

Dear reader,

I wanted to start by taking you to some of the places that help me think about status and its articulations as jostled through pandemic times. I'm still working on my literary and analytical connections. I'm still collecting data. I'm still playing, and the writing is only roughly edited. This is only a quarter of a chapter, which itself will maybe one day be a sixth of my dissertation, or something like that. Or maybe its an article? Or maybe its just a brainstorm. Like I said, I'm still working through things. Looking forward to discussing with you all. I'm mostly interested in thinking through this idea of the four status discussions in places, and tracing their political entanglements, and how they shape commonly held understandings of who belongs. I haven't talked about race or gender in the section below, but both will come in in subsequent sections, and as I add more ethnographic data, as both are key to understanding what status is doing. I also want to talk about border death and going south into the US, which will be integrated as a thicken and tighten my discussion of the safe third country agreement. OKKKK

Xo

J

Bordering through Status, and what Status' Workings: Framing the fight for Status for All

The list is by now familiar: citizen, immigrant, asylum seeker, international student, temporary foreign worker, refugee, humanitarian asylee, undocumented, illegal, deportable, alien, pending – the proliferation of statuses which name the legal relationship between a human being and a country are a feature of the contemporary nation state. Critics have argued that repeating these categories reinscribes the post-colonial border violence inherent to the stratification process, and that the umbrella term ‘migrant’ is more suited to a politics contesting the hierarchy of legitimacy which brutally limits the rights of people on the move (Sharma, 2019; **many others I should add**). While I follow this logic, and share the project that it entails, in a world so entrenched in its unevenness, so bureaucratized in its hierarchies, a momentary return to the categorical and its hostile logics may help guide our analysis of how status frames not only migrant life and the terms of belonging, but also the machinations of political actors, and the ever evolving definition of what makes a given nation the place it ‘thinks’ it is.

As Horton and Heyman argue, status and documentation are “fertile ground for examining the relationship between migrants and the state” (2020, p.15). To be considered in terms of law, as Colin Dayan (2011) argues in *The Law is a White Dog*, has bearing on personhood, and the possibilities that that personhood confers. At a fundamental level the fight for status is a demand for state recognition. Full immigration status materializes political (if not social) inclusion, and the benefits of social goods and rights; yet seeking status can be an exposing, dangerous, and ambivalent process in which legally and often materially insecure people must produce a paper trail which makes their presence legible to the state in ways that produce either eligibility or ineligibility – with all of the life altering impacts that such a determination brings (Boehm, 2020).

While it is doubtless that status is important to the lives and life possibilities of intensively precaritized groups of human beings, and that legal precaritization is what undergirds so much of the work essential to the life-making practices (see my chapter on social reproduction) that define the ‘standard of living’ in wealthy countries, what other work does status do?

The multiplicity of statuses creates a membership hierarchy which forms a productive framework, and status matters not only to migrant people, but also as a scaffold for political identities and electoral struggles. Placing limits on people’s access to the full rights is also a legal tactic that gets work done, and rebundling migrants into different groups can serve to fill labor shortages in dangerous and low-paid work, while keeping official immigration thresholds low, or (as we will have seen in the chapter about social reproduction) limiting workers’ access to the benefits of the social state. “To think legally”, writes Dayan, “is to be capable of detaching ways of thinking from what is being thought about” (2011, 12). Status encloses migrants in legal frameworks, which then makes them susceptible to framing by political actors, who use them as foils against which to position themselves. All of this shapes not only the law, but the discourses and material social practices that define and redefine nations and their places in the world. When precarious statuses are allocated in ways that emphasise a broader racial capitalism, what kind of places do they make of the nations and states that doll them out?

In this chapter, I look at the way status works, and puts people to work. To do so, I look at the stakes of status through four key places that I encountered in the course of my research which began in the early pandemic, and finished in 2023. Each ‘place’ I consider is associated with the politics of a specific status. The first place is Roxham Road, associated with the politics of asylum. The second is a chicken

farm in Abercorn , Québec, an exemplar of the problems with the Temporary Foreign Worker visa status that the vast majority of migrants in Canada hold. The third is Québec City, where the women's committee of the Immigrant Workers Center organized a protest in 2022 in front of the Provincial Ministry of Labour, where undocumented women, many of whom had been abused under Canada's Live in Caregiver program, challenged the closed work permit system, and made the demand for status for all. Finally, I look at the Dollarama workers campaign in Montréal, in which international students, most of whom studied at 'phony' campuses, are funnelled through the temporary agency system, to work backbreaking warehouse jobs. My goal here is to look at how statuses shape migrant life, political-economic discourses, and the definition of belonging, and how this was jostled in pandemic time. I use these cases to illustrate the nefarious ways nations and nation states border through status, to frame the fight for status for all, as a necessary step in undoing border imperialism (Walia, 2013).

PLACE 1: STATUS, ASYLUM AND A CRACK IN THE BORDER

You've probably heard of Roxham Road

Roxham Road is a place, a synecdoche, and a stage. It is, in a material sense, two dead ends, nearly touching, each implying the other.

Roxham is legally an 'unofficial' port of entry, and since 2017 (see figure 1) it has been where the majority of asylum claimant crossings into Canada have taken place (Côté-Boucher, Vives,& Janard , 2022). Unofficial though it may be, the last years have seen it consistently staffed by Canada Border Services Agency (CBSA), Canada's border police, who detain migrants and then process asylum claims or turn them away. It was its popularity as an 'unofficial' port of entry that made Roxham Road the shorthand for the politics of asylum in Canada. In this capacity, it

became a key stage in the contest over the status of Asylum and the layered grounds of membership in plurinational, multicultural Canada, and intercultural, Québécois Québec.

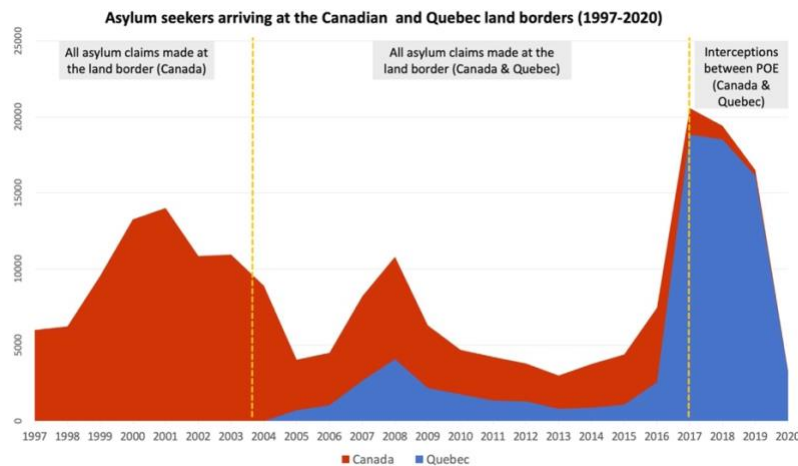


Figure 1 Proportion of asylum seekers crossing into Québec. Source: Côté-Boucher, Vives, & Janard, 2022

Some 50 km south of Montréal, Roxham has been in use since the early 1800s, before the Canada-US border was defined from coast to coast, but after the establishment as the 45th parallel as a part of the evolving project of defining the border. For most of its history, the road was uncontrolled, with residents passing freely between New York and Québec as a matter of daily life.

A small building sits on the edge of the country line, with a weathered fence lined with tulips and climbing plant trellises, hung with a bell Canada satellite. It was built as a customs station, but that has not been its use since the 1950s. The Canadian government put barricades up on all uncontrolled borders in the lead up to the 1976 Montréal summer Olympics, as a security measure in response to the terrorist attack at the previous summer Olympics in Munich (CLUI, 2015). Electronic surveillance was installed in the 80s (ibid.).

Built on the unceded land of the Kanien'kehaka people, eight kilometers long and two lanes wide, but for a few meters of removed pavement, today Roxham would connect Perry Mills, NY to Saint-Bernard de Lacolle, Québec. If you are not in a car, but rather on foot, the connection is easily made. If you make it, a short kilometer up the road, is Roxham's northern edge, the Montréal region's premiere outdoor zoo, known as Parc Safari. This place, so close to where arctic wolves, spotted hyenas and Japanese macaques, live in detention side-by-side, has not been an official port of entry into Canada or the United States for decades.

Loopholes

The legal construction of the 'official' port of entry finds expression in the Canada-US Safe Third Country Agreement (2004), which is itself a legal legacy of the border clampdown that following the 9/11 attacks in 2001. The document establishes both the US and Canada as 'safe' countries, and makes it impossible to make a claim for asylum status in one country from the safe place which is supposedly the other. Clampdown though it was, the agreement presented a pair of loopholes for border actors. For the states who create them, safe third country agreements offers a loophole in the principle of *non-refoulement* laid out in the 1933 Convention Relating to the International Status of Refugees (Gil-Bazo, 2015), and thus creates a legal pathway around international law.

For migrants, until the agreement was changed in March 2023, the loophole was to be found in the language of 'official ports of entry', which rendered their logical inversion, 'unofficial' ports of entry as ripe claims making spaces. Unofficial ports like Roxham Road provide the opportunity of to attempt to claim refugee status, and acquire temporary status in Canada until

the claim was heard. With an irregular, unofficial, yet legal pathway and a policing infrastructure, for a time Roxham was a valuable and relatively safe way to move across international lines and bureaucracies. This was the case until Biden and Trudeau's joint announcement in March 2023 of a renegotiated agreement that closed off the legal loophole and made irregular crossings inadmissible to the asylum claim process.

Safe-third country agreements, such as the Dublin III Accord, or the agreement between Canada and the US are a part of the broader trend towards what Alison Mountz has called the 'death of asylum' (2020), an institution now so foreclosed by border externalization, militarization, and legislation that it might be considered to be in a phase of terminal lucidity. It is assumed, and has already been realized, that the closure of this loophole will result not in decreased migration, but increased migrant death, as a result of the closing off of safe and legal pathways to cross the border. The recent death of

The synecdoche, the stage

From the janus faced welcome statements from the Trudeau government, which position themselves on the moral high ground on the slope of inclusion¹, to the expected securitization narratives coming from the federal Conservative opposition; from Québec premier François Legault's xenophobic fearmongering about integration capacity and cultural threats, to the emergence of the Status for All coalition built on the back of the Noone is Illegal movement

¹ After Trump's election and instatement of the 'Muslim Ban', Trudeau famously tweeted "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada" Trudeau tweeted on January 28, 2017." This was followed by many migrants fearing the end of temporary protected status in the US, making their way to the Canadian Border through Roxham.

which began years before. From Mayor Eric Adams' bussing program which took asylum seekers north to Roxham to take pressure off of the shelter system in New York City, to Legault's open letter to Trudeau in which he suggested migrants should be bussed to other provinces while Québec 'catches its breath' - over the course of the last six years this line between two dead ends has been hung with political plays in the games of electoral and activist politics, like so much laundry, the clean with the dirty, all hung out to dry together.

This will lead to a brief discussion of the pandemic era Guardian Angels program, and the way that Quebec curtailed essential workers who were asylum seekers (more developed in another chapter). From here I want to connect the status of 'asylum' to the failure of asylum as an institution but also for individuals. The closing of Roxham road along with the rest of the unofficial ports of entry will create many of the non-status people in Québec not through lapsed status (rejected humanitarian claims and lapsed temporary foreign worker visas are the most common reason people are undocumented), but through ever more dangerous 'illegal' crossings, as we see on the southern border of the US, and in the Mediterranean, etc.

PLACE 2: TEMPORARY, FOREIGN, PLANTATION POULET



Migrant worker narrative, abuse, pandemic restrictions, Binatou's story. Discussion of the TFW program. Open and closed permits. The hiding of TFWs from immigration thresholds. Getting the work done, keeping racialized workers out of the nation, hiding the whole thing in plain sight.

PLACE 3: LAPSED STATUS: FEMMES SANS-PAPIERS VS EMPLOI QUÉBEC

PLACE 4: FAKE SCHOOL STUDENTS OF DOLLARAMA OR STATUS FOR ALL
PROTEST IN OTTAWA

PLACE 5:??? AWEKASANE BORDER DEATHS - On March 29, two families of four died while attempting to cross the St. Lawrence River from

Canada to the U.S. Their bodies were found in Akwesasne Mohawk territory which straddles the Canada-United States border. Media coverage quickly began to frame the fatal incident as an issue of illegal human smuggling.

DISCUSSION