MIGRATION CRISIS

THE MIGRANT CRISIS IN CANADA AND QUEBEC: WHAT CRISIS?

For some time now, some media have been reporting on the migration crisis in Canada (see, for example, TVA News, May 6, 2018). To speak of a crisis, two conditions must be met: a significant flow of migrants coinciding with the refusal to receive them. Neither of these conditions exists in Canada. There is therefore no migration crisis in Canada.

First the numbers. In the new article mentioned above, a claim is made that '50,000 people crossed the border illegally last year alone.'There are two confusions in this statistic. First, there were 50,000 asylum seekers (in 2017), nearly 60% of whom entered legally. Secondly, it is incorrect to talk about illegal entries when it comes to asylum seekers.

It should be recalled that in 2001 there were nearly 45,000 asylum seekers. Is this what could be characterized as a disaster?

Then the political answer. Apart from the request of a Conservative member of the Parliament of Canada to expel Nigerians, or that of the leader of the Parti Québécois to erect a wall or fence on Roxham road, there are currently no measures to close Canada's borders to migrants, as there are in Europe. In fact, the debate is becoming an opportunity for federal-provincial confrontation over funding who will pay the bill?

And the human aspect in all this? The first reaction should be to ask who these human beings are behind the statistics. It should be noted that asylum seekers come from countries at war, where violent conflicts and persecution force the exile of thousands of people: from Iraq, Colombia, Burundi, Pakistan, Syria, Eritrea, Turkey, Nigeria… These are the main countries from which asylum seekers came to Canada in 2017.

The crisis is not a migration crisis, it is a political one.

MIGRANTS OR REFUGEES?

There is much talk of a "migration crisis" to describe the arrival of many people trying to cross European borders. This way of presenting things suggests that they are migrants. The choice of words is not neutral. If they are migrants, there is no obligation to let them in.

Let's take a closer look.

According to the Larousse dictionary, migration is defined as the voluntary movement of individuals or populations from one country to another for economic, political or cultural reasons. This dictionary definition is also the one used by scientific research in the social sciences. Thus, migration theories focus mainly on the causes of voluntary migration based on individuals' desire to improve their living conditions.

As for the definition of 'refuge', it is currently enshrined in the 1951 Geneva Convention on the Protection of Refugees. According to this Convention, a refugee is a person who "has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, if he has no nationality and is outside the country in which he was habitually resident as a result of such events, is unable or, by reason of such fear, is unwilling to return to it". This definition makes it clear that this is "involuntary" travel. By extension, we can therefore speak of "forced migration". It should be noted that 148 countries have signed the Convention (including Canada).

Who are these supposed migrants? Three countries currently produce the vast majority of the people described as migrants who make the headlines almost every day. These are Syria, Afghanistan and Iraq. In the case of Syria alone, about 4 million people have fled the country while another 10 million have been displaced within the country.

To these three countries, we could add Myanmar, where a conflict currently being played out, criticized as ethnic cleansing, and Yemen, which is in the grip of a civil war. But we must not forget the people of African origin whom the media show us crammed into boats on the Mediterranean and many of whom have drowned. These nameless faces also flee from countries at war: Chad, the Democratic Republic of Congo, Eritrea, and Southern Sudan. On this side of the Atlantic, we can think of Mexico, where many people threatened by conflicts between the army and drug lords are fleeing. It is clear that these people fearing for their lives are refugees.

One of the important points of the Convention concerns the principle of *non-refoulement*. It stipulates that none of the States that have signed the Convention shall expel or return a refugee to the borders of territories where his life or freedom would be threatened because of the threats mentioned in the previous paragraph. It is this principle that establishes a right of asylum and which in a way establishes the category of "asylum seekers". It is in the name of this international agreement that Canada allowed Haitians from the United States to cross the Canadian border, allowing them to claim refugee status. The principle of *non-refoulement* does not imply that all these persons have a right of asylum, but that they are entitled to an examination of their situation.

Unfortunately, this principle is currently threatened by many repressive measures by most States, measures associated with border closures.

The most common measure is to intercept refugees before they arrive at the border: either at sea to return them to where they came from, or by placing them on islands (as Australia does), or by setting up checkpoints several kilometres from the border as the United States does with the Mexican border. Another questionable measure was to invent the notion of safe "third countries". This policy requires refugees to apply for asylum in the first country of entry. Yet most Eastern European countries, members of the European Union, are often the first countries of arrival of refugees, and these countries have closed their borders altogether.

In short, there are many ways to circumvent international obligations of *non-refoulement*.

It is therefore wrong to talk about a migration crisis. Rather, it is a refugee crisis and it is for this reason that states must find ways to respect the spirit of the Geneva Convention for Refugees.

P.S.: A picture is worth a thousand words. A must see, the film "Human Flow" by Ai Weiwei. This documentary currently in theatres in Quebec tells the story of refugees in search of security and justice and covers more than 20 countries, including Afghanistan, Bangladesh, France, Greece, Germany, Iraq, Israel, Italy, Kenya, Mexico and Turkey. It also recounts the inhuman response of countries to the arrival of refugees.

THE MYTH OF IMMIGRANTS AS TERRORISTS

There is no evidence that there is a link between immigration and terrorism. Despite the demonstrated absence of links, the "security" discourse largely dominates political discussions on immigration. The many repressive measures currently in vogue in almost every country in the world are still justified by the national security argument.

Generally, analyses suggest that the immigration security discourse has grown since September 11, 2001, with the attacks on the World Trade Center. While these attacks have exacerbated the discourse on the terrorist threat of migration, the national security approach to migration was present long before.

For example, in Canada, the adoption of a security vision in the management of mass migration movements was reaffirmed several times in the early 1990s. The terms used by Barbara McDougall, Canada's Minister of Foreign Affairs from 1991 to 1993, leave no doubt that Canada needs to be more "aggressive and active" in the fight against transnational security threats such as terrorism and international mass migration (see Philippe Bourbeau's study, 2013).

A recent report published by the White House attempted to demonstrate that this link exists, but the report has been so criticized as to make it unbelievable. According to the article by Julie Hirschfeld Davis and Ron Nixon (New York Times, January 16, 2018), the statistics used include irrelevant cases (e.g., persons extradited to the United States to stand trial for attacks committed outside the country) while omitting cases of "domestic" attacks committed, for example, by groups such as "white supremacists". In addition, the conclusions presented in this report run counter to scientific studies on the security threat that show no convincing link between migration and terrorism.

One of the most extensive studies was one conducted in the United States on attacks that occurred between 1975 and 2015. During this period, the probability of an American being killed by a foreign-born terrorist was 1 in 3.6 million and the probability of being killed by a refugee attack was 1 in 3.5 billion. The annual risk of being killed by someone other than a foreign-born terrorist was 253 times greater than the risk of being killed by a foreign terrorist.

The other myth that falsely draws supposed connections between immigration and terrorism implies that the threat comes from outside. However, this is again a false link. In most cases, the attacks are committed by nationals who have become more radical on home turf. This is the case, for example, with the recent attacks in France (e.g. Charlie Hebdo, Bataclan), where the perpetrators were French nationals who were well known to the police and intelligence services. So we are faced here with an internal threat from radicalization rather than an external one.

REFERENCE ON SECURITY DISCOURSE IN CANADA: Philippe Bourbeau (2013), 'Processes and actors of a security vision of migration: the case of Canada', *European Journal of International Migration*, vol. 29, no. 4, pp. 21–41.

TOWARDS AN APARTHEID MIGRATION REGIME?

International migration could provide crucial economic and social relief for many in the world. Unfortunately, only a small minority of the privileged have access to it. For the poor and the low-skilled, including refugees, international migration is becoming less and less accessible.

We are living in the midst of a paradox. On the one hand, migration needs are recognized by almost all developed countries. On the other hand, anti-immigration sentiments are taking up more and more space and borders are sometimes closing abruptly.

However, three facts contribute to making immigration very attractive.

The first fact concerns the demographic revolution that took place in the second half of the 20th century. This demographic

revolution, now well documented, can be summarized by two major phenomena: a drop in fertility levels below the replacement threshold and an increase in longevity. These two phenomena combined have produced a significant ageing of the population.

Based on these major trends, demographic projections point to a decline in the population over the 21st century. This revolution is mainly affecting developed countries, but the process is currently underway in all regions of the world. This means that the migration component will be the main driver of demographic change.

The demographic argument becomes even more powerful when combined with a second economic argument. Indeed, the new demographic context implies a decrease in the labour supply (i.e. the proportion of people of working age), which, in itself, is not a problem if the demand for labour also decreases or at least remains low. But that is not the case.

Thirdly — and this is less well known — when one consults the United Nations database on desired levels of immigration and the policies put in place, one finds that the majority of countries tend toward and actually implement increasingly open immigration policies.

For the vast majority of countries, immigration levels are considered satisfactory (between 76–77%), and have been since the mid-1980s. The proportion considering the levels too high remains low and has even decreased slightly since 1986. In addition, the vast majority of countries report having policies that do not aim to reduce their immigration levels.

So how do we explain the paradox of border closures?

In fact, the closure of borders should be seen in parallel with the establishment of a new three-tier migration regime. The first tier opens the borders to migration of a select group, the rich and the highly skilled. This first form of recruitment is accompanied by a whole series of social rights, including the right of permanent residence and possibly citizenship.

The second form of recruitment is found in the many temporary worker programs that are proliferating around the world. These programs help fill jobs for which it is thought to be difficult to find candidates in the countries in question, while ensuring that these migrant workers do not have access to permanent residence, and therefore do not integrate into the destination society.

A third category of migrants remains - less skilled or low-skilled refugees and irregular migrants. It is these categories of migrants that are targeted by anti-immigration discourse and restrictive policies.

In short, most governments want higher levels of immigration, just not from any group. It is in this sense that we can speak of an apartheid migration regime.

FREE MOVEMENT IN THE WORLD: A UTOPIA?

"In any case, it is utopian to think of a world without borders": this is the ultimate argument that is made when discussing the free movement of people. However, many developments suggest otherwise.

While all attention is focused on the 'migration crisis', which involves closures, expulsions and fortresses around the world, efforts continue to (1) establish political structures that allow the free movement of people and (2) develop increasingly open immigration policies to address labour needs.

Thus, in all the major regions of the world, political institutions, bringing together a group of countries, advocate the free movement of people:

- in Europe: since 1997, the European Union has created the Schengen area, which allows free movement between the 26 Member States.

- in Africa: free movement has long been achieved for West African countries; for Africa as a whole, at the meeting held in

Midland, South Africa (9 March 2017), the Pan-African Parliament asked Member States to approve the principle of the free movement of goods and persons.

- in South America: the Member States of MERCOSUR (Southern Common Market) have allowed the free movement of people since 1991. In 2009, the Residence Agreement Project reiterated an open border policy for member countries.

- Asia: the ASEAN (Association of Southeast Asian Nations) adopted a human rights declaration in 2012 promoting freedom of movement in the region.

- in the Caribbean: CARICOM (Caribbean Community) provides for freedom of movement for certain categories of skilled workers; we are talking about the establishment of a single market.

- in North America: NAFTA (Canada, the United States and Mexico) provides for freedom of movement with employment contracts for professionals in 63 fields (see Chapter 16). Four categories of persons are covered by this agreement: business visitors; professionals; intra-company transferees; and investors. As a first step, these categories can obtain temporary visas without a labour market impact assessment. Secondly, obtaining permanent residence is greatly facilitated. We know that NAFTA is currently being renegotiated, but I doubt that the chapter on labour mobility will be significantly amended.

In short, a world without borders is already being built in all major regions of the world.

Another indication that the world is changing significantly — and little is said about it — is the fact that almost all countries have open immigration policies. According to the United Nations database on desired levels of immigration and policies implemented, the majority of countries are advocating increasingly open immigration policies. For example, the proportion of developed countries that consider their levels too high is low, and has even declined since the mid-1980s. In addition, the proportion of developed countries whose policies aim to increase immigration levels has risen from 2% in 1996 to more than 20% in 2015.

All this — the opening of borders and immigration policies — is reflected in an increase in international mobility in developed countries: from 3% in 1990, the proportion of people living in a country other than their country of birth increased to 11% in 2015. It is forgotten that in 2016 alone, the European Union welcomed 2 million immigrants from non-member countries.

This may seem contradictory with the proliferation of walls and the current crisis around migrants. In actual fact, this crisis is only affecting refugees. It should be recalled that these types of migration represent only a small part of all international migration (about 10%).

What is utopian, in my opinion, is to think that the world with its current borders is here to stay.

CLIMATE MIGRATION: A GLOBAL CHALLENGE AT OUR DOORSTEP

There are many excellent reports on the effects of climate change on migration. If nothing is done, according to a World Bank report, by 2050, millions of people will have to move because of climate change. The World Bank wanted to show migrants as the human face of climate change.

I deliberately chose the latest World Bank report, not only because it is the most recent (March 2018), but because the World Bank can certainly not be called leftist, extremist or alarmist.

The report focuses on three regions: sub-Saharan Africa, South Asia and Latin America. These three regions represent 55 per cent of the population of developing countries. In these regions alone, World Bank projections estimate that more than 140 million people will have to migrate for environmental reasons by 2050: 86 million in Africa (mainly West and Central Africa), 40 million in South Asia and 17 million in Latin America. The report also concludes that after 2050, if nothing is done, climate migration will accelerate.

These can be considered minimalist estimates since the report covers only 55 per cent of the population of developing regions. If other developing and developed regions where people live near seas were added, the numbers of climate migrants would be even higher. The study by the International Organization for Migration (2015) suggests a figure of 200 million "environmental" migrants by 2050.

The three migration factors identified in the World Bank report are declining agricultural productivity, water scarcity and rising water levels. Only significant actions to reduce greenhouse gases can reduce the pressure on massive population movements. The three projection scenarios adopted in the report give an idea of what would result if strong environmental action were taken.

The first scenario described is referred to as "pessimistic" and is the reference scenario in the document. It is this scenario that would produce more than 140 million climate migrants. The second scenario involves development actions while maintaining high levels of greenhouse gas emissions: this scenario would produce 100 million migrants by 2050. If, on the other hand, both development actions and actions to reduce greenhouse gas emissions are combined, the number of projected migrants would decrease to 50 million.

The report mainly talks about internal migration, but significant spillover effects can be expected that will produce a considerable number of international refugee migrations.

There is an urgent need to broaden the definition of a refugee to include climate refugees.

GLOBAL MIGRATION PACT: A HISTORICAL CONSENSUS

Dispelling migration myths can give the impression that there is only bad news. The idea that everything is going from bad to worse is actually another myth, because there is also good news. The adoption by the United Nations General Assembly of the Global Compact for Secure, Orderly and Regular Migration is one of these examples of good news.

A little reminder. By September 2016, all 193 countries around the world had agreed on the need to develop a comprehensive framework for the management of international migration. This is known as the New York Declaration on Refugees and Migrants. Following this declaration, a series of intergovernmental negotiations took place (early 2018) leading to the adoption of a new migration pact on 13 July.

To my mind, it is the most important document in terms of comprehensive migration policy since the adoption in 1990 of the United Nations Convention for the Protection of the Rights of Migrants. We can even speak of a historical consensus.

The recently adopted Migration Pact contains 23 commitments. I would like to highlight four of them:

- Facilitate safe, orderly and regular migration to stem the impact of irregular migration;
- Protect the safety, dignity and fundamental human rights of all migrants;
- Develop research tools to support evidence-based policies;
- Avoid detention except as a last resort.

Obviously, adoption by the United Nations General Assembly does not guarantee the implementation of these commitments. For example, the Migrants Convention, adopted in 1990, was only implemented in 2003 after the required 20 signatures were obtained. However, no developed country has signed the Convention to date.

We should remember that the United States withdrew from the New York Declaration after the event. Australia has just announced that it will not sign the new migration pact (see The Guardian, 25 July 2018).

Nevertheless, the Global Migration Pact, adopted by the General Assembly, is a crucial historical milestone that gives all those working in the field of migrants' rights a new tool for the development of migration policies that respect fundamental rights.

THE MIGRATION SOLUTION: FIVE PROPOSALS THAT ARE EASY TO IMPLEMENT

Rather than talking about a migration crisis, let us talk about solutions.

It should be recalled that the migration crisis is above all political: it is the result of conflicts and wars producing large flows of refugees, combined with border closures.

Here are five proposals that would end the crisis without revolutionizing anything. They are mainly aimed at governments in northern countries (the European Union, the United States, Australia, etc.). What it takes:

- Recognize at the outset that there are a significant number of people in urgent need of protection. This implies acknowledging that flight migration is caused by situations of conflict and war and by the existence of oppressive political regimes where human rights are violated. Ultimately, it means recognizing the legitimacy of asylum claims.

- Avoid alarmist discourse that conveys false impressions. Political discourse should be based more on scientific analysis and conclusions. In particular, the notions of invasion and threat should have no place in public discourse.

- Recognize the positive effects of immigration, including refugee immigration, since studies show that refugees admitted to countries do not constitute an economic burden on society.

- Give the Geneva Convention back its full weight in the field of asylum. The principle of non-refoulement is particularly important and measures such as interception, aimed at preventing migrants from approaching borders, must be recognized for what they were, namely violations of the Convention.

- Enable refugees to integrate into the labour market. Temporary camps or shelters are unnecessarily expensive, stigmatize migrants and prevent them from taking care of themselves.

These proposals are easy to implement: they require only a minimum of goodwill.