

Immigration and disability: Ableism in the policies of the Canadian state

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Abstract

In this article, we discuss how the current immigration selection policy in Canada impacts people with disabilities. Using anti-oppressive and anti-colonial theoretical frameworks we analyze a recent example and demonstrate how the selection process to determine immigration eligibility disadvantages people with disabilities. Implications for social work are discussed.

Keywords

ableism, anti-colonialism, anti-oppression, Canada, disability, immigration

Introduction

Immigration policies of the Canadian state have historically been motivated by the economic needs of the country (Henry, 2009; Isajiw, 1999; Palmer, 2002). Henry (2009) argues that the economic motivations of receiving countries remain central today to immigration policies under neo-liberalism. The focus on economic motivations has contributed to creating preferred

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and non-preferred categories that shape who is selected to enter Canada as an immigrant (Palmer, 2002); concretely, this means that there is an economic criterion that shapes the way immigrants are perceived and their applications are processed. In this article, we focus on the way people with disabilities are perceived and treated as a non-preferred group when immigrating to Canada. People with disabilities have been considered an economic burden on the system, which has resulted in their exclusion and marginalization in the immigration process (ERDCO, 2005). We will argue that people with disabilities are still facing ableism in the immigration selection policy, which includes the selection process and the merit point system that determine who is eligible and desirable as an immigrant.

It is noteworthy that the oppression faced by people with disabilities in the immigration system is not unique to Canada. The issue has garnered attention in receiving countries such as Belgium (Abrecht et al., 2009), the United States (Groce, 2005), Australia (Soldatic and Fiske, 2009) and the United Kingdom (Roberts, 2000). Scholars have pointed to issues facing immigration applicants who are often denied entry on medical grounds. They have also pointed to settlement issues such as finding employment or seeking education. Another point of concern is the inadequacy of available social services to deal with issues of immigrants with disabilities. Moreover, the scholarship points to the intersections of racism and ableism experienced by immigrants with disabilities (Dossa, 2009; Groce, 2005).

Social work has concerned itself with immigration as a field of practice considering the complexity and multiplicity of issues that immigrants may face. These issues range from macro concerns about human rights violations and protections (Collett, 2004), to micro and mezzo level issues such as community development, and social integration including employment and education, among other issues (Nash et al., 2006; Whelan et al., 2005). However, there is currently a dearth of attention in the social work scholarship accorded to the experiences of people with disabilities related to immigration; furthermore, giving the example of disabled asylum seekers in the United Kingdom, Harris and Roberts (2004) contend that social services may not always be adequately prepared or aware of the needs and issues facing people with disabilities. In Groce's (2005) discussion of immigrants with disabilities in the United States, the author echoes similar concerns, noting the newness of this field of practice and suggesting the need for more ample examination of this issue.

Considering the experiences of ableism and multiplicity of issues that people with disabilities encounter in sending and receiving countries, this topic merits concerted examination by social workers. This topic is even more pertinent within the context of the internationalization of social work,

where global interdependence is increasingly shaping the context of social work practice (Caragata and Sanchez, 2002). Indeed, if we can no longer, and should not aim to, 'escape our increasing interdependence' (Nagy and Falk, 2000: 49), then as social workers we have a responsibility to become more aware of issues facing immigrants, including those with disabilities.

As social workers who have been involved with the disability rights movement in Lebanon, we have been critical of the treatment of people with disabilities in Canadian society and within the immigration selection policy. Having emigrated to Canada from a global South country has heightened our awareness of North–South relations and how they impact and shape immigration policies in Canada. Taking this background into account, in what follows we will rely on anti-oppression and anti-colonial theoretical frameworks to discuss how people with disabilities come to be seen as an 'economic burden' and how issues of North–South power relations may impact immigration selection policy. Using these theoretical frameworks, we will demonstrate our central argument about ableism through a discussion of a 2005 Supreme Court decision, and a detailed analysis of a recent example from the Canadian context that highlights marginalization and exclusion of people with disabilities in the immigration selection process.

Before moving into the discussion, it is important to briefly describe the current selection process and criteria of the immigration application point system, which was originally created in 1968 and has since been amended several times (Isajiw, 1999). According to Isajiw (1999: 91), the 'merit point system was modified in such a way to fit the prospective immigrants as closely as possible to the Canadian demographic and labour market needs'. As noted on the Citizenship and Immigration Canada website (Citizenship and Immigration Canada, 2010), merit points are accorded to six selection criteria for immigration applicants in the independent and sponsored classes: education, language ability in English and/or French, applicant's age, work experience, arranged employment, and adaptability, which includes having close relatives in Canada. As will be discussed below, given the history of oppression of people with disabilities, they are less likely to be able to meet the selection criteria under the current point system.

Theoretical framework: Ableism and neo-colonialism in immigration

As previously noted, the analysis and discussion advanced in this article rely on an anti-oppression social work framework, which considers oppression as a manifestation of practices of power that target particular individuals by

virtue of their belonging to specific social groups (Baines, 2007; Carniol, 2010; Mullaly, 2002). Several theorists have applied an anti-oppression framework to disability issues (Burton and Kagan, 2006; Charlton, 1998; Dossa, 2006, 2009; Leslie et al., 2003; Sargent, 2005; Sin and Yan, 2003). Linton (1998: 12) notes that:

(...) *disability* is best understood as a marker of identity (...) incorporating people with a range of physical, emotional, sensory, and cognitive conditions. Although the category is broad, the term is used to designate a specific minority group.

Oppression through ableism takes the form of othering and leads to exclusion and marginalization of people with disabilities. Young (2000: 41) considers marginalization 'the most dangerous form of oppression' and defines it as the experience of a group of people who are excluded from participation in social life.

Understood from an anti-oppression framework, people with disabilities are seen to face barriers to inclusion in society not because of their own individual 'deficits' or impairments, but because of their belonging to a minority social group in a society shaped by power relations (Morris, 2001; Razack, 1998; Scherer, 2005; Turmusani, 2003). According to Linton (1998), this exclusion takes several forms that impact on the way people with disabilities are being seen by the broader society. People with disabilities are marginalized through institutions and exclusionary policies that limit their participation in important areas such as the educational system and the workforce (Manderson, 2004; Turmusani, 2003). In the example of a Southern country such as Lebanon, people with disabilities are still largely excluded from the educational system (Wehbi, 2006). Moreover, in our experience working with the disability rights movement in Lebanon, we have witnessed how excluding people with disabilities from the educational system leads to them facing the highest levels of unemployment (Wehbi & El-Lahib, 2007).

The exclusion in education and employment that people with disabilities experience in their countries of origin has a direct bearing on their admissibility as immigrants to Canada. Within the point system, there appears to be a heavy emphasis on educational attainment and employment experience or employability. If people with disabilities lack the education and employment experience in their countries of origin due to marginalization and exclusion, they are less likely to have the necessary qualifications to meet the selection criteria in the current Canadian immigration point system.

In addition to anti-oppression, the discussion in this article relies on an anti-colonial theoretical framework, where there is recognition of unjust historical and contemporary relations between North and South (Stubbs,

1999). Colonialism is the social, political and economic practice that has drained the global South of its natural resources as well as its people through slavery, immigration and forced migration (Castles, 2002). Even if formal colonial relations may have ended, neo-colonialism continues through unjust North–South power relations operationalized through practices such as trade relations, development and social work intervention (Abram et al., 2005; Chowdhry and Nair, 2004; Dominelli, 2005; Manion, 2005; Razack, 1998; Sewpaul, 2006).

In this article, we contend that immigration policies, such as those of the Canadian state, provide an example of the institutionalization of neo-colonialism in their over-emphasis on the economic suitability of potential immigrants, thereby reinforcing a historical tendency of the North to profit at the expense of the South. Canada as a receiving country for immigrants has historically been more concerned with attracting people to suit its own economic needs – for example, such as building the railway or settling the West (Palmer, 2002). As Simmons (1998) and Palmer (2002) argue, Canadian immigration policy has historically adopted economically motivated selection criteria that have divided applicants based on preferred and non-preferred categories. If, as noted above, people with disabilities are not seen as potential contributors to the economic life of Canada, they are less likely to be considered preferred applicants. People with disabilities are assumed to be too costly to be granted entry as they are seen to be an economic burden on medical and social services systems. In fact, the selection process includes a medical examination that has been an obstacle for people with disabilities as it emphasizes their potential dependency on state resources (ERDCO, 2005).

Discussion of a recent Canadian example

The treatment of people with disabilities in the immigration selection process has been challenged in Canada by several organizations including the Council for Canadians with Disabilities (CCD), a national advocacy body, as well as ERDCO, a provincial organization (ERDCO, 2005; White, 2010). Notably, ERDCO and the Canadian Association of Community Living (CACL) argued in a Supreme Court Case that this treatment is discriminatory and based on negative stereotypes. Briefly, these organizations appealed to the Supreme Court of Canada the decision by Citizenship and Immigration Canada that had denied the applications of two families who had children with intellectual disabilities because they were seen to be a potential burden on medical and social service systems. These children had been denied access after completing the medical examination as part of the selection process.

The organizations won a Supreme Court victory on behalf of these families and other families of people with disabilities. The Supreme Court decision was that Citizenship and Immigration Canada must conduct individualized assessments of applications when there is a family member with a disability; instead of only relying on a medical assessment, 'immigration officials should consider the resources, time, personal and financial supports, as well as community supports, that families are able and willing to provide to children with disabilities' (ERDCO, 2005: 1). The defence had argued that eligibility for permanent residency should be in compliance with values of equality, the Canadian Charter of Rights and Freedoms as well as international human rights principles.

Despite this Supreme Court decision, people with disabilities continue to face exclusion and marginalization in the Canadian immigration selection process. An example could be seen in the recent case of a French businessman whose family was granted permanent residency except for his seven-year-old daughter who has a disability (Perreux, 2010). In 2005, Mr Barlagne was encouraged by the Canadian Embassy in Paris to move his business and immigrate to Canada with his family. After establishing himself in Montreal and applying for permanent residency which required medical examinations among other steps in the process, Mr Barlagne and his family were accepted in 2009 except for his youngest daughter who was considered by immigration officials as "medically inadmissible" on the grounds she may pose an "excessive burden" on medical and social services' (Perreux, 2010: A3). Although Mr Barlagne guaranteed that he would assume any financial and medical costs for his daughter, she was denied admission, even though his guarantee of support was consistent with the 2005 Supreme Court decision. Mr Barlagne hoped that his daughter would be granted admission on humanitarian grounds if Immigration Minister Jason Kenney would 'soften his position' (Perreux, 2010: A3).

The case of Mr Barlagne and others like it¹ are clear examples of the exclusion and marginalization experienced by people with disabilities in Canada's immigration selection process. Although potential immigrants may be attractive to Canada because of their potential economic contributions, ableism could prevent their family members with disabilities from being accepted as immigrants. Even though Canada portrays itself internationally to attract immigrants as a place of equality and 'exciting opportunity' (Citizenship and Immigration Canada, 2009), the official immigration selection process still categorizes applicants based on how costly they will presumably be on the system.

From an anti-oppression perspective, making admissibility of people with disabilities conditional on the guarantee that they will depend on their

families reinforces perceptions about the dependency of people with disabilities. In other words, people with disabilities are perceived as dependents who are potential burdens, not only on the Canadian state, but also on their families. The result of this perception is the reinforcement of the marginalization and exclusion of people with disabilities.

Moreover, far from equitable policies and perceptions of people with disabilities, the only hope available to applicants such as Mr Barlagne is for a Ministerial reprieve on humanitarian grounds. We would argue that this is a step back to the charity model, which portrays people with disabilities as objects of pity needing humanitarian assistance (Cameron, 2007; Clare, 2009; Razack, 1998). Charity is advanced as the solution instead of creating a socially just and inclusive immigration selection process that guarantees the rights of immigrants with disabilities. What can be concluded from this example is that people with disabilities are not considered 'preferred' or 'desirable' to be granted entry through the current selection process. The treatment of people with disabilities in this process is a concrete example of how Canada contradicts its commitment to equality and human rights promoted by the Canadian Charter of Rights and Freedoms.

Furthermore, in Mr Barlagne's case and in the Supreme Court decision, individualized assessments are advanced as the response to the exclusion and marginalization faced by people with disabilities in the immigration selection process. We argue that this reliance on individualizing responsibility for disability is highly problematic. Placing the emphasis on individual assessments and the families' abilities and willingness to support their family members does not address the structural causes or barriers that lead to the marginalization and exclusion of people with disabilities. Individual assessments attempt to guarantee the rights of people who can afford to take care of their family members, but do not challenge the injustice that prevents other people with disabilities from entry into Canada. Hence, the question becomes: what about those families who cannot afford to guarantee the economic support necessary to convince immigration officers that their family members would not be a burden, placing excessive demands on the system? Clearly, individualized assessments in the immigration selection process are not the answer to the structural exclusion that people with disabilities face as a social group.

Moreover, if Mr Barlagne, who had the economic ability to support his daughter, was unable to ensure that she would be accepted as an immigrant under the current selection process, what does this tell us about whether Canada is actually respecting its own Supreme Court decisions and its commitments to its values of human rights and the Charter of Rights and Freedoms? We would argue that the above case example is a clear indication that ableism continues to influence the immigration selection process. In

fact, ableism is so strong in the Canadian immigration selection process that it can override a Supreme Court decision and a national commitment to equality and human rights values.

In addition, from an anti-colonial perspective, we would argue that denying entry to people with disabilities from the South is an act of neo-colonialism. As previously noted, since they do not fit into the preferred category of applicants that is based on social, educational and economic status, their worth is assessed based on their potential economic contributions to Canadian society. Far from seeing their potential contributions, the application process highlights their potential dependency and burden in terms of medical and social care. The Canadian immigration selection process has proven to be mostly concerned with the economic worth, costliness and potential economic contributions of applicants. If this is the case, what are the chances that a poor and disabled applicant from a global South country would be accepted as an immigrant? In the case of people with disabilities from poor backgrounds who would not be able to afford to pay for their own social and medical care, they would likely experience exclusion and marginalization in the immigration selection process. In other words, if, through the immigration process, Northern countries such as Canada are preferring privileging people who they do not consider to be a burden, then the North is once again taking from the South what it considers to be the best only to suit its own economic needs.

Recommendations and conclusion

In this article, we discussed the exclusion and marginalization of people with disabilities in the Canadian immigration selection policy including selection process and criteria. Relying on anti-oppression and anti-colonial frameworks, we argued that this process reflects and reinforces ableism as well as inequitable North–South relations. Through an analysis of a case example, we demonstrated how this exclusion and marginalization are concretely apparent in the selection criteria and process. We would offer several recommendations that could move the immigration selection policy from being oppressive to becoming more inclusive of people with disabilities. Social workers have a role to play in creating this change, especially considering the profession's commitment to human rights and social justice (Dominelli, 2007; Ife and Fiske, 2006).

The first recommendation is to challenge structural barriers in the selection process. As discussed throughout this article, the point system and selection process are structurally constructed in ways that deny people with disabilities entry as immigrants. Barriers can be seen in the emphasis on education and employment, which are areas where people with disabilities

have typically been excluded and marginalized. Moreover, the necessity of undertaking a medical examination focuses on people's impairments and how they might be considered excessive burdens, instead of seeing their potential contributions to Canadian society. In addition, this requirement makes disability a private issue to be dealt with in the family, and deflects attention from the structural issues that create barriers for people with disabilities. Challenging these structural barriers requires Canada to reconsider the selection criteria and process for applicants with disabilities, as well as challenging ableist and capitalist notions about productive bodies.

As social workers, we can play a political role in advocating for this change by becoming more actively involved in disability rights movements and supporting the work of lobbying bodies such as the CCD, and becoming more aware of disability rights issues in general. Indeed, authors such as Carey (2003) and Meekosha and Dowse (2007) have challenged social work to shed disabling medical discourses of people with disabilities and to contribute to interventions that resist ableism. In this regard, an important possible contribution by social workers would be to conduct studies on the under-researched area of immigration and disability. Considering our involvement in settlement agencies as well as other organizations working on immigration issues, whether non-governmental or run by the state, we are well placed to explore in-depth the experiences of people with disabilities by conducting research. Beginning to build a knowledge base on this issue could provide direction to future lobbying and other intervention efforts.

Along with conducting studies, social workers in general, and especially in settlement and immigration services, need to be highly politicized about national and global politics in terms of their understanding of issues as well as their actions, as this has a direct bearing on their work. Mary (2001) notes the need for social workers to become more politically aware and engaged. This is especially relevant within an ever-changing political climate that is less than favourable to immigrants from the South, as the rise of rightist political parties has swept countries in the North such as Canada.

Another recommendation is the need to address unjust North–South relations. Social work scholars have argued for social work responses that address inequitable global relations and for the profession to play a part in advancing an anti-colonial agenda (Abram et al., 2005; Dominelli, 2005). As noted above, the immigration selection policy has historically concerned itself with benefiting Northern countries such as Canada at the expense of countries in the global South. This history repeats itself today through neo-colonialism, which can be seen in how people with disabilities who cannot afford to support themselves or be supported by their families are considered an economic burden and seen to place excessive demands on the system.

A final recommendation would be to structure immigration selection process and criteria based on a mutual and equitable relationship between North and South. In other words, when Canada receives immigrants, the focus should not only be on what Canada is gaining through this process. A more equitable relationship means that the needs of immigrants and their countries of origin as well as those of Canada are all taken into account in the immigration selection policy. As social workers concerned about issues of North–South inequity, we need to become more actively involved in challenging discourses and practices that maintain the imbalance in favour of the needs of receiving countries. We also need to counter discourses that posit Northern countries as lands of opportunity and humanitarian assistance by pointing to the intersections of ableism and racism in the experiences of people with disabilities, and by highlighting the multiple gains that Northern countries have garnered historically and in contemporary times as a result of colonialism and neo-colonialism.

In ending, as social workers and disability rights activists, we believe that Canada, as a country that has traditionally received immigrants, has the responsibility to challenge its oppressive structures and to broaden its immigration selection policy to include more than just responding to its own economic needs. In doing so, Canada would not only be committing to its own values and principles of equality and human rights, but would also become a global role model of equitable North–South relations and the inclusion of people with disabilities. Social workers who embrace the values of human rights and social justice have a responsibility to advocate and to address these inequities in ways that resist the continued marginalization and exclusion of people with disabilities.

Note

1. Two recent cases provide examples of the oppression of people with disabilities in the immigration and refugee process: the case of Abdelkadir Belaoui (see <http://soutienpourkader.net/en/media.php>), and that of Laibar Singh (see <http://toronto.nooneisillegal.org/node/245>).

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