

Between Immigrant and State: Contemporary Stakes as Regards Immigration

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1- Research Context

Today, we can observe a continuing increase in population movements. We are also aware that the acceleration of this tendency can largely be contributed to effects of globalization (Massey 1999; Meyers 2000; Sassen 1998, 1999). These migratory phenomena exert pressure on states, which in turn seek to acquire increasingly sophisticated means to control and manage these movements and flows.

The rise in transnational flows poses serious challenges to states seeking to control the movements of populations (Bigo 1998, 2001, 2002). More and more, states are struggling to control the movement of peoples and individuals arriving at their gates, while, at the same time, seeking and developing strategic means “to act remotely” in order to “prevent” the arrival of immigrants – these include a whole series of mechanisms such as “remote control” as well as delegating parts of “pre-migratory” control to a third party, such as airline companies and security agencies. Thus, in one way or another, all states are looking to find the means to control migratory flows by restricting the number of immigrants entering their territory (Massey 1999).

Such situations have resulted in the implementation of new immigration practices, including: the development of increasingly restrictive immigration policies; the tendency to want to document and identify individuals; the introduction of a more severe control of mobility and individuals; and finally, the intensification of immigration securitization. In sum, states search for techniques that privilege a “chosen” immigration rather than an “unwanted” immigration.

Immigration: Between Security Concerns and Human Rights

In this context we should not forget that immigration is a security issue, and in which case comes under national as well as international security. In short, migratory control has proven itself to be the corner stone of the political security agenda in Western states. Thus, the implementation of

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immigration policies by these states has lead increasingly to policies controlling migratory flows (Guiraudon and Joppke 2001).

When examining the literature on recent immigration phenomena, it can easily be seen that the immigration policies implemented by receiving countries have tended to become increasingly restrictive. Thus, even in the countries that one calls “open” to massive immigration, such as Canada, United States and Australia, this general tendency characterizes immigration policies. Indeed, the current context has resulted in the amplification and reinforcement of repressive devices and legislative measures that complicate and disturb migratory movements. All states (including Canada) seek, in one way or another, to give each other the means for controlling migratory flows and restricting the number of immigrants which enter their territory. These measures aimed at reducing and even “slowing down” the number of immigrants entering Canadian territory can take several forms. In Canada, many new changes of this type were introduced in the aftermath of the events of 9/11. If some of these measures were thought of or in place well before September 11, 2001, their implementation was to be legitimated by these events. It seems to me important to examine the measures (laws, policies and practices) in place and introduced after September 11 by the Canadian government that sought to restrict and limit the number of “unwanted” immigrants, to improve control mechanisms and to reduce the threat of “terrorism”.

The post-September 11 era has engendered important changes for both Canadian immigrant and refugee determination systems. By focusing on immigration and refugee issues as principally matters of security, the Canadian government has initiated a series of measures designed to police borders and restrict access to Canada. While security ideology occupies a prevalent place concerning immigration issues, human rights discourse is nonetheless considered quite important and therefore also directs immigration policies. Indeed, contemporary immigration policies are set up and implemented on the basis of two diametrically opposed logics: human rights and security. On the one hand, human rights rhetoric, presented as the new universal ethics, occupies an increasingly important place in the discourses of neoliberal democratic governments. If states adhere to the principles of human rights and do not hesitate (in fact, this happens in the majority of cases) to ratify international treaties guaranteeing these “fundamental human rights”, the enforcement of these same conventions at the national level (i.e. official practices themselves) remains more or less effective (Hafner-Burton and Tsutsui 2005). In addition since, the events of September 11, 2001, “security discourse” has become omnipresent. Specifically, there has been an intensification of technologies of control and monitoring, as well as an emergence of a constellation of increasingly sophisticated security devices (generalized biometric technologies, “remote control”, visa systems, etc). Moreover, immigration securitization involves a criminalisation of immigration, thus allowing the deployment of a panoply of control technologies. Security, in this context, becomes a “political technology”.

The insertion of immigration policies between these two poles (human rights and security) creates a confusion in immigration practices. For example, if a “security approach” resulted in the immigrant being regarded as a “criminal”, the logic of human rights, on the other hand, would be focused on the “protection” of that same immigrant. How, then, do we reconcile these two contradictory logics and the practices they give rise to? It seems obvious that the new global practices of security, implemented by states, enter into a deep contradiction with human rights logics. Accordingly, it becomes difficult, even impossible, for the state to reconcile the obligations of international law (human rights, right of asylum) with states’ practices as regards immigration. Thus, the Canadian

government has consistently used its authority to develop restrictions on who may and may not enter the country. It seems to me that, at this point, the central focus on national security compromises the rights of immigrants and refugees. With these new measures implemented by Canada², it seems difficult to strike a balance between security concerns and human rights. Unfortunately, the over-zealous focus on the security of Canadian space risks, in the long term, to endanger the tradition of Canada as a “safe haven”. Indeed, as Don Flynn notes in a recent article: “the right to obtain protection in the developed world is hardly compatible with the system of managed migration [...]. The right for the refugee to choose which country in which to live would mean the loss of control over key aspects of the system on the part of national governments” (Flynn 2005: 480).

Clearly, developments at the international, regional and domestic level, through changes in laws, policies and/or practices, restrict immigrants and refugees’ rights in the name of security. In this context, we must consider the possibility that these policies of security, and the practices which they entail, will ultimately lead to a redefinition of the contemporary political subject, a being more and more stripped of its “fundamental rights”. Thus, we can say that security policies and practices invite the erosion of immigrants and refugees rights. In the light of this, if one agrees that there is in theory a right to emigration – guaranteed and framed by the international law. – there are no laws, no treaties that exist to establish a right to immigration. In the current context, it seems to me that a “right to immigration”, strictly speaking, is not possible but that immigration constitutes, in this direction, a true “democratic challenge”³ for Western states.

The Emergence of Intermediate Actors in the Immigration Process

Parallel to what has just been mentioned, it should be pointed out that this situation also allows for the “emergence” of non-official actors (for example community-based organizations and intermediate actors such as specialists in immigration laws, such as lawyers and consultants) who became in time, privileged interlocutors, and even “partners” of governmental authorities. If the state always remains the sole sovereign authority able to set up immigration laws and policies, other actors are brought in, to play an increasingly important part, in particular, an advisory role.

For several years already, community-based organizations have acted as intermediaries between governmental authorities and immigrants. They have an important responsibility on the settlement of newcomers and are a source of services to them. They are also sought to play an advisory role next to the official institutions, for example during the “planning of immigration levels”. Moreover, with regard to the settlement and the integration of newcomers, community-based organizations become privileged “partners” of governmental authorities (Canadian as well as Quebecois). Indeed,

² For example, the new *Immigration and Refugee Protection Act (IRPA)* which came into effect in June 2002 and which facilitate the implementation of other provisions require airlines to provide information on passengers before their arrival. Moreover, among other measures, the new Immigration Act expands the use of detention. It should also be noted that Canada has set up a set of practices known as “interception measures” to screen outside its borders. Aside from the introduction of these new measures, for a few years already, the emergence of a constellation of government agencies which have as a mandate to take care of the “safeguard” of national security. For example, the creation of the Canadian Air Transport Security Authority (CATSA), a new authority set up in December 2001 to oversee security at Canadian airports and the National Risk Assessment Centre (NRAC) set up in January 2004.

³ Here I use the expression of Ruth Rubio-Marín, an argument that she has developed in her book *Immigration as a Democratic Challenge* (2000).

more and more responsibilities are being delegated to these organizations by the state (Labelle 1998; Richmond 2000; Vatz-Laaroussi and Charbonneau 2001). Finally, it is important to note that federal and provincial governments financially support these community-based organizations by subsidizing their activities for newcomers (MICC 2005).

As for intermediate actors, i.e., those who offer remunerated “services” to immigrants, such as immigration consultants, lawyers specialized in immigration laws, notaries, etc., they have increasingly found themselves implicated in immigration process during the selection of immigrants. They play no part in the settlement and integration of immigrants (this field is dealt with by other actors, official and non-official). These actors present themselves as “suppliers” of services for immigrants who want to come and settle in Quebec and/or Canada. Until very recently, the governments of both Canada and Quebec did not legitimate the actions of these intermediate actors, in particular those of immigration consultants, partly because this “profession” was not regulated. However, since the creation of the *Canadian Society of Consultants in Immigration* at the end of 2003, governments now recognize the work of these consultants, who are now members of a professional order and, by the same token, legitimize the “marketization of immigration”. Within the framework of my research, I wish to find out which place is occupied by these intermediate actors in immigration process in Quebec and Canada and, which relations they maintain with immigrants and immigration institutions.

2- Research Objectives

My thesis project aims to highlight recent research tendencies in immigration and to explore a new research field, while being interested more specifically in the relationships between immigrants, intermediate actors and the state. The general objectives of my research are: 1) to explore the links between global tendencies in immigration – which are formed between human rights and security paradigms – and their articulations within the framework of a national policy (Canadian and Quebecois immigration policies) and 2) to compare the strategies and the “modes to make” of various actors implied in the immigration process in Quebec and Canada. More specifically, my analysis concerns: a) how the immigrant candidates’ immigration project is organized and by which means; b) to note how this project is facilitated or underprivileged via intermediate actors; c) the role of these actors in the management of immigration and the process of immigration as such; d) the relations which these intermediate actors maintain with Canadian and Quebecois immigration institutions and with the immigrants, and e) how the bureaucratic practices of immigration institutions employees are implemented. This focus will allow me, on the one hand, to examine how global tendencies in immigration tendencies are actualized at national level and, on the other hand, to understand how intermediate actors generate upheavals in the relationship between the immigrant and the state and to analyze the practices that result from this. Explicitly, I follow the trajectory of Moroccan immigrants – insofar as the treatment times of these candidates’ files enable me to do it – starting from their homeland until the beginnings of their establishment in Canada or Quebec. I focus on the relations which these nationals maintain with governmental representatives (essentially immigration officers), mainly before their establishment, as well as the relationships they develop with various intermediate actors during this process. In addition, on account of the increasing importance of these actors in the immigration process, especially since the creation of the *Canadian Society of Consultants in Immigration* in 2003 which legitimates their activities, I examine

which place is occupied by these intermediate actors in immigration process in Quebec and Canada and, which relations they maintain with immigration institutions.

3- An Anthropological Exploration of Immigration Institutions: Thematic Axes and Ethnographic Fieldwork

I thus approach the topic of immigration by focusing on power relations, woven during the immigration process between immigrants, intermediate actors and the state, and by examining immigration institutions “from the bottom” and through an analytical framework, which goes beyond the field of anthropology. I tackle this issues starting from an ethnographic approach, organized around three principal axes: 1) migratory phenomena 2) institutions and bureaucracies and 3) intermediate actors.

Migratory Phenomena

Admittedly, immigration topics do not represent a new object of study in anthropology. Indeed, many anthropologists have already tackled this question from various perspectives. In this respect, sociological studies of the *Chicago School* (at the beginning of the last century) contributed to the development of this topic in social sciences. One of the sets of themes largely studied by anthropologists, as well as sociologists, interested in immigration, is that of interethnic relations, where questions of ethnicity, identities and integration are at the center of analysis (Dewitte 1999; Elias 1997[1965]; Fassin, Morice and Quiminal 1997; Sharma, Ervin and Meintel 1991). Moreover, questions of integration and exclusion have often been subjects of anthropological investigations of immigration. In particular, integration and the question of the immigrants’ exclusion are important immigration aspects, and have been approached by anthropologists and sociologists alike. In France, for example, the question of exclusion and precarious status of foreigners, among others, has been tackled by Didier Fassin, Alain Morice and Catherine Quiminal (1997) and also by Jocelyne Cesari (1994) and Norbert Elias (1997[1965]). In these studies, it is specifically question of borders, external and internal, among various groups forming society. When researchers are interested in immigration policies as such, they have generally focused on this question of integration, asking, in turn, which model of integration must be privileged.

In my research, I pay detailed attention to immigration policies as such by considering these as “object of analysis” (Wedel and Feldman 2005). While taking as a starting point the paradoxical situation through which the immigration policies are articulated, i.e., between the requirements of human rights and those of security, I try to see which social and political effects this paradoxical situation produces on immigrants. I thus seek to bind these global tendencies to an ethnographic comprehension of the immigrant’s experience, while emphasizing the logics of these political processes. I attempt to show how these ideological instruments (human rights and security) become means by which states can legitimate their actions and practices. This enables me to note how these ideologies are (re)appropriated by both immigration institutions and the actors of these institutions, and to see to which practices and strategies are privileged. All in all, it is a question of extricating the manifestations of these global ideologies at the local level and of seeing which mechanisms and logics are at work behind these ideologies. By focusing on immigration process and, more specifically, those actors who are at the center of this process, it enables me to highlight the

complexity, ambiguity and contradictions inherent to this political process (Wedel and Feldman 2005).

Institutions and Bureaucracies

To do an ethnography of the bureaucratic institutions of immigration, it is important to look at those actors in these institutions. To look at it from a “bottom-up perspective”, in other words, means to be interested in administrative practices, that is, how administrative agents (re)appropriate procedures and the effects thereof. To make an ethnography of bureaucracy means to focus on routines, internal culture, codes, production of authority and their effects. In other words, it requires an examination of the internal processes of bureaucracy (Lipsky 1980). It is imperative to look at immigration institutions as an arena where the actors of these institutions do not conceive of themselves as simple executors of policies, but rather as “guards of national sovereignty” (Fuglerud 2004: 33), “gendarmes” of the borders to some extent. It is thus a question of doing an ethnography of the institution while being focused on the power relations that develop and change within the framework of that institution. It is the vision privileged by the anthropologist Marc Abélès. Thus, my analysis of Canadian and Quebecois institutions of immigration will be conducted, among others, starting from the studies and concepts developed by Abélès (1990, 1995, 1999, 2001). His studies are relevant to my research in several ways. First, his work has consistently addressed the question of the “place of the politic” (Abélès 1995: 72). Abélès is particularly interested in the “statute of political power” and the way in which this power is institutionalized (Abélès 1995: 72). Second, his studies will be useful to me as bases to demonstrate how actors of institutions govern, how power in this context emerges, which strategies are implemented, and how power relations appear inside of bureaucratic apparatus (Abélès 1990). In my opinion, the approach suggested by Abélès is resolutely original in the sense that for him the anthropology of institutions is not interested in the system as such, but rather in individuals who belong to this system (Abélès 1995: 70). In other words, it is a *micro* rather than a *macro* approach to the institution. Third, this analytical framework will also enable me to reflect on the way in which institutions change and the nature of power relations produced by such changes. Finally, it is a matter of following his lead in exploring the various scales through which the practices and strategies of social actors within the institution are drawn.

I am interested in relations between the administration and the political field, and more particularly in the capacity of bureaucracy to adapt to the political decisions and in the way in which administrative agents conceive their responsibilities (Fuglerud 2004: 25). All in all, I am concerned with the internal process of bureaucracy and the way in which practices of administrative agents are articulated (Fuglerud 2004: 29). I am also focused on the practices, processes and effects that the state produces (Trouillot 2001), among others, with regard to the categorization and classification of individuals with whom the administrative agents deal (Douglas 1986; Herzfeld 1992). Finally, I hope to see how bureaucratic institutions and practices, in addition to being the reflection of society in which they are involved, are also framed by policy guidelines set by the party in power. Following that line, I believe that this type of “bottom-up” approach accurately depicts the orientation of my research, which stresses the daily practices of the employees within the immigration institutions.

Intermediate Actors

As I have briefly underlined above, I define intermediate actors as actors who offer “services” to immigrants (most of the time subject to remuneration), such as consultants in immigration, lawyers specialized in immigration laws, notaries, etc. These actors intervene in the immigration process during the selection of immigrants, in other words before their arrival in host country. These actors present themselves as “suppliers” of services to immigrants who want to come and settle in Quebec and/or Canada. Moreover, they became actors “impossible to circumvent” for governmental authorities, particularly during public consultations leading to the development of immigration policies. Thus, in the current context, which is marked by a certain transformation of the role of state with regard to immigration – in particular by the emergence of a significant and varied number of actors – one witnesses more and more what Marc Abélès refers to as the “displacement of the place of the politic”. The prospect for the “displacement of the place of the politic” enables us to explore other places where power is not institutionalized, strictly speaking.

By focusing on intermediate actors, I attempt to see how these forms of power allow for constitution of new processes of subjectivation. By exploring this “place of politic” displacement, from official authorities towards other spaces, like firms, non-official agencies and organizations, I examine how these various types of organizations play a more and more significant political role in the immigration process. Moreover, those agencies specialized in immigration constitute new forms of governmentality, which are increasingly involved in the field of immigration. They operate on an intermediate level, between state and immigrant, thus allowing a “(re)articulation” of power relations. Indeed, while entering in competition with states, or even collaborating with them, practices and strategies of these intermediate actors have an increasingly important impact on immigration process. Practices of these intermediate actors are shaped at the center of an emerging societal logic, namely, that of expertise. These expertise practices change and tend to become increasingly generalized. Thus, with this “marketization” of the expertise as a globalized practice, experts’ networks shape world governance. Practices of immigration intermediaries are part of this dynamic.

I thus endeavour to show how these actors facilitate the steps of candidates aspiring to immigrate, in particular by their “service-councils” and the assistance which they offer to immigrants during the selection process. Finally, I try to highlight the ambiguity of these intermediate actors role, see what impacts they have on the society in which they operate, and the relations they maintain with the official institutions.

Ethnographic Fieldwork

A part of my ethnographic fieldwork was carried out in winter 2007 in Rabat, Morocco, and Paris. This ethnographic research was preceded by an exploratory fieldwork accomplished in Paris in autumn 2005. In the framework of this research, I carried out series of interviews with the employees of the “Services d’immigration du Québec” in Paris (Ministère de l’Immigration et des Communautés Culturelles) while making daily observation of the practices of these employees. I also carried out a series of interviews with the employees of Citizenship and Immigration Canada. Thus, at the time of the validity period of *Salisbury Award*, I accomplished an ethnographic fieldwork in Rabat, Morocco, and Paris. Several ethnographic methods were used, in particular descriptions,

observations, interviews and life stories. The fieldwork investigations proceeded on two axes: 1) immigration institutions and 2) immigrants' trajectories.

In Rabat, initially, I observed and carried out interviews with employees of "Canadian Visa office" (Ministry of Citizenship and Immigration Canada). Furthermore, I carried out interviews with Moroccans having started steps to be established in Canada or Quebec. Finally, I continued my ethnographic research in Paris, where I carried out interviews with employees of Citizenship and Immigration Canada and with employees of "Ministère de l'Immigration et des Communautés Culturelles" (Quebec), while taking part in certain activities organized by these institutions, in particular the sessions of information for immigration candidates.

This research allowed me to 1) see how the project of immigration of the immigrant candidates is organized and by which means; 2) note how this project is facilitated or underprivileged via intermediate actors; and 3) understand how the bureaucratic practices of immigration institutions employees are implemented. Moreover, at the end of this ethnographic research, I will continue to use my data collected (Rabat and Paris) and determine certain theoretical "leads" which will be used as bases for my thesis dissertation. Lastly, research on fieldwork will continue in Montreal in autumn 2007 and I envisage going back to Paris and Rabat in winter 2008.

4- Concluding Remarks

Our "contemporaneity" quickly makes us aware that fieldwork practices are transformed by globalization. In the light of this, it seems to me that there is not no doubt that a local examination of global phenomena is relevant for anthropologists – even essential. My intention is not an ethnography of the "world-system", but rather to take global issues, such as immigration, and to make a "local" investigation of a notable contemporary phenomenon.

There is little question that immigration issues tend to take place on the global stage. As I have underlined above, security and human rights are ideologies which shape immigration policies as well as immigration practices. Thus, a "local" study of such issues allows us to pinpoint the effects these global tendencies have on national phenomena such as immigration, with one of these effects being the emergence of new actors in the immigration process. Moreover, global issues such as immigration also require, in my opinion, a *multi* or *trans* disciplinary approach. Indeed, the complexity of this kind of contemporary phenomena does not allow for an "enclosed" approach and leaving the disciplinary "yoke" can allow us to develop an original prospect or a critical thought.

Ultimately, I believe that the challenge for anthropologists today is located in their capacity to develop a critical thinking outside of the "think tanks" which our "contemporaneity" sometimes imposes on us. In other words, the challenge is a thinking which leaves aside conformism, where some are comfortably seated in, and opens ways to think the migratory phenomena differently.

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