

Trouble at the Border?: How 9/11 Policy Changes Continue to Impact US-Canada Border Relations While the Border is Faced with New Challenges



The Peace Arch Monument is one of the busiest US/Canada border crossings
(2017, CBC News)

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Abstract

The United States and Canada share a long history of cooperation and dependency on each other in regards to trade, prosperity and security, which has created a unique relationship between the two nations. In the center of US-Canada relations is their shared border, a complex area, which is directly connected to many aspects of their relations including trade, national security and immigration. After 9/11 a drastic overhauling of policies regarding the border took place, mostly motivated by Washington's fear of terrorism, which has continued to affect the border negatively, especially trade relations. Within the scope of my thesis I will examine how the change in policies after 9/11 has changed US-Canada border relations and lead to what many scholars refer to as a thickening of the border. Further I will explore potential solutions towards an improved well-functioning border, which allow for a smooth flow of goods and people while keeping the border secure from terrorism and illegal border crossings.

Keywords: US-Canada border relations, trade, immigration, 9/11, national security, refugees, terrorism, integrated borderlands

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Introduction

The border between the United States and Canada has long had a reputation for being the world's longest undefended border, allowing Canadians and Americans to cross it freely. Generally citizens on neither side of the border seemed to consider their shared border as a security concern or even threat. In regards to border protection the United States concentrated most of their attention down South on the Mexican border, due to well-known issues including illegal immigration, drug and human trafficking. Especially during the course of recent years a militarization of the US-Mexico border has developed, which results in the spending of billions of dollars annually. Nonetheless, this does not exclude an occurrence of consequential changes along the US-Canada border. While the United State's Northern border generally may not receive as much attention as its Southern counterpart, the terror attacks on September 11th, 2001 have set a drastic and rushed overhauling of border policies in motion. These acute changes at the border have had a tremendous impact on various aspects of US-Canada relations. In particular their trade relationship, in regards to the flow of goods and services, has suffered as a result of new security policies. Other sectors influenced by the events of 9/11 include immigration and daily life at the border. Considering the fact that 80 percent of Canadians live within a 100-mile radius from the US border long delays, due to new security procedures, affect daily commuters as well as tourism negatively.

When examining the changes made as a response to 9/11 and determining in how far these have impacted Canada as well as US it has to be kept in mind that both countries do not share the same perspective on the border. In contrast to the United States, whose main priority is national security, which would evidently mean rather closed-off borders, Canada favors a more open border, allowing goods and people to move more freely between the two countries. However, tighter security measures could be justified by the United States as the US Department of Homeland Security has claimed that potential terrorists would be much more

likely to cross into the United States from Canada rather than Mexico. According to the DHS the US-Canada border is apparently only 1 percent secure, which would make an illegal crossing easier since the possibility of being caught is relatively slim. Additionally the border is faced with new challenges such as the question whether Canada is about to face a refugee crisis, a topic that has been heavily discussed in the Canadian media. Since the presidential election of Donald Trump, illegal border crossings into Canada have increased consistently. Due to Canada's rather lenient approach to immigrants illegal immigration could turn into a problem, should the number of illegal immigrants spin out of control. This now raises the question in how far US-Canada border relations have changed in terms of security, trade and immigration after the terror attacks on 9/11 and if the new policies and higher security measures are enough to keep the border safe and stable for future issues while satisfying the needs of both countries.

In order to fully answer this question I am going to closely examine US-Canada border relations in regards to security, trade and immigration through a comparison of the US-Canada border before and after 9/11. This will help me to determine what exactly has changed and how these changes are impacting the current relationship of Canada and the US. I will further try to examine whether the current policies concerning the border are meeting the expectations of both countries and whether the measures taken since 9/11 are enough to fully secure the border.

The method I will be using to answer my question will be a literary review. My research questions falls in the field of border studies, which is why I will be using the works of scholars such as Bill Anderson, Jason Ackleson and Christopher Sands, who are examining the US-Canada Border in its full complexity by addressing various factors which play into border policies, their effects and possible solutions for improvement. Additionally I will be conducting the works of scholars, which are more focused on one aspect such as the articles by Earl Fry and Emmanuel Brunet-Jailly, who mainly focus on how US-Canada trade has

developed under post 9/11 policies or the works of Eric Laque and Michelle Lowry, who discuss how 9/11 has influenced immigration policies and how these relate to the border. Throughout my thesis I will introduce the reader to a series of different arguments and views represented by different scholars in contribution to information gathered by official government websites and documents. My intention is to try and explore a number of different perspectives and approaches by different scholars in order to represent the full spectrum of the border as best as possible.

Within the first chapter of my thesis I will explore the general view Canada and the US have on their shared border pre 9/11 as well as life around the border. I will particularly focus on examples of cities very close to the border, where people would frequently cross the border for shopping or work purposes without needing to undergo strict security procedures. Next I will also be taking a close look at US-Canada trade, since Canada and the US share the biggest bilateral trade relationship in the world. One example I will be using to showcase this is the high economic cross-border integration of Ontario and Michigan. Lastly I will be looking at immigration policies pre 9/11 and how they relate to the border.

In the second chapter of my thesis I will first look at how the view of Canada and the US on their shared border has changed post 9/11. Next I will determine the changes made in order to secure the border including policy changes and the introduction of new security measures, in addition to the effect these changes have had. Especially the Canadian government seems to be concerned with the phenomenon of a so-called thickening of the border, which means that the flow of goods and people is slowed down, which produces more cost due to increased regulations. Lastly I will compare the changes Canada and the US have made to their immigration policies as a response to the fear of immigration endangering national security.

Within the last chapter I will showcase how post 9/11 policies are still affecting US-Canada relations negatively sixteen years later. Especially in regards to trade change is

needed. Further I will show how interdependent both countries are on each other and explore possible solutions, which could lead to improvement of the border. Lastly I will look at new challenges the border is facing in an age torn between open border and globalization and closed-off securitized borders and terrorism.

US-Canada Border Relations Pre 9/11

1.1 The American vs. the Canadian View of the Border

Before the horrific terror attacks in New York City on September 11th, 2001, the US-Canada border did not seem to receive a lot of attention from either side of the 49th parallel. Known as the longest undefended border in the world, especially for the general Canadian their shared border with the US seemed not to be of much concern. Prior to 9/11 the border was typically viewed as a gateway for economic trade and the relatively free movement of people for work, family, and shopping purposes. Before the terror attacks official authorities including the Canadian government did not express any concerns regarding the safety, or the general way in which the border was handled, simply because there was no reason for it. Through the North American Free Trade Agreement (NAFTA) trade was regulated with the US and Mexico and millions of people crossed the US-Canada border every year without any severe safety issues or complaints.

Nonetheless it is important to differentiate the Canadian perspective of the border from the American one. Although the US has mainly kept their focus towards their Southern border, their shared border with Canada has always been of importance to Americans as well. For Americans the border embodies “the indivisibility of their national sovereignty and paramountcy of homeland security” (Drache 69). It stands for American pride as well as their fears and insecurities. Compared to the Canadian notion of the border, which sees the border as invisible and unchangeable, the American one is quite the opposite.

1.2 The Borderlands and Security around the Border before 9/11

Prior to the 9/11 attacks life around the border was considerably different to the way it is now, especially in terms of border crossings. At 8,891 kilometers the US-Canada border is the longest international border in the world and probably earned its reputation, for also being the longest undefended border in the world, because it was guarded by merely 340 border

agents. Specifically in comparison to the US-Mexico border, which at 3,201 kilometer is less than a third the length of the US-Canada border, yet was guarded by around 9000 border patrol agents, 340 seems a fairly low number (Andreas 6). For numerous well-known reasons including illegal immigration as well as drug trade and human trafficking the Mexican border required a higher amount of officers in comparison to a relatively low number of attempts of illegal border crossings and illicit activity at the Canada border. Still the number of border agent placed to protect the US-Canada border still seems to be a rather low amount considering the length of the border.

A comparatively low number of crimes along the border surely contributed to less strict security procedures and relatively low numbers of border patrol agents. However, long parts of the US-Canada border run through heavily forested areas, remote prairie farmland, and mountains as well as the Great Lakes, which make attempts of illegal border crossings fairly difficult. Particularly during cold Canadian winters, which can last from October to March, ice, snow, and freezing temperatures far below zero degrees Celsius increasingly complicate any attempts of illicit activity along the border. Unlike the US-Mexico border the US-Canada border does not consist of a physical border, but is only separated by nature for example forests or lakes, which prevent the building of a physical border, a wall or fence, in order to prevent people from crossing illegally. Hence prior to the 9/11 attacks it was very likely that a skilled hiker would have been able to cross the border illegally, without being caught, particularly with good preparation. On the other hand conditions set by nature still complicated illegal border crossings for the majority of people.

However, parts of the border also run through more populated areas, for example the small towns of Derby Line, Vermont, and Stanstead, Quebec, where the border crosses right through the middle of the two cities. In fact, the border actually crosses right through the Haskell Free Library and Opera house, which has two addresses, one registered in Canada and one registered in the US. Another example for how easily accessible the border seems at

certain parts is the Peace Arch Park located in Blaine, Washington, where people can walk freely from one country to the other as the park can be entered from both countries. Examples such as these vividly show the dynamic of the shared borderland in which “interdependence and interaction have been constant elements in the social, economic, and political lives of border residents” (Ackleson 337). In fact, these wider patterns of interaction, which have been formed through decades, could be described as interdependent borderlands (Ackleson 337). Interdependent borderlands is one category in a model introduced by Oscar Martinez, which aims at categorizing borders based on the ideal-type borders and border regimes (Bassey 3). The model of interdependent borderlands is defined as a relatively open border “allowing for the development of bi-national interaction, for reasons of greater stability of the borders, increased cross-border is a function of a significant degree of economic and social complementarity” (Bassey 3). Citizens of interdependent borderlands often share friendly and cooperative relationships.

But while there are many interesting examples, which make the border seem fairly easy to cross such as towns, parks, or Native American reservations many checkpoints already existed prior to 9/11. Most of those checkpoints are located at roads, which go from one country to the other, or bridges, for example the Windsor/Detroit ambassador bridge, which is one of the biggest and also most important checkpoints as around 25% of all trade between Canada and the States travels across this bridge (Andreas 19). Before 9/11 trucks with a pre-clearance were often able to cross the border within one to two minutes but waiting times have drastically increased after the attacks (Andreas 19).

While the border was guarded prior to 9/11 it was certainly easier to cross, since before the attacks neither Canadians nor Americans needed a passport to cross. At some rather remote and rural checkpoints border agents would go home at night and place orange cones on the road, to indicate to travelers that they were about to cross the border (Fry 881). In summary the history, cooperation and interaction between Canada and the US lead to the

forming of interdependent borderlands and a border, which was open for the flow of goods and movement of people.

1.3 US – Canada Trade Relations and The Role of the Border

The history of the US-Canada border has been one of collaboration and the aim to create border zones, which serve as a means of promoting trade and tourism. This becomes especially evident, when considering that the United States and Canada are each other's biggest trading partners. Hence open borders, supporting a strong trade relationship, are vital for national prosperity. One year prior to the attacks, in 2000, annual trade goods between Canada and the US were valued at \$410 billion, highlighting the close economic relationship between the two countries (Fry 880). In September of 2001 NAFTA had been in effect for over seven years, promoting freer trade and investment ties between Canada, Mexico, and the United States (Fry 880). Naturally people at the time, especially Canadians, believed that through NAFTA borders would become increasingly more open and therefore less relevant, similar to the open borders shared between countries of the European Union. Many scholars thought that NAFTA would lead to the development of a borderless world, "as regions will be delineated only by sharing of information and goods, rather than international borders" (Brunet-Jailly 964).

1.3.1 The Beginnings of NAFTA: A turning point in the US – Canada Trade Relationship

When Canada lost its access to British Empire markets the United States increasingly became of greater importance as a trade partner for Canada. After the signing of the Agreement Concerning Automotive Products on 1965 motor vehicles and parts became the largest traded item between the United States and Canada, through which cross-border shipments increased significantly (Sands 6). "By 1982, total two-way trade between the United States and Canada

amounted to \$170 billion dollars (1996 constant U.S. dollars) and the two countries shared the largest bilateral trading relationship in the world” (Sands 6). It is often argued that the US-Canada border was increasingly turning more transparent towards trade in the 1990s. For the past 25 years the internationalization of the economy had advanced the influence of market forces and states had been risking free trade increasingly (Sands 6). However, before NAFTA re-defined the US-Canada trade relationship, the two countries took a first step towards a closer cooperation in trade, through FTA, the Canada-US Free Trade Agreement, which put them on the frontier of trade liberalization. Negotiations first started in 1985 and FTA came into force in 1989 (naftanow.org). Key factors of FTA included the nullification of tariffs and reduction of many non-tariff barriers in trade and it was one of the first agreements to address trade in the form of services (naftanow.org).

When NAFTA came into effect six years later this represented a turning point in the history of US-Canada trade relations, as NAFTA would broaden the free trade area between the US and Canada to Mexico. Negotiations first started in 1991 and an agreement was signed by all three member countries in 1992, before NAFTA first came into effect in 1994, “creating one of the world’s largest free trade zones and laying the foundations for strong economic growth and rising prosperity for Canada, the United States, and Mexico“ (naftanow.org). NAFTA was implemented as a trade agreement to set rules for trade and investment between the three member countries and has since then eliminated most tariff and non-tariff barriers in order to create a freer trade and investment-relationship between the three NAFTA countries. In order to “ensure smooth implementation and day-to-day oversight of the Agreement’s provisions” a number of NAFTA institutions were created including the Free Trade Commission, NAFTA Coordinators, NAFTA Working Groups and Commissions, NAFTA Secretariat, Commission for Labor Cooperation and the Commission for Environmental Commission (naftanow.org) Some of the benefits NAFTA was expected to

bring include job creation and better selection and prices in consumer goods, which would also lead to strong economic growth (naftanow.org).

1.3.2 Ontario and Michigan: An Example of High Economic Cross-Border Integration

Due to FTA Canadians were able to ensure their grasp on American markets, despite competition from Asia and Europe. In fact, Canadian trade with the United States was larger than that of Japan, Europe or Mexico, which clearly indicates, that Canada and the US share the highest level of economic integration between two large countries in the world (Brunet – Jailly 965). Out of all of Canada's provinces Ontario is the one, which shares the highest level of interdependency with the US, in particular with the state of Michigan. In fact, Ontario trades more with the United States than with any other Canadian province, and its trade alone surpasses that of inter-provincial trade, which indicates how greatly interdependent Ontario and Michigan are (Brunet-Jailly 965). When closely examining the trade relations between Michigan and Ontario results show that the two are almost perfectly integrated, displaying a prime example of economic cross-border integration, as Ontario and Michigan form one economically integrated region. However, this example also shows how closely Canada and the US as a whole are intertwined economically. Ontario being the most populous province in Canada contributed 50% of Canada's GDP in 2002 (Brunet-Jailly 966). In the year of 2002 Ontario exported \$202 billion in goods, of which 92% were exported to the United States (Brunet-Jailly 966). Furthermore Michigan's first trading partner with 67 \$billion, was not a different US state but Ontario (Brunet-Jailly 967) This also indicates how equally dependant and intertwined the two economies are of each other, rather than the United States being less dependent of Canada than the other way round.

Cross-border integration of production facilities between the US and Canada already dates back to the 1960s, nearly 30 years before NAFTA, when it was realized that "tariff-free trade in automotive components would make it possible for producers to specialize in

production of one or a few components that could be delivered to assembly plants on both sides of the border” (Sands 12). This led to the implementation of the Canada-US Automotive Products Trade Agreement (APTA), which was a first major step towards strengthening cross-border integration.

But how exactly does cross-border integration work? One perfect example to showcase this is the city of Windsor, Ontario which is linked to Detroit, Michigan, by three different border checkpoints, including the Ambassador bridge, a road tunnel and a rail tunnel, through which trade products can be transported from one country into the other by truck or train. Windsor is often labeled as Canada’s Automotive Capital, as the two largest employers are a Ford engine plant and a Chrysler assembly plant (Sands 12). The majority of the Ford engines produced in Windsor are shipped off to several different Ford assembly plants across Michigan (Sands 12). Similar to Ford Chrysler ships over 1300 components a day from Canada to the US (Sands 12). What this shows is that the United States and Canada produced jointly by their automobile industries, therefore showing perfectly how cross-border integration works. In 2000 alone Ontario exported \$85 billion in automotive exports to the United States (Sands 12). Although the automotive industry best illustrates cross-border integration in the case of the US and Canada it also occurs in other industries including agriculture and other manufacturing sectors.

1.4 Immigration, National Security and the Border Prior to 9/11

One aspect closely related to the border is immigration, an area in which Canada and the US are far from seeing eye to eye. Canada has always had a relatively open and welcoming approach to immigrants, illegal or not, and therefore has always had rather lenient policies in regards to immigration as well as illegal immigration. In contrast, the United States is known for a much tougher approach to immigration, which has consistently become stricter. While Canada’s goal in terms of illegal immigration is to legalize illegal immigrants

and integrate them into society, the US has put more of a focus on deporting illegal immigrants out of the country (Laque 11). Hence the Canadian and the American approach to immigration could be classified as opposites and therefore have caused debates in terms of keeping the border secure several times.

When in 1994 voters in California approved Proposition 187, which banned illegal immigrants from making use of public service in the state of California, it catapulted immigration to one of the most debated and politically-charged topics. While Proposition 187 was never fully implemented it led the way for further immigration related policies (Sands 8). The 1996 Illegal Immigration Reform and Immigrant Responsibility Act sparked a lot of reaction in Canada, as it required to keep a record of every person, which entered the United States at any point. Naturally many Canadians were not particularly delighted about the fact that a record of their information would be kept in the United States, since many Canadians crossed the border frequently for business as well as pleasure (Sands 8).

Soon America's interest in security at the Canadian border grew when in 1993 the bombers of the World Trade Center had allegedly used Canadian immigration papers to gain access into the United States. This interest was further strengthened, through the capture of Ahmed Ressam by US customs, in 1999, as he tried to enter the US, planning an attack at the Los Angeles airport (Adelman 20). However, the United States quickly turned their attention back to its Southern border, shared with Mexico, which allegedly posed a bigger threat to America's national security. Additionally Canada took steps to ensure national safety as the government was concerned with refugees coming into the country and posing a threat to security (Adelman 20). In 2000 the House of Commons first discussed the report *Refugee Protection and Border Security: Striking a Balance*. Prior to 9/11 Bill C-11: The Immigration and Refugee Protection Act (IRPA) was drafted and set to come into force as of June 2002. This Act included clauses relating to refugees and security issues. Similar to Canada the United States discussed the Krouse-Perla Report, which dealt with terrorism and recognition

technology, in the American Congress only three months prior to the 9/11 terror attacks (Adelman 21). The report dealt specifically with refugees as a potential terrorist threat.

In conclusion it can be noted that the United States have had a more rigorous approach to immigration even before 9/11, due to the fact that national safety has always been one of their main priorities. Nonetheless Canada has taken steps as well, in order to open their borders for immigrants and refugees while keeping them closed to any danger.

1.5 Conclusion: The Border As Integrated Borderlands Before 9/11

Prior to 9/11 security was not directing the policy-making regarding the border and the movement of people and goods was not very restricted. In fact, the border at the time could be characterized as integrated borderlands geographically, socially and economically. Many examples including parks, towns or even buildings, which the border runs through, showcase this geographical and social integration. Further Michigan and Ontario are a prime example for economic cross-border integration, because of their close cooperation within the automotive industry. Although the US had raised minor concerns regarding security along the US-Canada border their main focus continued to be on the US-Mexico border and under NAFTA the border seemed to be heading into the direction of open borders. Despite the US and Canada already having a vastly different approach to immigration prior to 9/11 this was not impacting the border as severely as after 9/11 yet, because the US did not act on enhancing security at the border. Generally neither the US nor Canada were extremely concerned with security at the border, which allowed for trade to flow smoothly and people to cross rather freely.

US-Canada Border Relations Post 9/11

2.1 A Changed View of the Border?: Canada's Perspective vs. the United States Perspective

Post 9/11

The terror attacks in New York City on September 11th, 2001 changed how Americans and Canadians perceive their shared border. While the United States had questioned security at the US-Canada border prior to the heinous terror attacks, their fear of terrorists crossing from the US to Canada was heightened severely. The border now transformed into the idea of a potential security breach and therefore potential threat to America's national security, which put the Canadian border into the political spotlight for the first time (Andreas 5). Whilst the openness of the border had been a factor both countries shared a mutual sense of pride for, it was exactly this openness the United States now perceived as a weakness (Andreas 5). Hence Washington took some drastic steps to ensure this would not be the case. Despite the fact that all of the 19 terrorists involved in the 9/11 attacks were issued visas by the United States and did not cross through Canada many media outlets in the States started depicting Canada as a haven for terrorists, due to Canada's rather liberal refugee and immigration system (Andreas 6).

Still Canada's perspective of the border changed as well. As mentioned in chapter one many Canadians were not as aware of the border pre-9/11, because it simply functioned as a natural aspect in their daily lives, given that the majority of Canadians live relatively closely to the border. Due to Canada's strict gun laws, in comparison to the United States, border-crossing checkpoints are the only places many Canadians routinely come into contact with armed, uniformed law enforcement officers, to whom they are objects of suspicion (Anderson 4). The strong presence of law enforcement combined with the use of technologies such as eye scans and finger printing can be very intimidating for some, especially occasional border crossers. Specifically for Canadians with an ethnic background crossing the border can

become an unpleasant experience as after 9/11 “racial profiling and targeting have become central components in border management” (Bhandar 408).

Apart from the average Canadian, particularly for business people the border has become a gigantic barrier, which shields them off from access to lucrative US markets. Due to an increasingly complex trade environment, consisting of strict regulations, long waiting lines for inspections, numerous forms, along with other aspects, the border has become more of a roadblock rather than a gateway (Anderson 4). The United States fundamental principle of putting their own interests first, allowing US security to override all other international agreements, “has many consequences in the trade and security realm which are now seen as interdependent spheres rather than as previously parallel and autonomous domains” (Drache 74). In conclusion it can be argued that for many Canadians the border has turned into a political, social and cultural divider, forcing people to become aware of it. Newly implemented policies regarding security have restricted the movement of people and goods, which effects trade and tourism negatively.

2.2. A New Era: Life at the Border and how Security Measures have changed post 9/11

National security had always been high on the United States national agenda but 9/11 had a dramatic effect on the American psyche and made national safety and the war on terrorism two of the most important goals of American policy-making. Many Americans believed that they could not fight terrorism effectively if America was unable to properly secure its borders. As an immediate reaction to ensure safety right after 9/11 the Immigration and Naturalization Service as well the United States Customs Service switched to the highest possible alert and all official entry points were either shut down immediately or heavily slowed down (Olmedo and Soden 742). National agencies swiftly proceeded to shift resources to ensure security at both borders, even going as far as requesting help from the National

Guard in order to better monitor activity at the border (Olmedo and Soden 742). An immense political as well as public pressure had border strategists trying to take the ongoing drug and immigration infrastructure and instantaneously adapt it to the anti-terrorism effort (Andreas 5).

Shortly after the attacks US Congress rushed to pass legislations and new policies regarding the war on terror in order to calm the public and strengthen security controls. One of these measures was the Patriot Act, which was signed in October 2001 by President George W. Bush and aimed to deter and punish terrorist acts in the United States and around the world. While the act addresses a number of aspects one of the new measures was to triple the number of agents working at the northern border from roughly 340 to around 900 (Andreas 7). For additional security the US Coast Guard now stopped all boats crossing the Great Lakes and escorted gas and oil tankers (Andreas 7). Another drastic consequence was not only an increase of personnel at the border but a complete transformation and reorganization of numerous agencies, including the Immigration and Naturalization Service, US Customs Service and the Coast Guard, under the Department of Homeland Security (Andreas 5). The Department of Homeland Security is currently made up of 22 different agencies with a total of over 200,000 employees (Fry 882). It also includes the US Customs and Border Protection (CBP) and US Immigration and Customs Enforcement (ICE), which are the two agencies playing the greatest role along the border (Anderson 14).

Due to Canada's dependency on US markets, Canada was forced to react to 9/11 with rather drastic measures to show the United States that they could count on Canada as an ally and partner against terrorism rather than a potential security risk. Similar to the US, Canada reorganized its agencies and created the Canada Border Service Agency (CBSA), which merged Canada Customs with Citizenship and Immigration Canada and the Canada Food Inspection Agency (Anderson 14). Another measure the Canadian government took to fight terrorism was the Anti-Terrorism Act (ATA), which was described as a key component to

Canada's Anti-Terrorism plan and is comparable to the United States Patriot Act. On October 2001 the Anti-Terrorism Act was introduced as Bill C- 36. "An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism" (Department of Justice). As part of the ATA enhanced levels of security were enforced within the country's airports as well as border checkpoints. 2000 Royal Canadian Mounted Police officers (RCMP) were reassigned to border patrol or other sectors of anti-terrorism work and the government increased spending on new technology to US\$176 million (Andreas 11). The new technology, including motion detectors, drones, radiation detectors, radar towers, Blackhawk Helicopter surveillance flights and cameras are used along wide parts of the border to ensure the border's safety as an addition to patrolling officers (Fry 882). Especially given the length of the border and its nature it would be nearly impossible to station enough officers to make the border 100 percent secure. However, while new technologies are able to detect illegal border crossings or any other illicit activities, in even the most remote parts of the border, there is no recognition software, which is able to tell CBSA or CBP, who exactly those people are. Despite officers being able to monitor illegal activity or crossings along the border they are often too far away to act immediately but are also unable to track people since they do not know their identity.

One change which has affected the average US and especially Canadian citizen the most when it comes border crossings, is the Western Hemisphere Travel Initiative (WHTI) enforced by the United States, which requires everyone, who plans on entering the US, to identify themselves with a WHTI-compliant document such as a passport (Ackleson 342). Canada was rather reluctant about this new requirement, due to the fact that so many US citizens, do not own a passport. According to the US Department of State 132 million Americans owned a passport in 2016, which is less than half of the entire population, meaning that more than half of all Americans nowadays would not even be allowed to visit Canada as

they would not have sufficient means to identify themselves and re-enter the United States (US Department of State). Hence Canada feared that less Americans would cross into Canada for shopping and business.

One measure Canada and the United States took in an attempt to make crossing the border for frequent travelers easier is through the NEXUS-program. NEXUS is available for all Canadian and US citizens, as well as permanent residents of both countries, if they have resided in either Canada or the US for at least three years and if they meet the requirements. In order to apply for a NEXUS card, the applicant has to undergo a complete background search and both governments are allowed to access their information at any time (US Customs and Border Protection). Holders of a NEXUS card receive access to dedicated fast lanes, when crossing by land, are able to use specific Global Entry kiosks at airports, and if arriving by sea only have to call a marine telephone-reporting center. In addition when traveling with a NEXUS card, the holder of the card, is not required to bring their passport as an additional document of identification. (US Customs and Border Protection)

Further efforts to work together in terms of border protection, while keeping the border open for trade, resulted in the U.S.-Canada Smart Border Declaration and Action Plan. The Smart Border Action Plan called on the two governments to develop similar screening criteria, establish compatible data and communications systems and share critical information on the movement of goods and people with each other (U.S. Department of State Archive).

2.3 9/11 and its Effect on US – Canada Trade Relations: A Thickening of the Border?

Trade between the US and Canada is highly dependant on the situation of the border, hence 9/11 and its aftermath have had an immense impact on trade between the two countries. For decades the border could be described as a thin and relatively weak legal boundary, in terms of trade (Ackleson 337). Many scholars argue that the process the border has gone through since 9/11 has thickened it. What is meant by the term “thickening of the border” are

numerous aspects, which have changed since 9/11 and are making trade more difficult (Ackelson 337). First off more expensive border security procedures are slowing down the process of crossing the border for people and goods (Hlatky and Trisko 70). Also the cost and additional difficulties such as strict regulations and extra fees are undermining the ability for Canada's provinces to trade in the US market (Hlatky and Trisko 70). In conclusion new forces and policies "adding complexity and friction are strong enough that some have argued that the US-Canada border, rather than growing 'thinner' through increased cooperation, better management, and freer flows of goods and people, is instead 'thickening', growing ever more difficult to traverse, both legally and illegally" (Ackleson 336).

While a well-functioning border is fundamental for national security in today's age of illegal immigration and terrorism, its openness for trade is just as vital for national prosperity for Canada as well as the United States (Sands 1). As discussed in chapter one the aim of the FTA and later on especially NAFTA was to keep borders on the North American continent open for trade to benefit all three NAFTA countries, nurturing a strong economic growth. In spite of the belief that NAFTA would be a step towards open borders the US-Canada trade relationship has changed drastically a decade after 9/11 (Fry 881). In order to exemplify this change we can simply look at how trade has developed one decade after the attacks and numerous changes in policies, concerning the border. Although the population and GDP of both countries had grown significantly and two-way trade in goods had recovered after a serious plunge in 2009 exports from Canada were CA\$50 billion lower than ten years ago in 2001 (Fry 881). Despite the US dollar being the stronger currency, therefore making it quite lucrative for Americans to cross the border into Canada for shopping, the number of Americans visiting Canada was at the lowest level since 1972 (Fry 881). In comparison more Canadians visited the United States than vice versa, despite the US population being nine times that of Canada (Fry 881). This could be explained by the new passport regulations under the WHTI. Considering that before 9/11 80% of all foreign visitors to Canada were

Americans, this could be described as the loss of the American tourist (Fry 887). But while tourism is not only important for Canada, it also is for the US and the travel and tourist sector has suffered in both countries since 9/11 (Sands 14).

Nonetheless policy changes, implementing stricter inspections of goods which cause delays and extra costs, are responsible for the most repercussion. In particular the automotive industry, which as already discussed is a prime example for economic cross-border integration between Canada and the US, and one of the biggest sectors in both countries, was hit very hard by the aftermath of 9/11 (Andreas 10). Since 2011 cargo inspections have increased so dramatically that component parts for cars, being assembled by Chrysler, GM, and Ford sisters plants in Ontario and Michigan, now have to undergo an average of six border inspection before a car is fully completed (Fry 883). In comparison, competition from Europe and Asia only has to face one inspection at US entry ports, saving cost and time (Fry 883). Before 9/11 Canada and the US conducted \$1.3 billion worth of two-way trade a day of which most was transported across the border by trucks (Andreas 10). On average around 300.000 people and 400.000 commercial shipments crossed the border every day (Andreas 10). Due to extra inspections waiting times at the border increased drastically from a few minutes to up to fifteen hours. This caused severe delays for trucks and resulted in a loss in production, which forced Ford to close down an engine plant in Ontario and a vehicle plant in Michigan (Andreas 10).

Since the majority of post-9/11 policies, regarding the border, have been implemented by the US it can be argued that most of the complications said policies generated were coming from Washington. Out of an irrational fear of terrorism caused by 9/11 Washington felt forced to act swiftly, not keeping in mind the long-term effects security-tightening policies would have on the US-Canada border. As a result the aftermath of those changes in policies have had an immense impact on trade between the US and Canada and has lead to a thickening of the border, which is the opposite of where their trade relation was headed under the

implementation of NAFTA (Anderson 6). Although, most products cross the border free under NAFTA it does not eliminate customs functions. In addition all border crossers, including thousands of truckers, are subject to immigration inspection since Canada and the US share different immigration policies and there is no free movement of labor under NAFTA (Anderson 6). In conclusion this means that a combination of customs, new security policies, additional fees and delays at the border “have raised the costs and complexities of trade, offsetting many of the benefits delivered by NAFTA” (Anderson 6)

2.4 Immigration, Security and the Border post 9/11: Is Immigration Posing a Threat to National Security?

9/11 has introduced us to a transition from border security to national security, putting the border more at focus than ever (Kruger 11). In the post 9/11 world governmental discourses increasingly start associating the term “foreign nationals” with “terrorist”, especially depending on the immigrants’ country of origin (Kruger 8). As I have explained at the beginning of this chapter the US feared that their shared border with Canada could be a security weakness because of Canada’s immigration policies. As a consequence the US moved customs into Canadian airports, screening every traveler planning on flying into the United States. They took this step in order to prevent people they consider to be a risk from crossing the border by plane (Sands 20).

While the United States remains one of the most popular destinations for immigrants one of its primary goals regarding immigration is to decrease immigration flow into the country, while increasing the amount of illegal immigrants they deport (Laque 9). Since the attacks of 9/11 numerous new immigration laws have been passed in order to maintain its declination. (Laque 9) In order to strengthen the enforcement of immigration laws as well as implementing further security measures at the US borders, the US House of Representatives passed the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005

(BPAIIC). Some of the many ways BPAIIC strengthened immigration laws was to make illegal presence in the US a crime, which could result in a prison sentence if attempted multiple times as well as making it a crime to assist anyone considered an illegal alien in the US in any form (Congress.gov).

Compared to the United States harsh reforms on immigration Canada takes a very different approach, which has made Canada known to be an immigrant friendly nation welcoming immigrants from all over the world. As a result Canada's approach on immigration can be described as being supportive of immigrants' integration into Canadian life while supporting their retention of the immigrant's own culture, strengthening the concept of multiculturalism (Kruger 2). The fact that one of every six residents in Canada was born outside of the country further shows Canada's multiculturalism (IRCC). Nonetheless the events of 9/11, specifically the enhanced importance of national security, have pressured Canada into conforming to new international initiatives to intensify security and prove to the US that they are willing to cooperate to strengthen the border and be an ally in the war against terrorism to avoid being treated as a security risk (Kruger 13). As a reaction to US concerns the 2002 Canadian Immigration Reform implemented improved background checks on possible immigrants by compelling immigration officers to consider intelligence reports from cooperating foreign countries, as well as requiring potential immigrants to either apply from their own home country or a safe third country prior to entering Canada, a practice similar to that of the US (Sands 20).

In a joint effort to better regulate the flow of refugees Canada and the US signed the Canada-U.S. Safe Third Country Agreement as part of the U.S.-Canada Smart Border Protection Plan in 2002 and it came into effect in late 2004 (IRCC). The Safe Third Country Agreement requires refugees to claim asylum in the first safe country they arrive in unless they fall into one of four categories of exception (IRCC). This means that refugees arriving in the United States are required to register there and would not be allowed to file for refugee

status at the Canadian border and vice versa. As of today the US is the only country recognized as a safe third country by Canada under the IRPA (IRCC). However, the question whether the United States can be designated a safe third country is being brought up consistently by immigration lawyers and scholars alike due to the American system (Lowry 36). Especially in regards to the human safety of children the American refugee system can be seen as questionable, as they have a habit of detaining child migrants in juvenile or even adult jails (Lowry 36). Particularly due to current developments regarding the United States immigration policy under current President Trump, critics are saying that the Safe Third Country Agreement should be suspended or reconsidered (Greenberg). In the next chapter I will further address this debate in relations to Canada facing a potential refugee crisis.

When examining the actions the United States have taken regarding immigration reforms since 9/11 it becomes very evident, that no new immigration policies have been created separately from terrorism, meaning that immigration as an independent policy area has been completely lost (Laque 9). Every new immigration policy, which has been implemented since 9/11, has always been evaluated in terms of terrorism and national security first, creating an anti-immigration attitude. Instead of trying to legalize illegal immigrants the US have alienated contributions, which illegal foreigners have added to the American economy, especially in the agricultural sector (Laque 10). Harsh immigration reforms seem to treat immigrants and refugees rather as criminals than people seeking shelter and raise the question whether those policies are even constitutional (Laque 10).

Unlike its neighbor Canada has, for the most part, kept its very immigrant-friendly immigration policies and continues to view immigrants as valuable. In 2004, only three years after the attacks, the majority of Canadians did not view a specific group of people as a threat to their security but rather viewed post 9/11 security measures as a growing problem for US-Canada business relations (Kruger 15). Nonetheless Canada did implement stricter immigration policies with a focus on keeping those, who could be a potential threat out,

which shows that the attacks of 9/11 did have an impact on Canada's immigration laws as national security has become a growing concern, resulting in an immigration system, which has become more selective (Kruger 15). It is exactly the major differences in immigration policies, which have contributed to issues at the border, resulting in higher security measures and hence influencing trade negatively.

2.5 Conclusion: A Turning Point in US-Canada Border Relations After 9/11

After 9/11 the United States view of the US-Canada border as a security issue intensified immensely, which lead Washington to implement a series of policies, leading to a thickening of the border. This changed Canadian's relationship with their border as well, because border crossings now became a rather unpleasant experience, specifically for Canadians with an ethnic background. Inspections, interrogations, extra fees and more intense security procedures slowed down trade and restricted the movement of people at the border, which impacted US-Canada trade as well as the tourism sector negatively. Many of the trade benefits of NAFTA were cancelled out through mostly cost-related disadvantages new tighter security policies generated. It was especially after 9/11 that the differences in regards to immigration between Canada and the US came into play. After 9/11 national security became the US' number one priority and the notion of immigrants being potential terrorist further strengthened. Therefore Canada's immigration policies were one of the main motivations for the US to tighten security at the border, as they feared a lack of higher-level security would jeopardize their own national security. When comparing the US-Canada border before 9/11 to after 9/11 it has turned from a rather open border to a tight closed-off border, which is exactly the opposite of what was predicted.

The US – Canada Border Faced With New Problems

3.1 The Border as a Symbol for a growing Division Between the US and Canada?

“Children of a common Mother” and “Brethren dwelling together in Unity”. These powerful phrases are inscribed in the Peace Arch, a monument, which symbolizes the long history of peace and cooperation between Canada and the United States. However, when comparing the US to Canada in 2017 numerous considerable differences can be observed between the two countries in various political as well as social aspects. For example, while the US continues to preserve its citizens’ right to protect themselves with weapons, despite gun violence seemingly spiraling out of control, Canada has very strict gun laws similar to those of Europe. Also, the facts that Canada was the fourth country in the world to legalize same-sex marriage, same-sex adoption is legal, and discrimination based on someone’s sexual orientation is banned, make Canada one of the most advanced countries for LGBT rights in the world. While its American neighbor finally legalized same-sex marriage in 2015 due to a US Supreme Court ruling, which sees the ban of same-sex marriage as unconstitutional, there is still a lack of protection for the LGBT community in terms of discrimination and hate crimes.

Another political area in which Canada and the US are taking a very different approach in is that of immigration and taking in refugees. Under the #WelcomeRefugees Canada has taken in over 40.000 Syrian refugees since January 29th, 2017. Additionally the Government of Canada has raised the number of immigrants they will be accepting into the country as permanent residents in 2017 from 250,000 to 300,000. However, the United States is becoming stricter with immigration laws, which concerns many immigrants and refugees in the US, as they fear that newly elected President Donald Trump’s immigration policies will become even harsher. Their concern seems to be very justified as one of Trump’s main goals during his presidential campaign was to build a wall between the US and Mexico, in order to stop illegal immigration. Further he wants to increase the number of deportations, as currently

an estimated number of 13 million illegal immigrants are residing in the US. The just mentioned examples showcase some fundamental differences between Canada and the US on a political, social and cultural level, which seems to indicate that the US-Canada border has become even more of a symbol for a barrier.

3.2 US - Canada Trade Relations in a Global Age of Free Trade

In the age of globalization international trade has become an important sector for countries world wide, as it can have many benefits including boosting the economy, creating new jobs, therefore decreasing a countries unemployment rate, increasing productivity and improving working conditions (Open Door Report 1). Especially for Canada international trade is of immense importance to the country's economy. As one of Canada's leading trade negotiators Gordon Ritchie says, trade policy has been "arguably the most important tool of Canada's economic development throughout the country's history" (Cross 2). Exports in 2015 accounted for 31.5% of Canada's GDP, which is a 25% increase since 1988, when Canada started signing numerous trade agreements. According to Statistics Canada exports accounted for nearly three million jobs in Canada in 2011 (Cross 1). Many companies in Canada have experienced a significantly higher productivity through exporting their products (Cross 1).

Similar to Canada, the United States has benefited greatly from international trade as well. Since 1985 the United States has signed free trade agreements with twenty countries. It is believed by many economists that a beneficial advantage trade and trade agreements have on jobs is that there is a bigger variety of jobs accessible, meaning more high-skill and low-skill jobs are being created, which offers job opportunities to people from varying educational backgrounds (Open Door Report 7). However, the fact that the United States currently only shares trade agreements with twenty countries also has the negative effect for the United States in key foreign markets, putting US exporters into a minority trying to sell their products in said markets (Open Door Report 2). While it becomes very obvious how important trade is

for the economy of both countries the question how interdependent the two are of each other still remains, which I will be addressing in the following sections.

3.2.1 The Signing of CETA and Increasing Trade with Asia: Is Canada Becoming Less Dependent on the United States?

Since 2009 Canada and the European Union have been negotiating over the Canada – European Union Comprehensive Economic and Trade Agreement (CETA) and CETA finally received approval by the European Parliament on October 27th, 2016 (Provost). The Canadian Government itself describes CETA as a historic event and “by far one of Canada’s most ambitious trade initiatives” (Government of Canada). After the United States the European Union is Canada’s second largest trading partner and considering that the EU is the world’s second largest economy in the world, access to EU markets open up new opportunities for Canada (Government of Canada). CETA will eliminate 98% of all tariffs between the EU and Canada and is expected to increase trade between the two partners by 20 percent. Additionally CETA is predicted to boost Canada’s GDP by \$12 billion a year (Provost). Further benefits, CETA is expected to bring to Canada is the ability to trade in services such as transport, financial services or energy (Provost).

However, the European Union is not the only partner, which Canada has built important trade relations with. Especially with the emergence of a growing economy in many Asian countries, specifically China and South Korea, trade between Asian nations and Canada has grown rapidly even without complex trade agreements (Cross 11). Since 1998 imports from Asian nations have nearly doubled from 6.5 percent to 12.8 percent and exports from Canada rose from 5.1 percent to 9.2 percent in 2009 (Cross 9). Asian countries have become an important export market for Canada’s natural resources as well as suppliers of manufactured goods. (Cross 6)

Although Canada's trade relations with other important economic markets such as the EU or Asian countries have evolved in the past decades and have, in fact, made Canada slightly less dependent on the United States, the US remains Canada's key partner in trade and access to US markets continues to be incredibly valuable (Cross 6). Additionally since Canada has relatively little direct trade with Mexico, there is no country Canada shares such a close trade relationship with than the US, which the example of high economic cross border integration between Ontario and Detroit, as explained in chapter one, showcases perfectly. Therefore close cooperation and an effort at changing trade-related issues at the border remains crucial to Canada economically.

3.2.2 Economic Super Power United States: How Important is Canada as a Trade Partner for the US?

With a GDP of \$18.5 billion the United States continues to be the World's largest economy, while Canada, with a GDP of \$ 1.5, only ranks tenth on a global scale. Since the US has been considered an economic superpower for years, Canada's dependence on access to US markets seems obvious but how dependent is the US on its largest and most comprehensive trading partner? Although the United States shares free trade agreements with 19 other countries other than Canada, Canada contributes to the US economy in many ways. In 2014 alone two-way trade in goods and services totaled to \$759 billion and the bilateral trade and investment relationship between the two nations is worth \$1.4 trillion (US Embassy Ottawa). Every day more than \$2 billion goods and services are traded between the two countries. 16 percent of total US exports, or \$375billion, went to Canada in 2014, making Canada the number one export market for 35 US states (US Embassy Ottawa). The United States' annual imports are much higher than its exports, creating a goods and services deficit of \$43,7 million in March 2017 (US Census Bureau). Compared to the same time period in 2016 the goods and services deficit has increased by \$38 billion or 7.1 percent (U.S. Census

Bureau). Considering the United State's increasing goods and services deficit Canada, as an export market, is of high significance to the United States' economy. This argument is further strengthened by the fact that Canada remains the number one export market for the United States in 2016. In fact, US exports to Canada alone are higher than those of China, Japan, Singapore and Korea combined (U.S. Department of Commerce).

Additionally Canada is the United States' largest foreign supplier for oil, electricity and natural gas (US Embassy Ottawa). Another important benefit the American – Canadian trade relationship gives to the US is a creation of nearly 9 million jobs in the United States, which are all directly dependent on trade and investment (Embassy of Canada in Washington).

What can be concluded from the just mentioned examples is how the US benefits equally as much from a strong trade relationship with its Northern neighbor. Through US-Canada trade countless jobs are created, Canada supplies the US with important natural resources and is its biggest market for exports. Hence finding a solution to keeping the border open for trade should be of high interest for the United States as much as it is for Canada.

3.2.3 Change at the Border: Possible Solutions For Enhancing Trade Relations

The term globalization has often been closely associated with a breaking down of borders as we know them. A growing economic integration and interdependence between nations should result in more open borders allowing trade to flow easier and therefore boost the economy (Andreas 1). While economic cross-border integration has certainly formed along parts of the US-Canada border, the thickening of the border after 9/11 is a topic of critical policy concern. As a step towards improvement a policy debate needs be encouraged but it has to remain on a realistic level. In order to reach progress the complexity of the US-Canada border has to be taken into account, meaning that policy makers cannot simply take a specific model, for example one similar to that of the European Union, and apply it to the border. Additionally an attempt to reform border policies needs to be advanced with a long-

term view in mind, taking into account possible future issues, in order to prevent the border returning to a not well-functioning state within just years (Ackleson).

The idea of a model of open borders similar to that of the EU would be rather unrealistic for the US-Canada border for many reasons (Anderson 36). First of all the two countries are not joined in a customs union like the EU member states. Essentially what this means is that Canada and the US have not harmonized their external and non-tariff barriers (Anderson 36). In addition many policy areas would have to be harmonized in order for Canada and the US to create a strict perimeter approach, comparable to that of the EU Schengen Area. One example of complications in the process of policy harmonization would be the area of immigration, visa requirements in particular, in which substantial significances exist between the US and Canada (Anderson 36). Nonetheless this does not mean that policy harmonization between Canada and the US would be impossible. A harmonization of specific sets of policies could in fact result in the elimination of individual border functions, thus allowing for a reduction of the volume of inspections necessary (Anderson 36). One example of a potential policy harmonization, which would be a reasonable goal for the near future, would be the sector of agriculture and health inspections, so that double inspections would be unnecessary (Anderson 37).

Another important key factor to improve trade would be an upgrade of the border infrastructure, as the US and Canada are seeking to maneuver a twenty-first-century border on a mid-twentieth century infrastructure (Ackleson 345). This lack of a well functioning infrastructure affects both trade and security negatively and makes the border a target for potential terrorist attacks. Considering the amount of goods, which cross the border daily, attacks could result in serious repercussions for the economy of both countries. The main crossings along the Northern border are either tunnels or bridges and 75 percent of all US-bound trade passes through only four of those crossings (Ackleson 345). Therefore a

combined effort of the US and Canada to update infrastructure along the border and at border crossings would be beneficial for both trade and security.

Since security is one of the United States main concerns regarding its Northern border a reform of security policies along with the DHS seems especially important. In the past the DHS has faced a series of system deployment issues alongside management as well as internal struggles (Ackleson 346). Considering that DHS was created under the Patriot Act, as a means of securing the United States' borders and preventing terrorist activity, overhauling the concept of the DHS in order to make it more efficient seems to be crucial to improve security. Additionally Canada and the US would benefit from a system, which allows for more cooperation and information sharing between CBP and CBSA. One measure, which would have to be implemented in order to work closely together, would be an entry-exit system, letting the two agencies share information on entrants (Anderson 38). This would, for example, allow CBP to track the exit status of earlier entrants by knowing where and when they entered into Canada (Anderson 38). Additionally an agreement to let CBSA officers operate in the United States and CBP officers in Canada would further strengthen cooperation, resulting in more efficient work and a more secure border (Anderson 38). However, the aspect of privacy rights is complicating this measure, as people generally do not agree with being stripped of even more privacy rights.

Another option suggested by policy makers to ensure trade and security at the same time would be an external perimeter strategy, which would replace the current border management system with more efficient border checks at the perimeter, meaning the outer borders (Taylor et al. 17). The external perimeter idea would mean that most of immigration and customs staff would be placed at first points of entry to the US and Canada, so for example airports. Intelligence gathering and information sharing would be crucial aspects to keeping the external border under control (Taylor et al. 18). The benefit of a more effective external border would be more openness at the US-Canada border, minimizing delay and

costs at the border as routine border checks could be replaced with random inspections (Taylor et al. 18). However, what complicates such an external perimeter system is that many US and Canada policies, especially in regards to immigration, an area in which both countries take a very different approach, would have to be harmonized.

3.2.4 The Beyond the Border Action Plan: A Turning Point?

While there are many different options and strategies on how to optimize border policies, what stands out is that debates about economic integration and security have seemingly merged into one (Andreas 14). In order to maximize the efficiency of the border with regard to trade and security many steps have to be taken and Canada and the United States have to cooperate closely on finding long-term solutions. In 2011 this is exactly what the US and Canada attempted with their Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness Action Plan, a joint declaration to improve trade while ensuring secure borders. The Action Plan acknowledges the interdependence between the US and Canada and states that in order to “preserve and extend the benefits of our close relationship we intend to pursue a perimeter approach to security...to enhance our security and accelerate the legitimate flow of people, goods, and services between our two countries” (Beyond the Border).

The Beyond the Border Action Plan is definitely a step into the right direction as it puts cooperation between the two nations in the main focus and tries to combine the United States’ security-first mindset with Canada’s demand for a free trade efficient border. In fact, the Beyond The Border Action Plan addresses many of the potential solutions for improvement, that I have explored throughout this chapter, such as close cooperation through integrated cross-border law enforcement and intelligence sharing through an entry-exit system, plans for renewing infrastructure and an expansion of their already existing programs for trusted businesses and travelers such as NEXUS and FAST (Beyond the Border).

In January 2017 a report on the achievements of Beyond the Border, accomplished in the last six years, was published. Although the United States and Canada were able to achieve a variety of different initiatives in order to “enhance perimeter security and economic competitiveness” much remains to be done (Beyond the Border Fact Sheet) When looking at the successes listed in the report, what stands out is that most of the achievements made so far belong into the security category, for example Canada’s newly implemented Electronic Travel Authorization (eTA). ETA is screening system for visa-exempt travelers, similar to the ESTA system used by the United States. Another important security related accomplishment is the Visa and Immigration Information Sharing Agreement, which lets biometric and biographic information be shared between Canada and the US and assists them in making visa determinations (Beyond the Border Fact Sheet). A number of other accomplishments, strengthening their perimeter security approach, includes an Entry/Exit program, exchanging “No-Fly” lists and an Integrated Cargo Security Strategy, which is meant to secure the movement of goods entering the perimeter. However, some of the achievements mentioned are strategies, which have been planned and testes but not fully implemented yet. While it seems as The United States and Canada are taking many steps to secure their outer border, further tightening their perimeter security, more steps could be taken in order to loosen security at their shared border. Additionally the lack of an updated infrastructure still poses a risk for attacks and slows down trade.

3.3 Immigration concerns at the Border: Is Canada facing a refugee crisis?

Unlike its neighbor to the South, Canada has never had to deal with illegal immigration issues on a very large scope, which has resulted in a very orderly immigration flow. The vast majority of immigrants and refugees, coming to Canada, have been invited by the government before, meaning they never stepped foot on Canadian grounds until they were selected by the system and investigated for criminal records. One simple but primary reason, which explains

the great difference regarding illegal immigration flows between the US and Canada, is geography. Aside from the US to the South, Canada is bordered by the ocean, which simply makes it very difficult to reach Canada unlike the US, who shares another border with Mexico, which is known for being problematic in terms of illegal immigration. Of course it is possible to fly into Canada from almost anywhere in the world but there are legal walls, for example visa requirements, preventing the entry of those that are uninvited. Travelers from most Asian, African and Latin American countries, where the majority of refugees come from, require a visa to enter Canada, which is an effective way of minimizing refugee claims (Keller).

Although it might be challenging to enter Canada from most countries in the world without the needed documents it is fairly easy to do so from the United States. Whilst an attempt to illegally cross the US-Canada border surely is not a walk in the park, it is certainly possible along many parts of the border without being captured. As explained in chapters one and two the border mostly runs through sparsely populated areas, which are only secured through technical devices. Despite the use of detecting technology border officials often simply cannot get there in time to make arrests, which opens up opportunities for people attempting to cross into Canada illegally.

According to the RCMP the number of illegal border crossings they have intercepted amounts to 1134 people this year already, which is nearly half as much as in all of 2016 combined (Levitz). Alone in March of this year RCMP intercepted 887 people (CTV News, April 19th). In comparison to January, when less than 400 people were intercepted, the number of illegal border crossings has doubled in merely two months (CTV News, April 19th). When looking at the numbers published by CBSA from previous years a rise of illegal border crossings is undeniable. Between 2013 and 2014 only 68 claimants were captured, a number which rose to 136 in the year after (Murphy). Considering Canada's cold winter months many of the illegal immigrants are risking their lives trying to get to Canada, in

temperatures cold enough to freeze their fingers off. Many of them often wait until nighttime to try and cross the border to avoid being intercepted by law enforcement. Since illegal border crossings usually rise during the spring months, due to milder temperatures, this now raises the question whether illegal immigration could spiral out of control?

Technically the Canada-US Safe Third Country Agreement is meant to regulate the flow of refugees between the US and Canada. However, there is a loophole, which many refugees are trying to take advantage of, as they currently do not feel safe in the United States under the Trump administration (CTV News, April 19th). Those who are illegally in the US and have not made any claims for asylum there, can attempt to cross into Canada illegally where they can claim refugee status, if they are not captured by border officials first and returned to the US. As I have briefly mentioned in the last chapter human rights lawyers have continuously questioned, whether the United States can still be recognized as a safe country for refugees. Especially under the current Trump administration concerns are being raised again and scholars and lawyers alike are demanding for the Canadian government to temporarily suspend the agreement (Greenberg).

A recent study done by Harvard University comes to the conclusion that the Trump administration's new immigration policies restrict asylum seekers from pursuing their claims, making an already flawed system dramatically worse, which results in the US not being a "safe country of asylum for those fleeing persecution and violence" (Harvard Law 1). One reason why scholars and lawyers no longer deem the US a safe third country for refugees is because of their large-scale detention practices (Lowry 36). In 2014 77 percent of all asylum seekers, which were currently in court proceedings were held in detention, and in 2016 73 percent of all immigration detainees were detained in prison facilities, which were accused of violating human rights, ranging from a lack of sufficient medical care to sexual abuse (Harvard Law 1). Under Trump's new Border Enforcement Order the existing system is being expanded and new detention facilities will be constructed, which will likely increase the number of

asylum seekers subject to detention. Additionally law enforcement is now allowed to detain anyone merely based on suspicion (Harvard Law 2). Another factor, which heavily weighs in on the argument of the US no longer being a safe third country, is that the US is violating international law by keeping asylum seekers in detention. Under article 31(2) of the 1951 Refugee Convention a country is only allowed to limit movement of an asylum seeker when necessary (Harvard Law 2). Hence the pressure on Canada to react to Trump's new policies and consider suspending the Safe Third Country Agreement is rising.

As a reaction to Trump's new hostile immigration policies, including his Seven Country Ban, many Canadian cities have declared themselves so-called sanctuary cities (Montpetit). In 2013 Toronto became Canada's first sanctuary city and Hamilton and Vancouver passed similar motions soon after but since the Trump inauguration Canada's sanctuary city movement seems to be growing (Montpetit). London and Montreal have just passed motions to declare themselves sanctuary cities and city councils in Regina, Saskatoon, Winnipeg and Ottawa are currently debating whether they will follow suit (Montpetit). So what is the concept of a sanctuary city? First off it is important to note that illegal immigrants can still face being detained or deported in sanctuary cities because immigration laws continue to apply. However, sanctuary cities allow illegal immigrants access to public services, ranging from libraries to food banks and public health services without asking for their status in Canada, meaning that illegal immigrants can use such services without fear of deportation (Heartfield). Ontario's New Democratic Party leader Andrea Horwath has even gone as far as proposing for Ontario to become a sanctuary province, as a direct response to Trump's controversial policies and the influx of refugees trying to cross into Canada (Heartfield). Although the concept of a sanctuary city provides illegal immigrants with important public services it is common for police officers to ask an individual for personal information including an individual's legal status. This means that minor violations can lead to deportation and discourages illegal immigrants to report crimes they have become a witness or victim of

(Montpetit). However, while sanctuary cities provide those merely seeking shelter with important services it also opens up opportunities for criminal activity. It could be argued that sanctuary policies, which are often applied very unevenly, undermine a country's official immigration system and could result in the public losing trust in immigration.

Surely a rise in illegal border crossings into Canada in recent years, and especially since the inauguration of Trump, is undeniable but it remains questionable whether the numbers will spin out of control. The current influx of illegal immigration could be an immediate reaction to the Trump administration, and therefore might calm down in the upcoming months. On the other hand there is the potential risk of growing desperation should the United States become a no-hope zone for refugees (Markusoff). This desperation could increase the number of human smuggling operations, as smugglers will use the vulnerability of those seeking shelter and protection (Markusoff). It remains to be seen whether the number of refugees coming into Canada will reach a point where it will be threatening to Canada's immigration system, although this is rather unlikely. Nonetheless the influx of illegal border crossings needs to be taken seriously and the Canadian government should reconsider its Safe Third Country Agreement with the United States.

3.4 Conclusion: A Border of the Future?

It has been nearly sixteen years since the horrific attacks on September 11th 2001 and yet the policies introduced as a response are still heavily impacting the US-Canada border and therefore the relationship between the two countries. Although the US and Canada still share a very strong trade relationship, which boosts the economies of both countries and creates countless jobs in Canada and the US, the thickness of the border might prevent trade between the two countries to reach its full potential. Border policies is a very complex field as many different factors including immigration, security and trade play into it, making it difficult to come up with a simple solution for improvement at the border. Additionally the great

differences in approach of the US and Canada to their shared border add another layer of difficulty to it. Nonetheless many measures can be taken in order to improve the situation at the border. The Beyond the Border Action Plan is definitely a step in the right direction as it addresses the importance of cooperation between the two nations and has taken many possible solutions into account, which have been suggested by policy-makers and scholars alike.

However, time at the border has not stood still and while the border is still battling with already ongoing issues related to the changes made after 9/11 it is faced with new challenges, such as a potential refugee crisis in Canada. Should the influx of illegal immigrants continue to rise immensely Canada will be forced to take action, since Canada's immigration is built on a very orderly and lawful process, which could potentially be challenged should illegal immigration become uncontrollable. Additionally it is rather unclear in which direction the US-Canada relationship is currently headed under the Trump administration, as President Trump has made it very clear that it is America first. Nonetheless Canada will remain a very important ally and partner to the US, geographically, politically and economically.

Conclusion

"No two nations match up more closely together, or are woven together more deeply, economically, culturally, than the United States and Canada." - President Barack Obama

The US-Canada border is much more than a long line functioning as a barrier between two countries. It stands as a symbol for a long history of cooperation, friendship and mutual dependence on each other. However, the border has undergone a drastic transformation instigated by the attacks of 9/11, which have had an immense impact resulting in negative consequences, which weaken the border up to this day. Through Washington's fear of terrorism, new policies forced the border to take a 180degree turn from a well-functioning border open for trade and the movement of people to a closed-off border unfitting for the age of globalization.

Change is needed in order to foster trade and allow a speedy flow of goods and people while keeping the border secure. When analyzing the current state of the border in order to improve its situation it is important to see the complexity of the border. US-Canada border relations are made up of different sets of policies, which address different types of issues such as trade, immigration, security or the border crossings of frequent commuters as well as occasional travelers. While all of those policies are intertwined in a way, they all address different aspects, meaning one general policy approach to the border, putting only one of these categories, for example security, into the main focus will not work as the current state of the border proves perfectly.

Since national security and fighting illegal immigration has been the main focus of the United States in regards to its border policies, this has affected Canada negatively. While illegal immigration and illicit activity have been an immense problem along the Southern border, they have been comparably minimal along the Northern border. Hence the United States cannot treat both of their borders as one. Approaching policy-making regarding the Northern border with national security as the main priority has harmed both Canada and the

US impacting their bilateral trade relationship negatively, on which both nations depend greatly. Considering the interdependency which has been established between the US and Canada it can be argued that border management has become one of the most important aspects of their relationship. Therefore, in order to improve the current state of the border Canada and the US need to be able to compromise between the United States security-first mindset and Canada's priority for efficient cross-border trade. The Beyond the Border Action Plan is surely a good start to foster cooperation and jointly build a border strong for the future. Further, it will be interesting to monitor illegal border crossings into Canada because if this should turn into a serious issue for Canada it could certainly effect US-Canada border relations. Particularly if Ottawa does decide to suspend the Safe Third Country Agreement although this seems relatively unlikely at this point, it could put a strain on US-Canada border relations. However, especially under newly elected President Trump it will be interesting to see how US-Canada border relations will develop in the future, as he seems to be following an America-First mindset, which would be rather counterproductive for the US-Canada border, considering how vital cooperation has proven to be for a well-functioning 21st century border and how much is left to improve.

List of Abbreviations Used

APTA	Canada-United States Automotive Products Agreement
ATA	Anti-Terrorism Act
BPAIICA	Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005
CBP	US Customs and Border Protection
CBSA	Canadian Border Service Agency
CETA	Canada-European Union Comprehensive Economic and Trade Agreement
DHS	Department of Homeland Security
ESTA	Electronic System for Travel Authorization
eTA	Electronic Travel Authorization
FAST	Fast And Secure Trade
FTA	Free Trade Agreement
ICE	US Immigration and Customs Enforcement
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Canada Immigration and Refugee Protection Act
NAFTA	North American Free Trade Agreement
RCMP	Royal Canadian Mountain Police
WHTI	Western Hemisphere Travel Initiative

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