



True North In Canadian Public Policy

Straight Talk

Dec. 2012

Scott Newark on immigration and national security

This is the first instalment in a dedicated six-part series of the Macdonald-Laurier Institute's Straight Talk on the subject of immigration and national security with nationally-recognized expert Scott Newark. This instalment looks at the big questions involved in maintaining high levels of immigration.

MLI: Most Canadians want our society to remain open to immigrants and the contributions they make. But are there questions we need to ask about very high levels of immigration and how we make sure the typical immigrant is able to assimilate into Canadian society instead of living in what amounts to foreign enclaves within Canada vulnerable to radicalization.

Newark: That is certainly something that the current Minister has spent a lot of time on. The ministry has just released several very detailed studies of which factors lead to more successful or less successful integration. It's a much more evidence-based approach than we had in the past which I think is a very good thing.

MLI: Empirically, are they finding that relatively successful or unsuccessful integration is connected to place of origin, socio-economic status, or something else?



Scott Newark's 30-year criminal justice career began as an Alberta Crown Prosecutor, with subsequent roles as Executive Officer of the Canadian Police Association, Vice Chair and Special Counsel for the Ontario Office for Victims of Crime, and as a security and policy advisor to both the Ontario and federal Ministers of Public Safety.

Newark: Actually one very major thing turns out to be how well they speak French or English. Another is whether skilled immigrants are able to get the kinds of jobs they're trained for. And one reason why we really do get the stereotypical problem of engineers driving taxis is that, in Canada's federal system, much of the trade certification is done on a provincial level. So even if someone gets certified in, say, Quebec, if they move to Manitoba they have to start over again. One other weakness they identified was in the "economic" class of immigrant (the others being "family" class and refugees). They discovered that the bureaucracy was not particularly efficient either at matching skilled workers with trades or matching investors and entrepreneurs with business opportunities.

MLI: Is this a problem of not helping people find the right opportunities once they are approved as immigrants, or is the problem that we're not good at selecting immigrants whose talents match up with our economic needs?

Newark: Mostly the latter. That's why Minister Kenney is now directing his officials, for example, to involve local employers more in identifying and selecting specific immigrants for particular skilled trades that are short of workers. You're also seeing that out west at the provincial level, with the Premier of Saskatchewan going off to Ireland to promote particular opportunities within his province. Other prairie provinces are developing similar initiatives as part of what are known as "provincial nominee programs", where basically the provinces screen immigrants and move those with needed skills toward the front for processing by the federal government, which still makes the actual decision. Most provinces have been very successful at that. Ontario has been an unfortunate exception and is doing a very poor job. Getting this right isn't just important for the Canadian economy, but for integration as well. People who come here for opportunity and find it are much more likely to integrate successfully into our society. I think we are headed in the right direction.

MLI: When tracking integration success or failure, do we also examine factors that lead certain kinds of immigrants to end up either in criminal activities or on social assistance?

Newark: To my understanding, no. We don't even track how many non-citizens were convicted of criminal offences that could have resulted in deportation but were not deported and went on to commit more crime. That would be very useful information about how well the system is performing and what the consequences are when it fails. I recommended collecting this kind of data in an analysis of crime statistics that I wrote for the Macdonald-Laurier Institute in 2011 and it's still a good idea. And when it comes to dependency, it's also grounds for inadmissibility if you can't support yourself so those are definitely relevant questions.

MLI: One of the things that could seriously undermine public support for a welcoming immigration policy, especially since 9/11, is some kind of immigrant involvement in terrorism. Other than screening individuals more carefully, are there any big picture things you think we should be doing differently to try to minimize that threat?

Newark: As you know, Section 34 of the Immigration and Refugee Protection Act says you're not admissible as an immigrant if you've engaged in terrorism or pose a danger to the security of Canada. But the challenge we need to face when it comes to immigration and national security goes far beyond someone showing up with the equivalent of an Al-Qaeda membership card or a proven history of association with that kind of group. We need to think hard about what I would call 'Islamism', the political Islam that has absolutely no interest whatsoever in integration; that is intolerant and unyielding and absolutely committed to eradicating Western values.

MLI: You're talking about people who might not throw bombs, but who actively tell fellow immigrants not to become like Canadians because we are infidels?

Newark: I think it was Daniel Pipes who said these people hate us not because of what we have done but because of who we are. Sometimes, especially in Canada, we tend not to think of ourselves as having a culture. It is sort of that wonderful western or English arrogance that we have universal human values and that only other people have 'different' cultures. The truth is that we actually do have a culture and it's based on concepts not found or admired

everywhere like freedom of speech, individual liberty, rule of law, and gender equality. And we need to get our minds around the fact that there are people who are determined to see these societal concepts eradicated including from within after they've immigrated to Canada.

MLI: So we're talking about beliefs rather than actions that would make you inadmissible?

Newark: Yes although it's more than simply a personal belief system. The concern with this group is not the physical actions of planting bombs or killing people; it is coming to Canada to tell people that homosexuals should be put to death and women are unequal and secular democracy and individual rule of law should be replaced by Sharia law. Those things, in my view, are threats to our basic security in the sense of maintaining the kind of society that we are and the kind of culture we have. I think we need to adjust to the changing aspect of security threat by revising the law both to deny entry and to revoke acquired citizenship for persons who are actively promoting the eradication of our culture even if it's cloaked as 'religion'.

MLI: I saw a news story where there were complaints about New York police having some mosques under some kind of surveillance. But then some New York Muslim leaders spoke up and said they should keep an eye on the strange stuff happening in some of those places. In that sense, would better surveillance of homegrown radicalism actually be a pro-immigration policy?

Newark: Absolutely. How many people, including those from Islamic countries, have come to the west and Canada in particular, to get away from theocratic, authoritarian rule and want no part of this? They want better lives for themselves and their families, especially the female members. There have been questions raised about Saudi funding of mosque and Islamic learning centres in Canada and what strings are attached to that funding. We want to respect freedom of religion, obviously, but you want to make sure something is not going on that is essentially subversive of our fundamental values. Among the clearest Western Muslim voices raised on this issue are Zuhdi Jasser in the United States and Tarek Fatah here in Canada. The bottom line is that tolerating intolerance in the name of toleration is potentially dangerous. These are not easy issues by any stretch of the imagination, but not having your head in the sand is a good place to start.

MLI: And there is a lot of sand out there. Are there things you think we should be changing in terms of international agreements and arrangements in order to stop the bad apples from spoiling the immigration barrel?

Newark: Yes. It is logical on a variety of fronts. As with the perimeter agreement with the US, it makes sense to try and confront a problem *before* it arrives at our border. It's important to do a better job through intelligence-led screening of exactly who it is that seeks to enter our country because, to be blunt, it is inordinately difficult to remove someone *after* they are here. That was one of the biggest lessons of the Sun Sea human smuggling incident. After it happened, the Canadian government set up a special division within the Privy Council Office to seek better co-operation and collaboration with the countries these people were coming from, including Thailand, Sri Lanka, and India, so source countries can stop organized criminal human smuggling before people get on ships and head to our shores. Canada and the US also recently announced an agreement against human trafficking, which matters because it so often involves smuggling people across our mutual border. Two key points need to be made here. First, we need to use all our resources and that includes the Canada Border Services Agency. Second, intelligence-led enforcement is the key. We're in difficult financial times but cutting the intelligence capacity of groups like the RCMP and CBSA will undermine our entire effort so that's something to watch out for.

MLI: How about with other countries?

Newark: We need to do a better job of sharing defined information on both crime and terrorism with other international partners and to promote the use of international UN sanctioned refugee centres for processing refugee claims abroad. Speaking of the UN, I think there's remarkable hypocrisy in our being unable to send people back to certain countries because we signed the United Nations Convention Against Torture, when those countries signed it

too. We should be raising the issue of non-compliance with the convention at the UN and trying to make some of the rules more enforceable or have some consequences for countries who do not comply. We could also sign detailed agreements with specific countries to ensure we could return people who were convicted of crimes or had radical associations to each other's countries and make sure there would be no potential of mistreatment that prevented deportation.

Overall, improving screening and eliminating unnecessary backlogs would help increase public confidence in our immigration system. As I've said before, the key is 'intelligence-led enforcement', which is the cornerstone of the Canada-US Border Agreement and which works internationally as well.

MLI: Are there any other big picture things that we ought to do in order to ensure we do not have someone kick the welcome mat aside?

Newark: In my experience, the biggest obstacle is an institutional issue that goes far beyond just the immigration system. Government, both political and bureaucratic, frequently has a hard time admitting that everything they do isn't perfect. Bureaucracy in particular tends to regard bad news as something that needs to be suppressed for the good of the organization which is really counterproductive. We're dealing with human systems that cannot guarantee perfection and that's just reality. If someone gets through the screening process that shouldn't have, or is continuing to commit crimes despite being deportable, then an essential part of the system's integrity and performance is its capacity to recognize a defect and then take action to fix it. Ignoring flaws is the best way to ensure they are repeated. Fortunately, Immigration Minister Kenney and his officials appear to have embraced this need for candour and evidence-based reforms appear to be on the immediate horizon. The reforms proposed in C-31, for example, regarding biometric screening and streamlined processing and adjudication in defined circumstances are based on practical experience and a stated determination to improve system performance.

MLI: So frank discussion is a good thing?

Newark: Yes, and that's also why it's encouraging that about a year ago the government started public consultations on what people think about immigration and who should be coming to the country. The better people integrate into this country, obviously, the better it is not only for them, but for us as well. We are clearly confronted with different kinds of security challenges than in the past and we'll never completely eliminate security and criminal issues with new Canadians any more than we can with people born here. Having said that, dealing with things on an open and honest basis is the best way to ensure both integrity and security when it comes to immigration to Canada.

Recommendations

- 1) Enhance tracking and reporting of information, both positive and negative, relevant to immigration systemic performance for the purposes of supporting informed policy development.
- 2) Amend the Immigration and Refugee Protection Act and the Citizenship Act to create a ground of inadmissibility and acquired citizenship revocation for persons advocating or promoting the following: cultural, religious, or racial intolerance; gender inequality; or the elimination of any secular democracy, individual liberty, or the rule of secular law for persons within Canada.
- 3) Continue to promote an international intelligence-led border and immigration security strategy, including ensuring the domestic allocation of sufficient resources for that purpose.



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