

## PHOTO VIGNETTE

### *Arrivals: Marking Time*



Cargo ship *MV Sun Sea* arrived in the coastal waters of British Columbia in August 2010 carrying 492 Tamil asylum seekers from Sri Lanka. *Source:* MCpl Angela Abbey, Canadian Forces Combat Camera, 2010, Department of National Defence—MDN Canada.

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1914: *Komagata Maru*, 376 British Indians arrive along BC coastline

1969: Canada signs the Convention Relating to the Status of Refugees

1999: 599 Fujians seek asylum status arriving in four boats along the BC coastline

2009: *MV Ocean Lady*, 76 Tamils seeking asylum along the BC coastline

2010: *MV Sun Sea*, 492 Tamils seeking asylum along the BC coastline

**S**ocial, legal, and cultural barriers mark the record of sea-bound migrations across the Pacific to the west coast of Canada. The past century has shown various attempts to bar, mitigate, challenge, and deter migration across this ocean. From early twentieth-century regulative impositions such as the Chinese head tax, the Japanese Gentlemen's Agreement, Continuous Journey legislation, and contemporary legislation, all of which have defined the “mass arrival” of migrants or asylum seekers from seaports as illegitimate, there has been a continual

and progressive securitization of the coastal borders of British Columbia against racialized groups of potential immigrants.

At the time of the arrival of Tamil Sri Lankan migrants, debates regarding refugee flows and asylum seekers were at a feverish pitch in Canada – debates that were actively promulgated by the federal government of the day. The MV *Sun Sea* (2010) and the MV *Ocean Lady* (2009) both transported Tamil refugees fleeing the political insecurity and terror in Sri Lanka at the time. Rather than being accepted in Canada as asylum seekers, their status was immediately challenged through the use of language that framed them as “illegal migrants,” “human traffickers,” and as those involved in “human smuggling.” The language used actively sought to discredit their status as true refugees and framed them as imposters. These refugee-seeking migrants were summarily criminalized in the media discourses and ultimately used as a trope for the introduction of new policy – policy that discarded Canada’s previous criteria for the acceptance of different types of refugee arrivals.

Indeed, the current *Protecting Canada’s Immigration Systems Act* (which received royal assent in 2012) imposed distinct categories for refugees, including “irregular arrival,” as is the case with many asylum seekers who are often forced to take any means available to flee their countries of origin. This legislation made liberal use of the negative media coverage surrounding the arrival of the MV *Sun Sea* and MV *Ocean Lady* to garner political support. This controversial act permitted the government to detain “irregular arrivals” in high security prisons, immigration holding centres, or provincial jails (Cleveland, Rousseau, Kronick 2012, 5). Moreover, the changes in this act allowed for the minister to have discretion over determining whether a refugee was an “irregular arrival” and could, therefore, be detained indefinitely (Ma and Bhandar 2015).

What the MV *Sun Sea*, the MV *Ocean Lady*, the four Fujian refugee boats, and the *Komagata Maru* have in common is that, over a span of one hundred years, they comprise the handful of vessels that have breached the border zone of the BC coast line. Given the actual lack of border transgressions by “illegal” migrants, it is remarkable that these isolated breaches have been understood as dangerous encroachments upon Canada’s sovereignty. Each of these events, some separated by a century, others by decades, illustrates that the migrant other, particularly the racialized migrant, remains a subject of fear and ignites a potential xenophobic crisis. The MV *Sun Sea* arrived in 2010, prior to the provisions under the current Canadian immigration and refugee legislation, which would have determined that each of the 492 passengers would have been

indefinitely detained or imprisoned, regardless of any criminal activity. As it stands, two passengers were initially connected to human traffickers and their charges have not been fully realized through the justice system. (Cleveland, Rousseau, Kronick 2012).

The Pacific migration story has been underemphasized in the immigration and settlement narratives of Canada, and when they *have* been emphasized they have been depicted as infamous, as a potential crisis of nationhood. As Bradimore and Bauder (2011, 639) point out: “The arrival of ‘boat people’ happens so rarely that by the time a new boat arrives, memories of the previous boat have all but faded from societal memory.” However, the arrival of the MV *Sun Sea* in 2010 and the MV *Ocean Lady* in 2009 coincided with an attempt to set a historical record straight. The remembrance and recognition of the earlier twentieth-century immigration prohibitions and restrictions were receiving attention during this period, and the federal government was making national apologies for the *Komagata Maru* incident, the Chinese head tax and anti-Asian legislation, and orders-in-council such as that which resulted in Japanese Canadian internment. These remembrances and apologies were asynchronous with the steady deployment of a discourse of fear and exclusion directed towards refugee arrivals along the Pacific coastline. On the one hand, Canada sought to somehow recover its image through apologizing for past wrongs, particularly those done to communities connected to the *Komagata Maru*, while, on the other hand, it continued to engage in the offensive criminalization of asylum seekers.

It is nearly a decade after the arrival of the MV *Sun Sea* and the MV *Ocean Lady*, and refugee status has yet to be determined in many of these cases. Of the 492 passengers on the MV *Sun Sea*, 230 claims were accepted and over one hundred are yet to be determined. There have been a total of twenty-two deportations among the passengers. Criminal proceedings to determine if human trafficking was indeed perpetrated have wound themselves through the court system, and, to date, there have been eight acquittals and one person has been charged. During this time the asylum seekers have largely lived in a virtual legal limbo. If they had rejected claims or are waiting for appeal, they are often living in highly precarious circumstances, forced into hiding. When the *Komagata Maru* was ordered deported and turned around from the Vancouver harbour with a naval escort, it was not determined how its passengers would be treated upon their return. When this ship returned to British India, its passengers were met with a violent welcome and twenty-two of them were killed by the British military. The temporal and spatial lines that

mark a contiguity between the passengers of the *Komagata Maru* and those of the MV *Sun Sea* highlight the very high costs of a voyage across the Pacific.

The image of the MV *Sun Sea*, a rusting ship overburdened by people desperately seeking refuge forms part of the global visual archive of people seeking safety. The MV *Sun Sea* is part of a long lineage of ships that have moved through the Pacific, illustrating the intersections and networks that are connected through water.

#### REFERENCES

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