature of immigration work: "Some people have all the luck. All you have to do is 'whack a few wetbacks' (translation: punish illegal immigrants) and they pay you for it!!!" – the thought being that the pay and benefits for performing a necessary service for the community, and perhaps venting a latent hostility at the same time, are relatively lucrative, and as a government employee it is nearly impossible to be fired. This pedestrian idea is that being an immigration officer is akin to winning a lottery and never having to really work again the rest of your life.

Individuals may also say things like: "How many poor people did you kick out of the country today????!!!" – meaning the job of being an immigration officer is inherently ruthless and mean-spirited. The implication being, no amount of financial remuneration could possibly justify the inhumanity of man toward man, or woman towards woman, or person toward person, that is built-in to the job description. Here, there is no sense of necessity, let alone intrinsic worth or dignity connected to the work of a frontline immigration officer; and there is no sense that an individual could truly be committed to such a vocation, let alone take pride in the profession.

These two prevailing views of the immigration officer – as an "evil" or a "necessary evil" – are concurrent with liberal and conservative political opinion in Canada, that exists at present, with regard to immigration policy and practice. This is to say, both liberal and conservative thinkers today can harmonize their opinion of an immigration officer with their political stance in regarded to policy, and their desire for more or less immigration.

For instance, the typical conservative, who wants less immigration, sees the frontline immigration officer as a lazy sloth who doesn't do anything, otherwise he would get rid of all the "illegal aliens" who infest and debase our society. The typical liberal who wants more immigration, sees the frontline immigration officer as a stony cretin ("*bou-bou-macoutes*" as the French would say) who is hell-bent on banishing "potential fellows" and ignoring human travail.

The conservative normally conceives of the frontline immigration officer as liberal (meaning: namby-pamby, milk-toast, spineless). The liberal, on the other hand, normally conceives of the frontline immigration officer as a conservative (meaning: bigoted, intolerant, narrow-minded).

The typical conservative wants the frontliner to be more of the liberal definition of the immigration officer, and the typical liberal wants the frontliner to be more of the conservative definition.

Now for their part, seasoned immigration officers have their own twist on Simmel's urban blasé. For instance, since they learn over time that the topic of immigration evokes extremely strong reactions, the test of audience approval, far more than the test of truth, comes to influence their own social comment. So, while the lay public may be fervidly committed to liberal or conservative opinions on immigration issues, professional immigration officers tend to see such opinions only as useful devices to assuage their detractors.

In this respect, for veteran officers, liberalism and conservatism are often merely invoked for public consumption; they are stances that a professional in the field can adopt with alacrity to try to gain acceptance, and mitigate public criticism. And, of course, since they are not fervidly committed to a conventional political persuasion dedicated to a version of pro or con, increase or decrease, open or closed – frontline officers always risk evoking public criticism when they speak about immigration issues: "I don't care if I'm speaking to a Minister of Parliament or God of The Universe, the case is closed!!!".

In some sense, the consummate expression of the immigration officer's blasé attitude is this ability to articulate and confirm the audience's own beliefs about immigration: "Yes we need more immigrants in Canada, and as an immigration officer I am the happiest at my job when restrictions are relaxed!" – and/or – "Yes we need to protect our precious borders against illegal migration by investing more resources and technology into entry and exit controls!" At the same time, because they don't really have a strong allegiance to any political constituency they may on occasion react with some disdain toward both the right and the left: "Yes I am happiest at my job

when the good people get in and the bad people get the hell out!" All of this fits well with the Simmelian concept of urban blasé, but, the matter goes even further.

### ***Frontline Immigration and Conventional Wisdom***

Professor John Kenneth Galbraith (1958: 5) once noted: "in the interpretation of all social life, there is a persistent and never-ending competition between what is right and what is merely acceptable". He coined this curiosity of prevailing social ideas as *conventional wisdom* (1958: 5-38). In Professor Galbraith's usage, conventional wisdom refers to the ideas which are esteemed at any time for their acceptability. He also alluded to the fact that conventional wisdom is the democratic version of *speaking the holy*. ["In some measure, the articulation of the conventional wisdom is a religious rite. It is an act of affirmation like reading aloud from the Scriptures or going to church" (1958: 8)]. Conventional wisdom is produced by generating an unquestioned orientation to the acceptable rather than the true. In the context of our political democracy, says Professor Galbraith, *liberals* and *conservatives* are both implicated:

The conventional wisdom is not the property of any political group. On a great many modern social issues, as we shall see in the course of this essay, the consensus is exceedingly broad. Nothing much divides those who are liberals by common political designation from those who are conservatives. The test of what is acceptable is much the same for both. On some questions, however, ideas must be accommodated to the political preferences of the particular audience. The tendency to make this adjustment, either deliberately or more often unconsciously, is not greatly different for different political groups. The conservative is led by disposition, not pecuniary self-interest, to adhere to the familiar and established. These underlie his test of acceptability. But the liberal brings moral fervor and passion, even a sense of righteousness, to the ideas with which he is most familiar. While the ideas he cherishes are different from those of the conservative, he will be no less emphatic in making familiarity a test of acceptability. Deviation in the form of originality is condemned as faithlessness or backsliding. A "good" liberal or a "tried and true" liberal or a "true blue" liberal is one who is adequately predictable. This means that he forswears any serious striving toward originality (1958: 7).

If the general public can be seen as committed to a kind of Galbraithian liberal (approve) and conservative (disapprove) conventional wisdom with regard to immigration, then the immigration officer can be seen as often using this "conventional", conventional wisdom, if you will, as a kind of mask, or interactional tactic for strategic advantage.

They can, for example, "talk up" accelerated growth and increased levels of immigration as a positive factor or negative factor for the country's advancement. They can do surface level "media speak" (like an opinion piece in the newspaper, or success and abuse anecdotes), and hold an audience with some titillating human interest story. They can "schmooze" lawyers and consultants and politicians acting as advocates for people with immigration problems. But it is rare for a veteran frontline officer to actually "buy into" liberal (yes to immigration) or conservative

(no to immigration) conventional wisdom. Consequently, on occasion, because of this lack of a political commitment, pacifying the politicians or schmoozing the mau-maus can turn into hardline sarcasm and even ridicule.

For the most part, however, in order to avoid public controversy of what is now a highly contentious topic, in public encounters seasoned frontline officers usually aim for a view of the world of immigration that is most agreeable or otherwise conforms to the tastes of their particular audience at hand. For example, in the presence of lay people, knowing that audiences applaud what they like best, officers tend to lean toward a criterion of acceptability even in their small talk. They may appear to embrace liberalism, or they may also appear to embrace conservatism, depending upon what the audience most wants to hear. With varying degrees of skill and alacrity, they can argue accelerated growth and increased levels of immigration, or decelerated growth and decreased levels of immigration; they can argue the general propositions of an open door or close door policy; admission-oriented arguments or population and border control-oriented arguments – at the drop of a hat, and depending on how the wind is blowing, so to speak.

The veteran officer learns the importance of mollifying any audience of laymen to avoid a social quagmire. One on one, this may mean letting the outsider take the lead, feeling them out for their political persuasion, and then supplementing his or her conversation. In public or social encounters outside of the immigration office setting, for instance, immigration frontliners often present a non-threatening and non-disputatious posture by engaging in anecdotal conversation, or relating interesting little historical or neutral tidbits of information (e.g., "Did you know that there used to be a 'head tax' on Chinese immigrants"? "Did you know that a Barbadian was once turned down as an immigrant because of 'climate'"? "Did you know that we processed over 500 million visitors in the last decade"? "Did you know that our beloved Canada received the prestigious Nansen Medal from the United Nations High Commissioner For Refugees in 1988"? "Did you know that Canada was cited by the United States State Department in 1994 for the best refugee record in the civilized world"?).

In the "persistent and never-ending competition between what is right and what is merely acceptable", as Professor Galbraith might say, right only occasionally finds a way to the surface. The true commitment of the frontline is rarely exposed in public, because officers are usually busily engaged in the construction of an effective persona or "presentation of self"<sup>1</sup> for relevant audiences. The impulse to placate the public is so strong that the typical immigration officer rarely takes the time to bask in the glory of recognized achievements. So, even international accolades and medals of honour are not actually held in esteem as sources of pride on the frontlines in the same way that workers in other industries may prize distinguished service awards – though they may be presented as such. Rather they are more often used as situational devices in conducting everyday work-life tasks.

That is, a positive international standing, such as Canada currently enjoys, can cushion situational conflicts between frontline workers and clients that result from such things as excessively long processing delays, or allegations of discrimination and fascist behavior (levied against all officers some of the time and some officers all the time). In addition, such accolades and honours often ease the conscience of officers in regard to minor transgressions of public propriety, ranging from incivility and impersonalization to illegal search and seizures (i.e., e.g., confiscating foreign passports and travel documents).

While veteran frontliners know how to perform the liberal and conservative melodramas of "moral fervor" and "pecuniary self-interest" that Professor Galbraith speaks of; and how to emulate political persuasions dedicated to propositions of more or less, pro or con, increase or decrease, and so on; they also deeply believe that the antagonism between liberal and conservative public opinion is counterfeit in the everyday life of the immigration business. Therefore, when they speak in liberal and conservative terms to assuage an audience, they still more or less consciously believe that the complexities and subtleties of the issues preclude the possibility of a conventional "political" analysis. For reality in the trenches is thought to be too complex for the dispositions on the right or on the left.

This conviction emanates from a shared belief that knowledge is "dirty work", and only they do the dirty work required to have knowledge. So, living and working in the muck-and-mire of the immigration business is perceived as a rite-of-passage. In this regard, the public are merely abstract because they never get their hands dirty in the muck-and-mire of the immigration business. Meanwhile, the big-time bureaucrats in Ottawa, not only don't get their hands dirty, they can get in the way of those who do.

In the same way that Black people may believe that others really can't know what it is to be Black, or women may believe men can't know what it is to be a woman, frontline immigration officers tend to believe in their heart-of-hearts that others really can't know anything about immigration. They are inclined to believe that you really can't know what is going on, or make an informed judgment, unless you're on the frontline; every other point of view is merely focused on surface features. They tend to see themselves as having the "inside scoop" on immigration because they are down in the trenches doing the dirty work. So, while they may often attempt to appease the conventional wisdom, the truth is, frontline immigration officers have their own brand of conventional wisdom, which is quite different from the liberal and conservative brands, and tends to edit reality around their intimate experiences at the front wrestling the-bad-guys.

Although this is seldom stated aloud, then, this is deeply and sincerely what is felt to be the truth: The frontline is where the action is, and to know immigration is to know what goes on in the trenches. Of course, this latter viewpoint relates to the first major antinomy of the immigration business in Canada today: There are people who make immigration policy without ever having to be on the frontline, where the action is.

### ***Frontline Immigration and Insider Knowledge***

In sociological terms, "insider knowledge" (Becker, 1963) is tacit or taken-for-granted understandings shared by the members of a particular group. Being on the frontline means access to insider knowledge about the immigration business that others don't have. Part of the knowledge of the inside is that there are bureaucrats and there are bureaucrats; those who work on the frontlines and those who work behind the lines, or "behind the scenes". There are bureaucrats on the frontlines, and senior bureaucrats or *Superbureaucrats* (Campbell and Szablowski, 1979)<sup>2</sup> behind the scenes and off the human stage in Ottawa. The ones who work on the frontline execute immigration policy. The ones who work behind the scenes in Ottawa make immigration policy. The problem here, from the perspective of the frontline officer, is that policy gets made in a vacuum, untouched by the human dimension, or the wisdom of doing.

Frontline immigration officers ultimately believe they know things that other people don't know, even the superbureaucrats in Ottawa at the Policy Division. They don't profess knowledge of "the big picture" or "the whole picture" or "the international picture"; they are not necessarily "deep" or "scholastic" about immigration matters; so they may not know about macroeconomic modelling or longitudinal studies; but they always feel they have a sense of the "lived" picture -- "the nuts and bolts, the low-down, the real-skinny". And to the typical frontliner's way of thinking, the real life picture of immigration is only gleaned from the experience of everyday life in the trenches.

For instance, one thing that frontliners know perhaps better than anyone else, is that, liberal democracy has incited a significant global migratory phenomenon. Not democracy as a sophisticated political philosophy, articulated in university research departments, or mapped out by the senior departmental bureaucrats; but rather, democracy as it is exemplified and embodied on TV.

Frontliners know that in the bowels of the everyday, the biggest boon to immigration in North America is the syndication of TV programming, and has little or nothing to do with, say, the complex global-planning levels of big-time policy bureaucrats. TV dramatizes democracy and globalizes appetites. In this respect, syndicated television is the universal technology of the immigration business not "the point system" or "the occupations list" (derived from the "Canadian Classification and Dictionary of Occupations"). TV is the common denominator of everyday life from Sri Lanka to Tibet. It both propagates liberal democracy, and ties us all together around the globe in a mundane commonality of wants and desires, at the same time. Moreover, since individual wants and desires around the globe are now substantially the same, it is also more or less implicitly understood through experience, by seasoned immigration officers, that many individuals from around the globe will often do anything to try to achieve them.

This understanding is tacit, implicitly shared among frontline insiders, seldom explicitly declared to outsiders, and usually anecdotal in nature and expression. For instance, when frontline immigration officers are in a crowd of people on a bus or a subway they can't help "sizing-up" pedestrian strangers with electric speed; building a "case profile" in their mind's eye. From my experience I believe this is a typical mass transit internal conversation for an immigration officer:

*(Prologue) ... That one over there looks like he might have come to Canada on a false Sri Lankan passport. The old Sri Lankan passport scam. They sell like hotcakes all over the world to everybody, it seems, except Sri Lankans. Or he could have arrived on a counterfeit Canadian Refugee Travel Document. He probably got one right here in Canada before the RCMP shut down the printer in Montreal in June 88. I'd like to ask him a few questions through a Commission interpreter. Check his bona fides:*

*Question: "What's the capital of Sri Lanka -- administrative and commercial?"  
(...If he doesn't say Sri Jayewardenapura, Kotte and Colombo he's detained).*

*Question: "What are the principal languages?" (... He better say Singhalese, Tamil, and English or he's detained).*

*Question: "What's the currency of Sri Lanka?" (... He better say rupees and cents or he's detained).*

*Question: "What's the national anthem?" (... He better say Sri Lanka Maa Thaa or he's detained).*

*Question: "What's the first line of the anthem?" (He better say Namō Maa Thaa or he's detained).*

*Question: "What's the major airport?" (... He better say Katunayke International or he's detained).*

*Question: "When is the Sinhala and Hindu New Year?" (He better say the 12th and 13th of April or he's detained).*

*Question: "What's the famous landmark in the capital city?" (He better say Galle Face Green, Boc Tower and Vihara Maha Devi Park or he's detained).*

*Question: "When is independence day?" (... He better say February 4th or he's detained).*

*Question: "What national holiday is celebrated on May 22nd?" (... He better say Republic Day or he's detained).*

*Last Question: "What's the most popular TV show?" (... He better say Dynasty and Falcon Crest or he's detained).*

...

*(Prologue) ... That one over there looks like he might be one of the Chinese Red Guard -- "The Red Circle Boys" involved in drugs and alien smuggling. How many of the Red Circle Boys have claimed refugee status on the basis that they were students in Tiananmen Square? God only knows. Or he could be one of the Chinese nationals who came to Canada using a counterfeit Hong Kong I.D. card. Ya! After all, the cards are so sophisticated and deceptive that when they are used with a good quality photo-substituted Hong Kong (British) passport, they can easily pass through the Primary Inspection Line (PIL) or Immigration Secondary. In the past, Canadian Ports of Entry (POE) partly relied on Hong Kong I.D. cards to verify bona fide Hong Kong residency. I'd like to check out his documentation:*

*Question: "Does the print on the Biodata (photo) side of your Hong Kong I.D. card appear to float above the surface of the inner paper core?" (... If so, you're detained).*

*Question: "Does a strong oblique light cause the lettering on your I.D. card to leave a shadow on the paper's surface?" (... If so, you're detained).*



*Question: "Does the print quality show feathered edges, breaks in letters and smudging of fine details -- such as the date of birth area?" (... If so, you're detained).*

*Question: "Is there an extra layer of laminated visible between the outer two layers enclosing the paper core -- which would indicate the doctoring of genuine inner paper core beneath the outer lamina? " (... If so, you're detained).*

*Question: "Is there any visible evidence of erasure of the original entries on the paper core?" (... If so, you're detained).*

*Question: "Is there a detectable third layer of laminate bearing photo and biodata sandwiched between the outer clear lamina and the inner paper core?" (... If so, you're detained).*

*Last Question: "What's the most popular TV show in Hong Kong?" (... He better say Dynasty and Falcon Crest or he's detained).*

...

*(Prologue) ... That one over there, minus ceremonial garb, probably claims to be a Patit Sikh (a lapsed member of the Sikh religion, who has ceased to observe the outward marks and of Khalsa orthodoxy). A spontaneous arrival on the Nova Scotia shore in a dinghy, after he escaped deportation by the Danish government.*

*... [After the storming of the Sikh Golden Temple in Amritsar in 1978 by the Indian police during the Vaisakhi Festival, Denmark experienced a rush of Sikh asylum seekers. In order to tighten its borders, and speed up the refugee determination process, Denmark instituted a new aliens act, which effectively eliminated spontaneous refugee arrivals.*

*A seven man refugee board, chaired by a Judge and including one representative from a non-government refugee support organization reviewed the Sikhs asylum claims. This Board, which is the final authority concerning refugee questions decided unanimously that a Sikh, simply because of his religion was not a true refugee under the Geneva Convention. They based their ruling partially on the fact that Sikhs could live peacefully in the Punjab. After this landmark decision there have been practically no successful Sikh refugee claimants in Denmark in spite of lobbying by the local Sikh community, which was established during the period when Denmark accepted guest workers.*

*The Danish Aliens Directorate noted that, since this landmark decision, there have been occasional claims for refugee status by individual Sikhs who were active in the Pro-Khalistan extremist movement. These requests for status in Denmark, however, have generally been refused. The Aliens Directorate (which argues for removal in the refugee determination hearing) has been successful by drawing on Section 1(F) of the Geneva Refugee Convention; this section limits the requirement of the receiving state to accept claimants who have been involved in violent activities.*

*Denmark no longer recognizes Sikhs as legitimate refugees from India under its refugee determination system. As a preemptory strategy to counteract removal to Indian, Sikh asylum seekers made a B-line for the safe haven of Canada, as stowaways on ocean liners and other chartered vehicles. Off-shore they unload into dinghies and wash ashore. Unlike Denmark, the success rate for Sikh refugee claimants in Canada was as high as ninety per cent, and is only now declining slowly. Consequently, even East Indians in Canada who are not Sikhs have claimed an abiding commitment to the religious doctrine.] ...*

*I'd like to ask this guy a few questions through a Commission interpreter. Check out his bona fides:*

*Question: "Who is the founder of the Sikhism?" (... He better say Guru Nanak, born in 1469, or he's detained).*

*Question: "What's the Sikh holy book?" (... He better say, Adi Granth, the 'Original Book' of Sikh scriptures first compiled in 1604, or he's detained).*

*Question: "What is Khalsa?" (... He better say the 'Company of the Pure', the military order of orthodox Sikhs instituted by Guru Gobind Singh, or he's detained).*

*Question: "When is the Baisakhi festival?" (... He better say April the 13th, celebrating the birth of Kalsa, or he's detained).*

*Question: "What is Khalistan?" (... He better say the 'Land of the Khalsa', a coinage used to denote the idea of an independent Sikh state, or he's detained).*

*Question: "What's the acronym AISSF stand for?" (... He better say The All-India Sikh Students' Federation founded in 1943 as the youth wing of the Akali Dal, or he's detained).*

*Question: "What is the Akali Dal?" (... He better say the political party that controls the SGPC and has dominated Sikh affairs for the past 60 years, or he's detained).*

*Question: "What does the acronym SGPC stand for?" (He better say the Shiromani Gurdwara Parbhandhak Committee which controls the major gurdwaras of the Punjab, or he's detained).*

*Question: "What is a Gurdwara?" (... He better say a Sikh temple -- 'door of the Guru' -- or he's detained).*

*Question: "What is a Granthi?" (... He better say the 'reader' in charge of the scriptures in gurdwara, or he's detained).*

*Question: "What is the Jatha?" (... He better say the original detachment of Sikh guerrilla aries, now applied to a group participating in an Akali demonstration, or he's detained).*

*Question: "What is a Kirpan?" (... He better say the sword or dagger worn by orthodox Sikhs, one of the `Five K's', or he's detained).*

*Question: "What is Morcha?" (... He better say the `entrenchment', the term applied to the mass agitations that are an important part of Akali strategy, or he's detained).*

*Question: "What is the Panth?" (... He better say the `path', the term usually used to describe the Sikh community as a whole, or he's detained).*

*Question: "What is a Sahajdhari?" (...He better say a Sikh who believes in the Gurus' teachings without observing the Khalsa discipline, or he's detained).*

*Question: "What does Sant mean?" (... He better say a title of respect given to Sikh religious leaders, or he's detained).*

*Last Question: "What's the most popular TV show in the Punjab?" (... He better say Dynasty and Falcon Crest or he's detained).*

Every frontline immigration officer worth his salt knows by rote that Dynasty and Falcon Crest re-runs are the most effective immigration recruitment films that have been produced in North America to date. Proving that everyday life isn't necessarily a pretty or neat picture that fits nicely into a statistical package, but it is compelling.

### ***Lawyers and Consultants on the Frontline***

Picture this: A lawyer and a senior immigration officer are in the detention area of the Toronto Hearings CIC (Canadian Immigration Commission), and they are locked in an encounter by the presence of a "detainee" who is cuffed and shackled. The lawyer says to the immigration officer: "What are you people, barbarians?" To which the immigration officer replies: "No. He is the barbarian! But I tell you what. I'll take the jewelry off him, if you promise you'll take him home with you!"

The frontline immigration officer confronts the immigration lawyer and consultant as an external and coercive force. They have different "constitutive accents" – i.e., because of the different ways they are situated to and look at the environment their social realities take on a different "flavor" or "tone". Typical immigration lawyers and consultants tend to see typical immigration officers as insensitive, cold-hearted brutes who are swept away by their unique situational power, unable to grasp the big picture of human travail; while typical immigration officers tend to see typical lawyers and consultants as abstract idiots, prepared to compromise the well-being of society through their disguised greed.

Lawyers and consultants in the immigration business routinely objectify immigration personnel, and so, like immigration workers, also risk distortions of humanity. They routinely impersonalize the impersonalizers, so to speak. Or, as Tom Wolfe (1970) would put it, they "mau-mau the flak catchers"; many will lie, cheat, stonewall, withhold information, run scams, and do everything they can think of to disrupt the immigration system because they see "The

Commission" as ruled by a cold, unfeeling, invisible hand, which is motored by bureaucratic automatons with no concern for the "persons concerned".

Quite apart from the possibilities of personal corruption or greed, this is a violation of rules, and the rule-people, based on a kind of "professionalized righteous indignation". It is viewed as a form of *justifiable sleaze*, usually beginning with the creative interpretation of facts to fit the rules, and ending in a version of the reification of the reifiers, and/or the dehumanization of the dehumanizers.

Here is an excerpt from a letter written by an immigration lawyer advising that he will report with his client to immigration authorities, if they overlook the fact that his client is under a deportation order, and are willing to regularize his status:

Dear Sir:

This is an application for a humanitarian and compassionate exemption pursuant to 114(2) of the Immigration Act of 1976, from the visa requirement of subsection 9(1), on behalf of (client's name).

(Client's name) originally arrived in Canada using a false French Passport on 31 October 1987 at Mirabel International Airport in Montreal, where he advised an immigration officer he wished to make a refugee claim ...

His refugee claim was subsequently denied and he was the subject of a removal order on 21 January 1991. He failed to report to immigration authorities on his removal date...

Consequently, in order to remain undetected, he sought low-profile employment in Montreal and then Toronto, remaining underground and doing anything to survive. For the last four and one half years, however, he has been employed as a Cheese Maker in Concord, Ontario, where he earns \$10.49 per hour, and holds a responsible position as Assistant Foreman.

While in Canada, Mr. Client has been active in the Toronto Islamic Community and has maintained a good civil record. He speaks nine languages including English, French and German, as well as six African languages. His long residence in Canada has afforded him the opportunity to increase his proficiency in both official languages of our country, while taking great strides to adapt to and integrated into society ...

Should you be inclined to look favorably on this case, I will report to your office with my client at your earliest convenience ...

Immigration lawyers and consultants (qua social activists) have invented justifiable sleaze, in good conscience, on the basis they are not dealing with immigration personnel in their status as "people", but rather, in their status as puny extensions of a bureaucratic meat-grinder. So they often relate to immigration officers as a strange breed of rule-obsessed mutants; turnstile tyrants with twisted souls and snarly attitudes ("What are you people, barbarians?"). Many think they can do anything to immigration officers, say anything, regardless of truth, and without

compunction or remorse for their own dehumanizing behavior, in order to achieve what is conceive to be a deeper, more humane objective. And what separates sleaze that can be justified from sleaze that cannot, is this sense of higher purpose.

One interactional problem that lawyers and consultants have, however, is that it is often difficult to distinguish justifiable sleaze from just plain old sleaziness, and either event can have the same negative consequences. The following news account from *The Toronto Star* will serve as an illustration:

A Toronto lawyer has been found guilty of fraud for telling a visitor from Portugal to lie on and application to get permanent resident status in Canada ... (The lawyer) will be sentenced April 27 for knowingly counseling a client to violate the Immigration Act by advising the woman to claim she had no relatives in Portugal when in fact she did ... The lawyer told them of a special immigration program that allows applications for residency in Canada based on having no remaining relatives in the native country ... (03/04/93).<sup>3</sup>

Justifiable sleaze means that lawyers can manipulate the system for the purpose of achieving a wider good -- a positive result for the people they represent. This can be a tricky business, though, because the positive result to which they may aspire can be achieved at their own expense when the people they represent conspire with the system, so to speak, to identify and define "them" as mere sleazeballs.

It is not unheard of in the immigration business for clients to "turn against" their counsel out of desperation when things "turn sour", or when there is a strategic advantage to be gained. Nevertheless, despite the professional hazards and personal risks involved, lawyers and consultants continue to employ justifiable sleaze as a major interactional tool. Indeed, the immigration system *encourages* them to go in for justifiable sleaze. For as much as frontline immigration officers hate it, they wouldn't know what to do without it. Officers, each in their own way, are possessed by The Power. The Government is The Power, and in The Trenches, they are The Government. They get to differentiate the "Us" from the "Them" at the everyday level. And there is an adrenal rush associated with inaugurating life in the big tribe. Letting lawyers and consultants sleaze all over them eases the conscience of frontliners, or in some nebulous way mitigates guilt, for the low-dosage euphoria they get from muscling the-bad-guys at the turnstiles.

On the other hand, some lawyers and consultants are simply despised or feared because they know how to shake the bureaucratic tree. For instance, some "high-profile counsel" have more social class ties with senior bureaucrats in Ottawa (they can be on a first name basis and "do lunch" together) than do the frontline officers. Therefore, they can often cut through much of the red-tape of the system, and negotiate with senior management directly. Other "talented jurists" can shake up the bureaucracy through sophisticated appeals challenges and Charter arguments that can change the direction and course of immigration law.

Consider this 1990 internal immigration memorandum regarding Charter arguments in backlog refugee claims:

It has been brought to my attention that (counsel's name) is threatening to argue before adjudicators that the long delay in proceedings with backlog cases

constitutes a denial of fundamental justice and that these individuals should simply be granted landing.

The purpose of this note is to try to elaborate an argument and present some material to give to CPO (Case Presenting Officer) so that it can be used to formulate a response ...

One word should be said about the remedy sought by (counsel's name). The Federal Court of Appeal decided that a panel at an immigration inquiry does have jurisdiction pursuant to section 52(1) of the Charter to determine the constitutionality of a law it has the statutory duty to apply (Gurjinder Kaur v. MEI). However, the Federal Court of Appeal have stated that the tribunal can only disregard a law it finds inconsistent with the Charter. It cannot fashion a remedy pursuant to section 24(1) of the Charter (MEI v. Borowski; Tetreault-Gadoury v. MEI, these decisions are under appeal). It should be brought to the attention of the adjudicator that the remedy sought by counsel is in the nature of a remedy under section 24(1) of the Charter. As you realize, so far the Court is of the opinion that it is not under the jurisdiction of the panel to grant such a remedy.

In summary, I am of the view that even if a claimant could succeed in convincing a court that he had suffered serious psychological stress from the long delay in having his case resolved under the backlog procedures, we would have strong arguments to advance that there has been no denial of fundamental justice.

When a lawyer or consultant can shake the immigration tree through connections or refined legal manoeuvres it is often easier for a frontline officer to say "yes" than "no". For in the immigration bureaucracy the answer "no" doesn't always mean "no"; it often just means you haven't found the right turnstile or passageway.

Apart from high-connections and legal skills, to shake the bureaucratic tree, and grease the turnstiles, ordinary lawyers and consultants can use one of two interactional strategies: (1) They can go over-the-head of the nay-saying officer, or (2) They can use a simultaneous over-and-under manoeuver.

Straight over-the-head tactics involve requests for a review of negative decisions, following the lines of authority from the bottom to the top of the organization, and all places in between; from the frontline through the supervisory level, through the managerial level, through the senior official level, regionally and in Ottawa. A negative decision in regard to an immigration case usually means that counsel needs to send his or her submissions (in original or revised form) up the bureaucratic food-chain. It also means a possible succession of reports to superiors by immigration officers all the way up the chain, substantiating the original and successive negative decisions.

The over-and-under manoeuver is more common and slightly more devious than the straight over-the-head tactic. Often times the information presented to an immigration official by lawyers and consultants is already known to them, and cannot be made more compelling, or compelling enough to warrant a positive decision on a immigration case. This requires that counsel present the matter and request to several officials at various levels in the organization at the same time, always using third-party references in face-to-face or one-to-one encounters.

For example, when speaking to one officer, counsel refers to another official, and a prior conversation that was "leaning favorably" toward a positive decision. Or lawyers and consultants can attempt to manipulate a positive decision by reformulating a third party conversation in ways that may have little semblance to the actual – "But so-and-so said this ..."; "We were told that if we did this, then The Commission would do this ...".

The lawyer-consultant game is to keep the immigration ball bouncing; to take the decision out of unfavorable hands, or to make the hands more favorable through the threat of disproportionate work, or the threat of adverse scrutiny by one's superiors.

In the final analysis, lawyers and consultants are the frontline officer's nemesis in the immigration business. They can induce anxiety from career-conscious "grunts" by playing on their basic instinct to tow the party line. They can also treat immigration officers as mere instruments of – or impediments in – the system, giving them an on-going dose of their own objectifying medicine.

### ***The Exercise of Discretionary Power by the Bureaucratic Elite***

It is interesting to note, the closest immigration officers get to an emotional state on the frontline, is not in regard to clients or lawyers or consultants, it is in regard to their relationship to the senior policy and public affairs bureaucrats – “the superbureaucrats.”

This was highlighted writ large during the 1991 War in the Gulf, when Mohammed Mashat, the Iraqi Ambassador to the United States, jumped the queue – or rather, he parted the waves of the sea of red tape with such dispatch he made Moses look like a two-bit huckster. He was able to enter Canada without applying for a visa, buy a house in British Columbia, and obtain landing status in six weeks – this, despite the fact that at the time Canada was formerly at war with Iraq. The intrigue was numbing to the Canadian public. People wondered how it is possible for an Iraqi diplomat to be landed in six weeks, when their relatives and acquaintances have spent years seeking admission and landed status to this country, and are still hostage to the immigration bureaucracy.

The public cried foul. *The Toronto Star* reported that:

While Mohammed Mashat jumped the immigration queue, refugees caught in the Canadian backlog have killed themselves in despair ...

And while the former Iraqi envoy to Washington needed a mere 30 days to race through the immigration process here, some 2,300 Kurds who sought refugee status in Canada following attacks by Iraqis in 1988 have not even been interviewed. (18.05.91).

Mr. Mashat not only jumped the immigration queue ahead of virtually everybody who applied for residence in Canada up to three years prior to the Gulf War; but he jumped the queue ahead of the Kurds, who his government was reportedly trying to annihilate while he was still a diplomatic official.

The frontline immigration staff, for their part, were embarrassed and demoralized, because of the plight of the Kurds, and also because they have spent years processing individuals from all around the world; information gathering, maintaining files, interviewing and advising relatives, and above all, counseling patience in the face of all the red tape – assuring everybody

in an assured way that all the security checks and medical checks and personal assessments are necessary to safeguard the community.

The Iraqi Ambassador Incident highlights the fact that senior policy bureaucrats are often not only perceived on the frontline as failure, but as a kind of moral failure and corruption. The frustration for frontline officers is that they have no recourse by which to address the failure and corruption of the system, other than protecting themselves with the blasé attitude, or surreptitiously supporting the occasional law-suit initiated against the department by some disgruntled member or members of the public.

Unlike some other social systems in our society, there are no appropriate measures with which to maintain social control in the organization. Frontline officers feel at a loss in the face of mismanagement and bureaucratic bungling. They can't "throw the bumps out", as they might as members and citizens in the political system. There is no democratic consensus procedures in place to which one could refer as a form of social sanction and constraint. No elections, no impeachment procedures. Nor can frontline immigration officers defer the matter directly to the usual agencies of social control and national security, like the police or the armed forces, even while the sense and magnitude of their grievance is analogous to that of oppressed peasants toward a cabal of petite dictators. As a result, many frontliners sees the bureaucrat elite as no less than a felonious assault against society.

In October 1996, the *Globe and Mail* reported on the indignation of frontline officers toward a new detention policy which "seems to be motivated by a desire within the top echelons of the Immigration Department to pare detention and employment costs and to relieve crowded detention facilities":

Immigration officers should bend over backward to avoid detaining illegal immigrants and bogus refugees unless they pose an obvious danger to the public or are unlikely to show up at a hearing, according to new policy guidelines that were to be implemented this week.

A draft copy of the guidelines says immigration officers must consider all possible ways to release new arrivals, even if they have criminal records. They also say that having a forged passport is not in itself grounds for detention, nor is a person's lack of credibility at an interview ...

(An) officer, who said he would be fired if he revealed his name publicly, said the detention guidelines should really be called release guidelines.

"I feel personally and professionally this is a blatant attempt by management to fetter the actions of immigration officers." Officers are responsible for upholding the Immigration Act, not the whims of immigration managers who may be acting beyond statutory authority, he said.

If managers want to change the responsibilities of immigration officers, he said, they should be proposing amendments to the act that would have to be approved by Parliament ...

According to internal management electronic mail, immigration managers concede that although the new guidelines are "being called 'a change in interpretation,' they almost change the [Immigration] Act."

The memos anticipate negative reaction by immigration officers and say management will have "to find ways to get staff to buy in." (02.10.96).



There is no effective structural or organizational means for frontliners to register dissatisfaction with the administrative decisions of the bureaucratic elite. And the only situational device for affecting decision-making is to "lose the file", in an attempt to sabotage authority at the ground level. Generally speaking, when "Someone-in-Ottawa" is considering a favorable decision on a case that frontliners may deem to be unfavorable, it is a regular occurrence now for the case file containing pertinent information for the rendering of the decision to be destroyed, in an attempt to preclude a favorable decision from being made. In one instance in 1992, for example, a request was put forward by a Non-Governmental Organization (NGO) to the Office of the Minister, Doug Lewis, for a review of twenty-nine deportees with regard to special relief on Humanitarian and Compassionate grounds. Of the twenty-nine cases, fifteen case file were reported missing. A new review could only be rendered on fourteen of the twenty-nine requests.

This is a small indication of a larger circumstance. Frontliners can and do tend to divorce their "selves" psychologically from any connection to immigration superbureaucrats. Therefore, coherence in and commitment to "the organization" is continually threatened. In a large social system like the Immigration Commission with approximately 30,000 employees, frontline officers do not usually know the policy scribes, and they don't really want to know them. The "high office", which ordinarily garners respect in any other modern bureaucracy, only gains contempt. There is a sense that the high office moguls, those big-time-senior-suits in Ottawa, are selling the country down the river in a handcart.

For frontliners, The Iraqi Ambassador Incident is the apotheosis of procedural unfairness and differential treatment; the mother of all superbureaucratic machinations; a clear case of intrigue and subterfuge at the highest levels, with legislators and top bureaucrats in external affairs and immigration scrabbling and pointing fingers at each other. However, the bottom line is this: there was nothing illegal about it. The bureaucrat elite have statutory authority to exercise discretionary powers over and above the substantive law. They are not ruled by the principles of order or justice, per se, but rather, by the principle of power.

It is the cornerstone of the Immigration Act that persons apply for and obtain their immigrant visas from outside Canada (A9[1]). Further, the law provides a standard of admissibility applicable to all categories of potential immigrants: the ability to settle and adapt. The law, however, has a parallel counter-reality known in the trade as the "administrative exemption". The parallel reality of the administrative exemption belongs to a "special measures" category which is outlined in the IE and part of the IS Immigration Manuals. This parallel reality is not recurrently acknowledged, or readily available to the public, except by written request to the Chief, Editing & Publishing, Immigration Support Services, Immigration NHQ, Ottawa. IE 9.01 states:

It is a cornerstone of the Immigration Act that persons apply for and obtain their immigration visas from outside Canada (A9[1]). There may be instances, however, where the requirement to leave Canada to apply for a visa would create undue hardship for the applicant. Therefore, A114(2) enables the Governor-in-Council to facilitate the admission of persons for reasons of public policy or for compassionate or humanitarian considerations. The Governor-in-Council may prescribe regulations to exempt persons from the requirements of A9(1) or from any Immigration Regulation made under 114(1).

The superbureaucrats in Ottawa are lords and masters over the "special measures" category, like a fail-safe device ensuring their decision-making powers are not inhibited by the constraint of law. They can go outside of the law, and outside of normal procedure, to effect a "special measure", as in the case of the Iraqi Ambassador. The ability to enforce the power of the law, or to enforce discretionary powers beyond the law, elevates the decision-making power of the community of "senior officials in Ottawa" (i.e., e.g., the Governor-in-Council) to an absolute status.

The special measures powers of the bureaucratic elite extends to policy and programs as well. In November of 1994, leaders of the Jamaican community sought and were granted a meeting with Immigration Minister Sergio Marchi to discuss what they viewed as a compassionless and draconian plan to photograph and fingerprint all Jamaicans entering the country on entertainment work visas. (It is well known inside the Commission that Jamaican Posses such as The Black Rose, The Strikers, The Jungle Massives and The Bulb Eye Crow control and use many of these visas for illegal alien smuggling operations). It so happened that the senior officials in Ottawa had introduced the special procedures and had also withdrew the special procedures, deeming the measures unnecessary for enforcement and control purposes. At the meeting the Immigration Minister told the leaders of the Jamaican community that he knew nothing about the special procedures, and only later did both parties find out that the meeting was unnecessary because the procedures were no longer in force. "The Jamaican Plan", in true draconian fashion, had come and gone before the public or the politicians even knew it had existed.

Ordinary frontline officers commonly conceive of the elite bureaucrats in Ottawa as having wedged their way in between the frontline and society. The individual frontliner has no access to public policy, and the Ottawa policy scribe wouldn't be caught dead on the frontline, where the *action* of immigration is. As a result, the lines of communication in the social system are severed, and those doing the talking *for* immigration, and in the ear of legislators, have no intimate connection to the topic they are discussing, exemplifying an inherent contradiction or rift in regard to theory and practice. On this account, the immigration system has become a game of the shifting grounds of commerce and compassion, market reality and moral reality; with the superbureaucrats holding the balance of power in the game.

### ***The Frontline Immigration Officer's Good-Guy-Bad-Guy Equation***

Now for the typical frontline immigration officer, the balance (or imbalance) of power in the system can be something that is more than a little disconcerting.

Consider, for example, the following internal memorandum (written by a twenty year veteran) regarding the marriage interview and possible "special relief" visa exemption for a convicted criminal:

It is my understanding that we do not do "marriage interviews" on convicted criminals -- especially not this type who has SIX criminal convictions from 1981 to 1990. He is 19(1) C [i.e., criminally inadmissible to Canada].

We have a lot of undesirables in this country – he is one of them. I do not want to do a "marriage interview" and couldn't care less if he is married 29 times.

Please advise if you want us to do something other than what we have already done -- namely write our memo of November 18, 1989. Also where does it say we should do a "marriage interview"? We already know he is married -- we also know he is a crook (16/11/90).

This memo, dispatched from Toronto to Ottawa, is perhaps an extreme example of the emotionalism that I have suggested frontliners harbor for the superbureaucrats. However, it is noteworthy for several reasons. Firstly, it is not typical, in the sense that it does not happen everyday; but it is typical in terms of vitriol frontliners may reserve for senior officials in Ottawa. The difference from other internal transmittals, is that, it clearly exposes an ego on the part of a frontline foot-soldier: "I do not want to do a marriage interview and couldn't care less if he was married 29 times...". The underlying understanding is that if a marriage interview is conducted and the marriage found to be bona fide, then the frontliner would be providing grounds for a senior official in Ottawa to grant administrative exemption for a criminal he or she has never met.

The classical sociologist, Max Weber, once explained that bureaucracy in the modern state has an inherent tendency to destroy men's autonomy, and absorb their egos. It is characterized by formalism and it involves: (1) subordination; (2) expertise (and hence a rigid division of labor and authority); and (3) obeying rules (Weber, 1950: 196-198). Hence, as a social mechanism, bureaucracy assumes absolute discipline and a high level of predictability. In this regard, it is unusual for frontline immigration officers, in a modern large-scale government bureaucracy, to openly challenge requests, directives, or instructions -- or exteriorize interior sensibilities -- for a number of bureaucratic reasons, not the least of which is fear of reprisals from superiors. It is as unusual for immigration frontliners to openly challenge senior management, as it is for them to openly express their true opinions on the immigration system to lay people. Indeed, such a challenge defies all the subordination and obedience-to-authority tenets of bureaucracy explored by Weber.

Nevertheless, while it is not typical, it is still revealing in the same way that a violation of a rule can bring the rule into clearer focus; or in the way that an anomaly can illuminate what is normal. "I do not want to do a marriage interview (add: on this criminal type) and couldn't care less if he was married 29 times...". This is an internal, internal memorandum, if you will; representative of a kind of "psychic overload", where a pervasive sense of inner indignation has surfaced like a bubble from the depths of a normally composed, and furtive collective consciousness.

Finally, and most importantly, it is also noteworthy because there is a directness of perspective here that comes from doing: "I do not want to do a marriage interview (add: on this repeat offender, and offensive repeater) and couldn't care less if he was married 29 times...". This is also an implied moral statement embodying a common, albeit, usually tacit, outlook on the frontline of the undesirable, or "the-bad-guy", as the one who has had a spin at the turnstile and failed through some dereliction of his own; and the good guy (by inference) as everybody else, until they prove otherwise. Again, this perspective translates into the "good-guy-bad-guy" equation -- the-bad-guys should go and the-good-guys should stay -- which frames the second major antinomy of the immigration business that is recurrently acknowledged in the trenches: It's often too difficult to get the-good-guys in and the-bad-guys out, before the superbureaucratic guys screw-up the equation.

The general conviction on the frontline is: If you have had your turn at bat and failed (bad guy), somebody else should be given a chance to succeed (good guy). So, for instance, frontliners typically want to see a deportee deported after the due process of law, and not the subject of "administrative privileges" or "special relief" in order to stay in the country. But the fact is, deportees and other illegals can so monopolize the frontline officers' time with administrative reviews, and humanitarian and compassionate assessments, and other "means test" reports to superiors, that it is often quite impossible to ensure "procedural fairness" for cases requiring "normal processing".

On the frontline there can often be an overwhelming advantage to those who ignore or violate immigration law, over and above potential immigrants who observe legal procedures. It is not that difficult entry criteria, for instance, encourage honest, hardworking people to become law-breakers. Rather, difficult criteria can encourage the dishonest and the indolent to violate the law (i.e., e.g., criminal types, generally, will not submit to a routine security screening for obvious reasons), while the honest and hardworking people are often discouraged from even trying to come to Canada. Hence, criminality has become a cornerstone of Canadian immigration as much as family reunification and the convention refugee program.

Illegality has become routine or "routinized". This is to say, in sociological terms, a "custom" is defined as a folkway, or form of social behavior, that, having persisted for a long period of time, is well established in a society, has become traditional, and has received some degree of formal recognition. In this sense, some forms of illegality are customary in the Canadian immigration business, as established rules of conduct. For instance, many long-term illegals believe that they have the right to remain in Canada even though they are residing in the country illegally. And they can get impatient with immigration officials who give them a "hard time," especially when they see other illegals in similar situations who are overlooked, reprieved, or exempted from the official immigration regulations.

*The Toronto Star* quoted one candid, and anonymous, removals officer who spoke out on the issue, and the problem it creates in the area of job performance:

"... job performance is measured according to how many removals are carried out, and nothing more.

Officers realize that if they spend one month tracking somebody down and removing them, that is one removal. They also know that if they write a letter to an otherwise law-abiding person who is facing deportation and get them to go, that counts as one removal too; but you can do 20 or 30 of those in a month.

The people who are least likely to be a problem to society are the ones most likely to be removed." (26.06.94).

Today the circumstance exists where the newcomers "who are least likely to be a problem to society are the ones most likely to be removed". It is on this account that frontliners commonly perceive of themselves as a kind of last human link between order and justice, and the complex of problems connected to practical issues of entry and exit requirements – admission versus control, adaptation versus reception, residence versus removal, etcetera.

This means, in effect, immigration officers commonly see themselves as "enforcement minded" and "fairness minded" – and, also, the only practitioners in the system to be representative of both. They don't represent clients, like lawyers and consultants; and they don't represent abstract administrative or legislative power, like superbureaucrats and politicians. They

typically want to see the laws enforced, and they want to ensure fair-minded-ness and equity in the system. The catch is that this frontline version of the synthesis of social order and social justice requires what does not now exist in the system: (1) streamlined immigration procedures without loopholes or notwithstanding clauses [activated by a disproportionate access to money and material resources], and (2) the proper allocation of human capital and resources within the system itself.

### ***Immigration as a Machine of Retribution and a Cash Cow***

The system as it now stands is no where near the kind of "machine of retribution" to which ordinary frontlines aspire. It is more a "bills and skills" machine based on "cash nexus thinking", in that it favors those who fit comfortably into the structure of an advanced capitalist economy; those with material resources and/or marketable skills. Entrepreneurial and investor immigration allows the affluent to buy visas directly. But putting entrepreneurs and investors aside, the overall system design affords those with resources to have a broader access to the system, and the fuller range of legal and administrative possibilities. The upshot is: You can buy your way in, and you can also buy your way from being booted out of this country today.

In 1952, the Canadian government established the preference clause in the Immigration Act, formalizing the authority and on-going practice of limiting or prohibiting the entry of immigrants for reasons of nationality, citizenship, ethnic group, class or geographic area of origin, peculiar customs, habits, modes of life or methods of holding property, unsuitability having regard to climatic, economic, social, industrial, educational, labor or health factors, or probable inability to become readily assimilated. This public policy has been referred to as a "***closed policy***" since it was inclined toward formalizing a practice that existed since Confederation of recruiting only designated newcomers from only designated countries. This closed policy resulted in targeted or "***selective immigration***" practices which guaranteed the bulk of newcomers were, and would remain, of European stock.

In 1967, a point system was adopted to allow immigrants to be chosen on the basis of suitability to Canada and the Canadian labor market needs, and to mitigate against any discrimination owing to religion, race or country of origin. This policy has been termed an "***open policy***" since the country of origin was not a criterion in immigration selection process. The unit assessment or point system was formally introduced into immigration regulations and procedures in 1967 as a means of ensuring that immigration recruitment would be non-discriminatory with respect to sex, color, race, nationality and religion, and yet, still link the admission decision to domestic labor market requirements. The open policy of 1967, with its point system, resulted in a tangible change in the composition of immigrants with a rise in the flow from non-European, formerly non-preferred, non-traditional countries.

In 1978, a new immigration act was again implemented, which required specific yearly immigration target levels, coupled with a closer scrutiny of the immigrant's potential labor market impact. This policy has been termed a "***restrictive policy***" or system compared to the 1967 Act. The country of origin was not a criterion, but immigration selection was determined on the basis of demographic needs, family reunification, and labor market considerations. Assessment for each entry class reflected varying degrees of scrutiny for possible labor market impact. In particular, entry into Canada under the independent class was linked almost solely to labor market requirements. The restrictive policy of 1978 resulted in the preservation of a kind of

equality of immigration source countries, but also marked the beginning of the adaptation of quality-controls in immigration based on cost-benefits analysis (controlling the kind and quality of immigrants allowed into Canada to ensure that immigration costs did not exceed benefits). One of the quality-control adaptations was the devising of the first "occupations list" (standard measurements for entry derived from the "Canadian Classification and Dictionary of Occupations").

On February 8, 1996, "new criteria and limits" for the immigration selection system came into force (*Improving The Selection System For Skilled Workers*, Citizenship And Immigration Canada, November 1995). The changes from the previous selection criteria generally consisted of eliminating the "assisted relative" classification as a separate category from skilled immigrants (although immigrants with relatives continue to receive extra points), and placing greater weight on "language skills". In order to meet the needs of a contemporary economy, the immigration department recognized —

"... there is a clear need to upgrade the methods used to evaluate skilled workers and manage their flow into Canada. The system must adapt itself to a rapidly changing knowledge-and technology-based economy. In such an environment, it is difficult if not impossible to predict which specific occupations will be needed in the medium-to long-term. Therefore, our focus must shift away from selecting individuals on the basis of specific occupation. Instead, we must select individuals who demonstrate qualities that will allow them to adapt to the ever-changing global economy. We need to employ a selection system that rewards desirable qualities that are common across occupations -- such as literacy, numeracy and adaptability" (*Improving The Selection System For Skilled Workers*, Citizenship And Immigration Canada, November 1995, pp.10).

Yet, adapting to "a rapidly changing knowledge- and technology-based economy" does not suggest scrapping such things as occupations lists altogether as antiquated skills-based selection devices in an learning-based world. Instead, the former classification system which based its occupational classification list on the very detailed Canadian Dictionary of Occupations has been replaced by a new National Occupational Classifications System (NOC), which more readily recognizes occupational groupings.

The new National Occupational Classification System (NOC), developed and maintained by Human Resources Development Canada, provides "up-to-date" classification of occupations in the Canadian labour market and organizes occupations into occupational groups. It is therefore still a skills-based selection system, albeit, in an acknowledged learning-based world.

On the 15th of May 1991, during the final days of the Progressive Conservative Party reign, Immigration Minister Bernard Valcourt announced that the department had devised two new lists of occupations to be used in assessing potential independent immigrant's qualifications. The new roster, which remains in force, contains 900 eligible job listings to fill provincial needs. In addition, there is a designated short list of high demand occupations, which includes cooks, nurses, dental hygienists, electronic engineers, therapists, tool-and-die makers and computer programmers. It was determined these particular job skills are in short supply in Canada. It is worthy of note that Mr. Valcourt's announcement came a few month's after his predecessor, Barbara McDougall, closed the general occupation list -- except for those with approved job offers -- in order to clear a case backlog. The freeze was accomplished by giving no points for a

job skill in a specified occupation. Now, it is determined that in order to meet Canada's demographic and labor market needs, a slight re-adjustment of the selection criteria for independent immigrants is called for. Potential independent immigrants are now to be selected to come to Canada on the basis of a point system, with 70 points needed to qualify for approval. In the general occupations list, jobs are assigned either one, five or 10 points. Points allocated to different occupations change over time, based on a labor force demand assessment. The most highly rated jobs at present include nurses, therapists, dental hygienists and technicians, cooks, die-setters and blacksmiths. In the designated short-list, a target of the number of immigrants with specific job skills is listed for Newfoundland, Ontario, and British Columbia. (Quebec has exclusive control over selection of independent immigrants; Prince Edward Island and Nova Scotia have no designated occupations; and consultations by the federal government with New Brunswick, Manitoba, Saskatchewan and Alberta continue.) According to the list, Newfoundland wants occupational therapists and physiotherapists and British Columbia wants electronic and aerospace engineers, aircraft mechanics, nurses, tool-and-die makers and head chefs. Ontario's designated occupations include electrical and mechanical engineers, draughts-men and computer programmers. In order to accommodate those with sought-after job skills, applicants who meet the requirements get a bonus of 10 points. As well, those who are willing to settle in the provinces where the jobs are required will receive 20 bonus points. This modern combination of the point system and the occupations list in the immigration selection process has been referred to as high-tech or "*designer immigration*".

Changes in immigration criteria announced yesterday will make it virtually impossible for people who don't speak English or French to be selected as immigrants, critics say ...

The previous emphasis on selecting people according to their occupations has been altered in what officials say is an effort to select immigrants with transferable skills ...

Under the new point system, 20 per cent of points will be awarded for education or trade certificate, up from 15 per cent. Another 20 per cent of points would be awarded for ability in English or French, up from 14 per cent under the old system...

"It's not a bar (to entry), but it will be difficult," one official said. "We're looking for *immigrants who can hit the ground running* (my italics). (*The Toronto Star*, 18.11.95.).

Summarizing roughly, then, the historical movement of the immigration system in Canada has gone from a closed immigration policy (prior to 1967) to an open policy (post-1967) to a restrictive policy (after 1978) to a designer immigration policy (in the 1990s), where immigrants are expected to "hit the ground running".

Approximately sixty per cent of Canada's immigration program is currently in the independent immigration category, based on a "point system" designed to measure labor skills, experience, education, capability of the applicant, and other employment-related factors. Entrepreneurs and investors who ostensibly create jobs for Canadians, are not assessed on occupation or arranged employment factors. Immigrants who intend to be self-employed are not required to meet the arranged employment factor, and may receive extra bonus units. Assisted relatives are assessed against the same factors as other independent immigrants. But they receive 10 bonus units of assessment if they have a relative in Canada who has signed an understanding

promising to support them for a period of five years (or 15 bonus units if they are the brother, sister, son or daughter of the sponsor).

The economic class (entrepreneurs, investors, those with needed skills, and those sponsored by family members with requisite skills and job opportunities) has been and remains the single most important criteria of immigration intake. It accounts for a proportion almost two times that of the family class category (spouses, fiancées, dependent children, parents), of the country's annual immigration intake. However, the other so-called "non-economic" immigration including the family class category and refugee immigration (which along with special programs represents the balance) are also dependant upon economic self-sufficiency.

Refugee and humanitarian immigration, for instance, subjects individuals to a "means test" or "solvency test" before permanent residence status is permitted:

Refugees are not subject to the formal "point system" employed to evaluate the skills and adaptability of independent immigrants. Nevertheless, the refugee's ability to successfully adapt to Canadian life is taken into account. The applicant's age, level of education, job skills, and knowledge of English or French are used as guides in determining whether the refugee will be able to cope. Also the amount of financial and other settlement assistance available to the applicant may determine admissibility. In some cases, a refugee may not be admitted because of security or health reasons. ("Canada's Immigration Law," *Minister of Supply and Services Canada*, 1989, pp. 16).

The means test is an economic component for refugee and humanitarian immigration on top of the new \$975 "right of landing fee" and other processing incidentals.

## ***Conclusion***

This is what irks most frontliners, and is the main source of the frustration they can encounter in their job: While they think in terms of good and bad, the system often boils down to market- and labor-value criteria, which places some individuals at a disproportionate advantage to others. Moreover, as long as those with resources have a broader access to the system, the moral currency of immigration policy will be brought into question by those without resources, resulting in everything from social apostasy to civil disobedience.

Challenges regarding the integrity and virtue of the immigration system abound in various social circles, not the least of which is the refugee claimants themselves, many of whom do not feel even ritually compelled to abide unfavorable decisions; and who register their indignation toward the entire proceedings by going underground. For instance, it is now estimated that fully one-third of refugee claimants ordered to leave Canada have gone into hiding:

Almost a third of the refugee claimants ordered to leave Canada have gone underground after spending years stuck in a backlog, federal figures show. And after two years of trying to clear 95,000 refugee claims, special tribunals still have a bout 36,000 cases waiting to be heard.



The immigration department has issued arrest warrants for 4,100 people who disappeared after their refugee claims were rejected ... Meanwhile, thousands of people are still in limbo, many after seven years of waiting, New Democrat MP Dan Heap (Trinity-Spadina) said.

It's worse than failure, it's neglect," said Heap the party's immigration critic. "They don't care about those human beings, particularly the ones separated from their families by the Canadian government ..." (*The Toronto Star*, 05.10.91).

The typical frontline immigration officer cannot understand how it is that the policy bureaucrats at the Employment and Immigration Policy Division, and other interested parties, do not seem to comprehend the good-guy-bad-guy equation. The disbelief of many seasoned officers is often palpable and disquieting, with their entire comportment suggesting that they would like to grab the big-time guys in Ottawa by the scruff of the neck and holler "Let's keep the good guys, get rid of the bad-guys, and don't ... sweat ... the ... small ... stuff!!!" – in order to remind these superbureaucratic guys that if their ancestors were subject to the same selection requirements and administrative ordinances that they are subjecting everyone else to, then they probably would not be here in their superbureaucratic jobs making their superbureaucratic rules. Moreover, even if "their" ancestors had a demonstrable market value, today there may not be time for their processing because human and capital resources have to be diverted to other areas, such as, tracking down illegal aliens and deportees. (In 1994 the immigration department created a new temporary unit comprised of immigration officers and RCMP officers precisely for this purpose).

The frontline solution to immigration's myriad of complex problems is: Lower the admission requirements and streamline the removal process. This is based on the understanding that there are plenty of good people, and plenty of good families in Canada, contributing to the fabric of society, whose ancestors came from meager and humble beginnings. If the superbureaucrats, who have now "up the ante", had to be assessed on the basis of their own "point system" and "occupations list" in the global age, it is questionable whether even they would succeed in becoming immigrants to Canada today.

Meanwhile, this situation of global modernity itself has the effect of encouraging illegality and creating social chaos. When it is impossible for determined globalites to achieve their desired goals through "normal" bureaucratic channels, they will often explore "abnormal" or "extra-normal" means. This unfortunate circumstance of global migratory pressure, couple with the growing world-wide phenomenon of "criminal element migration" (that is, individuals fleeing prosecution rather than persecution), coupled again with a monolithic and ponderous immigration enforcement-stream process based on a misallocation of human and other immigration resources, has conspired to create an untenable situation for the frontline immigration officer: The breakdown of admission and control – "Nobody gets in and nobody gets out as advertised".

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## Notes

<sup>1</sup> For more on the dramaturgical dimensions of social interaction see Erving Goffman's (1959) *The Presentation Of Self In Everyday Life*.

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<sup>2</sup> See Professors Collins and Szablowski's (1979) précis of the rise of the *Superbureaucrats* in Ottawa, bridging the gap between executive and bureaucratic decision making.

<sup>3</sup> This court decision has since been overturned by appeal, partly on the grounds that the lawyer's counsel was not strictly prohibited by the immigration act.