

**Neoliberalism and Citizenship:
The Case of International and Non-Status Students in Canada
(2008)**
Ryan Hayes

Abstract: *The system of international student fees, while offering education and an opportunity for citizenship to those who can afford it, has effectively made post-secondary education unattainable for non-status people in Canada, who are treated as international students due to their lack of immigration status. The linkages between international and non-status students are taken up in this paper to demonstrate the way in which citizenship is mutually constituted as an inclusive and exclusive concept, and further how rights associated with citizenship are being hollowed-out under neoliberalism. In the second section, examples from activism in the United States and Canada around access to education for non-status students are used to show how contesting international fees for non-status students initiates wider challenges to how citizenship is defined and how it is practiced within communities.*

“Calculating Canada’s Slice of the \$2 Trillion International Education Pie” reads a headline in an education briefing published by *Embassy*, an Ottawa-based foreign policy newsweekly (Embassy 2005). The next headline makes the message even clearer “Foreign Students Are a Lucrative Source of Cash for Canadian Institutions”. As public funding for post-secondary education has continually decreased in a climate of neoliberalism, tuition fees have ballooned and universities have aggressively recruited international students who they are able to charge three to four times the provincially-regulated rate for Canadian citizens (CFS 2007). However, to focus only on the fees paid by international students understates the significance of international student recruitment to the Canadian labour pool and economy. International students are not only purchasers of education, by virtue of their education and mobility they are highly sought-after commodities in the global competition for human capital.

While these future “knowledge workers” are offered avenues to citizenship, there is a growing number of migrants in Canada – many working in the service sector, manufacturing and skilled trades – for whom citizenship is put out of reach. As a result, non-status migrants¹ are forced to live precariously with fear of detention and deportation and without access to social services. The system of international student fees, while offering education and an opportunity for citizenship to those who can afford it, has effectively made post-secondary education unattainable for non-status people in Canada, who are treated as international students due to their lack of immigration status. The linkages between international and non-status students are taken up in this paper to demonstrate the way in which citizenship is mutually constituted as an inclusive and exclusive concept, and further how rights associated with citizenship are being hollowed-out under neoliberalism. In the second section, examples from activism in the United States and Canada on access to education for non-status students are used to show how contesting

¹ The term “non-status” is used to refer to migrants without immigration status who might otherwise be called “undocumented” or “illegal”. For a more in-depth discussion of “non-status” migrants and various degrees of being without status, see Goldring et al. 2007.

international fees for non-status students initiates wider challenges to how citizenship is defined and how it is practiced within communities.

Towards Neoliberal Citizenship?

The case of international and non-status post-secondary students illustrates the way in which state-centred citizenship, which extends or withholds rights and responsibilities to those deemed “insiders” or “outsiders”, has continued to evolve under neoliberal globalization. It is for its inclusive and exclusive nature that Peter Nyers calls citizenship one of the most celebrated and most problematic of political concepts (Nyers 2004):

Celebrated, because citizenship is said to be the political identity that embodies modern claims to liberty, equality, rights, autonomy, self-determination, individualism, and human agency. Whenever and wherever this occurs, it always stands as a remarkable historical achievement. And yet, citizenship remains problematic precisely because its accomplishments are almost always realized in a highly unequal – indeed, exclusionary – fashion. (Nyers 2004)

The exclusionary side of citizenship has spread with neoliberal globalization. Social and political rights have been eroded, resulting in a “thinning of citizenship” (Stasiulis 2004), while ties of identity and loyalty between citizens and the state have weakened as well (Nyers 2004; Stasiulis 2004). Along with increasing “regular” migration, foreign policies that exacerbate displacement and economic disparity have led to more “irregular” global migration.

Migrant-receiving countries in the Global North are dependent on migration, especially countries such as Canada with a declining birth rate, but wish to control who migrates and on what terms they are able to do so. For a migrant from a Global South country, for whom sanctioned opportunities to migrate and stay permanently may be limited or non-existent, migration is an act of exercising agency, an attempt to bridge the global divide in living conditions between the “insiders” of the Global North and “outsiders” of the Global South (Nyers 2004; Stasiulis 2004). Migrants who find themselves without immigration status face a double standard in which they are incorporated as economic participants but are excluded from the social and political rights, including workers’ rights and access to social services, associated with citizenship (McNevin 2006). As neoliberal economies demand cheap, flexible labour, non-status migrants “meet this demand in the most efficient manner as they are usually impervious to wage and condition regulations, highly mobile and easily expendable/deportable according to market fluctuation.” (McNevin 2006) The vital role they play in the economy and the way they are made vulnerable by random policing sustains the relative privilege of insiders.

Moving from the general to the particular, the case of international students and non-status students as respective “insiders” and “outsiders” is also marked by neoliberal globalization. The growing population of international students studying at Canadian universities is linked to the rise of Asian economies – 80% of students who go abroad come from Asia, expected to rise to 90% by 2025 (Gee 2007) – and efforts by universities and colleges to tap into this new demand, as part of a wider strategy of “internationalization”. Internationalization strategies also include recruitment of international faculty, collaboration with international institutions, promotion of studying abroad for domestic students, and curriculum changes (CBIE 2008). According to a 2007 survey, 95% of

colleges and universities have international-oriented aspects in their strategic plans, 74% have increased the budgets of their international office, and 50% have VPs international or equivalent (CBIE 2008).

However, the domestic economic context is also a significant factor. Funding for post-secondary has slowed since the 1970s and declined in each of the following decades due to neoliberal government policies (Lemasson 1999; Cudmore 2005). In 1976 the federal government encouraged provinces to raise revenue by charging differential fees to international students, effectively to stop subsidizing the education of non-citizens (CFS 2007). While this plan to charge international students the “full cost” of their education initially caused international enrolment to drop significantly, the new differential fee structure created an incentive for cash-strapped universities to allocate recruitment resources and tailor enrolment towards international students. Average undergraduate tuition fees for international students in Canada reached \$13,985 in 2007, more than triple the rate for Canadian citizens, who even with provincial regulation have seen their fees increase at over six times the rate of inflation (CFS 2007).

At the University of Toronto (UofT), a major destination for international students, international enrolment has consistently grown from 3.8% of the total student population in 1997-98 to 10.1% in 2007-08 (UofT 2008), with Asia and the United States the main sources of students². For reference, in 1978-79, the year after Ontario decided to introduce differential fees (Cameron 2006), international students made up 6.5% of the total student population (UofT 2008). International students entering a UofT undergraduate Arts and Science program in 2008 pay \$19,404 per year, nearly quadruple the domestic fee of \$4,776 (UofT 2008b). In the face of continued government underfunding and regulation of domestic tuition fees, UofT’s plans for future enrolment calls for a decrease in domestic enrolment while increasing international enrolment (UofT 2008). Additionally, the president of the university is advocating for all tuition fees, not just fees for international students and professional programs, to be deregulated (Barlow 2008; Tossell 2006).

The international student embodies a form of the ideal neoliberal subject in which all responsibilities for social rights have been devolved from the “host” state. International students, who receive primary, secondary and often post-secondary education elsewhere, pay the “full cost” of their Canadian education without any government subsidies. International students are ineligible for provincial or federal financial aid. At UofT, some small needs-based grants are available, yet since Citizenship and Immigration Canada (CIC) requires international students to show they have adequate resources before being admitted to Canada, grants are only normally awarded if there is evidence that circumstances have changed since arrival (UofT 2008c). In order to obtain a study permit, an international student must have an offer of admission, as well as evidence of sufficient funds, meaning the cost of tuition plus at least \$10,000 per year for single students, and more for those with a partner or dependents; proof of medical clearance may also be

² The top three countries of origin for undergraduate students are China & Hong Kong (31%), South Korea (13%) and the United States (7%). For graduate students, the top countries are the United States (22%), China & Hong Kong (17%), and India (7%) (UofT 2008).

required depending on country of residence (ISC 2008). Since 1994, international students have been excluded from OHIP, the Ontario Health Insurance Plan, and have been required to purchase health insurance from a private company (UHIP.info 2008).

In order to remain globally competitive, Canada has announced a number of initiatives to encourage international students to study in Canada and work in the country post-graduation. Restrictions preventing international students from working off-campus were lifted (Loveland 2006), the post-graduation work permit was extended to three years (Baruah 2008), and students were made eligible for the new Canada Experience Class, a “fast-track immigration route” for obtaining immigration status (Chase 2008). At present, approximately one third of international students plan to stay in Canada to study or work, one third plan to return to their country of origin, and one third plan to leave for a third country (CBIE 2008). Given that immigrants in Canada continue to face inequality, and in fact have been “reduced to a lower social economic status than was the case with their predecessors” due to the retreat of the welfare state, among other factors (Galabuzzi 2005), it remains unclear whether international students with Canadian educations will transcend or become trapped in a second-class citizenship status. By way of qualitative data, in a study on transnationalism that interviewed Hong Kong immigrants in Canada, participants noted experiences of discrimination and returning to Hong Kong due to the difficulty of getting adequate employment despite Canadian educational credentials (Kobayashi and Preston 2007).

Despite the prospect of legal citizenship with second-class status when it comes to social and political rights, international students who are able to move beyond the mould of neoliberal citizenship are hugely privileged over non-status students. Non-status students are met with the same neoliberal expectations of paying the “full cost” upfront without anywhere near the same level of resources or possibility of receiving citizenship, not to mention the added dimension of the ever present threat of detention and deportation. The end result is that non-status migrants are simply excluded, not just from citizenship in name, the legal sense, but from citizenship in practice, the ability to exercise social and political rights, except when it comes to economic participation – producing wealth for others. Simultaneous with this exclusion are acts of inclusion. Non-status students are excluded from post-secondary education because the fee structure favours the inclusion of international students for the institution’s ability to charge exorbitant amounts and the international students’ ability to pay. Enrolment plans that decrease spaces for domestic students while increasing spaces for international students signal that citizens are also being excluded on an economic basis. Under neoliberal globalization, social rights are increasingly not guaranteed by citizenship, but by economic capital.

Another Community is Possible

If the trajectory of social rights under neoliberal globalization is away from citizenship status and towards financial status, the older arrangement is not necessarily desirable. By attaching social rights to citizenship status administered by the state, rights are selectively made available to those deemed insiders and denied to those deemed outsiders. However, in asserting the right for non-status students to access education

without having to pay exorbitant international fees, activists have confronted the exclusive nature of citizenship. As a major component of campaigns in the United States and Canada, outsiders have made claims to insider status, asserting a subjectivity beyond a “silenced position of illegitimacy” (McNevin 2006). In effect, “desubjectification” has led to “resubjectification” (Stasiulis 2004). In expressing another possibility for outsiders, this act of resubjectification is much broader, expressing another possible community. Given that “the border exists wherever and whenever [non-status immigrants] try to access social services” (Nyers 2005), this particular struggle shows how community members sought to create borderless access to social services, that is towards an ideal of social rights without legal citizenship status, as a more equitable and just form of community in which social rights are provided.

In the United States, awareness about the issue of access to education for non-status students is fairly high due to the prominence and highly contested nature of migration in the U.S. political sphere, including key pieces of legislation. Of the approximately 37 million immigrants in the U.S. in 2005, 11.1 million are estimated to be non-status, with 1.8 million of this number children (Villegas 2006). In 1982, the U.S. Supreme Court decided that undocumented immigrant children had the right to attend public schools, striking down a Texas law authorizing school districts to bar undocumented students (AB540 CAN 2006), but since then “the issue that hasn’t been resolved is what happens to those students when they graduate from high school and wish to attend college” (Olivas 2008). Beginning with Texas in 2001, ten states have passed legislation allowing non-status students to pay in-state tuition fees, while three have passed laws denying this right (Olivas 2008). With the exception of Texas, most do not provide access to financial aid, however common features include requirements to complete high school in the state where they reside, three years of residency in the state, and providing an affidavit expressing intent to legalize their immigration status at the earliest opportunity (Rincón 2005). While this brief account has focused on legislative aspects, a major impetus behind these measures has been the strong presence and activity of migrants and their allies. As one of the largest and most memorable mobilizations on record, on May 1, 2006 millions of immigrants in over 150 U.S. cities boycotted school and work under the banner of “A Day Without An Immigrant” to demonstrate against regressive immigration policies and to demand comprehensive reforms (Colagrossi 2006)³.

For the Canadian context, the issue of access to education for non-status students has entered the public domain relatively recently and an activism-oriented history is much more readily available. On April 27, 2006, 15-year-old Kimberly Lizano-Sossa and her 14-year-old brother Gerald were pulled out of school by immigration enforcement officers and taken into custody in an attempt to bring their father out of hiding (CTV News 2006). Public outcry sparked a massive campaign that sought to prevent the deportation of the Lizano-Sossa family, but also to institute wider changes to prevent immigration enforcement from repeating their actions. The Lizano-Sossa family was deported to Costa Rica on Canada Day of all days (CBC News 2006), but before their deportation, community mobilization resulted in the Toronto District School Board (TDSB) adopting a

³ Villegas also discusses pre-May 1 demonstrations in March of 2006 where tens and hundreds of thousands of immigrants marched over a dozen U.S. cities in opposition to regressive immigration legislation (Villegas 2006)

“Don’t Ask, Don’t Tell” (DADT) policy (Keung 2006) to ensure access to education without fear. Such a policy requires that registering students are not asked for their immigration status and that if such information were to be disclosed to the school, it would not be shared with immigration enforcement. Immigration enforcement officers are not permitted inside schools and have to speak directly with the director of the board. The DADT policy upholds Section 49.1 of the *Ontario Education Act*, which states that any resident pupil, including “persons unlawfully in Canada”, has “the right, without payment of a fee, to attend a school...” (MET 1990).

Like in the U.S. example, after the victory with public schools, the question of access to post-secondary education was raised. Attention was also focused on the post-secondary level by two high-profile cases in which award-winning students faced deportations. In March 2008, students rallied at York University with Sarah Leonty, a 20-year-old who arrived in Canada at age 11 from St. Lucia, and completed her first year at York but had to withdraw due to the cost of international fees (Reinhart 2008). As a result of public pressure, the Minister of Immigration intervened in Leonty’s case, and York administrators committed to holding discussions around the feasibility of a DADT policy. The following term, in September 2008, Saad Alam, a third-year student at the University of Toronto Mississauga and his family faced deportation to Bangladesh, where he had not been since he was eight years old (Hartman 2008). Despite hundreds of students getting involved in the campaign, Alam and his family were deported on October 3. Compelling cases such as these are eye-opening examples of the need for systemic changes beyond individual case support.

Inspired by the sanctuary city movement in the U.S., Don’t Ask, Don’t Tell policies can be a strategy for realizing another possible community by regularizing non-status immigrants from the ground-up. Full and inclusive regularization, or legalization, is a central demand of migrant rights groups in the United States and Canada, however these groups recognize that this is not a demand that any government is likely to concede to any time soon. Historically speaking, when regularization programs have periodically been implemented in Canada, they have tended to be limited and exclusive in nature, and generally were followed by more restrictive immigration legislation (Nyers et al. 2004). In some ways, DADT inverts this approach. Rather than targeting the state directly, site-by-site spaces are asked to pass policies to make themselves sanctuary spaces in which services are accessible regardless of immigration status, and in which border enforcement officers are not welcome, until the whole city has effectively been made a sanctuary space, or close enough to it that there is a large amount of leverage to push for further changes. Making education accessible for non-status students, to recognize education an inalienable right, not one conferred by citizenship or economic status, is one piece of a broader strategy for building a more equitable and just community.

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