

Intersecting Worlds: A Study of Immigration,
Globalization, Human Rights and Social Justice in
the United States and Canada

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INTS 371 and SOC 487
Dr. Matias Margulis and Dr. Rodney Coates
December 2, 2013

Introduction

In our increasingly integrated and globalized world, placing things into their global perspective helps us to better understand what is happening, why it is happening and most important what we should do about it. In this paper we will examine the intersection of several key factors in our globalizing world. We will be answering the question: How do the immigration systems of the United States and Canada respect human rights and produce social justice in a globalizing world, and likewise, how do they fail to respect both of these ideals? We will be elaborating on the successes and failures of both of these countries with respect to these issues and arguing that there are numerous points at which we can improve in our treatment of immigrants and migrants in our countries. And finally we will reflect on the similarities and differences between the American and Canadian immigration systems in regards to their treatment of these issues.

To accomplish these goals we have divided this paper into three main sections: globalization, human rights, and social justice. We will be asking the questions: how has globalization impacted our immigration systems in such a way that it makes it difficult for us to respect human rights and social justice, how do our immigration systems respect and fail to respect human rights and social justice, and finally we will recap and briefly discuss our conclusions.

United States Case Study

Globalization

As two of the foremost economic powerhouses in the global arena, the United States and Canada continuously engage in activities explicitly aimed to elongate the radii of their economic spheres. This propagates the flow of ideas, capital, and goods currently

circumventing the globe while operating the unambiguous angle of increasing global interdependency via the process of economic globalization. What begs to be investigated is the prevailing relationship between policies promoting economic globalization and observed migration trends into the U.S. and Canada.

Countries whose societies emerged from migrant episodes and claim to stand for liberal principles towards fairness and equality would have immigration systems which reflect these fundamentals. However, the contention surrounding current immigration policies negate this presumption, and no definitions exist for absolutely “correct” and “just” immigration policies. The divergent legitimacy/morality of contemporary immigration and associated policies stemming from economic globalization is evaluated on whether or not American and Canadian systems preserve human rights as sincerely as they allege or neglect them.

The United States historically has been, and is, a receiving country of large migrant populations. Analyzing the implications of immigration in relation to economic globalization led to investigation of a migratory phenomenon known as “brain drain”. *Brain drain* migration refers to educated or high-skilled individuals departing their native origins in order to procure work in nations with more substantial economic sectors. Individuals proceeding along this path tend to come from nations with smaller economic radii, ones which cannot match the wages and salaries that are afforded to those with higher skillsets elsewhere. The United States, along with other members of the Organization for Economic Co-operation and Development (OECD) tend to be on the receiving end of the brain drain process, as they maintain high-income economies,

relatively stable political and social environments, and high Human Development Index ratings.

The most prominent aspect lending this advantage of being a brain drain country stems from the composition of the U.S. economic sector, which contains a myriad of cutting-edge industries demanding highly skilled persons. In conjunction with scientific innovation and technological advancement, economic globalization offers a wider base of “white-collar” positions and corresponding higher wages to those of a certain caliber. However, a certain degree of competence is needed for positions of higher pay, and such fitness generally accompanies completion of higher education. The education systems of developing countries continue to be wanting of almost all resources that the preeminent universities and institutions utilize and an advanced-state economy mandates. Gross enrollment of individuals in higher educational institutions in the United States has increased or remained steady every year as a superior percentage relative to the rest of the world. The few individuals that do manage to reach higher intellectual consciousness in developing countries are reluctant to stick around and share their new skill sets, and thus brain drain ensues.

In effect, economic globalization not only increases competition among industries, but also it tends to increase the competition over occupants of industrial positions. US economic high points combined with political and social conditions, lend to its being an idyllic destination for contemporary immigration episodes. Large economies generate and necessitate a wide base of employment opportunities, which is further augmented by the fact that value of currency is monumentally greater than those with smaller economies. Larger economies informally welcome illegal migrant episodes, because businesses are

able to exploit currency value disparities and ignorance of immigrants by paying them less than what would be afforded by minimum wage laws. The notion of relativity is illuminated by the fact that small wages in the U.S. or any high-income economy are not so small when compared to economies of developing nations. In fact, remittances are the second largest monetary inflow to developing countries and are claimed to enhance and amplify general living standards. This provides post-modern benefits to both citizens of the US as well as the immigrant and their families. However, America supports a dangerous trend in permitting only those with certain qualifications to reap the benefits of this wealth, as this simultaneously encourages the human-capital flight and illegal immigration, which generate perspectives of relative justice and negate liberal principles.

Human Rights

Human rights are typically defined as basic rights for survival that all people are entitled to; they are inherent and help to govern society by shaping the lives of people. They are thought to be universal, free of discrimination and a method of creating equality among people all around the world. However, among people across the world, the exact specifications of what is included in the definition of human rights can vary. To help define the rights that uphold every person's right to freedom, justice and peace, the United Nations constructed the Universal Declaration of Human Rights. These freedoms cover education, speech, religion, health, choice, etc. Although there is no legal enforcement of this Declaration, it is the hopes of the UN that eventually all countries will have signed the Declaration and adhered to its standards. One of the specific articles

in the Declaration outlines the right for people to leave their country freely, move within borders, and return willingly to their country as well (United Nations 2013).

When it comes to US immigration, cases of abuse of immigrants' human rights are a growing concern. Possible causes for this are the hostility many Americans feel towards immigrants, especially those from Mexico. To many Americans, immigrants are outsiders who are using American resources and taking American jobs unfairly, in spite of the fact that the United States throughout history has depended on immigration for its growth. The number of illegal immigrants currently living in the US is just over 11 million (Preston 2013). Most of the violations of human rights in the US have to do with opportunity, treatment, detention and deportation of illegal immigrants (Human Rights Watch 2013). However, many legal immigrants struggle with the threat of the same issues when they face visa expiration and the system does not accommodate their desires to stay legally. Many of the problems of maltreatment are hard to improve because undocumented immigrants simply aren't offered protection under US laws because of their status. Immigrants come the United States with the promise of success and freedom, however, when they arrive, reality is often very different than they expected and the opportunities are much more scarce than first believed. The US does not allow much room for unskilled workers in their immigration system; however, it has come to rely economically on several industries that primarily have undocumented, underpaid workers. There are a lot of stolen opportunities in education as well, both for documented and undocumented students.

The outlooks for those attempting to get into the United States as legitimate workers and that for workers who are foreign born to join the workforce are both quite dismal depending on where they are from. For those immigrants who have a higher education, the immigration process is time consuming but rewarding, and they are welcomed into American culture. For those who do not have such education, the workforce in America is an unforgiving place. They tend to work harder jobs, for longer hours and less pay than their native counterparts. The inequality gap between immigrant workers and native workers is quite large. The migrant workforce is also largely composed of illegal immigrants who are estimated to make up 40% of the workforce (Carrington 1999). For those workers who are illegal immigrants they have to work “under the rug” jobs that do not have the same worker rights that natives in the workforce allow. For those jobs that immigrants tend to work, the quality of work is normally much more demeaning, hard, and the work environment is more abusive than at most other labor jobs. This is particularly true for immigrant women, who tend to work as nannies, which can be very stressful and degrading. “The work life of recent Latina immigrants is much more taxing than their American and European counterparts; long hours, lack of privacy and freedom, low pay, and other less tangible attacks on identity, make live-in work the least desirable position in the domestic employment chain” (Moss 2003). It is also important to note that although women are more likely to legally enter the US, as a result of their higher education, they tend to be represented less in the immigrant workforce; they also tend to make significantly less than their male counterparts and domestic women (Carrington 1999).

Social justice is therefore an important issue in the lives of immigrant workers, who tend to work harder, longer, in less ideal environments, and for less pay than their American counterparts. More specifically, one should seek economic justice as a basis for a theoretical foundation for change strategies that would help these immigrants. The Kelso-Alder Theory of Economic Justice is a theoretical framework that we can use to measure the level of justice in a social structure, give us a basis for judging a social process as socially unjust, and as a guide to help us suggest viable legislation and social change strategies that help to eliminate injustice. The theory is based on 3 principles: participation, distribution, and harmony. In essence, an economic system must give equal access for opportunity, must have legal ownership over their capital and private property, and must have social mechanisms in place to combat greed and monopolistic practices available to all persons (Center For Economic and Social Justice 2013). The immigrants face economic injustice because they do not have equal access to opportunity and do not have effective social mechanisms to combat exploitative business practices.

If one were seeking economic justice in the United States, one would work to enact legislation and build social mechanisms designed to give equal opportunity and the ability to combat injustice to immigrants. The most important facet of this is equal educational opportunities to immigrants. Often immigrants are unable to learn English because of lack of opportunities in their own country. Social programs that provide English learning services, particularly for the children of immigrants, will likely have the most sustainable and long-lasting impact on economic injustice. Community organizing and labor union participation is another social mechanism that can work towards eliminating economic injustice, because it gives immigrants a basis for combating the

exploitative business practices that put them in a worse situation than their domestic counterparts. In order to do this, however, one must first combat legislation and cultural constructs that delegitimize the case of the immigrant. Lastly, there needs to be an equal access to educational opportunities for all people, in order that they might become economically self-reliant (Garcia 2013). Children of illegal immigrants are unable to attend college because they do not have access to the paperwork necessary to properly apply. Children and their descendants will only be further downtrodden if they do not have equal access to opportunities. Academic achievement and educational aptitude should be the basis for college admission, and thus higher status in the economy. The citizenship status of one's parents is not a justifiable practice to exclude college applicants. These changes will work towards sustainable change that will reduce the amount of economic injustice in the United States.

Canada Case Study

Globalization

Shangquan argues that economic globalization refers to “the increasing interdependence of world economies as a result of the growing scale of cross-border trade of commodities and services, flow of international capital and wide and rapid spread of technologies” (Shangquan 2000, 1). Today, there continues to be an increase in the spread of economic globalization, which has ultimately led to a rise in the movement and flow of people across different countries. Canada is a nation built on immigration and relies on immigrants to grow its population. Besides the postwar baby boom, Canada's

population would be on a steady decline if it were not for our intake of immigrants every year.

Although Canada takes in thousands of immigrants every year, the majority of them must meet certain criteria in order to even be considered. Canada's immigration system has a history of attracting immigrants from all over the globe, however they are usually highly skilled professionals. Furthermore, the increase of globalization has opened up Canada to attract overseas entrepreneurs and business immigrants, particularly those from the Middle East, Hong Kong and other parts of Asia (Simmons 1996, 28).

The demand for skilled immigrants in Canada has increased in recent years and coincides with the spread of globalization. However, this rise in globalization comes with a price for immigrants that are not as highly skilled because the demand for unskilled labour has shifted to other areas of the world. As Li explains, globalization has made the demand for skilled labour by immigrant-receiving countries rise, while the demand for unskilled labour has shifted to offshore regions where such labour supply is plentiful and economic (Li 2008, 9). However, in developed nations like Canada, many citizens fear that immigrants are taking their jobs because immigrant labour is inexpensive (Simmons 1996, 2).

Economic globalization has increased the flow of international capital and people. Furthermore, globalization has attracted many immigrants to Canada due to material affluence and economic prosperity in the country (Li 2008, 11). Canadians may view globalization as a negative concept because it has led to a migration of workers coming to Canada filling in positions that may be considered by some to be rightfully the "jobs of Canadian citizens". However, Canada has always been open to the concept of

immigration; as a matter of fact, Canada's development has been fuelled by the intake of immigrants. Globalization has contributed to Canada's multicultural society and has formed a mosaic of cultures within the country.

Human Rights

The Office of the High Commissioner for Human Rights (OHCHR) defines human rights as "rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status". As international citizens we are all given these equal entitlements all-collaborating off one another (United Nations Office of the High Commissioner for Human Rights 2013). Through what is outlined in the articles set out in the United Nations Declaration of Human Rights each person is entitled to the right to work, to make their own free choice of employment and to any protection against unemployment (United Nations 1948).

Currently, Canada is known as a country with a broad immigration policy which is reflected in Canada's ethnic diversity. Canada has approximately 34 ethnic groups with which it says it allows for 250,000 immigrants annually (which remains one of the highest in the world) (Immigration Watch 2010). Canada's multicultural background has led to a variety of policies that are still evolving. Currently many believe Canada to be self-interested because it seeks to evolve its policies around brain drain factors. A Recent report from the conference Board of Canada stresses that Canadian Immigration Policies should continue to prevent its labour shortages that could hamper future economic growth (Cohen, 2010); Stating that to achieve such growth occurs by placing more importance on

the skills of prospective immigrants and whether they match Canada's labour needs (Cohen, 2010). This can be seen as a violation to the human rights of many trying to migrate for reasons that don't align with the self-interested policies of Canada. Many seeking refuge will majority of the time rather than not, be able to gain permanent status due to interests such as these (Cohen, 2010).

Canada needs to readdress its self-interests and reform the immigration policies it has to make it align better with human rights. In seeking out skilled individuals, it needs to ensure that credentials are met no matter where migrants are immigrating. Ensuring temporary foreign workers are granted with the basic human rights entitled to every human being should be of the highest importance. Finally, a push for working among 'illegals' to assess whether or not they are fit to stay among our nation should be introduced. The UN declaration of human rights was set out make it equal between everyone; we should push for a greater awareness of issues like these so that each person is granted their rights.

Social Justice

Immigrants face various types of social discrimination in Canadian society, despite the difficulty and length of the legal process prior to arrival. This discrimination includes a growing social exclusion not limited to economic outcome, but extending to other spheres of life as segregation in housing and neighbourhood selection, racialization of poverty, above average contact with the law, and lower health status (Galabuzi, 2006). Approximately 60% of immigrants that come to Canada are under economic status, thus,

the workplace is the area in which most immigrants experience social inequalities and discrimination. However, these are not faced only by economic immigrants, but all those who are seeking secure employment and services under any legal status, whether it be economic, family, or refugee. Teelucksingh & Galabuzi (2005) identify racial discrimination in a variety of ways including certain biological features, which become the basis for designating distinct collectivities, which leads to socio-economic practices that are responsible for the differential treatment that privileges some and oppresses other members of society. Those who are privileged are predominately from Europe, whereas those who are oppressed are from countries or regions where they may be identified as visible minorities, or not white.

There is also a corresponding shift in the Canadian labour market, where the increase in immigrant discrimination comes from a shift from high-wage, low-skill industrial jobs to the polar ends where high-wage, high-skills and low-wage, low-skill jobs are where the majority of immigrants are employed. Prevailing gendered and racialized divisions and the spread of temporary employment in Canada in the past twenty years, which has been promoted among women and recent immigrants in particular, often shapes these patterns of economic restructuring. Immigrants who fair better in society are usually from Europe where standards of education and economic prosperity are seemingly more related to Canadian standards than specific countries that are discriminated against for being non-European. Recent immigrants are having greater difficulty achieving economic parity with other Canadians, despite having higher levels of education than the Canadian force as a whole (Fuller & Vosko, 2007). Today over 60% of new immigrants are in the independent skilled-worker class under economic

immigrant status, yet they are losing ground in income and occupational status attainment, endure high levels of poverty, and are more likely to work in precarious job environments (Galabuzi, 2006). The Canadian immigration system is highly racialized, while European immigrant qualifications routinely go unchallenged, racialized groups have a longer immigration lag and lose opportunities because of the lower perceived value of their qualifications (Galabuzi, 2006). There is some type of underlying social factor in Canada that automatically discriminates against certain racial groups, whereas the white man is still perceived by the economic sector as dominant and superior.

This results in a multitude of factors, one of which is higher poverty rates in large cities for immigrants or refugees at more than 40%, or three times higher than those groups that are European or of Canadian origin (Omidvar & Richmond, 2000). Omidvar & Richmond (2000) also give evidence that discrimination specific to country of origin or visible minority status is mainly related to pay equity rather than skills utilization. The shift in the Canadian labour market combined with the racial discrimination against certain immigrants really magnifies the issue of economic and social injustice.

Immigrants come to Canada with the promise of the potential to improve their lives and be successful contributors to a modern economy and multicultural society; however their dependence on inadequate social services, racialized social discrimination, poverty, and unemployment creates this cycle of immigrant and refugee disposal. This is a serious and growing issue in Canada, certain policies and legislation need to be implemented to deal with the economic separation of immigrants into this class system, as well readily available social services that will help immigrants integrate into Canadian society. There also needs to be a corresponding shift in social acceptance and the abandonment of

negative stereotypes that are decreasing opportunities for social inclusion and employment for immigrants, specifically visible minorities and women. Together, these changes could bring prosperity to the Canadian economy through utilization of immigrant skills, and a more just multicultural society in which we perceive ourselves to operate.

Conclusion

The differences in the Canadian and United States immigration system are slightly different in their processes and legalities; however we can draw parallels between certain negative and positive aspects of both. With increasing economic globalization comes the increasing movement of people across borders, and economic prosperity that can result. With respect to human rights, the basic framework is there, however it needs a lot of fine-tuning in both Canada and the US to truly provide equal opportunity for all, the basis of social justice in society. While providing social justice to all immigrants, though certain policy and legislative implementations, adequate social services and benefits, and equality of education recognition and skills utilization, the words promised to immigrants when coming can finally be lived up to. Whether it is for a better life, economic prosperity, or refuge from a dangerous place, we can give those in need the aid that all citizens of the globe deserve. Here in North America, we have the privilege both in the US and Canada to a much higher standard of living than the rest of the world is currently in. We need to make these changes to provided mutual benefits for both our own country-born citizens, and those who are foreign-born. Immigrants come for many reasons, but we should not scrutinize so harshly, for equal opportunity for all is a goal

that not only Canada and the US should strive for, but every region in the world should adopt.

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