

**BECOMING “SUBJECTS” OF THE VISA REGIME:  
HOW THE BAN-OPTICON OF THE CANADIAN VISA  
SYSTEM AFFECTS CHINESE APPLICANTS**

by

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## **Abstract**

This thesis examines the visa mechanism deployed by governments on state borders. I take the Canadian temporary residence visa system experienced by Chinese applicants as my working example. Though the visa system is generally regarded as something essential and efficient for border control, I argue that it only gains its power to judge people's admissibility from the government's routinized authority and deemed expertise to deploy the border control mechanisms. The visa system is a realm where governments practise their power on the bordering population and visa applicants are made into subjects of the visa regime. Didier Bigo's (2005) model of ban-opticon is used as my theoretical model to analyze the Canadian temporary resident visa system in this thesis. Mirroring Bigo's description of the ban-opticon, I first analyze how the legitimacy of visa system is constructed by the discourse of in-securitization of migration, which, by rendering the migrating population inherently dangerous to the sovereign states, legitimates and necessitates the deployment of border control mechanisms. Also, I argue that the legislation surrounding the Canadian temporary resident visa system not only regulates the operational procedure, but also naturalizes the Canadian government's expertise in selecting admissible people. Lastly, from the Canadian visa application experience of 9 Chinese applicants, I analyze how the applicants' admissibility is decided by the visa officers based on their interpretation of the applicants' identity documents and prediction of the applicants' future behaviour. Though some means of negotiation are embedded in the mechanism, their existence actually proves that the evaluation system itself is not determinate. As I conclude, the discourse of in-securitization of migration, the related legislation of the visa system, as well as the real-life practices in the process, as

the three elements of the ban-opticon on the border, are all at play in the visa regime, jointly making visa applicants into subjects of the government's power practice on the border.

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# **Chapter One: Introduction**

## **1.1 Questions Arise**

I met a Chinese friend, Jiong, in Kingston at the end of 2007, who came to Queen's University that September for his master's program in a science subject after receiving his temporary resident visa and study permit. Though I knew that applying for the visa and study permit was a time-consuming and document-intense process, Jiong's arduous journey through the required paper work was still surprising to me.

Jiong first applied for his Canadian temporary resident visa on June 10<sup>th</sup>, 2007, shortly after he decided to come to Queen's for his master's program. However, he was only able to arrange a flight to Canada on September 26<sup>th</sup>, one week before the mid-term exams for two of his graduate courses. "There was nothing wrong with my application. I had included everything that was required in the package," Jiong told me. He submitted all the application materials including visa application forms, his passport, certificate of birth, notarized copy of non-criminal certificate, notarized copy of his former graduation certificate and degree, and a study plan stating that he intended to go back to China after graduating from the program in Canada. Most significantly, Jiong had also submitted the admission letter from Queen's indicating that his income from the university will be about \$26,000 per year and evidence from Queen's showing that his annual tuition and living expenses would only amount to \$23,000.

After handing in all these application materials to the Canadian embassy in Beijing, like all other Chinese applicants, Jiong started his weeks-long wait at home, watching for a change to the status of his application on the website of the Canadian embassy in Beijing. "I thought I had made a timely application, as I submitted my

materials very shortly after I received the unconditional offer from Queen's” Jiong said, “I thought I would get the visa in a smooth manner.”

However, three weeks lapsed before Jiong realized that there might be problems with his visa application. While other regular cases at the same stage as Jiong would have been given an online status number of 7, which meant the application was basically approved pending the result of the medical examination, Jiong saw a “6” for his case, which meant that the application was on hold, and further materials were required. Within a couple of days, Jiong received a letter from the embassy asking for proof of financial capability, as the visa officers were not satisfied that Jiong would be able to financially support himself in Canada. “How could my funding be not sufficient?” Jiong was upset, “I had official documents from the school showing my estimated annual income and expenses – they should know which number is bigger. So I wrote a letter stating this to the embassy and attached another set of photocopies of the official documents.” It was about a week before Jiong received an official letter of rejection along with all his application materials from the Canadian embassy.

Jiong was at a loss about his visa rejection. “Yes, I could have prepared bank statements of my parents’ savings to support my visa application, but it was already mid July then, and I was told that it would take a very long time for the embassy to verify family bank statements, and then to make sure the money of the family can be used by the applicant. I thought I could not wait for that long,” Jiong recalled, “and you know, I could not understand why they thought my funding was insufficient and had no idea how much more money they thought I needed. Now that I had proof showing that I would have enough money, why should I bother providing more and more proof?” Not knowing what to do to improve his visa application package, Jiong talked to a friend who was then

working in the Ministry of Foreign Affairs of the People's Republic of China, hoping that the friend could use some of his personal networks to negotiate for him with the officers in the Canadian embassy on his behalf. His friend's response was more than amusing: "If you are going to, say, Mongolia, I can try mediating for you; there shouldn't be any problem as we are the more powerful country. But it's Canada that you are going to. You know how forceful the Canadian embassy is? They don't care about our requests, even through any personal network."

On July 12<sup>th</sup>, about a month after his first application was submitted, Jiong wrote emails to his prospective supervisor at Queen's and the graduate assistant of his department to inform them of the rejection of his visa application and to ask if they would be able to do anything to help. Two weeks later, on July 27<sup>th</sup>, Jiong was informed by his department at Queen's that the graduate admission coordinator had written a strong appeal letter to the Canadian embassy in Beijing on his behalf, and the letter was both faxed and emailed to the visa officers. Shortly after that, Jiong received a phone call from the Canadian embassy telling him to resubmit the visa application and that his previous record of visa rejection would be cancelled. At the end of July, Jiong again mailed his visa application package to the embassy – exactly the same one the embassy had returned to him weeks prior. "The only change I had made was to put the letter showing my financial capability on the top of all the documents," Jiong explained.

The result of Jiong's second visa application, with the appeal letter from his department and all the other unchanged documents, was positive. However, Jiong's visa application was assigned a new file number, which meant that he needed to wait for another several weeks before his case was processed. "They said that it was like I started a new visa application. So I was placed at the end of the line, and had to wait for my turn

for my application to be examined. They were not able to locate my files among the piles of application packages they were holding, so they could not give my case priority”, Jiong said to me. Feeling most insecure, however, Jiong wrote emails to the Canadian embassy every other day and went to the embassy in person many times during his wait, in hopes of getting staff to help him find his application package so he could get priority, “but they said ‘just wait’.”

Another trouble Jiong had come across was in making his reservation for a flight to Canada. Not expecting that his visa application would have been rejected the first time, Jiong scheduled his flight to Canada for August 15<sup>th</sup>, 2007. Yet, after his first visa application was rejected in early July, Jiong changed the date of his flight four times: to August 20<sup>th</sup>, 26<sup>th</sup>, September 10<sup>th</sup> and finally September 26<sup>th</sup>. It was not until mid-September that Jiong had received his passport with the Canadian temporary resident visa counterfoil and the confirmation of his study permit from the Canadian embassy. It was, however, just in time for Jiong to fly overseas and take the mid-term exams for his first semester at Queen’s.

Jiong couldn’t understand why he was rejected by the Canadian embassy the first time while his second application was readily accepted. Naturally, since his second application was accepted, while containing the same information that was the basis for his rejection in the first application, some other factor must have come into play. We can easily deduce that even though Jiong provided official documents showing his potential income and expenses in Canada in both of his visa applications, the appeal letter from his department had somehow given a “more official” and “more convincing” proof of his financial capability, which would explain the acceptance of his second application. Yet, how much, and in what ways, does “officialness” influence a visa application result? It

was hard to judge whether it was the mere act of appealing or the content of the appeal letter that made the difference. But what if Jiong did not resort to his department? Was it that the appeal was from his department that made Jiong admissible? It may be a question without an exact answer, yet the answer somehow manifested itself in the visa application result.

However, if we step out of the impasse of the official reason given for Jiong's visa rejection, and stop asking how could Canadian temporary visa applicants like Jiong prove to the visa officers that they have sufficient funding to support themselves, we might focus on key questions surrounding the experience of Chinese applicants and aspects of the underlying application process itself.

First, we might ask why Jiong should submit all the documents including his study plan, non-criminal certificate, birth certificate and other documents to the Canadian embassy to apply for admission into the country. That is, wouldn't his admission into a Canadian university alone justify his trip to the country?

Secondly, for the visa application, why did Jiong need to prove that he has sufficient funding to financially support himself in Canada for the coming two years? Of course, there would be a response like "if Jiong did not have sufficient money for his tuition and life expenses, how could he realistically afford his study and life in Canada". Admittedly, financial capability would be a vital factor in making Jiong's trip happen, but is it not an issue that Jiong should take care of by himself? Why would the government concern itself with this and use it as a factor to decide on Jiong's admissibility to the country? Is the government just trying to block poor people or is it, by checking one's financial capability, making a presumption regarding an applicant's future behaviour? Furthermore, if applicants for the Canadian temporary resident visa are prospective

students, they may not have sufficient money for their stay when they apply, but there is no logical reason that they could not work in Canada to support themselves. Is that possibility simply not counted or not allowed? Apart from the financial capability (which is the challenge in Jiong's case), what are the other criteria that the government uses to evaluate the applicants' admissibility? How does the government interpret the information found in an application?

Lastly, from a narrower yet more practical perspective, are there other ways for visa applicants to successfully address the visa officers' concerns than to resort to appeals from official sources?

The three sets of questions listed above address three important aspects about visa mechanisms that I intend to discuss in this thesis: the legitimacy of any government employing a visa mechanism, the techniques and logic the government applies to carry out the visa system, and strategies that may be helpful to the visa applicants. In this thesis, I am going to mainly rely on theoretical modelling to show how the legitimacy of the visa mechanism is constructed by the government, serving to enclose a population awaiting examination through the visa system. I will then analyze the relevant legislation and application experiences to reveal how the Canadian government uses the visa system to categorize Chinese applicants<sup>1</sup>, institutionalizes their identities and decides on their admissibility. In other words, my objective in this thesis is to reveal the process and practice in which visa applicants are made subjects of the visa application system.

For several reasons, my research will only focus on applications for the Canadian temporary resident visas made by Chinese applicants. First, specifying the countries of

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<sup>1</sup> Considering the difference of visa policies and document requirements, I will only focus on the visa application experience of mainland China applicants in my research. Descriptions of relevant policies and administrative system in the rest of my thesis will also only refer to those of mainland China as well.

origin and destination (China and Canada in this case) greatly facilitates the research since the relevant visa policies and regulations for different cases would be consistent, making the connection between visa policies and practice clearer and the visa application practices of different applicants more comparable. Also, the Chinese-Canadian visa system is more accessible for me as a Chinese researcher in Canada. This is helpful in retrieving government files and in discussing the cases with the applicants personally, which prevents lost or misunderstood information. Finally, just as the Canadian temporary resident visa program is not exclusively designed for Chinese applicants, the global temporary visa regime is applied by many other governments than Canadian government. Though there may be differences in visa policies between different countries, the temporary visa system itself is always used by the government to admit certain migrants on short-term basis at exclusion of the others. I am hopeful that my research on the Chinese-Canadian case might also shed some light on, or at least provide a pertinent research perspective to, the global temporary visa regime.

## **1.2 Theoretical Background**

I will start my theoretical modelling for the visa regime from the concept of “state border”. As Anssi Paasi (2005:19) and Mark B. Salter (2003:135; 2005:36) have both argued, the drawing of borders between states is historically contingent. Though the geographical border appears to be a most concrete line between the territories, it does not necessarily indicate that there are real differences between the two sides it demarcates. Therefore, it is not the geographical existence of the border that triggers the deployment of the control mechanisms on the border, since the geographical border itself does not raise the need for differentiation and exclusion between the territories. If geographical

borders play any role in the modern border control mechanism, they act as a symbolic differentiation between territories. The existence of the geographical borders highlights the movement across them, rather than inherently rendering the cross-border movements problematic and suspicious.

It is the association of borders with the sovereign states that gives borders their political implication and potential. Didier Bigo (2002) has elaborated a metaphor of body politic in his research on the border control mechanism that compares the sovereign states, which are enclosed by state borders, to biological bodies. Since the latter is considered to have a clear differentiation between inside and outside, homogeneity and heterogeneity, the sovereign states are also deemed to be distinctive from each other, not nominally or politically, but essentially. The metaphor of body politic applied to sovereign states thus renders the state borders, which are the interface between a state and the outside, in need of protection, not only to maintain the homogeneity inside, but also to prevent the “political body” from the threats and risks outside.

Beyond the metaphor of body politic, I will also use Michel Foucault’s argument on sovereignty and governmentality to explain the legitimatization of the border control system. Michel Foucault (1991:95) argues that the finality of sovereignty is for the “common good” of the population within a sovereign state, which indicates that everyone in the state would fulfill the tasks they are assigned, obey the rules designed in the state and so forth so as to achieve general and mutual “good” within the state. The finality of sovereignty is essentially to retain the population’s obedience to it and to protect and maintain the authority of the sovereignty itself. Thus, one significant part of the sovereignty practice would be to protect its own authority from threats outside, which is

beyond the reach of the sovereignty. It is under this consideration that state borders become the site where border control mechanisms are deployed.

However, Foucault reminds us to differentiate between sovereignty and governmentality, the latter of which is a significant mode of the power practice according to Foucault. As he argues, the finality of governmentality is “to dispose things” (ibid:93). The things here refer to people within the state, and more importantly, their relationships with other things like wealth, subsistence, natural conditions of the territory and the customs. Through disposing things, the government intends to sort things out in a most convenient way to achieve its governmental aims, may these aims be economic, demographic or ethnic, and these aims may change constantly at different historical points and in various international scenarios. Sovereignty and laws, however, become an instrument of governmentality, and are made use of by the government to dispose of things in a more efficient and arguably more legitimate way. State borders, in this sense, are exactly a mechanism of governmentality. Other than the object of a government’s protection and guardianship, borders have become something the government could claim and count on to dispose things for governing and to test the government’s strategies and designs for specific finalities at the time.

Furthermore, Foucault (ibid) advances this argument and points out that the subject of governmentality is population, which can be understood to be the migrating population for the border control mechanism. As Didier Bigo (2002) considers, based on the sovereignty myth, the legitimatization of border control is further reinforced by a discourse of in-securitization of migration, which renders “immigration” as something essentially dangerous and questionable. Therefore, it becomes an imperative for the government to run mechanisms of “border control” to screen the migrating population, so

as to manage the unease on the state borders and to keep out the threats brought by the migrants.

Derived from Foucault's famous model of panopticon for governmentality, Didier Bigo (2004) proposed the idea of the dispositif of ban-opticon on the border, to specifically analyze the mechanisms of border control deployed by the government. The term ban-opticon captures the proactive and anticipative traits of the border control mechanism, which is supposed to admit a desirable population and to exclude the rest (ibid). Bigo summarizes three traits of the dispositif of ban-opticon in his work (ibid). First of all, Bigo argues that ban-opticon indicates the idea of exceptionalism in the border control mechanism, through which the government can announce a status of exception for border control, the status of emergency after 9/11 for example, and to enclose an outside for the state, not necessarily an outside to be excluded from the state at the onset, but an outside that is required to go through further screening and evaluation. Secondly, the dispositif of ban-opticon configures and practises the government's capability of screening the migrating population and deciding on their admissibility, by means of identity interpretation and categorization. Lastly, through the ban-opticon on the border, the admissibility of the migrating population is handed down on the basis of the government officers' prediction of the prospective migrants' future behaviour. This process of prediction, as Bigo analyzes, involves the application of the grammar of "futur anterieur" (the past future) to the prospective migrants' identity documents, which are submitted to the government officers.

Didier Bigo's model of ban-opticon will be used to test the Canadian temporary resident visa system in this thesis. Not only will this model help us break down the visa application and examination process and help us understand what is happening at every

stage, it will also provide us with a valuable perspective to view the relationship between the different elements involved in this mechanism, for example, how the discourse of border control, relevant laws and regulations as well as the visa application practices are interconnected, forming the mechanism of the visa regime to which every applicant is subject.

I will use William Bogard's (2006) analysis of "lines of flight", which describes the possibility of resistance to the surveillance assemblage (termed in Haggerty and Ericson 2000), in order to analyze the strategies used by the visa applicants to gain admission. These strategies are thoroughly entrenched in the visa systems. However, rather than being invented by the visa applicants, these strategies and methods derive from the operational feature of the visa system, which divorces itself from determinacy.

### **1.3 Methodology**

The data I have collected and will discuss in this thesis is the Chinese applicants' experiences when applying for the Canadian temporary resident visa. The research uses the qualitative interview method. Through interviews with the Canadian temporary resident visa applicants from China, I will reveal how the visa applicants deal with the requirements made by the Canadian government for the visa application package, what they encountered during the application process, and how they understood and responded to their results. Even though there are uniform regulations in the immigration acts of Canada articulating the criteria of admissibility and inadmissibility of the migrants, these criteria are primarily made from the perspective of the government and do not give practical guidelines as to how the identity documents of the visa applicants can be connected to the final decisions on their admissibility. In-depth interviewing, however,

has allowed me to delve into the visa applicants' considerations when retrieving certain identity documents, the process they went through to obtain certain materials, and the visa application results that certain documents have led to.

The in-depth interviews for this research were semi-structured. I first looked at the relevant regulations surrounding the Canadian temporary visa system, from which I structured my questions in the interview to reflect the stages that the visa applicants must go through. However, rather than assigning a single rigid framework for all my questions and specifying the purposes of each question prior to the interviews, my interviews were kept open to discovery largely directed by my respondents' narratives. As their backgrounds, visa application experiences and concerns were quite diverse, my respondents were invited to talk about their own stories freely and reflectively, rather than focus on my specific questions. My questions, however, were used to mark different stages of the visa application procedure and to probe into the details when the respondents mentioned some interesting clues. As I will explain further in the following chapters, the immigration acts and regulations of Canada are not considered as benchmarks on how the visa application and examination practice should be carried out or whether certain visa application results are justified or not. Rather, the laws and regulations surrounding the Canadian temporary resident visa application are considered to be the legislative base for the visa application practice, as they do not necessarily lead to certain patterns of practice or logic, but contribute to the broad visa mechanism that the visa applicants face.

The in-depth interviews I am conducting for this research borrow some ideas from the method of oral history, which focuses on the recollections of the respondents' past.<sup>2</sup>

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<sup>2</sup> By referring to the method of oral history, I am not indicating that my interview is to describe a certain period of history, say the Canadian temporary resident visa application stories in the early 21<sup>st</sup> century. I do

As Peter S. Li (1985:68) introduces, for an oral history, “[a] researcher speaks to respondents who previously have been exposed to a set of experiences, and asks them to describe the experiences and their feelings about those experiences as they recall them. The information being sought may pertain to an event, a place, a tradition, or a biography”. My research here, however, is not focused on any historical events or social traditions, but on an official procedure, with an aim to find out how the visa application and examination process is experienced by the applicants. The stories of the visa applicants will be used to flesh out the official procedure which previously had been defined and articulated only by the legislation. In his work on the application of oral history in social science research, Li (ibid) argues that “the respondents [of oral history] are [usually] ordinary people whose verbal accounts represent a folk version of events, as opposed to an official version contained in institutional records”. Oral history is not a research method new to social science. Kathryn Anderson, Susan Armitage, Dana Jack and Judith Wittner (1987), in their work on the application of oral history in feminist sociology, articulate the idea that the method of oral history allowed the researchers to collect the hidden and concrete activities in women’s actual lives. As for the temporary resident visa application procedures at issue, while the actual visa application practice and experience of the applicants are not deliberately hidden or omitted from the public record, they are notably absent from both the revealed official documentation and academic works. There may be confidential governmental archives about each visa application case on record, but they are not available to the public. Also, they may only be relevant to

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not emphasize on the time frame of the visa application cases in my interview. What I mean by borrowing the idea from oral history simply refers to that I have asked my respondents to recall and describe their visa application experience in a narrative and retrospective way in the interviews.

governmental procedure and may not reflect the personal experiences of the visa applicants, as the way the government operates determines what is obtained and recorded.

Therefore, the purpose of my in-depth interviews in this research combined with the idea of oral history is to explore more of the undocumented and personal experiences of the visa applicants, which has given me access to some unexplored aspects of the visa application process. Also, the direct access to the visa applicants helped me collect information that is difficult to collect by other means, for example, how Chinese institutions are used by visa applicants to retrieve necessary identity documents, and how strategies of resistance are captured and used by the visa applicants.

Several concerns about the application of oral history in this research need to be addressed here. The first concern is about the reliability of the information gained from my respondents' narrative. Since the visa applicants' experience will be narrated by themselves, it could be hard for me to verify the truth and accuracy of their descriptions and to identify whether their perception of the process is common or not. However, Li's definition of five levels of reality for the respondents' stories can be very useful here. Li advances that the reality of a respondent's oral story can fit into one of the five levels of reliability:

- (1) what the respondent describes is fabricated;
- (2) what the respondent describes is what the respondent would like to believe to have happened;
- (3) what the respondent describes is what the respondent perceives has happened;
- (4) what the respondent describes is also described in other recorded sources, and
- (5) what the respondent describes is exactly what happened (Li 1985:72).

It is inevitable that the respondents of oral history may have some strong feelings as to their own specific experience, and may combine certain emotions with their description.

However, Li argues that the subjectivity of the respondents is actually "a part of the oral

history that enriches it” (ibid). In terms of a method to deal with the reliability of the information, Li argues that “each level of interpretation corresponds to a different reality, each of which is equally reliable and valid if the levels of the reality are taken into account” (ibid). That is to say, the concern regarding the reliability of the respondents’ narratives can be addressed if the researcher can take the level of reality into consideration when interpreting the information provided by the respondents. For example, the researcher can consider why the respondents fabricate certain stories, how their perception is generated, how this affects the respondents’ practices, and what caused the real experiences of the respondents in the analysis. Probing into these questions would not reduce the credibility of the research, but would enrich it. My research on the visa applicants at issue, greatly valued the visa applicants’ consideration of the visa application process, their understanding of what was expected from them by the visa officers, and their reaction to the visa application results. Not only would my interviews describe the roots of the visa applicants’ practices, they also offer a personal lens to view the applicants’ individual circumstances. Therefore, I consider the subjectivity of my interviewees as an advantage of my research. At the same time, I will distinguish their perception from the real experience in my analysis. Moreover, if there appear to be any conflicts or non-compliances between my respondents’ narrative and the legislation, for example, if a respondent did not submit a document which was required by the Canadian government, further questions would be asked about the issue to explore more details and to prove its validity. While the results of my respondents’ visa application speak for themselves, the interviews were susceptible to fabrication, thus my respondents were first asked to sign consent forms that included the option to opt out of the interview at any time for any reason.

Generalizability is another issue that usually challenges social research that applies the qualitative interview method. However, generalizability is not a problem for my research here as I am not intending to reveal, say, the percentage of Canadian temporary resident visa applicants from China that have a certain visa application experience or have responded in a certain way to their visa application results. Rather, my objective is to explore, from the perspective of the visa applicants, what the process of their visa application is like and how the visa mechanism affects their experience in the visa application process. In essential, it is the deployment and operation of the visa mechanism that turn the applicants into the subjects of the visa regime, not the extensiveness of its coverage. The visa applicants' experience will serve as good illustrations of the operation and logic of the visa mechanism. What I am trying to guarantee in my research is that my respondents' collective experience involves every aspect of the visa system possible so as to give a comprehensive picture of the temporary visa system and to show the diversity of the applicants' situations. Thus I have recruited visa applicants for all three types of Canadian temporary resident visas and have included both successful and failed cases in my research. Also, I have tried to probe for further details about each case so as to make a more complete analysis of them. It is not the breadth of my sample of respondents that lends significance to my research, but the depth.

For interpretation, my respondents' pattern of behaviour will be picked out from the narratives of their own visa application experience. As I have briefly introduced in the last section, the theoretical model of ban-opticon will be used to analyze the setting under which certain visa application results are generated and certain patterns of behaviour of my respondents emerge, so that the connection between visa mechanism and the visa applicants' experience could be drawn. The theory of "lines of flight" from William

Bogard is going to be combined with the theoretical model of ban-opticon to analyze the resistant practices of the visa applicants, so as to ensure the comprehensiveness of the theoretical framework and the whole coverage of all the cases from my respondents.

I have used snowball sampling to recruit my respondents. Since there is no governmental archive recording the visa application cases that is accessible to public or academic researchers, probability sampling is not technically feasible; besides, probability sampling is inapplicable to this research because the result is not to be generalized. Also, as I have mentioned, I am trying to ensure that my respondents include visa applicants from all three Canadian temporary resident visa categories, so snowball sampling is an effective means of recruiting respondents for my purposes. The starting point of the snowball sampling was found in my group of friends and acquaintances in the Chinese community in Kingston. They (including some of the prospective interviewees) were asked to introduce other potential interviewees who had the experience of applying for the Canadian temporary resident visas to me. The introducers were asked to make initial contacts with the new people being introduced and asked them if they would like to participate in the research. I only contacted those who had showed an interest in the study, and provided them with more details of my research. Those who approved of being interviewed were asked to sign consent forms and were interviewed. These respondents were then asked to introduce further prospective respondents who had applied for Canadian temporary resident visas, and so on, until enough respondents were recruited.

Eventually, nine people participated in my interviews. They were all Chinese nationals who applied for Canadian temporary resident visas, including study permits, work permits and visitor's visas. Their visa application experiences, which I analyze in Chapter Four, all took place between 2003 and 2008. Some of my respondents had

applied for more than one type of Canadian temporary resident visas.<sup>3</sup> Ethical approval of this research was obtained in May 2008, both at the departmental level and by the General Research Ethics Board of Queen's University. While my research touched on some sensitive materials, such as the strategies my respondents purposefully applied to smooth their visa application, all were within the confines of law and would not put my respondents in legal jeopardy. In addition, my respondents' personal information is highly confidential and is protected in my research. Pseudonyms are used in this thesis when my respondents are mentioned or their words are quoted. All the interviews were conducted between June 2008 and September 2008. Considering that the native language of all the respondents is Chinese and some of the respondents who came to Canada to visit their family members did not speak English at all, all the respondents were offered the option to take the interview in either English or Chinese. As could be expected, all respondents chose Chinese as the working language of the interviews. All the interviews were tape-recorded and then transcribed and translated by me, being the only researcher. The details of the interview procedure were made clear to the respondents before they signed the consent forms.

The interviews of this research were semi-structured. I designed some questions based on the visa application and examination procedure as regulated by the relevant legislation.<sup>4</sup> However, these questions were mainly used to structure the interview and to remind me of any stages that the respondents might have missed during the interviews, so as to ensure that no important details were overlooked. Not necessarily all the questions on the list were asked of every respondent. In the interviews, the respondents were

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<sup>3</sup> See Appendix 1 for details of the respondents.

<sup>4</sup> See Appendix 2 for a list of sample questions.

encouraged to talk freely about their experience of the visa application process and their perceptions at any stage.

#### **1.4 Chapter Arrangement**

In Chapter Two, I will model the theoretical framework for my analysis on the Canadian temporary resident visa. My research will start from reflecting upon the concept and implications of state border and move on to an analysis of the legitimatization of border control by sovereignty myth. State borders need to be controlled because they are regarded as the external boundaries of the sovereign states, protecting the latter from outside threats. Thus, migration is in-securitized as a problem threatening the safety and stability of the sovereign states, which renders it imperative for the governments to screen the migrating population for the sake of border control. After clarifying the legitimatizing context of the border control regime, I will then introduce Didier Bigo's theoretical model of ban-opticon, which is used to deconstruct the modern border control mechanism deployed by the government as a means of governmentality, and the applicability of this model to my analysis on the visa system in this thesis. Finally, Chapter Two singles out the Canadian temporary resident visa system, from the grounding of the global migration control regime, as the specific example of the border control mechanism to be further analyzed in the thesis.

In Chapter Three, I will focus on the legislation surrounding the Canadian temporary resident visa system. Considering that both the permanent resident recruiting system and the temporary resident visa system are regulated under the same immigration acts, I am going to first explore what the temporary resident visa system is expected to contribute to Canada's general migration system and how it is supposed to co-operate

with and reinforce the permanent resident recruiting system. Then I will introduce some detailed regulations on the operation of the Canadian temporary resident visa application, for example, what questions the visa officers are supposed to address in the visa examination process and what identity documents are required from the visa applicants. With these official requirements clarified, I will then talk about the Chinese administrative institutions from which Chinese applicants' identity documents are generated and retrieved for their Canadian visa application and what kind of information is contained in these documents. I will also explain why Chinese hukou system is used as a crucial source of identity files for Chinese applicants in their Canadian visa application process, though hukou system and some of its related institutions were originally designed and deployed for internal administrative purposes only.

In Chapter Four, I will analyze the visa application experience of my respondents, so as to reveal how these visa applicants are categorized and evaluated based on the documents they have submitted, what consequences are generated through the visa examination process and how it would be possible for the visa applicants to manipulate their applications. Arguments will be drawn from four aspects. First, the discourse of securitization of migration has proactively placed the visa applicants in a defensive position and has required them to disprove any suspicions imposed on them so as to be considered admissible. Secondly, Chinese internal administrative institutions, such as hukou system, are used as authoritative sources for identity information by Chinese applicants for their Canadian visa application. The employment of hukou system has been routinized as a necessary step of the visa application procedure and the identity files originally generated for internal administrative purposes are interpreted in totally different contexts and logic to evaluate the visa applicants' eligibility for border-crossing

in the visa application process. Thirdly, visa officers evaluate on the applicants' admissibility based on their prediction on the applicants' identity files. By interpreting the documents about the applicants' life history, visa officers anticipate and dramatize the applicants' future behaviour, thus make decisions on the latter's admissibility. Lastly, since visa officers are actually looking for specific indicators from the application materials to address certain presupposed concerns, rather than working on the comprehensive images of the visa applicants, the visa examination process is based on fragmented and de-contextualized documents about the applicants and is divorced from determinacy itself. It gives the visa applicants possibilities to actively expand their application documents sources in hope of providing exactly fitted information for positive visa application results.

In the conclusion, I will restate my main thesis: visa applicants are made into subjects of the visa regime in the visa application process, and the three main elements of the ban-opticon of visa regime are all at play: the discourse of in-securitization of migration renders the visa applicants to a lower and defensive position in the border-crossing activities; the legislation of the visa application presupposes the categories into which the visa applicants are about to be fitted and the way the visa officers evaluate the applicants' admissibility and it also shapes the applicants' consideration and practice in the process; the visa examination practices conducted by visa officers finally decides on the applicants' admissibility and restricts their mobility. As I believe, my thesis highlights the temporary visa regime as a specific and important research area among all the research works on border control mechanisms and governmental surveillance. Also, by applying qualitative interview method to the study on visa system, my research

emphasizes on the subjectivity of the applicants in the visa application process and encourages further reflection on the power practice of the border control mechanism.

## **Chapter Two: From Territorial Sovereignty to Identity Politics**

A vast and diverse volume of previous literature needs to be consulted so as to understand the significance and function of the visa mechanism, and to conduct subsequent analysis on it. First of all, research on the visa regime would initially confront questions on the reasons for border control and the legitimacy of carrying out migration control mechanisms by the government, on which Gary T. Marx (2005), Mark B. Salter (2005), Elspeth Guild (2005), Henk van Houtum, Olivier Kramsch and Wolfgang Zierhofer (2005), Anssi Paasi (2005) and Ronen Shamir (2005) have all shed some light. Didier Bigo (2002; 2004; 2006) has also contributed, on the theoretical level, to the research model of ban-opticon for studies on the global migration control regime. This body of research works could help us reflect upon the ideological origin of the visa regime and perceive the legitimacy on which visa system is established and practised.

In addition to the theoretical contribution, Bigo (2005) has also studied the specific case of the migration control mechanism of the European Union. Some other researchers have also conducted studies on the migration control systems of certain countries or regions, for example, Payal Banerjee (2006) analyzed the temporary worker visa system of the United States; Janet A. Gilboy (1991) delved into the process through which the Customs officers of the United States examined the prospective migrants' admissibility at the ports of entry; and Ayse Ceyhan (2005) touched on the migration control systems of both France and the United States in her research on the identification mechanism of border control. These research works are also useful to my study on the Canadian temporary visa system as, first, migration control systems of different countries may have some comparable border control ideas and logic – both the common points and

the distinctions between the Canadian migration control system and those of other countries could help us better understand the Canadian case. Secondly, the migration control systems of different countries would be technically compatible, especially for some bordering countries that tend to control the migrating flows co-operatively.

As a mechanism targeting the prospective border-crossers, the visa system is also inseparable from governmental documentation of the individuals. John C. Torpey (2002; 2005), Mark B. Salter (2003) and Ayse Ceyhan (2005) have all given pertinent analyses on the institutional profiling of the border-crossers on which the visa system relies. Torpey (2002) and Salter (2003) studied the origin and operation of the global passport system, and Ceyhan (2005) focused on the employment of personal identity dossiers to evaluate one's admissibility in the migration control system. As the ideas of personal identity and identification mechanism are connected with the operation of visa system, some identity theorists' works (for example, see Jenkin 2008; Hall 1996,) should also be brought into discussion, so as to clarify the meanings of identity and the identification work in the visa application scenario. Furthermore, David Lyon (2001; 2003), Kevin D. Haggerty and Richard V. Ericson (2000) and William Bogard's (2006) studies on social surveillance have lent an insightful perspective to look into the operation and the consequences of the documentation work in the visa application and examination process.

The last group of literature I consider important to my study is the research works on the Canadian immigration history and those describing or assessing the Canadian permanent resident recruiting programs (for example, see Li 2008; Lefebvre 1991; Knowles 2007; Green and Green 2004; Hugh and Sweetman 2004; Bouchard and Carroll 2002). Few previous research works have been found specifically on the Canadian temporary resident visa system. Yet, the existing studies on Canadian immigration history

and the permanent resident recruiting programs, as I consider, are also useful, as they provide valuable information on the purposes of the Canadian border control mechanisms as well as the legislative context of the temporary resident visa system.

Considering the diversity of the literature related to the visa regime research as I have introduced above, I am not going to cast an introduction and summary of each group of these research works respectively in this chapter, which may disperse my review and make it impossible for me to lay a solid theoretical and contextual foundation for my research. Instead, I will use my perception of the visa system as a thread to arrange and lead my introduction of the surrounding literature in this chapter so as to give a clear and concentrated illustration to how the diverse research works could contribute to my research and what perspective, ideas and contents I will absorb from these previous studies.

Two logical clues will be embedded in my writing of this chapter. The first clue is to explain the legitimatization of the visa regime. I am going to start with reflecting on the implications of state borders to explain how border control mechanism becomes not only legitimate but also necessary for the states, which naturalizes the deployment of visa mechanism by governments in the name of border control and renders migration inherently problematic. The reflection upon the legitimatization of the visa regime will serve as a significant part of my analysis on the Canadian temporary visa system, as the constructed legitimacy of the visa mechanisms has, even before any relevant legislation is elaborated and visa application practice has taken place, preemptively decided on the visa applicants' subjugated position in the visa regime. The second clue of this chapter works on the theoretical framework of my research. My perception of the border control mechanisms and my theoretical perspective of conducting this research will reveal and

establish themselves through my discussion on the previous research works. Also, after selecting Bigo's ban-opticon concept as my theoretical model, I will explain why this model is considered applicable to my research on the Canadian temporary visa system and what this model, along with other literature, has already contributed to understanding the issue.

## **2.1 Border, Sovereignty and In-securitization of Migration**

I would like to start with the notion of "state border"<sup>5</sup> from a geographical view. Like many others, I first developed the idea of "state border" from hearing the different names of various countries in the world, each of which indicated a territory spatially differentiated from others. I then understood the physical demarcation between these countries as a state border. This perception of mine was later substantiated when I saw the lines drawn between the different "countries" on maps, which symbolized different

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<sup>5</sup> "State border" here could also be replaced by "national border" or "international border". All the three terms have been used by researchers, for example Mark Salter has used "international border" (Salter 2003, Chapter 3); he has also used "state border" (Salter 2003, Chapter 5) and only "border" for the meaning of state border as well (Salter 2003, Chapter 4). Ayse Ceyhan (2005) and Elspeth Guild (2005) have used "border" in their work. David Ley (2005) has used "national border" in his writing. Basically, these terms all refer to borders between different countries; but specific words were chosen for certain contexts. Here, I selected "state border" among the four expressions, namely "state border", "national border", "international border" and "border" due to some trivial difference between them. The term "border", as has been argued by several researchers, has various metaphorical meanings. For example, Gary T. Marx (2005) has broadly discussed the rich implications of "border" in his work. As Marx elaborates, borders act either as barriers or breakers and deal with persons, objects or information, by means of either 'hard' physical factors or 'soft' narrative factors. Marx's discussion can be applied to various borders, or to be exact, various border metaphors, may they be cultural borders, personal borders, linguistic borders, or economic borders, etc. I choose not to use the single word "border" here so as to avoid its rich metaphorical implication and open possibility. As my research is about crossing the border between two countries, I want to focus on the state border originally, not a wide selection of border metaphors. "National border" and "international border" would be two other options. However, as far as I see it, the word "national" has already embedded some political and even ethnic implications, to some extent implying what the border has enclosed, namely a nation as a whole. "International border", similarly, gives the idea of nation, and it highlights the trans-border activity by its prefix "inter". These political implications are actually what I am going to cover in my following discussion. Yet, since I am starting from the geographical meaning of the state borders, which I believe is the most straightforward aspect of a border between countries, I use "state border" to avoid distracting metaphorical implications at the beginning.

countries in the real world, and more tangibly when the state borders were described to me as barbed-wire fences or as patrolling routes of the border guards. This illustrates my initial understanding of border and it is, even now, my first vision of the word “border”.

I have been to several different countries in my life; in other words, I have physically crossed the state borders myself. Yet, all my border-crossing activities were actually done while I was seated on a flying aircraft. It seemed that the physical presence of the state borders did not bother me, as the border-crossing moments seemed no different from any other period on the aircraft to me. Yet, admittedly, my international trips were not easily managed, far from my own “board-and-fly” ideal, since I had to apply for visas to the destination countries before departing and to answer various questions at Customs after arriving. But a question popped up in my mind: now that neither the visa application procedure nor the Customs check had anything to do with the geographical “borderlines”, they should not be considered “border control” mechanisms, should they? They were more like a qualifications check on me, as a traveller. If this assumption was right, a conclusion could be drawn that the actual “border-crossing” was never a problem for international trips, while the only obstacles for the migrants lie in the processes of visa application and Customs check, which are not related to the state borders, but to the migrants’ human bodies and identity documents primarily.

My postulate here would surely arouse much opposition, as the question I have raised above is not simply about the semantics of the term “border control”. It is not to discuss whether the term “border control” should be extended to include the official mechanisms involved in international trips, the visa system and the Customs check for example, but, more significantly, to arouse reflections on what “border” actually means in an international trip. My narrow perception of state border with deliberate and “artificial”

elimination of its metaphorical implications may be refuted even by geographers. In his work on anthropo- and political geography, Wolfgang Natter (2005:179) cites Friedrich Ratzel, a political geographer who objects to the perception of border as lines drawn for demarcating, for he considers that the lines inherently tend to “abstract, simplify and obfuscate the dynamic nature of [the] border”. As Ratzel argues, “all drawing of borders are symbolic” and “modern borders are no longer geographical realities” (Ratzel 1894, quoted in Natter 2005:182-183).<sup>6</sup> To Ratzel, the dynamic nature of the border essentially means that “the apparently blank border is in fact itself the expression of a movement” (ibid:182). Ratzel’s argument has actually raised the notion of “border” above its sheer geographical existence. Several interesting points are contained here. First, as Anssi Paasi (2005:19) and Mark B. Salter (2003:135; 2005:36) both articulate, the existence of certain borders are historically contingent. Even though borders are presented as substantial lines drawn between territories, they do not essentially indicate a sharp difference, if there is a difference, between the two sides. Rather than an essential marker of grouping and separation, borders are more likely to be symbolic differentiation, which is arguably more significant in the political sense, as opposed to the geographic one. Furthermore, the

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<sup>6</sup> My analysis of “state border” from a geographical perspective was initially inspired by Ratzel’s arguments on border, as he regards “geography as itself a border phenomenon with reference to the social, natural and human sciences” and tries to connect perspectives of different subjects in his discussion about “border” (see Natter 2005). Our perception of “state border” would, more likely than not, be an epistemological thing rather than something fixed in a certain subject or something that should originally be considered through a specific lens. That’s why I intend to start from a very straightforward and literal meaning of the “state border”, instead of a sociological one. Admittedly, my initial take on the meaning of “border” may not be accepted as something general or common sense. Yet, as no social researchers could/should actually avoid her or his own standpoint in the arguments, I still choose to start from my own position and experience to discuss the concept of a “state border”. On the other hand, as many researchers have suggested, the word “border” has embedded various metaphorical meanings in the modern scenario (as I have discussed in footnote 5; as I view it, cultural, linguistic and financial borders are already metaphors made on the most fundamental notion of “border”), I hope I can do something to reveal the most fundamental qualities/features of the “border”, which is the tenor (also known as subject) of the metaphor. I am sure that will help us better understand the implications of the metaphors on “border” as well as the reasons why those metaphorical narratives on “border” could take shape.

presence of a border implies movement; though not different from the movement elsewhere, the border-crossing movements are highlighted by the presence of the borders. These views from a human geographical perspective are not irrelevant to my analysis here on the modern “border control” measures taken by governments. Notably, if the borders are serving any functions of differentiation or exclusion, either practically or symbolically, these functions are *not* derived from the geographical existence of the border.

However, the physical presence of a border is anything but meaningless. As Didier Bigo (2002:67) argues, borders play a significant role in the metaphor of body politic regarding states. Basically, if we compare a territory to a human body, the border would be our skin or any other interface between our corporeal body and the external environment, which distinguishes between inside and outside, homogeneity and heterogeneity. As Paasi (2005:18) views it from a geopolitical angle, the practice of border drawing is essentially a process of “othering”, a process that tells apart “us” from “others”. This metaphor of body politic on “border” seems quite natural, as the word border itself literally implies a boundary between two adjacent things, a frontier faced by any potential border-crossing movements from both sides. Yet, some other human geographers have also noted that, instead of thinking of the border in its static shape, this political implication of the border is mainly manifested in the border-producing practice, through which a border becomes “more socially manifest and performatively asserted” (Houtum, Kramsch and Zierhofer 2005: 2). With these implications applied to the process of border-producing, border has expanded its implication from a symbolic differentiation, as is suggested by Ratzel, to a frontier faced by the potential border-crossing movements from both sides of the border. Therefore, it is actually the border-drawing practice, a

process of “othering” in essence, that imposes significance and tension on the border-crossing movements, even the potential ones. However, a metaphor is just a metaphor – I am not arguing that this metaphor of body politic for borders necessarily sketches how borders are functioning or how they should be understood epistemologically; yet, it does help us grasp some important qualities of the borders. Examples could be drawn from the real world on how the border acts as a frontier. An extreme one comes from the Berlin Wall. Admittedly, the raising up and tearing down of the Berlin Wall are indicative of further ideological struggles and mobility control (Salter 2003:124); however, I would like to use it at this point as a concrete form of the “border”, which magnifies the role of the border as a frontier, an edge of the territory of either side of it. Regardless of the blocking function of a wall at this point, the border, first and foremost, is a sign of discontinuity.

My analysis on the borders from a geographic perspective and on the borders’ territorial role could not go further without taking into account some political meaning, since the sheer geographical or territorial views on “border” actually invite more questions in the modern border-control context. For example, who performs the border-producing practice and how is it carried out? How does the discontinuity indicated by borders affect the border-crossing activities? Also, if we accept the metaphor of body politic of border as pertinent, what does the “body” in this metaphor refer to, or in other words, what is the border actually edging and enclosing? As astute readers may have noticed, I deliberately changed the word “state” in Didier Bigo’s body politic metaphor, as mentioned at the beginning of the previous paragraph, to “territory” in my subsequent explanation. It was not only because the metaphor of body politic also described the role of borders on territories other than states, but also to grasp the most fundamental quality

of border, which allowed “border” to become the tenor (subject) of the metaphor. Border, even without being associated to any state power, implies discontinuity itself and stands for a frontier between territories. Yet, the incorporation of the notions of “territory” and “state”, as I will illustrate, lends borders more political implications in the border control scenario.

There is a consensus that sovereign states are represented by specific territories, which is termed by Salter (2003:123) as the “sovereignty territory ideal”. As Henri Lefebvre (1991:281) articulates, “each state claims to produce a space wherein something is accomplished – a space, even, where something is brought to perfection: namely, a unified and hence homogenous society”. John A. Agnew (1998) argues that “[t]erritorial state acts as the geographical ‘container’ of modern society” and “boundaries of the state are boundaries of political and social processes”. Didier Bigo (2005:54) also compares a sovereign state to “a bordered power container” in his research on the European Union. That is to say, borders are acting as frontiers not simply for physical territories, but more significantly, for sovereign states. However, a question may arise here as Lefebvre and Bigo actually describe the connection between borders and sovereign states in seemingly opposite expressions, as for Lefebvre, borders are claimed by sovereign states while for Bigo sovereign states are “bordered”. Yet, I am not going to do a genealogical study here on which expression actually comes along first, sovereign state or state border, assuming a definitive answer even exists. What is noteworthy here, however, is that, on the one hand, the notions of sovereign state and state border are intertwined, as border has extended its meaning from being a frontier for physical “containers” in a broader sense to delineating boundaries for sovereign states and becoming abstraction for the outer limits of the power of the sovereign states. On the other hand, “once imbricated with the power

of the state,” as Salter (2003:135) argues, “the borders come to be a real, experienced barrier, however porous, resisted, or transcended”. In other words, the state border, among all its possible metaphors in the cultural, linguistic or even financial sense, is predominantly acting as the boundary of sovereignty, while the exercise of sovereignty, on the other hand, serves to describe and maintain the borders.

Then, what is sovereignty at the border about? Both Salter (2003:123) and Bigo (2002:54) argue that the exercise of sovereignty inevitably involves practising state power over the population within the territorial border. Foucault’s discussion on sovereignty and governmentality is very useful here to shed light on the exercise of sovereignty on the state border. Foucault does not refute the explanation Machiavelli gives of sovereignty as a pure and simple right to exercise power on territory and inhabitants, but based on that, Foucault articulates that the most important point we need to be aware of is that the finality of sovereignty is “the common welfare and the salvation of all” (Foucault 1991[1978]:94). Foucault describes that:

[...] the common good’ refers to a state of affairs where all the subjects without exception obey the laws, accomplish the tasks expected of them, practice the trade to which they are assigned, and respect the established order so far as this order conforms to the laws imposed by God on nature and men: in other words, ‘the common good’ means essentially obedience to the law, either that of their earthly sovereign or that of God, the absolute sovereign. In every case, what characterizes the end of sovereignty, this common and general good, is in sum nothing other than submission to sovereignty (ibid:95).

According to Foucault, the exercise of sovereignty is circular, as the exercise of sovereignty is necessarily to protect and maintain itself, to make sure that it is obeyed. In terms of sovereignty on the border, to guarantee the submission to sovereignty is similarly to make sure that there is nothing challenging the authority of sovereignty. Yet, since the bordered territory is where governments practise sovereignty, the main threat to

sovereignty is most likely to come from outside (Bigo 2002). In this logic, to maintain the authority of sovereignty is to protect from intrusion the realm that the sovereignty has claimed on, namely the territory that is bounded by the state border. Thus, a state border, which is the interface between the inside and the outside of the state, becomes a critical front line that the government of the sovereign state needs to control. Borders are considered an abstraction of sovereignty. Yet, since the only way to fulfill and manifest sovereignty is to exercise sovereignty itself, maintaining the authority of sovereignty is naturally connected to maintaining the borders and to ensuring that the borders are undisrupted. Border, thus, becomes an object that the government wants to maintain and defend.

In accordance with Salter and Bigo's supposition that the government of the sovereign state practises power over population, Foucault considers "nature and men" as the subjects of sovereignty. That is to say, while borders are turned into a crucial object sovereign states intend to control, population within the borders are essentially what the power of states is imposed on. No matter what forms the state border takes shape in, be it the barbed-wire fences or modern administrative institutions, the practice of border control is to regulate the migrating population.

However, in addition to his articulation of sovereignty, Foucault reminds us that there are other finalities that government is acting towards. As Foucault portrays, the finality of government is not simply to exercise sovereignty, but to fulfill various ambitions of the government. Sovereignty and laws, instead of being the ends governments are working towards, become instruments that government takes advantage of; in doing so, government could dispose things in a more convenient way to help it achieve its aims (Foucault 1991[1978]:95). As Foucault articulates,

The things with which [...] government is to be concerned are in fact men, but men in their relations, their links, their imbrication with those other things which are wealth, resources, means of subsistence, the territory with its specific qualities, climate, irrigation, fertility, etc.; men in their relation to that other kind of things, customs, habits, ways of acting and thinking, etc.; lastly, men in their relation to that other kind of things, accidents and misfortunes such as famine, epidemics, death, etc (Foucault 1991[1978]:93).

Foucault calls this mode of power practice “governmentality”, the means of which is “to dispose things”. The purpose of governmentality, as argued by Foucault, is not to exercise sovereignty, neither is it to protect the territorial sovereignty; rather, sovereignty has become an instrument for the government to be in power, and accordingly, borders also turn into something government can take advantage of to achieve its purposes, be it the exploration of natural resources, construction of social infrastructure, or shaping of ideology, to name a few. Foucault terms the various ways government would resort to for realizing its specific purposes as “art of government”, which involves deploying specific institutional structures in the name of sovereignty and laws to facilitate the governing. The term “art” here implies that the ways of governing are actually something that need skills, and something that could be developed and explained in different ways, rather than being absolute. As sovereignty has become an instrument of governmentality, borders, which are the objects that sovereign power intends to maintain and protect, have also turned into instruments of governmentality; that is, something government could claim to and count on to dispense governing. Rather than being the objects of governmentality, borders provide a venue for a specific governing practice to take place, to deploy strategies and institutions of governmentality, since a border, as the boundary of sovereignty, is basically deemed to be something that needs to be maintained. As Paasi (2005:2) advances, bordering is a “strategic fabrication and control of a bounded sphere

of connectivity” and border is what government uses to “select and prioritize social relations”.

Yet, instead of focusing on juridical sovereignty, Foucault argues that, in the analysis of governmentality, “We must [...] base our analysis of power on the study of the techniques and tactics of domination” (Driver 1997:282) As for the analysis of border control, it would also be important to break through the limited field of juridical sovereignty and to examine what the state apparatus deployed on the border or in the name of border protection actually does and where its legitimacy and capacity come from. It is noteworthy that the migration control mechanism can be seen as one example of what Foucault terms as art of government, a tactic as well as technique taken by the government for specific purposes of screening and selecting the migrating population on the border.

Didier Bigo’s research on state borders and the apparatus of border control is very helpful to us to start the analysis of the migration control mechanisms. Bigo argues that before we delve into the analysis of any specific state institution of border control, we should be aware of the in-securitization of migration.<sup>7</sup> As Bigo elaborates:

The activation of the term *migrant* in *im-migrant* is by definition seen as something destructive. The metaphor of the body politic embedded in the sovereignty myth – in the need to monitor borders to reassure the integrity of what is “inside,” in the practice of territorial protection, in the technologies of surveillance – creates an image of immigration associated with an outsider coming inside, as a danger to the homogeneity of the state, the society, and the polity (Bigo 2002:67, emphases original).

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<sup>7</sup> Actually, both “securitization of migration” and “in-securitization of migration” could be used here, as they refer to the same process. “Securitization of migration” indicates that migration itself is understood as a security issue, as migration has been put on the security agenda of the government; in other words, it has been “securitized”. However, the term “in-securitization of migration”, while referring to the same process, emphasizes the negative aspects that has been put on migration, as migration has come to be regarded as something dangerous to the state, thus the practice of migration is made “insecure (as to the state)” as well as “insecure/dangerous” in nature through the construction of the discourse of border control.

Other than the metaphor of the body politic I have discussed above, which illustrates the role of geographical borders as frontiers faced by territory on either side, borders, considered as boundaries of sovereign states, render migrants as an immanently dangerous group, not actually to sovereignty, but to a “sovereignty myth”, which depicts the state as a homogeneous entity that migration threatens to disturb. Rather than something derived from the geographical existence of the borders, Bigo (2002:67) argues that the in-securitization of migration is a narrative deployed by the government, “with the specific purpose of playing with positions of symbolic authority so as to force social practices to bend in a required way”. Ceyhan (2005:216) also describes how foreigners and migrants are “suspected of importing ‘strange’ qualities into a community to which they did not belong originally”. By emphasizing the strangeness of migrants, in-securitization of migration portrays migrants as “being different, strange and non-assimilated to the society” (ibid). Only based on such narratives as the in-securitization of migration, could various technologies of border control be arranged and naturalized on the borders.

Those who designate the categories and criteria of “threats”, as Bigo (2002:77-8) suggests, include “military, intelligence service, police, journalists, economists, health-care specialists” and others, some of which are also actors in the border control practice. Through the process of their threat declaration and border control practice, the constructed discourse of in-securitization of migration is exercised and reinforced. In terms of the categories of “threats” associated with migration, Bigo (ibid:78) argues that immigration is actually a catchword, in which several heterogeneous aspects of “threat” are at once embedded. It is noteworthy that the in-securitization of migration is not merely about the “security” of the state, with an emphasis on public safety, as is targeted

by the war against terrorism after 9/11. In-securitization of migration also problematizes migration regarding other aspects – unemployment and social welfare for example – in addition to the security or crime control issues of the state.

Salter's (2003) discussion about the formation of Schengenland in Europe could shed some light on the in-securitization of migration. As Salter argues, the agreement of Schengenland in Europe greatly promotes the free movement between the Schengen countries and has reformulated the notion of territorial state. What is now guarding the sovereignty or, to be exact, the cluster of sovereign states is the external border of the Schengenland, rather than the individual state borders (ibid). State borders are still there, but not functioning as an instrument for migration control any more, as the discourse of in-securitization of migration has been transferred to the external border of Schengenland. Yet, it is interesting that security control experts are concerned that the border of Schengenland leaks from the north and the east (ibid:110). To the north, some countries in North Europe are covered by the Schengen agreement, while others are not; but there is a Nordic council between the North European countries that frees the movement between these countries. Therefore, it would be possible for travellers from a non-Schengen North European country to enter Schengenland from a Schengen North European country, where she or he is given freedom to travel without being noticed and regulated. To the east, as Salter (ibid:111) argues, there is a long-standing "fear of the 'East' as a place of contagion [and] refugees" in European political discourse, which leads to a concern that undesirable or "problematic" people may sneak into Schengenland from the Eastern European countries. Yet, even to the west of Schengenland, the U.K. rejected inclusion into Schengenland, as Salter (ibid:107) discussed, because of its concerns regarding regulation of the labour force, control of illegal migration, questions of nationality and

security problems. Apparently, the re-bordering practice in Europe well illustrates that the in-securitization of migration is constructed and deployed through the formation of Schengenland, and such discourses arise from different aspects, politics, health, labour force, for example.

In addition to viewing the discourse on the in-securitization of migration as something prohibitive of people's mobility, we should also be aware of its "productive" function. As Foucault has described the function of power as "a positive force, creating, shaping, moulding subjects and subjectivity" (Driver 1997:282), the discourse of in-securitization of migration and the practice of migration control take an active role to affect the migrating people, assigning new identities to them according to specific migration control rules and turning them into subjects of the power practice of migration control – which is to "produce" subjects for the latter. I will explore how this process takes place in the following sections.

In conclusion to this point, it should be highlighted that state border has been largely lifted from its sheer geographical and sovereign roots, becoming transformed into a symbolic venue where migration control needs to be carried out. With the construction of in-securitization of migration, as John C. Torpey (2002) and Didier Bigo (2004:49) both argue, states now boast the monopoly on the movement of people from one state to another, as it has been taken for granted that a state has the right to control its borders and to differentiate between its insiders and outsiders.

## **2.2 Ban-opticon on the Border**

The discourse of in-securitization of migration paves the way for the mechanism of migration control now experienced by border crossers, which is both regulative of

people's movement and productive in terms of their identity, as I will analyze below. My task in this section is to give a theoretical sketch and analysis of migration control mechanisms on state borders deposited by the government.

Yet, there are many different governments in the world, each with its own policy of migration control, designed and allocated for specific governing finalities. Then, is it possible to draw a theoretical grounding for the mechanism of border control by governments in general, regardless of their various polities? Also, why do we need a general theoretical grounding for analysis of the border control mechanism of a specific country?

Ceyhan (2005:216) argues that the “discourse (of in-securitization of migration) is underpinned by the assumption that the migration flows from the countries of the South (to the North) constitute a real danger to the state and its well being [sic] as a political and cultural entity”. This assumption, however, is not necessarily limited to the situation of the “Global North” countries, or of a specific kind of countries, though, admittedly, far more attention has been paid to the migration control of the developed countries than that of the underdeveloped ones. Rather, the assumption referred by Ceyhan indicates a general concern on the possible disruption of state borders by the migrating population and highlights the potential of the discourse of in-securitization of migration in justifying the governmental deployments of various border control mechanisms. Therefore, a theoretical grounding would help us map out an area (regarding certain population and practices) that the discourse of in-securitization of migration has a bearing on and the potential way it can generate an impact, regardless of what specific and concrete means is taken up by a certain government. Besides, a theoretical framework is to be set up not for the purpose of serializing or predicting the practical measures carried out in reality – the

meaning of theoretical grounding does not lie in its comparison with empirical works, neither in whether these two perfectly coincide with each other. Rather, theoretical grounding to be discussed here is intended, by looking into the “dispositif”<sup>8</sup> of governmentality on the state border, to analyze the process through which certain ideas of border control emerge and are embedded in the border control mechanisms, thereby explaining how governmental power is able to come into reality on the borders and how “human beings are made subjects” (Foucault 1982:208). Therefore, no matter what specific measures are taken by certain governments, a theoretical grounding is important for research on governmentality on the border. I hope the following theoretical grounding for my research will help clarify how power gains the capability to function and how migrants are made subjects in the border control mechanism.

Foucault himself has analyzed the power practice in various institutions, for example modern prisons and clinics, rather than limiting his research to state governments. By doing so, as Driver argues, Foucault emphasizes that power takes many forms and it may be as effective even where it was least visible (Driver 1997:282). Foucault’s description and analysis of the dispositif of those seemingly less powerful institutions helps demythologize the authority from juridical sovereignty and thus

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<sup>8</sup> Foucault has given a clear explanation of the term “dispositif” in his interviews, as he argues that “[w]hat I’m trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic proposition – in short, the said as much as the unsaid. Such are the elements of the apparatus [dispositif]. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements. Thus, a particular discourse can figure at one time as the programme of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality. In short, between these elements, whether discursive or non-discursive, there is a sort of interplay of shifts of position and modifications of function which can also vary very widely. Thirdly, I understand by the term ‘apparatus’ a sort of – shall we say – formation which has as its major function at a given historical moment that of responding to an *urgent need*” (Foucault 1980:194-195, emphasis original).

explains more fundamentally how the *dispositif* actually functions.<sup>9</sup> Foucault's analysis of *dispositif* deployed by governments provides an effective tool to break down the border control mechanisms and to reveal how governmental power is embedded and exercised in these mechanisms.

Based on the model of panopticon (see Foucault 1977[1975]), which is a round structure of prison cells with a watch tower in the centre, the latter designed to look into every cell around in a constant but invisible way, Bigo (2004:49-50) puts forward the term of "ban-opticon" in his analysis of border control mechanisms, as he argues that "[the] formulation of the ban-opticon allows us to understand how a network of heterogeneous and transversal practices (namely, the border-crossing activities) function and make sense as an in-security at the trans-national level". Similar to the *dispositif* of

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<sup>9</sup> Foucault uses the term "*dispositif*" to capture the various mechanisms involved in one governing institution and to encapsulate the connections between these mechanisms. The connections indicated here do not necessarily refer to causal relations. As Driver argues, Foucault does not think that the regime of power is imposed "from the top"; instead, disciplines are "invented and organized from the starting points of local conditions and particular needs" (Driver 1997:286) Thus, according to Foucault, a governing institution (which is the realm of power practice) is a heterogeneous ensemble of various mechanisms and connections. The model of the panopticon (see Foucault 1977[1975]) is one famous example of *dispositif* that Foucault looks into. Rather than to describe the architectural structure of a correctional institution, panopticon is fundamentally a model manifesting the cluster of connections and relationships between the mechanisms involved – a model to illustrate power practice in the penal system. Only after clarifying this, can we understand why Foucault's analysis and models could withstand different criticism made on them. As Bigo introduces, some criticism on Foucault's use of panopticon argue that there are actually very few prisons constructed in the model of panopticon, if any (Bigo 2004:49). However, Foucault's use of "panopticon" as well as his other analysis on governmentality should be perceived as traversal, not limited to any specific scenarios. The model is used to highlight the relationship between the power actors and subjects, as well as between any other mechanisms included in this institution, not simply to portray the structure of the building or to explain the actions of both the governors and the governed. Foucault himself also describes the model of "panopticon" as a "diagram of a mechanism of power reduced to its ideal form" (Driver 1997:284). Here, I make efforts to clarify Foucault's term of "*dispositif*" and to explain the meaning of Foucault's *dispositif* in his analysis mainly for two main reasons. First, I would like to borrow Foucault's term of "*dispositif*" in my research on the visa regime, since the latter, as I view it, is precisely what Foucault would regard as a heterogeneous ensemble of strategies and techniques – a realm where power is exercised. Second, based on this idea of *dispositif*, I also intend to look into the cluster of relationship and connections involved in the *dispositif* of the visa regime at issue, so as to reveal how and to what extent the border-crossers are made subjects of the institutions. My research will touch on some regulations of the relevant laws and policies. However, rather than use the laws as benchmarks for how actions should be carried out on borders, I would regard laws as one of the mechanisms designed and deposited into the *dispositif*, as one end of the relationship to be analyzed.

panopticon, ban-opticon, as Bigo considers it, also involves bodies of discourse (the insurization of migration for example), of institutions (government offices, agents for instance), of architectural structures (Customs checkpoints in airports for instance) and of laws and other administrative regulations. The dispositif of ban-opticon is intended to capture the various mechanisms involved in border controls and to encapsulate the connections between them.

In addition, Bigo (ibid:64) elaborates that the meaning of the term “ban” in ban-opticon is twofold, as it firstly indicates “what is excluded from sovereignty on high as exception to the rule” and secondly, “what is excluded from below as discrimination, rejection, repulsion, and banishment”. Thus, sharing with the dispositif of “panopticon” the notion of “watching” and the supposed “visibility” of the subjects, ban-opticon transfers the purpose of “watching” from the idea of “the governors watching over all”, which is indicated by the term “pan-” in “panopticon”, to a mechanism of exclusion and banishment by the government. The government still keeps an eye on all; yet, the dispositif of ban-opticon has modified the “panoptic” characteristic. As Bigo (ibid:50) argues, ban-opticon only traps a small number of people “into the imperative of mobility (restriction)” while normalizing the majority. Unlike other dispositif of governmentality, panopticon for example, Bigo articulates that the emphasis of ban-opticon is not “on curing or promoting individual development but on playing with fears by designating potentially dangerous minorities” (Bigo 2002:82). In other words, the dispositif of ban-opticon presents a whole process that everyone related needs to go through, during which the undesirable minority is picked out and banned. The latter’s mobility is thus eliminated before entering the area that the dispositif of ban-option is supposed to be guarding. The dispositif of ban-opticon is based on proactive logic. Yet, why is the proactivity in this

scenario deemed reasonable and effective? How does this dispositif actually work so as to exclude the minority while normalizing the majority? First, it is noteworthy that the word “normalize” here indicates that there is a set of normative criteria under which people are categorized and evaluated. Some people could be “normalized” because they are deemed “normal” or decent by those benchmarks designed and calibrated for certain purpose. Nevertheless, it is exactly the same benchmarks that function to exclude the undesirable population by distinguishing them from the decent and desirable one. Thus, the two questions on the dispositif of ban-opticon I have raised above actually lie in the foundation of the normative criteria for screening potential border-crossers and the reasons why such screening could lead to proactive decisions on people’s mobility.

Bigo has summarized several traits of the dispositif of ban-opticon, which would help us break down and answer the questions raised. Bigo (2004:52) first argues that the ban-opticon manifests a form of exceptionalism, which means that the government has the power to claim a state of exception and thereby enclose the outside. As I have discussed in the previous section, the government boasts its legitimacy to carry out border control in the name of exercising sovereignty. On the other hand, discourses of in-securitization of migration ascribe the unease on state borders to the migrating population, turning the migration issue into a securitization problem and conjuring up the idea that migration must be regulated and controlled so as to ensure the security of the state, whether in the sense of public safety, social welfare or cultural homogeneity and so forth. However, other factors that may be related to the security of the state, especially internal ones, receive far less attention. As Bigo (2005:56-57) argues, governments do not tend to differentiate inside between citizens and non-citizens, neither do they consider the possibility of the emergence of an “enemy” within or an infiltrated “enemy”.

Emphasizing the supposed impact of migration on state security, the government reinforces its power to declare a state of exception for border control, the post-9/11 era for example, and encloses the migrating population as an “outside” which is the target of its securitization policies and regulation. Moreover, depending on its situational finality, the government picks out different subsets of the migrating population in different circumstances. The power to claim a state of exception and to enclose the outside enables the government to suspend laws or the principle of free movement, which is believed to characterize the globalization era, in certain situations, and legitimates (to be precise, routinizes) the government’s power to define the risks, and to depict the group that is the object of suspicion in any given circumstance.

A network of national and transnational security agencies, bureaucracies, mobile control units and private companies has been deployed by the government for border control for the purpose of detecting and eliminating risks. As Ceyhan (2005) articulates in her research on the European Union, these institutions monitor migrating people and the transportation of goods, issue visas, create centralized databases and patrol the borders. Though not all governments implement these measures to regulate the movement on the borders, all of them focus on the two aspects of watching for dangerous goods and for suspected migrants. Yet, contrary to the admission or exclusion of goods, which can be defined in a most straightforward and absolute way, the process of screening the potential migrants is much more complicated. Moreover, as the admissibility of goods partly relies on the migrants as the carriers, the screening of the potential migrants becomes the focus of the border control institutions. Picking out inadmissible people from the whole potential migrating group requires categorizing people by their identity.

It is not my priority here to look into the process of how we start to understand and recognize our identity. Yet, I would like to give a brief introduction to some core identity theories and clarify what kind of identity is working in the border control regime. Stuart Hall (1996) has summarized three concepts of identity, namely enlightenment identity, sociological identity<sup>10</sup> and post-modern identity. As for Hall, unlike post-modern identity, which relies on external identity institution and procedures, the previous two kinds of identity serve as good explanations for the internal mechanism of selfhood, for how we build up the sense of self and accordingly act out ourselves. These three concepts of identity termed by Hall, as I view it, indicate three different aspects we use to analyze various forms of identity and the process of identifying, rather than being three exclusive and exhaustive categories for our identities. Richard Jenkins (2008:40) makes the point that “[...] selfhood [is] an ongoing and, in practice, simultaneous synthesis of (internal) self-definition and the (external) definitions of oneself offered by others”, which indicates the connection between the sociological identity and the post-modern identity. In his analysis, Hall (1996:597) gives more emphasis to the post-modern perspective on identity, as he argues that our identity which used to be definite, stable and coherent is now being challenged, as we are continuously confronted with new and changing discourses of human subject. Given increasingly more access to different social scenarios in which

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<sup>10</sup> Enlightenment identity, as referred to Hall, is based on the idea that human beings are unified and centred individuals. Our way of thinking and acting derives from an inner core which is innate and coherent in us. The sociological identity, adopting Hall's term, is a mediated identity, which humans gain through social interaction. Facilitated by 'significant others', humans experience the process of socialization, from which they are ingrained with meanings of social activities and ideas of social structures. Through this, human beings learn to position themselves inside different social scenarios and to act accordingly. Cooley (2004[1983]), for example, suggests that people tend to imagine their own appearance in others' eyes, and what kind of judgement the 'others' would make on the images they view. Based on this imagination, people tend to adjust their appearance, so as to improve others' judgement on them as they wish. Mead's (2004[1962]) interpretation of the reflexive conversation between 'I' and 'me', with 'I' for the subjective reflecting self and 'me' as the object of the reflection, also falls into Hall's category of 'sociological identity'.

humans act and interact, human are also instilled with a variety of criteria to have themselves defined and categorized, as a result of which their identities are becoming fragmented and fluid, while these fragmented identities could not make up a total and stable self. They can even sometimes conflict with each other.

It is worth noting that the “discourses of human subject” mentioned by Hall come from various institutions that record people’s life history and behaviour, as well as other details of their biological features and social networks. The institutions that keep track of people’s life history and social relations include anywhere social interaction is recorded: banks, public libraries and hospitals for example. Thus, people’s identities are largely fragmented and contextual, as identities are recognized by various institutions under situational regulations and only for specific purposes. As Ceyhan (2005:211) argues, identity now involves a vast collection of information on “past and present behaviour, acts, aims of a person, his/her projects, morality, relations and networks”. In his research on the documentation for potential migrants respectively by the French government and the U.S. government, Ceyhan (ibid) gives a definition to identity in the border control scenario – “a constructed representation of the self with relation to ‘significant others’ produced in particular historical and institutional contexts and fields with specific discursive formations and practices emerging within the interplay of special modalities of power”. While it is difficult to give a single “correct” definition to identity, Ceyhan’s articulation bears three important indications. First, identity is not simply basic, individual-based information; rather, it reveals a person’s relationship with others. That is, by indicating one’s social relationship with others, identity gains meaning and social significance. Secondly, identity is produced in specific historical and institutional contexts. Therefore, both the content recorded and the forms of information are designed

according to the institutional regulations and intent. Institutionalized identity is likely not initially designed to evaluate one's admissibility to another country. Therefore, when institutionalized identities are used in the process of border control to decide on one's mobility, they are, as David Lyon (2003:22) argues, "vulnerable to alternation, addition, merging, and loss as they travel". This process is termed by William Bogard (2006) as "deterritorializing", which sketches the steps through which institutionalized identities are divorced from their original contexts and are interpreted for the border control purpose, as in the visa examination process. The third indication of Ceyhan's definition is that identity actually takes shape under certain discursive and practical power. When identities are applied to social control and surveillance, as Ceyhan (2005:211) himself argues, the identity-generating process "produce[s] subjectivity and construct[s] us as subjects through specific strategies of enunciation and modalities of power".

Bearing these three indications, Ceyhan's definition of identity in the border control circumstance not only articulates the way identities are generated, but also explains how and why prospective migrants' identity information are used in border control mechanisms to judge their admissibility. These indications exactly reflect the two other traits of the *dispositif* of ban-option which Bigo has summarized.<sup>11</sup>

As identity does not only refer to a single person, but indicates one's relationship with others, it facilitates the categorization of people, through which people are sorted into categories already designed to differentiate them according to the elements contained in their identity documents. In the border control scenario, what is most crucial to potential migrants are the dichotomous categories of admissibility and inadmissibility.

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<sup>11</sup> I have discussed the first and most fundamental trait of the ban-opticon above, which is the exceptionalism of ban-opticon, the power it boasts to claim a state of exception and to enclose the outside.

Border control officers categorize potential migrants into one of these two groups by recognizing elements from their identity information that could relate the person to some critical admissible or inadmissible categorical feature. This process actually manifests what Bigo (2004:52) has termed as “knowledge upon the others”, which he argues is “the most significant resource in the management of masses and crowds”. However, the ways of the management are never settled. They differ between different countries and depend largely on the time they are carried out. For example, Ceyhan (2005:215) argues that the U.S. government once focused its border control on the “steady creeping hispanization of the society” and was very watchful for drugs from Latin America; then, after 9/11, the U.S. government included the fight against terrorism into its agenda of border control. The whole population to be checked on the border has not been changed. Rather, the focus of the government has shifted and so has the way the government intends to categorize the potential migrants. In the post-9/11 era, when the fight against terrorism became the priority, while the previous dichotomy of “Latin American” and “non-Latin American” was still in place, the border control officers added another dichotomous lens to determine whether migrants were likely to be terrorists or not. Thus, the process of categorizing people is not decided by any single person’s features themselves, but, to a large extent, by the features, either biological or biographical, that show any relationship between the people and the constructed admissible/inadmissible categories. Yet, as there are no fixed rules for either setting up the categories or suggesting specific features of the categories, the categorization of potential migrants on the borders is, first of all, contingent, largely dependent on when and where the border control is carried out, while much less on who is actually attempting to cross the border. The categorization is problem-oriented or, borrowing Bigo’s term, “unease”-oriented.

The coding of unease, however, is crucial to the process of categorizing. That is, to regulate what kinds of features in a potential migrant are to be checked and what kinds of identity documents will they need. Throughout the coding, the management of unease is turned into a programmed procedure. Certain identity documents are considered to be indicators for certain risk categories, signalling a potential threat to security. In her research on how U.S. Customs officers at the airports made decisions on who to admit, Gilboy (1991:581) stated that some features of the cases, for example, “nervousness”, “a request to stay in U.S. for many months”, “no plane tickets” or “tickets without a return date” by themselves triggered suspicion and led to further inspection. Thus, the screening of the migrating population, as described by Gilboy, was to a large extent a process of checking only specific items in the potential migrants’ documents. Gilboy’s research on the U.S. Customs examination in the early 1990s might be considered a bit outdated for today’s circumstance. Yet, from an example in the U.S Customs examination given by Mark B. Salter recently, we can see the comparability of the Customs screening process in the two time frames. In his research, Salter (2003:131) quotes a U.S. assistant attorney’s comments on a case of a traveler to the United States, whose name is Al Jibori. The assistant attorney advances that the traveler should be prosecuted as a possible terrorist because of “the similarity between [his] case and that of the terrorist convicted in the World Trade Centre bombing, both being middle easterners traveling on altered Swedish passports”. Other than fraudulent documents, which indicate a refusal of submission to the regime of sovereignty, Salter (ibid) concludes that “institutional history” and “national policy” also play a significant role in constructing risk categories, thus the specific threat profile. So the categorization of potential migrants is on the one hand based on institutional identity documents, yet on the other hand, is contingent

historically and nationally. As in Gilboy's description of the early 1990s, the existence or absence of certain items that were regarded as risk indicators led to the border control officers' decision to categorize the potential migrants into certain groups, which decided on one's admissibility. Similarly in Salter's articulation, the border control officers are also searching for certain indicators from the prospective border-crossers' identity information to make decisions on their admissibility. What is more, digital technology is used in the recent case and the risk indicators the border control officers target are more specifically coded.

As Bigo (2004:49) points out, not only the government's legitimacy in carrying out border control is naturalized, but the politicians are also believed to be capable of implementing the border control mechanisms: border control officers are deemed to be professional border unease managers. Thus, if governments choose to describe a risk category reflecting race, citizenship, or any other indicator, these descriptions are usually considered appropriate and authoritative, though they are not free of stereotypes. The government's way of categorizing migrants, however, is rarely questioned and is termed by Richard Jenkins (2008:159) as "axiomatic legitimation".

This is the second trait of ban-opticon as summarized by Bigo. Other than their rights to claim a status of exception for border control and to enclose an outside, as Bigo argues, governments also boast their knowledge of identifying people and their expertise in carrying out the border control mechanism – governments are able to categorize potential migrants by searching for risk indicators, which are defined by government itself, in the potential migrants' identity files.

Then what is the connection between the categorization of potential migrants and a determination of admissibility? Rather than emphasizing the disciplining or promotion

of individual behaviour, the dispositif of ban-opticon on state borders, as Bigo (2002:82) argues, “is based on proactive, anticipative, and morphing techniques [...]”. That is to anticipate people’s future behaviour on the basis of the existent records of them and through categorization. The government not only claims its legitimacy and capability to create various risk profiles, but it also claims its authority to interpret people’s identity documents and match them with the risk profiles. Bigo (2004:54) points out that the ban-opticon resembles “virtual reality”, as it “produces statements on threats and on security that reinforce the belief in a capability to decrypt, even prior to the individual himself, what its trajectories, its itineraries will be”. It is the governments’ claimed authority and expertise to create risk profiles that grant power to their own practice of categorization.

The prediction of people’s behaviour here involves an attribution of the identity records, as the government officers believe that people sharing a certain piece of identity tend to behave in the same way, at least in one aspect. Yet, since identity records are the institutionalized form of one’s identity, the assumption becomes that people’s behaviour can be predicted by the presence or absence of certain records. However, to ascribe one’s behaviour to her or his identity records is itself stereotypical. As Jenkins (2008:152) argues, profiling is itself a process of building up stereotypes, which “emphasize[s] a small number of putative similarities between the stereotyped rather than their infinite array of particularities and differences”. It is groundless to believe that people who share certain kind of identity documents tend to behave in a similar way. The same identity record does not necessarily lead to a collective mode of behaviour. Furthermore, even if there is certain common behaviour or habit shared by people with a specific identity, it remains to be proved whether this behaviour or habit would be threatening to the country or not. According to Jenkins (*ibid*:153), government officers tend to over-interpret the

prospective border-crossers' identities by reading them "with imaginary precision" or to "dramatise them ritually". After assigning certain trends of behaviour to constructed categories and categorizing potential migrants accordingly, the government projects on the migrating population a "generalization upon the potential behaviour of each individual pertaining to the risk category" (Bigo 2002:81). Thus, we are not the sum of our own biographies, but a part of certain categories that share specific modes of behaviour, to which we are attached by the governments on the basis of our identity records they have reviewed.

This procedure of predicting people's behaviour by categorizing them into specific risk or non-risk groups is based on a logic called "actuarial justice" (Lyon 2003:15), which combines "insurance-oriented risk-management strategies and a criminal-justice-oriented sentencing paradigm" (Shamir 2005). Thus the assessment of risk in the border control regime is essentially an estimation of one's probability of acting out certain behaviour, of which the government claims knowledge and capability. As Gilboy (1991:578) notes, the government officers are not looking for truth about the migrants, but suspicions. Yet, the suspicions themselves are actually generated in this process of examination as opposed to existing beforehand, as it is the government officers who connect the potential migrants' profiles to those of the risk categories and anticipate the migrants' future behaviour accordingly. Through decision-making, the potential migrants' mobility is granted by a process like virtual montage of their future behaviour based on the identity documents provided to the officers.

Since the procedure of setting risk categories, categorizing the potential migrants, and thus predicting their behaviour is designated and authorized, a more comprehensive and detailed collection of the potential migrants' biographies is usually needed. That is

why some migration control regimes not only ask potential migrants to present identity documents, but also actively collect and maintain information from other databases themselves.<sup>12</sup> The databases maintained by the government usually keep and update the profiles of previous border offenders, including their biographies and some biological information. Once a potential migrant submit identity documents to the government officers or the person is physically present to the officers, her or his profile and features will be compared to those stored in the government databases. If the profile of a given potential migrant at hand appears to have points in common with any of the threat profiles stored in the databases, it would be concluded that this person has a higher possibility of being an undesirable migrant to the country. She or he would more likely get a further background check and to be rejected. Ceyhan (2005:228) gives an example from the Justice Department of the U.S., who created a profile after the characteristics of the 19 hijackers of 9/11 being “young males from Muslim countries where the terrorist network is active”. Ceyhan further notes that after the construction of such profiling, more efforts were made by the U.S. government to target males aged between 16 and 45 from twenty-six Muslim countries, who were singled out and given further checks at the border. Digital databases are used for storing and comparing profiles, as they are considered to be a more efficient and comprehensive tool in migration screening. They are strictly programmed and can maintain a vast volume of information, in order to meet the government’s increasing demand for data about potential migrants, so as to “accurately” categorize people and predict their behaviour. As Ceyhan (ibid:229) argues, other than information about an individual’s trajectory, itinerary, movements, affiliation and so forth,

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<sup>12</sup> See Ayse Ceyhan’s (2005) “Policing by Dossier: Identification and Surveillance in an Era of Uncertainty and Fear” for introduction to the Schengen Information System (SIS) and Europol databases, and Bigo’s (2006) “Security, exception, ban and surveillance” for description of Eurodac in Europe.

the government is now attempting to gain a growing volume of one's biological data by means of DNA tests, iris scans, palm analyses and recognition and other methods. The underlying logic of the increasing application of information technology in the migration control system is that as a legitimate and capable body to carry out border control, the government would be granted the rights to develop the techniques for more effective and efficient practice according to the government's standards and for the government's sake – as long as the government is doing this for the claimed and legitimated purpose, it cannot possibly go too far. Bigo gives an interesting example of the Eurodac database for controlling migration to Schengenland. In addition to keeping the profiles of former border offenders as risk profiles, government also stigmatizes some information of the previously rejected migrants and uses them as risk profiles as well. The Eurodac, as Bigo (2006:58) describes, not only contains a rejected migrant's biological and documental data, their motives for crossing the border and the reasons for rejection, but also traces other non-personal information. For example, the Eurodac collects information about the NGOs that have helped the asylum-seekers in the Schengenland to make false declaration in their applications. The system is programmed in such a way that any other migrants using those agencies are picked out and categorized in a certain group due to their similarity in choosing routes or agencies with the previously rejected migrants. Prediction of their future behaviour is also permitted in the database system (ibid).

Nonetheless, not all the migration control regimes use digital databases to screen and categorize potential migrants. The examination process of the Chinese-Canadian visa system largely depends on the information in the visa applicants' identity documents. Yet, it is noteworthy that regardless what specific techniques or procedures are deployed in these migration control regimes, they share the same ethos of the *dispositif* of ban-opticon

of border control, which is a proactive system in which the government defines and codes the risk profiles for the country, interprets the potential migrants' identity information to predict their future behaviour, and thus decides on the migrants' admissibility.

### **2.3 Global Visa Regime as Ban-opticon**

In the previous section, I discussed the traits the ban-opticon dispositif and some of its manifestation in the global mobility regime. In this section, I shall bridge what I have discussed to the visa system specifically. There are three sets of questions I would like to address here: 1, what is a visa? What role does it play in the system of migration control? 2, in what sense should the visa regime be regarded as a dispositif of ban-opticon? How could the latter help us better understand the function of the visa regime? 3, what are the special features of the global visa regime? How would these features influence the operation of the visa regime and the experience of the visa applicants?

In order to explain what a visa is, I need to introduce the passport system first, which emerged prior to the visa regime and plays a significant role in the latter. As Salter (2003:77) argues, the modern international passport regime was established after the First World War as a result of the post war suspicion of "undesirable" migrants like spies or refugees. Thus, there appeared an imperative for the government to deploy a passport system to identify who were the insiders of the countries and who were not. Even though the war ended, the wartime mobility regime was maintained and the national interests in migration control had actually expanded. Other than to secure the public safety of the country, migration control was also used to prevent diseases or other health threats from entering the country and to promote the country's economy. For all these considerations, the modern international passport system was brought into effect.

Passports are only issued to the nationals of a country and a passport grants to its bearer the rights to enter the country freely from outside and to stay within for as long as she or he would like to. Symbolically, the passport is a proof of one's national identity and citizenship, which ensures re-entry into the country. However, a national does not usually need a passport if she or he is never going out of the home country. So for a national, a passport would only take effect when she or he is coming back to the home country from outside. In other words, the passport helps the border control officers of a specific country to differentiate between the country's nationals and the rest among the entire population asking for entry on the state borders, and to sort out the latter for further checks on their admissibility. In this sense, the passport system reflects one of the traits of the dispositif of ban-opticon discussed in the previous section, as it encloses an "outside" for the country. Among all the identity documents a prospective border-crosser can be bearing, a passport is the most fundamental one, as it helps the border control officers to identify the national group from the non-national group, establishing the dichotomy between people who are unconditionally admissible and those awaiting further check.

The issuance of passports to the nationals, however, does not take place on the state borders, but happens at government proxies, such as passport offices inside the country or delegated offices overseas. Passports are issued to the nationals who will possibly leave the home country in advance by the government so as to guarantee their rights of re-entry. In this sense, the issuance of passports to the nationals of a country could be understood as a proactive measure the government takes to control the migration into the country. Acting as the vanguard of border control, the operation of the passport system also indicates the deterritorialization of the border control regime, as Salter (ibid:155) argues that borders are now "removed from the specific place at the territorial

boundary of the state” to governmental offices and agencies, where the border control practices are carried out even before any border-crossing activities take place .

The common point of all the non-national border-crossers is that they are fundamentally subject to examination and evaluation when they attempt to enter a foreign country. A foreign migrant’s admissibility into a country, duration of stay and the activities in which she or he can legally be engaged in the destination country are usually under the control and regulation of the government – they are, in essence, a population to be deployed.

The issuance of passports should be deemed as both a prerequisite for the global visa regime, as the latter is built up upon the national and non-national dichotomy, and the first step of the visa regime, as passports sort out the exact population that is to be further screened. Therefore, “nationality” is applied as the very first criterion for border control screening, which is also related to the idea that a sovereign state is a homogeneous entity with people bearing the same nationality. The passports, in practice, turn the foreign migrants into the subjects of the examination and evaluation for border control.

For the foreign migrants, however, their lack of national passports of a destination country does not mean that they will be treated in a same way as a general non-national group. In fact, the presence of their own national passports and their specific nationalities, in the second stage of border control, are very important to their admissibility. Since a home country has the obligation to accept its nationals, the presence of a foreign passport convinces the receiving country that there is always a country to which it can repatriate the migrant, once needed. Thus it becomes necessary for a potential migrant to have a document showing her or his original nationality, which is usually a passport, to apply for entry into a foreign country. The issuance of passport becomes a consensus as Salter

(2003:80) notes that “if one country required passports, all countries would be obliged to issue passports”. Furthermore, such requirement itself bears the implication that foreign migrants, even if admitted, are still different from the nationals in the country, as their admission is approved on condition that they have a home country to which they could be repatriated. The conditional admission of the foreign migrants actually indicates that the government of a receiving country does not usually have the intention to integrate the migrants into the national population, at least not at the original point and before conducting further check or evaluation. The foreign migrants are expected to stay in the country for a designated time and they are supposed to fit in specific roles.

Salter (ibid:82) argues that governments actually use passports and visas as macroeconomic tools to regulate the size of the national labour market. The population of migration, according to Salter, is used as a reservoir of available labour in the receiving country and the government controls the valves of the reservoir to adjust the labour it lets in, according to the demand for labour in the national market. In addition, the government of a receiving country also considers absorbing migrants as consumers for its abundant educational or tourism resources and products, and promoting other kinds of exchange and communication programs, which will potentially benefit the receiving country. As concluded by Salter (ibid:81), the mechanisms of migration control are always carried out by the government “at the nexus of the desire of wealth and mobility and the fear of violence and mobility” and, in practice, there is always “a priority on the national interests in terms of health, economics, and the national security”. Foucault has argued that for the purpose of keeping a hold upon human bodies (in the sense of their mobility and activity), governments tend to make sure that the population related is both productive of national wealth and subject to the government:

[The] political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with relations of power and domination; but, on the other hand, its constitution as labour power is possible only if it is caught up in a system of subjection (in which need is also a political instrument meticulously prepared, calculated, and used); the body becomes a useful force only if it is both a productive body and a subjective body (Foucault 1977:25-26).

Foucault makes the above argument to capture the relationship between the government and the population subject to it in a general sense. Yet, in the migration control scenario, the governments' endeavour to make people productive and subjective targets the foreign migrants, as they are pre-emptively constructed to be a population awaiting checks on admissibility, and are made deploy-able by the designation of specific border control criteria.

Salter analyzes an example of the British case in his study. As Salter (2003:83) describes, the British government has maintained a very strict control over the employment of foreign workers in every kind of occupation in the country since the end of the Second World War, which was originally triggered by the pressure on the labour market and social system due to the demobilization of the armies and the post-war depression. However, though the demobilization of the armies and the post-war depression were occasional problems the British government needed to deal with at the specific historical moment, the government's action to deploy foreign migrants by making laws and by carrying out migration screening is by no means contingent, as the migration control system is something the government can always adjust in order to serve any emergent situation. The migration control system reflects what Bigo termed as the *dispositif* of *ban-opticon*, which is made tangible by bodies of discourses, of institutions,

of architectural structures and of laws and other administrative regulations in controlling the migrating population from foreign countries.

Salter (2006:174) has summarized the four forms of mechanisms involved in the ban-opticon of border control, namely, frontier formality, passports, visas and les sans-papiers. Even though my research is specifically focused on the visa system, to be exact, the Canadian temporary resident visa system, I consider it important to first understand the general goals of the ban-opticon of migration control as well as the connections between the four specific mechanisms, so as to perceive how the visa regime comes into being and what structural and functional role the visa regime fulfills in the broad migration control scenario. Among these four systems, “les sans-papiers” is less related to the other three in procedure, as it refers to the refugee system, which is under totally different regulations. Frontier formality, however, is termed for the inspection carried out by Customs officers at the ports of entry (hereafter, POE). As I have already mentioned several times in the previous section, Janet A. Gilboy (1991) has conducted research specifically on the inspection process at POEs of the United States. Instead of questioning the presumed legitimacy and capacity of the government to carry out the system, Gilboy, by means of observation and interview, discusses how Customs and immigration officers combine their experience from previous case loads and their discretionary power in dealing with the migration cases on the border. At the POEs, the inspectors, in most cases, will encounter three kinds of people, nationals of the receiving country who do not need entry visas to come into the country, non-nationals who are exempted for getting entry visas of the receiving country, and non-nationals who need entry visas to the receiving country. Gilboy did not discuss how these three kinds of border-crossers are treated differently, but focused on the Customs inspectors’ professional ethos to deal with the

documents presented to them generally. However, as a matter of fact, the forms of documents the Customs inspectors expect from these three kinds of border-crossers are quite different. For the first two kinds of people, nationals of the receiving country and the people exempted for getting the entry visas, the most decisive document they need to show to the inspectors is the passport. That is to say, their admissibility is largely decided by their nationality, though the non-nationals exempt from visa examination will be asked to explain their intention for entering the receiving country and so forth. For the non-nationals who need entry visas to enter the receiving country, however, both the passports and the visas are very important documents to be presented to the inspectors to decide on the bearer's admissibility. Rather than a document that bears detailed information of a prospective migrant, the entry visa counterfoil, usually affixed to one's passport, tells the result of a previous inspection on the migrant's admissibility by visa officers through the visa examination process. What the border inspectors do to these migrants at the Customs is to inquire into the migrant's intention to enter the country again and to finally authorize the visa. That is to say, to the nationals of the receiving country and the non-nationals exempt from visa application and examination, the Customs and immigration inspection is the only procedure they need to go through to enter the country, while to those who need entry visas to enter the country, the inspection at the Customs is procedurally the last step to finalize their border-crossing attempt, which is the case of the China-Canada migration at issue. Visa examination is the process that fundamentally grants or refuses to grant the visa applicants the permission to enter the receiving country, while the inspection at the Customs is merely to double check on the permission and to exercise it.

For those required to get visas to enter the receiving country, the visa examination process, which takes place prior to the Customs and immigration inspection at the POEs,

is more fundamental and decisive to their admissibility to the country. The reason why those people need to get the visa before even approaching the borders of the receiving country is, on the one hand, that more than passports and travel documents, a lot of other identity documents and verification work are required to evaluate the prospective migrant's admissibility, which makes it impossible to carry out the visa examination at the Customs frontiers. As Salter (2006:175) argues that the visa regime is designed and deployed largely because of the "failure" of the passports, as the latter cannot provide sufficient information for the government of the receiving country to judge the admissibility of the prospective migrants. While on the other hand, since the government considers that there is a comparatively large population to be checked really carefully, and the process of checking requires not only a whole series of identity documents, but also a long duration. As Gilboy (1991) notes, in order to guarantee the flow of migrating population moving on smoothly, the Customs and immigration inspectors of the United States are asked to deal with the cases at a most efficient speed at the POEs. As a result, the pressure to check the foreign migrants' admissibility and to issue visas is transferred away from the state border (the Customs frontiers) to the visa examination and issuance offices, and the visa examination work is designed to be prior to the actual border-crossing activity. Thus, like the issuance of passport, the visa regime designed by the governments is also a proactive measure for migration control. But the target population of the latter system is more specific and the issuance of visa is not obligatory but discretionary on the applicants' identity documents as well as the visa officers' assessment.

Due to the diversity of the border-crossers, the logics Customs officers take to conduct admissibility check is not applicable to explain the visa examination process. All

the four mechanisms summarized by Salter are very important and relatively independent mosaics of the whole dispositif of ban-opticon deployed by state government for border control, while the visa application and examination mechanism is specifically crucial to decide on the admissibility of the non-national migrants to enter the visa-required destination countries, which is the case for the Chinese nationals who apply for the Canadian visa.

Visa application and examination usually take place in the embassies or consulates of the receiving countries in the country of origin of the prospective migrants<sup>13</sup>, processed by consular services, law enforcement agencies or liaison officers. (Ceyhan 2005:220). On the one hand, as I have mentioned above, it is a proactive mechanism that the government deploys to control the prospective migrants in advance of the border-crossing activity. The visa regime not only indicates a pre-emptive logic used in the procedure of migration control, but also illustrates the governmentization of the migration control, which means this specific realm of migration control is institutionalized. Visa applicants are approved or banned before they actually approach the state borders. Those whose visa application are rejected are officially excluded by the government, not due to their border-crossing activity which physically challenges the border, but because they are not considered desirable people by the receiving country. Even for the successful visa applicants, they are equally the subjects of the visa system, as they are firstly categorized as people awaiting further examination to be admitted, and secondly examined under certain border control criteria. That is to say, the visa applicants, whether approved or not,

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<sup>13</sup> According to Salter, in a few specific circumstances, visas may be applied for and received at the real border of a state, but visas that can be gained at territorial borders are viewed mostly as “revenue generator” rather than a security mechanism (Salter 2006:175). In the Chinese-Canadian scenario at issue, none of the visas can be applied for and obtained at the Customs frontier of Canada. So I will not be covering the cases of getting visas at POEs in my research here.

are on the one hand constructed to be the population who needs to go through the visa application procedure for admission into a receiving country, which is a manifestation of the exceptionalism of the visa regime, while on the other hand, they are further subject to the criteria the visa officers use to evaluate the applicants' admissibility.

The evaluation of the visa applicants' eligibility is done through categorization based on the applicant's identity documents. In addition to the broad dichotomy between admissibility and inadmissibility, the criteria of categorizing the visa applicants are more detailed. First of all, regarding the duration of stay, visas are categorized into permanent/settlement and temporary visas. The permanent visa holders are allowed to work in the country and must contribute to the tax system, while the temporary visa holders are usually not allowed to work in the receiving countries and they don't have the obligation to contribute to the tax system (Salter 2006:176). In fact, the permanent visa holders are allowed to be in the receiving country for an unlimited long term, though for some receiving countries such as Canada, the permanent resident visa holders need to extend their permanent resident status at times to keep the status valid. Also taking the Canadian case for example, the temporary visa holders, however, are only expected to be in the country for a designated time for a specific approved purpose, namely, for education, employment or visit. If a temporary visa holder wants to renew her or his temporary visa when it is going to expire, she or he must prove to the visa officers that there is still an approved project in the host country that she or he needs to be engaged in on another short-term basis. Only when the claimed upcoming project is approved by the government and the visa applicant's prospective engagement is considered desirable to the country, will the applicant be issued a new temporary visa, on which she or he can (re-)enter the receiving country and stay there for the designated time. Furthermore, there

is usually no limitation on the number of times that the permanent visa holders may enter and re-enter the receiving country, while on a temporary visa, it is usually clearly notified whether the holder can enter the country once or multiple times – the former means that the visa holder cannot re-enter the country once leaving the country even if the designated time for stay has not yet expired, and latter means that the holder can re-enter the country after she or he leaves the receiving country, as long as the designated time for the visa is not passed yet. In the Chinese-Canadian visa case at issue, the issuance of a single-entry temporary visa or a multiple-entry temporary visa is mainly based on the visa applicant's choice upon submitting her or his visa application package and the application processing fee they pay, which is higher for a multiple-entry visa than a single-entry one (CIC 2009a). Only if the visa officer considers the applicant is a desirable person to let in and her or his request of the times of entry is deemed reasonable, the applicant will be issued the kind of visa she or he has applied for.

However, in addition to the assigned duration of stay, the economic integration of the visa holders and the times the visa holder is granted to (re-)enter the country, the most significant difference between the permanent visa and the temporary visa lies in their respective processes of application and examination. As I have mentioned above, temporary visas are usually project-based. For example, the H1-B visa program of the United States for temporary foreign workers is employer specific and employment-based (Banerjee 2006), which means that it is required for a non-American who wants to work temporarily in the United States to receive a job offer from an America-based employer before applying for the visa, and the visa, if issued, limits the holder to work for the specific employer – once she or he loses the job with the designated employer, the visa becomes invalid. There is the similar case in the Canadian scenario, as the regular

temporary resident visa for foreign workers would only be issued to someone who has already been employed by a Canadian employer (with the exception for post-graduation work permit program which is designed for international graduates from recognized Canadian educational institutions)<sup>14</sup> and the Canadian student visa is only issued to those who have already been admitted into instructional programs of recognized Canadian educational institutions (CIC 2008a). On the contrary, the permanent visa is not project-based. Taking the Canadian permanent resident programs as an example, immigration officers tend to examine whether an applicant will be adaptable to the Canadian community and if she or he is the desirable person that the community is looking for in the long run. All the Canadian permanent resident status applicants are examined under a “points system”, which first took shape in the 1960s (Knowles 2007:195-8). The points system sets up a guideline to examine an applicant’s “absorptive capacity” in the country from such aspects as educational attainment, employment opportunities in Canada, age, and degree of fluency in English or French. (ibid:195). For each of the indices, an applicant will be given a grade (point) by the immigration officer with reference to the information contained in her or his identity documents. The application will be approved if the total grade the applicant receives is above or equal to a passing mark and the applicant will be issued the permanent resident card.

Considering the fundamental differences between the permanent immigrant program and the temporary visa program in their target population, application procedures and criteria for evaluation, I am going to study the Canadian temporary

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<sup>14</sup> Different from the regular employment-based temporary worker visa, the international graduates from recognized Canadian educational institutions have the priority to apply for an open work permit within 90 days after their graduation, which allows them to stay unemployed in Canada for a designated time, so as to help the new graduate to find a job and settle down in Canada. I will further explain this policy in Chapter Three.

resident visa system as an independent migration system, and am not going to combine cases of the Canadian permanent resident status application in my research.<sup>15</sup> However, it is important to note that both programs are significant components of the Canadian immigration system and are designed to cover the whole migrating population to Canada.

My purpose of studying on the Canadian temporary resident visa system is not to summarize a set of key points, the dos and do-nots, to help the temporary visa applicants more successfully win their Canadian visas. My task here is, borrowing Foucault's expression, to reveal how the temporary visa applicants are constructed as subjects of the visa regime through the visa application process, and to reveal the connections between the discourse of in-securitization of migration, immigration laws and the visa examination practice in the process, which is the basis of the power practice of the visa system. Taking a Foucauldian lens, I view the surrounding legislation as an element of the visa regime, rather than benchmarks for the visa examination practice, as visa examination practice and decisions would not be legitimated and justified by their conformity to the laws or any constructed discourses. As three significant elements of the ban-opticon on the border, the discourse of in-securitization of migration, immigration legislation and the visa examination practice have constituted a "border control combo" for temporary resident visa applicants. The applicants are not only subject to the visa examination practice conducted by the visa officers, but to the dispositif of ban-opticon as a whole.

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<sup>15</sup> As my focus here is on the experience of the temporary visa applicants, I am not going to cover permanent visa application (namely permanent resident status application) cases in my research here. However, it is still important to understand that permanent resident visa and temporary resident visa are both categories constructed for the foreign migrating population by the government, for respective governmental finalities. Moreover, in the Canadian situation, both the permanent resident visa system and the temporary resident visa are regulated under the *Immigration and Refugee Protection Acts*. Arguably, they are designed on a mutual basis to form a comprehensive coverage on the whole foreign migrating population at the Canadian border. The specific structural and functional connections between permanent resident visa and temporary resident visa will be explained in the next chapter.

I have so far discussed the role of temporary visa application, which is my research focus, in the broad migration control circumstance, and have discussed why I regard the temporary visa regime as a case of ban-opticon both closely related to the broad background of migration control and relatively independent of the other mechanisms. I have also explained that the model of ban-opticon provides us with a tool to break down the visa regime and to analyze its power practice not as a juridical system, but from the connections of its elements. With these questions clarified at this point, I am moving on to give a bit more introduction to the procedure of the temporary visa application and examination.

Salter (2006:175) explains that the word “visa” comes from the French word “visé”, meaning having been seen, and a visa firstly refers to “the authorisation given by a consul to enter or to pass through a country”, and secondly, “the stamp placed on the passport when the holder entered or left a foreign country”. Therefore, the word “visa” originally indicates two processes: the border-crosser is “seen” and recognized by an authoritative body before her or his border-crossing activity, and the border-crosser is “seen” and recorded when the actual border-crossing activity is taking place. However, Salter (ibid) notes that visa, in the modern sense, emphasizes the former “seeing”, indicating “the prescreening of travelers and represents a prima facie case for admission”. With the frontier formality now under the charge of the Customs and immigration officers at the POEs, the visa regime focuses on the examination process, which involves the evaluation and judgment on the prospective border-crossers’ admissibility, rather than the actual practice of physically admitting people on the border. Accordingly, the temporary visa examination is to evaluate the desirability of the applicant as a short-term visitor, in

terms of her or his intention and motive of the trip and the capability of accomplishing the claimed project in the receiving country.

The evaluation of a visa applicant's admissibility is done by checking the identity information. Information required for a temporary visa application, as Salter summarizes, includes:

[...] a fee for processing (a remote tax); return tickets (good faith illustration that the applicant's stay is temporary); statement of qualifications (to distinguish the degree of skilled labor); funds for stay; a health certificate (declarations that one is not an epidemiological risk: AIDS/HIVS; yellow fever; tuberculosis; etc); and affirmation of acceptable behavior (declarations that one is not a criminal/felon). Thus, the mobile subject is configured by the receiving state in terms of health, wealth, labor/leisure, and risk (Salter 2006:176, parentheses original).

Based on its accepted legitimacy and capacity to "enclose an outside population" for migration control and to exercise visa screening, the government gives detailed requirements on the identity documents to be submitted; to be exact, what items are to be checked and evaluated so as to judge if a person should be categorized into a constructed risk group. As I have discussed in the previous section, the government officers use the potential migrants' identity documents issued by various institutions which keep track of individuals' life history and social relations to evaluate the applicants and to fit them into the already constructed risk categories. Similarly in the temporary visa application process, any relationship between the applicants' identity documents and the risk profiles are sought by the visa officers to facilitate the categorization of the applicants. The word "configure" in Salter's quotation above accurately catches the essence of this categorizing work, which is to fit the visa applicants into the "niches" already made for them.

Another kind of categorization involved in a visa regime is targeted at the visa applicants' bordering intention. As I have mentioned above, the temporary visa is project-

based. That is to say, the border-crossing activities of the temporary visa applicants could not be purposeless in an official sense; the visa applicants must have substantial and acceptable reasons for their trips. Furthermore, the projects of the visa applicants are not to be announced at will; rather, the categories of the acceptable projects are also defined by the government in advance. For example, the Canadian temporary resident visas are basically categorized into three types, for students, temporary workers, and visitors (including personal visit and business trip) (CIC 2009). Thus, before applying for a specific type of temporary visa, the applicants need to select one of these labels for themselves and to provide sufficient proof that they belong to the category and are desirable candidates. The visa examination process, therefore, is first to check the genuineness of the project claimed by the visa applicant, for example if the applicant is really involved in the claimed project and if it is the real reason for the trip, and secondly to judge on the visa applicant's qualification – to evaluate if the applicant is the right person to fulfill the project.

However, it is noteworthy that the distinction between the two types of categorization I have just discussed, namely between the categorization based on risk profiles and the categorization by visa categories, is rather analytical than substantial, as they are actually done in one process. There is no gap between the desirable categories and risk groups. That is to say, if an applicant wants to avoid being fitted into the risk groups, it is necessary for her or him to claim a recognized and reasonable project to be conducted in the receiving country and to solidly prove her or his claim; similarly, in order to be considered as a qualified person to carry out the claimed project in the receiving country, the applicant's identity documents must show that her or his life history and biological information are good enough to exempt the application from any

suspicion regarding the risk groups. “Admissible” and “desirable” thus become synonyms in the visa application scenario. Once an applicant’s claimed project does not fit into the government’s pre-designed categories, or the applicant cannot convince the visa officers that the project claimed is exactly what she or he is about to do in the receiving country, the applicant would be deemed as a suspicious and inadmissible person. Yet, it is noticeable that the different legal visa types are designed more on the state’s demand and interests, rather than the actual demands and orientations of the potential border-crossers. As I have discussed in section 2.1, the discourse of in-securitization of migration is not only about the safety of the country, but also indicative of the possible negative effects caused by the migrating population on the national interests and benefits, and thus urges the government to regulate the bordering population. As we can see from the two kinds of categorization in the visa examination process, both the construction and definition of the “undesirable” categories (i.e. the risk groups) and the designation of the “desirable” categories (i.e. the visa types) take up the function of excluding “undesirable” people from coming into the receiving country. Or to put it in another way, failing to be believed that she or he is coming to the receiving country for a desirable project or purpose simply makes a concrete and essential reason that the applicant would be placed into a risk group by the visa officers. The categorization of the visa applicants based on the dichotomy between the desirable categories and the undesirable ones is mutually exclusive and exhaustive. This process of categorization, as Mark Cole argues, leads to the normalization of the subjects (Cole 2006: 208), as the acceptable reasons for coming to the receiving country are strictly normalized, so are the criteria under which the visa officers judge the genuineness of the applicant’s stated intention as well as the applicant’s general desirability to the country.

As I have argued in the previous section, what connects the categorization of the visa applicants and the decision on their admissibility is the visa officers' interpretation of the applicants' identity documents and the officers' prediction on the applicants' future behaviour according to the logic of virtual reality. The identity documents are used by the visa officers as indicators for certain traits, qualifications or behavioural trends of the applicants, based on which the visa officers anticipate and dramatize the future behaviour of the visa applicants as well as the applicants' "real" reasons for coming to the country. The identity documents of the visa applicants are crucial to the decisions made on their admissibility. Yet, Salter (2006:182) argues that the decision is always "made on the basis of insufficient evidence and mistrust of the speaker, and [is] complicated by an incomplete documentary trail", and the visa applicants' "right to be presumed innocent or to have a fair trial must be held in abeyance at the border under the twin rubrics of efficiency and security". Two important points about the visa regime are borne in this argument. First, the visa examination as a proactive mechanism of border control renders a specific population, the temporary visa applicants at issue here, as a questionable group, whose admissibility in general and statements provided are essentially subject to further examination and verification. Secondly, by what he argues as "insufficient evidence", Salter questions the grounding of the evaluations carried out on the visa applicants. As far as I consider, the word "insufficient" here is not regarding the amount of information collected about the applicants; rather, it refers to the model of categorization in which the visa examination is done. The prediction of the visa applicants' future behaviour and the refutation against their self-stated intention of bordering made by the visa officers are not sufficiently reasonable and concrete by means of virtual montage of the identity documents. Hardly any consideration would be made outside the already set model of

categorization and predication. As Gillian Fuller (2003) argues, “[s]tates don’t deal with strange particularities of networked and virtualised individuals, they prefer to keep the subject within the more knowable constraints of identity”. The identity documents submitted by the visa applicants are made indicators of certain traits and behavioural trends by the government though they are not originally designed for those purposes. Even when the identity documents do not necessarily lead to the suggested categorization, or the documents the visa officers refer to are not identity files, air tickets and school transcripts for example, the documents are, borrowing Jenkins’s term, productive of identities under the visa officers’ rules of interpretation and are leading to the categories the government has already set.

Ernste (2005:212) argues that what the government does is “not to discover some kind of essential secret inner being but rather to continually produce oneself in relation to existing discourses and interactions with the environment”. In other words, the government is not interested in digging out more detailed information about the visa applicants, but is trying to build up connections between their identity documents and the visa examination targets they have already designated. The identity documents are acting as the indicators rather than the narrators. Once the visa applicants enter the visa examination process, they are only going to be categorized into the dichotomy between the desirable groups and risk groups, or in other words, admissible temporary residents and inadmissible ones. As long as the indicative function of the identity documents are defined and authorized by the government, the visa applicants’ submission of certain identity documents simply means their submission to the principles of categorization set by the government and the decision-making process carried out by the visa officers.

Even though the government has the monopoly of categorizing visa applicants and of connecting the visa applicants' identity documents to those categories, thus judging the applicants' admissibility, the visa applicants may still have, though limited, room for manoeuvre in the process of visa application, which is termed by William Bogard (2006) as "lines of flight" in the surveillance mechanism, as the possible ways of manoeuvre by the applicants are like something lifted from the official procedural routine, some ways of flying away from the monopolistic mechanism. Rather than direct conflicts to the authorities of the government, these lines of flight are embedded in the system of visa application and examination itself. Take the Chinese-Canadian visa case as an example, the Canadian visa offices do not collect data of every visa applicant themselves, nor do they have quick access to the institutions that keep track of the visa applicants' original biographical or biological information. The process of data collection and submission largely relies on the visa applicants who are asked to collect and submit the identity documents about themselves.<sup>16</sup> On the one hand, the visa applicants are acting as their own proxies. It thus becomes possible for the visa applicants to include additional and supplementary documents in their application packages if they think the inclusion of certain document will add to the odds of visa approval, or they may deliberately exclude certain information which would arguably be negative to their visa application, as long as the omission of the information would not be considered cheating or misrepresentation. So technically, there is some room of flexibility for the visa applicants to manoeuvre in

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<sup>16</sup> The visa applicants have the option to ask visa representatives to prepare the documents and fill in the application forms on their behalf. However, the visa representatives are usually friends or relatives of the applicants, or in some cases, people who professionally help others apply for visas as their occupation. In either case, the responsibility of collecting and submitting documents or of assigning other people to do that for them lies at the visa applicants' end, and the work is done under the visa applicants' will. The visa offices do not participate in document collecting, nor do they process application cases with missing documents or contact different institutions to carry out investigation on the applicants by their own.

the process of documents collecting and submitting, as the process depends on the “self-confessionary” practice of the visa applicants, as termed by Mark Cole (2006), though how visa applicants can take advantage of this “line of flight” in real life practice varies in different circumstances and can only be revealed by more empirical studies. I will discuss some cases in Chapter 4.

On the other hand, the process of document collecting and submitting also reflects the process termed by William Bogard (2006) as “deterritorialization” and “reterritorialization”. According to Ceyhan’s definition of “identity”, as has been discussed above, identities are produced in specific historical and institutional contexts. The rules of documenting individuals in specific institutions, as well as the purposes of documenting in certain institutions may also contribute to the value of the identity documents generated in that institution, though they cannot be manifested in the paperwork. Therefore, the implication embedded in a piece of institutional identity could be much richer than what can be carried in an identity document for circulation. Bogard uses the term “deterritorialize” to describe the step that individuals’ institutional identities are divorced from their institutional groundings and contexts, which are like “territories” where the identities are originally rooted and developed. “Reterritorialize”, however, refers to the process that the “deterritorialized” identity documents are configured into a new system of interpretation and evaluation, the visa system for example, where the identity documents are used for specific purposes of examination.

In the visa system, when the identity documents, which are originally generated for other administrative purposes, are retrieved by the visa applicants or their representatives for the visa application, they are first “deterritorialized” from their institutional forms and contexts, and then in the process of visa examination,

“reterritorialized” into the new scenario, a new territory with different purposes and operational rules. For example, the bank statement, which is originally a confirmation document for one’s financial asset, may be used by the visa officers to predict a visa applicant’s future financial activity (CIC 2009). Under the grammar of “futur antérieur”, the visa officers use the deterritorialized identity documents to predict the applicants’ future behaviour, and to categorize the applicants into the admissible or the inadmissible groups. The identity documents used in the process of visa examination are de-contextualized and are considered by the visa officers as straightforward indicators of certain information the government is looking forward to. Bogard (2006) terms this process of deterritorialization and reterritorialization as the “informationalization” of the identity documents, as identity documents are separated from their original contextual setting and are turned into sheer indicators for certain information and decision-making trails.

Informationalization of the identity documents frees them from their institutional grounding, as well as their originality and uniqueness, substantial forms and contextual indications. Thus, the visa examination process, based on the de-contextualized identity documents, also loses “determinacy”. The identity documents are only interpreted under the rules that are designed by the receiving governments, rather than in their original institutional contexts, and such interpretation is largely based on the discretionary power of the visa officers.

Lines of flight emerge in the process of informationalization of the identity documents. Although the visa officers can decide how they interpret the identity documents in the visa examination process, they are not sticking to the originality or the contextual indications of these documents. Visa officers are not trying to portray a whole

picture of the applicants, but to seek the specific clues to facilitate their evaluation. Thus, so long as the visa applicants know what kind of information visa officers are looking for, it is possible for them to expand the sources of their identity documents, including more positive indicators while blocking some negative ones, though their room for manoeuvre is limited and they can only act “marginally and from the margin” (Ernste 2005: 164).

At the visa officers’ end, the same judgement on a visa applicant’s admissibility may come from quite different sets of identity documents. Furthermore, as the identity documents available to the visa officers are deterritorialized from their original contexts, they are not used co-operatively to make out a clear and comprehensive picture of the visa applicant. Rather, they are treated in an arguably separated way for specific information hunting. Thus, the decisions made by visa officers on the applicants’ admissibility can also be undetermined and contingent. This process of visa examination itself, in its own structural and logical design, misses its claimed determinacy and target.

I have, up to this point, discussed what role the temporary visa regime is playing in the general border control mechanism, and have explained how the visa regime works to categorize visa applicants and to predict their future based on the identity documents, thus deciding on the applicants’ admissibility. I have also, borrowing William Bogard’s term, “lines of flight”, illustrated the process of deterritorialization and reterritorialization of the identity documents in the visa system, as well as its conditions and consequence. In the next chapter, I will look into the Canadian temporary resident visa system from the legislative perspective. I will first talk about the rules and regulations made by the Canadian government to regulate the Canadian temporary resident visa system, and secondly, in terms of the institutions in China, what kind of identity documents are

generated for Chinese nationals and are used for their Canadian temporary resident visa application.

## Chapter Three: Legislation on the Temporary Visa System

In this chapter, I will give an introduction of the Canadian temporary resident visa system and the procedure of visa application from a legislative perspective. Some points about the Canadian temporary resident visa system have already been mentioned in the previous chapter for the purpose of illustrating and exemplifying the traits of the temporary visa system in a global sense. My discussion in this chapter, however, will be more specific in how Chinese applicants go through the Canadian temporary resident visa system and will be in a more systematic manner.

As one mechanism involved in the “dispositif” of the visa regime, the juridical system, or to be exact, the legislation surrounding the Canadian temporary resident visa system is not taken as benchmarks for the visa application and examination practice. Laws are not going to be used to justify or to explain certain practices in my research, as the juridical system itself only takes shape and gains power through interaction and association with relevant discourses and practices. Thus, my purpose in discussing the legislation surrounding the Canadian temporary resident visa system in this chapter is to reveal the Canadian government’s considerations behind the legislation (the official discourse embedded in the laws) and to analyze how legislation affects the practices of both the visa officers and the applicants in reality (the connection between legislation and practice).

As I have discussed in the previous chapter, there is no specific law focused on the Canadian temporary resident visa system. Both the permanent resident visa (permanent resident status) system and the temporary resident visa system are regulated under the *Immigration and Refugee Protection Acts* (hereafter IRPA) and the *Immigration and*

*Refugee Protection Regulations* (hereafter IRPR) of Canada. The two immigration systems are designed on a mutual basis to form an encompassing coverage on the whole foreign migrating population on the Canadian border. Unable to split the two systems at the general legislative level, I am going to start with discussion about the general goal of the IRPA and the mutual construction of the two migration systems under the acts, so as to reveal what role, both structural and functional, the Canadian temporary resident visa system is expected to fulfill. In section 3.2, I will give a brief sketch of the operational regulations of the Canadian temporary resident visa application made by the Canadian government, for example, what questions the Canadian visa officers are expected to consider and what kind of documents the applicants are required to submit. In the last section of this chapter, I will introduce how Chinese visa applicants obtain their identity documents required for the Canadian visa application, what kind of system they are resorting to in China and how the documents are generated.

### **3.1 Temporary Resident Visa System on a Broad Legislative Grounding**

There are many more research works on the Canadian permanent resident application system than on the temporary resident visa system. Even the word “immigration”, if without prefixes like temporary or permanent, is sometimes understood to be referring to only the “permanent immigration”.<sup>17</sup> Apart from the literature on the Canadian permanent resident application system, there are also research works on the history of the Canadian immigration policies and practices in general (for example, see

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<sup>17</sup> As Monica Boyd and Michael Vickers introduces, since 1986, the number of temporary residents are no longer included in the government calculation of immigrant growth (Boyd and Vickers 2000:2). The official statistics of immigration growth would only refer to the permanent residents. However, in order to avoid the ambiguity, I will use the word “immigration” for migration in general in this thesis, regardless of the permanent or temporary classes, and will add the prefixes of either permanent or temporary to indicate the specific kind of immigration or visa program.

Knowles 2006; Green and Green 2004). These historical research works do not separate the permanent resident program and the temporary resident visa system in their discussion, but generally study on what kinds of people Canada would like to admit into the country in certain historical stages and how the Canadian government at the time achieves its migration goal. Though these two bodies of research, the studies on the Canadian permanent resident system and on the Canadian immigration history, are not directly related to the Canadian temporary resident visa system, they provide valuable information about the general legislative setting of the Canadian immigration system. Based on these studies, as well as the news stories on the recent policy changes in the Canadian temporary visa system, I will analyze the Canadian government's considerations and goals in deploying the temporary resident visa system, and the structural role of the temporary resident visa system in the general immigration mechanism of Canada.

Research on Canadian immigration history has provided a series of snapshots on the Canadian immigrant recruiting policies and practice in history (for example, see Bauder 2003; Grant and Sweetman 2004; Jones 2004; Knowles 2006; Li 2008), from a point when Canada held a preference for immigrants from certain countries or of certain ethnicities to come and work in the agricultural sector, to a period when Canada tried to recruit, with strict regulations and restriction, immigrants with desirable skills to fulfill certain projects, either agricultural or industrial and to the present status quo that Canada boasts a streamlined permanent resident recruiting system, namely the points system, to benefit the national economy while keep the country free from any health or security threats in the meantime. I will use several episodes in Canadian immigration history to illustrate the dynamics of the Canadian immigration policy changes in history, so as to

manifest the features of these dynamics and the way they assign immigrant candidates' admissibility.

As early as the inception of the 1900s, for example, the Minister of the Interior of Canada, Frank Oliver, and his predecessor Clifford Sifton both endeavoured to recruit farmer labourers to fill the vast Canadian west. Sifton, as Valerie Knowles (2006:106) discusses, "saw immigration through the most pragmatic lenses", as she emphasizes the immigrants' ability to become good farmers in Canada, with less consideration of their nationality or ethnicity. Oliver, however, gave more priority to the potential immigrants' ethnic and cultural origins when recruiting settlers for the western territory, as he considered that immigrants of "more desirable" origins could bring to Canada better civilized population, and Eastern Canadian was at the top of Oliver's hierarchy of "desirable" immigrants to fill up the western territory, closely followed by British immigrants and American settlers (ibid:106-7). As ministers of two consecutive terms working on the same government project, Sifton and Oliver declared distinctive criteria on the immigrants' desirability and recruited immigrants in two divergent approaches.

The ministers' divergence in achieving the goal of immigrant recruiting has exemplified that even under the same general goal of benefiting the Canadian economy, the government's definition of desirable immigrants could be different, so are the policies made to recruit the immigrants. Lorna McLean gives another example in her research on the Canadian Immigration Act of 1919, which labelled the illiterate people as an undesirable group to Canada and introduced a literary test in the Canadian immigration system to screen the candidates (McLean 2004). Apparently, the government's perception of how different qualities of people, such as ethnicity and literacy, may influence their contribution to Canada, and the government's announcement of what kind of people were

needed in Canada at the time largely directed the country's policies of recruiting immigrants. Along with the policy changes, however, were changes in the definition of admissibility.

After the Second World War, an increased number of skilled labourers were demanded in Canada for the post-war reconstruction, which led to the government's emphasis on the occupational skills of the prospective immigrants and a bigger number of recruited immigrants in that era (Bauder 2003; Li 2008:217). Social categories like ethnicity and nationality then received less weight from the government in deciding a candidate's eligibility for immigration. In 1962, Ellen Fairclough, Minister of Citizenship and Immigration of Canada at the time, tabled regulations to eliminate racial discrimination in selecting immigrants (Knowles 2006:187; Kruger et al. 2004:74), intended to remove the barriers against prospective immigrants with "undesirable" national origins, skin colours and ethnicities.

In addition to the government's perception and expectation of prospective immigrants, some international events also had impacts on the Canadian immigration guidelines and policies. For example, both Valerie Knowles (2006) and Lorna McLean (2004) have mentioned that the 1917 Bolshevik revolution in Russia had aroused fears of Bolsheviks in Canada, who had then become a group that the Canada immigration system targeted and intended to block from the country. The terrorist attack on the World Trade Centre in the United States on September 11, 2001 also had a significant impact on the Canadian immigration guidelines. As the terrorists of 9/11 were border-crossers flying from outside into the United States, Kruger et al. (2004) argues, the perceptions of "terrorist" and "immigrant" were somewhat combined after 9/11, not only for the United States, but for Canada as well, and the war against terrorism was constructed as an

“imported” problem, which rendered the whole immigrant population subject to suspicion. Also, after 9/11, Canada was required by the United States to harmonize the two countries’ immigration regulations (the list of countries whose nationals are required to apply for entry visas for example) and technologies (databases containing the information of previous border-crossers for example) (Adelman 2002; Kruger et al. 2004). Whether it is the governmental considerations or the occasional international events that are influencing the Canadian immigration policies, the legitimacy of these criteria in the process of immigrants selecting largely stems from the discursive power of social categorization and social events.

As we can see from these examples, though the dynamics of every policy change were diverse, these factors all derived from certain discursive power of social categorizations or social events and are themselves contingent and occasional. Thus, the criteria the government assigned for the immigration system were always constructed under certain discourses and were susceptible to be rewritten. However, along with the rewrite of the immigration policies and criteria was the re-definition and re-evaluation of the term “admissibility”, which is actually a blanket word. It does not really refer to the quality of the prospective immigrants – whether they are absolutely admissible or not – but to the condition whether they can be admissible *to Canada* in certain circumstances.

At present, the criteria for permanent resident recruiting have been streamlined into a point system, which gives points to the permanent resident applicants from several aspects, such as the applicants’ age, educational attainment, language ability of both/either official languages of Canada, arranged employment in Canada (CIC 2009c). Taking these four aspects as examples, applicants of the presumably prime labour age (21-49), with highest educational attainment (holding master’s degree or higher),

excellent language command of both English and French, and arranged employment in Canada would be given the highest points for every one of these aspects respectively. An applicant who has received a total score equal to or higher than a passing score from all the assigned aspects would be recognized as an eligible permanent resident to Canada. In the point system, the criteria for “admissible” permanent residents have been quantified and are putting more weight on the applicants’ working capability and adaptability to Canada.

For the temporary visa system, however, there is no streamlined criterion for evaluating the admissibility of an applicant. Compared with the permanent residents, the temporary residents in Canada are playing a minor role among all the migrants into the country. According to the 2006 census in Canada, the total number of permanent residents in Canada was then 6,452,305 while temporary residents in the country only counted to 265,355 (Statistics Canada 2007). Also, as I have mentioned above, the number of temporary residents are no longer included in the government calculation of immigrant growth since 1986 (Boyd and Vickers 2000), which indicates that the temporary resident visa system is not a major approach for the Canadian government to recruit immigrants into the country, while it fulfills other governmental purposes.

Before looking into the specific functions the temporary resident visa system is taking, it is worth noting that the temporary residents in Canada must be taking different roles from those of the permanent residents – otherwise the purposes of the permanent resident system would be disturbed by the influx of the incoming temporary residents who may not be admissible under the point system. That is to say, the differences between the two types of immigrants not only lie in their terms of stay, but on their social roles in Canada, which are deployed by the Canadian government as well. Thus, it would

be perceivable that temporary residents are basically not allowed by the government to take up the regular job positions, which are only open to Canadian citizens or the permanent residents, and the temporary residents are not supposed to receive social welfare in Canada, the universal health care for example, which is the consumption of social resources.

However, in addition to these prohibitions, the temporary resident visa regime is also taking active functions in the Canadian immigration system. As is regulated by IRPA, Canadian temporary resident visa applicants are categorized into three classes: international student, temporary worker and visitor. Citizenship and Immigration Canada (hereafter CIC) states that the purposes of this system is to “facilitate the entry of visitors, students and temporary workers for the purpose of fostering trade, commerce, tourism, international understanding, and cultural, educational and scientific activities” (CIC 2009a:3). However, only applicants who plan to come to Canada for such purposes as education, temporary working and personal or business visits can apply for the Canadian temporary resident visa.<sup>18</sup> On the one hand, the Canadian government is using the temporary resident visa system to promote exchange and communication between Canada and other countries, either in the knowledge industries or in the business and financial

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<sup>18</sup> Canada has not yet been granted the “approved destination status” by the Chinese government, which is “a bilateral agreement that allow[s] the Canadian tourism industry to actively market travel opportunities (to Canada) in China and permit[s] Chinese travel agents to advertise travel packages to Canada” (Keith 2009). It is believed that the lack of approved destination status from China has blocked Chinese tourists from coming to Canada (see Simpson 2008; Keith 2009). On the other hand, though no specific legislative article has been found that restricts individual Chinese tourists to come to visit Canada, on the website of the Canadian embassy in Beijing, it is stated that one of the factors that the Canadian visa officers consider in assessing a temporary resident visa application case in the visitor’s category is the applicant’s reason to come to Canada and her or his contacts in Canada (Canadian Embassy in Beijing 2009a), indicating that Chinese applicants in the visitor class need to have ties, either private or business, in Canada to apply for the visa. Also, as is discussed in a commentary of the Asia Pacific Foundation, “Chinese applicants have believed the likelihood of getting a Canadian visa for the sole purpose of ‘tourism’ is slim” (Asia Pacific Foundation of Canada 2002), and very few of Chinese visitors to Canada actually came as “tourists” without any personal or business bonds in Canada (Asia Pacific Foundation of Canada 2002; Butler 2009).

realms, on the temporary basis; while on the other hand, by assigning these three categories of temporary resident visa, the Canadian government is also holding control of the social and economic activities in which the temporary residents can be legally engaged in the country.

Though the three categories of the temporary resident visa system are clear, they do not provide a set of criteria to evaluate on the applicants' admissibility, like the point system does, which has actually made the temporary resident visa system, to some extent, flexible and deployable. Don DeVoretz (2008), in his paper on the Canadian temporary resident visa system, designed an "auction model" for the temporary worker class application. DeVoretz advocates the idea of selling job vouchers to prospective foreign temporary workers in his paper; with the voucher, a prospective temporary immigrant can apply for a temporary job position in Canada and then apply for the temporary resident visa as a foreign temporary worker if hired (*ibid*). DeVoretz believes that this auction model would enable the Canadian government to better predict and control the impact of foreign temporary workers on the Canadian labour market. DeVoretz's auction model on the temporary worker class in specific complies with the significant goal of the Canadian immigration system, to recruit people with good working capability and adaptability, which is mainly to be fulfilled by the permanent resident application program. Also, it shows that the temporary workers are only supposed to take up certain job positions open for them, and the job openings are under the government's regulation on the Canadian labour market. Thus, the roles of temporary residents in Canada are, to a large extent, designed and re-designable.

DeVoretz's auction model depicts a possibility of the Canadian temporary resident visa system from an academic and policy-designing perspective. Some examples of the

real policy changes in the Canadian temporary resident visa system will be discussed below to illustrate how the Canadian government takes initiative to tailor and deploy the temporary resident visa system to accommodate its immediate demand for specific population, while keeping it in line with the broad goals of the immigration system at the meantime.

The first example comes from a policy change on the post-graduation work permit for international students in 2008. Prior to the policy change, international students graduated from recognized Canadian educational institutions were eligible to apply for the post-graduation work permits only on the condition that they had been employed for a job position related to their specific areas of study within 90 days of their graduation (Canadavisa 2007). Compared with the regular work permit program for foreign temporary workers, the post-graduation work permit program imposed less restriction on the job positions the applicants were to fill, as long as the new graduates could find a job related to their Canadian educational experience. As for the regular foreign temporary workers, however, they were only to be hired for the job positions that had been approved by Human Resource and Skills Development Canada (hereafter HRSDC) to be open to foreign workers. The duration of the post-graduation work permit at that time would be one year if the international student's guaranteed job position was in any of the three metropolitan areas of Vancouver, Toronto and Montreal, while a two-year work permit would be issued if the position was somewhere other than the three areas. A policy change launched in the early 2008 actually made the post-graduation work permit more accessible to the international students (CIC 2008a:29; Canadavisa 2008). First, international students do not need to be employed to apply for the work permit. They are allowed to apply for the post-graduation work permit any time within 90 days of their

graduation since the policy change. In other words, it is the international students' Canadian educational experience and accomplishment that make them eligible to work in Canada now, rather than a secured job in specific area. Secondly, the duration of the post-graduation work permit now depends on the length of the educational program the applicant has just completed, with the maximum of three years, regardless of the geographical positions of the job openings.<sup>19</sup> Lastly, the new post-graduation work permit allows the international student to be hired for any job position in Canada, not only free from the labour market opinion from HRSDC as before, but also regardless of the educational background. This new post-graduation work permit program is expected to help Canada keep the international students already studying in the country, as a government officer explained that "our ability to retain international graduates with Canadian qualifications, work experience and familiarity with Canadian society, will help increase our competitiveness and benefit Canada as a whole" (Canadavisa 2008). It is noteworthy that the post-graduation work permits are only granted to graduates from post-secondary institutions, who, as the Canadian government believes, are well-educated and high-skilled job candidates and are desirable residents for the Canadian society, rather than a population about to compete with the Canadian citizens and the permanent residents for general job positions. The open post-graduation work permits lasting for at most three years will possibly help the international students get some working experiences in Canada, which, together with their educational attainment, Canadian experience and other qualities, could make it easier for the international students to fit

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<sup>19</sup> As regulated by CIC, an international student who has finished a program of less than one year would be issued a post-graduation work permit valid for the same length of her or his school program; an international student whose program lasts for at least one year but less than two years would be issued a post-graduation work permit for one year; and an international student who has accomplished a program for more than two years is eligible for a post-graduation work permit for three years.

themselves into the selection grid of the permanent resident recruiting system after some time.

The other example I would like to mention here is that, on July 13<sup>th</sup>, 2009, the Canadian embassies in Mexico and the Czech Republic announced that citizens of these two countries, from then on, would need to obtain the temporary resident visas to visit Canada, which was not required before the change. As a government officer explained, this policy was to deal with the ballooning numbers of refugee claims from the Czech Republic and Mexico (Valpy 2009). Before the policy change, citizens from the Czech Republic and Mexico could come to visit Canada as short-term travelers basically by showing their national passports to the Canadian officers at the POEs and proving that they could financially support themselves in Canada before a confirmed date of departure. Therefore, prospective refugee status claimants from the Czech Republic and Mexico could at that time easily enter Canada and apply for their refugee status in the country; during the processing time of the refugee status application, they could legally stay in Canada. The concern of the Canadian government is that the huge number of refugee status claims from the Czech Republic and Mexico, either from bogus refugees or otherwise, has created “significant delays and spiralling new costs” in the Canadian refugee program and has lowered the country’s “ability to help people fleeing real persecution” (Valpy 2009), while the Czech Republic and Mexico, according to a columnist of *the Globe and Mail*, should not be considered as countries where individual persecution, torture or discrimination take place (Simpson 2009). As a solution, the Canadian government decided to impose the temporary resident visa regulations on citizens of the Czech Republic and Mexico to deploy a pre-screening process for the purpose of blocking the potential refugee claimants. With the current visa requirements,

citizens of the Czech Republic and Mexico have to get Canadian temporary resident visas before they can come into Canada, which places a hurdle in front of those who simply want to get into Canada and claim for the refugee status.<sup>20</sup> As I have discussed in section 2.3, the passport system took shape as the very first stage to categorize and select prospective migrating population, while interestingly, we can see that the temporary resident visa system is used by the Canadian government as an upgraded version of the passport system to scrutinize the migrating population and to exclude undesirable migrants in this circumstance.

On the contrary, the policy change on the post-graduation work permit has provided a more smooth access for a certain group of the temporary resident visa holders in Canada (the international students) to get involved and immigrated into the country. As Peter S. Li (2008:229) articulated, the large number of international students has actually created a selection pool of skilled immigrants for Canada since 1990s. With this abundant reservoir of prospective skilled immigrants at hand, what the Canadian government needs to do is simply to enact appropriate policies and operational guidelines to facilitate the legal assimilation of this desirable population. The case of Czech and Mexico, however, reminds us that the reservoir of temporary residents has another valve facing the outside, other than the one leading to permanent immigration or further integration into the Canadian society. The Canadian government also enjoys the right to place this outside-facing valve wherever it considers a block, or at least a set of examination procedure, is in

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<sup>20</sup> Basically, individual refugee status claimants can only make their claims inside the country. Any claims from outside Canada, so called “resettlement of refugees” are only taken if they are referred by the United Nations High Commissioner for Refugees (UNHCR), other referral organizations or private sponsorship groups. Thus, if the temporary resident visa system could really pick out the potential refugee status claimants from the “genuine” temporary residents and block the previous from entering Canada, the visa system would be an effective means for the Canadian government’s purpose of reducing the refugee status applications made by the nationals’ of the Czech Republic and Mexico, though at the sacrifice of their freedom to travel to Canada.

need. In this sense, the temporary resident visa system is also acting, to a large extent, as a buffering zone between the permanent residents and a blocked outside which is, if not absolutely excluded, awaiting further examination before admitted.

As we can see from the analysis above, the temporary resident visa system is designed and deployed in conformity to the general goals of the migration regime, which is to attract desirable population with high working capability and adaptability to Canada. However, it is remarkable that the temporary residents in Canada are structurally marginalized in the Canadian economic sector, with their activities in Canada restricted. Without being closely assembled into the economic sector of Canada, the temporary residents compose, to a large extent, a population that the Canadian government could more immediately and flexibly deploy to deal with its arising needs. The population of temporary residents in Canada is functioning as a reservoir which, on the one hand, maintains a pool of prospective desirable immigrants which Canada would like to absorb under specifically designed programs, while on the other hand, blocks an unknown outside which is required to go through further examination to be admitted into the country. Thus, the function of the temporary resident system in Canada could be threefold, to admit students, temporary workers and visitors to Canada as the major and legislatively claimed one, to attract desirable candidates for the permanent resident recruitment and to pre-emptively block the undesirable population.

As has been discussed above about the general immigration system of Canada, any policy changes regarding the immigrant selecting are actually rewriting the definition of “admissibility” of the applicants, which renders the criteria of assessing the applications contingent and contextual. The temporary resident visa system is no exception: the examination criteria of the temporary resident visa system are also subject

to rewriting from time to time, as can be exemplified by the post-graduation work permit policy changes. Yet, more significantly, the whole temporary resident visa mechanism is used as something that the government can deploy at will for achieve the abovementioned threefold functions.

### **3.2 Temporary Resident Visa in Operation**

The Canadian temporary resident visa mechanism does not have a standardized point system to assess the applicants' admissibility. As I have discussed in the last chapter, the issuance of Canadian temporary visas is project-based, with the three regular categories of projects designated as studying, temporarily working and visiting (CIC 2009a). With these three admissible categories designated, any visa applicant who is not recognized by the visa officers as a genuine student, a temporary worker or a visitor would simply be considered as undesirable and thus rejected. Essentially, the enclosure of these three approvable visa categories, while facilitating the migration of certain kinds of prospective temporary residents, functions as a powerful screening mechanism to exclude any people who cannot fill these desirable roles in Canada.

What's more, these three categories are not crossed; for instance, a temporary resident who came to Canada as a visitor is not allowed to work in Canada without specific authorization, and a foreign temporary worker cannot enrol in any school program in Canada. Considering that a visa applicant may only be admitted under one visa category, her or his activity in Canada would actually be largely restricted by the kind of visa and/or permit she or he holds. Though it is not impossible for a temporary

migrant to switch between these three categories after arriving in Canada<sup>21</sup>, in most cases, temporary residents' identities in Canada and their major activities are highly restricted by the visa. The temporary resident is only supposed to finish the project recognized and approved by visa officers, may it be studying, temporarily working or visiting, while excluded from getting involved into any other social or economic sector in Canada.

These are actually the regulative goals of Canadian temporary resident visa system: to guarantee all the temporary residents inland are acting social roles expected and approved by the Canadian government and their economic activities in Canada are strictly restricted. Then, how could the temporary resident visa carry out these functions to control the residents' activities in Canada?

To answer this question, I need to first give some introduction of the visa counterfoil. All the temporary residents coming from foreign countries to Canada, as long as they are not visa-exempted, need to obtain a temporary resident entry visa from the visa offices of their country of nationality or habitual residence (CIC 2009). The temporary resident visa counterfoil is a piece of documentation issued to a visa applicant, after the visa officer has decided that the person is admissible, to authorize her or his entry to Canada. On a visa counterfoil, there is information including the visa holder's name, the visa series number, the place of the visa office issuing that visa, times of authorized entry to Canada granted to the visa holder, the date of issuing the visa, the expiry date of the visa, and a visa category indicating that the visa holder is or is going to be a student, a worker or a visitor in Canada.

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<sup>21</sup> For example, a temporary resident coming to Canada to visit her or his spouse who is legally staying in Canada is allowed to apply for an open work permit after landing in Canada and can thus temporarily work in Canada while accompanying her or his spouse. An international student who has finished her or his post-secondary educational program has the option to apply for the post-graduation work permit, or to apply for a regular work permit if she or he has got hired for a job position open to the foreign labourers. However, in any cases, a temporary resident can only hold one identity in Canada at a time.

However, this visa counterfoil is only for the temporary residents' entry into Canada. The valid period assigned to the visa does not indicate the authorized duration for the temporary resident to stay in Canada; rather it means that the temporary resident, if being outside the country, needs to land in Canada between the date of issuance and the expiry date of the visa, as long as the authorized times of entry have not been used up. Also, the visa category shown on the visa counterfoil does not authorize the visa holder's activity in Canada automatically but needs to be verified and activated by the Customs officers at the POEs. The visa category as shown on the visa counterfoil confirms to the Customs officers at the POEs, when the temporary resident is about to enter Canada, that the visa holder is supposed to do a certain job in Canada and her or his claimed identity and intention have been recognized by the visa officer. At the POEs, international students and temporary workers need to have their study permits or work permits checked by the Customs officers to be admitted; if they are coming to Canada for the first time, they need to submit the confirmation notes of their authorized student or worker status, which are issued by the visa offices, at the POEs to be issued the valid study permits or work permits. On a study permit or work permit, the temporary resident's duration of stay in Canada is notified, which is usually in compliance with the length of the school program a student is or is going to enrol in or the length of the employment a temporary worker has got.

For the temporary visitors, however, there is no such document as "visit permit". A temporary resident visa showing the visa category as "visitor" indicates the visa holder's identity as visitor in Canada, but she or he stills need to activate her or his status at the POE upon arriving in Canada and to be assigned the duration of stay, which is usually six months for the temporary visitor (CIC 2009a). For the Canadian temporary

resident visa system, the POEs are the final stations which activate or verify the incoming temporary residents' identities and assign their duration of stay. Records about the temporary residents who are physically inland can also be generated through the process.

For a summary of the visa and/or the permit that a temporary resident need to hold to get into or to keep staying in Canada, a temporary resident or prospective temporary resident who is physically outside Canada needs to have a valid temporary resident visa with the category identified as visitor to enter Canada as a temporary visitor and to stay inland for an assigned duration. One needs to have a valid temporary resident visa whose visa category is student, as well as a valid study permit to be admitted into Canada as a student and to legally enrol in a school program and a person who is supposed to be a temporary worker in Canada needs to have a valid temporary resident visa for workers and a valid work permit to come and work legally in Canada. All these documents are to be presented to the Customs officers at the POEs, when the temporary resident is about to enter Canada. The Canadian government officers at the POEs, however, will do several jobs including verifying the visas and permits or issuing initial permits based on the authorization notes from the visa offices, assigning duration of stay to the temporary visitors, and double checking their ability and willingness of the temporary resident to leave Canada at the end of the authorized period of stay.

For a temporary resident who is physically inside Canada, however, the person does not need to hold a valid entry visa to remain in Canada. Yet, a temporary visitor needs to make sure that her or his assigned duration of stay has not expired and an international student or a temporary worker needs to maintain their study or work permit valid to legally stay in Canada and to do their recognized project as a student or a worker.

The temporary resident visa counterfoils and permits (including the confirmation notes of the permits) are proofs of the temporary residents' identity and status in Canada. They are only assigned as the positive results of the visa examination. Even though the POEs serve to verify the visas and permits or to issue initial permits based on the authorization of the visa offices, whether an entry visa and a permit can be issued to an applicant is basically decided in the visa application and examination process, through which the applicant's visa application materials are examined and her or his admissibility is decided. Therefore, in order to answer the question how the entry visas and permits regulate the temporary residents' mobility and authorize their activities in Canada, we need to look into the visa examination process.

Janet A. Gilboy (1991) and Geneviève Bouchard and Barbara Wake Carroll (2002) have studied on the official procedures of checking the prospective migrants' admissibility. Gilboy focused on the decision-making process of the Customs officers of the United States while Bouchard and Carroll looked into the evaluation process of recruiting permanent residents to Canada. Though working on two different systems, the two authors have made comparable descriptions of the use of discretionary power by the officers in the processes. Gilboy (1991) discusses that Customs and immigration officers at the POEs of the United States use their "occupationally derived categories" to sort out prospective border-crossers, while Bouchard and Carroll (2002) term this occupation-related categorization as "professional discretion", which comes from professional norms. As referred to the authors of both research, this professional or occupational working ethos derives from the government officers' positions as the inspectors on the border, as well as from the conformity of these officers' evaluation with the relevant legislation. That is to say, the officers' exercise of power should largely depend on the regulation of

laws. However, in addition to the normalized way of examination, the authors have also talked about the influence of personal factors such as the previous caseloads of the officers (Gilboy 1991) and their individual biases (Bouchard and Carroll 2002) in the examination processes. Though these two studies are not directly related to the Canadian temporary resident visa system, they suggest that the related legislation, which is the basis of government officers' professional ethos, and the officers' discretion are two approaches to looking into the examination processes of border control.

I will not count on the letter of the Canadian laws to predict what actually happens in the Canadian temporary visa examination process or to explain the visa application experiences of my interviewees. However, as Bouchard and Carroll (2002:247) argue, despite the combination of professional and personal discretion in the evaluation, there is expected to be “[some] levels of consistency in the utilization of discretion” of the government officers. It is my understanding that legislative regulations could at least provide common principles for the visa officers to exercise their power of evaluation, from which we can map out a general framework of what kind of information the visa officers are searching for and how they are supposed to process the information. In addition, since the Canadian temporary visa application, as I have mentioned in the previous chapter, starts from a self-confessionary practice of the visa applicants who select the visa category and submit the identity documents for evaluation themselves, the procedural regulations in laws could also help to explain the preparatory work done by the visa applicants in the preliminary stage of the application, the reason why the visa applicants retrieve and submit certain documents, either from the official regulations or their own consideration.

As is regulated in IRPR of 2002, a visa officer shall issue a temporary resident visa to an applicant who meets the following requirements: 1, has applied for a temporary resident visa as a member of the visitor, worker and student class; 2, will leave Canada by the end her or his authorized period of stay, 3, holds a valid passport or other travel document which ensures re-entry to her or his departing country or country of origin; 4, meets the requirements for the class she or he applies for; 5, is not inadmissible and 6, has a medical certificate proving that she or he meets the requirement on the health condition (Marrocco and Goslett 2003:165). Some of these requirements are very straightforward, while others are not. For example, the first, third and sixth ask the visa applicants to apply for visas in the designated classes and to submit their passports as well as medical certificates to the visa offices.

The fifth article, however, directs the visa officers to one section of IRPA, which elaborates the situations of inadmissibility for both permanent resident status applicants and temporary resident visa applicants. It concerns several aspects including security (no engagement in an act of espionage or subversion by force of any government for example), human and international rights violations (not engaging or engaged in terrorism or war crime for example), criminality, health grounds, financial reasons, and misrepresentation (ibid:32-5). Further descriptions are given to the visa officers on what kind of documents would be considered as evidence for these grounds (CIC 2008b:41). However, even with the clarification of grounds and the corresponding document requirements, the process of evaluation might still be ambiguous. For example, it is stated in IRPA that a temporary resident visa applicant needs to be able and willing to financially support her or himself and any dependants in Canada. Yet, the amount of money as shown on an applicant's financial statements does not actually state whether

that amount would be sufficient or not, which remains an issue to be evaluated and judged by the visa officers. Even in the descriptions of serious criminality, criminality, human and international rights violations and health, visa officers are suggested to judge whether there are “reasonable grounds” to believe that the applicants should be put into the inadmissible categories, if the evidence for inadmissibility seems ambiguous – though it is arguable that only if a document or a record is really enunciative of something, could it then be regarded as a piece of “evidence” and be taken into consideration. Regardless of these problems in the evaluation process at this point however, this legislative article is at least indicative of what issues the visa officers should consider and what documents accordingly are required from the applicants in practice.

The fourth article quoted above from IRPR asks the visa applicants to meet the specific requirements for the specific category she or he is applying for, other than the general requirements for all the temporary resident visa applicants. Basically, for the visitor class, applicants need to enclose the invitation letters for personal visits or official proofs of business trips they are about to make. For a prospective regular temporary worker<sup>22</sup>, the applicant needs to have a work offer of an arranged employment in Canada, a labour market opinion certificate issued by HRSDC on the job position showing that it is open to foreign nationals, and, as stated in IRPR, the visa officer should make sure that “the employment is likely to result in a neutral or positive economic effect on the labour market in Canada (ibid:174). For international students, the specific condition they need

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<sup>22</sup> Some exceptions would be made on condition that the worker is designated by the Minister to perform work in Canada related to a research, educational or training program, or the work to be engaged in is pursuant to an international agreement between Canada and other countries or between one or more provinces and other countries, or the work is of a religious or charitable nature (see Marrocco and Goslett 2003). Specific documents need to be submitted for these particular cases, while considering the particularity of these exceptions, I would only focus on the regular temporary foreign workers here.

to meet is that they should submit acceptance letters from the educational institutions where they intend to study (ibid:179).

However, with these five articles on the requirements of temporary resident visa application basically clarified or further advanced by other legislative articles, the second requirement remains vague. There is no more detail provided in either IRPA or IRPR for how the visa officer can be assured that an applicant will leave Canada by the end of the authorized period assigned to her or him. On an operational manual for the visa officers, however, a seemingly relevant connection between the documents to be submitted and the visa applicant's likelihood of leaving Canada in a timely way addresses that proof of financial ability and a passport indicating that the applicant will be admitted by her or his home country or a third country will be accepted to prove that the applicant "is able to" leave Canada by the end of the authorized period (CIC 2009a:13). Yet, the ability to leave Canada before the expiry of the authorized stay does not necessarily mean that the applicant will do so. Actually, being a subjective and contingent question, whether a visa applicant will overstay her or his authorized period or not can hardly be assured by any documents. The attempt to address this issue in the visa examination process simply invites more questions, such as from what sources would the visa officers seek for the relevant information and to what extent the information is considered pertinent. Yet, the answers to these questions are not provided in IRPA and IRPR.

It seems that the regulations in the laws are quite broad, only proposing general grounds of consideration while leaving some practical questions open. However, if we compare these regulations to the lists of the documents required to be submitted by the temporary resident visa applicants for their application as posted on the CIC website, some more interesting points will be observed. In addition to the documents required by

the IRPA and IRPR articles discussed above, for example the passport, medical certificate, non-criminal activity certificate and the financial statement, there are some other items to be included in the visa application package according to the document lists, while the purposes of these documents are not clearly stated in the legislation. These extra documents include, for all the temporary resident visa applicants, a family composition form asking for the names, date and place of birth, present address and present occupation of the applicant's spouse, parents, children and siblings, and a form of details of education and employment asking for information about every school the applicant has attended or is attending as well as every work place where she or he has been hired, down to the details of the attending period, names and addresses of the institutions, the type of course attended and the diploma or degree granted in the schools as well as the type of business and position taken in the work places (CIC 2009b). For the specific visa categories, I will take the student and the private visitor classes as examples for illustration below.

For the applicants in the student class, they are required to submit, along with all the documents mentioned above, self-written study plans to describe the study proposed in Canada and to explain their plans after completing the courses, and, if applicable, notarized copies of senior high school graduation certificates and transcripts as well as the university or college degrees, diplomas and certificates. For applicants in the private visitor class, as they are invited by family members or friends to visit Canada, these applicants are required to provide a proof of relationship with their inviters in Canada, a list showing all the people in the inviter's household, a proof of the inviters' income and financial situation, and for the applicant herself or himself, if the person is employed at the time of visa application, a signed original letter from the employer granting leave of

absence also indicating the applicant's job title and salary should be submitted. If the applicant is retired, a retirement certificate indicating the applicant's pension is necessary, plus the evidence of the applicants' assets in China, for example the house property certificates (CIC 2009b). By asking for this set of extra documents, the visa officers seem to be collecting a vast body of most detailed but fragmented information about the visa applicants, from several different perspectives and in various forms. These extra documents, however, are not mentioned in the legislation. Neither are their purposes and implications clarified in any official documents, though there is a possibility that these documents will contribute to address the open question that how the visa officers confirm that the applicants are leaving Canada by the end of the authorized period, while it is also possible that these extra documents will be used as cross references for the basic information of the applicants as well.

Even though there is no official explanation on how these extra documents will be used in the visa examination process, some clues can be drawn from a question list included in an operation manual for temporary resident visa officers (see CIC 2009a). That list itemizes the areas of concerns that the Canadian temporary visa officers are supposed to explore with the application cases. In addition to some straightforward questions such as "what is the purpose of your trip?", "what is the duration of visit", "have you ever been convicted of a criminal offence?" and "do you suffer from a serious medical condition?"<sup>23</sup>, that list also includes several very interesting and tricky questions (CIC 2009a:11-13). For example, "what are the applicant's plans for visiting Canada? Are

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<sup>23</sup> These questions are proposed in the list in the style of face-to-face conversation. However, on a regular basis, the Canadian temporary visa application does not require interviews with the applicants in person. The applicants only need to submit the visa application package to a designated visa office and to await the result.

the plans well thought out or are they frivolous?”, “Considering the applicant’s situation in their home country and the purpose of the trip, is the time requested reasonable? Plausible? Practical?” (ibid) What’s more, as for the ties an applicant in the private visitor class has with her or his country of residence, questions about the visa applicant’s employment status in that country, salary, the location of her or his family members, the value of the applicant’s property and the applicant’s financial obligations left in that country as well as her or his former travel experiences are all supposed to be considered and evaluated by the visa officers when evaluating an applicant’s likelihood of leaving Canada by the end of the authorized period (ibid), with a note along with this set of questions for visa officers stating that “[e]ven if the person’s ties to the home country seem to be strong, there may be other factors in the general economic or political environment which make the long-term prospects for the person or their family unstable. You should consider these factors in your assessment” (ibid:12).

From these questions and statements, we can see that the temporary visa officers are supposed to act as researchers studying the push-and-pull effect of the applicants’ social ties, financial resources, personal travel inclination and other factors on the applicants’ intention of coming to Canada and their likelihood of leaving Canada before the authorized periods expire. In addition, the feasibility and credibility of the visa applicant’s stated plans to enter and remain in Canada are also called into question and are subject to the visa officers’ evaluation. However, what kind of travel plans should be deemed as frivolous? How strong do the social ties of the visa applicant in her or his home country need to be to ensure that she or he will not overstay in Canada? No substantial measures could be given to these questions. However, with all the document requirements for the visa applicants and questions of concerns for the visa officers

proposed, a discourse is reinforced that those questions on the genuineness of the visa applicants' plan and their likelihood of leaving Canada within the authorized time can and are going to be addressed by the visa officers with clear answers.

The fact, of course, is not that these questions can be answered by the visa officers; but rather, these questions have to be given absolute answers in the visa examination process. Now that the student, temporary worker and visitor classes are designed for the temporary resident visa system to admit foreign nationals, who are only supposed to be in Canada to fulfill authorized projects on a short-term basis with restricted social and economic involvement, the boundaries and the authority of these visa categories need to be protected and maintained in the visa examination process. Thus, once the temporary visa categories are defined and deployed, those requirements on the visa applicants and the questions about them, not only the arguably open and arbitrary ones, like whether the applicant would overstay her or his authorized time or not, but also any other concerns that require specific kinds of documents, are formed and embedded in the system, along with the rules of categorization. It is presumed that all these questions will be appropriately addressed to ensure that the visa categories are practical – if not answered on a factual basis, they need to be at least addressed in an official tone. With the implication of the identity documents interpreted and the connection between these implications and the final decisions presupposed, either accounting to discretionary power or not, the principles of visa examination are institutionalized and legitimated, into a way that the visa examination should be done. Assigned the task to provide identity documents to prove their genuineness as temporary residents, the visa applicants are inevitably subject to the institutionalized practice of the visa system.

Before moving on to describe and discuss my interviewees' visa application experience, however, I would like to give a brief introduction of China's hukou system in the next section, which is an official institution from which the Chinese nationals get most of their identity documents for the Canadian visa application. Two questions I would like to explore specifically are: why the hukou system could be used as the source of identity documents for the Canadian temporary visa application and what kind of information has been provided.

### **3.3 The Chinese Hukou System as a Source of Identity Files**

The hukou system (also known as the household registration system) is a nationwide Chinese administrative system. Taking the household as a unit for registration, the hukou system records information of every Chinese national, including her or his date and place of birth, gender, marital status, conscription status, relationship with other members of the household and so forth (Mallee 2003). Every household is issued a hukou booklet which contains the basic information of all the members registered in this household, with every member of it recorded on one single page of the booklet. The household in the hukou records, however, could be a family, either nuclear or extended, a single resident living alone, or sometimes, a collective household such as a military unit, a university or a religious temple (Wang 2005). However, it is noticeable that the households in the hukou system must be attached to certain residing units. Every Chinese national must be attached to a residing unit and every residing unit in use must be registered as a household in the hukou system. In this way, the hukou system, first of all, records the Chinese nationals' official locality, which makes it possible for the local governments and administrative office to manage the population.

Those who record the information for the hukou system and keep it updated are the officers in the neighbourhood committees and the local police stations (paichusuo), the two lowest ends of the giant hierarchical structure of the hukou system. In this hierarchical structure of administration, cities or prefectures in China are divided into counties and districts, each with a local government; then the counties and districts are subdivided into townships or streets, each with an administrative office; and under the townships or streets, there are village committees as for the rural areas and neighbourhood committees for cities (Troyer 1989:27). Similarly, in a parallel line for the law enforcement offices, Fei-ling Wang (2005:63), in his research work on the hukou system, describes that, from the top to the end of the hierarchy, there are State Council of the People's Republic of China, the National Ministry of Public Security, provincial bureaus of public security, city or prefecture bureaus of public security, county and district bureaus of public security, township bureaus or offices of public security and then local police stations each in charge of a hukou zone.

From a local police station, a full-time specialized hukou police officer is assigned to the hukou zone and the hukou police officer patrols around the neighbourhoods in that hukou zone on a regular basis. One of the neighbourhood committees' functions is to register and update the information of the households in its charge with the local police stations (Shaw 1996:54). The officers of a neighbourhood committee are usually themselves residents in that neighbourhood and are recruited by the street office or elected by the representatives of the residents to be the officers of the neighbourhood committee. Being the residents of the neighbourhood themselves, it is thus much easier for these neighbourhood committee officers to observe the changes of the households in the neighbourhood or to get information about the residents. As Wang (2005:83) argues,

“[b]irth, death, and marriage are routinely monitored by hukou police and officials”. In addition to these changes of information inside the households, the local hukou police also make changes or corrections to hukou files and the hukou booklets, “when a household changes its address in the same hukou zone, merges with another household, or divides into several new households” (ibid).

More than that, hukou system is not only established for the purpose of recording, but also designed to connect with other social sectors involved in the Chinese nationals’ life. As Wang (ibid:67) describes, Chinese nationals need their hukou documentation to enrol in school, to apply for business licenses and to open accounts for public utilities for example. Institutions like schools and workplaces are also required to keep their employee’s basic hukou information on record (ibid:68). Also, it is regulated that any Chinese nationals over 16 years old must apply for a temporary residential certificate (temporary hukou) if they are staying somewhere other than their registered permanent hukou zones for more than three months, which authorizes a short-term stay up to one year (ibid:66,74). Therefore, more than simply recording the information, the hukou system is actually monitoring what kind of activities the Chinese nationals are engaged in and where they are doing that. This monitoring is constantly systematized and maintained as hukou records are connected to many other significant institutions in China.

The Chinese personal identification card system also stems from the hukou system. From September 1985, the Regulation on Resident’s Personal Identification Card in the People’s Republic of China was adopted and was further made into the Personal Identification Card Law in 2004, which states that every Chinese national above 16 years old (optional for younger nationals) must apply for the Chinese personal identification card in the local police stations of their registered hukou and their hukou information will

be checked by the police officers before the ID card is issued (Xinhuanet 2003). The Chinese personal identification card is, however, further connected to many areas of Chinese nationals' life, for opening bank accounts, registering for marriage, and relocating hukou status for example, and both hukou booklets and the Chinese identification cards are needed for Chinese nationals to apply for the national passport, which is crucial to the visa application.

The hukou system is embedded in almost every aspect of the Chinese nationals' social life, with its far-reaching and authoritative coverage on every Chinese national. Even though Chinese nationals do not need to display their hukou booklets and have their hukou information checked now to get notarized copies of their certificates of marriage, confirmation letters for employment or school records, their hukou registration and information are necessary for them to get involved in these institutions and have the relevant records generated. Now that these records and documents are required by the Canadian temporary resident visa application, hukou records are not only significant for Chinese nationals to join in the social and economic activities in China. Also, it has become imperative for every Chinese national who wants to apply for the Canadian temporary visas to have their hukou files recorded and updated, from which the other institutional records may generate.

In addition to these documents which are now indirectly linked to hukou records, such as the notarized copy of certificate of marriage and school records, there are other documents, required for the Canadian temporary resident visa application, that are directly related to the hukou records and booklets. As I have mentioned above, Chinese nationals need to hand in their personal identification cards and hukou booklets to apply for the Chinese passports, which are necessary for both visa application and any real

traveling activities abroad. Hukou booklets are also required to apply for the notarized copies of the certificates of relationship between family members, as regulated by the Chinese notary offices<sup>24</sup>, along with other documents such as personal identification cards and birth certificates or certificates of marriage if applicable. For the non-criminal certificates, a Chinese national needs to, first, go the local police station in their hukou zones to get a note of non-criminal activity record, and then submit this note together with a hukou booklet and a personal identification card to the notary offices. It is, however, notable that the process through which the local police stations issue the notes of non-criminal activities for the Chinese nationals is not simply to check whether an applicant is on the criminal lists and the records for local crimes or not; rather, since every individual is kept as a single hukou subject under the unit of her or his household, the officer in the local police station only needs to check the personal file of the individual who is applying for the non-criminal notice, which keeps track of the individual's (non-)criminal activities and life history as a single case.<sup>25</sup> With its authoritative recording and far-reaching networking, the hukou system is crucial for Chinese nationals both to generate identity files in various social sectors within China and to retrieve identity documents for specific purposes like a visa application.

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<sup>24</sup> For these documents requirements for notary work, see the website of Shanghai notary public office for example: [http://www.sh-notary.com/guide/notary/kindred\\_notary.html](http://www.sh-notary.com/guide/notary/kindred_notary.html). For a brief introduction, notary offices in China are all public institutions affiliated to the government (guojia shiye danwei, translated by the author), and are basically run by the Chinese government (Wang et al. 2006). The regional deployment of the notary offices are in line with the hierarchical structure of the administrative bureaus/offices of the Chinese government. All the notarization work in China needs to be done in those notary offices and usually the official requirements of the basic materials for certain notarization work are consistent among the notary offices as they are considered different agencies of the same system. Some examples about the procedure of doing notarization work in China will be covered in the next chapter.

<sup>25</sup> More than showing records of (non-)criminal activities, if a person had once been put into correctional institutions, her or his hukou would have been relocated to the collective hukou of that institution during the time she or he was serving the sentence (Wang 2005:66).

Nonetheless, the hukou system has become a powerful source for personal identity information not only because it keeps vast volume of Chinese nationals' personal information and is connected to many records in different social sectors in China, but also because it keeps close track of every Chinese national's migration to ensure that the individual is always covered by the system instantly.

For people moving between different hukou zones in the same or comparable<sup>26</sup> cities or prefectures, they firstly needs to obtain from the hukou police the Migrant Hukou Certificates (hukou qianyi zheng) which contains all the personal information needed for registering new hukou records, the reasons for moving and information about the destinations of the moving (Wang 2005:80). At the police station of the receiving hukou zone, the migrating person is asked to fill in a Hukou Registration Form so that their hukou information will be recorded in the new police station and then be issued a new hukou booklet, on which all the personal information is identical to the old one. Some authorized dossiers, however, are sent by police to the receiving police station in a securitized way, or sometimes migrants may be asked to deliver these documents themselves in officially sealed envelopes (ibid:82). For people moving from rural to urban areas, or from township or counties of lower levels to those of higher levels or cities<sup>27</sup>, the procedure of relocating their permanent hukou records is basically the same

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<sup>26</sup> The "comparable" here basically means cities or prefectures of similar size and similar administrative levels. For example, Beijing and Shanghai may be considered as comparable cities; provincial capital cities like Hangzhou and Nanjing would be considered comparable; also, the counties respectively under Hangzhou and Nanjing would be deemed as comparable.

<sup>27</sup> Such migration was once prohibited or in other words, strictly controlled by the Chinese government, when the Chinese hukou regulation was firstly implemented in 1958. As hukou records are based on the locality of the registered households, the nationwide hukou records are divided into rural and urban hukou. It was not allowed to relocate a rural hukou to the urban area and such regulation was reinforced by a food rationing system in China which once provided grain-supply purchasing tickets only to the urban residents in the cities (Cheng and Seldon 1994). At the time, without these government-issued tickets, rural residents could not purchase grains to feed themselves and some other living substances in the cities. Together with other restrictions on educational resource and employment opportunities to people without local hukou,

as described above for people moving between “paralleling” hukou zones, except for that they need to obtain Hukou Relocation Permits beforehand from the hukou police of the receiving hukou zones, which are not easily issued (ibid:80). If these people are in search of a temporary hukou in the cities, as opposed to the permanent one, because of their arranged temporary employment for example, they need to provide documentation from local employers, local hosts or landlords to verify their reasons to stay in the cities for a certain period, as well as reference materials about them from the police of their permanent hukou zones (ibid:75). First-year students of universities or colleges can have their hukou records relocated to the collective hukou of the school, if their original hukou records were not in the same cities of the universities or colleges they are to attend (ibid:47).

From these regulations on the hukou relocation procedures, it is clear that the hukou system boasts the efficiency to keep close track of the migration of every Chinese national, with their hukou records maintained or transferred in a most consistent and consecutive manner, which ensures that the hukou system remains to be an authoritative source for instantly retrieving Chinese nationals’ identity documents.

As I have mentioned above, the hukou system has been undergoing several tides of transitions on both the national level and the municipal levels in the past two decades.

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residents with rural hukou were largely excluded from the urban area. Only since the abandon of the food rationing system in 1980s and the market reform undergoing in China since then, people from rural areas and small townships or counties started to flood to big cities searching for better job opportunities and social facilities. Chinese government then did not impose strict regulations to drive out this migrating population from the urban areas (Mallee 2003:142), because of the big pressure of migrating tides as well as the booming demands of labour in the cities. On the contrary, transitions of the hukou regulations on both nation level and city level have been enforced in the past decades. It is now not impossible for people from urban areas or small townships to move to big cities, though new policies and regulations are implemented to regulate this so-called “upwards” social migration (for examples, see Mallee 2003:145). Still it is hard for these migrants to obtain permanent hukou in their desired cities; a temporary residential permit or a temporary hukou would be more accessible.

As a recent example, in February 2009, the municipal government of Shanghai announced five conditions for people with temporary hukou in Shanghai to transfer their hukou records into permanent Shanghai hukou, including requirements such as the residents with temporary Shanghai hukou have been stayed in Shanghai for at least seven years and have been paying income tax to the municipal government during their stay in Shanghai (Xiao, Yang and Qiu 2009). Another recent example is that at the end of July 2009, the municipal government of Guangzhou promulgated an official document announcing that it will eliminate the dichotomous categories of rural hukou and urban hukou within its administrative region, which means all the residents registered under the city of Guangzhou, including those residing in the countryside surrounding the urban centre who were previously registered with rural hukou, will be registered in a uniform way as “residents of Guangzhou” (Deng 2009).

Arguably, the function of hukou system to block internal migration is, to some extent, diminishing. However, what remains unchanged is that the Chinese nationals are still recorded by hukou system and can only move and resettle together with their hukou files. The information recorded by the hukou system about the Chinese nationals and the fact that the hukou system remains the only authoritative, networked, down-to-details and up-to-date system covering every Chinese national are not changed so far. With some of its functions abandoned or altered, hukou system did not shrink much in its structure and data storage, which maintains its database broad and authoritative enough to identify Chinese nationals.

Considering its authority, detailed information about Chinese nationals and encompassing coverage on the whole population, it is no wonder that the hukou system would be applied to the documents preparation for visa application by Chinese people.

However, it is interesting to consider that the hukou system, which is an internal administrative system, is used to provide information about, for example, the intention of a Chinese national's trip to Canada, and whether a Chinese national's social ties in China are strong enough to draw her or him back to the country after the visit. What the hukou system could offer, from its well-knit and all-inclusive network, for the Chinese nationals' visa application, are fragments of information about the applicants. They may or may not be able to provide information to address the visa officers' questions, but these fragments of personal information from hukou system are used in the visa application practice to fit the document requirements of the Canadian temporary resident visa system and are playing a significant role in the visa officers' evaluation on the applicants' admissibility, as I will discuss in the next chapter.

## **Chapter Four: Experience of the Visa Applicants**

In this chapter, I will extend an analysis on the visa application experiences of my respondents, based on the previous modelling of the visa mechanism and research on the Canadian temporary resident visa legislation. As Foucault has argued, our analysis on power cannot be done by legitimate and steady forms, “it cannot be analyzed in its intentions; but on the contrary where it is in direct relationship with its targets, where it moves, where, at its extremities, power goes beyond the Law, where the techniques and tactic of domination can be analyzed” (Foucault 1976, quoted in Bigo 2002:68). What I will do in this chapter, therefore, is to analyze what is actually happening on the political and legislative settings of the Canadian temporary resident visa system, and how the visa mechanism has shaped and influenced the applicants’ practice. Bigo’s analysis of the model of ban-opticon is used to break down my discoveries from the interviews.

### **4.1 In-securitization of Migration**

As Didier Bigo (2002:71) argues, the in-securitization of migration is the result of power position and the term “migration” has itself become a shibboleth, which implies danger. The monitoring and examination across the border is legitimated, as “[the] image of immigration [has been] associated with an outsider coming inside, as a danger to the homogeneity of the state, the society, and the polity” (ibid:67). Furthermore, Bigo (ibid:65) suggests that the institutions of border control tend to encourage unease on the borders even when it does not exist, which reinforces the discourse of in-securitization across the border. As a result, more attention is directed to how the unease on the border can be detected and dealt with, rather than whether the “unease” is real and is something

that needs to be eliminated. With this pre-emptive discourse established for migration control, temporary visa applicants, as one specific group of prospective border-crossers, are also positioned on the defensive side, required to show their submission to the receiving state and to prove their admissibility to the visa officers.

In my interviews with the Canadian temporary resident visa applicants from China, interviewees frequently mentioned the “intention to immigrate” as a pre-imposed suspicion that the visa officers hold about them. They told me that as the “intention to immigrate” conflicted with the notion of being a “temporary” resident which was supposed by the visa category, the applicants who were believed to be intending to immigrate to Canada would inevitably be rejected. Therefore, the applicants would make good efforts avoid suspicion in their visa application process so as to add to the odds of getting approved. However, in order to crush this pre-imposed suspicion, as my interviewees describe, it is far from sufficient to simply claim to the visa officers their motivation and the feasibility of their temporary visit to Canada. What is more critical is to refute directly the presupposition that they have the intention to immigrate by providing disproof to the visa officers. In this sense, the applicants are acting a more subjugated role of defending themselves in the visa application process.

Wan, who had legally been in Canada for several years, invited her mother, who was in China, to pay a short-term visit to Canada in 2008.<sup>28</sup> However, her mother’s first visa application attempt was rejected because she was considered to be intending to immigrate to Canada. Though annoyed by the unexpected inference and the visa application result, Wan didn’t give up the attempts in applying for her mother’s visa.

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<sup>28</sup> For the sake of the confidentiality of my interviewees’ information, all their real names are avoided in my thesis. Instead, I use different pseudonyms to tell the interviewees apart and to make it easier to refer an interviewee’s speech to her or his specific visa application experience.

After consulting experienced friends as well as studying the immigration acts and her mother's visa application materials carefully, Wan managed to make up an "upgraded" version of the visa application package for her mother after three months, which successfully won the temporary visitor visa for her mother when she submitted the application for the second time.

Her mother's non-existent "intention to immigrate" inferred by the visa officers, as Wan stated, was the main point she tried to conjure away in her preparation for her mother's second visa application package. This concern was not taken into account upon their first visa application attempt. Wan explained the transition of her thinking:

No, I wasn't worried about that at the first time. I thought it was very clear and natural [that my mother wouldn't stay in Canada for long or immigrate]. She is already an old lady. How would she like to stay here for long? The life here is kind of boring, isn't it? But after that (the visa rejection of the first application), I thought it over and realized that the visa officers' way of thinking is different from ours. I know the situation of my family very well, and my mother's intention to visit Canada, but the visa officers don't. So you must let them know your situation and believe what you've described for them. You know, as for the visa officers and immigration laws, they firstly assume that you have the intention to immigrate. Then they would see if the evidences you provide could overturn the assumption. It's like presupposing someone is guilty and then using the evidences found to prove that she or he is not.

At first glance, the inference made by the visa officers that Wan's mother has an intention to immigrate to Canada basically results from the inefficiency of communication between the two parties, or in Wan's words, the difference in their "ways of thinking". It is, to this point, the different ways of interpreting the visa application materials that leads to the visa officer's misunderstanding of Wan's mother's identity and intention of visit. On the one hand, the visa officer's reasoning remained unclear to Wan. While on the other hand, when Wan was arguing that since her mother was already an old lady, she would not want to stay in Canada for long, Wan was also referring to some meanings that could be vague

to others. Wan hadn't made it clear whether it was the problem of her mother's inability to speak English, or lack of social networking in Canada, or possibly anything else that led to her taken-for-granted connection of her mother's age and the impossibility of immigrating to Canada. Seen from the social linguistic perspective, the meaning of things is always inherently unstable. As Stuart Hall (1996) notes in his work on cultural identity, "[meaning] aims for closure, but is constantly disrupted [...] There are always supplementary meanings over which we have no control." This linguistic concern is worth mentioning here because it shapes the black box of communication, and thus provides a "technical" explanation for Wan and the visa officer's divergence in understanding the identity of Wan's mother.

However, in this thesis, I am not going to discuss further how different systems of linguistic meaning are generated. It is more important to reflect on this case from a broader yet more fundamental view. The discourse of in-securitization, as is mentioned above, presumes that migration is challenging the integrity of the state and "security" is something that needs to be defended when admitting immigrants. In this way, the discourse of in-securitization decides what respective roles the visa applicants and the officers could play in the procedure of interpreting the provided information. As Bigo argues, the politicians believe that they have a right to control the prospective migrants' freedom of movement once needed, since the migrants are considered threats to the security of the state (Bigo 2002:70). In this logic, visa applicants can be suspected before they have actually done anything threatening to the security of the state, before they express their intention to do so, even because of their failure to wipe out their possibility of doing that. It becomes the visa applicants' responsibility to facilitate the visa officers' evaluation and to provide proofs for their own eligibility. As Wan emphasized later in her

interview, “[for the second visa application package,] I did really careful preparation. I deliberately highlighted my advantages. You know, I need to express really explicitly. You can never expect them (the visa officers) to infer any (positive) information about you.” By doing these, Wan was trying to meet the rules invented by the government that it is the visa applicants’ responsibility to prove that they will not immigrate. The proactivity of the visa regime has not only rendered the migrating population as a group of people who need to defend for their admissibility but also assigned specific risk categories the visa applicants need to prove that they do not belong to.

Another interviewee, Bai, applied for the Canadian temporary resident visa in 2007 from Country U<sup>29</sup>, as she had just finished her school in C.U. and wanted to pay a visit to her friend in Canada. Bai’s application for the visa was rejected by the Canadian Embassy in C.U., also because of her supposed intention to immigrate to Canada, implied by the visa officer. Bai couldn’t understand why she was rejected. “When you were filling the application forms and preparing for your own materials,” as Bai recalled, “you considered yourself as a ‘most normal’ person. I had thought the visa application process was just a technical procedure, no more than that. It was like, once you submitted all the documents required, you would be issued the visa. I thought the embassies asked visitors to apply for visas just to earn more money. I considered myself as a very normal...a decent citizen.” For her visa application, Bai was interviewed in the Canadian Embassy in C.U., so her communication with the visa officer was more direct. She had the chance to

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<sup>29</sup> In order to protect the personal information of this interviewee, the real name of the country from which she applied for the Canadian visa is replaced by Country U in this thesis, hereafter C.U. Also, the names of provinces and cities may be replaced by their first letters in this thesis, when considered indicative of the real identity of the interviewees.

talk face-to-face with the visa officer. Bai described her interview experience with the visa officer like this:

He (the visa officer) rejected my application and said it was because my tie with C.U. no longer existed, because I'd graduated and I didn't have any reasons to come back to C.U. (after visiting Canada). They thus thought I would simply disappear<sup>30</sup> after I arrived in Canada. There was actually no negative information in my visa application. But it was like I didn't do the bad thing at all, but so long as I didn't have evidence to prove my incapability of doing that, he presumed I would do that. I said to him, 'I don't like Canada. Canada is no good.' I was like, 'not every Chinese are like what you are imagining.' I was almost arguing with him. I said, 'not every Chinese would have to do lowly-paid work in Canada to earn a living; not all of them are very poor and are struggling to make the ends meet. I am going to Canada to visit my friend. And I am going back to China afterwards. [...]' I knew he was just thinking that I had the intention to immigrate to Canada. So I told him that I had been to Australia before and I didn't immigrate to Australia! But you know, I had once changed my passport as the old one expired. My record of visiting Australia was not on the new one. So he simply said he could not see that record. But I knew, he would not add to my credit even if he could see my record of visiting Australia. He was just trying to make the things more difficult for me.

Unlike Wan, Bai didn't make a second attempt to apply for the visa as she thought she would not be able to change the visa officer's mind. As can be seen from her story in her interview with the visa officer, Bai tried really hard to defend her self-identity as "a normal decent citizen", in her own words, who had no intention to immigrate to Canada. But her "normal" and everyday-life reasons didn't work for the visa officer. It is obvious that, in the visa application procedure, the applicants have to wipe off the "stigma" of bearing the intention to immigrate imposed on them. They are positioned in a lower and subjugated status in their dialogue with the visa officers.

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<sup>30</sup> In this context, the "disappear" here could be understood as "be out of control and cannot be tracked". Bai's description actually resonates with what John Torpey articulates as "[i]n an effort to ensure that travelers do not vanish into the shadows after their arrival in the country, the government is also expanding its efforts to track the departures of those required to have a visa to enter the United States, taking fingerprints and digital photographs of them at eleven US airports"(Torpey 2005:159). See in Torpey, John C. 2005. Imperial embrace?: identification and constraints on mobility in a hegemonic empire. in Elia Zureik and Mark B. Salter (eds.) *Global surveillance and policing: borders, security, identity*. 157-172. Portland, OR: Willan Publishing

Another noteworthy point is that, by accepting the subjugated position in the visa application procedure and by trying to present evidence to eliminate the suspicion imposed on them, the visa applicants, consciously or not, conform to the discourse that “bearing the intention to immigrate” is a negative thing. Maybe not in the sense that it would be a threat to the security of the receiving country, but the intention to immigrate is accepted by the applicants to be something that the government, as represented by the visa officers, does not desire, and thus should be avoided in the visa applications anyway. Bai complained that the officer’s logic was “totally unreasonable and stupid” when talking about her own case. However, what disturbed her was that the visa officer insinuated that she intended to immigrate, which conflicted with her self-identity as “a normal and decent citizen”. To immigrate, in Bai’s own words, was the “bad thing” she hadn’t done and was not intending to do. What Bai tried to fight for was not her right to travel, but the untrue judgement on her that she had the “intention to immigrate”. In this sense she had conformed to the government by regarding the “intention to immigrate” as simply undesirable. Though Bai’s viewpoints are not free from discrimination, as she actually implies that people like herself, who do not need to do lowly-paid jobs in Canada, are less likely to have the intention to overstay their visas and to illegally immigrate to Canada than the others, she was using this stereotypical image to defend herself, to argue that her odds of being intending to immigrate should be considered to be very slim. Not regarding themselves as bearing intention to immigrate, visa applicants tend to argue against this presumption imposed on them or to actively respond to it by providing disproof. Nevertheless, the discourse of in-securitization which constructs migration as an unease, a threat to border security, remains unquestioned, as well as its power which reduces visa applicants to a subjugated and defensive position. This situation makes the

discourse of in-securitization of migration even more powerful. Once accepted and taken for granted, the discourse of in-securitization of migration naturally empowers the government to impose risk categories that are considered most insecure to the state. The visa applicants can do nothing but accept the definitions of these risk categories and try to distance themselves from the suspicion these risk categories generate.

Another interviewee, Xia, claimed in his study plan, when he was applying for his temporary resident visa and study permit to Canada in 2006, that he would go back to China once his school program in Canada was finished and he did not intend to work in Canada or to immigrate after graduation. Xia was told by his friends and some people from an online forum that he had to make this claim<sup>31</sup>; otherwise, he would run high risk of being rejected in the visa application. It becomes common sense to the student visa applicants that both the intention to immigrate and the plan to work after graduation are taboos to mention, as Xia commented. Xia could not explain why he, same as many other student visa applicants, had to promise that he would leave Canada once he finished the schooling. But it seemed to be a rule that should be obeyed anyway.

In their visa application procedures, Wan, Bai and Xia took different attitudes and ways of action when confronted with the presumption that they or the visa applicant they supported had the intention to immigrate to Canada. Before looking into further details about who successfully defends oneself and how she or he manages that, it is noteworthy that the visa applicants have become subject to the discourse of in-securitization and their visa application practices essentially bend in a required way, which is directed by the

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<sup>31</sup> There are quite a few Chinese online forums, also known as BBS (Bulletin Board System), focusing on sharing information about applying for school or jobs abroad, as well as on sharing information and techniques about visa and permanent residency application to foreign countries. The one Xia refers to in his interview is <http://bbs.zixia.net/>.

government. Propagating the ideas that border security is something needs to be defended and migration inherently dangerous to the country, the discourse of in-securitization automatically labelled migrants as suspects and thus questionable. Visa applicants are told to think and react accordingly – they take initiatives to speak or make up for their own identity deficiencies, rather than to question why they need to do that. The discourse of in-securitization forcefully and fundamentally assigns the asymmetric power position for the visa applicants and the officers in the visa application process. This discourse serves as a ground on which the visa officers interpret the visa application documents, and on which the conformity and resistance of the visa applicants is accordingly constructed, which will be discussed in the following sections.

#### **4.2 Institutionalized Profiling**

Even though my interviewees had different visa application experiences and results, the documents they submitted to the Canadian embassies or consulates for their Canadian visa applications are in similar forms. It is largely because, the hukou system, which is a nationwide administrative institution recording Chinese nationals' family member networks and registered housing, serves as a pivotal and universal source of the visa applicants' identities for the official proofs of their life history and evidence of kinship, which are needed for the visa application.

One of my interviewees, Xia, described how he got his non-criminal activity certificate from the institution of the hukou system. Xia's hukou was originally registered in Province J, where he was born. When he went to City S, which is not in Province J, for his university program, he relocated his hukou record to City S, as required by relevant hukou regulation for college students. Xia's hukou was since then registered under the

collective hukou of the university he attended, instead of his own household, until his graduation. Several months before Xia graduated from his university, he got accepted by a graduate school in Canada and began to prepare his visa application documents. “I went to the police station of the university to get a note of confirmation for my no criminal activity record, because my hukou was then registered there,” Xia told me, “then I took the confirmation note to a notary office to get it notarized and translated.” The police station of the university which Xia mentioned refers to the police station taking charge of the hukou zone of the university, where the hukou records of all the residents in the zone are processed and stored. Technically, the police station has two ways to track a registered resident’s criminal activity record. Firstly, as a bureau established for public security, a local police station takes the responsibility to deal with any legal events happening in its administering zone and to keep track of the events as well as people involved. Secondly, a resident’s hukou record clearly shows whether her or his hukou has been relocated to a correctional institution or not, which can be easily checked by the officials in a police station. With this responsibility and capacity, the police station becomes the only legitimate institution to retrieve a resident’s (non-)criminal activity record. The resident can get the confirmation note of (non-)criminal activity record from the police station, by showing her or his national identity card, which is exactly what Xia did for his certificate.

In the process of retrieving the (non-)criminal activity record and getting it notarized, the visa applicant does not have much room to articulate or manipulate her or his own identities. As is shown in Xia’s experience, he acts as no more than a carrier who transits the note from the police station to where it can be notarized. It is the confirmation note that tells the story of the applicant, not her or himself. The applicants can only be

identified by how they are documented. Borrowing the term from Richard Jenkins (2008), the hukou system and the other relevant institutions, like the notary offices, provide a “normative specification of ‘how things are done’” in China, where the “things” can be understood as the documentation of an individual’s personal identity and social bonds.

Not only for personal records, the hukou system is also significant for evidence of kinship. For any type of the temporary resident visa application, the applicant needs to fill in a family composition form, which asks for information of the applicant’s spouse, dependent children, parents and siblings. Information such as name, date of birth, birthplace, occupation, school or workplace and relationship with the applicant is required. However, the basic claim of this information in the family composition form is not always sufficient, as the main ties claimed in the form are, under certain circumstances, required to be certified, especially when the tie is related to the cause of the visa application or to the financial status of the applicants. Usually, the applicants take their hukou booklets, along with other documents, for example, the marriage certificates if the tie to be notarized is between a married couple, to a notary office and request notarized certificates of the kinship, as well as the officially-translated copies of these certificates.

Wan told me how she used the hukou system to get her certificate of kinship when she was preparing for her mother’s visitor’s visa application. Wan relocated her hukou registration to City B from her home province, when she went to work in City B several years ago. Since then her hukou record had no longer been affiliated to her parental household. So at the time when Wan was seeking for the certificate of kinship, Wan and her mother were actually registered in two separate hukou booklets, which could not directly show their relationship of mother and daughter. Therefore, instead of presenting

their hukou booklets to the notary office<sup>32</sup>, Wan went to the neighbourhood committee of her parental household, where her original hukou was registered, for help.

I asked the officials in the neighbourhood committee to write a letter of introduction for me. Because my hukou had been relocated to City B long before, (our hukou booklets would not help). (Interviewer: But why did you think the letter from the officials of the neighbourhood committee would work?) How could the neighbourhood committee not know how many people are there in your family? [Of course they knew] this person is whose daughter, let alone it's the fact. [...] I then just took the letter of introduction to the notary office and had the notary work done. (Apart from the relationship between my mother and me,) [i]n the certificate of kinship (I got from the notary office), I also asked to include my relationship with my father and my maternal grandma. The inclusion of my grandma (in the certificate of kinship) is to imply (to the visa officials) that my mother has strong ties in China which would pull her back (after visiting Canada).

Wan managed to get an official certificate of kinship from the notary office with the introduction letter from the neighbourhood committee, the officials of which were believed to be familiar with the constitution of the residents' families. Seemingly, Wan's success in getting the certificate of kinship was expected, as she had provided sufficient evidence (the introduction letter from the neighbourhood committee) to the notary office, which was required by the corresponding regulation.<sup>33</sup> Nevertheless, it is noteworthy that the reason why the confirmation letter could work as proof of Wan's kinship essentially came from the authority of the hukou system, which is a universal institution covering every Chinese national and their families; also, being its most fundamental unit, the neighbourhood committees are believed to be keeping instantaneous and first-handed

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<sup>32</sup> Though it can be proved that Wan is her mother's daughter if one check the record of Wan's hukou relocation from Wan's original hukou dossier. The notary office does not usually do the investigation for its clients. It's still Wan's obligation to provide official note for the notary office to authorize.

<sup>33</sup> As is elucidated on the official website of "Notary of China" (<http://www.gzxxw.com.cn/index.htm>), an applicant for the certificate of kinship needs to ask the human resource department of his or her workplace to write a confirmation letter of her or his kinship for proof. Or if the applicant is not affiliated to any workplaces, she or he is required to get confirmation letter from the street committees (the office an administrative level higher than neighbourhood committee in the hukou system) of her or his residence.

information about the households, so they can provide authoritative confirmation letters for Chinese nationals' kinship. Thus, the hukou system is legitimated as the authority to authorize Chinese nationals' personal identity and social bonds. It is not a coincidence that all the Canadian visa applicants from China use the hukou system to draw their personal information at once; rather, it has become an imperative for them to do so.

On the one hand, the authority of the hukou system in social administration is assured by corresponding regulation, which makes the hukou system the only administratively legitimate institution for personal identification and kinship records. While on the other hand, the hukou system has, since it was established in 1958, been the only way the Chinese nationals have encountered for recording their personal information, which consequently associates the hukou system with personal information retrieving and authorizing. Thus, the institutionalized routine of referring to the hukou system for authorized personal information is ingrained; no other alternative is possible. Here comes what Jenkins (2008:159) terms as "axiomatic legitimation". The hukou system is thus built up on what Max Weber terms as "legal authority" and "traditional authority", from which the hukou system gains the power to keep track of Chinese nationals' personal information, and becomes the only authorized institution to attest such information. The Chinese applicants, therefore, consciously or not, refer to the hukou system to get their personal identity documents for their Canadian visa application, which reflects what Jenkins (2008:159) describes as the process that "the way things are done" is legitimated and normalized as "the way things should be done". As Wan indicated in her interview, she believed that the neighbourhood committee should know well about her family composition, also, it should be the right source to gain the official information. Even though the hukou system has undergone various transitions during the past two decades, it

remains as the only authoritative administrative system which covers the whole population of the Chinese nationals, taking records and telling the “official stories” of Chinese people’s life history. Despite the change of its function in regulating and restricting internal migration inside China, the application of the hukou system to retrieving the identity documents of the Chinese people remains unavoidable.

Not only have Chinese people accepted the authority of the hukou system to assign and authorize their personal identity, the operational procedure of the hukou system is also deeply ingrained in practice and is taken for granted. Another interviewee, Ting described her experience of getting the notarized certificate of marriage like this:

(Interviewer: Did you go to the notary office in Beijing to get your certificate of marriage translated and notarized, as you were residing and working in Beijing then?) No, I went back to my hometown, Province S. I don’t think I can get the certificate notarized in the offices in Beijing. I think each notary office has its own area of administration. You should go to the notary office in the area where your certificate of marriage was issued to get it notarized. My hukou was registered in Province S and had not been changed. So I just went back to my home city in Province S.

Ting went to the notary office in the area where her hukou record was registered to get her certificate of marriage notarized, as she believed that the relevant regulation prescribed. Ting was right in the sense that it had once been a must for Chinese nationals to go to notary offices in the locality of their hukou records to have their identity files or certificates notarized, according to the old version of Chinese notarization law. But this restriction has actually been lifted by the current notarization law which has been in effect since 2006<sup>34</sup>, as the notary offices in the localities of the applicants’ residences, as

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<sup>34</sup> The “1982 Notarization Law of People’s Republic of China”, which was replaced by the new notarization law in the year 2006, articulated in Chapter IV, Article 10, that “Notarial affairs shall be under the jurisdiction of the notary office at the locality where the applicant has his/her residence registration, or where legal actions or legal facts have occurred.” (<http://www.law-lib.com/lawhtm/1982/2421.htm>) The “residence registration” here referred to “hukou registration” in the original Chinese text. That is to say, according to the 1982 Chinese notarization law, it was necessary for Chinese nationals to go to the notary

opposed to the registered hukou residences only, become another option to get one's identity files or certificates notarized. Yet, it is understandable that to apply for notarization of marriage in the notary offices in the locality of one's hukou registration could be considered as a more secure way to get the notary work done, as it has long been the routine of operation. What is quite remarkable is that Ting, without actually checking out the relevant regulations, went back to the city of her hukou registration for the notarization of her marriage. The actions were carried out as if it were the most natural and reasonable way to do the notarization work. The procedure of retrieving one's personal identity files, as is constituted by the hukou system, has been normalized and taken for granted. Admittedly, Ting did not have to go back to her home city to get her certificate of marriage notarized, as the regulation was not as strict as she thought at that time. However, in addition to noticing the transition of the policy, it is also important to know that, rather than fundamentally changing the procedure of retrieving and notarizing Chinese nationals' identity documents, the new policy actually offers an updated framework of "how things should be done" for the applicants to conform to. The authority of the hukou system as well as the notary institutions has not been changed by the transition of the policy, nor has the role of the Chinese nationals in the process of retrieving and notarizing their identity files. The Chinese applicants still need to go to the

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offices at the localities of their hukou records to get their certificates of marriage notarized. However, in the new "Notarization Law of People's Republic of China" which took effect on March 1<sup>st</sup>, 2006, the procedure of handling notarial affairs has been changed: Article 25 in Chapter IV elucidates that any natural person, legal person or other organization who applies for notarial service needs to request to the notary office at the locality of the applicant's residence or permanent residence or where actions or legal facts have occurred (Wang 2006:282), which does not mention "hukou registration" or "residence registration". Also, from the official website of "Notary of China" (<http://www.gzxxw.com.cn/index.htm>), we can find the specific requirements for applying for marriage notarization, which clarify that the notarization of the certificates of marriage shall be processed in the notary offices at the localities of the applicants' residences or where the legal facts occurred, without specification of "hukou registration" as well. Therefore, after the implementation of the current notarization law, the restriction that the applicant can only get her or his marriage notarized in the locality of the hukou registration has been lifted, and the notary offices in the applicants' localities of residence become another option.

notary offices to get their identity authorized – there are simply more notary offices authorized to do that. The applicants are subject not only to the concrete policies which regulate the institutional procedure and their practice, but also to the power that modifies the policies. What the applicants do in this process would merely be to adapt and normalize themselves to the system.

The constitution of the hukou system not only provides a legitimate institution for personal identity, but also regulates the Chinese applicants' practice, leading to the institutionalization of the visa application process and deciding what kind of documents would be submitted for visa application and how the practical procedures to retrieve them could be. Jenkins (2008:158) argues that “when a number of people begin to share the same habitualized pattern of activity, to possess some sense that they are doing it, and to communicate to each other in the same terms about what they are doing, that is the beginning of institutionalization”. The visa applicants' unanimity of associating the hukou system with the visa application process routinizes the way visa application, at least the step of retrieving personal information for visa application, should be done. That actually indicates that, to apply for a Canadian visa, a Chinese applicant must have personal records in the hukou system, must recognize what the hukou record says about her or himself as the only authoritative identity; what's more, she or he has to go through the procedure that the hukou system regulates to retrieve her or his personal identity files to get what she or he needs for the visa application. The hukou system, which was originally implemented for internal administration, now plays a significant role in the international scenario, by providing the personal identification for Chinese nationals and constituting routines for the visa application practice. The connection of the hukou system to the Canadian visa application procedure appears so natural and authoritative that the

arbitrariness of such connection is unconsciously masked. Mirroring what Bigo (2006) terms as “technologically deterministic belief”, the use of the hukou system in the visa application procedure indicates an “institution-deterministic belief” of the Chinese nationals, who conceive the hukou system as the solution for their identity shortage upon visa application. The institutionalization of applying the hukou system to the visa application procedure silences the applicants from asking such questions as “why should I let the hukou system collect and keep track of my personal information and life history?”, “why should the hukou system be one and the only source of my official and authoritative personal identity, while it is merely an administrative tool constituted for the government’s sake?” and “why should my identity documents from the Chinese hukou system be submitted to the Canadian visa officers, and thus affect my visa application result?” Rather than questioning the institutionalization of the visa application practice, applicants tend to care more about how they can get the personal identity from the hukou system as well as how they can possibly optimize it. As Wan said in her interview, she deliberately asked to include her grandmother in her certificate of kinship, rather than claiming the relationship between her mother and herself only, so as to make it seem more likely that her mother would go back to China after a short stay in Canada, because Wan thought her elderly grandma could be understood as an inseparable tie to Wan’s mother in China.

The institutionalization of applying the hukou system to the visa application procedure routinizes the hukou system as an efficient source for the visa applicants to retrieve their personal information for visa application, which actually blocks the questioning against the original legitimacy of the hukou system and the legitimacy of its association with the visa application procedure. There is then no exception that Chinese

nationals' personal identity for their visa application would be in the grammar of the hukou system. What makes the matter worse is that the visa applicants are only asked to submit a part of their personal records from the hukou system which is required by the Canadian visa regulations, indicating that the personal identity from the hukou system needs to be further tailored into what the visa system is used to dealing with. Thus, the grammar of personal identity recording by the hukou system and the document requirements by the Canadian visa application regulations cooperatively constitute a dual mould which all the Chinese applicants' identity records need to go through before being evaluated for the applicants' admissibility.

#### **4.3 Prediction from the Identity Files**

A question then arises about how a visa applicant's identity documents actually work to decide her or his admissibility and thus the visa application result. My attempt to answer this question had once been discouraged by one of my interviewees, who commented, "I think your target is kind of hard to achieve. All the visa applicants, we should say, submitted quite similar kinds of application documents. What's the reason why some people are approved while others are not? As I feel, it's owing to luck." Nonetheless, the word "luck" has been referred to as the reason of the visa application results by several interviewees in my research. One of them joked that if I could find out the golden rules that decide what kind of visa application materials were leading to approval and what to rejection, I would be a most successful visa application agent to help people win the visas. However, I found the attribution to "luck" made good sense from the visa applicants' perspective, and gave a pertinent metaphor to their self-position in the visa application procedure, which only involves doing their trivial part and then

awaiting the final judgments from a position where they have little control. However, it is worth clarifying here that I am not trying to put it into black and white the rules of thumb of the visa approval and rejection. Nor am I interested in summing up the strategies which can help the visa applicants to tailor their application packages into “more approvable” ones. My account here is to shed some light on, borrowing my interviewees’ words, the operation of the “good/bad luck-generating” mechanism, as well as to question its authority, which is believed by my interviewees to be beyond their command.

In order to understand how application documents work differently in the visa examination process, it is important to check the purposes of carrying out the temporary resident visa examinations on the foreign nationals first. It is enunciated on the website of CIC that:

Temporary resident visa requirements allow Canada to fulfil the objectives of the *Immigration and Refugee Protection Act* by facilitating the entry of bona fide visitors to Canada for such purposes as trade, commerce, tourism, international understanding, and cultural, educational and scientific activities, while also protecting the health, safety and security of Canadian society (CIC 2005).

There are two main points in this paragraph of explanation. First, the visa applicants should have acceptable reasons to apply for visits to Canada, which are suggested as trade, commerce, tourism and so forth in the quotation; and the second implication is that the applicant should be a “bona fide” visitor, which literally means that the applicant should be honest and faithful. However, it is noticeable that the purposes of visiting Canada as suggested by CIC have included almost any kind of justified travelling purpose that one could think of. Considering that illegal purposes for border crossing, such as smuggling, human trafficking or even terrorism, are not likely to be filed by the visa applicants to be their intentions to come to Canada on the application forms, the quotation above has not

set a practical limitation to the visa applicants' travelling purposes. The fact is that once you can claim your purpose for visiting Canada, it would, more likely than not, be a justified purpose. The quoted regulation has not really set a substantial barrier regarding the border-crossing reasons, but leads to the examination on the genuineness of the applicants' stated purposes and the intended duration of visit. Thus, to evaluate whether an applicant is genuinely admissible under the visa regulations would first involve assessment and judgement on whether the applicant is really going to Canada to accomplish her or his claimed project. Another concern of the visa officers is whether an applicant's visit would indeed be a "short-term" one. Both considerations are indicated by the term "bona fide" in this regulation. As is also emphasized in several places in the IRPA, it is the obligation of a temporary resident to leave Canada by the end of the period authorized for her or his stay (Marrocco and Goslett 2003:29,31). This also resonates with the clarification on the CIC website that "visa officer[s] look at many factors in assessing whether an applicant is a genuine temporary resident", and "[t]he onus is on applicants to show that their intentions are genuine" (CIC 2005). Therefore, what the immigration acts ask from the temporary visa applicants is actually not a justified reason for visiting Canada, but sufficient evidence to prove the genuineness of their stated reasons for visiting, and reliable proofs that they will leave the country by the end of their authorized periods of stay. However, "genuine" here is no more than a blanket word which gives little application to practice, as it is very hard, if not impossible, to prove the "genuineness" of one's intention. The visa applicants are in fact required to make their plans after border-crossing reasonable and trustworthy to the visa officers, thus to prove that they are "bona fide" and "genuine" temporary migrants. The authority of the visa officers to examine the "genuineness" of the visa applicants' stated intentions for border-

crossing are legitimated not only by the legislation, such as IRPA, but also by the already accepted routine that it is the visa applicants' responsibility to claim and provide evidence for their own identity and border-crossing intentions, as has been discussed in the previous sections.

However, since the mechanism that authenticates the "genuineness" of the visa applicants appears obscure, whether they can successfully defend themselves in the visa application process remains uncertain. Even though IRPA specifies that the causes of inadmissibility may stem from problems of security, human or international rights violations, criminology and financial reasons (Marrocco and Goslett 2003:32-35), these items give schematic rather than practical reasons that one can account for her or his visa application result. As I have discussed in section 3.2, the visa officers are required to address various questions in the evaluation of the applicants' admissibility, such as whether an applicant's travel plan seems frivolous and what is the applicant's tie with the home country, many of which do not have natural connection to the applicant's border-crossing intentions and can hardly be addressed with definite answers. CIC notes that "[t]here is no formula or specific document that will guarantee approval of a temporary resident visa application" and the "approval of a temporary resident visa applicant cannot be guaranteed as each application is considered on its own merit" (CIC 2005).

Yet, Mark B. Salter (2006:182) argues that the visa examination practice is not determined by the policy documents only, as the "governmental bureaucracies [also] enact specific roles within an administrative structure". The "governmental bureaucracies" mentioned by Salter are represented by visa officers in the China-Canada visa application cases. It is also clarified by CIC that "only visa officers are authorized to decide on temporary resident visa applications". It also claims that "[t]he visa officer is an

independent decision maker whose determination must be in accordance with the *Immigration and Refugee Protection Act and Regulations*” (CIC 2005). As is implied by this statement, visa officers are eligible to decide on visa application cases because they are experts on the IRPA of Canada and are expected to make decisions accordingly. However, other than experts and executives of the immigration law, visa officers are, more essentially, believed to be professionals of examination and control practice. Their professional knowledge may include expertise on the IRPA, but is definitely beyond that: in the visa examination process, the visa officers are actually acting the role which Bigo (2002; 2006) terms as “manager of unease” across the border. The visa officers are believed to be able to carry out the “unease management” because they master a grammar of “futur anterieur” (Bigo 2002), which literally means a grammar of “the past future”. With this so-called grammar of “futur anterieur”, visa officers are supposed to anticipate the future of a visa applicant from her or his identity documents, and thus judge whether the applicant’s stated purpose for visiting Canada is genuine or not. Therefore, the grammar of “futur anterieur” is the presumed professional knowledge of the visa officers, on which they are granted the power, including both the legitimacy and the capacity, to make decisions on the visa applicants’ admissibility.

One of my interviewees, Ting, applied for a temporary resident visa in 2007 to visit her husband in Canada. What Ting planned to do after coming to Canada was to apply for a work permit, so that she would be able to stay in Canada longer than the period a visitor’s visa would grant her. Yet, when she was preparing for her visa application documents, Ting deliberately claimed that she would leave Canada by the end of the six months of stay which was usually authorized by a visitor’s visa and she had no intention to stay longer or to look for employment in Canada. In order to assure the visa

officers that she would go back to China after the short-term visit, she asked for a confirmation letter from her company in China before quitting her job, which stated that the company would reserve the job position for Ting, who was going to continue her work in the company after her visit to Canada.

Another interviewee, Bai, who has been mentioned in section 4.1, submitted a confirmation letter to the visa officers as well, which was written by the administrative assistant in her university in C.U. Bai was about to graduate at the time of preparing her visa application materials, and her plan was to visit her friend in Canada right after her graduation. Bai intended to go back to China after a 20-day visit to Canada, as she stated in the interview. However, unlike Ting, Bai chose to explain the real situation in her school letter, which included the exact date of her graduation – a date prior to her scheduled date of departure to Canada. Bai didn't realize that this letter would have any negative effects on her visa application at that time. Bai explained her understanding of the school letter as following:

As required, I asked the administrative assistant of my department for a letter indicating my status in the university and a transcript. The letter included information such as which program I was in and when I was supposed to graduate. [...] I could understand the reason why they asked for a letter of status. It was to prove that my identity as a student in C.U. was genuine.

Bai's visa application was rejected because there was no proof that she would come back to either C.U. or China after visiting Canada. Thus Bai's stated purpose of temporarily visiting Canada came under suspicion and she was finally judged as ungenueine by the visa officer, as she might be intending to stay in Canada for longer. Undoubtedly, Bai's school letter could prove that her student identity or, to be exact, her student experience in C.U. was real and that Bai did not lie about that. But for the visa officers, the school letter

provided little implication for Bai's future behaviour as Bai would not have any institutional ties with her university in C.U. when she took the trip to Canada as scheduled. The school letter, therefore, could not prove that Bai's purpose to visit Canada as a "temporary visitor" was genuine, though it confirmed Bai's identity. As there is no convincing proof for what Bai would do once admitted into Canada and for what kind of activities she would be engaged in, her genuineness of being a temporary visitor to Canada was called into question by the officers.

Here comes an impasse for such visa applicants as Bai, as there were hardly any identity documents that could prove the genuineness of their purposes for temporarily visiting Canada according to the grammar of "futur anterieur". With the genuineness of her border-crossing purpose technically unprovable, Bai was, in essence, deprived of even the possibility of crossing the border to Canada. As Bai commented in the interview, she had no idea if there was any way to improve her visa application package so as to add to her odds of getting approved – she was thus a genuinely unapprovable person as defined by the visa examination mechanism and its grammar.

Ting, however, successfully got her temporary resident visa although she disguised her real intention to visit Canada and her plan afterwards. It cannot be determined how much credit the confirmation letter from her company had earned in the visa examination process for Ting. But it is clear that, together with the other materials, the confirmation letter convinced the visa officer that Ting would go back to China after her authorized stay in Canada, and her visit would be genuinely "temporary".

By telling the stories of Ting and Bai, I am not intending to mock the upside-down judgements on the genuineness of Ting and Bai's purposes of border-crossing by the visa officers. Both of them, from my perspective, had justified reasons to visit Canada and

their rights of movement should not be subject to an obscure and unequal assessing mechanism. However, even if we don't question the authority of visa officer to examine the genuineness of the applicants' intention at this point, it is not reasonable to judge that Bai's stated purpose for visiting Canada is less genuine than Ting's, or vice versa. The genuineness of border-crossing purposes is not something that could be handed down by any storytelling documents. Bai's lack of evidence for her social ties of any social institutions did not really increase her possibility of overstaying her Canadian visa, while the supposed connection between Ting and her former company could not make her stated purpose of temporarily visiting Canada more real. But that is the way the visa examination is processed, as Salter (2006:182) argues that, for the visa applicants, "the right to be presumed innocent or to have a fair trial must be held in abeyance at the border" and the visa issuance or rejection decision is inevitably "made on the basis of insufficient evidence and mistrust of the speaker, and complicated by an incomplete documentary trail". The visa examination process is, to say the least, misled by the grammar of "futur anterieur", which could by no means tell the genuineness of the applicants' stated purposes of border-crossing.

As for how much the confirmation letter from Ting's company could tell about her situation and future, Ting's husband contributed his viewpoint in the interview:

We actually told the head of her (Ting's) company the truth that she did not plan to come back and continue her work. But we asked for a favour from them (to write a confirmation letter stating Ting was coming back to take up the job position reserved for her). They can also understand that. But you know, it was just a letter stating that they would reserve the position for Ting, nothing more than that. The letter from other people could not guarantee what you were to do. How could a company guarantee what you were going to do in the following several months? That was beyond its power.

Although they had been conforming to the visa application requirements and Ting's application actually got approved, Ting and her husband were quite critical of the visa application procedure. Ting told me that she had submitted to the visa officers the love letters between her and her husband written years ago as well as the photos they took together as required, which she thought were very private materials, to prove that their marriage was not a sham marriage, even though they already had the notarized copy of their marriage certificate. In the invitation letter Ting's husband wrote for Ting, he claimed that Ting would only be staying in Canada for six months, which was the period a regular temporary resident visa would grant. But Ting's husband actually thought it ridiculous to claim as such in the invitation letter, as he commented, "I must write in the invitation letter that she planned to stay in Canada for no longer than six months. But actually I couldn't ask her to leave. I just didn't have the right to do so. If she wanted to stay in Canada longer, legally speaking, I could not force her to leave the country."

Even though the proofs could be ambiguous and contingent, the visa officers still largely rely on these proofs to assess the visa applicants' admissibility, especially on whether the applicants' durations of stay are truly temporary and whether their activities in Canada would be those legally assigned. As the Canadian temporary resident visa is project-based, with the temporary migrants' economic activities in Canada strictly restricted, any tendency that a person may be engaged in the economic activities not assigned or a person may overstay her or his authorized time of stay would be viewed by the visa officers as evidence for non-genuineness. Thus, to this point, if we look back to Jiong's case, which I introduced at the very beginning of this thesis, it is perceivable that international students and temporary visitors would be asked for proofs of their financial capability when applying for their visas. As they are basically not allowed to engage in

other economic activities, unless further authorized, they need to have sufficient money to cover their proposed durations of stay in Canada, so that they wouldn't, via any possible means, rely on the Canadian social welfare system or the labour market in Canada. If a visa applicant fails to provide sufficient proofs of that, she or he would be considered not genuine and thus inadmissible. It is actually the categories of the temporary visas and the regulations on the inland temporary residents that decide on the conditions the applicants need to meet to be considered admissible.

Apparently, the materials required for the visa application are designed only in the way that they could be conveniently interpreted in the grammar of "futur anterieur". Even though these documents, confirmation letters from the workplaces and schools, invitation letters and even love letters and photos in some circumstances, are not in themselves identity documents, they become "productive of identification" – in Jenkins' term – under the grammar of "futur anterieur". This process of "identity generating" could be explained by what Bigo (2006:60) terms as the process of "de-singularization of individual and the construction of a fantasmatic collective body of a group". That is to say, despite their diverse situations and backgrounds, visa applicants are allocated into collective bodies of groups, within which specific routines of behaviour are believed to be shared. This grouping is based on the presence or absence of specific identity documents in the visa examination process. For example, couples who can provide love letters and photos in addition to other official documents are not going to be suspected of being in sham marriages, thus the reason for visiting the partner will be understood as "genuine"; a person whose confirmation letter from the school or workplace failed to prove the existence of the ties between the individual and the institution will be asked to present other valid evidences to prove her or his institutional bond, otherwise her or his stated

intention to be a temporary visitor to Canada will be called into question. All these connections between the identity documents and the profiles of the risk groups are made by the visa officers and are used as basis for categorizing the applicants. Identity generating by means of collective grouping, as Bigo (2006:60) argues, is announced to be based on social science knowledge. Yet, there is no clarification for what kind of “social science knowledge” is in support of this mechanism of the visa examination process, neither is there any specification of how the knowledge, or belief in the knowledge, can tell about one’s future behaviour and thus verify the genuineness of the visa applicants’ stated purposes of border crossing. The identity inferred from categorization, borrowing Bigo’s word, is imaginative and the grammar of “futur anterieur” employed in the visa examination process is flexible and contingent.

As Bigo (2006:62) argues, “[t]here are not [...] any ways to foresee the future and to structure it as one would like to”. In the visa examination process, “[t]he phantasm of the virtualization of the real, of the anticipation of action turns into the phantasm of fiction” (ibid). What the visa examination process generates is no more than a mixture of reality and fiction: the reality of an applicant’s life experience and the fiction of what she or he is believed to do in the future. The latter is dramatized based on the profiles of the applicants’ past. Yet, the symbolic authority of the mixture of reality and fiction is powerful enough to affect the mobility, and sometimes the life chances, of the visa applicants.

Another interviewee, Gigi, told me her story of applying for the Canadian temporary resident visa in 2007. Gigi’s husband was in Canada while Gigi was working in China. At the end of 2007, Gigi decided to use a one-month vacation from her company to pay a short-term visit to her husband in Canada. At the time Gigi applied for

the temporary resident visa, however, she and her husband had already submitted their applications for the permanent resident status in Canada, and the examination for their permanent resident qualification was in progress. Gigi's application for the temporary resident visa was thus rejected, for the visa officer supposed that she was actually intending to immigrate to Canada.

Like many other temporary resident visa applicants, Gigi submitted a comprehensive visa application package to claim her reasons for visiting and capacity of managing the trip, which included an invitation letter which specified that her term of visit would be one month, a confirmation letter from her company in China stating that her authorized period of leave would be one month, certificates of possessing real estate and an automobile in China, a bank statement, the notarized certificate of marriage as well as some identity documents of Gigi's husband issued from Canada. The only thing that could be distinctive was Gigi's confession that she had submitted the application for the permanent resident status in Canada with her husband.

Gigi told me that on the letter of rejection she got from the Canadian consulate, it was elucidated that the visa officer had seen Gigi's ties with both the Chinese side and the Canadian side, while the former just did not seem stronger than the latter. "It said I was intending to immigrate to Canada, because my tie with the Chinese side and Canadian side were unbalanced", Gigi said. Gigi's husband also described the situation in our interview:

I actually went to the consulate to pick up the letter of rejection for her. When I got it, I asked to talk to the supervisor in the consulate. The supervisor came out and he clearly told me that Gigi was rejected because she had submitted the application for permanent resident status! Of course, we had the intention to immigrate to Canada. We had submitted the application. How could we be not intending to immigrate to Canada? This reasoning is correct. It's undoubted. But you could not reject our visa

application this time just for our intention to immigrate to Canada, right? Our intention of immigrating did not mean she would not leave Canada after the one month of visit this time, did it? This reasoning was very problematic. They were two separate issues. They (the visa officers) should treat them respectively! But that guy (the supervisor in the consulate Gigi's husband talked to) simply insisted on saying that Gigi had the intention to immigrate and he could do nothing to alter it (the rejection of the visa application), nor could I.

Gigi and her husband attributed the rejection of her visa application to the fact that they had applied for the permanent resident status, which was the reason given by the supervisor in the consulate. However, it is somewhat ironic that, on the website of the Canadian embassy in Beijing, it is clearly announced that “[y]ou may apply for a Temporary Resident Visitor Visa even if you have a Permanent Resident Application in process, but to be successful, you must be able to convince a visa officer that you would leave Canada at the end of your proposed visit” (Canadian Embassy in Beijing 2009b).<sup>35</sup> This declaration gives an implication that Gigi's visa application was not rejected for the fact that her immigration application was in process; rather, it was because Gigi's application package, as a whole, failed to convince the visa officer that she was leaving Canada after her short-term visit.

However, first and foremost, it is doubtful whether this announcement about the dual intention (of being both temporary resident and permanent resident candidate) was taken into consideration by the visa officer who dealt with Gigi's case. Did the visa officer actually “assess” Gigi's possibility of leaving Canada after her temporary visit based on all the documents she submitted? Or was the fact that Gigi's permanent resident

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<sup>35</sup> This direction is given in a Q&A session on the website of Canadian Embassy in Beijing, for the question “May I apply for a Temporary Resident Visa while I have an Immigration Application in process?” The original webpage is available at: <http://geo.international.gc.ca/asia/china/immigration/beijing/visiting-canada-en.aspx#10>, last accessed on Feb 9, 2009.

application was in process seen as a “taboo” and actually had a landslide effect on the rejection of Gigi’s temporary resident visa application, as implied by the supervisor in the Canadian consulate? Rather than giving explicit explanations of the visa examination reasoning, this online announcement is simply an ambiguous guidance to the visa applicants’ practice, if not merely a placebo.

Yet, another question arises as why the visa officer thought Gigi would not go back to China after her short visit. If, in Gigi’s case, her ties with both the Chinese side and the Canadian side are seen, how could the visa officer believe that one of them is going to beat the other and dominate the visa applicant’s action? Ronen Shamir (2005) argues that the profiling of people’s identity indicates the logic called “actuarial justice”, and the visa examination regime based on that represents “a fusion between insurance-oriented risk-management strategies and a criminal-justice-oriented sentencing paradigm”. The metaphor of “actuarial justice” serves an interesting illustration of the abovementioned grammar of “futur anterieur”. Whereas the metaphor of “actuarial justice” explains the flexibility of the visa examination, it does not legitimate that. The actuarial principles for risk assessment may be justified in the insurance industries by bilateral agreements or general acceptance. But people’s mobility and their intention cannot be compared to the risks to be assessed in the insurance industries. Any attempts to give weight to a specific documented profile in telling a visa applicant’s movement and future behaviour are arbitrary and absurd, and the adoption of “actuarial justice” in the visa examination process naturally puts the applicants on a subjugated position. The “actuarial technology” inevitably merges the boundary between the actual and the virtual. Though “intention to migrate illegally” is insinuated, it is believed to be real, or to be exact, real enough for the government to take actions and to block the applicants. With its

symbolic justification and imaginary precision, the evaluation of the visa applicants' intentions leads to the decisions on their mobility.

#### **4.4 Lines of Flight in the Visa Regime**

In the aforementioned Ting's case, the confirmation letter from Ting's company, which claimed that Ting was going back to China to continue her job after visiting Canada, helped to convince the visa officers that Ting would be a genuine temporary visitor to Canada. In addition to the discursive power of the confirmation letter, which has been discussed in the previous section, Ting's story also reveals a possibility for the visa applicants to manipulate their visa application materials. What actually makes Ting's confirmation letter acceptable to the visa officers? If we consider what Ting did as an effective way for resistance in the visa application process, is there any other leeway for resistance available to the visa applicants? Also, more significantly, does the existence of the possibilities of resistance indicate that the visa mechanism is by itself porous? These are the questions I am going to explore in this section.

As has been analyzed in section 4.2, the visa examination process is largely based on the Chinese applicants' identity documents submitted. These documents, derived from institutions such as the Chinese hukou system and various educational and financial institutions in China, represents an "institution-deterministic belief" in the visa examination process. Yet, these institutions issuing the applicants identity documents are external to the visa mechanism, as the Canadian visa offices are not themselves capable of recording and notarizing the visa applicants' past. Thus, even though the visa officers are the authoritative body to evaluate the applicants' admissibility, the officers have to resort to the identity documents issued by other institutions which are beyond their

control. The visa application procedure is, other than a unified and centralized system, backed by an institution assemblage – a term coming from Haggerty and Ericson’s (2000) term of surveillance assemblage, which indicates both the function of being surveillant and the structure as an assemblage. The visa mechanism is also surveillant in the sense that it surveys the applicants’ life history and controls their mobility. The term “assemblage” here implicates the way the visa mechanism operates, which is based on the combination of the information from various sources. Haggerty and Ericson (ibid:606) argue that the surveillance assemblage “operates by abstracting human bodies from their territorial settings and separating them into a series of discrete flows. These flows are then reassembled into distinct ‘data doubles’ which can be scrutinized and targeted for intervention”. This description gives a pertinent sketch of the visa mechanism. Originally, the institutions from which the visa applicants’ identity documents are issued, the Chinese hukou system and educational institutions for instance, function not only to generate identities for people, but also to mark the administrative settings within which these identities can be interpreted. However, in the process of visa application, the “field effects” of these institutional identities are somewhat dissolved, or borrowing Bogard’s (2006) term, these documents are “deterritorialized” from their original “territorial settings”. Only the literal meanings of the institutional identity are captured and maintained in the paperwork, which is in circuit of the visa application system. Subsequently, these de-contextualized identity documents (the “data doubles” of the original institutional identities) are re-interpreted by the visa officers in the grammar of “futur anterieur”. This later step is termed by Bogard as the process of “reterritorialization” of the personal data, through which the original identity documents,

dislocated from their initial structure, are put in new “territorial” settings for re-interpretation.

There are possibilities of resistance immanent in this process of deterritorialization and reterritorialization in the surveillance assemblage. First, the identity documents of the visa applicants are informationalized – that is, disrupted from their original contexts. The identity documents are converted into information flows. Different from the constitution of digital databases, which encrypts original materials into digital entries by computer codes, the informationalization of the identity documents in the visa mechanism, however, follows a grammar of encoding which is non-technical but no less powerful. Though this grammar of encoding is not caught in black and white, it is manifested in the visa application practice. As is shown in the previous sections, certificates of kinship, bank statements and certificates of household possession, for example, serve as sources of information for the visa officers to evaluate the visa applicants’ tendency of immigrating to Canada or their likelihood of leaving the country within the authorized time. Official confirmation letters and other records from the schools or workplaces are used as proofs of the visa applicants’ institutional attachment and bonds. However, these identity documents are actually simplified in the visa application procedure, as their institutional background and contexts are not manifested in the paperwork. Thus the original significance and indication of these identity documents is largely shrunk due to the process of informationalization, as these identity documents now become configured information models and indicators to the visa officers. The process of informationalization disrupts these identity documents from their territorial settings, as well as their originality and uniqueness, substantial forms and contextual contents. As Bogard (2006:108) argues, “[s]urveillance is not just about collecting information, but

decoding and recoding it, sorting it, altering it, circulating it, re-playing it". One good comparison to the informationalization here, which helps explain how it makes lines of flight possible, is that when a unique sound is recorded in a certain form, on cassette or in digital files for instance, the process of which is comparable to the informationalization of the identity documents, that sound is disrupted from its originality and context and is thus open to reformatting, altering and repeating, which can hardly be done to the original sound. Here emerges a line of flight in the surveillance assemblage. As the original identity documents are deterritorialized in the process of informationalization, there is possibility that these documents are reproduced, altered and reinterpreted, which could happen in the visa application procedure.

Apart from informationalization, the "rhizomatic" structure of the surveillance assemblage also contributes to build in lines of flights in the visa system. "Rhizomatic" here refers to the feature of a "rhizome", in which, borrowing Bogard's (2006:97) description, every node must connect to every other node in an open structure. The visa mechanism is comparable to the model of "rhizomatic" surveillance assemblage, not only in the sense that it runs on the interactions of a vast network of information institutions, but more essentially, the visa mechanism bears some of the significant features of the rhizomatic surveillance assemblage. The process of deterritorializing and reterritorializing has constituted in the visa system a decentralized and non-hierarchical "information circulation network". The visa offices do not have control of the institutions where the identity documents are issued and notarized. The information collecting process in the visa application procedure is largely based on the self-confessionary practices of the visa applicants, as the visa officers never collect information of a potential border-crosser by themselves. This feature of the visa system also lends some room to the visa applicants to

modify their visa application documents before they let the visa officers read and evaluate them.

As is mentioned in section 4.3, one of my interviewees, Wan, deliberately included her maternal grandmother in her certificate of kinship between her and her mother, so as to imply that her mother had a strong bond in China which would pull her mother back to China after the visit in Canada. Moreover, Wan exemplified some other changes she had made for her mother's second visa application package as well as some emphasis she deliberately made to add to the odds of winning the visitor's visa for her mother. As for her mother's reasons for visiting Canada, Wan explained:

I wrote in the invitation letter that my mother's main purpose of the visit is "tourism", for travelling (rather than to visit me). That would be better than if you stated that the purpose of the trip was to visit family members, because the previous one (for travelling) indicated that the trip would benefit the Canadian economy. Well, it is just an assumption made by us, visa applicants, though. I heard about that from one of my friends. Also, I didn't emphasize on the other family members in my family, such as my grandma and my mother's grandchildren, that's my niece and nephew, in my invitation letter for the first time. I thought this information was already included in the family composition form and I didn't need to claim that twice. But for the second visa application package, I reiterated it in the invitation letter.

Additionally, Wan added her own bank statement and pay slips in Canada in the second visa application package she prepared for her mother, instead of her mother's bank statement only for the first time. The scheduled duration of her mother's visit in Canada was also changed from six months, as was claimed in the first visa application, to three months for the second time. "That actually does not have a real influence on your trip," Wan explained, "once you arrive in Canada with a visitor's visa, the Customs officer will assign you six months of stay in Canada upon arrival. But you'd better not say that you are going to stay in Canada for as long as six months when you are still applying for the

visa. They (the officers) will wonder why you need to stay in Canada for that long. It's, you know, very tricky.” Another distinct effort Wan made to add to her mother's credit in the visa application was that she, after the first visa rejection, wrote to the councillor of the Canadian city where she was staying for a supporting letter. Wan got that idea from some online forums where some Canadian visa applicants from China shared their own stories of visa application. Some of them succeeded in winning the visas after including the supporting letters from the Canadian councillors in their visa application packages, while others didn't. It was actually hard to tell how much difference a supporting letter from the councillor could make to the visa application, as visa applicants usually didn't have such a letter for their initial visa application, while once they were rejected and started to seek for various ways to modify their visa application packages, they might think about asking for a supporting letter from their local councillor, which was usually not the only change they would make for their later visa application submission.

I asked him (the councillor) to state for us that my mother did not intend to immigrate to Canada and I didn't want my mother to immigrate to Canada either. [...] (In the email I wrote to him,) I just introduced myself and made it clear that I resided in the area that he was in charge of. I also gave a general introduction to my own situation. I said I really hoped that my mother could come and hoped that he could do me this favour. [...] After waiting for quite long actually, I got an official letter from him. It was a very simple letter though. You know, he could not really promise anything for you. He was just like, 'Oh, she (Wan's mother)'s not intending to immigrate to Canada. She's just going to stay in Canada for a while,' something like that.

Wan modified her mother's visa application package extensively for the second time. But when I asked her what she thought was the key point for their success in the second visa application, Wan said, “There seemed to be a lot of key points – actually, you know, it was like when you were rejected, you felt everything might be the cause; but when you got approved, you felt that anything was not a big problem.”

Wan's input is quite interesting. As Wan commented, when a visa applicant was rejected, she or he would try to think about possible causes of the rejection. However, as the visa mechanism is somewhat like a rhizomatic surveillance assemblage, the information submitted to the visa office can actually be retrieved from a variety of information nodes. The visa applicant, as a mediator between the nodal cluster and the final visa examination mechanism, has the flexibility to modify some of the information generated, to alternatively collect the information when the submission of a certain piece of information is not a must, and what's more, the visa applicant may expand the network of the nodes in the process, as Wan asked for a supporting letter from the Canadian councillor which is not required by the visa offices. Once the visa applicants understand what kind of information the officers are expecting for a positive decision and as they can somewhat figure out what kind of documents would be seen as effective indicators, the visa applicants could then explore and try out certain ways to obtain useful documents, which is likely to add more weight on a positive result. Although the visa officers have the right to announce whether the information provided is effective and sufficient enough, the applicants have gained some room to add to their own credit. Therefore, even though what the visa applicants can do, and how what they do can make a difference to their visa application is quite limited, "marginally and from the margin" (Ernste 2005:164), the applicants are granted the possibility of manipulating their application materials in the visa application process, so as to lead their application to an arguably positive end.

Just like Wan, Ting also purposefully claimed that the duration of her visit to Canada would be three months, though she actually planned to apply for the work permit after arriving Canada which would extend her legal period of staying in Canada to more than one year. When I asked Ting if she did mention that she planned to apply for a work

permit after she arrived in Canada in her temporary resident visa application, Ting said, “Make sure you don’t do that!” Ting told me that though it was legal for temporary residents who are visiting their spouses in Canada to apply for the work permit and then get a job in Canada, it was simply not wise to mention that in the temporary resident visa application. According to Ting’s understanding, the visa officers may reject an application not for the applicant’s intention to work, but by giving the reason that from the applicant’s plan to work in Canada, they see her or his intention to immigrate, which conflicts her or his claim as a temporary visitor. As the visa categories are already set by the government, the visa applicants have to label themselves by one visa category before applying for a visa. So for Ting, she had no choice but to apply for the visa as a temporary visitor, for which Ting must not mention her intention to work in Canada. What is even worse, Ting had to prove to the visa officers that she does not have an intention to work in Canada as she was submitting her application for a temporary resident visa. The claim of the intention to work in Canada would automatically categorize Ting into the risk group of “non-genuine temporary resident”, which is, to say the least, inadmissible under the “temporary resident visa” category. Believing that the visa officers will not think out of the box, Ting decided to conform to the officers’ logic, and make an active effort to avoid the suspicion that she will possibly work in Canada or to immigrate to Canada, so as to be considered a genuine temporary resident. Once the target was clarified, Ting searched for different ways to make her application as a prospective temporary resident seem more real and concrete. “Just never mention that (the intention to work) before you get to the country,” Ting emphasized, “But after you’ve entered the country, that becomes another issue.”

Again, it is hard to tell how much Ting's claim that she would only stay in Canada for three months helped in her visa application. But clearly, it was an information node that Ting was able to control. Technically, Ting could claim any period of time to be the scheduled duration of visit, although she would, rationally, only modify it in the way that she believed would smooth her visa application. In addition to being the subjects of the identity documents and the collectors to retrieve and submit these documents, the visa applicants act as the agents of information-processing as the first stage of the visa application. They are granted, by the rhizomatic feature of the visa mechanism, room to manipulate their application documents. As different pieces of information come from separated information nodes, of which the visa offices do not have monopoly, the visa applicants can now take advantage of the rhizomatic structure of the information network and take some initiative in the visa application process. This line of flight may have a positive effect on the visa application, as long as the applicants can modify their application documents based on a good guess of how the visa officers are going to "squeeze" the documents to capture the information they are looking for. As referred to Bogard (2006:110), this is the "liberatory or even democratic potential" immanent in the structure of rhizomatic surveillance assemblage.

I use the word "squeeze" at the end of last paragraph, instead of "interpret", because the way visa officers capture the information from the already-informationalized documents is to process the documents they receive as sufficient and self-fulfilling information production, rather than as contextual narratives or clues of a whole picture of the applicant. The sorts of information that the visa officers try to capture about the applicants are highly similar though the forms of the application documents differ among the application cases, as the applicants have some freedom to explore new resources to

get their identity documents now. Yet, whatever documents are submitted, the kinds of information the visa officers are looking for remain unchanged. By the word “self-fulfilling”, I mean that the different kinds of informationalized documents about the visa applicants are actually separated components in the visa application package. This is not to say that the documents in one application package do not need to be accord with each other. These documents, of course, must not conflict with each other in describing the situation of the visa applicants to the visa officer. However, this sense of mutual support between these documents is only delivered on the template assigned by the visa mechanism, instead of in the original contexts in which these documents are generated. The identity documents of an applicant are combined and articulated together and are made into one “package” mainly because that visa mechanism has designed so for them. Single pieces of information, such as the duration of the scheduled visit, the intention of the trip and the social bonds of an applicant, are actually abstracted from separated documents submitted by the applicant, rather than from the comprehensive story of a visa applicant. Even though the original contexts and settings of the identity documents may not help to capture a better picture of the visa applicant, they can at least, indicate the way these documents should be interpreted, the context that need to be taken into consideration when reading these documents, and can demarcate the boundary within which these documents could speak. The deterritorialization of the identity documents, however, necessarily causes “de-contextualization”, which makes these identity documents “enclaves” in the maps of the original institutional networks. They became bare information products. This process of informationalization is “efficient” to the visa mechanism only in the sense that the decision on a visa application can be easier to make based on these informationalized identity documents.

It is ironic that, for Wan's case, it was really hard for us to judge whether Wan's mother's second visa application gave a better description of her situation than the first one. The second visa application package could not really assure that Wan's mother was going to be a more genuine temporary resident in Canada than the first visa package could prove for her. Rather, with the claim of the reason for visiting as tourism, clarification of the length of the stay to be three months, and the inclusion of Wan's bank statement and pay slips as well as a supporting letter from a councillor, the second visa application package barely represented an expansion of the resources for informationalized identity documents that could be used to fill the visa application packages. However, these expanded resources of identity documents, though they did not seem to introduce new stories for Wan's mother, turned out to be effective in her second visa application attempt. Yet, it is noteworthy that these documents were effective not because they contributed to improve the background story of the visa applicant – they didn't make difference to the story at all; rather, they promoted the case by stacking more pieces of information for the visa officers' categorization and adding more weight on a clear and positive end.

De-contextualization, the process that makes the identity documents bare pieces of information products, offers another line of flight or resistance in the rhizomatic surveillance assemblage, in addition to the one embedded in/by its node-to-node structure. Two examples from my interviews for how the visa applicants could take advantage of the de-contextualization in their visa application process come from Yue and Ree.

Yue came to Canada in 2001. After finishing her college program in early childhood education, she started to work in a private day care in March 2004 on her post-graduation work permit, which granted her the legal worker status in Canada for one year.

Yue then submitted her application for Canadian permanent resident status in October 2004. Yue knew that her work permit would expire in March 2005, while by then she would not be able to get the permanent resident status in Canada, as the permanent resident examination process usually took more than one year. In that circumstance, Yue would not have a legal status to stay in Canada after her post-graduation work permit expired. She, if not making any further application to extend her legal status in Canada, should then go back to China and wait for the result of her permanent resident application. Only when her permanent resident status application was approved, could Yue come back to Canada and look for a job again. However, Yue did not want to discontinue her work in Canada at that time, so she actively sought other solutions. “I actually had two options at that time (for not leaving Canada) when my post-graduation work permit was to expire,” Yue explained to me in the interview. The first option Yue mentioned was to transfer to a regular work permit, which was the most straightforward solution, because Yue actually wanted to continue her work in Canada.

I could have applied for the regular work permit for the following years. But, you know, it was kind of troublesome for an employer to hire international workers. It was not like for the post-graduation work permit, you basically needed a job offer showing that you were hired for a job position that was related to the educational program you’d just finished in Canada, then you can work in Canada on the post graduation work permit. For a regular work permit, the employers needed to post a job vacancy advertisement in public media for three months, and they were required to prove that they were not able to find a satisfactory local candidate to fill in the vacancy to HRSDC (Department of Human Resources and Skills Development), and then they are qualified to hire international workers. The employers even needed to give some reasons why they failed to find suitable local candidates, such as all the job applicants were not qualified or the location of the workplace was too remote that no local people would like to come, things like that. It was very troublesome and many employers were not willing to do that, unless they really have to.

Considering the difficulty she might meet if she applied for the regular work permit upon the expiration of her post-graduation work permit, Yue decided to enter a university program and then apply for a study permit to legitimate her stay in Canada for the vacuum period between the expiration of her post-graduation work permit and the approval of her permanent resident status application. Yue was lucky enough that the college she had graduated from had a co-operation program with a university in the same city, which gave the graduates from the college opportunities to start a bachelor's degree program without going through the regular application procedure. Yue easily got admitted into an undergraduate program in that university and succeeded in winning a study permit for four years by the university program offer.

I then got into the Bachelor's program in international business. The admission letter from the university helped me get the study permit for four years. But you know, it was only for my legal status in Canada. I didn't mean to earn that degree at all. I registered for two courses in the university, marketing and chromatrics. I finished them in the summer term of 2004, and then I never go back to the university for any other course again. But you know, since I had the valid study permit for four years, I could still legally stay in Canada.

Yue's study permit legitimated her stay in Canada until she finally got the permanent resident status in Canada in May 2006. To work towards a university degree was neither what Yue planned to do before getting the study permit, nor what she actually did after being recognized as a legal student in Canada. Compared to the troubles both Yue and her employer might need to handle if she applied for a regular work permit, Yue cleverly chose the "student-track" for a legal status in Canada. In that case, Yue only needed to get an official program admission letter, which did not actually capture her intention of staying in Canada, but was potent enough to confirm her student identity to the visa officer. In this case, the university program admission letter was a de-contextualized and

self-fulfilling information production in the visa application process. Though it failed to capture the real contextual story of Yue's visa application, and to be specific, Yue's real intention not to be a student, it sufficiently provided a piece of information on Yue's claimed student identity and well fitted her into the student visa category.

By arguing this, I am not suggesting that a more accurate and strict sketch of a visa applicant's life is needed to generate a "complying-to-fact" visa examination decision. While what Yue did might have revealed a loophole of the visa mechanism, it might also be something policymakers considered acceptable, while either way, Yue's practice to maintain her legal status in Canada was procedurally legal. But in Yue's case, we see a really significant point. What Yue did actually illustrated a practical option for visa applicants to negotiate a legal status in Canada. Just like the visa officers could doubt a visa applicant's genuineness to be a temporary resident in Canada, the visa applicants, conversely, have the potential to make their claimed identity seem more convincing. The visa officers are actually looking for certain pieces of information in the examination process and it is exactly these segmented information products that lead to the officers' decision. Thus Yue did not need to make up a complete life story of a real student to be granted the legal student status.

Another interviewee of mine, Ree, told a similar story of his own experience. Ree started to work in Toronto after he obtained his Bachelor's degree in a Canadian university in 2006. His post-graduation work permit also lasted for one year, which would expire in October 2007. However, upon the expiration of his post-graduation work permit, Ree wished to stay in Canada longer to accompany his girlfriend who was then studying in Canada. Just like Yue, Ree did not want to take the trouble to apply for a regular work

permit, let alone the issuance of which was not even guaranteed. Ree then chose to extend his legal status in Canada by applying for a study permit as well.

I just applied for a post-graduation certification program in a college in City T. It was very easy. It was like I paid the registration fee, and then received the offer. (Interviewer: Did you plan to go to that college then?) No, and in fact, I did not go to that college at all. I applied for that program only for the study permit. I submitted the application for the study permit when my work permit was about to expire. I received my study permit for one year in a month, because the program I was admitted to was a one-year program.

Ree told me that he did not go to the college after receiving the study permit. Instead, during the year he was legally staying in Canada on his study permit, he helped out in a convenience store run by one of his friends in Canada to earn a living, which, however, was marginally legal to “international students”. Ree did not think he would run into troubles by doing that as he had heard before that the government did not have a very strict and frequent check on whether all the workers in Canada are legitimate to work in the country. Though only Canadian citizens, permanent residents and international labour on work permits are allowed to work legally in Canada, the government does not usually check the legal identity documents of the workers as they are present in Canada. More emphasis was put on the “border” control to regulate the entries of the prospective migrants. Ree did not get checked during the year he worked in Canada on a study permit.

What is significant in Ree’s experience above is that, like Yue, Ree also succeeded in getting the international student status basically by presenting the school admission letter to the visa officer. This line of flight seems highly efficient and effective once the applicant understand what kind of information the government officers are looking for and what document would be regarded as the right indicator for that information. Admittedly, compared to their counterparts in China, Yue and Ree had more chances of taking advantage of this specific line of flight and were more likely to succeed.

It may be less possible that a Chinese national physically in China who wants to work in Canada would seek to get into the country by applying for a student visa, for they have less access to the educational information in Canada than Yue and Ree have. Plus, to apply for a school program costs more effort, and to work in Canada on study permit does not seem to be a long-term solution. Also, people in China may not have as much information about the possible school programs they could get into as Yue and Ree, who had more resources in Canada. Yet, regardless of how many people would actually use this line of flight in their visa application, it appears a potential path of resistance to the visa applicants, which is embedded in the structure of visa system itself. Since the deterritorialized identity documents are, to a large extent, divorced from the original contexts in which they are brought forth, it becomes a possibility for the visa applicants to claim or to emphasize on some situation by providing certain or extra pieces of information products.

Bogard (2006:116) argues that rhizomatic assemblages “always have an immanent ‘outside’, a decoded milieu whose fragments they capture and recode, but which in turn also changes the nature of the assemblage”. As I have argued above, visa mechanism does have the features of a rhizomatic structure, though it might not be as perfect and distinctive an example for the rhizomatic assemblages as digital database networks are, considering that the connections between the information nodes within the later are more dense and the grammar of coding for digital files is more technologically uniform. Yet, if we apply what Bogard has termed as the “outside” of the rhizomatic surveillance to Yue and Ree’s cases above, we would get a better understanding on what the surveillance assemblage actually captures and misses out in the visa application scenario. The school admission letter, which is originally an administrative document

from the educational institution, is outside of the visa examination mechanism itself. Yet it becomes something the latter tries to connect to in the practice. However, as an informationalized product, which is isolated from a broader background of the applicant, the school admission letter is basically regarded as a sufficient indicator for the applicant's claimed identity as a student. Once the connection between the indicators and the information is routinized, the capture of an indicator by the visa officer would naturally lead to the perception that certain information about the applicant is present and true, which was exactly how Yue and Ree's school admission letters worked. As Bogard (2006:118) concludes, "[t]he surveillance assemblage, even as a network, has probably outlived its usefulness and is morphing into a simulation assemblage". The deterritorialization of the identity documents disrupts them from their respective contexts and converts them into bare information production. Thus the visa officers' use of these documents as sufficient indicators for certain information in the examination process turns out to be an oversimplified way of interpretation. This mechanism of visa application procedure embeds in itself the line of flight.

However, another noteworthy point here is that, as Bogard comments that "deterritorialization does not always imply freedom", lines of flight, are not necessarily effective ways of resistance. Rather, it offers the possible "indeterminacy", which can be seen from what Yue commented on her own situation by saying that "I actually had two options [...]." Though ways of resistance are made possible by the mechanism, the possibility of resistance is not always guaranteed and the chances for the visa applicants to benefit from it are actually uncertain. What is more fundamental to this point is that indeterminacy is embedded in the structure of the visa mechanism due to its feature of operation.

Looking back to Gigi and Bai's cases as I have discussed in the previous sections, Gigi's application to be a temporary visitor in Canada was called into question because her application for permanent resident status was in progress; while for Bai, she could not prove her intention of being a temporary resident submitting any documents showing her attachment to any social institutions like schools or workplaces. The fact that Gigi had submitted her application for the Canadian permanent resident status was for sure, one of the many deterritorialized pieces of information included in her visa application package. The government officer's capture of that piece of information, however, gave a quite decisive tone on Gigi's identity and affected the result of her application. As for Bai, as far as I consider, her identity documents could only be called "deficient" if the deterritorialized pieces of information that the officers are in search of could really catch the visa applicants' identity and were the only possible way for the evaluation purpose. These deterritorialized pieces of information were like, borrowing David Lyon's (2001:27) term, "tokens of trust" necessary for the transactions in the visa application process. Gigi and Bai's rejection was, from the structural perspective, caused by the deterritorialization process of the applicants' identity documents, which was exactly what brought forth the lines of flight. In this sense, rather than representing a liberal spirit of the rhizomatic surveillance assemblage, the process of deterritorialization and reterritorialization merely illustrates the operational feature of the visa mechanism, which deviates from its supposed determinacy.

Despite the presence of the lines of flight immanent in the visa system, applicants need to take the "parallel strategy" when they intend to resist. As Bogard (2006:109) argues, the individuals "must take advantage of the same tools and strategies that the system of surveillance uses to verify [their] presence and status within the system" to

subvert the surveillance power. The visa applicants still need to have sufficient knowledge of what visa categories are pre-designed, what kinds of information were required for the visa category they want to fit themselves into and in which forms these information should be presented to be able to manipulate some of the application materials. The lines of flights of the visa mechanism do not necessarily indicate that visa applicants have the possibility of resistance; yet, the lines of flight are, more essentially, immanent traits of the visa mechanism, which sketches the way the visa system “flies” away from its own claimed targets.

## **Chapter Five: Conclusion**

### **5.1 Conclusions of My Research**

In this thesis, I have explored how the Canadian temporary resident visa applicants are made subjects of the visa regime. Looking back to the original meaning of the state border, I discussed how the geographical existence of the state border has been granted the political implication as the outer limits of the power of sovereign states. Thus, state border becomes something that needs to be controlled so as to protect the sovereign states from the external intrusion and threats. Yet, governments take advantage of the constructed legitimacy of border control to deploy various migration mechanisms on the state borders so as to realize their own governmental finalities, such as public security, ethnic homogeneity, economical benefits, or combination of these considerations. The targets of the practice of these migration control mechanisms on the border are not the geographical borders, but the border-crossing population.

The visa regime is one of the border control mechanisms designed and deployed by the governments. In this thesis, I specifically applied Didier Bigo's concept of ban-opticon as a basis for a theoretical model to deconstruct the Canadian temporary resident visa system. According to Bigo (2004), the dispositif of the ban-opticon encloses an outside population that needs to go through screening and evaluation to be admitted into the destination countries. Secondly, the process of screening and evaluation assumes a governmental expertise since it is the government that designs the categories and criteria for admissibility and inadmissibility. As governments are empowered to enact border control, their authority to categorize and to admit migrants is also taken for granted. Finally, Bigo points out that the way the government decides on admissibility is through

virtual morphing, by which the government predicts and dramatizes the migrating people's future behaviour based on the information obtained. This information includes biological features stored in border control databases, such as the Eurodac, and identity documents containing the life histories of prospective migrants.

Taking the Canadian temporary resident visa system as my working example, I first look into the relevant legislation and argue that the Canadian temporary resident visa system is designed to fulfill three finalities: to facilitate the movement of desirable temporary residents, to serve as a reservoir for prospective permanent residents and to be a ready means of efficiently blocking emerging threats from the outside. These three finalities are realized through the screening and evaluation of visa applicants in three categories, namely, the international students, temporary workers and visitors. Yet, with these three categories designated and the relevant requirements assigned, visa applicants who cannot be recognized by the visa officers as genuine international students, temporary workers or temporary visitors will be regarded as inadmissible and therefore rejected.

After sorting through these various regulations, I then ascertain what, on the operational level, visa officers consider when evaluating an applicants' admissibility. Combining the relevant regulations, the required documents and the visa officers' question list, I show that the government has assigned connections between given identity documents and their matching presumptions. Though these connections are somewhat contingent and discretionary, they make it possible for visa officers to anticipate the applicants' future behaviour and set a tone for their admissibility, as is demonstrated by the Canadian temporary resident visa system. However, some of the government's concerns are easy to address since the documents to be checked are quite straightforward,

for example, the medical examination report or the non-criminal activity certificate. Yet, questions such as whether the visa applicant would leave Canada before the authorized time of stay expires remain too vague to be addressed. A variety of documents reflecting the visa applicants' life history, social bonds and financial capability and so forth are required to facilitate the visa officers' evaluation on the applicants: to examine whether the applicants' stated purpose in coming to Canada is genuine, and to detect those who might overstay their visas.

However, as I argue, one's administrative documents can never provide an answer to the question of genuineness. The visa officers are only capable of evaluating the applicants' genuineness and making decisions accordingly because the legislation states that they are capable, not because the determination can be reasoned with the available facts.

From the analysis on the operation of the visa system above, we can see that the government regulates the aspects and conditions of the applicants that are to be checked, lists the documents to be submitted for application, and assigns the connections between these documents and concerns they want to address. With this system established, the legitimacy and capability of the visa officers to conduct the procedure will never be a question; rather it becomes imperative and assured that the visa officers will give absolute judgements on the applicants' admissibility: the visa system only runs smoothly because it does not give itself room to have problems. The visa applicants, however, are simply assigned the task to submit identity documents about themselves. Their eligibility to migrate is subject to the visa officers' evaluation of these documents.

I also examined the Chinese hukou system to reveal the way Chinese applicants' identity documents are generated and the information these documents bear. I argue that

the reason why the hukou system is used to generate and authorize the Chinese applicants' identity documents is that the hukou system is the only authoritative and encompassing administrative system in China keeping records of every Chinese national's life history and social bonds. The hukou system is used to generate and authorize the various identity documents that will ultimately be used when applying for a visa. For the Chinese applicants, the hukou system has been embedded as a necessary institution of the visa application procedure, though the system was only designed for internal administration, containing no implication of one's future behaviour or border-crossing intentions. However, these hukou-based documents lose their original generating contexts, when re-interpreted by the Canadian visa officers.

With these legislative and operational settings clarified, I then move on to analyze the real-life experiences of my respondents in applying for the Canadian temporary resident visas. I have made four main arguments from the analysis on my respondents' cases:

First, in line with the idea that migrants are deemed inherently insecure to the state and are being enclosed by the visa mechanism, the Chinese applicants are asked to provide proofs of their admissibility, placing them immediately on the defensive. If an applicant fails to prove that the stated purpose of her or his visit fits into one of the desirable categories, or if applicants fail to prove that their claims are genuine, their application will simply be rejected.

Secondly, for the Chinese applicants, the hukou system plays a significant role in supplying identity documents for their visa applications. Even though these files are not designed to predict the Chinese applicants' future behaviour or their intention to go abroad, these files become necessary for the visa officers' evaluation, providing

information about the Chinese applicants' life history and social bonds in China. Thus, it becomes imperative for Chinese applicants to have hukou records and to keep these records up-to-date in order to meet the Canadian visa application requirements. Also, the retrieval of these documents from the hukou system has become a routine step in the visa application procedure.

Thirdly, the visa officers' evaluation and judgement on the Chinese applicants' admissibility are based on the grammar of "futur anterieur", which literally means "past future". By reading documents about the applicants' life history and social bonds, the visa officers evaluate whether the applicants' reasons for visiting are credible and whether it is likely that the applicants will overstay their visas. The answers to these questions derive from the officers' subjective extrapolations of the applicants' documents, yet they lead to absolute conclusions on the applicants' admissibility.

Lastly, there are "lines of flight" embedded in the structure of the visa mechanism. When the Chinese applicants submit their documents, whether from the hukou system or other related institutions, these documents are lifted from their original settings. With few clues regarding the contexts in which these documents were generated, say, how and why they were issued, the visa officers seek indicators in the documents to address the government's concerns. Officers are not, however, trying to obtain a comprehensive understanding of applicants, nor are they making judgement on the individuals. This line of flight, as I argue, makes it possible for the applicants to expand their source of documents as long as they understand what kind of information the visa officers are searching for, while the visa mechanism itself flees determinacy, as it decides on the applicants' admissibility on the de-contextualized information rather than on the person.

Based on my analysis of the Canadian temporary resident visa system from discursive, legislative and practical perspectives, I argue that the visa mechanism is primarily a realm where the applicants have to surrender themselves. Being constructed as a population awaiting examination, the applicants' identities are re-evaluated and re-defined by officers using the rules of categorizing and predicting as designed by the government for the visa mechanism. With the immigration legislation, the discourse of insecurity and visa officers' practices interconnected and embedded, the Canadian visa mechanism serves as a real-life model of the dispositif of ban-opticon on the border: applicants are turned into subjects of the Canadian visa regime.

## **5.2 Implications of My Research**

There are also many other research works focused on border control. For example, Peter Adey (2004) has studied how border-crossers are monitored at the airports and Janet A. Gilboy (1991) has focused on the Customs officers' use of discretion when judging admissibility to the United States. As for research on legislation, Harald Bauder (2003) has studied the issues of equality and justice in the Canadian immigration regulations, while Geneviève Bouchard and Barbara Wake Carroll (2002), Sharon Jones (2004), Hugh Grant and Arthur Sweetman (2004) and Peter S. Li (2008) have examined the practice of the Canadian immigration system, either in a general sense or down to specific immigration programs. Erin Kruger, Marlene Mulder and Bojan Korenic (2004) and Howard Adelman (2002) have contributed to analysis of the impact of 9/11 on the Canadian immigration policy. In terms of how the government documents border-crossers, Mark B. Salter (2003) and John C. Torpey (2002) have discussed the passport system and its use in controlling border-crossing activity.

Sharing the broad interest in border control, my thesis is centred on the visa system for its perspective on the global border control mechanism. My research is not only aimed to provide a systematic analysis on the construction and function of a temporary visa system itself, but also to generate deeper reflection on the legitimacy and techniques of the border control mechanism. Another contribution of my research comes from the methodology I applied. Through qualitative interview, I collected information about the visa applicants' personal experience in the visa application process, which was not included in the previous research. I was able to analyze from the applicants' perspective how the application and examination practices are carried out and by which means visa applicants are turned into subjects of the visa regime.

The last point I would like to mention is that, while writing this thesis, I have been asked several times by friends or fellow researchers if I would suggest any solutions to the problems of the visa regime. Admittedly, it is hard to extend practical solutions based on research that is not at the policy level. As I have maintained throughout my thesis, my task here is to reveal how the ban-opticon of the visa regime, with policy as one of its elements, turns visa applicants into subjects of the power practice on the border. My research has depicted the basis of policy creation and change. I reveal that policy only gains its power from the government's routinized authority and deemed expertise in making policies; also, the implementation of the policy works together with the surrounding discourses and practices to form the visa regime. The policy changes may possibly lead to different official procedures within the visa system, but they would neither challenge the government's authority to set and express the rules, nor would they change the ways that discourses are generated and practices are shaped. Therefore, suggestions for policy changes, whether from me or from anyone else, could never

address the fundamental problems of the visa regime, which is embedded in the self-functioning mechanism of governmental power.

However, a paper by Sharon Jones gave me an insight into possible changes to the Canadian temporary visa regime. Jones examines the impact of the Canadian investor and entrepreneur program for permanent resident recruitment (Jones 2004). This program, as Jones illustrates, encourages foreign nationals to either directly invest money or establish enterprises in Canada in exchange for the Canadian permanent resident status. In addition to attracting capital and creating job opportunities, the Canadian government was also hoping that the foreign entrepreneurs could introduce modern manufacturing technologies and international management skills to Canada (ibid). However, the government's intentions in this immigration program are not substantially realized, because of some unnoticed problems, for example, some foreign professional qualifications are not recognized in Canada and some immigrants do not have a good command of either of Canada's official languages. These problems, in turn, have resulted in cases where some immigrants end up in occupations considerably lower-skilled than the government intended to recruit (ibid). Jones makes a strong determination at the end of the paper: before we can call an immigration program a success, we should "ensure that the program is the right one not only for Canada but also for the immigrants" (ibid:1274).

Naturally, Jones's statement can be extended to include the temporary resident visa system as well. If there is any suggestion I can make specifically to the Canadian temporary resident visa system, I would have policy makers to consider the perspective of the visa applicants, making conditions that are favourable for visitors and the government alike, to make the visitors' trips to Canada right for themselves, not only arguably right for the Canadian government. Possible changes in Canada's practices could be to lift the

activity restrictions on the temporary residents in Canada or to alter the way the government uses the applicants' files. It is, above all, the position of the visa applicants as the subjects of the visa regime that needs to be changed.

I would like to finish my thesis with a quotation from Joseph H. Carens (2000), who urges our reflection and reassessment on the unjust yet firmly established social institutions and practices in the border control mechanism. As Carens advances:

I imagine (or at least hope) that in a century or two people will look back upon our world with bafflement and shock [...and] ask themselves how we could have possibly failed to see the deep injustice of a world so starkly divided between haves and have nots and why we felt so complacent about this division, so unwilling to do what we could to change it (ibid:637).

It is my own wish that, on that day, the borders will no longer be a realm where the governmental power enforces and exercises itself, rather a region where people, free from any inquisition, enjoy the right to travel back and forth.

## Appendix 1: Basic Information about the Interviewees

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Name Appears in this Research	Type of Visas and/or Permits Applied
Xia	Temporary resident visa and study permit (2006) Post graduation work permit (2008)
Yue	Post-graduation work permit (2003) Study permit (2004)
Ting	Temporary resident visa as visitor (2007) Work permit (2007)
Ree	Post-graduation work permit (2006) Study permit (2007)
Wan	Temporary resident visa as visitor (2008)
Bai	Temporary resident visa as visitor (2007)
Gigi	Temporary resident visa as visitor (2006)
Hui	Post graduation work permit (2005)
Jiong	Temporary resident visa and study permit (2007)

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\* Due to the similarity to other cases, Hui's visa application experience is not discussed in this thesis.

## Appendix 2: Sample Questions

1. In which year did you apply for the Canadian temporary resident visa?
2. What did you do to prepare for your visa application? (How did you know the relevant regulations and the way to process? Did you resort to visa agencies?)

(If the interviewee has used service from any visa agencies)

3. Why did you choose to delegate a visa application agent? Was there any advantage coming with that?
4. What did you need to do after you had delegated the job to a visa agent?
5. Do you think your visa application package could have been different if you hadn't asked help from the visa agency?

(If the interviewee has NOT bought service from any visa agencies)

3. Where did you get those documents which were required for the visa application?
4. How did you know that you could get these documents from those places/government agencies?
5. Did you get these documents translated and notarized before you submitted them? Where did you do that?

6. What did you think the documents you submitted would prove for you?
7. Did those documents you submitted exactly meet the document requirements made by the Canadian government, or you did use some substitute documents?
8. Did you give some explanation to these documents along with your application? If yes, why you thought it was necessary and how you did so?
9. Did you ever have problems preparing those materials during the process? Have you come across any confusion?
10. Did you think you had ensured the officer that you didn't have the intent to immigrate to Canada by what you submitted? How did you think you had done that?
11. Did you think that your application material was adequate for the application when you submitted them?
12. Do you still remember how long it took you to prepare all the documents required? Then how long did you wait for the issuance of the visa?

13. Had you ever been interviewed by the visa officers before they issued the visa to you? (It rarely happens. This question is designed just in case the interview has gone through this process.) If yes, what do you think you've proved or clarified during the interview? Do you think the interview provide important information to the visa officers in addition to those already contained in your application documents? Do you think the interview was helpful to your visa application?
14. Had you ever been rejected before you finally got the Canadian visa?  
(If yes)
15. What was the reason given on the rejection notice?
16. Did you think it was fair?
17. What did you after that?
18. When did you submit your application again? Did you think that your previous problem has been solved? (Then repeat question 10 and 11 for this round of visa application.)

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