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DEPORTATION FROM CANADA
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Introduction: Deportation and the Nation

Since the eighteenth-century deportation has been an important part of the Canadian immigrant experience. While deportation as policy, in a literal sense, functions as the opposite of immigration, it shares commonalities with it by functioning as a nation-building mechanism. The state and culture of a historical period can reveal what ideas or actions were acceptable for immigrants and that simultaneously established what was and was not “Canadian.” Over the course of Canadian history, many immigrants were deported if authorities viewed them as upsetting accepted racial, gender, political, religious, or class norms. The history of deportation is inextricably linked to the history of the nation and its identity. Deportation policies and practices often set the qualifications for the type of immigrants who were welcome, and at the same time, reinforced the qualities that were desired among Canada’s citizens.

In this booklet, I trace Canada’s history with deportation through the theme of nation-building, displaying the complicated relationship between the Canadian state and immigrants. Whether it was removing the Acadian population, the poor and the unemployed, non-whites, the morally questionable, or the politically radical, deportation determined who was welcome in Canada by who was not. Foreign-born or non-naturalized immigrants who violated the accepted norms of the nation were considered dangerous and threats to the nation’s security. Security underpinned much of the reasoning behind Canada’s deportation policy and continues to do so. Even though a legal framework was created shortly after the turn of the nineteenth century, the Immigration Department and Minister retained near complete control over it for much of Canada’s history. As much as deportation was a powerful tool of the state, we can also witness ways that immigrants sought to challenge their exclusion from the Canadian nation and often did so in cooperation with Canadian citizens. Community and labour activists led campaigns that challenged the state’s ability to exclude immigrants during Canada’s interwar deportation of communists, the internment of Japanese Canadians during the Second World War, the deportation of Jews after the Second World War, and the Quebec “crisis of the 1,500,” and following the deportation of Mahar Arar. These activists achieved some successes and were able to garner public sup-
port for their cause and contest the state's exclusivity in deciding who did or did not belong to the nation.

**Early Exclusion**

Until the twentieth century, there was no formal system of deportation in Canada. The removal of people(s) was carried out on an ad hoc basis and initially conducted to serve imperial interests, and it often occurred during times of war or as the result of war. In some instances, deportation measures were carried out not by the state but by local populations. One of the earliest documented mass removals of people from British North America (BNA) was enacted against the Acadians from 1755 to 1762. Beginning in 1605 in Port Royal, the Acadians were the first French settlers of New Brunswick, Nova Scotia, and Prince Edward Island and formed a close relationship with the Aboriginal Mi’kmaq. After refusing to tolerate their neutrality during the Austrian War of Succession, the British classified the Acadians as a security risk and had them forcibly removed. In 1755 at Grand-Pré, Acadians were arrested and scattered across British colonies. The Acadian expulsion was a means for the British to structure the ethnic and political makeup of the Maritimes into one more amicable and supportive of the military goals of the empire.

Exclusion was more common in this period for pushing out unwanted individuals than the mass expulsion that happened to the Acadians. These policies were often the result of war. At times these were state sanctioned, but culture also played a role, as communities tried to maintain cultural and racial norms by pushing out the unwanted by force or coercion. For instance, during the American Revolutionary War, Blacks were offered freedom by the British if they agreed to fight against the Americans. At war's end, more than 3,000 Black Loyalists entered BNA, most settling in Nova Scotia, however roughly 1,200 left after facing intense racism from a white settler population that wanted to maintain a white community. Following the War of 1812, British North Americans that took up arms with the Americans faced trial in Upper Canada and were deported. The 1830s rebellions led to an intense crackdown by state authorities, particularly in Quebec. Britain's General Colborne controlled the government in 1838 and suspended the constitution.
British Loyalist forces continually harassed and engaged in repression against the civilian population, accusing many of being “rebels.” Many people fled to places such as the United States. Documented cases of state-ordered deportations were rare in this period, though an informal and ad hoc system of extradition did develop between American and Canadian law enforcement and politicians. Throughout the nineteenth century, Canadians quietly permitted the Americans to capture people wanted by police who had crossed into Canada and were in close proximity to the border. These extraditions occurred on both sides of the border and were an unofficial but quietly tolerated practice.

**Early Attempts at Creating a Deportation Law**

In the 1830s and 1840s, the colonies of British North America struggled to control the significant number of Irish immigrants arriving, particularly those arriving with cholera or typhus because of poor conditions on passenger ships. By 1850 over 500,000 Irish immigrants had entered British North America. Things dramatically escalated when millions began fleeing Ireland during the Great Potato Famine, many of them arriving stricken with typhus in 1847. This event galvanized Canadian authorities into wresting control of immigration away from the British metropole. Lord Elgin believed Britain was offloading its poor population to the colonies, and he wanted the system in BNA freed from British control so that the colonies would have more influence over the type of immigrants entering. The BNA colonies wanted only the wealthier classes of immigrants and not the poor, irrespective of the suffering they faced in their home country. The colonies passed a series of quarantine acts designed to limit who could enter, specifically barring those who were sick or in need of charity. Canada’s immigration policy, and hence its deportation policy, were originally modelled after these quarantine acts, which were designed to keep out the sick and the poor, who were perceived as having a negative effect on the medical and economic health of the country. An immigrant’s class status was also tied to their general health and the health of the colonies. Authorities, including medical professionals, believed the poor were lazy and ignorant and that such qualities contributed to their propensity to become ill and be a burden.
Canada's 1869 Immigration Act contained many of the provisions of the quarantine acts that forbade anyone from entering Canada who could become a public charge. Such persons included any “lunatic, idiotic, deaf and dumb, blind or infirm person, or any person above the age of sixty years, or any widow with a child or children, or any woman with a child or children without her husband.” Section 10 of the act expanded the list of persons to include “criminals” and other “vicious” immigrants. In 1872, an amendment to Section 10 granted the government the ability to allow landing of such persons, but only temporarily until the government could send them back “from whence they came.” Deportation had now entered Canadian immigration legislation. It was added to the Act in an attempt to give the state the power to send people back, at the expense of the ship owner who had brought them. As the Canadian state tried to control who entered the country, it defined the qualities of the people who were welcome. Canada's desire to control immigration was largely influenced by the events of the 1840s, which had had a profound effect on the country’s immigration history. Even though the state could expel individuals, a formal system run by the Immigration Department did not develop until the early twentieth century.

After Confederation, Canada struggled to attract and retain immigrants, but at the same time it did not welcome all immigrants equally. While it wanted settlers, it also wanted the ability to remove the unwanted and more control over who arrived. Records of deportations in these early years are sparse. While the creation of a legal framework had begun, a formal system and process did not exist, and authorities simply conducted deportations on the spot as they saw fit. Protecting the health of Canada came to include not just medical health but the social health of the colonies. “Undesirables” were believed by many to have a polluting effect on society. They were considered a risk to the nation's health and security because of the fear that their perceived corrupting influence could break down the social norms of society, leading to disorder. Those norms included welcoming primarily white, middle-class immigrants. As the Act made clear, women were also of particular concern to the government, particularly elderly women or single women with children, as such women were viewed as potential “public charges.”
Developing the System

A state system designed to establish the process of deporting immigrants was not created until 1902. Prior to this, deportation was carried out on an informal basis. For instance, deportations could be carried out against immigrants injured on the job who could no longer work or whose mental state was judged to be unsuitable. Deportation was also a means of disposing of an impoverished population. If an immigrant’s morality was questionable, they could also face deportation. The majority of immigrants arriving to Canada in the nineteenth and first half of the twentieth century were from the British Isles. Next to medical causes, becoming a public charge was the most common reason for deportation, with 1,481 deported for being a public charge from 1903 to 1909. In 1908 alone, 1,074 individuals were deported, largely due to the economic depression that hit the country. It is unclear how many immigrants were deported for morality reasons because this was not a formal category. The passage of a new Immigration Act in 1906 led to a formal system in the hands of the Department of Immigration and Colonization. The department often tried to mask the specific reasons for deportations by lumping them into categories such as “public charge” or “medical.” Deportations were organized by category, but as gender was not one of these categories, it is thus unknown how many more men or women were deported.

With a booming economy at the turn of the century, the flow of immigrants to Canada increased. Despite the attempt to formalize the system, deportation was an administrative, not a criminal, matter. Immigrants were not entitled to a trial, and they could not challenge the evidence of the Immigration Department. Boards of Inquiry, with members handpicked by the department, were held to examine deportees. The only time the courts could intervene or overturn a deportation order was if the Immigration Department failed to follow its own rules. During this period, permanent resident, or “domicile” status, was created in 1910. An immigrant achieved domicile status and citizenship if Canada was their permanent home for three years (this extended to five in 1919). If an immigrant was ordered deported in this time frame, the company that brought them over was responsible for transporting them back to their place of origin; this provided the government with a financial incentive to clear cases quickly to save
on costs. The system was essentially “passive” in that the department took action when it learned of cases from either the public or other government departments.

Morality was a factor in deportations, though not an official category. Depending on each individual case, a person could be deported for being a public charge, medical reasons, criminality, other civil causes, and accompanying (Canadian-born dependants accompanying a deportee). “Public charge” was the most probable category for deportations, even if an individual was deemed only “likely” to be in need of public assistance. What led a deportee to be classed in a specific category was decided by the department. The Canadian state was not alone in deciding deportations this way. Canada had much in common with the United States, as both Canada and the U.S. were immigrant-receiving countries and had similar laws. The U.S. had different concerns than the British, who often tried to encourage the emigration of its unwanted surplus population. Deportation could help secure the removal of immigrants who challenged the desired morals of the government.

For example, in one case a Swedish domestic servant was deported after three other immigrant women reported that she “conducted herself like a prostitute” in her hometown, stayed out late, and had been fired from her position. With no further evidence of wrongdoings, she was deported. The case reveals how at times personal complaints, grudges, or feuds were factors in someone’s deportation. Other women were deported because they threatened gender and class norms. Single mothers were of concern for the department because it was believed that women needed a man in the household to work for wages, as women were supposed to be raising children. Single immigrant mothers who tried to work for wages often found themselves judged and sometimes deported rather than being allowed to take a job. From the late nineteenth century into the 1930s, domestic service was a main source of employment for immigrant women, and they were particularly vulnerable to attacks on their character or morals because if these fell into question, it could lead to a dismissal and severely impact their ability to get re-hired, thereby making them vulnerable to deportation. If a domestic worker had a child outside of marriage, even if the sex was forced, this was considered evidence of immoral behaviour and grounds for deportation. A number of wom-
en tried to hide their pregnancies and became dependant on public funds because they could not afford the care before or after childbirth, given how little domestics earned.

Men and women could face deportation if their morality came into question. Masturbation was another reason for deportation because the activity was thought to lead to “insanity” and could affect both men and women. Deportation on these grounds was lumped into the “medical” category.

The 1906, and later the 1910 Immigration Act, dramatically expanded the list of those who were unwanted. The list now included anyone who was “feeble-minded,” “idiotic,” “epileptic,” “destitute,” or “vagrant.” These categories, and the language used, reflected how mental illness and poverty were interpreted as unwanted character defects in this era. Being a “public charge” was still a reason for deportation, and authorities had the power to deport individuals for up to two years after landing.

The 1910 act also introduced another new category of potential deportees, which was the political radical. Both Canada and the United States faced a growing increase in pre-war socialist and anarchist radicalism. Section 41 was added to the 1910 Immigration Act, and it was nearly identical to Section 2 of the U.S. Immigration Act of 1903, which permitted the deportation of “anarchists, or persons who believe in or advocate the overthrow by force and violence of the Government of the United States...” It prevented the immigration of anyone holding these views. The explanatory notes for Section 41 in the 1910 act detail how the U.S. government was justified in taking measures to deal with anarchists, and the Canadian version was similarly designed to prevent such persons from becoming a menace in Canada. Section 41 stated that “whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence the government of or constituted authority” of Canada or Great Britain, such person would be liable to deportation. Anyone who caused a public disorder, attempted to or created a riot, or belonged to any organization, secret or otherwise, that taught “disbelief to organized government” was eligible for deportation. By outlawing the expression of unwanted political ideologies, these measures enabled the government to regulate which ones immigrants should adhere to. These additions to the 1910 act were likely also introduced because
this act was the first to create the domicile provision, which was a path to citizenship and permanent residency. If domicile status could now be granted to immigrants, it made sense that the department would increase its qualifications for who could enter Canada and be worthy of citizenship.

Political deportations became a focus of the government in this period due to the rise of working-class radicalism. These deportations were often lumped into other categories such as criminality. Pre-war radicalism led to a spike in deportations under this category, from a low of 0 in 1903 to a high of 376 in 1914. One of the principal targets of the government heading into the First World War was the Industrial Workers of the World (IWW), which sought to organize workers into one big union and agitate for improvements to immediate working conditions, but whose eventual goal was to bring down capitalism through large-scale general strikes. The group was active in both the U.S. and Canada and in industries such as railway construction and the lumber industry. As Canada entered the First World War, radicalism would be a central concern for the government, and deportation was one of the tools used against individuals involved in the IWW and worker activism more broadly.

The period of the First World War continued the practice of deporting political agitators, and it was done in a clandestine manner. During the First World War, the government ruled a state of emergency across the country after creating and invoking the War Measures Act (WMA) of 1914. Toward the later stages of the war, the government took a hard line toward war resisters, socialists, and anarchists. The latter two groups opposed not only the war but also capitalism, broadly speaking, and they were emboldened by the success of the Bolsheviks in Russia during the October Revolution of 1917. The government cracked down on radicalism with two Orders-in-Council passed under the authority of the WMA: P.C. 2381 and P.C. 2384. These measures imposed wide-scale censorship of radical labour newspapers but also banned groups and political parties that were deemed “unlawful organizations.” The orders led to mass arrests of those in possession of banned literature and of members of banned groups attempting to hold meetings. These actions disproportionately affected immigrants because the membership in many socialist parties consisted of immigrants, mainly Finns, Ukrainians, Yiddish-speaking
Jews, Poles, Croatians, Serbians, Hungarians, Russians, and Germans. These measures were in addition to interning “enemy aliens.” Immigrants from countries Canada was at war with were held in camps even though they posed no discernible security risk. Immigrants who were interned or arrested for their politics were thus defined by their ethnicity and class, and many were labelled “dangerous foreigners” by the government.

Wartime internment of enemy aliens was often used to rid the country of unwanted political agitators through deportation, as in the case of John Hyndei, an outspoken labour activist who was arrested and interned when the Ukrainian Social Democratic Press was shut down in 1918. Captain J.N. Carter, Acting Registrar of Enemy Aliens, worked with immigration authorities to secure his deportation after the war. Internment provided an ideal cover for politically motivated deportations because these interned, un-naturalized immigrants were “repatriated” to their country of origin and dealt with through the Ministry of Justice, making deportation easier as the rules of the Immigration Act could thus be bypassed. A Board of Inquiry was normally required to detail the reasons for an individual’s deportation. No such process was needed to repatriate interned immigrants, and the deportations were not included in the Immigration Department statistics. For instance, Frederick Blair of the Immigration Department provided instruction to an agent on how best to deport Nicklas Babyn, a member of the labour group the One Big Union: “…the best plan is to have him interned and then his deportation is very simple,” and would be carried out “without any further examination or difficulty.” The end of the war would lead to a sharp increase in radicalism and more efforts by the government to crack down on it with deportation.

**Interwar Period: 1919–1939**

The interwar period marked a sharp rise in the use of deportation, particularly in the 1930s, in an attempt to combat labour radicalism but also to rid the country of unemployed immigrants. When the war ended, Section 41 of the Immigration Act was amended in 1919 to expand the government’s ability to deport people on the basis of their political beliefs. Immigrants deported for their political views were
often sent to countries where they faced torture or death for their politics. The Canadian government attempted to keep deportation for political reasons a clandestine practice. However, after receiving pushback from progressives, the Liberal government of Mackenzie King ended the practice of politically based deportations in 1936.

Canada’s deportation powers in this period were in sync with its U.S. and British allies. All of them viewed communism as a security concern and immigrants as the main propagators of communist beliefs. The desire to expand Canada’s power of deportation was due to the labour unrest that was occurring throughout the country. The end of the war had resulted in a period of economic instability. Inflation was running high, manufacturing had slowed, and thousands of returning veterans found themselves returning home to a depressed economic environment, leading to widespread unemployment, strikes, and labour unrest. The Labour Revolt, as historians have called this period, climaxed with the Winnipeg General Strike in 1919. The federal government, in cooperation with business leaders in Winnipeg and represented by individuals like solicitor A.J. Andrews, began working on ways to take legal action against the strike leaders and other supporters. A number of the strike leaders were British subjects and hence not subject to deportation. Section 41 was amended on 6 June 1919, providing the government with the ability to deport British subjects from Canada if it could be demonstrated that an individual’s stated political beliefs fell under Section 41. Naturalization could protect against deportation except for in the case of the British-born, who did not go through a naturalization process. Their citizenship was automatic after settling for the required amount of time. The department could denaturalize someone, but this was a lengthier and costlier process than just denying a radical naturalization to begin with.

In the same session, the government also amended the Criminal Code and created Section 98, which was a copy of wartime legislation designed to suppress opposition to the war and labour activism. The government did not use its new powers to deport radicals after the strike, because this was widely opposed by the labour movement. The amendments did set an important precedent because politicians now viewed deporting any foreign-born individuals on the basis of their politics as an acceptable security option for the preservation of the nation.
Throughout the 1920s the Immigration Department made it easier to deport individuals; however, this garnered a negative public response because the deportation process still appeared to be arbitrary. The Immigration Department tried to develop a process that included collecting and publishing evidence to demonstrate that deportations were no longer ad hoc but carried out in a legal and just way. Yet the department regularly deported people in clandestine ways, largely by holding the hearings in camera and out of the public view and hiding the actual reasons for deportation. The 1920s were a period in which the department took great pains to create legal defences for extralegal practices such as the department’s practice of detaining immigrants for examination for deportation. For instance, habeas corpus writs (a legal challenge against an unlawful detention) were frequent occurrences in B.C. in 1921; judges frequently ruled that as long as the department followed its own rules, no laws were broken, and so B.C. immigration agents took great care to make sure their cases were legally sound. The department also provided advice to others about the deportation process. Frederick Blair advised the Canadian Pacific Railway (CPR) Colonization Department on how to deport Yugoslav workers who avoided farming jobs. He told the CPR they could be arrested without a warrant for violating Section 33 of the Immigration Act, which covered entering the country by false pretenses.

During the Great Depression of the 1930s, deportation became a widely used tool of the government and also drew much criticism from the public, particularly from progressive elements of society. It continued to function as a repressive means of nation-building, as the government sought to send away the poor or ill and immigrants whose politics challenged the status quo of the era. The depressed economy in Canada made matters worse for immigrants, particularly those who came to Canada for work but now found themselves unemployed through no fault of their own. Municipalities bore the brunt of the cost of paying for relief and demanded that the government deport immigrants. The department did not want to appear to be deporting individuals just for being unemployed; this attracted unwanted public scrutiny, so the strategy was to have the deportations carried out under the guise of different categories. At the same time, the department tried to argue that it deported the unemployable, not the unemployed. But the sheer volume of deportations left little doubt as to the real
reason for them. The strategy of the department was to deport immigrants who went on unemployment relief, but from 1930 to 1935 the department was deporting unemployed immigrants in general while publicly claiming that the deportations were because the immigrants fit the classification of “undesirable.” Many cities even used deportation as an option to save money and encouraged the department to deport immigrants on their relief rolls.

Deportation could be a gendered experience too. Women were being deported on the basis of their morals, such as in the case of immigrant domestics who had children outside of marriage, which could lead the Immigration Department to consider them at risk of being a “public charge,” while unemployed men faced deportation because of their failure to be the family breadwinner. A man working at a job while his wife was at home with the children was a societal expectation at the time even though it was at odds with the poor financial realities of many people.

Given the severity of unemployment during the Depression, it is also likely that some immigrants who were only in the country to work temporarily may have even welcomed deportation as a means to escape the dismal economic situation. Despite the support from local governments, deportation of the unemployed created unwanted attention, not just from progressives and left-wing parties, like the Communist Party of Canada (CPC), that vocally condemned the actions, but also from the British government. The majority of immigration to Canada was still from the British Isles, and the bulk of unemployed immigrants being deported were unemployed Britons. The department frequently found itself trying to justify itself in the media and to its vocal but respected critics like His Majesty’s Government (which protested having unemployed Britons sent back to Britain) and churches in communities that tried to assist the unemployed.

These deportations were conducted alongside a tightening of immigration. For instance, in 1931 88,000 newcomers arrived, but only one year later that number dropped to 26,000. The number of arrivals continued to decline, with only 11,000 admitted in 1936. Between 1930 and 1935 there were roughly 5,700 deportations per year. Just over 60 per cent of these people were deported for being a public charge, with criminality and medical reasons making up the remainder. The majority were deported to Britain. In 1932, Polish, Finnish,
Romanian, and Yugoslavian were the next highest ethnicities deported, and in that order. At no point in Canadian history has the number of deportations versus arrivals been higher than it was in the 1930s. Deporting unemployed immigrants was supported by many in Canada, including the Prime Minister’s office, which prepared a report stating that single, unemployed immigrants were “troublesome” and had a “susceptibility to seditious propaganda.” In essence, in the government’s view, unemployed immigrants were an unwanted and potentially radical element of society, and this stigma applied to both men and women.

Among the thousands who were deported from Canada in the 1930s, several hundred were deported because of their political views. Beginning in the late 1920s and continuing into the 1930s, when many of its public gatherings were being broken up by police, the CPC began a vocal campaign agitating for the right to free speech. Once the Depression had taken hold, the party also began a public campaign for a state-run unemployment insurance plan for unemployed workers, and it also protested the deportation of immigrants who had fallen on hard times. Many of the CPC’s members were immigrants. While Finns, Ukrainians, and Jews made up a significant portion of their membership, the party also drew in immigrants from a host of other nationalities such as German, Polish, and Croatian and had language branches set up within the party for its diverse membership.

This public agitation by the party, combined with its diverse immigrant membership, made it a target for federal authorities, whose cultural assumption was that communists sought the downfall of the government and were also principally foreigners. R.B. Bennett’s Conservative government was determined to combat the Communist Party and the “foreign threat” it believed the Communists posed to Canada. Police in Ontario, working together with their federal and municipal counterparts, charged leading party members with violating Section 98 of the Criminal Code. With the conviction of eight leading party members in November 1931, including the party leader, Tim Buck, the party was classified as an “unlawful organization.” This designation meant that any individual found to be a member of the party was guilty of an offence under Section 98, that of belonging to an unlawful organization. With the party largely consisting of immigrants, the vast majority of its membership was in danger of being
deported, unless they had managed to achieve naturalization before the trial.

Following the party’s unsuccessful appeal in the spring of 1932, the Royal Canadian Mounted Police (RCMP), in cooperation with the Immigration Department, began rounding up known immigrant Communists, with some of the arrests occurring in the middle of the night. Deportees had few legal options available to them. They could not challenge the evidence before them, were compelled to testify at a hearing, and could not call witnesses. The only way to legally challenge one’s deportation was to try filing a *habeas corpus* challenge. This is a legal challenge against unlawful detainment. These had to be filed in the city where the person was being detained, but the department was often able to skirt this by moving the immigrants held in detention to different cities. Legal challenges also regularly failed because deportation was an administrative procedure. This meant that the Immigration Department had to ensure only that it followed its own rules; this prevented deportees in their respective hearings from having the legal protections provided by the criminal court system.

It is unknown how many political deportations were carried out in this period. Historians have estimated the number to be at least in the hundreds. In the year 1932 alone, one hundred confirmed cases of political deportation were carried out. Similar to deportations carried out for morality reasons, unemployment, or poverty, the Immigration Department often tried to mask the actual reason for the deportation, such as by charging a suspected Communist immigrant with a low-level offence, such as vagrancy, which would qualify them for deportation and avoid a lengthy delay in carrying it out. Some of the more well-known cases of political deportations (because of their status in the CPC) include those of Tomo Čačić and the Halifax Ten. Many of these immigrants were deported to places where communists could face torture or execution for their beliefs. In the case of the Halifax Ten, some CPC party members who did not have high standing in the party, like Hans Kist and Martin Pohjansalo, ended up being deported to Germany and Finland, respectively. Kist ended up in a Nazi concentration camp and was tortured to death for his communist views, while Pohjansalo was killed in a northern region of Finland by Stalin’s forces. Stalin opposed any brand of communism that was too nationalistic, particularly in regions he sought to control.
The deportation of these CPC members sparked a widespread campaign against political deportations, and while protestors were not able to stop most deportations, they greatly heightened the public’s awareness of politically based deportations. Opponents of these practices held protests and also created petitions, some with over 250,000 signatures calling for an end to political deportations and the repeal of repressive laws like Section 98. These widespread national campaigns formed part of Canada’s early civil rights movement: people across the country were protesting against state repression. It was widespread enough that it forced the new Liberal government of Mackenzie King in 1936 to declare an end to the practice of political deportations and to repeal Section 98. Deporting people on the basis of their political beliefs was a form of nation-building. Those individuals who aligned themselves with communist or other radical ideologies were considered foreign and dangerous. Canadians, and immigrants aspiring to be Canadian, were required to shun such “seditious propaganda” and believe in a liberal, capitalist conception of the nation. Deportation practices often put lives in danger, and thus people organized and fought back against their use.

The interwar period was a critical period for the development of deportation policy in Canada. The government created a legal framework for its extralegal activities of detaining and deporting immigrants. It also further enshrined deportation as a tool for expelling unwanted populations such as the unemployed and political radicals, though it was forced to recognize that such repressive nation-building practices were not only unpopular but, in the eyes of many progressives, unethical and a blight on Canadian democracy. These repressive actions also contributed to a push-back that influenced the rise of civil rights in Canada: people all over the country sought protection from repressive government measures like Section 98, and immigrants sought protection from arbitrary and unjust deportations.

Deportation During Wartime and the Exile of Japanese Canadians

Deportation on the basis of political beliefs continued into the Second World War, but much like in the 1930s, the government attempted
to keep a low profile on this activity because it was a highly contest-
ed practice. At times public agitation forced the government to back
down. Such agitation was risky because of the Defence of Canada Reg-
ulations, which were a series of laws invoked under the authority of
the War Measures Act. Much like during the First World War, Canada
imposed a series of emergency laws to deal with everything from ra-
tioning of supplies such as oil and food to regulating and controlling
industry for weapons production. There were also severe restrictions
on the freedom of individuals. Some activists were undeterred, like
the well-known anarchist Emma Goldman who, while living in To-
ronto in 1939–1940, did her best to raise funds and advocate for the
release of fellow Italian anarchist Attilio Bortolotti, who was sched-
uled for deportation to Mussolini-controlled Italy. His deportation
likely would have meant imprisonment or death because he was an
outspoken opponent of the Italian dictator. Goldman worked tirelessly
to press her Canadian and American comrades to donate funds to
help Bortolotti in his legal fight against deportation. She was ultimate-
ly successful, though he remained under surveillance for the remain-
der of the war.

In addition to defining class and gender norms, deportation was
also used to define the ethnicity of Canada. During the war, the War
Measures Act provided the government with immense power to reg-
ulate the economy, invoke curfews, and control supplies through ra-
tioning, but it also provided it with the power, as in the First World
War, to intern those considered “enemy aliens.” Select members of
the large Italian and German populations in Canada were interned,
as were known Communists. Canada was not at war with the Soviet
Union, but communist politics were still a security risk in the eyes
of authorities. By far the largest group that was segregated from the
general population was the Japanese. Roughly 22,500 people of Japa-
nese descent lived in Canada at the time. The vast majority were nisei,
or Canadian-born. Japanese immigrants numbered roughly 8,500, a
third of whom had achieved citizenship by naturalization. The bulk of
the rest had lived in Canada for over twenty-five years. Asian immi-
grants in general faced intense racism and hostility from the domestic
population, including within the federal government, for decades pri-
or to the war, and this was especially pronounced in British Columbia.
Following the attack on Pearl Harbor by the Japanese, Canada began
ratcheting up the repression against Japanese Canadians. On 24 February 1942 Prime Minister Mackenzie King ordered Japanese Canadians removed from the coast and detained in specified areas. It took roughly the whole year to remove 20,881 Japanese Canadians from the coast, with 12,000 sent to camps. Ghost towns in the B.C. interior were quickly thrown up to house them. Four thousand were sent to the Prairies, and the remainder were dispersed across the country.

Once the Japanese Canadians had been relocated, supporters of a harder stance such as Government House Leader Ian Mackenzie began leading the effort to have them considered a threat in peacetime as well as war. As early as 1943 Ottawa was contemplating a policy of “repatriating” Japanese Canadians and deporting “disloyal” ones, but it was difficult to define what being “disloyal” was. The government prepared a repatriation survey asking those detained in Canada if they would prefer to go to Japan or remain in Canada. The government calculated that those who selected Japan would be considered “disloyal” and deported and the others resettled, with their loyalty to be re-examined again at a later date. Their property lost to them, the “choice” was a bleak one and largely a coerced one. The choices were to be deported to Japan at some unannounced point in the future or stay in Canada and be settled in the East wherever the government chose, without the property these families and individuals once held, and live under government-imposed restrictions, including in terms of employment.

In August 1945, 6,884 agreed to leave for Japan, representing 43 percent of Canada’s Japanese ethnic population. But when the war ended in September, fearing that life in Japan would be even harder given the destruction there, 4,527 changed their minds and applied to stay in Canada. The government tried to make the original signatures to leave binding, but it was challenged in Parliament for its racist actions in trying to deport Japanese Canadians. In order to carry out the deportations, the government opted to bypass the opposition it faced in the House and passed an Order-in-Council to permit the deportations before the WMA was due to expire in 1946. This measure enabled it to deport four classes of Japanese: all immigrants who had signed to be repatriated; naturalized Japanese who did not revoke their repatriation signature before September; all *nisei* (Canadian-born Japanese) who also had not revoked their signatures; and the wives and children of all of the above.
The deportation order sparked widespread opposition from the public. Several civil rights groups had emerged during the war and sought to challenge the government’s racist actions. Among the most prominent ones were the Co-operative Committee on Japanese Canadians (CCJC) and the Japanese Canadian Committee for Democracy (JCCD). Initially the CCJC had formed to help ease Japanese Canadian resettlement, but as the government ramped up its repression of Japanese Canadians to the point of ordering their deportation, the group mobilized public opposition to stop it. The JCCD was formed as an advocacy group in 1944 and was ready to fight for Japanese Canadians’ rights should the need arise. Other rights groups that joined the cause included the Civil Liberties Association of Winnipeg and the Canadian Civil Liberties Union. These groups organized with other rights groups, launching petition drives and producing pamphlets and leaflets informing the public of the racist government policy toward Japanese Canadians. The CCJC began working with Vancouver’s Consultative Council and retained lawyer Robert McMaster to fight the government’s deportation order in the Supreme Court. Despite the legal challenge, the Supreme Court decided that Canada did have the legal right to deport these classes of Japanese Canadians with the exception of forcing the deportation of wives and dependents. The government now had the official legal authority to deport even *nisei* to Japan. The government did not have the support of the whole of the House of Commons, as many progressives in the House challenged the racist deportation policy. What’s more, public opposition to the deportations had grown substantially and the Supreme Court decision was now more of an embarrassment for Mackenzie King, who had now realized his government was on the wrong side of the public. King was forced to relent.

In the end, just under 4,000 Japanese Canadians were compelled to leave because they were unemployed, unable to find work, or were too old to do so. Fifty per cent of those who left were Canadian-born. While the government did not formally deport the Japanese Canadians, it did its best to do so and established that the government could legally deport Canadian-born citizens, in effect creating refugees with no state. Such actions were determined by Canada’s desire for a specific type of citizen, which did not include Japanese Canadians. Future Prime Minister Louis St. Laurent told Prime Minister Mackenzie
King that allowing Japanese Canadians to remain in Canada would pose a problem because at some point demands would be made for Japanese Canadians to have “the same rights as the white population.” They would then become “troublesome.” By creating the conditions for Japanese Canadians to feel compelled to leave and establishing the government’s power to deport Canadian citizens, Canada was in effect building the nation by asserting that Canada was to be a “white” nation with as few Asians as possible.

Post-War Security and Deportation

The Cold War ushered in an era where security concerns became a central focus in terms of not only domestic policies but also international relations. Fears of Soviet spies penetrating the West grew considerably after the discovery of a Soviet spying ring in Canada in 1945. Fears of communism became linked to suspected espionage. Deportation and stricter controls on citizenship became a way for the Canadian government to control the potential importation of communists and gave it a legal option to remove people. By 1952, Special Inquiry Officers (SIO) were charged with investigating cases for deportation. Much like in earlier years, the process was still administrative, with the SIO wielding important powers to not only examine individual cases, but also to decide them. Appeals were permitted and directed to a minimum three-person Immigration Appeal Board. The Minister retained the last word in deciding each case. Much as with cases in the interwar period, the deportation process could not be stopped or overturned by any court. From 1946 to 1956, roughly 5,379 people were deported.

Deportation could still be a gendered experience in this period, with immigrant women, particularly those who were single, being labelled as prostitutes or lesbians. Much like in the 1930s, men were perceived by society to be the sole breadwinners in the family, and immigrant men who were unemployed or adhered to radical ideologies were included in the undesirable category and were seen as failing to live up to societal expectations for men. During the mid-1950s Canada admitted women from the Caribbean to labour as domestic workers. Women of colour faced considerable restrictions. They were allowed to enter only as temporary workers and not as immigrants and
faced deportation if they didn’t leave when their visas were expired. Many faced difficult and long working conditions as domestics, and if they left their job after arriving, they were exposed to the possibility of being deported. Deportations were conducted because despite these women having qualifications to secure employment, the department did not want to encourage the “separation of families,” even though men from various countries over Canada’s history were sojourners — immigrants working in Canada with a family back home. The department also took no issue with families being separated when domestic labour was needed. It is worth noting that some sojourning men had wanted to return home but were unable to because they did not make enough money, largely because they were paid far less than what they were promised by recruiters. Still, they did not face deportation because they were separated from their family.

Some ethnic groups, like the Jewish community, sought assistance from Canadian Jewish groups that helped them defend themselves from the power of the state. Jews were considered an undesirable immigrant group by many Canadians. Much like other deportations, those against Jews were carried out under the guise of other categories. Groups provided lawyers who worked pro bono on cases and social workers to assist immigrants. Their efforts had some success. Only 20 per cent of Jews ordered for deportation ended up deported in 1947 compared to the national average of nearly 85 per cent of immigrants successfully deported during the early 1950s.

The Cold War ushered in an era where one’s political ties could pose a serious problem for people, even more than during the interwar period. An individual could suffer job loss in the public service; the government sought to purge itself of real or suspected communists, while immigrants faced the removal of citizenship and even deportation. The ability of the government to strip a naturalized immigrant on the basis of their support for communism predated the Second World War, but a series of changes to the Immigration Act streamlined the ability of the government to do this. Stricter controls were implemented that gave the government more leeway in removing a person’s passport, to not only deny immigrants the chance for re-entry but to also prevent them from travelling to communist countries. In 1951 the government implemented a policy whereby citizenship could be revoked if a person spent two years or more in their home country. The
government openly declared the policy would be “ordinarily” invoked if the individual was from a communist country. What’s more, even a naturalized immigrant’s Canadian-born children could have their citizenship revoked, and some, like in the case of Leopold Infeld and his Canadian-born children, did have it revoked on political grounds.

For much of the twentieth century, a two-tiered citizenship was in effect on the basis of political ideology. The tiers were based on whether an individual was communist or not. It was not until the 1970s that the removal of citizenship on political grounds was halted. It is difficult to ascertain how many were actually deported for their politics. Unlike in the early 1930s, after the Second World War, deportation on political grounds was not a listed reason for deportation, and even in the 1930s the government tried to hide the actual number of those deported for their politics. Statistics after 1954 were not made public, but from 1947–48 to 1953–54, 1,956 immigrants were deported for “other civil causes.” Historians have said it is likely that many of these were political deportations. There was still little oversight by the courts, though at least deportees were no longer being deported to countries where they could face persecution or death for their political views. Even though political deportations were largely hidden from the public, sometimes very public debates were held in government on how best to deport individuals who were communists or suspected communists. Some deportations were carried out publicly regardless of the impression this gave, such as in the case of Raymond Arthur Davies, a well-known journalist who had communist ties in his past, though not when he was deported.

There were times when deportations became more public and opposition to them could be mounted. Such was the case for the Haitian immigrant community in the early 1970s with the “crisis of the 1,500.” Approximately 1,500 Haitians arrived in Quebec between late November 1972 and mid-August 1973. They were part of a diaspora seeking to escape the brutal and repressive regime of Haitian president Jean-Claude Duvalier, a regime that, since the days of his father, Francois, had used violence and intimidation to silence opposition. Many people seeking to flee the repression were given false information by travel agencies that they could claim legal status upon arrival in Canada, but what they were not told was that the law formally permitting such a practice no longer applied.
The ability to apply for “landed immigrant” status from within the country was removed in early November 1972. “Landed immigrant” was a term used to describe an immigrant’s status when they were granted permanent residency in Canada. It was a requirement to achieve citizenship (currently the term “permanent resident” is used), and before it was removed, many people travelled to Canada hoping to apply for permanent residency once they arrived, which created a large backlog. As a result, the newly arrived Haitians could stay only as temporary visitors and were eligible for deportation if they attempted to stay indefinitely. Deportations were already underway by October 1974. Legal appeals to stop the deportations were also failing at a high rate. The immigrants were fearful that their lives could be in danger if they were deported back to Haiti. The deportations were bitterly opposed by the Quebec Haitian community. Activists such as Haitian priest Paul Dejean organized around their fellow community members and were also able to appeal to broader Quebec society by demonstrating that these Haitian immigrants were ideal immigrants and part of a broader French-speaking community.

All told, approximately 55 per cent of the group’s deportation orders were suspended; the rest were given landed status or were deported, fled, or went into hiding. The Haitians were under threat of deportation because of changes to the law, but while those changes would normally have reduced the Haitians to voiceless deportees, activists demonstrated to the broader society that these immigrants were part of the nation and not a threat to it. In this instance, the deportee was the nation-builder. This was possible because of the ability of activists to show commonalities the Haitians shared with Quebeckers, such as language. Their deportation would, in essence, be fracturing or tearing the nation apart rather than constructing it.

From the end of the Second World War to the 1970s, security concerns became the central reason for deportation. In the early post-war years, before the introduction of the points system in 1967, race and morality concerns factored into who was and was not an acceptable addition to the Canadian nation.
Immigration policy changed dramatically over the Cold War years. The points system was introduced in 1967, removing race as an explicit factor in eligibility for immigration to Canada. The 1976 Immigration Act made considerable changes to immigration policy, including more due process protection for immigrants facing deportation and greater recognition of refugees as a category of immigrants. Refugee claims became a growing problem for the government. From the 1970s into the 1990s, the number of refugees entering Canada rose dramatically, a trend experienced by many countries during this period. The number of refugee claims went from 7,300 in 1977 to 52,300 by 1991, though many refugees who came to Canada during this period, such as the 77,000 who came from Indochina, were not claimants. Refugees and immigrants were also labelled by many as a possible security risk, and they became a central concern for governments. Numerous additions were made to immigration laws largely as a result of public pressure. This led to a securitization of immigration policy. Immigration gradually became more of a law enforcement function in that national security policy became linked with immigration policy. In 1978 Canada introduced the security certificate program, which allowed the government to hold and monitor immigrants in detention if they were deemed a risk to national security.

Over the course of the 1980s, more measures were added, including the detention and deportation of arrivals to Canada. These measures came after the arrival of shiploads of Tamils from Sri Lanka in 1986 and later Sikhs from India in the summer of 1987. The political right initially led the campaign to view immigration as increasingly tied to crime and fraudulent activity such as “bogus” or fake refugee claims or “system abuse” and “welfare fraud.” This narrative continued to gain traction and received support from broad segments of society, which led to new security measures against all immigrants. In 1992 fingerprinting and photographing of individuals in Canada awaiting refugee status were introduced by the Conservative government with Bill C-86. It was staunchly opposed by immigrant community groups and non-governmental organizations (NGOs). In 1993 responsibility for immigration was even temporarily transferred to the Department
of Public Safety before becoming the responsibility of the new Citizenship and Immigration Canada Department in 1994. By 2000, of the 8,636 deportations, or “removals” as the government now termed them, 67 per cent were for failed refugee claims and 20 per cent were for actions classified as “criminal.”

Following the 2001 terrorist attacks on the United States’ World Trade Center, Western governments began using and identifying deportation and immigration law more broadly as a form of anti-terror law. In the immediate aftermath of the attack, anti-Muslim sentiment was high in both Canada and the United States, and deportation served as a means of expelling immigrants who were considered security threats to the nation. With the creation of U.N. Security Council Resolution 1373 on 28 September 2001, not only were immigration policy and security policy further intertwined in Canada but immigration and deportation law became transnational affairs. The resolution made it binding upon member states to investigate and ensure refugees were not making claims in order to stage attacks in their host country, as well as cooperate with other nations about potential terrorists and to conduct more vigorous screening of entrants to the country. A U.N. resolution was now compelling member states to change their laws. In the case of Canadian citizen Maher Arar, we can witness how the state’s fixation on combating terrorism and determination to rid the country of unwanted political and religious ideologies led to the deportation and torture of an innocent individual.

Arar was born in Syria and was a Canadian citizen at the time of his deportation in 2002. He had become a “person of interest” to the RCMP and the Canadian Security and Intelligence Service (CSIS) because of his loose connections to others who were under investigation within his community in Ottawa. Immediately following 9/11, Canadian authorities turned over what information they had on Islamic extremists, and this included untested and unsubstantiated information on Arar and others he knew in Ottawa. In October 2002, while on a stopover in New York City en route to Montreal from a family vacation in Tunisia, Arar was detained by U.S. immigration authorities. Following his interrogation, which made use of material sent to them by the RCMP and CSIS, he was deported to Jordan and then sent to Syria, where he was tortured and held captive by Syrian authorities until October 2003. He was released once the Syrians
concluded that Arar was not an Islamic extremist and had no ties to any terrorist networks. Arar’s subsequent return to Canada resulted in widespread condemnation of his deportation. A public campaign demanding answers to his case resulted in a commission launched to investigate his deportation. While his deportation was carried out by the Americans, the commission revealed how Canadian security services provided false and misleading information on Arar, which American authorities had relied on to carry out his deportation. The government issued an official apology and granted Arar a financial settlement. Arar’s deportation was made possible because of how vigorously Canada had attempted to assist the U.S. in North American security in the heightened and fearful climate following the 9/11 attacks. Arar’s deportation reveals a new development in how Canada and the United States cooperated on matters of immigration, security, and deportation to contain perceived risks to the continent, not just to each other’s individual states.

Deportation in the post-9/11 world bears similarities to the use of deportation and the removal of citizenship against suspected Communists during the Cold War. Those deemed a risk to the nation by way of their suspected ties to radical ideologies could have their citizenship revoked and be removed from the country even when those ties were merely suspected, as they were with Arar. In the post-9/11 world, immigration has become increasingly tied to security and law enforcement, a trend that began in the late 1970s but drastically accelerated after 9/11 with increased border security, tighter regulation over refugees, and increased use of security certificates. While more due process for prospective deportees was introduced in the 1970s, in the post-9/11 world those deemed a risk to security can be held under a certificate and denied the right to see the evidence against them. Only a court-approved representative has the ability to see the evidence against a prospective deportee. What’s more, they can be detained for years. Transnational cooperation on immigration, security, and deportation has dramatically increased, demonstrating a new trend in immigration policy. Deportation still functions as a nation-building mechanism in that it expels the unwanted and potentially unsafe elements of society and is also now a transnational affair.
Conclusion

Throughout Canadian history, deportation and exclusionary practices have been used as nation-building mechanisms designed to maintain security. They were and remain an important aspect of the immigrant experience in Canada. Immigrants have occupied an exceptional space in Canada as being both simultaneously included and excluded from the national fabric of the country. In spite of this, there were significant moments in Canada’s history when immigrants challenged their precarious position and the state’s ability to exercise power over them through the use of deportation. They demonstrated through broad-based activism that they too could define who should belong to the nation. Leftists in Canada’s interwar period, those opposed to the exile of Japanese Canadians, Jewish groups following the Second World War, the Haitian community in Quebec during the 1970s, and those in support of Arar in the twenty-first century reveal how immigrants and citizens could challenge the expulsion of people from Canada. While these serve as examples of larger-scale opposition movements, we should not discount that there are likely many more undocumented examples of immigrants who protested the state’s attempts at defining the nation through their exclusion. The more recent attempts by the Trump Administration in the United States to use deportation as a nation-building and security tool reveals how the struggle between immigrants and the state to define the boundaries of citizenship and nation will likely continue well into the future.
Further Reading


For more on the deportation process, Jewish deportation and moral regulation, see Barbara Roberts, *Whence They Came: Deportation from Canada, 1900–1935* (Ottawa: University of Ottawa Press, 1988);


For more on refugee polices, immigration law, and connections to national security, see Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (To-
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