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# Critical Feminist Approaches to Migration and Mobility Justice in Canada: Guest Editors' Introduction

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### Résumé de l'article

This themed section examines how inequality constrain and enable contemporary human movement at state border crossings. It responds directly to questions, practices, and knowledge gaps that arise from critical migration/refugee studies, critical tourism studies, border studies, and/or mobility justice research by denaturalizing assumptions about the rights of some to choose to move across borders freely and others who are forced to leave, denied access, or detained. In so doing, we highlight research on human mobilities and borders in Canada to advance understandings on the dynamics of territorial control and access to state borders. What links the articles is the commitment to examining the reproduction of power through the following three shared understandings and starting points: (1) a critique of the Canadian nation state's global reputation as exceptionally humanitarian (Nguyen and Phu 2021); (2) a consideration of the global entanglements of racial capitalism and colonialism that structures human movement (Gutiérrez Rodríguez 2018); and (3) an understanding that the mobilities of some and the immobilities of others coexist and are in fact co-produced (Ahmed et al. 2020; Bauman 1998; Sheller 2018).

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# Critical Feminist Approaches to Migration and Mobility Justice in Canada: Guest Editors' Introduction

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## Abstract

This themed section examines how inequality constrains and enables contemporary human movement at state border crossings. It responds directly to questions, practices, and knowledge gaps that arise from critical migration/refugee studies, critical tourism studies, border studies, and/or mobility justice research by denaturalizing assumptions about the rights of some to choose to move across borders freely and others who are forced to leave, denied access, or detained. In so doing, we highlight research on human mobilities and borders in Canada to advance understandings on the dynamics of territorial control and access to state borders. What links the articles is the commitment to examining the reproduction of power through the following three shared understandings and starting points: (1) a critique of the Canadian nation state's global reputation as exceptionally humanitarian (Nguyen and Phu 2021); (2) a consideration of the global entanglements of

racial capitalism and colonialism that structures human movement (Gutiérrez Rodríguez 2018); and (3) an understanding that the mobilities of some and the immobilities of others coexist and are in fact co-produced (Ahmed et al. 2020; Bauman 1998; Sheller 2018).

## Keywords

Mobility justice, citizenship, Canada, critical refugee studies, displacement, colonization

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As we write this introduction, we are grappling with the aftermath of two recent geopolitical flashpoints that occurred close to where we both live and work. The concerns raised by each of these events, and the connections between them, situate and underscore some of the key tenets of the critical feminist framework to migration and mobility justice that we are proposing in this themed section.

The first is the March 25, 2023 sudden closure of the “irregular” border crossing between the province of Quebec and the state of New York, commonly known as “Roxham Road.”<sup>1</sup> Roxham Road had served as a way for people to enter Canada from the US and apply for asylum within the restrictions of the 2004 Safe Third Country Agreement (STCA) between the two countries. Though contested, the determination of both countries as “safe” requires asylum seekers to submit their refugee claim in their first country of arrival (The Canadian Government 2023). As Côté-Boucher, Vives, and Jannard (2023) explain, this agreement was “presented as a tool to improve the secure management of asylum flows” and “based on the premise that both countries offer a robust refugee status determination system and are safe for refugees” (413). In other words, an asylum seeker in the US cannot choose to claim asylum in Canada (and vice versa), and prior to the recent expansion of the STCA earlier this year, if they tried to apply for asylum at an *official* border crossing, most would be turned back. Since Roxham Road is not an official border crossing, it functioned until 2023 as a formalized informal crossing, allowing asylum seekers coming from (or through) the United States to claim international protection in Canada. Although the media sometimes referred to it as an “illegal” crossing, this was a false description. Under Canadian and international law, it is not illegal to claim asylum, nor can people be penalized for using irregular channels to exercise this right. Without going further into the complex legalities and details of what rendered this passage a viable and relatively safe option for many (see Côté-Boucher, Vives, and Jannard 2023; and Reynolds, Wu, and Young in this issue), the point here is that its closure was prompted by right-wing political pressure and media reports that created the false impression that the loophole had created a “border crisis” and that the people crossing were doing something illegal or “jumping the queue” (UNHCR Canada 2019). The closure means that people seeking asylum through “irregular” channels will be

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<sup>1</sup> Although the announcement was made during Biden’s official visit to Canada, the public learned that he and Trudeau had agreed to this nearly a year earlier in April 2022 (Panetta and Ling 2023).

forced to pursue more dangerous and life-threatening options, as our second flashpoint below illustrates.

The second event occurred less than a week later and only about 100 kilometers west of Roxham Road, in Akwesasne, where two migrant families drowned in the St. Lawrence River while attempting to irregularly cross the border from Canada to the US by boat. Akwesasne is a community of the Kanien'kehá:ka (Mohawk) Nation that traverses federal and provincial borders of Canada and the US via the provinces of Ontario and Quebec and the state of New York. The families who drowned were identified as four Indian nationals and two Romanian nationals with their two young children who were born in Canada and therefore Canadian citizens (Alam, Banerjee, and Lowrie 2023).<sup>2</sup> Their eight bodies were found on March 30 and March 31, 2023 (Mohawk Council of Akwesasne 2023). Although not causally related to Roxham Road's closure, these drownings speak to the concerns and warnings of many refugee/migrant advocates. As Clark-Kazak (2023) plainly put it, it was a timely and tragic example of the "fallacy" of border control; as research shows, "the securitization and militarization of borders has only driven up human smuggling and risky journeys on the land and sea borders of the European Union and at the U.S.-Mexico border." That is to say that people will continue to seek safety and a better life, and will likely risk their immediate safety if no other options exist for cross-border movement. In Clark-Kazak's words, "as long as desperation remains the driver, irregular border crossings will continue, in both directions, no matter the risk" (Clark-Kazak 2023).

We argue that the Roxham Road closure and the drownings in Akwesasne are connected events emblematic of the state of mobilities across Canada's borders. In other words, that it is the determination of regular, irregular, and illegal border crossings established through the border creates the conditions that render some asylum seekers as expendable, forcing their movement through increasingly dangerous attempts. As Reynolds, Wu, and Young's article in this issue demonstrates, hundreds of asylum seekers risk everything trying to enter at Roxham Road and the like because they don't have many other options. They are often fleeing wars, persecution, or torture and are afraid that they will be deported back to their countries of origin or placed in immigrant detention if they remain in the US. Concerns about Roxham Road's closure were echoed by immigration lawyers and scholars who stated that the result would be "just more danger, more deaths and more humanitarian catastrophes" (Paquet as cited in Stevenson 2023).<sup>3</sup> We therefore join scholars,

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<sup>2</sup> The reasons for their attempt to get to the US are not entirely clear but it is believed that the Romanian couple had been facing deportation from Canada after being denied permission to stay in the country. At the time of writing, Casey Oakes, an Akwesasne resident who is believed to have been transporting the two families by piloting the boat, is still missing (Mohawk Council of Akwesasne 2023).

<sup>3</sup> There were also serious humanitarian concerns raised about the fact that turning people away under the STCA, means that they can be deported and/or put in detention in dreadful conditions though they committed no crime (Amnesty International 2023). In addition, a coalition of migrant and refugee serving community organizations in Quebec argued that since it is well established that border closures do not fully prevent

advocates and experts from various sectors and disciplines who argue that the solution to the Roxham Road's so-called "crisis" is to abolish (not reinforce) the Safe Third Country Agreement (STCA) and create more legal pathways to residency and citizenship. We argue for this legal path as an immediate measure alongside our broader commitment to a no-borders politic. In other words, we recognize that alongside the urgency to respond to immediate harm done by border closures, calls to amend agreements like STCA do not dismantle the power the power that the nation-state exercises through its bordering practices. Thus, the drownings in Akwesasne are not merely another sad example of the perils of borders; rather, they demonstrate how conditions of migration and border security are contingent on land theft, the ongoing displacement of Indigenous people, and the assertion of settler colonial power over territory and sovereignty.<sup>4</sup>

### Critical Feminist Approaches to Immigration and Mobility Justice

A critical feminist approach to mobility justice situates migration, movement, and displacement within the ongoing impacts and processes of colonization, a process that dates back to European colonial expansion and the nation-building projects that led to the imposition of the U.S.-Canada border and nation-states on Indigenous nations and peoples. Indeed, an intrinsic part of American and Canadian nation-building was the expansion into Indigenous territories through settler migration alongside the restriction of movement for Indigenous peoples. This model of settler colonialism, which renders Indigenous people foreigners in their own land, with mobility and land rights inferior to those of European settler migrants, served as a model for other settler colonial projects, such as South Africa and Israel-Palestine (Abu-Laban 2020; Adese and Phung 2021; Arat-Koc 2020; Gutiérrez Rodríguez 2018). As Indigenous decolonial political movements call for the abolition of the settler colonial nation state, such as through the Land Back movement, we follow scholars and activists who connect migrant justice to decolonization and Indigenous solidarity (Walia 2021) by arguing for an ethics in mobility justice research that calls for the dismantling of border regimes, rather than rely on reforms to immigration policy alone.

We foreground the recent closure of Roxham Road and the Akwesasne drownings because they epitomize the urgency for the intersectional and transnational analytical framework we are proposing in this themed section — what we are calling critical feminist approaches to mobility justice.<sup>5</sup> This framework borrows from and blends principles from

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migrant crossings and that desperate asylum seekers will take risks despite the legal and physical dangers, the closure of this somewhat safe entry will only result in putting them in harm's way (The Canadian Press, 2023).

<sup>4</sup> As law professor Vincent Wong (2023) points out, "the most glaring omission in media coverage is any meaningful reflection on what it means for this tragedy to occur on Indigenous territory."

<sup>5</sup> The "mobility paradigm" tends to offer a holistic theorization that includes debates around transport equity, spatial justice, etc. (Sheller 2018). The articles here are mainly concerned with human mobilities and how governments create restrictive mobility regimes through border surveillance.

intersectional approaches to migration (Stasiulis, Jinnah, and Rutherford 2020), critical refugee studies' critiques of nationalism, nation-building and settler colonialism (Nguyen and Phu 2021; Espiritu et al. 2022), and calls from mobility justice studies that emphasize "unequal relations of power always make mobilities racially and sexually loaded" (Sheller 2018, 58). Through this lens, we extend beyond the legal, procedural, or security frameworks that broadly define public discourses on border crossing, to instead posit the two events as illustrations of the interconnected relationship of human desire and need for mobility across the geopolitical structures of nation states, regular and irregular borders, immigration categories, and exclusive citizenship. We define "feminist" here as a philosophical and political orientation that seeks to dismantle inequities and injustice through an understanding of the systemic and structural role of power across categories. The intersectional feminist approach we take reveals the "dimensions and dynamics of power that are rendered invisible or hidden from view by hegemonic framings" (Carastathis et al. 2018, 9).<sup>6</sup> This includes understanding the role and impact of structures of oppression in shaping encounters with geopolitical boundaries, such as border crossings.

This themed section brings together interdisciplinary feminist scholarship on how systems of power permit/prevent contemporary transnational human movement and denaturalize assumptions about the rights of some to choose to move/travel freely and others who are forced to leave/stay, denied access, and/or detained at borders, with a focus on the Canadian context. This is done through an interdisciplinary dialogue across the fields of gender and sexuality studies (see Kouri-Towe; Mahrouse in this issue); geography (see Reynolds, Wu, and Young in this issue); public/international relations (see Clark-Kazak in this issue); and sociology (see Lozanski in this issue). What links the articles is the commitment to examining the reproduction of power through the following three shared understandings and starting points: (1) a critique of the Canadian nation state's global reputation as exceptionally humanitarian (Nguyen and Phu 2021); (2) a consideration of the global entanglements of racial capitalism and colonialism that structures human movement (Gutiérrez Rodríguez 2018); and (3) an understanding that the mobilities of some and the immobilities of others coexist and are in fact co-produced (Ahmed et al. 2020; Bauman 1998; Sheller 2018).

### Summary of Articles

Christina Clark-Kazak (2019) authored the first ethical guidelines relating to research in forced migration contexts in Canada with regard to risks, informed consent, confidentiality, and power imbalances. Here, she expands her thoughtful scholarship to consider questions

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<sup>6</sup> This themed section builds on a 2017 collaboration in which Kouri-Towe and Mahrouse, along with Anna Carastathis and Leila Whitley, launched an international network of feminist researchers who study the structures that produce forced migration through a no-borders politic (Carastathis et al. 2018).

of care. Centering the article around the provocation “why care now?” Clark-Kazak outlines for researchers the differences between the prescriptive approaches of procedural ethics, and the more fluid and context specific “radical ethics of care” that she calls for. Some of these differences include the key tenets of relationality, solidarity, reflexivity, and reciprocity. In so doing, Clark-Kazak emphasizes the subjective, human, and emotional aspects of research with migrants and refugees in ways that profoundly challenge the erroneous notion of neutrality common to positivist approaches. Moreover, this intervention calls for a significant paradigm shift from “do no harm” to “harm prevention.”

Kristin Lozanski’s article focuses on Jamaican migrant agricultural workers in Niagara-on-the-Lake, Ontario, who enter Canada through the structural precarity of a temporary labour program to perform grueling work refused by Canadian citizens. Lozanski points to the paradox between racial underpinnings that render these foreign workers “naturally” suited to perform intensive physical labour, and the denial of their bodily needs through exemptions from basic labour standard limits on the number of hours they work, daily rest periods, or minimum breaks between shifts. In fact, excerpts from Lozanski’s interviews with the migrant workers reveal dangerous conditions that result in injury, illness, and exhaustion. In addition, the focus on embodiment draws our attention to the spatiality of the area — a region known for its vineyards, orchards and gastronomy tourism — to contrast the white consumers of the food and wine with the Black workers upon whom the consumptive practices depend. Indeed, in this incisive analysis, Lozanski denaturalizes racialized governmental power structures that control the geographic mobility of labourers for the benefits of those with citizenship.

Johanna Reynolds, Grace Wu, and Julie Young’s intervention amplifies the voices of people who have experienced the impacts of border policies firsthand when crossing multiple borders to seek asylum in Canada. As they explain, Canada’s official narrative as a generous and welcoming nation that carefully balances national security in its migration policies not only reinforces exclusionary border logics, it belies the complex dynamics of what is considered “choice” for asylum seekers and the role of resistance and refusal in the working out of borders. To counter state-led narratives of migration, and in keeping with the principle of denaturalizing assumptions about borders and mobility, the authors develop an innovative methodology that complicates understandings about the Canada-US border. In their article we hear from people whose stories of seeking asylum in the 1980s resonate with stories of those who crossed more recently at Roxham Road. For instance, in one compelling narrative offered by Santiago, the authors highlight the need to nuance dualistic notions of “voluntary” and “forced” migration to instead see just how carefully people weigh their options and make their often-risky decisions to migrate according to the contexts they are in, their safety, and their security needs. Their collection of oral histories, or counter-archive, also brings to the surface the significance of the actors beyond the state who impact how borders could or should work, such as migrant solidarity and advocacy networks.



Natalie Kouri-Towe examines the role of kinship in refugee-sponsor relationships in Canada, drawing on human-interest stories to re-examine scholarship on Canada's refugee sponsorship initiative following the Syrian refugee crisis in 2015. She investigates how kinship is discursively constructed through narratives that articulate the relationships built between refugees and sponsors in familial terms. Situating these relationships within a critique of neoliberalism and the nuclear family, Kouri-Towe draws on queer theories of kinship to argue for a denaturalization of how family is constituted in refugee resettlement and calls for a queer reframing of refugee sponsorship.

Through key feminist concepts and concerns including care, embodiment, voice, and kinship, the articles collected here engage with epistemological, ethical, theoretical, and empirical challenges in research on migration, human mobilities and borders. Indeed, together these articles produce cutting-edge research to imagine and propose politically transformative scholarship that leads to change.



**Figure 1.** A vigil in front of Prime Minister Justin Trudeau's constituency office in Papineau, Montreal, taken by Gada Mahrouse, April 4, 2023.



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