

14 No One Is Illegal Movements and Anti-colonial Struggles from within the Nation-State

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Borders have been used as a colonial tool in North America to divide, to exclude, and to assert nation-state authority over the free movement of people. The Canada–United States border has divided indigenous territories like Awkwesasne in the east and the Coast Salish Territories in the west, just as the United States–Mexico border has divided numerous indigenous territories in the south. The border has been used to create a class of precarious migrant labour, from the Chinese workers who constructed the railroads in the nineteenth century to the Mexican and Caribbean farmworkers who pick fruit and tobacco today. The regulation and control of the supply of cheap exploitable labour is a pivotal feature of migration and border policy.

The modern exercise of state border and immigration policy increasingly extends far beyond the regulation, disciplining, and exclusion of foreign nationals at points of entry. People also *experience* and *resist* borders in a multitude of ways *inside* the nation-state. A high school student is called to the principal's office in the middle of class, where immigration enforcement officials await to take her to detention; a community radio programmer is arrested while at an International Women's Day bake sale at a local university because her exotic dancer visa has expired and she has failed her refugee claim; a gay Nicaraguan youth is forced into hiding because a refugee board member believes he does not look "gay enough" to be granted refugee status; a migrant woman avoids accessing a women's shelter after hearing that immigration enforcement has entered the shelter in her pursuit; a temporary foreign worker program is expanded in order to build sites for the 2010 Olympics in Vancouver on unceded indigenous land. Berinstein et al.

(2006) note that “for non-status immigrants the borderline is not just at physical entry points at ports, airports, or land crossings. Rather the border exists where and whenever they try to access social services” (p. 9). Thus, accessing vital services or simply going about one’s daily life as a precarious status person is often a challenge to borders.

While migrant justice organizing has been a consistent part of social movements in Canada for decades, an organized movement challenging the legitimacy of borders and the nation-state is a shift away from traditional left nationalist politics (Sharma, 2003). Slogans these groups put forward such as “no one is illegal,” “no borders, no nations, stop the deportations,” and “we didn’t cross the border, the border crossed us” problematize traditional discourse around citizenship rights and benevolent “host country” claims. Inspiring a variety of creative and complex strategies and tactics, the process of challenging the border has become both instrumental and contradictory in social struggles for migrant rights within nation-states. It has also provided the impetus for a reframing of migrant justice in relation to (and specifically referring to) indigenous sovereignty (Lawrence & Dua, 2005) and rights to the commons (Sharma, 2006). This, in turn, affects the goals, campaigns, tactics, and alliances that emerge within contemporary struggles for migrant justice.

Nationalist, Transnationalist, and Counter-nationalist Frameworks

This chapter looks specifically at movements that reconceptualize borders and, in doing so, rethink ways of removing them. More specifically, the network of No One Is Illegal groups in Toronto, Montreal, and Vancouver will serve as a case study in order to trace an important political shift within the struggle for migrant justice in Canada. While these groups are not fully representative of the diversity of migrant justice organizations adopting an anti-colonial analysis (many of which are directly led and populated by undocumented migrants), the network of No One Is Illegal groups has played a significant role in altering the discursive and political terrain with regard to migration and borders in Canada (see Wright, this volume; also Shantz, 2005; Wright, 2006). Fundamentally, these groups are engaged in negotiating an important shift in theory and political practice: the move from national and transnational frameworks for migrant rights towards anti-colonial/counter-national frameworks for migrant justice.

What kind of impact does the reframing of these emerging migrant justice movements as anti-colonial, anti-capitalist, anti-imperialist, and/

or counter-nationalist¹ have on strategies and decision making within movements? How do these movements negotiate the contradictions inherent in fighting for regularization while advancing opposition to the legitimacy of borders? What are the implications with respect to the types of societies imagined by these movements?

Social movements focused on migrant rights in Canada within a nationalist or assimilationist theoretical framework have sought improvements in the lives of immigrants and refugees by resisting differentialization (Brubaker, 2001; Kurthen & Heisler, 2009), by promoting multiculturalism (Bloemraad, 2007; Gaonkar & Taylor, 2006; Winter, 2010), and by supporting the settlement needs of immigrant populations (Bai, 1991; Fontaine, 2005). These movements have often provided social services and resources to people who, through displacement and in search of better material conditions, have migrated to Canada.

Social organizing strategies around migrant rights within a nationalist framework have tended to include the formation of settlement houses, English as a second language programming, job search services, and the contradictory struggle between assimilationist and multicultural policies (Brubaker, 2001). Political organizing, however, has for the most part within this framework been centred on the rights of immigrants and refugees *within* the “host” nation-state and tends to be disconnected from movements that focus on displacement, illegalization, and globalization.

Scholars and activists engaged in organizing for migrant rights within a transnational framework have challenged the dominant nationalist discourse theoretically and in practice. They suggest that transnational migrant frameworks are helpful in problematizing the reasons why people migrate in the first place, which is largely left out of nationalist discourse. For instance, Portes et al. (1999) note that transnational migration “commonly developed in reaction to governmental policies and to the condition of dependent capitalism fostered on weaker countries, as immigrants and their families sought to circumvent the permanent subordination to which these conditions condemned them” (p.,220). In organizing within a transnational framework, migrants facing a context of social exclusion and exploitative work conditions in the “host” country develop interlocking systems of solidarity with struggles taking place in countries of origin (Landolt, 2007). Transnational political organizing has an impact on political strategy and culture. In their study of Chilean and Colombian activists in Toronto, Landolt and Goldring (2010), for instance, found that the transnational links

between country of origin and the Canadian context produced very different fields of action, including types of campaign, strategies, and relationships with non-migrant organizers in the city. Moreover, the desire of migrants to effect political change in the country of origin often requires a contradictory relationship with the nation-state in which activists are lobbying for better living conditions in Canada while at the same time seeking the Canadian state's support in intervening in an international context (Karpathakis, 1999; Sundar, 2007).

Transnational frameworks also provide a context for resisting the illegalization of migrants. Significant academic work supporting transnational migrant rights organizing has focused on the social construction of "illegal" and/or "undocumented" people (de Genova, 2002, 2007; McNevin, 2006; Peutz, 2006). De Genova (2002) problematizes the construction of migrant "illegality" as deriving from "the law's seemingly uniform application among asymmetrically constituted migrations from distinct countries (p. 424)." Arguing that the immigration system is set up precisely in order to illegalize some migrants (racialized and poor migrants from the Global South) and to fast-track others (wealthy professionals and business people from both Global North and South countries), de Genova (2002) asserts that current immigration legislation in North America is set up to create precarity and uncertainty in the domestic labour market and to maintain an underclass of migrant labour with none of the corresponding rights of permanent residents or citizens.

In Toronto, migrant precarity and legality were addressed at the STATUS Conference in 2004 when community organizers, academics, migrant groups, labour, and allies came together to assert principles of organizing around migrant rights that included calls for the regularization of all undocumented people and the parameters of a national campaign for permanent immigration status. These principles formed part of the foundation of what was emerging as a radical shift in migrant justice organizing in Toronto, Montreal, and Vancouver that was calling for status for all while challenging the legitimacy of borders.

Researchers studying this emerging discourse within migrant justice movements in Canada highlight the greater emphasis on the right to free movement, an anti-capitalist orientation borrowed in part from the global justice movements and the radical anti-racist principles of groups like No One Is Illegal, as departing in some ways from traditional modes of organizing for migrant rights (Basok, 2009; Fortier, 2005; Khandor, McDonald, Nyers, & Wright, 2004; Lowry & Nyers,

2003; Nyers, 2006; Wright, 2006). Focusing specifically on the Canadian context, Wright (in this volume) characterizes movements that seek to legalize undocumented people, that oppose detentions and deportations, and that have no-border/anti-globalization orientations as being bolstered by an anti-imperial lens that also includes oppositions to wars, occupations, and economic devastations, all of which often cause conditions that force people to migrate.

This chapter looks more closely at the key issues that emerge in the shift towards anti-colonial and counter-nationalist migrant justice work in Canada. Moreover, I seek to historicize the emergence of No One Is Illegal groups in Canada and to characterize some of the major theoretical contradictions that these groups attempt to negotiate in practice.

No One Is Illegal and Counter-nationalism in Canada

In 2006, in both Canada and the United States, an organized public movement challenging the illegalization of migrants and the legitimacy of borders emerged in response to significant increases in repression throughout North America. Millions of migrants, people of colour, and allies took to the streets in urban centres throughout the United States in what was called “a day without migrants,” a general strike and walk-out flexing the power of migrants in the face of serious racism, xenophobia, and repression. In Canada, the first National Day of Action for Status for All was organized in Montreal, Vancouver, Toronto, and other cities where thousands of people took to the streets in immigrant neighbourhoods in opposition to a repressive shift in immigration enforcement strategies following the election of the Conservative government in late 2005.

The origins of movements organized under the banner “No One Is Illegal” in Canada can be traced to a response to the increased border securitization, tightened immigration policy, and racial profiling that occurred in North America following the attacks of 11 September 2001 (Basok, 2009; Wright, 2006). Heightened anti-terrorism legislation was combined with existing immigration laws to create a state of continual uncertainty and legal precarity for many migrants in Canada. When the Canadian government ended the moratorium on deportations of Algerian refugees in April 2002, Algerian migrants in Montreal organized the Action Committee for Non-Status Algerians and began using increasingly confrontational tactics in order to fight deportations in their community (Lowry & Nyers, 2003). The newly formed No One Is Illegal

group in Montreal became intimately involved in supporting the Algerian community in that city and developed a set of demands, including an end to detentions and deportations and immigration status for all, that would become foundational demands for No One Is Illegal groups organized in Toronto, Vancouver, and other cities. In conjunction with the campaign in support of non-status Algerians in Montreal, which included a No One Is Illegal contingent at G8 protests in Ottawa in 2002, organizers from Vancouver, Toronto, Ottawa, and Guelph met in Montreal in February 2003 to host a conference that helped to develop a basis of unity and core demands for the loose coalition of groups.

In Toronto, organizers had also become more invested in issues of borders and migration, particularly within the Ontario Coalition Against Poverty (OCAP), the Campaign to Stop the Secret Trials, and Project Threadbare. The Ontario Coalition Against Poverty, for instance, had adapted its style of direct action casework to support cases of people facing deportations (Shantz, 2005); similarly, organizers within Project Threadbare, including a significant number of newcomer and second-generation immigrant youth and youth of colour, mobilized against the arbitrary arrest, detention, and eventual deportation of twenty-three Pakistani men accused of having links to terrorism (Odartey-Wellington, 2009). The Campaign to Stop the Secret Trials emerged in opposition to the imprisonment of five Muslim men on unsubstantiated terrorism accusations under Canada's security certificate legislation and developed a strong analysis connecting the wars in Iraq and Afghanistan to the rise of Islamophobia, racism, and xenophobia in Canada.

The shift in discourse within these formations towards more anti-colonial and anti-imperial politics differed significantly from other mainstream advocacy efforts for immigration reform in Canada (Shakir, 2007). This, in turn, resulted in more aggressive political tactics that focused less on lobbying the state for immigration reform and more on building community power to openly defy immigration legislation. As one organizer interviewed by Lowry and Nyers in their 2003 study noted:

The traditional tactics just aren't working. I mean they are actually an abject failure. They try to work within a system, to basically humanize a system that is essentially inhumane ... I think we need to talk and adopt various tactics to the broader strategy of making fundamental policy changes: the regularization of all, amnesties, the treatment of migrant workers. (p. 71).

It is within this context that a No One Is Illegal group premised on similar goals as those set out in Montreal formed in Toronto. Similarly, in Vancouver a No One Is Illegal collective emerged out of organizing taking place under the banner Open the Borders!, which coordinated militant campaigns opposed to deportation and detentions. No One Is Illegal – Vancouver based much of its initial work in building strong relations with Coast Salish indigenous communities in British Columbia (Wright, 2006). This relationship with indigenous sovereignty struggles influenced both the political goals and tactics of No One Is Illegal – Vancouver.

Differing from past national migrant rights networks, No One Is Illegal groups are not organized as a national network, nor are they organized as a coalition. Instead, they are organized as local expressions of a migrant justice framework that is expressly anti-capitalist, opposes borders, fights detentions and deportations, and works in solidarity with indigenous sovereignty struggles. This anti-colonial and counter-nationalist framework produces different discussions, strategies, and tactics in local contexts but is held together by a shared political ideal. Each No One Is Illegal group is organized autonomously from the others, makes its own decisions, decides on its own campaigns and actions, and develops its own relationships to allied groups and communities. This political organization significantly affects the differing campaigns and strategies and provides both a flexibility to adapt to local challenges and a malleability to respond to major shifts in national and international political climates. While maintaining strong allegiance to unifying principles that include an end to detentions and deportations, the implementation of a full and inclusive regularization program for all non-status people, the recognition of indigenous sovereignty, end to war and occupation, and an end to exploitative temporary work programs (No One Is Illegal – Toronto, 2010), each of the autonomous collectives has worked to negotiate these principles within their local context.

The following section seeks to analyse how No One Is Illegal groups negotiate and confront some of the contradictions inherent in engaging in anti-borders politics from *within* a colonial nation-state. Specifically, how do No One Is Illegal groups work in solidarity with indigenous sovereignty struggles while simultaneously calling for open border policies? How do No One Is Illegal groups build mass resistance to border policies while maintaining locally constituted political campaigns? How do migrant justice groups negotiate the contradictions in demanding that the Canadian government stop deportations and improve the

day-to-day living conditions of migrants while at the same time questioning the legitimacy of the state to enforce immigration laws?

Anti-colonial Framework: Indigenous Sovereignty and Migrant Justice

In a 2005 article entitled “Decolonizing Antiracism,” Lawrence and Dua argue that “antiracist and postcolonial theorists have not integrated an understanding of Canada as a colonialist state into their frameworks” (p. 123). Acknowledging the differences between much of the oppressive settlement of migrant workers, poor people, slaves, and refugees and that of the ruling European elite, the authors nonetheless seek to make critical interventions in anti-racist scholarship that seeks to place indigenous sovereignty and colonialism as central to any radical anti-oppression work. Similarly, they challenge migrant justice activists calling for “no borders” to “think through how their campaigns can preempt the ability of Aboriginal communities to establish title to their traditional lands” (p. 136). While somewhat controversial in their intervention, Lawrence and Dua pose important questions for theorists and activists engaged in emancipatory work for migrant justice.

In response to Lawrence and Dua (2005), Sharma and Wright (2009) argue in “Decolonizing Resistance, Challenging Colonial States” that “decolonization can be construed as a liberation of “nations” rather than as a liberation of people from social relations that are organized through their hierarchical placement within a ruthless, global competition for profits, whether private or public” (p. 128). Sharma and Wright (2009) critique Lawrence and Dua’s calls for the support of indigenous national struggles, rejecting nationalisms of the dominant and the dominated as being equally dangerous to a liberatory praxis. They suggest instead a process for activists and academics to problematize the legitimacy of the Canadian state to determine who can migrate and who cannot as a major factor in decolonizing resistance. Moving away from a national liberation discourse, Sharma and Wright argue that “decolonization projects must challenge capitalist social relations and those organized through the nation state, such as sovereignty. Crucially, their goal must be the gaining of a global *commons*” (p. 131). Such a reframing of anti-colonial resistance is exemplified in the “free movement” and “no borders” movements in Europe.

No One Is Illegal groups, among other anti-capitalist and radical organizations in Canada, have undertaken the slow process of

decolonizing resistance in practice. This has included acknowledging serious contradictions and missteps, engaging in critical internal discussions, approaching indigenous communities with humility, and attempting diverse yet imperfect models for indigenous solidarity. For groups like No One Is Illegal, an anti-colonial/counter-nationalist politics means understanding the risk of undermining significant struggle by indigenous communities for sovereignty and land by not attempting to problematize potentially serious contradictions of a no borders politics with a desire to make tangible contributions to indigenous sovereignty struggles. In other words, calls to stop deportations must inevitably engage with the immigration bureaucracy, the minister of citizenship and immigration, and the Canadian government in order to be effective. This in turn, without being openly discussed or problematized, legitimizes the Canadian state as the arbiter of who can and cannot enter and stay within the nation-state. This legitimization, then, plays a role in strengthening state claims to power and sovereignty *over* indigenous communities seeking sovereignty.

The act of engaging in solidarity with indigenous struggles for self-determination as a fundamental part of migrant justice organizing is best exemplified by the long-term and sustained work undertaken by No One Is Illegal – Vancouver with the indigenous nations of Coast Salish Territories. In its guiding principles, No One Is Illegal – Vancouver (2010) prioritizes building solidarity with indigenous sovereignty struggles, noting:

As we struggle for the right for our communities to maintain their livelihoods, we prioritize building alliances and supporting indigenous sisters and brothers fighting displacement. We recognize that those colonial and capitalist forces that create war, poverty, and destruction throughout the global South are causing dispossession of indigenous peoples within the global North. Therefore our work must be carried out in solidarity with the struggles for the self-determination and justice of indigenous communities.

No One Is Illegal – Vancouver's sustained engagement with the struggle for self-determination among west coast indigenous nations on Turtle Island exemplifies its long-term commitment to making "the ongoing colonization of Indigenous peoples foundational" to its agenda for migrant justice as advocated by Lawrence and Dua (2005, p. 137). It has also resulted in important actions that both foreground

indigenous sovereignty and challenge the use of border policy to regulate migrant labour. For instance, on 12 February 2010 protesters in East Vancouver successfully blocked and rerouted the Olympic Torch on the last leg of the corporate-sponsored torch run prior to the opening ceremonies of the Vancouver 2010 Olympics and then sustained a strong movement of resistance for the duration of the games (Dyck, 2010). Heeding the call from Coast Salish Territories, demonstrations and protests in dozens of cities across Canada united under the slogan “No Olympics on Stolen Native Land” in an effort to highlight the colonial legacy of theft of indigenous land and particularly the fact that the Province of British Columbia sits on unceded indigenous territory. The resistance to the Vancouver 2010 Olympics also highlighted the federal government’s expansion of repressive temporary work programs in order to use migrant labour to build much of the Olympic village and stadiums. Integrating a migrant justice framework within the day-to-day anti-capitalist and anti-colonialist orientation of the No Olympics on Stolen Native Land campaign was an important element in No One Is Illegal – Vancouver’s ongoing engagement with the struggle for self-determination of the Coast Salish indigenous nations.

No One Is Illegal groups in Toronto and Montreal have also started the process of relationship building with indigenous nations, particularly with the Haudenosaunee Confederacy at Six Nations and Mohawks at Tyendinaga. There has also been increased contact and relationship building with the Algonquins at Barriere Lake and with Grassy Narrows First Nation. This solidarity work has, however, often occurred in times of crisis, such as the 2006 standoff with RCMP at the Six Nations Reclamation site near Caledonia, Ontario, or support of the Mohawks at Tyendinaga during their struggle against the illegal dumping of hazardous waste at the Culbertson Tract. No One Is Illegal – Toronto, in particular, has struggled to develop a sustained form of indigenous solidarity work with the Haudenosaunee, Algonquin, and Anishnabeg nations struggling for sovereignty in Ontario and Quebec. While this has been a challenge, individual members of the group have consistently worked to maintain strong links to indigenous struggles for self-determination, which was best exemplified in Toronto-based demonstrations for indigenous sovereignty in support of Grassy Narrows, the Indigenous Day of Action in 2007, and most recently during the G20.

Taking leadership from indigenous communities and expressing demands for self-determination, rejecting Canada’s legitimacy in setting

immigration policy, and building internal knowledge of the histories of colonization have all increased No One Is Illegal – Toronto’s ability to work more closely as allies with indigenous groups in struggle. It has also meant sustained work to educate the largely migrant and non-indigenous communities of the importance of engaging simultaneously in indigenous sovereignty and migrant justice struggles. Conversely, it has also forced the group to reframe their understanding of the reasons for migration as being part of a broader system of colonization that displaces indigenous peoples and forces them to seek refuge or economic opportunities in other territories that continue to be directly engaged in the colonial process.

In the recommendations that Sharma and Wright (2009) put forward in their response to Lawrence and Dua (2005), they suggest that migrant justice organizations’ call for open borders or free movement can simultaneously be integrated with solidarity for indigenous sovereignty struggles through “a consideration of ways to undo the divide between ‘indigenous’ people and ‘migrants’ by working towards practices of decolonization that are fundamentally antiracist and toward an antiracist politics fully cognizant of the necessity of anti-capitalist decolonization” (p. 122). While this has played a role in building the relationship between migrant justice groups and indigenous communities struggling for sovereignty, in practice No One Is Illegal groups have been faced with trying to negotiate both the legitimate critiques by Lawrence and Dua (2005) and the suggested ways forward of Sharma and Wright (2009). In particular, groups have tried to address the need to re-envision a call for “no borders” as being in line with the rejection of Canada’s colonial authority to “control who comes in and who comes out” while maintaining respect for indigenous peoples’ right to self-determination. This is partly the result of ongoing analysis of an anti-colonial political frame that takes into account indigenous sovereignty as being integral to any process of liberation of migrants. It is also based on the understanding that colonial practices in the Global South that continue to displace people are inherently linked to the dispossession of indigenous land in the Global North (No One Is Illegal – Vancouver, 2010).

Counter-national Framework: Organizing to Resist Local Borders and Boundaries

A frequent criticism of migrant justice organizing in Canada is that it lacks national coordination (Wright, 2006). In comparison to the United

States, which relies heavily on national networks (particularly within the Mexican and Latin American communities) to coordinate mass mobilizations and work stoppages in an effort to gain legislative reforms such as the DREAM act (see Barreto et al., 2008), No One Is Illegal groups in Canada tend to be more locally based and to blur the lines between national and local organizing (Shantz, 2005). While there have been nationally coordinated days of action called by No One Is Illegal groups in Canada (notably in 2006–2008) that have been expressly aligned with political actions for migrant justice in the United States, the day-to-day campaigns for migrant justice within a counter-national framework in Toronto, Montreal, and Vancouver have been highly decentralized and locally oriented.

In Toronto, the best example of this localized work is the emergence of the Access Not Fear and Shelter, Sanctuary, Status (SSS) campaign (Bhuyan, in this volume; F. Villegas, in this volume). This kind of campaign is often described by No One Is Illegal – Toronto as a form of “regularization from the ground up” (Mishra & Kamal, 2007). More specifically, the campaign seeks to empower migrant communities, community workers, shelter workers, civil sector employees, local shopkeepers, and other migrant organizations to create policies and develop action protocols that would bar immigration enforcement from entering into their spaces. It also advocates for the right of undocumented migrants to access basic services (health, housing, women’s shelters, emergency services, food banks) without the fear of being detained or deported (P. Villegas, in this volume). This strategy is not unique and has been effectively used within migrant justice struggles in the United States (Wright, 2006). What is interesting about this particular local strategy is that by seeking to engage community workers to redefine the way borders regulate people’s lives at a local level, it oscillates between calls to expand the welfare state (through provisions of services to undocumented people) and simultaneously to reject the nation-state as a legitimate migrant regulatory body. In other words, the campaign breaks from traditional nationalist and transnationalist migrant rights frameworks by seeking to push community workers to intervene directly against immigration enforcement in the city.

While, in practice, these campaigns offer the potential for a fundamental shift in how community activism around migrant justice occurs within institutional spaces such as community centres and women’s shelters, it also produces a significant tension with traditional social service providers who are oriented towards expanding access to

services but less comfortable with defying federal immigration laws. Thus, throughout the various campaigns, including working with schools, community centres, and women's shelters, staff and local officials working with No One Is Illegal – Toronto have engaged, to varying degrees, in both expanding access and shutting out immigration enforcement. No One Is Illegal – Toronto's SSS campaign, a coalition of migrant justice organizers, women's shelters, and violence against women activists, have challenged how women's organizations have traditionally thought of how borders affect the lives of women experiencing violence (Bhuyan, in this volume). They have also engaged in a reframing of detentions and deportations of migrant women as part of the ongoing perpetuation of state violence against women.

In March 2010, immigration enforcement entered a women's shelter in Toronto in search of a woman who had fled abuse in Ghana, in order to deport her. Seeing this as a violation of sanctuary provided to women fleeing violence, women's organizations and shelters from across the city held a press conference to denounce the incursion and proclaimed their goal of resisting immigration enforcement within the shelter system (Bonnar, 2010). Contextualizing deportations as violence against women, the groups mobilizing around SSS have highlighted the high-profile case of the murder of a young Mexican woman who sought refuge in Canada twice (and was deported both times), showing how the state violence of immigration policy directly contributes to violence against women (see Keung, 2009b). This political stand makes a traditional call for the expansion of the welfare state to meet the needs of undocumented migrant women fleeing physical violence, while at the same time pushing a radical agenda of delegitimizing the state violence of immigration enforcement, detention, and deportations. Similar experiences have been developing within the school system through the Education Not Deportation campaigns that have pushed for the implementation of school policies preventing immigration enforcement from entering schools (F. Villegas, in this volume).

While the autonomous and localized organizing structure of No One Is Illegal groups does not currently have the highly coordinated national mass base similar to movements in Britain and the United States, the flexibility and versatility with which groups organize locally allow for a counter-nationalist orientation that differs from nationalist and transnationalist migrant rights frameworks. No One Is Illegal – Toronto seeks to use the need undocumented people have for basic services as a means to start a discussion and dialogue with social service providers



and other community workers about how borders can be challenged directly in a local context. Attempting to disrupt the day-to-day operations of the enforcement arm of **immigration Canada** is part of a broader counter-nationalist strategy of challenging the border and the legitimacy of the Canadian state to determine who should be provided with basic services. It seeks to put the power to shift state immigration policy into the hands of the community, without lobbying for national immigration reforms. It provides the potential for transformative and long-term change and recentres the power for those changes towards the local community and away from the federal government. However, as with all campaigns that attempt to integrate organizations funded by federal, provincial, and municipal grants and with a radical anti-state agenda, it remains to be seen whether or not local community service organizations can harness the leverage building through the Access Not Fear campaigns and effectively move towards an interventionist approach in state immigration policy.

Anti-imperialist and Anti-capitalist Frameworks: Status for All versus No One Is Illegal

The overarching demand made by No One Is Illegal groups across Canada has been for a full and inclusive regularization program that would ensure that all people living in Canada would acquire full and permanent status. While this demand is critical to the movement's analysis, it is not clearly a call for open borders or for free movement; rather, it is an explicit negotiation with the Canadian state to reform immigration legislation in order to remove the conditions that produce illegality and precarity among migrants (de Genova, 2002; Goldring, Berinstein, & Bernhard, 2009). While this is seemingly contradictory to the counter-nationalist stance advocated by No One Is Illegal groups, a fuller analysis of strategy, tactics, and goals is warranted.

Rooted in much of the anti-globalization and anti-war struggles that have emerged since the late 1990s in North America, No One Is Illegal groups seek to negotiate their demand for status for all within the context of anti-capitalist and anti-imperialist struggles. Supporting the resistance to Canada's occupation of Afghanistan, its economic support for the war in Iraq, and its role in the Haitian coup, No One Is Illegal groups make the links between Canada's role in displacing people and its regressive immigration policies. Similarly, No One Is Illegal groups have supported campaigns against global mining companies

like Barrick Gold, whose operations have displaced people throughout the Global South. The groups have also engaged in the support of numerous Mexican migrants displaced and dispossessed of land due to free trade agreements like NAFTA that included the elimination of Article 27 of the Mexican constitution, which guaranteed land rights to indigenous people in Mexico.

The anti-imperialist framework expands the transnational framework by implicating the Canadian state and Canadian companies in the displacement of people. A good example of the expansion of this framework is the group's solidarity with the Palestinian liberation struggle. Significant to this struggle is the call for a right of return for Palestinians displaced by the Israeli state. In a 2006 statement released by No One Is Illegal – Toronto in support of Palestinian refugees, the group asserts the demand for

the right of displaced Palestinian refugees and their descendants to return to the Occupied Territories and that complete compensation is required for lost property and other assets for all refugees, regardless of their willingness to return, by the responsible governmental authorities.

This statement also recognizes the right of Palestinians to self-determination and gives support for the liberation struggles of the people of Palestine. Support for national liberation struggles remains a point of contention within organizing strategies, however, as there is significant slippage between calls for the end to occupations and the reaffirmation of nationalism as a political practice. These tensions exist within a number of contexts in which No One Is Illegal seeks to assert the right to free movement but also the right to stay without being displaced, which is exemplified by the support of Tamil liberation demonstrations, Haitian anti-occupation struggles, and anti-war demonstrations opposing Canada's role in Iraq and Afghanistan. Such solidarity links the politics of justice for migrants with a politics of the right not to be displaced and sees Canada's imperial, environmental, and corporate policies as being intimately linked with displacement globally. Differing from a dominant strain of left nationalism in Canada (particularly within the labour and environmental movements), these anti-imperial movements seek to problematize Canada's colonial legacy as intricately embedded in capitalist globalization.

Conclusion

This chapter attempts to articulate an emergent shift in migrant justice organizing in Canada. It uses the network of No One Is Illegal groups in Canada to analyse how these groups work within anti-colonial, counter-nationalist, anti-imperialist, and anti-capitalist frameworks that differ substantively from traditional nationalist and transnationalist movements for migrant rights.

I argue that the emergence of movements that challenge borders within the Canadian political landscape has significantly altered how migrant justice activism is framed. These movements have had an impact on official discourse by challenging the legitimacy of the colonial Canadian state's right to determine immigration policy by supporting calls for indigenous sovereignty. The movements have dislocated activism in support of those without documentation by empowering people in the local context to directly intervene in immigration enforcement. They have also mobilized to demand status and rights for unauthorized migrants by working to expose and resist Canadian state and corporate complicity in global displacement. Starr and Adams (2003) suggest that groups that organize within an "autonomous" framework such as the No One Is Illegal collectives are more likely to "assert the legitimacy of autonomous community authority in diverse local political systems" (p. 20). Such local autonomy allows for the diversity and creativity that emerges within the context of collective principles and demands for migrant justice. While no cohesive decision-making structure within the network exists, an attempt to build respect, solidarity, and creativity among the various No One Is Illegal collectives has allowed for flexible tactics and strategies that incorporate a process of decolonization within each groups' local political context.

In framing their movements as part of anti-colonial and anti-imperial struggles, No One Is Illegal groups have broadened the strategic focus of "no-borders" politics to include a greater emphasis on indigenous solidarity, a firm commitment to challenging Canadian and US imperialism abroad – while maintaining concentration on building community power and a specific call for immigration legislation reforms. While contradictions remain pervasive with respect to an acknowledged desire to both oppose the legitimacy of Canadian immigration legislation and seek redress from such policies, organizing within an anti-colonial and counter-nationalist framework allows the groups to negotiate such

contradictions strategically. This requires building more long-term and consistent solidarity with indigenous communities fighting for sovereignty as well as recentring the power structure towards the local rather than national. Inherent in such struggles is the shift in slogans and language within the migrant justice movement that challenges the legitimacy of borders as a colonial project, exclaiming emphatically that “We didn’t cross the borders, the borders cross us!” Such framing suggests a desire to grapple with the complexities of colonialism and to assert the rights of individuals to stay in their lands unhindered by colonial incursions, in a sense articulating a free movement of people by asserting that “no one is illegal.”

NOTE

- 1 I use the terms “anti-colonial,” “anti-imperialist,” and “counter-nationalist” to describe aspects of a framework underlying a particular segment of migrant justice organizing in Canada that is represented in part by the autonomous network of No One Is Illegal groups.