Policy Brief

Canada's Ongoing Border Crisis: U.S.-Canada Dependency and the Safe Third Country

Agreement

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Introduction

This policy brief aims to investigate the current border crisis in Canada exacerbated by a legal loophole in the Safe Third Country Agreement (STCA). Specifically, I examine two questions. The first is whether policy changes in the U.S. Refugee Admissions Programs (USRAP) affect and escalate the number of asylum claims in Canada. The second is whether the federal government's measures to tackle the crisis has effectively led to a decrease in irregular border crossing.

Context & Background

The Root of Border Crisis: Safe Third Country Agreement

Following the September 11th attacks, Canada has received 44,695 asylum claims. The number was historically high. It hampered the government's ability to process the applications and allocate resources to social agencies (University of Calgary, 2017). Ratified in 2004, the STCA was proposed as a post-911 treaty that regulates the flow of refugee claimants at the land border between Canada and the United States (Government of Canada, 2016). Under the agreement, asylum seekers are only allowed to apply for refugee status in the country they first arrive in, unless they are qualified for a small number of exemptions. However, when claimants arrive on Canadian soil outside of the designated land ports of entry, Canada still has to process their asylum claims.

A Multilayer Crisis of Unpredictability and Challenges

In response to Donald Trump's executive order on barring travelers from seven Muslim-majority countries, Prime Minister Justin Trudeau reiterated the value of diversity on Twitter and welcomes "those fleeing persecution, terror and war" to Canada. As Trudeau's compassionate message has become one of the most circulated tweets in 2017, Canada was inundated with an

influx of illegal border crossers and asylum claims. According to Royal Canadian Mounted Police (RCMP), 315 illegal border crossers were intercepted the month before the tweet. This number has doubled to 678 in the subsequent month and reached to 5,712 in August. By the end of 2017, Canada Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC) have received 50,440 asylum applications, in which only 15,315 asylum claimants were captured by CBSA. The majority of asylum seekers crossed the Quebec border illegally from the Roxham Road in Upstate New York.

The initial wave of border crossing was led by a few Haitian expats in the United States. They were attracted by Canada's refugee acceptance and generous social programs (Markusoff, 2018). However, as the Trump administration announced the end of no-deportation promise for the humanitarian program by July 2019, most of the 59,000 Haitians under the Temporary Protected Status (TPS) decided to enter Canada in hope of staying in North America (2018). Until recently, many Nigerians acquired U.S. visa and used them as a ticket to Canada for the purpose of asylum (Wright, 2018).

Data Sources & Methods

This policy brief provides quantitative analyses based on two datasets. First, I will use the summary of refugee admissions from the U.S. Bureau of Population, Refugees and Migration. Second, I will use the table of asylum claims in Canada from 2001 to 2018 and the statistics on irregular border crossing. Based on descriptive statistics and data visualization, I will document the flows of irregular border crossing starting from February 2017 to the current state and examine the relationship between U.S. immigration policy changes and the Canadian asylum claims.
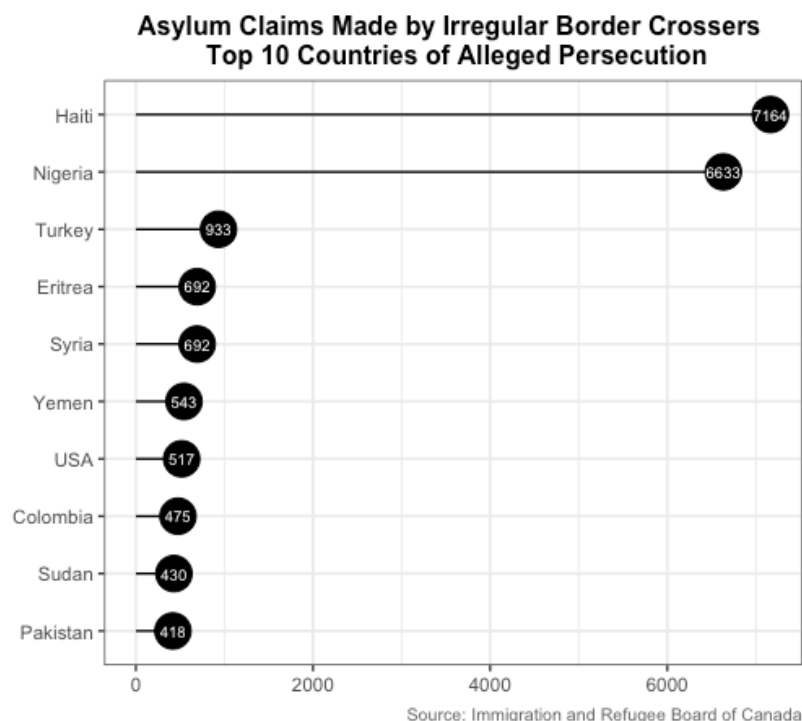
The Status Quo & Challenges

The Government of Canada faces three major challenges. First, the sudden policy changes from the Trump administration made Canada unprepared for managing the inflow of unplanned asylum seekers. Unlike the settlement of Syrian refugees which was planned and only consisted of 20,000 people, Canada faces an unprecedent quandary. Current situation on NAFTA and trade war prevents Canada from having a fruitful negotiation with Washington on closing the legal loophole. Second, the vast majority of illegal border crossers aren't qualified for refugee claims. However, it takes at least 20 months to hear back from the IRCC (IRB, 2018). The application process of asylum claims has become slower as the number of border crossers increased. Third, the housing places and enrolment in public school are over capacity in Quebec (Wente, 2018). The shelter system in Ontario is at the bursting point (2018).
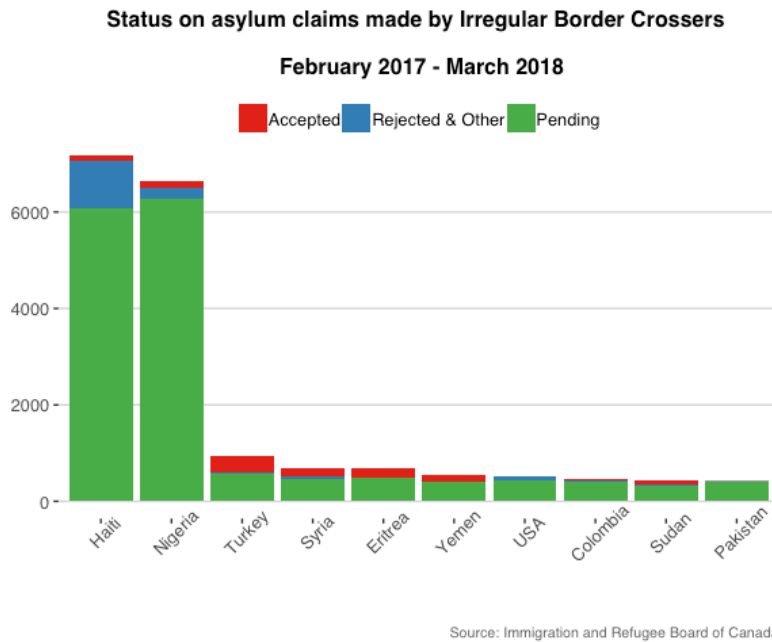
Policy Recommendations

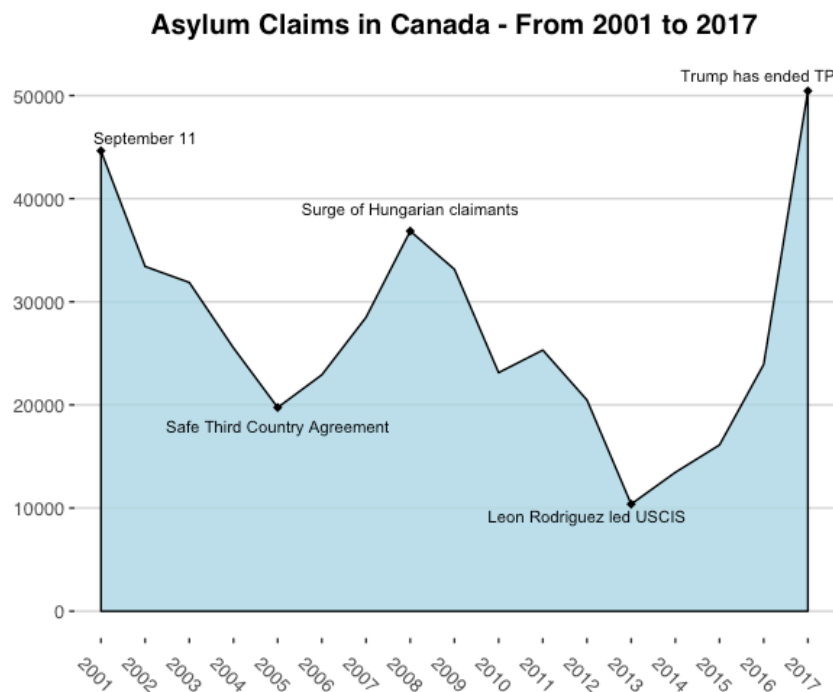Proactive measures have to be enforced in regard to different waves of asylum seekers. As shown in the graphs, asylum claimants are from different countries and have different outcomes on asylum claims. The federal government has to work closely with provincial and municipal governments. In order to concurrently showcase compassion and avoid the rise of a populist anti-immigrant

Asylum Claims Made by Irregular Border Crossers
Top 10 Countries of Alleged Persecution

Country	Claims
Haiti	7164
Nigeria	6633
Turkey	933
Eritrea	692
Syria	692
Yemen	543
USA	517
Colombia	475
Sudan	430
Pakistan	418

Source: Immigration and Refugee Board of Canada

sentiment, Canada has to provide border crossers with necessary resources in a humane and economical manner.

Status on asylum claims made by Irregular Border Crossers

February 2017 - March 2018

Accepted ■ Rejected & Other ■ Pending

Source: Immigration and Refugee Board of Canada

Despite difficulties, the Government of Canada has to actively work with the U.S. on border security. As shown in the graph, changes in U.S. refugee policy have historically affected the number of asylum claims in Canada. Although the STCA enabled Canada to have a relatively steady asylum system, the legal loophole can trigger a large-scale border crossing. Under the Trump administration, the number of TPS holders has been massively reduced due their perceived threat to the American labor market

Asylum Claims in Canada - From 2001 to 2017

Trump has ended TP

September 11

Surge of Hungarian claimants

Safe Third Country Agreement

Leon Rodriguez led USCIS

(Warren & Kerwin, 2017). On the other hand, Canada has the lowest unemployment rate since 2007 (Mahboubi, 2018). Many provinces such as Ontario and Quebec have a shortage of low-skilled jobs (2018). Since the initial wave of asylum seekers are mostly manual labors who have been in the U.S. for many years, they could be potential source of labor that has economic benefits for Canadian economy. However, irregular border crossing should not be the only channel available for these asylum seekers. The federal government might consider offering a special type of worker visa with a cap based on employment forecast. This will not only fill the economic needs in Canadian provinces, but also help the U.S. government reduce the cost of deportation. By fostering information exchange between two countries, Canada can therefore expedite its security screening process for asylum seekers and reduce the backlog in the application process. Meanwhile, as the number of irregular border crossing has increased, the Government of Canada has to maintain its border integrity and the importance of legal procedure for refugee admission. Policy has to only assist those who are in need and offer them the legal means to do so.

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from https://www.theglobeandmail.com/opinion/article-another-summer-another-border-
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