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The Impact of Canada–U.S. Safe Third Country Agreement on African Asylum Seekers in Canada

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Abstract

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MPhil, Walden University, 2020

MPA, Carleton University, 2005

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Dissertation Submitted in Partial Fulfillment

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Abstract

As the world becomes more globalized, migration is emerging as a major policy issue to contemporary governments. Thus, states have adopted immigration policies that extend beyond their jurisdiction, making the review of state actions a challenge. One such policy is the Canada–U.S. Safe Third Country Agreement (STCA). This policy has generated a range of social issues. However, no study has been conducted to understand the impact of the STCA on African asylum seekers in Canada. This qualitative study was based on the social construction and policy design theory. The central research question sought to understand the impact of the STCA on the right to life, liberty, and security of asylum seekers in Canada, while the subquestions were aimed at comprehending the meanings African asylum seekers in Canada ascribe to the asylum system and how they describe the impact of the Canada–U.S. STCA on their asylum-seeking experiences. Purposive sampling was used to recruit 22 research participants who met the inclusion criteria. Data were obtained through semistructured interviews and analyzed based on the seven steps used in analyzing responsive interviews. The findings showed that the STCA did not impact the rights to life, liberty, and security of asylum seekers. The results established the need for specific provisions of the STCA to be revised and that the asylum system and process are well organized but lengthy. The findings also revealed that the STCA impacted the asylum-seeking experiences of the participants and influenced their asylum-seeking decisions. The results could provide the basis for designing alternative policies to address the STCA's loopholes by governments, nonstate actors, and the public to support planned positive social change related to people in need of protection.

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Dedication

This academic work is dedicated to the glory of God, the giver of knowledge and wisdom who makes all things possible. I also dedicate this scholarly work to my beloved late mother, Yarmah Kollie McCarthy, and my father and mentor, John E. McCarthy, who supported, encouraged, and inspired me to pursue higher education. Finally, I dedicate this doctoral research to my beloved wife, Helga Angie Henries-McCarthy, and my lovely children, who encouraged and supported me over the years of my doctoral journey. You were there for me always, and I am most grateful for your prayers, understanding, and words of encouragement which motivated me to achieve this academic milestone.

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Chapter 1: Introduction to the Study

The migration of people from one country or region to another, for reasons such as security, human rights, poverty, and climate change, is emerging as a public policy issue for governments at all levels (European Parliament, 2020; Larrison & Raadschelders, 2019). To effectively respond to this complex policy issue, states, in some instances, have entered into bilateral agreements to regulate migration. The implications of the actions taken by a state, which is a party to such agreements, extend beyond its borders and therefore make it difficult to conduct a comprehensive review of its actions on immigration. This trend has called into question the asylum system and the fundamental principles of liberal democracy (Gil-Bazo, 2015; Perryman, 2017).

A United Nations Department of Economic and Social Affairs (UNDESA) report (2019) indicated a significant increase in global migration over the last decade—with a global estimate of 272 million migrants as of 2019. A total of 51 million (19%) and 8 million (3%) international migrants reside in the United States and Canada, respectively (UNDESA, 2019). The upward trends in global migration have created the issue of irregular immigration. In recent years, thousands of asylum seekers have crossed into Canada from the United States through irregular border crossings. It is noted that stringent immigration policies in the United States and the drawbacks associated with the Safe Third Country Agreement (STCA) between Canada and the United States are underlying factors that have influenced the flow of asylum seekers from the United States into Canada (Smith, 2019).

To this end, the rationale for this doctoral study is to understand the impact of the Canada–U.S. STCA on individuals seeking asylum in Canada. Although this policy was designed to regulate the movement of asylum seekers between the two countries, the policy, it is argued, has generated a range of social issues, including asylum seekers risking their lives to seek protection in Canada and human smuggling (Canadian Council for Refugees (CCR), 2017). While researchers such as Chuba (2016) and Debs-Ivall (2016) have conducted studies with a focus on various aspects of immigration in Canada, others have focused on some of the fundamental drawbacks linked to the STCA (European Commission, 2016; Gil-Bazo, 2015). No specific study has focused on understanding and explaining, from the perspective of asylum seekers, the impacts of the policy on asylum seekers in Canada (Smith & Huffman, 2019). The distinctiveness of this study is to focus on researching a public policy issue yet to be explored through social science research. Thus, the research will contribute to existing knowledge in public administration, bridge the gap in the existing literature, and provide a basis for the development of alternative policies and planned social change.

Research has indicated that while other fields of study have undertaken extensive research on migration policies, there is a significant gap in the public administration literature related to migration policies. As a scholarly field that provides insights on the actions and inactions of government, research in public administration could significantly contribute to existing knowledge on migration as a complex policy issue (Larrison & Raadschelders, 2019).

      This chapter provides the context of the study and and a clear description of the research problem and purpose of the study. Based on the research problem, purpose, and approach, a central research question and subquestions and the theoretical structure on which the study is based, this chapter will provide the frame to explain the research problem and why it exists. I also discuss the study's nature, define key terms, and discuss the study's assumptions. The chapter concludes with discussions on the scope, limitations, significance, and how the study will contribute to planned social change.

Background

      In an era of increased globalization, migration is emerging as a major policy issue for contemporary governments (Larrison & Raadschelders, 2019). In recent years, states have adopted immigration policies that extend beyond their jurisdiction, which has made the review of state actions a challenge. This trend has created difficulty for the asylum system and the very nature of liberal democracy (Gil-Bazo, 2015). According to the UNDESA (2019), the estimated number of migrants worldwide was 272 million as of 2019, a global increase of 23% since 2010. The estimated number of international migrants has increased from 2.8% to 3.5% as of 2019, with the largest number totaling 51 million residing in the United States and an estimated 8 million residing in Canada (UNDESA, 2019). In the wake of the increasing number of migrants globally, irregular migrations have presented challenges to policymakers, with an estimated 50,000 asylum seekers crossing into Canada over the last 2 years. This has been attributed to the enactment of rigid immigration policies in the United States and inherent flaws associated with the STCA between the two countries (Smith, 2019).

Since its inception, the STCA signed between Canada and the United States has generated intense debates—with various interest groups contending that this bilateral immigration policy violates national and international laws and conventions and should therefore be terminated (Carbert, 2019; Gil-Bazo, 2015; Office of the High Commissioner for Human Rights [OHCHR], 2020). This migration policy, which is like the Dublin Regulations on the processing of asylum application, was formulated with the intent to regulate the movement of asylum seekers between Canada and the United States, based on the assumption that both countries were safe, with exemptions granted to a limited number of asylum seekers who meet the criteria for entry (CCR, 2017; European Commission, 2016; Falconer, 2019).

Research suggests that the policy has been criticized because it encourages irregular migration, such as the unauthorized entry of asylum seekers through unofficial border crossing points and human smuggling. This has been attributed to the agreement stipulating that asylum seekers who seek protection at official border crossings should be repatriated to the United States—except for asylum seekers who meet one of the exception requirements. Asylum seekers, who are aware of this restriction, have opted to use unofficial border crossing points to avoid being returned to the United States, a country that is considered safe for asylum seekers. Data from the Canadian Border Services Agency (CBSA) regarding the detention and repatriation of asylum seekers revealed that the STCA is the primary factor that drives unauthorized border crossing and human smuggling (Arbel, 2013; Smith & Huffman, 2019; Wilkins, 2018).

Since adopting this agreement, hundreds of asylum seekers who applied for protection in Canada have been denied. The number of asylum claimants turned back at the Canadian border increased in the first 5 years of the policy implementation (Arbel, 2013). The data on the rejection of asylum applications and repatriation of those seeking protection at the border provide a partial understanding of the implications of the STCA. These data do not provide insight into other drawbacks, however. For example, the policy is a push factor for irregular migration and an instrument that discourages asylum seekers from seeking protection at official border crossings (Arbel, 2013; Macklin, 2005).

The safe third country policy is predicated on the assumption that the two countries are safe. This assumption is based on the view that both countries are established democracies, and the laws and policies in both states align with international conventions. Policymakers argued that the agreement is coherent with the "safe third country" and "first country of asylum" concepts, ideas clearly defined in international conventions related to asylum-seeking. Regardless of the underlying assumptions and arguments in support of the policy, the agreement, to the contrary, is deemed to be inherently flawed (Gil-Bazo, 2015; Government of Canada, 2020). Interest groups such as the CCR contend that the stipulations of the policy conflict with laws and policies that exclusively govern the asylum system in both countries. This lack of coherence, it is argued, created a platform that violates the rights of asylum seekers. Policy networks have used the drawbacks associated with the agreement as grounds to challenge the legality of the STCA in international courts (CCR, 2017; Gil-Bazo, 2015).

A recent study that investigated the link between U.S. immigration policies and illegal migration found that rigid U.S. immigration policies, including the long wait time for processing asylum applications and the rejection of asylum claims, are some of the reasons for the movement of asylum seekers to Canada (Smith & Huffman, 2019). In Canada, researchers have conducted numerous studies that examined, for example, the correlation between immigrants and access to health care, immigrants and underemployment, immigrants and credential recognition, and asylum claimants and labor market outcomes (Chuba, 2016; Debs-Ivall, 2016; Statistics Canada, 2020). However, a literature review suggests that no study has focused on understanding from the perspective of African asylum seekers the impacts of the Canada–U.S. STCA. This study will seek to bridge this gap and contribute to the existing public administration literature related to the study phenomenon.

Problem Statement

The STCA signed between Canada and the United States in June 2004 has been a contentious policy instrument regarding its inconsistency with international law and agreements and its rejection by policy networks (Carbert, 2019, Gil-Bazo, 2015; OHCHR, 2020). The agreement, like Europe's Dublin Regulation, was designed to restrict asylum seekers from entering Canada and ensure that they were repatriated to the United States with exemptions granted to limit the number of asylum seekers (CCR, 2017; European Commission, 2016; Falconer, 2019). Critics of the policy contend that it encourages human smuggling and unauthorized border crossing, given that the agreement is only applicable to asylum seekers who used authorized border entry points and not

those who entered Canada through unauthorized border crossing points or irregular points of entry. Information from the CBSA on detention and removal indicates that the safe third country policy is responsible for the increasing number of asylum seekers who entered Canada through unauthorized border crossing points (Arbel, 2013; Smith & Huffman, 2019).

Since the STCA came into force, hundreds of asylum applicants have been rejected each year. The number of refused entry individuals increased from 301 in 2005 to 768 in 2009 and declined to 591 in 2011 (Arbel, 2013). Although this information provides insight on the number of asylum seekers who are turned back at official Canadian border crossings, it falls short of providing a comprehensive overview of other drawbacks of the policy, such as discouraging individuals in need of protection from seeking asylum at the official border crossings (Arbel, 2013). According to Gil-Bazo (2015), migration policies not independently controlled by state authorities have created complexities for the asylum system and challenged liberal democratic systems when such immigration policies are inconsistent with national and international policies and laws (Gil-Bazo, 2015). In states with liberal democratic systems of governance, it is assumed that such countries are safe for asylum seekers and that policies and laws in such jurisdictions will ensure that people seeking refuge are protected under international agreements (Perryman, 2017).

The Canada–U.S. STCA assumes that both countries are safe and that policies and laws in both countries are consistent with international law and agreements. Public administrators in both countries contend that the agreement's provisions are consistent

with the safe third country and first country of asylum concepts and coherent with international law and obligations (Government of Canada, 2020). However, it is argued that the policy is fundamentally problematic (Gil-Bazo, 2015). Thus, the Canada–U.S. STCA has been challenged because of its inconsistency with national laws that ensure the protection of the fundamental rights of individuals, whether citizens or asylum seekers, and because of its violation of international conventions that governs the protection of asylum seekers. It has also been criticized because it failed to consider that immigration policies and laws in both countries are not homogenous (Gil-Bazo, 2015). This has prompted international human rights organizations to legally challenge the policy in international courts (Gil-Bazo, 2015). It is also noted that the agreement encourages asylum seekers to use irregular border crossings to seek safety and protection in Canada, even at extreme risks to their lives (CCR, 2017).

Researchers from the University of Toronto and York University recently conducted a study that focused on understanding the correlation between immigration policies in the United States and illegal migration (Smith & Huffman, 2019). Findings from this study revealed that stringent U.S. immigration policies, including the long wait time for processing an asylum claim and the rejection of asylum applications, are some of the reasons that prompt the movement of asylum seekers to Canada (Smith & Huffman, 2019). Although studies on immigrants in Canada have focused on areas such as underemployment (Chuba, 2016), access to healthcare (Debs-Ivall, 2016), and overeducation (Lu & Hou, 2019), no study has been conducted to understand and explain, from the perspective of asylum seekers, the impacts of the safe third country policy on

African asylum seekers in Canada. Thus, this study was necessary to bridge the public administration literature gap and provide a basis for planned social change.

Purpose of the Study

This qualitative research was intended to explore the perceived impacts of implementing the STCA on African asylum seekers in Canada. The unique aspect of this research was its focus on understanding and explaining from the perspectives of African asylum seekers in the provinces of Ontario and Quebec how the STCA impacts them. The study was also intended to further the knowledge of the distinctive challenges asylum seekers face in Canada, contribute to existing literature, bridge the gap in public administration research related to the phenomenon of study, and generate research findings that support positive social change.

Research Questions

The central research question for the study was this: What are the impacts of the implementation of the Canada–U.S. STCA on the rights to life, liberty, and security of African asylum seekers in Canada since December 2004? Subquestions included the following:

- What meanings do African asylum seekers in Ontario and Quebec ascribe to the asylum system in Canada?

- How do African asylum seekers in Ontario and Quebec describe the impact of the Canada–U.S. STCA on their asylum-seeking experiences?

Theoretical Framework

In social science research, the theoretical framework is one of the key components of the study. It is the framework for the creation of knowledge and the premise for rationalizing a study, as it influences the selection of the research topic, the formulation of the central research question and subquestions, the literature review process, the research design, and how the data for the study would be analyzed. Thus, it is argued that the theoretical framework ensures the structural clarity of a study and alignment between chapters (Grand & Osanloo, 2014).

The selection of theoretical framework for this study was guided by the multidisciplinary nature of public administration, which requires "the convergence of organizational theory, social theory, political theory, and related studies" (p. 1) to research in this field (Van der Waldt, 2017). It is argued that research in public administration is influenced by various disciplines and is therefore based on a range of theoretical thinking or what is referred to as a group of mini paradigms (Pollitt, 2010).

Thus, based on these considerations, the research problem, purpose of the study, and research question, the study was theoretically grounded on the social construction and policy design theory, which served as the theoretical structure for the study and explained the research problem and why it exists. This theory, credited to the work of Schneider and Ingram (1993), is one of the theories often used in public administration research to understand the implementation of public policies (Pierce et al., 2014). The social construction and policy design theory focused on understanding the range of variables that influence public policy design and its implementation and evaluation

(Weible & Sabatier, 2011). Within this context, public policy can positively impact human populations, and in other instances, it could create injustice and mitigate democratic values, among other drawbacks (Weible & Sabatier, 2018).

Also, social construction and policy design theory is premised on eight assumptions. These assumptions have been subdivided into three broad classifications: (a) the model of the individual, (b) power, and (c) the political environment. These underlying propositions are the fundamental constructs of this theory (Corcetti & de Loreto, 2017; Pierce et al., 2014). Furthermore, this theory is related to the research problem, the purpose of the study, research question, and the study approach—given that this theoretical framework was designed to provide a better understanding of the underlying reasons for the failure of public policies to meet its intended objectives of addressing public issues, enhancing democratic systems, or ensuring that citizens are treated equally (Ingram et al., 2007).

Nature of the Study

The study was based on an interpretative phenomenological research design, given that the purpose of the study was to explore a phenomenon of interest. A phenomenon explored through phenomenological research could be an event, a condition, or lived experience of a specific population. Within this context, phenomenology in qualitative research provides the basis for understanding and explaining happenings and/or real-world experiences (Astalin, 2013). In addition, an interpretative phenomenological analysis (IPA), through a process of in-depth reflective inquiry, allows for the discovery of what a lived experience means to an individual (McLnally & Gray-

Brunton, 2021). The IPA draws on phenomenological thinking, with the purpose to return "to the things themselves" (Smith et al., 2009, p. 168). Understanding of a given phenomenon might be lacking because there is no description and explanation or existing knowledge on the phenomenon and its impacts on society or a specific population. For instance, people work as professional counselors, but the actual meaning of counseling may be unknown. Thus, phenomenological research is used to explore the unknown (Astalin, 2013).

According to Tuffour (2017), qualitative research design links relevant components of the study to respond to the research question. It also details how a research project will be implemented and is perceived as the roadmap for conducting a study. When effectively designed, it enhances the likelihood that the answers obtained from research participants will adequately answer the central research question and subquestions and validate the research findings and conclusions (Ratan et al., 2019; Walden University, 2010).

Key Definitions

Asylum seeker: It is defined as an individual who fled their homeland due to persecution and/or violation of their fundamental rights and has applied for protection in another state and is yet to be granted asylum (Amnesty International, 2020).

Ethnocultural organizations: These are organizations established to provide social services to a specific ethnic group based on identified needs. They work to maintain their cultural identity, promote social relationships, and help new immigrants with the same

ethnic background integrate within their ethnic community and the larger community (Bucklaschuk et al., 2008).

Faith-based organizations: Vodo (2016) classified these organizations as religious institutions that operate outside the structure of government—with the organization's activities focused on promoting spiritual values, providing support to individuals in need of assistance, and/or advocating for fundamental rights.

First country of asylum: According to Article 35 of Directive 2013/32/EU (the Recast Procedures Directive), this is a country in which an individual is granted refugee status and guaranteed continuous protection, and in which the principle of nonrefoulment is upheld (European Commission, 2013; OHCHR, 2018).

Human smuggling: The United Nations Protocol against human smuggling, adopted in 2000, defined human smuggling as any act that enables the illegal transporting of individuals or groups of people from one country to another (United Nations High Commissioner for Refugees [UNHCR], 2000).

Human Trafficking: According to the United Nations 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, human trafficking is defined as an act of recruiting and transporting an individual or group, through force or deception, and taking advantage of their vulnerability to subject them to various forms of exploitations for financial or material gains (OHCHR, 2020).

Illegal border crossing: This is defined as an act of entering a country that is not your country of nationality without the required immigration permit (UNHCR, 2000).

International convention: An international agreement between two or more states legally binding (Legal Information Institute, 2020).

Liberal democracy: This is defined as a concept of governance that ensures the protection of fundamental rights and a governing system in which the authority of state actors is within the framework of the law (Lexico, n.d.).

Migration: This is defined as the process through which people leave their permanent home and move to a new location within their homeland or to another country (International Organization for Migration [IOM], 2020).

Protection: According to the OHCHR (2018), protection is defined as actions taken by states that ensure that an individual or group is granted asylum and/or their fundamental rights are protected by national and international laws.

Refugee: Within the context of international law and Canadian law, a refugee is an individual who leaves his country of origin due to established fear that they will be subjected to undue prosecution and will not be protected by the law in the state of their nationality (Perryman, 2017).

Safe country: A country where an individual in need of protection could have first sought asylum. Within the context of Canada's Immigration and Refugee Protection Act (IRPA), a country designated as a safe country must be a signatory to the 1951 Refugee Convention and the 1984 Convention Against Torture. Its policies and laws should support the 1951 Refugee Convention and related obligations as defined in the 1984 Convention Against Torture; it should protect the fundamental rights of all peoples, and

the designated country must have an agreement with Canada regarding claims for refugee

protection (Government of Canada, 2020).

Safe Third Country Agreement: A policy signed between Canada and the United

States. It was designed to regulate the movement of asylum seekers between the two

countries. It assumes that both countries are safe, and those asylum seekers who seek

protection at official border crossing should be repatriated (CCR, 2017).

Settlement agencies: Organizations that assist new immigrants, including asylum

seekers, to access services in their new environment. These include housing, education,

health care, employment, language training, and credential evaluation (Government of

Ontario, 2020).

Assumptions

In qualitative phenomenological research, assumptions are considered imperatives

for conducting a study, as they are the basis for establishing if the study would be

relevant or not (Simon & Goes, 2013). Thus, assumptions are perceived as situations not

totally under the control of the researchers. They are crucial for ensuring the relevance of

the study. Although it is important to clearly state the study's assumptions, providing

justifications that show that the stated assumptions are possibly true is imperative for

achieving the research objective (Simon, 2011). It is further noted that assumptions are

fundamental to achieving the purpose of the research, without which the research

problem could not exist (Leedy & Ormrod, 2010).

Thus, in formulating assumptions for a qualitative study, scholars are more

focused on the process and less on the results, understanding the meanings derived from

the information provided by research participants on their lived experiences and how they perceived the world around them. In using this research design, the researcher is deemed the main tool for collecting and analyzing data, and the method of data collection is through interviews with research participants as opposed to the use of instruments such as questionnaires. The researcher undertakes fieldwork to ensure direct interaction with research participants in their environment and takes a keen interest in the research process by seeking to understand and derive meanings from the verbal information provided by interviewees or pictorial images. Within this context, the qualitative research process is based on an inductive rather than a deductive research approach which creates the means for the researcher to derive ideas, concepts, and theories from the study (Atieno, 2009).

For this phenomenological study, I assumed that the research participants freely shared their experiences and provided honest, truthful, and comprehensive answers to the research questions. This assumption was predicated on the anonymity and confidentiality agreement that was reached between the researcher and the research participants. It was also assumed that the number of interviewees needed for the study was available. This assumption was predicated on the various strategies used to recruit participants for the study. Also, I assumed that my status as a Government of Canada employee did not make the study participants reluctant to provide information on how they were impacted by safe third country policy. The underlying justification for this assumption was that my work engagement with the Government of Canada is not with an agency responsible for hearing asylum cases or making decisions on immigration matters. I also assumed that

the data obtained from research participants provided a basis for an adequate response to the research questions. This was based on my previous assumption that interviewees freely shared their experiences and provided honest, truthful, and comprehensive answers to the interview questions.

Lastly, it was assumed that regardless of the prevailing global pandemic, COVID-19, data for the study were obtained and that the research findings were based on the information provided by study participants. This assumption was justified on the premise that the study identified four methods and/or tools that were used for collecting data for the study and that the research findings were shared with participants for validation per the research plan.

<p align="center">**Scope and Delimitation**</p>

In qualitative research, the scope of the study provides an overview of what the research project will cover. It describes the research problem the study seeks to address (Simon & Goes, 2013). On the other hand, the delimitations of the study are components of the research plan, which limits the scope of the study and is within the control of the researcher. (Simon & Goes, 2013). This study was specifically focused on exploring the impact of the Canada–U.S. STCA on African asylum seekers in Canada. A review of the literature suggests that no study has been conducted to understand how the implementation of this policy has impacted them. Regarding the targeted population for this study, the research was focused on African asylum seekers in Canada and not the United States, with a specific focus on African asylum seekers residing in Ontario and Quebec, Canada. These two provinces were selected to recruit research participants

because, from 2011 to 2020, these two subnational jurisdictions recorded the highest number of asylum claimants in the country. This trend made the recruitment of potential research participants possible and created the means to recruit a diverse group of interviewees (Government of Canada, 2020).

To ensure the recruitment of research participants from the targeted population, I sought the assistance of individuals who knew potential participants and collaborated with community and faith-based organizations where potential participants had an affiliation. Considering the complexities of the issue explored and the social problems created by the policy, it was anticipated that the research findings would provide the basis for the development and implementation of alternative migration policies that ensures a workable asylum system and support planned social change.

To ensure transferability, generalization, and the application of the results to similar issues and settings, it was imperative that the data obtained and reported provided a comprehensive narrative of the setting and the study population. This qualitative phenomenological study adopted this strategy to ensure that the results are transferable to a similar context (Merriam & Tisdell, 2016). The study also adopted the strategy of internal and external validations to ensure that the study results are credible, reliable, and dependable (Shenton, 2004). Given that the study was based on a purposive sampling method, I recruited a diverse group of research participants using criteria such as gender and age to ensure transferability of the results to a similar population in a different jurisdiction.

Regarding the choice of a theoretical framework, the study was based on the social construction and policy design theory. This theory, which is credited to the work of Schneider and Ingram (1993), is a theoretical framework often used in public administration research to understand the process of policy development and implementation (Pierce et al., 2014). In selecting this theory, I also considered the advocacy coalition framework, which is credited to Sabatier and Jenkins-Smith (1993). However, choosing the advocacy coalition framework would have caused a deviation given that the focus of the study is on exploring how the implementation of the policy has impacted asylum seekers and not focusing on the policy process and the actors (Weible & Sabatier, 2018).

Limitations

Social science research that adopts a qualitative research method and is anchored on a phenomenological research design has strengths and limitations (Creswell, 2014; Patton, 2015). One strength of the qualitative research approach is that it ensures that data are simplified and managed so that their complexity and context are maintained. Another strength is that this research design has a similar objective of generating a new approach to understanding existing data (Atieno, 2009). According to Maxwell (2013), the researcher's motivation and interest in pursuing the study is considered a strength of phenomenological research design.

Simon (2011) noted that in conducting academic research, scholars realize that researchers must overcome limitations to ensure a successful research project. In qualitative research, they are considered the potential drawbacks, such as the resources

required to complete the study (Simon, 2011; Theofanidis & Fountouki, 2019). Within this context, the significant amount of time commitment that is needed for collecting and analyzing large volumes of data (Cresswell, 2014), the inability to apply the findings to a larger population due to the nonrandomized approach to selecting research participants, the issue of ensuring credibility and reliability of the research findings (Rudestam & Newton, 2015), and the ambiguities in the language used by researchers in documented research findings (Atieno, 2009), are perceived as limitations for this study approach.

This qualitative phenomenological research required the voluntary participation of African asylum seekers in the study. Thus, given the limiting criteria for recruiting interviewees, there was difficulty identifying and recruiting potential respondents. This limitation was addressed by seeking the assistance of individuals with social connections to people within the targeted population. I also requested support from ethnocultural and faith-based organizations, who assisted with the recruitment process by posting the recruitment flyer on their bulletins and informing their members about the study. They also asked their members who were interested in the study to contact me through the contact information provided. The study also adopted a snowballing method to identify and recruit additional respondents. The study encountered challenges related to privacy related to interference from family members and associates. This challenge was overcome by allowing respondents to identify interview sites and time to provide personal and detailed information freely.

The validation of data also presented a challenge. However, a range of strategies was adopted to guarantee the trustworthiness of the data and research findings, including

strategies such as transcribing interviews verbatim and verifying the accuracy of the transcripts with respondents to ensure their experiences were fully captured. The ongoing global pandemic, COVID-19, impeded the recruitment and data collection processes. The restrictions to recruiting study participants were overcome by applying multiple recruitment strategies, including working through community and faith-based organizations to identify potential interviewees, posting advertisements on various internet-based platforms seeking interested research participants, and using a snowball recruitment strategy (Allen, 2017).

The ongoing global public health emergency also presented a challenge for data collection. Thus, to address the limitations to data collection, the first option was to conduct face-to-face semistructured interviews. If this was not possible due to health concerns, the other alternatives were internet-based phones such as Skype, Zoom, and phone interviews for research participants with no access to internet service.

Significance of the Study

In a recent study, Larrison and Raadschelders (2019) observed that migration is a complicated and contentious public policy issue that has generated divergent views. This is because various actors at all levels of government and policy networks are involved in the development and implementation of migration policies. It is perceived as an issue affected by social, economic, political, and cultural factors (Larrison & Raadschelders, 2019). It is further noted that migration, due to its increasing complexities and challenges, has made it more imperative for national and local authorities to provide a workable policy response but bilateral and multilateral organizations well. At the national level,

migration policies are intended to preserve sovereignty, used as instruments to determine if an individual is admissible or inadmissible into a country, among others. Within the global context, multilateral organizations such as the IOM, the UNHCR, and the UNDESA, among others, are key global actors who are involved in development and implementation of international policies on migration (Larrison & Raadschelders, 2019).

The key strategy at the global level is to work collaboratively with national governments to generate a global policy response and ensure that governments play a lead role in accomplishing global strategies on migration. Within this context, international forums such as the Berne Initiative and the Global Commission on International Migration (GCIM) were established as a platform for member states of the United Nations to exchange ideas and develop international strategies on migration (Larrison & Raadschelders, 2019). Local, national, and international actors are extensively involved in formulating and implementing migration policies. People are aware of this global phenomenon. Methodical research on the implementation of policies on migration is limited, especially in public administration. This has been attributed to various factors, including the multiple government actors involved in developing and implementing laws and policies adopted by national and local governments to regulate the various categories of migration (Larrison & Raadschelders, 2019; Larrison et al., 2019).

As migration evolves as a global issue, it has generated a policy debate among the various actors. Trends in migration policies and the impacts of these policies could be understood through social science research (UNDESA, 2017). The scholarly literature on

this topic, insofar as public administration is concerned, is limited. Therefore, this study is relevant to public administration research in terms of contributing to the academic literature.

Relevance for Social Change

As a scholar-practitioner in public policy and administration, I have realized that public policy is a powerful tool that promotes positive social change. This is because, through the development and implementation of workable public policies, planned social change creates a better world and brings improvement to human populations (Shah, 2011; Walden University, 2020). As Shah (2011) noted, "we all want to bring about social change … among all the options, public policy is the most effective tool for real, lasting social change" (p. 1). Consistent with Walden University's social change mission, my research interest was influenced by the need to explore the impacts of the implementation of the STCA on Africans seeking asylum in Canada, understand and explain the research problem, and contribute to the existing body of knowledge that would provide the basis for future asylum policies in Canada. Findings and recommendations from the study could assist policymakers and the public in understanding the distinctive challenges faced by African asylum seekers in Canada and how these could be addressed. Additionally, results from the study could contribute to positive social change regarding influencing the development of alternative public policies that improve the asylum system in Canada and prevent irregular migration such as illegal border crossings, human smuggling, and trafficking.

Summary

In Chapter 1, I introduced the study, contextualized the research, and defined and discussed the research problem that created the need for the study. Based on the focus of the study and research problem, I clearly outlined the purpose of the study, the theoretical structure on which the study is based, and the theory that explained the research problem and why it exists, and the nature of the study. Key terms used in the study were defined, and the study's underlying assumptions, scope, and limitations were discussed. This chapter also outlined the significance of the study and its relevance for social change.

In Chapter 2, I will discuss the historical context of asylum-seeking in Canada and provide a comprehensive overview of key concepts related to the study. A detailed description of the social construction and policy design theory will provide the theoretical structure on which the study is based. This chapter will also include a comprehensive discussion of the empirical literature—the existing research evidence related to the study, which will provide the basis for establishing a gap in the literature.

Chapter 2: Literature Review

In Chapter 2, I discuss the sources that were used for researching scholarly literature relevant to the study, describe the search terms used for the literature review, and explain the approach I employed for reviewing and cataloging the scholarly literature for this doctoral study. Given that the study focused on exploring the impact of the STCA on asylum seekers in Canada, this chapter will contextualize the study by discussing the historical development of asylum-seeking in Canada, the concept of asylum in international law, the asylum system in Canada, the asylum system in the United States, the concept of first country of asylum, the concept of safe third country, the Canada–U.S. STCA, the theoretical foundation on which the study is based, and a review of the empirical literature.

For the literature review process, I first used Google Scholar to source textbooks and academic journals relevant for establishing a historical context, discussing concepts related to the research, and demonstrating a comprehensive theoretical and empirical review of the literature for the study. I also ensured an exhaustive literature review by using Walden University's Library search engine, Thoreau, given that this literature search tool makes it possible to search several sources concurrently. However, because Thoreau does not include all databases and is mainly relevant for exploratory research, I focused my search on the following databases: EBSCO, Academic Search Premiere, SAGE Premiere, ProQuest Central, Public Administration Abstracts, LexisNexus Academic, Political Science Complete, and Dissertations and Theses. Additional source

literature from trusted websites of government, regional, and international organizations were used to support the study.

In searching the literature, the key search terms included *asylum, asylum seekers, asylum seeking in Canada, the asylum system in Canada, the asylum system in the U.S., Canada's immigration policies, asylum in international law, international migration, factors affecting immigration to Canada, human smuggling and migration in Canada, the first country of asylum, country of origin, safe third country, perceptions on the Safe Third Country Agreement, refugees, Canada–U.S. Safe Third Country Agreement, social construction,* and *policy design theory*. These keywords were combined in various search engines to generate a comprehensive list of literature relevant to the study. The literature was restricted to academic journals, books, government, non-governmental, and reports published by international organizations within the last 5 years.

Theoretical Foundation

The origin of social construction and policy design theory can be traced to the scholarly work of Karl Mannheim's *Ideology and Utopia* (1936). He observed that reality is not restricted to a single view. He perceived social science to be a useful science that facilitates interpretation and gaining of insights. Mannheim believed that knowledge based on science must be a result of social interactions (Mannheim as cited in Gergen, 1999). In the seminal concept of the scientific revolution of Kuhn (1970), it is also noted that social problems are not a natural phenomenon that can be readily examined and resolved. Thus, social construction presents a world shaped in various forms, comprising a range of solutions for addressing or defining global realities such as events, people, and

the components of the public policy that ensures its operationalization (Ingram et al., 2007; Stone, 1999). Although the theory is rooted in Mannheim's scholarly work of 1936, the social construction and policy design theory is credited to the work of Schneider and Ingram (1993). It is one of the theoretical frameworks often applied in public administration research to understand the implementation of public policies (Pierce et al., 2014).

The social construction and policy design theory was first propounded to understand a range of factors that impact public policies' design and how such policies are selected, implemented, and assessed. This theoretical framework, which was instituted at the end of the 1980s, provides a basis for gaining insight into political actions. The theory also seeks to explain how "socially constructed" standards are ascribed to specific populations and how such standards impact citizens and democratic values (Corcetti & de Loreto, 2017; Ingram et al., 2007; Weible & Sabatier, 2018). Researchers are of the view that those who formulate public policies usually develop social constructions and apply them to "target populations" in ways that generate "positive and negative" outcomes and how such constructions provide the basis for the entrenchment of unequal allocation of public resources (Ingram et al., 2007).

Ingram et al. (2007) noted that when social construction is integrated with the policy development process, it provides a premise for understanding why the actions of government, which are usually intended to benefit people, produce negative outcomes in some instances, such as undermining justice and promoting inequality in society. The development of the social construction of the target population framework was to assist

scholars in providing explanations for a range of issues and/or questions prevailing within a democratic governance system, questions to which other theories could not provide an adequate answer.

Some of the basic questions that it purports to answer are the following: Why are citizens treated equally by the legal system, but when public policies are formulated to allocate state resources, some citizens are better off while others are often left worse off (Corcetti & de Loreto, 2017; Pierce et al., 2014)? Why are certain public policies maintained and, in some cases, expanded—even though they produce negative results? By what means are groups ascribed negative constructions able to ensure that those responsible for policymaking ascribe to them a favorable social construct, allocate resources that make them better off? Are similar groups unable to achieve this (Ingram et al., 2007)? Why and/or how is it that the formulation of public policies, in some instances, are not consistent with the usual process of recreating authority and social constructs that ensure improvement in the system of governance, address power imbalance, and how target groups are socially constructed (Ingram et al., 2007)?

Pierce et al. (2014) observed that the theory could provide a basis for explaining reasons why specific groups in society are well served at the expense of other groups, even in the context where the authority of government is clearly defined and how the policy development process could perpetrate or inhibit such benefits. Scholars have used the description "target group" or "target population" as an approach to distinguishing selected groups who are made better or worse off based on the components of a policy framework. There are other components of a policy framework apart from the advantages

and disadvantages. Other components could include, for example, projected goals the policy will accomplish or issues that will be addressed, how groups will be served or not served, and how the policy will be implemented (Ingram et al., 2007). The theory provides a basis for generating practical assumptions that could be tested and linked to justice and democratic governance (Pierce et al., 2014).

Thus, it is based on the conclusion that the design and implementation of public policy generate other social and political costs that surpass the material benefits it provides to citizens, including some citizens' perceptions regarding their interactions with policymakers. It observes that there is a distinction between "reputation, image, and social standing" and the conventional view on the link between political authority and control of economic and/or political capitals and how the treatment of target groups influences people's perception of government, which engenders or inhibits their involvement in political processes of the state. Social constructs ascribed to a target population are politically imperative in that they usually form a part of political processes and influence components of a policy framework (Ingram et al., 2007; Pierce et al., 2014). Therefore, any effort aimed at altering and/ or influencing the perceptions people holds regarding political practices usually generates fundamentally different actions on how targeted groups are managed, even in the case where different policy designs would have ensured the accomplishment of the identical stated policy goals (Corcetti & de Loreto, 2017; Ingram et al., 2007).

Researchers have contended that the process of "social construction may be perceived by the legislative, executive, and citizenry as hegemonic, though considered as

a natural condition but could be challenged" (Ingram et al., 2007, p. 95). There is the possibility of the existence of other opposing constructs, which are structured on a divergence of ideas, lived experiences, and the likely outcome of a given social construct. Within the political arena, this creates an ongoing contest related to ensuring that a given construct prevails. Considering the influence "privileged groups" have over the government's actions and resources, they benefit from favorable social constructs—given their roles in the upper echelons of government and society (Ingram et al., 2007).

The social construction and policy design theory is premised on eight assumptions. These underlying propositions have been subdivided into three broad classifications, including (a) the model of the individual, (b) power, and (c) the political environment, and are the fundamental construct on which this theory is based (Corcetti & de Loreto, 2017; Pierce et al., 2014). The model of the individual is based on the propositions that (a) information can only be partially processed by actors to make a decision which caused them to depend on "mental heuristics" to decide on the information to be maintained, (b) the processing of information through "mental heuristics" could be influenced by previously held notions which create an inclination to accept new information deemed to be coherent with previously held notions and disallow those not coherent with such views,(c) the application of social constructions is influenced by individual perception which can be assessed, and (d) the relativeness ascribed to social reality is evident when people can distinguish generally acceptable social constructions within the context of objectivity.

Regarding the power category, the assumption is that actors in a political arena do not have the same powers. For the political environment, the propositions are that (a) the adoption of public policies generates political opinions which influences subsequent policy design and political actions, (b) that the actions of government impact their perception and level of involvement within the state, and (c) critical issues in a political environment drives public policies (Corcetti & de Loreto, 2017; Pierce et al., 2014).

In analyzing the framework of the social construction and policy design theory, scholars have observed that policy frameworks purport to change institutional structures and overall values through regulations and new organizational structures associated with developed policy frameworks. Within this context, the policy design is intended to influence the views of ordinary citizens and the privileged in society, how target groups are socially constructed, the way government resources are distributed, and how the systems for generating knowledge are validated. These institutions are symbolic of more than one knowledge system, which give credence to knowledge generated within political space as it relates to the political capital or scientific knowledge generated (Ingram et al., 2007).

It is further noted that previous and current policy frameworks influence issues and/or values of society, such as the principles of democracy and ensuring equal justice for all. Also, policy designs impact other components of society, including the goals and aspirations of citizens; the ability of society to address its problems; comprehending the meaning of justice; and involving interest groups, government institutions, and policymakers, as well as bureaucrats who are responsible for developing prospective

policy frameworks. It is further explained that existing policy frameworks can, in a specific way, influence the development of new frameworks. Prevailing policy frameworks takes into consideration variations in social constructions, and the political power arrangement in the process of formulating future policy designs, which ensures that different components are incorporated into the design, with a specific focus on how public resources are allocated to the targeted populations (Ingram et al., 2007).

Corcetti and de Loreto (2017) observed that social construction and policy design is not just focused on the methodological components of a policy framework. It also encompasses the thoughts, values, and assigned meanings ascribed by society. Researchers have recommended that the analysis of policy design should be conducted in the following sequence: (a) define the problem to be addressed and state the goals to be accomplished, (b) identify the target populations, (c) formulate regulations, (d) specify the instruments to be used, (e) the governance structures to manage implementation, (f) social constructs ascribed to target populations, (g) the stated rationales, and (h) underlying propositions (Corcetti & de Loreto, 2017). It is further noted that there will always be an intersection between the social construct ascribed to target populations and where they are placed during the policy development process. This includes how public resources are distributed—with elites being made well off and the less privileged worse off, a trend that is occurring in several political environments (Corcetti & de Loreto, 2017; Ingram et al., 2007).

Literature Review

Historical Development of Asylum Seeking in Canada

An extensive literature search revealed that few studies have focused on Canada's historical background of asylum or asylum seekers. Thus, digging into the historical background of refugees and/or asylum seekers is a challenging but imperative task (Fobear, 2014). This is because previous studies on refugees and asylum seekers have by and large been unstructured, encompassing various fields of study, with a limited number of researchers using interconnected theories to explain the historical processes of colonialism and how it affects refugees and asylum seekers. The limited research on asylum-seeking and migration has caused a disconnect between the phenomenon and the broader socioeconomic and political processes—influenced by past colonial and imperial structures (Fobear, 2014). Thus, examining the historical context of asylum and other related concepts such as refugee or forced migration is imperative. Research evidence showed that the economic, social, and political forces responsible for peoples' displacement and regulation of people seeking asylum in other states are deeply rooted in or have historical links with the past and present colonial structures (Fobear, 2014).

According to Nair (2019) and Walton-Roberts et al. (2019), Canada's history of granting protection dates to the time when 3,000 Black Loyalists who were persecuted during the American Revolution of 1776 sought asylum in Canada (Bibko, 2016; Hackett, 2019; Lemer-Fleury, 2018). The Black loyalists were individuals who escaped slavery and fought alongside the British in the American Revolution to secure their freedom and racial justice (Bibko, 2016; White, 2019). Scholars estimate that 25,000 to

30,000 Black Loyalists fled north to join British forces (Bibko, 2016). After the revolution, free slaves sought to relocate to a safe country. Canada, as the closest country, was considered ideal for seeking protection. Research indicates that the Province of Nova Scotia took in 28,000 loyalists who sought asylum, causing the number of immigrants in the province to double (Bibko, 2016; White, 2019). While they were freed from slavery in Nova Scotia, they still faced racial injustices such as low wages, land, and voting rights (Bibko, 2016).

Over the last 4 decades, Canada's per capita intake of immigrants has been significantly higher than other global North countries—with a quarter of a million immigrants granted permanent resident permits annually (Hiebert, 2016). Research findings also revealed that, between 2012 and 2014, a total of 8,586 principal asylum applicants and 4,856 dependent asylum applicants were granted permanent resident in Canada (Hiebert, 2016). As of 2011, an estimated 21% of people in Canada were born outside the country, while 17% had one immigrant parent (Hiebert, 2016). In 2016, it was estimated that 7.5 million of the Canadian population were born in a foreign country—with this number projected to be 20% of Canada's population (Becherer, 2018). A recent study established that an estimated 30% of Canada's population will be immigrants by 2036 compared to the recorded 20.7% in 2011 (Statistics Canada, 2017).

Nair (2019) reported that Canada has committed to an annual intake of 46,000 individuals in need of protection. To this commitment, Ontario is the lead province for resettlement, followed by Quebec. Thus, Quebec was designated to resettle 25,045 refugees admitted into Canada in early 2015. The past and current large-scale migration

of individuals and groups seeking protection have been described in various ways, including "tide, influx, waves or even floods" (Epp, 2017, p. 1). In a recent study, it was noted that a significant number of asylum seekers used an unauthorized border crossing at Roxham Road to seek protection in Canada due to the adoption of stringent immigration policies in the United States in recent times (Barrett, 2018). Also, a study found that in early 2019, Canadian federal law enforcement officers stopped an estimated 42,000 individuals who were using unauthorized border crossings to seek protection in Canada (Falconer, 2019). Most individuals who are seeking protection through the unofficial crossing at Roxham Road are mostly from countries in the Caribbean, Latin America, and Africa (Immigration and Refugee Board of Canada, 2018), who fled their homeland due to life-threatening situations such as arms conflict, and persecution (Cénat et al., 2019; Cleveland et al., 2018; Nair, 2019).

Factors Affecting Irregular Migration to Canada

From a global perspective, irregular migration can be attributed to positive, negative, or natural occurrences. In the country of origin and the intended country of asylum, there exist factors that drive, issues that prevent, or natural phenomenon that does not drive or prevent migration (World Economic Forum, 2017). Research has revealed that *pull* and *push* are the two factors responsible for migration. The push factors are the disadvantageous characteristics existing in the location of a migrant, while the pull factors relate to the advantageous attributes that make a location attractive to an immigrant; these are the factors that compel the migrant to relocate from one location to another. It is imperative to know that the pull and push factors could occur at the same

time in the homeland and location of migrant's interest. These factors are typically related to political, social, economic, and environmental issues (World Economic Forum, 2017).

The economic pull factors include incentives such as employment opportunities, a thriving economy, and the means of building wealth. In contrast, the economic push factor encompasses issues such as the poor state of the economy and lack of employment opportunities in the country the asylum seekers originate from (World Economic Forum, 2017). Research has established those economic incentives such as the potential for higher income, accessing a better job, and the quest to flee social and political instabilities in their homeland are underlying factors that drive global migration. Usually, individuals engaged in such migration originate from middle-income countries with an increasingly higher education attainment rate. Incomes in these states are likely to stay low compared to incomes earned by professionals with equivalent educational attainment in countries with high income. Such unfavorable economic conditions have been one of the root causes of highly educated professionals from middle-income to developed economies. This form of migration is referred to as "north-south" and has, over time, driven immigration influenced by economic incentives (Piesse, 2014).

According to the World Economic Forum (2017), sociopolitical factors that drive migration are issues such as family disagreements and jointure, the desire for individual liberty, and arms conflict. Within this context, the pull factors include the lack of security linked to various forms of persecutions, human trafficking, and access to social amenities. On the other hand, the social push factors are political upheavals, persecution

due to ethnic or religious affiliations, unfree labor, and the inadequacy of social amenities.

Environmental issues such as a change in climatic conditions and the lack of natural resources drive migrations. Thus, regions or countries with favorable climates and availability of natural resources are attracting migrants who seek to benefit from these favorable conditions lacking in their homeland. It is noted that unfavorable climatic conditions have significantly influenced the sociopolitical and economic push factors of migration. Among the environmental push factors influencing migration is climatic change, including inclement weather conditions and low crop yields, while the pull factors are related to inducements such as the availability of natural resources such as water and fertile land (Piesse, 2014; World Economic Forum, 2017).

According to a recent report obtained from the CBSA, there are several push factors obtaining in other States which has influenced or that will engender irregular migration into Canada. The CBSA classified these push issues as "X-Factors" that have and continue to engender the irregular movement of people to Canada. The CBSA identified COVID-19 as the core issue that is expected to drive irregular migrants to Canada—predicated on the duration of the travel ban (Dawson, 2021).

The requirement that irregular immigrants submit protection claims in the country of first arrival was included in the adoption of stringent immigration regulations in the United States in 2019. These restrictive measures that made it nearly impossible for asylum seekers to enter the United States and obtain a legal resident status or reside there illegally will likely cause asylum seekers to seek protection in Canada through irregular

channels. The report further noted that the persecution of small segments of the population in several states due to religious and ethnic affiliations are push factors driving irregular migration to Canada. Within this context, the censoring of minorities in China because of their ethnic and religious links; the restrictions placed on free speech in Pakistan, the discriminatory exclusion of minority groups from protection under the constitution, trafficking in human and honor killings in India; the persecution of minority groups in Sri Lanka; the surge in gang-related violence in Mexico; and the persecution of individuals in Nigeria based on sexual orientation, are push factors that engendered irregular migration to Canada (Dawson, 2021; Mall, 2019).

Human Smuggling and Migration in Canada

According to Schneider (2017), human smuggling into Canada can be dated to time immemorial. Research has shown that data tracked over time on human smuggling into Canada are not extensive, and existing data resides in various databases. A recent study established that data on human smuggling-related detentions and trials are not accessible by the public, making it difficult to identify those participating in human smuggling activities (Winterdyk & Dhungel, 2018). It has also been observed that existing literature on human smuggling into Canada is limited, with most information on the issue based on law enforcement and migration data and high-level criminal cases (Perrin, 2013). The CBC News (2015) reported that the adoption of the Balanced Refugee Reform Act (BRRA) in 2012, a contentious immigration law, caused people facing persecution to panic, fearing they would likely not be able to seek asylum in Canada. Thus, asylum seekers have been seeking the assistance of smugglers to get to

Canada. Perrin (2013) noted that people who most likely will not be granted legal permits to enter Canada have opted to do so through the help of smugglers to gain access to Canada.

According to the IOM (2018), given the enforcement of stringent immigration requirements by Canadian migration offices overseas that prevents asylum seekers from reaching Canadian shores, and the high fee requested by smugglers, most migrants have sought advice from family or friends as well as immigration attorneys and smugglers to decide on how to get to Canada. Research has shown that the use of unauthorized travel permits and the availability of air carriers to Canada are the two mediums through which people are smuggled into Canada (IOM, 2018).

In 2008, the Criminal Intelligence Service reported that human smuggling into Canada predominantly occurs along border crossings in the provinces of British Columbia and Quebec and at a minimum rate in the province of Ontario (Winterdyk & Dhungel, 2018). Most asylum seekers who are smuggled into Canada are nationals from Pakistan, Sri Lanka, Eastern Europe, India, China, Ghana, and Nigeria who experienced extreme sociopolitical, economic, and ecological adversities (Perrin, 2013; Winterdyk & Dhungel, 2018). According to the RCMP (2006), individuals smuggled into Canada come from various countries and are classified as migrants without legal documentation, immigrants seeking economic opportunities, and people involved in criminal and terrorist activities. This finding is at variance with the view that migrants smuggled into Canada are exclusively asylum seekers from countries or regions in crisis (Perrin, 2013). People who are smuggled into Canada through a land border crossing or by submitting

themselves at a CBSA in-country office or an IRCC inland office violate Canada's

immigration regulations and are therefore instantly apprehended and incarcerated.

Canada's asylum system allows such individuals to apply for protection, ultimately

changing their status from "smuggled migrants" to "irregular migrants" (Winterdyk &

Dhungel, 2018).

The provision in the policy document that legally allows smuggled migrants to be

regarded as irregular migrants in Canada makes government services and assistance

accessible to them. At the same time, they await a decision to grant legal status in

keeping with Canadian immigration law. If their application does not meet the

requirements to be granted legal permanent status, they are sent back to their country of

origin (Government of Canada, 2017; Winterdyk & Dhungel, 2018). Also, Canada's

policy on smuggled migrants is perceived as an incentive for human smugglers to

continue this criminal enterprise—with Canada as their target country. This is evident in

the flow of lawful and unlawful immigrants who fled to Canada after the U.S.

Presidential election of 2016 (Anglin & House, 2017; Winterdyk & Dhungel, 2018).

Legislation to control human smuggling was adopted in Canada in 2010. This

regulation imposes a fine of $500 and a maximum jail time of 10 years on individuals

found guilty of smuggling over 50 people who collude with criminal organizations and

knowingly put the lives of smuggled migrants at risk. While the extreme punishment for

first-time human smuggling offenders is a $500 fine and 10 years jail time, those arrested

for smuggling more than 10 people into Canada could be sentenced to life imprisonment

under the IRPA (Winterdyk & Dhungel, 2018). While the factors discussed above affect

migration to Canada, there are also distinct factors that influence asylum-seeking in

Canada.

The Concept of Asylum in International Law

In conceptualizing asylum, several studies have noted that asylum is a right of

states related to offering protection to individuals within its borders and a human right.

The concept of asylum is a generally accepted principle in international law and has been

practiced by states for many years (Epp, 2017; Gil-Bazo, 2017; Jastram & Achiron,

2001). Based on the "principle of sovereignty equality," as stipulated in international law,

a state could exercise rights not restricted by international law (Gil-Bazo, 2015; Gil-Bazo,

2017), including allowing or restricting foreign nationals from entering its borders

(Goodwin-Gill, 2014). Restrictions to the sovereign actions of states are not based on

presumptions but rather on international agreements. Thus, "asylum as an expression of

state sovereignty is under no limitation in international law, except for obligations

acquired by treaty or customary law" (Gil-Bazo, 2017, p. 2). Research has shown that the

term asylum has been confused with refugee status (Gil-Bazo, 2015). The former is the

system through which a state offers protection to an individual, while the latter is a

person who benefits from the protection offered by a state (Gil-Bazo, 2015). The term

asylum has been used in a limited way to describe refugees based on international

conventions. This narrow description is accepted across countries and internationally by

the Court of Justice of the European Union (CJEU).

Within the context of international law, individuals who flee their homeland to

seek asylum in another state due to one or various forms of oppression that pose a risk to

their lives are considered refugees. Other persons who do not meet the definition of a refugee but might also need asylum under international law include persons who are internationally displaced due to natural catastrophes or adverse environmental conditions caused by climate change (Moldovan, 2016; UNHCR, 2018). Falconer (2019) noted a distinction between a person seeking asylum and other categories of refugees. While asylum-seeking is not a planned action, the resettlement of refugees is a planned government initiative. Claims for protection are usually made either at official or unauthorized border crossings or an in-country immigration office.

Researchers have established that individuals who make claims for protection and are yet to be granted approval or their applications have been denied are considered asylum seekers. On the other hand, individuals who submitted claims for protection and have been granted refugee status are classified as refugees. This category includes individuals who, based on complex circumstances, were granted permits to stay in the state where they sought protection. This category encompasses individuals and groups such as children detached from their parents, single-parent families, and the elderly detached from their families (Aspinall & Watters, 2010; Kavuro, 2015). The only similarity between asylum seekers and refugees is that individuals in both categories are forced to leave their homeland in the face of persecution to seek protection in another state (Aspinall & Watters, 2010).

Asylum, a universal principle based on international law, demonstrates the legal nature of asylum. It is considered a legal principle that turns the jurisdiction of states into a place where individuals facing various forms of persecution in their homeland can seek

protection (Gil-Bazo, 2017). The UNHCR recommended that individuals seeking asylum should be granted a temporary permit to stay in the country where they have made asylum claims. At the same time, their applications are being processed and should be provided the necessary social assistance while their applications for protection are being reviewed. The socioeconomic assistance that should be provided to asylum seekers while their claims for protection are being processed remains debatable among scholars (Jastram & Achiron, 2001; Kavuro, 2015), although studies have found that basic education is exclusively offered as a right while other services are provided on a humanitarian basis (Jastram & Achiron, 2001).

Regardless of the extensive global initiatives to document the imperatives of safeguarding human rights and adherence to the international agreement on which it is based, instituting basic criteria for assessing asylum claims and the acceptance of international guidelines on what states should offer to those in need of protection, has not been the focus of those who support a uniform policy for the protection of asylum seekers, which in some cases, prevent them from gaining access to countries to make asylum claims (Stevens, 2017).

Canada's Asylum System

Research has shown that Canada, for decades, has adopted and implemented a range of immigration policies as it relates to asylum-seeking, making refugee claims, and the system through which asylum claims are managed (Agrawal & Zeitouny, 2017; Comision Espanola de Ayuda al Refugiado (CEAR, 2019; Damaris, 2019; Epp, 2017; Suleman et al., 2019; Wilkinson & Garcea, 2017). Within this context, established

institutions are mandated to oversee asylum claims within the frameworks of the

Immigration Act 1976; the PSRP 1979; and the IRPA (CEAR, 2019; Reynolds & Clark-

Kazak, 2019; Wilkinson & Garcea, 2017).

The Immigration Act 1976 is a legal framework that made it possible for

individuals to make in-country asylum claims and designated authorities to decide

whether applications for protection made at Canadian borders should be approved or

rejected (Epp, 2017). Decisions on such claims fall under the Refugee Status Advisory

Committee (RSAC), while an appeal against unfavorable claims decisions are filed with

the Immigration Appeal Board, the designated authority for reviewing claims decisions

(Epp, 2017; Walton-Roberts et al., 2019).

To this end, Canada's asylum policies are focused on addressing cogent questions

related to how asylum seekers are selected, the criteria that are used, and the specified

number to be granted resettlement within a given year. Within the context of international

agreements, Canada is obligated to grant asylum to individuals seeking protection within

its jurisdiction. Such legal obligation does not extend to those seeking asylum from

outside its borders. Thus, the granting of asylum to individuals from outside its borders is

solely based on goodwill and is coordinated through established programs (Burtseva,

2016; Epp, 2017).

The PSRP, instituted in 1979 as a component of the Immigration Act of 1976,

made it possible for civil society organizations to sponsor the resettlement of individuals

or groups in need of protection to Canada—with a commitment that the sponsoring group

will meet the basic needs of sponsored individuals or groups for a year (Epp, 2017;

Walton-Roberts et al., 2019). Research has shown that the PSRP created a platform for the most organized migration of refugees in the 20th century. Given its extensive involvement in granting protection to asylum seekers during that era, Canada received from UNHCR the Fridtj of Nansen Medal, the first of its kind given to a country (Casasola, 2016; CCR, 2015; Epp, 2017; Taylor, 2015).

At the onset of the 21st century, Canada updated its immigration policy to adopt the IRPA. While the underlying intent of the law was to mitigate acts of terrorism within Canada's borders, it also introduced rigid measures that made it difficult for individuals and groups to make asylum claims in Canada. A 12% annual cut in the number of individuals resettled to Canada and discretionary authority granted to the CBSA to decide on asylum claims at Canada's borders (Burtseva, 2016; Epp, 2017). While the IRPA was perceived as very restrictive, it made provision for asylum seekers to appeal a rejected protection application. The institution to review such appeals was created a decade after the IRPA was adopted (Epp, 2017).

According to the Intergovernmental Consultations on Migration, Asylum and Refugees [IGC] (2012), the adoption of the IRPA in 2002 facilitated the replacement of the Convention Refugee Determination Division (CRDD) with the Refugee Protection Division (RPD). Thus, the Immigration and Refugee Board (IRB) operated as an autonomous body, guided by the principle of fairness in deciding on asylum applications in Canada. The IRPA encompasses Canada's international human rights commitments, such as the Convention Against Torture (CAT). It also highlights major revisions to

Canada's asylum system, including the in-country asylum program and the refugee and humanitarian program's resettlement.

The In-Canada Asylum program (ICAP) permits individuals or groups in need of protection to make asylum claims from within Canada (Wilkinson & Garcea, 2017) as well as those who arrived at Canada's border (CEAR, 2019). On the other hand, the Refugee and Humanitarian Resettlement Program (RHRP) makes provision for individuals and groups facing undue prosecution in their homeland to request protection in Canada. Within the context of the RHRP, individuals and groups who have a valid fear of persecution in their homeland can be sponsored through the government-assisted refugees (GAR), the private sponsorship refugees (PSR), or blended visa office-referred refugees (BVOR) (Walton-Roberts et al., 2019; CEAR, 2019). These and other related programs creates an avenue for asylum seekers to be resettled to Canada, assisted for a year or until they can meet their own needs, and after that are qualified for social assistance provided by either the province, territory, or municipality in which they reside to create a pathway to Canadian citizenship (CEAR, 2019; Epp, 2017; Walton-Roberts et al., 2019; Wilkinson & Garcea, 2017).

Under the GAR program, UNHCR selects individuals and groups in need of protection and submits asylum applications on their behalf to a designated Government of Canada immigration office outside the country where the applications for resettlement are reviewed and approved by immigration officers (Damaris, 2019; Epp, 2017). Within the framework of the GAR, a specified number of individuals and groups who qualified as refugees are resettled to Canada and provided government assistance for a year to

facilitate their integration (UNHCR, 2018). The criterion for eligibility under the GAR is that individuals and groups whom UNHCR recommends for resettlement to Canada should have a limited option of integrating into the first country of refuge (Agrawal & Zeitouny, 2017; CEAR, 2019; Hyndman, 2017; Walton-Roberts et al., 2019; Wilkinson & Garcea, 2017).

The PSR is a resettlement option that makes it possible for an individual or group in Canada, who have the financial means, to sponsor individuals or groups they have identified in other countries who need protection (Damaris, 2019; Hyndman, 2017; Labman, 2016; Walton-Roberts et al., 2019; Wilkinson & Garcea, 2017). Sponsoring groups ensured that the socioeconomic needs of resettled refugees were met over one year (Agrawal & Zeitouny, 2017; Epp, 2017) to ensure a smooth transition to meeting their own socioeconomic needs (CEAR, 2019; Walton-Roberts et al., 2019).

The BVOR is a resettlement program that reflects a combination of the GAR and PSP (Damaris, 2019; Hyndman, 2017; Walton-Roberts et al., 2019). Individuals and groups sponsored under this resettlement class are recommended by a Canadian consulate to potential non-government sponsors. The socioeconomic assistance provided to individuals and groups resettled is jointly provided by the Government of Canada and the private sponsoring group (Agrawal & Zeitouny, 2017; CEAR, 2019; Damaris, 2019; Labman, 2016; Walton-Roberts et al., 2019).

The GAR, PSP, and BVOR resettle individuals and groups in need of protection. There is no established federal government system through which social amenities are provided to beneficiaries of resettlement (CEAR, 2019; Tadepalli, 2019). Thus,

municipal governments and non-governmental organizations provide social assistance such as housing. Also, provincial governments assume the role of providing social services such as health care while the federal government, through its Service Provider Organizations, also provides a range of settlement programs to facilitate the rapid integration of newly resettled asylum seekers (Agrawal & Sangapala, 2020).

In the 1980s, a group of asylum seekers filed an appeal with the Supreme Court of Canada contending that their rights to present their case before the Immigration Appeal Board (IAB) was unjustly denied. In rendering its decision, the Court noted that "everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice" (p. 20), which is consistent with Section 7 of Canada's Charter of Rights and Freedom (Epp, 2017), and that this provision applies to both Canadian nationals and those seeking protection. Thus, the Court ruled that the rights of this group were violated, and this decision gave rise to the establishment of the IRB to assume the role of the IRB (Epp, 2017; IGC, 2012).

The establishment of the IRB was a significant step in the review of asylum claims. It created challenges as it limited the authority of the government to exclusively decide the number of asylum seekers that should be resettled within a given period and scheduled arrival dates. Also, asylum seekers who sought protection at Canada's border or in-country were guaranteed that their rights would be protected under Canadian law. This created an incentive for the north movement of asylum seekers from Central and Latin American countries to make asylum claims within Canada and its borders. This

trend led to a significant increase in asylum claims—with an estimated 4,000 protection

applications submitted in-country and at the borders annually. This number was far less

than the 40,000 claims made in the 1990s. However, this has declined to 20,000 claims in

recent years (Epp, 2017). It is worth noting that immigration policies and systems

adopted during this era sought to reduce the number of individuals and groups granted

asylum. Declining economic conditions in the 1980s further prompted the need to adopt

more rigorous immigration regulations. Thus, Bill-55 and C-84, instituted in the late

1980s, included more guidelines for assessing asylum claims. In its continuous efforts to

minimize the number of asylum seekers, Canada passed Bill C-86, which created the

basis for the adoption of the STCA, a contentious immigration policy that restricted

individuals and groups who obtained asylum in a third country or who transited in what is

considered a "safe" country, from applying for asylum at Canada's borders (Epp, 2017).

The Rights of Asylum Seekers in Canada

Canada's asylum system ensures that certain rights are granted to asylum seekers

and are provided specific assistance for resettlement to Canada (UNHCR, 2018). Thus,

within the context of Canada's asylum system, certain assistance and/or rights were laid

down or embedded for the benefit of all (individual and society). The assistances and/or

rights include private sponsorship, appeals, immigration loans and contributions, and

protection of women, children, and the elderly.

Within the context of the IRPA, asylum seekers can only make asylum claims at

an official Canadian border where asylum claims are reviewed and entry authorization

granted. Albeit the rights of claimants under international law and Canadian immigration

policies, as well as factors such as "whether the claimant has committed a serious crime, made a previous claim in Canada, or received protection in another country" (p. 1), are taken into consideration in granting entry authorization (Government of Canada, 2019). Thus, individuals and groups who make asylum claims are granted specific rights, based on international law and Canada's immigration policies. The rights include the right to remain in Canada while the asylum claim is being reviewed and the right to be protected against discrimination (Government of Canada, 2019; UNHCR, 2018).

Under international agreements and Canadian law, removing a person who makes an asylum claim while their application for protection is being reviewed violates their basic rights, especially if their life will be at risk in the country they are to be returned. Canada's immigration policy prohibits the deportation of failed asylum claimants to countries classified as unsafe (Government of Canada, 2019; UNHCR, 2018). Except for individuals who have applied for protection, individuals who entered Canada without an immigration permit or through an irregular entry point could be subjected to deportation (UNHCR, 2018).

Individuals and groups who faced persecution in their homeland have the right to seek asylum in Canada based on an international agreement that Canada supports. Asylum seekers deemed eligible for protection are issued an attestation document by the designated Government of Canada agency. Asylum claimants also have the right to be protected from all forms of discrimination and are guaranteed various rights in keeping with Canadian law, such as the right to practice the religion of their choice, free speech, freedom of movement, and legal representation. Other rights include access to financial

services, healthcare, work authorization, study permit for university studies, and free

education for grade school children (Government of Canada, 2019; UNHCR, 2018).

Regarding asylum seekers outside Canada who are approved for resettlement,

they are assisted with travel loans to cover medical and air travel costs. Beneficiaries of

the loan must demonstrate that they can repay the loan. For asylum seekers who cannot

repay the loan due to valid circumstances, the designated Canadian government agency

underwrites resettlement costs (Sacco, 2016; UNHCR, 2018). UNHCR, in collaboration

with Canadian missions overseas, ensures an expedited resettlement process for

individuals with medical conditions. However, if the health condition of an asylum seeker

will put the health of the Canadian public at risk, the applicant's resettlement application

is placed on hold until the condition is treated (UNHCR, 2018).

For individuals and groups who are victims of torture, the Canadian government

provides special resettlement assistance due to their vulnerability and the urgency for

those in this classification to be granted asylum. Thus, through the Joint Assistance

Sponsorship Program (JASP), Canada's overseas migration office, in collaboration with

UNHCR, review applications of asylum seekers in this category and grants them urgent

resettlement assistance (Hynie, 2018; Okeke-Ihejirika et al., 2020; Saunders et al., 2020;

UNHCR, 2018). Within this context, asylum seekers who are considered vulnerable and

in need of urgent protection include women at risk, children, and the elderly (UNHCR,

2018).

Women at risk are asylum seekers who are either pregnant, experiencing maternal

depression, living in fear of their lives, being subjected to abuse, or been a victim of

torture (Ahmed et al., 2017; Higginbottom et al., 2015). Research findings revealed that women at risk had been victimized due to their ethnicity, faith, or those subjected to physical punishments such as torture and sexual violence (Brown-Bowers et al., 2014). Usually, women in this class are separated from their families—with no means of protecting themselves or an assurance that local law enforcement will be able to do so. Given the compassionate nature of these cases, the process for resettling them to Canada is expedited (UNHCR, 2018).

Vaghri et al. (2019) reported that Article 22 of the UN Convention on the Rights of the Child (CRC) stipulates that governments who are signatories to the UN Convention must grant asylum to children, ensure they are protected, and provided the necessary social assistance, and take action to have them reunited with their families. If a child or children have a family member residing in Canada, resettlement assistance is either processed through designated immigration authorities under the government-assisted refugee program, private sponsorship program, or the family class. Children with no family ties in Canada are not granted consideration (Suleman et al., 2019; UNHCR, 2018; Vaghri et al., 2019). Canadian immigration policy also makes provision for elderly asylum seekers to be provided resettlement assistance if they have family ties in Canada and if they are reliant on family members who are in the process of being resettled to Canada (UNHCR, 2018).

It is noted in a recent report that asylum seekers who are approved for resettlement are provided some assistance before departure and after they arrive in Canada. This includes information sessions facilitated by the Canadian Orientation

Abroad (COA), which is usually presented in the language spoken and understood by those resettled. The information sessions focus on providing an overview of Canada, pre-departure preparation, and the specific resettlement program they will be assisted under (UNHCR, 2018). Also, asylum seekers approved for resettlement are also issued a temporary resident permit stamped with immigration (IM-1) to facilitate entry into Canada. In the case of asylum seekers who have no travel documents because of their status as asylum seekers or their inability to obtain travel documents from their homeland, the designated migration office issues an IMM 5485, a Single Journey Document (SJD) for travel to Canada (SJD) (UNHCR, 2018).

To facilitate rapid integration and create an avenue for obtaining citizenship, Asylum seekers who are resettled without a permanent residence permit are permitted to apply for a permanent resident card in Canada, while those who were issued temporary resident authorization before departure are allowed to submit a permanent resident application, predicated on being in good health and having not engaged in criminal activities in all jurisdictions where they resided. With permanent resident status granted, applying for citizenship is permissible once the criteria are met (UNHCR, 2018). Newly resettled asylum seekers who arrived in Canada are transported to a temporary residence while arrangements are made for a permanent home. Settlement organizations assist them in applying for documents such as the health insurance card, social insurance number, and permanent residence permit, as well as to submit applications for social services such as the Canada child benefit, grade school enrolment for children, language classes, and

job search (Agrawal & Sangapala, 2020; CEAR, 2019; Hynie, 2016, 2018; Suleman et al., 2019; UNHCR, 2018).

The Asylum System in the United States

Research has shown that granting asylum to individuals and groups in need of protection has been a core component of U.S. immigration policies for many years—with thousands of asylum claims approved annually. To ensure its commitments to international agreements on refugees were met, the United States adopted the Refugee Act of 1980 (Meissner et al., 2018). However, a decade after the adoption of the 1980 Act, the need to reform the asylum system became imperative, given its limited capacity to effectively manage many asylum claims. By the mid-1990s, applications for protection significantly increased to an estimated 150,000 per annum—excluding half a million that was yet to be processed. Most asylum seekers on the waitlist to be processed came from counties in Central America, Haiti, and China (Federation of American Immigration Reform [FAIR], 2002; Meissner et al., 2018).

The current asylum system in the United States is based on the reformed immigration regulations of the 1990s that focused on ensuring that the asylum system was well structured to effectively address irregular migrations, processing of large numbers of asylum claims, and concerns related to illegitimate asylum claims. This presented challenges related to the United States meeting its humanitarian commitments to asylum seekers and, in the same vein, effectively regulating the in-flow of asylum seekers (FAIR, 2002; Meissner et al., 2018). The revised immigration policies, which came into effect in the mid-1990s was fundamentally based on the principles that large

volumes of unprocessed protection applications create a significant challenge for the enforcement of immigration regulations and that the timely processing of asylum claims was imperative for ensuring that individuals with legitimate claims are granted asylum while those with invalid claims are denied. It was also premised on the notions that in a less chaotic environment, the appropriate decisions are made on asylum claims, taking into consideration credible information provided by the government and non-government actors, that the system for reviewing protection claims should create an avenue for individuals to submit protection claims and for large volumes of claims to be processed through a single processing window, and that in the event where the processing of claims falls behind the volume of applications, priority should be given to the most recently submitted claims (Meissner et al., 2018).

Implementing these principles ensured transparent, timely processing of asylum applications and adequate resources for migration officers to manage the large volume of asylum claims effectively. These measures caused the volume of asylum applications to decline to an estimated 40,000 annually, and that trend continued for two decades (FAIR, 2002; Meissner et al., 2018). A recent report observed that in-country asylum seekers who are not facing refoulement orders could be permitted to seek protection "affirmatively" with the designated U.S. migration agency. Such applications for protection are reviewed by the United States Citizenship and Immigration Service (USCIS), which approved or denied asylum claims. All rejected asylum applications are submitted to the Executive Office for Immigration Review (EOIR), a division of the U.S. Department of Justice (DOJ) responsible for coordinating in-person asylum hearings

before an immigration judge who makes decisions on claims. On the other hand, asylum claimants who have been detained and ordered deported but have asylum applications with the EOIR are permitted to seek protection "defensively" to avoid refoulement (FAIR, 2002; Meissner et al., 2018).

Currently, individuals who seek asylum at a U.S. port of entry or border crossing are screened based on a new hybrid system jointly applied by the USCIS and EOIR. This new system of assessing asylum claims is based on enhanced immigration regulations instituted in 1996 intended to fast-track the deportation of ineligible asylum claimants and provide protection for asylum seekers with valid claims (FAIR, 2002; Meissner et al., 2018).

Research has revealed that while policymakers at home and abroad have rated the U.S. immigration reforms of the mid-1990s as effective and a best practice that should be replicated in other jurisdictions, the system, in the last decade, has become ineffective due to a range of issues including the processing of large volumes of asylum claims, expanding and fast-tracking the refoulment process, and the pressure of controlling large scale illegal migration from Mexico, has placed enormous pressure on the asylum system. Due to the significant increase in asylum claims, the service standard of 180 days for processing asylum claims could not be met, as most cases now take 2–5 years to be reviewed. This has created vulnerability, prevented those with valid asylum claims from being granted protection, and produced an ineffective asylum system (FAIR, 2002; Meissner et al., 2018).

Thus, in recent years, the U.S. government has adopted various measures that reduce the possibility of seeking and obtaining protection in the United States. Within this context, legal measures were instituted to address organized crimes, which have been used as a basis for making asylum claims. For asylum seekers who crossed U.S. borders at unauthorized crossing points, a new policy instructed that they be arrested, detained, and charged with criminality. It is also stipulated in the policy that individuals who seek protection at authorized border crossings should be sent back, which contracts immigration guidelines that permit individuals to make asylum claims at official borders (Kerwin, 2018; Meissner et al., 2018)

Resettlement is another pathway through which the United States has provided refuge to those who have a valid need for protection, especially the most vulnerable (Fix et al., 2017). Research findings have shown that the United States has continued to play a lead role in resettling asylum seekers—with an estimated 84,995 asylum seekers benefiting from its resettlement initiative in 2016. These are individuals and groups who escaped violent conflicts or were persecuted in their country of origin. Over the last four years, those who have benefited from the U.S. resettlement program came mainly from countries in Africa, the Middle East, South Asia, and Central America (American Immigration Council [AIC], 2020; Fix et al., 2017; Kerwin, 2010; Ostrabd, 2015).

The United States has a long history of refugee resettlement. The Displaced Persons Act of 1948 was passed to address the migration crisis in Europe resulting from World War II, wherein millions of people were forcibly displaced from their home countries and could not return. Within a decade after adopting the Act, the United States

admitted an estimated 400,000 displaced people from Europe (Freiberger, 2010). To

expand its resettlement initiatives, the United States passed the Refugee Relief Act of

1953 and the Fair Share Refugee Act of 1960, which provided a legal basis to resettle

over half a million exceeded the U.S. government's resettlement ceiling. In support of its

humanitarian efforts, the U.S. Department of Justice, using its parole authority, has

offered U.S. resettlement to thousands of people in need of protection, including several

thousand from Eastern Europe in 1956 and Indochinese since 1975 (Kerwin, 2014;

Mossaad, 2019).

The Refugee Act of 1980, which is an amended version of the Immigration and

Nationality Act (INA), was adopted to ensure that U.S. immigration regulations were

consistent with the UN Protocol of 1967, of which the United States is a signatory, and

which makes the removal of individuals who have applied for protection to a country

deemed as unsafe, a violation of the 1976 UN Protocol (Mossaad, 2019). Under the

Refugee Act, the President consults with Congress to establish the number of people

resettled each year. In 2018, the number was set at 45,000. It was projected that not more

than half the targeted number would be resettled. A total of 22,405about 50% of the

targeted 45,000, were resettled, a 59% reduction in the actual number for 2017 and a 47%

decline in the targeted ceiling for the fiscal year 2016 (Kerwin, 2018). For the fiscal year

2018, over half (64%) of those targeted for resettlement came from Africa, East, and

South Asia (Mossaad, 2019). Studies including Kerwin (2018), Fix et al. (2017), Bruno

(2018), Kerwin and Warren (2017), and the U.S Department of State (2019) observed

that the yearly resettlement quote has been on the decline. This has been attributed to

actions such as adopting rigid screening measures that largely excluded individuals from Muslim nations and purposefully delayed resettlement interviews and other processes (Kerwin, 2018).

The American Immigration Council (2020) noted that for any refugee or asylum seeker to be approved for resettlement, they must have a clean security record and be a part of those selected to be resettled. The United States Citizenship and Immigration Services (USCIS) conducts interviews to determine eligibility for resettlement. Once in the United States, newly resettled refugees or asylum seekers are assisted by the Refugee Admission Program (RAP) in accessing social services to facilitate rapid integration (Bruno, 2018). According to AIC (2020), individuals resettled to the United States are eligible to submit a permanent resident application after a year of being in the United States and a citizenship application after 5 years of being a resident.

It is noted in a recent report that the U.S. government placed a permanent hold on its resettlement for four months. This moratorium was to create adequate time for Homeland Security and State Departments to thoroughly screen resettlement applicants to determine admissibility. When the suspension was lifted, 11 countries classified as posing high-security risks were excluded from the U.S. resettlement program (AIC, 2020).

The United States is a signatory to the Refugee Convention. However, policies in place support the rejection of asylum claims and refoulement to a country classified as unsafe and where their safety is not guaranteed. This is because the U.S. government's definition of torture is limited, which is responsible for the rejection of asylum claims

(Human Rights First, 2009; The Advocates of Human Rights, 2012). Studies on the U.S. asylum system before and after September 11, 2001, terrorist attacks established that the asylum system was ineffective. In 1997, Professor Patty Blum also observed that U.S. policies on immigration continue to show a clear departure from international agreements on asylum-seeking and its related obligations (Macklin, 2003).

The Concept of First Country of Asylum

The origin of the country of first asylum is traceable to the UNHCR Executive Committee of the High Commissioner's Program (EXCOM) of conclusion 58(XL) (Gil-Bazo, 2015; Moreno-Lax, 2017). The policy instrument was designed to address the phenomenon of refugees and asylum seekers that were transported irregularly across countries where they received protection in their quest to apply for asylum or permanent resettlement elsewhere. Asylum seekers who engaged in such movements did not start their travels in their country of origin but rather in the countries where they have already been granted protection. Moving from the first country of asylum to seek protection elsewhere is intended to obtain permanent resettlement, and this trend has been described as irregular (Gil-Bazo, 2015).

It is further noted that Conclusion 58(XL) permits the refoulement of asylum seekers to the country where they were first granted protection. This mainly summates the argument that States facilitate the conclusion of international bilateral and multilateral agreements. Even while the conclusion features the phenomenon as the migration of asylum seekers who have already been granted protection in the "first country of asylum," it does not define protection. Thus, the underlying argument is centered on the

ideas surrounding the movement of people from the first country of asylum to seek

asylum in another country, which generated divergent views when the policy was first

adopted, and these differing perceptions or positions find expression in various

declarations (Gil-Bazo, 2015). Dimitriadi (2016) observed that the concept of "the first

country of asylum" is applicable in situations where an individual who was granted

asylum before in his "first country of asylum" is still eligible to seek protection again in

that same country.

UNHCR (2016) considers this protection as coherent with the 1951 Convention

that relates to the legal protection of refugees under the 1967 protocol. The European

Asylum Support Office's (2018) conclusion on the concept of "the first country of

asylum" finds expression in Article 33(2)(b) of the Asylum Procedures Directive (APD)

(recast). Under this Article, States within the European Union (EU) are permitted to

reject an asylum claim and have the claimant repatriated to a "safe third country" as

stipulated under Article 38 and 39 of the APD (recast) (European Asylum Support Office

[EASO], 2018). In the same vein, a Member State of the EU, based on Article 33(2)(b),

has the authority to order the removal of an asylum seeker to a country outside the EU.

That country should be a designated "safe third country." This article is to be read

alongside Article 35 APD (recast), which outlines the conditions for a country to be

deemed as a "first country of asylum" for an asylum seeker. The conditions include: (a) if

an individual was previously granted asylum in a given country and can still benefit from

that status in that country, or (b) if the individual benefitted from full protection in the

"first country of asylum," including the protection from removal and can still benefit from this protection if allowed re-entry.

As stipulated under Article 43 of the Asylum Procedures Directive (APD) (recast), the underlying notion of the "first country of asylum" concept is to exonerate States within the EU from the responsibility of reviewing asylum claims to establish validity for protection when it is established that a claimant was granted protection in the first country of asylum and will still be protected if returned (EASO, 2018). According to the Home Office (2019), the "first country of asylum" concept paved the way for making inadmissibility decisions concerning individuals that were initially approved for asylum in a "safe third country" and can still benefit from the same protection in that country; or an asylum claimant who is a beneficiary of asylum in a "safe third country," including the protection from removal; or the asylum claimant is likely to be granted asylum in a "safe third country" and will not be subjected to removal given that:

> The claimant asylum claim was previously approved in the country concerned, and the conditions for filing an asylum claim were available, but the asylum seeker, for no given reason, chose not to do so; or it is established that the individual seeking protection has ties in the previous country and would be appropriate for an asylum application to be submitted there.

The Concept of Safe Third Country

The origin of the "safe third country" notion is rooted in the UNHCR Executive Committee of the High Commissioner's Program (EXCOM) Conclusion 58(XL). This idea relates to the apparent illegal movement of refugees and asylum seekers from

countries where they were granted asylum to apply for protection in another country (Gil-Bazo, 2015). Moreno-Lax (2015) stated that the "safe third country" idea came out of the conclusion that asylum seekers were more concentrated in some jurisdictions of the EU as compared to others, and this was attributed to asylum seekers engaging in "forum shopping" across the EU in their quest to find a more welcoming country. While the concept was not clearly defined but subject to each system, the idea provided a premise for the review of asylum applications and a basis for reviewing or rejecting asylum claims at any stage of the process.

Thus, the concept has influenced not just the asylum system but also the structures for managing the flow of asylum seekers in EU countries and other jurisdictions, which included the adoption of restrictive border measures and policies that allows states to send asylum seekers back to a "safe third country" where they initially applied for asylum. The justification for adopting this concept is that the 1951 Refugee Convention (CSR) 14 provides no guidelines on how the responsibility for reviewing applications for protection and granting asylum should be distributed. Thus, this has made it permissible for states to return individuals seeking protection to a "safe country." Ensuring that such action is consistent with the 1951 Convention as it specifically relates to the principle of non-refoulement clause stated under Article 33 of the 1951 Refugee Convention (CSR) (Binkovitz, 2017; Moreno-Lax, 2015). The idea underlying the safe third country (STC) is applicable when an asylum claimant could have submitted a claim for protection in the first country of asylum but failed to do so or under the circumstance where an asylum

claimant applied for protection in another state, but a decision was yet to be made (Dimitriadi, 2016).

The STC concept is fundamentally premised on the argument that an individual in need of protection should make an asylum claim in the first country of arrival (Gkliati, 2017). However, scholars had criticized the STC because it is premised on a limited definition of Article 31(1) of the 1951 Refugee Convention, which prohibits penalizing asylum seekers that unlawfully crossed the border of a state, if only they did not transit in another country when they fled the state where they were persecuted (Roman et al., 2016). Thus, to uphold the Refugee Convention and the European Convention on Human Rights (ECHR) protection standards, EU member states are to ensure that asylum seekers are only returned to a country that is considered safe. These standards are now a component of legal instruments of the EU in the form of its Asylum Procedures Directives that stipulates the share responsibilities for States within the EU as it relates to accepting or rejecting a claim for asylum (Gkliati, 2017).

According to Moreno-Lax (2015), the literature has been replete on the STC concept since the early 1990s, and no two concepts in refugee law have received such widespread investigation and enduring debate, apart from non-refoulement and the meaning of refugee. However, evidence has shown that scholars have had unbiased stands on the concept but showed considerable apprehensions in their perceptions related to the execution of the concept by states (Binkovitz, 2017; Moreno-Lax, 2015). EASO (2018) observed that not many scholars had argued the validity and acceptability of the STC. Within this context, the remarkable proponent of the concept is credited to

Hailbronner (2016). However, the core of the argument is how to determine the conditions under which transferring asylum seekers to a "safe third country" is deemed as legally permissible, rather than focusing on questions related specifically to STC as it relates to its consistency with international agreements (Legomsky, 2003; Moreno-Lax, 2015).

To this end, researchers have primarily focused on cataloging conditions required for a third country to be considered safe in line with the 1951 Refugee Convention (Binkovitz, 2017; Moreno-Lax, 2015). Scholars believe that after cataloging the conditions, the challenge becomes how to assure these conditions are met. This uncertainty has generated a debate which led to some scholars opposing the "safe third country" idea on the premise of practicality—given that it seeks to remove the state's ability to ensure its protection obligation is achieved, either in or through the concerned third country, without giving due consideration to whether the concept has a legal basis or not (UNHCR, 2001; van Selm, 2001). However, quite a few scholars have analyzed the legality of STC within the context of international conventions related to refugee and human rights, yet the efforts have not reached a definite conclusion. A general conclusion obtainable from the studies on STC so far, according to Foster (2007), is that the 1951 Refugee Convention does not specifically instruct neither forbid the adoption of restrictive immigration regulations, which makes it legally permissible for such policies to be adopted by states (Moreno-Lax, 2015).

The Canada–U.S. STCA

Canada's Immigration Act of 1976, revised in 1988, incorporated a provision for other states to be designated as a "safe third country" for individuals seeking protection. In the decade following the amendment of the Act, Canada and the United States engaged in a series of dialogues to have a shared designation as safe third countries, but the goal was not attained. Thus, in the wake of attacks carried out on the United States by terrorists, the resumption of the dialogue became imperative, and within a few months, an agreement was adopted, bringing into existence the Smart Border Declaration. The Declaration ushered in the Thirty-Two Action Plan, intended to strengthen border control and regulate the legal movement of people and merchandise into both countries. The Action Plan required that biometric information be obtained to enhance anti-terrorism procedures and improve visa policy coordination. It also paved the way for exchanging data on high-risk travelers and establishing STCA between Canada and the United States. During the latter part of 2004, the Governor-in-Council officially declared the United States as a "safe third country" per Section 101(1)(e) of the IRPA. The concluding agreement was reached on 29 December 2004 (Arbel, 2013; Wilkins, 2018).

The main idea underlying the STCA was to provide a framework that facilitates a structured procedure for reviewing asylum claims in Canada or the United States and ensuring that both countries share the associated responsibility of accepting or denying an asylum claim (Mazreku, 2018; Wilkins, 2018). As a bilateral arrangement, the STCA was also intended to strengthen border control and restrict the movement of asylum seekers from the United States to Canada and vice versa. While the STCA between the two

countries was perceived as a recent bilateral policy, the concept has been an immigration control measure in the EU for many years. The policy makes it permissible for the two countries to return asylum seekers to the departing country—except they meet the exception criteria. Since its adoption, the STAC has been legally challenged on its constitutionality (Arbel, 2013; Imrie, 2020; Macklin, 2005).

The preliminary provision of the policy acknowledged that both countries are parties to the 1967 protocol and the Refugee Convention and pledged to uphold these international agreements. Suffice to mention among the obligations in the preliminary policy is the principle of non-refoulement and the party's commitment to upholding this stipulation (Mazreku, 2018). The preface also noted that such agreements support global efforts to protect refugees by ensuring that protection claims are appropriately reviewed and that signatories commit to supporting the shared responsibility of the agreement (Mazreku, 2018). Within the framework of the STCA, Canada, and the United States are obligated to readmit into their jurisdiction asylum seekers who submit a claim for protection, as such claims contravene the "safe third country" arrangement between the two jurisdictions and are required to review and decide on such asylum claims. However, there are exceptions such as family jointure, protecting children and minors in need of protection, but otherwise, the policy applies to all applicants who seek protection at the land borders of the two countries. It is worth noting that the STCA does not consider in its policy any applicant that arrives other than by land or who files asylum claim inside the Canadian border (Wilkins, 2018).

According to Article 33(1) of the 1951 Refugee Convention, subjecting an asylum seeker to removal to a state that is considered unsafe and where their life will be at risk is a contravention of the Refugee Convention (Macklin, 2003). Also, Mazreku (2018) noted that per Article 3 of the agreement, the removal of an individual who makes a claim for protection is not permissible while a decision on their application for protection is pending. Macklin (2005) observed that this stipulation is intended to address the issues of "chain refoulement" and "refugee in orbit." The concept of "chain refoulement" relates to the removal of an asylum seeker from the country where asylum is being sought to the first country of asylum or through countries until the asylum seekers reach their country of origin—without being granted the opportunity to make a claim. This is partly based on the "readmission agreement" (Macklin, 2005).

Macklin (2005) illustrated the "refugee in orbit" concept by noting that if Country A designates country B as a safe third country, country, A will restrict the rights of individuals to seek asylum in their jurisdiction once it is established that their first country of arrival is country B. In the case where there is no arrangement such as the STCA, the asylum seeker is subjected to a "chain refoulement" whereas country B removes the asylum seeker to country C and Country C deports him to Country D, and this continues until he gets back to his country of origin—without his case being heard (Macklin, 2005; Mazreku, 2018). The crux of the Agreement is Article 4(1), which stipulates that

> The Party of the country of last presence shall examine, in accordance with its
> refugee status determination system, the refugee status claim of any person who

arrives at a land border port of entry on or after the effective date of this

Agreement and makes a refugee status claim (Government of Canada, 2002, p. 3).

There are four exceptions to the law that mandates an asylum seeker to file an

asylum claim in the country of last presence (U.S. or Canada, wherever they first

arrived). These exceptions, as stipulated under Article 4(2), says that the country in which

a claim is made should review and decide on an asylum claimant who meets the

following requirements: have a minimum of one family member in the country where

asylum is being sought, who is eighteen years and whose asylum claim has been

approved or has been granted permanent resident status; the claimant has a minimum of

one family member who is eighteen years, resides in the country where the asylum claim

is being made and is not qualified to make an asylum claim in that country; the claimant

is a child without parents or guardians; the asylum seeker entered the port of entry

without an authorized immigration permit; or reached the land border of the receiving

country—with no travel permit issued in the country of departure but which is required

by the country where asylum is being sought (Macklin, 2003; Mazreku, 2018). Article 6

of the STCA allows the two countries to review asylum claims to ensure it aligns with the

public's interest (Mazreku, 2018).

Macklin (2005) observed that to submit an asylum application at a Canadian or

U.S. border crossing, an asylum seeker must ensure that their trip does not link through

Canada or the United States. Immigration and/or border authorities in the two

jurisdictions could reject a claim for protection and return the asylum seeker to the

country where they first arrived. The STCA does not apply to individuals who apply for

protection inside Canada, given the difficulty of establishing if they came through the United States and given that claimants might withhold that information to protect their asylum application and/or to avoid rejection and removal to the United States (Mazreku, 2018). It is further noted that policymakers who recommended that the STCA be applied to in-country asylum seekers believe that claimants who did not apply for protection in the country where they first arrived have no valid claim but are rather seeking better economic opportunities Mazreku, 2018).

Impact of the Canada–U.S. STCA

The CCR (2005) noted that the STCA has significantly changed the Canadian asylum-seeking process. Evidence revealed that in the first year of the STCA implementation, applications for protection at the Canada–U.S. border crossings declined from as high as 8,436 to about 4,000—a number less than half the estimated protection applications submitted in the preceding year. In 2005, Canada documented an estimated 20,000 asylum applications, the least number of protection applications since the 1980s, a figure that was not up to half the asylum applications submitted since the IRPA was formulated and passed in 1989.

Before the adoption of the STCA, Canada adopted restrictive migration policies intended to minimize the number of asylum seekers who get to Canada, including the imposition of penalties on conveyance operators and enforcing rigid standards for obtaining a Canadian visa—especially in countries where a high number of asylum claimants originated. These new restrictions, it is noted, caused an estimated 6 percent decline in applications for protection from 2004 to 2005 (CCR, 2005). Further evidence

revealed that due to STCA implementation, the aggregate decline in asylum claims was estimated to be 20 percent (Macklin, 2005).

According to Ryman (2007), reduction in the number of asylum claims is a positive trend which can be attributed to the implementation of administrative regulations in the mid-2000 and due to the adoption of immigration policies intended to minimize applications for protection within the jurisdiction of Canada—especially asylum seekers without valid claims. A decline in the number of asylum applicants creates the means for Citizenship and Immigration Canada (CIC) to allocate scarce resources with legitimate claims. Given these new measures, the IRB reported in June 2005 that the number of asylum claimants declined to 22,000, which is about half the estimated 51,600 claims recorded in 2002.

Even though statistical records and information provided by few claimants have supported the adverse impact of the STCA on asylum seekers, yet it is impossible to gauge how it has affected humans. This is because it remains challenging to identify asylum applicants who were rejected as they are unwilling to provide comments given the state of uncertainties they faced. Thus, it is difficult to establish the number of asylum seekers who were subjected to detention, removal, living in the Canadian jurisdiction illegally, who entered the country with the aid of smugglers and sought protection within Canada, and those who, without hope, returned to life-threatening jurisdictions (CCR, 2005).

Challenges of the STCA

The STCA presents a challenge as it relates to safeguarding the principle of non-refoulement or chain refoulement. A sequence of refoulement occurs "when a refugee applicant arrives in a destination country that has a safe third country agreement with a country through which the person seeking refugee status passed" (Moore, 2007, p. 220). This implies a safe third country arrangement between the third country where protection was sought and another state the asylum seeker traveled through to the destination state. In the case where an application for protection is rejected, the individual seeking protection is mandated to provide information on the countries through which they transited, with the initial and subsequent removals eventually getting them back to the state where the claimant was persecuted. Subjecting an asylum claimant to multiple removals contravenes the Refugee Convention's stipulation on non-refoulement in the following ways: (a) if no states involved in the chain of removal took action to protect the asylum claimant's right to non-refoulement, and (b) the jurisdictions that executed the chain of removal do not have a fair and comprehensive asylum system to assess the validity of claims, which could lead to a rejection of valid asylum claims (Moore, 2007). Studies have reported that in Europe, the implementation of the STCA has led to an unjustifiable rejection of protection applications because the third country concerned is not a signatory to the Refugee Convention and therefore demonstrated no obligation in protecting the rights of asylum seekers against removal to an unsafe country (Legomsky, 2003).

Putting it differently, a State could be a signatory to the refugee Convention, but its understanding of the provisions of the Convention is inconsistent with international guidelines on the protection of asylum seekers. Within this context, the U.S. asylum system presents a challenge to the STCA, given that its system for reviewing and approving asylum claims is inconsistent with international guidelines, which could result in a continuous violation of the non-refoulement clause of the Refugee Convention (Moore, 2007). To this end, an important question must be addressed to understand how the U.S. system is at variance with international refugee and human rights norms:

> Can Canada be held in violation of its international legal obligations because of U.S. violations of the Refugee Convention or other human rights agreements? The answer is yes. A country's non-refoulement obligation and its obligation to other human rights treaties continue even after it returns an asylum seeker to a third country. (Moore, 2007, p. 221)

In a study sponsored by UNHCR, Professor Stephen Legomsky investigated the legal challenges asylum seekers faced as they transit countries, fleeing persecution in their country of origin, some of which are associated with migration restrictions stipulated in safe third country arrangements. In his study, he established criteria that provide the basis for determining the conditions under which a state might be allowed to send an asylum claimant back to a third country that is considered safe. The key criteria established in his study are what he termed the "complicity principle." This principle affirms that it is impermissible for a second country to deport an asylum claimant to a third country where the individual will most likely be prosecuted, an action that

contravenes the second country's commitments under international law. International organizations such as the United Nations General Assembly and several states, including the United States and Canada, view this as an acceptable standard (Legomsky, 2003; Moore, 2007).

However, with an ever-increasing global movement of people who arrive in a country and later apply for protection in a nearby state, reaching a consensus on the standard that should be applied in establishing responsibility is deemed imperative and a challenge. In the EU, two arrangements have presented challenges. The first was the Schengen Acquis merger with the EU framework, which resulted in the cancellation of border control measures within the Schengen jurisdiction, engendering the irregular movement of asylum seekers from first countries of arrival to seek asylum in other states within the EU. The second challenge is that expanding the EU boundaries will significantly increase jurisdictions where there are no border control measures (Legomsky, 2003).

Research has established that the variation in asylum systems and/or regulations of countries within the EU presents a challenge for the implementation of STCA – as it encourages irregular migration of asylum seekers from one country to another – a trend that will persist until national policies on asylum-seeking are fully integrated. Another challenge is establishing the country through an asylum seeker gained entry to the EU jurisdiction remains problematic – given the lack of documentation, the substantial amount of time and costs associated with gathering such information, among others (European Union, 2015; Legomsky, 2003).

Criticism of the Canada–U.S. STCA

Winterdyk and Dhungel (2018) argued that it is evident that the adoption and implementation of the Canada–U.S. STCA has forced asylum seekers to use irregular migration to gain entry to Canada. The Canada–U.S. STCA also brought to the limelight the similarities between asylum systems in both countries and their views on people in need of protection. Over time, there have been significant differences in immigration policies adopted to manage and/or control the flow of migrants. Moore (2007) observed that while the rate at which asylum claims are approved in Canada and the United States is at the same level. Critics are concerned that the ever-changing immigration regulations in the United States, such as the high rate of arrests, incarcerations, and removal, have prevented individuals with valid claims from applying for protection in the United States. Such development is at variance with the STCA (Moore, 2007).

This accounts for the growing argument that the STCA appears unsuccessful due to the significant variations in the two systems. In early 2017, the unexpected increase in asylum claimants who used illegal crossings to enter Canada was indicative that asylum seekers were desperate and determined to put themselves at risk to seek protection in Canada to avoid persecution. This has generated questions regarding the adequacy of the STCA in safeguarding the rights of people in need of protection (Negari, 2018).

Research has revealed that the Canadian government's quest to ensure national security, enhance its border control measures, and the imperative of forging a healthy bilateral relationship with its closest ally, the United States, are the interests that have

prevented the Government of Canada from suspending the STCA – even in the face of mounting criticisms and legal actions taken by interest groups (Negari, 2018)

From a general perspective and based on stipulations of international agreements, scholars have raised a range of arguments that criticized STCAs. Based on international agreements, researchers have raised concerns about the uncertainties faced by asylum seekers and the ability of safe third countries to ensure what is termed "effective protection" in international law. There is no generally accepted definition of "effective protection" within the context of international law (Goodwin-Gill & McAdams, 2007; Negari, 2018). While some scholars contend that safe third country arrangements ensure "effective protection" (Gil-Bazo, 2015), others have asked whether states classified as safe third countries are meeting this obligation (Negari, 2018). Within this context, states must establish their ability to provide "effective protection" for all asylum seekers – including ensuring that their rights within the context of national and international laws are protected (Goodwin-Gill & McAdams, 2007; Negari, 2018).

The UNHCR, for instance, focused on defining the lawful restrictions for moving asylum claimants to a third country. However, this method failed to consider some areas – with an example being non-refoulement which is considered imperative for ensuring "effective protection" (Goodwin-Gill & McAdams, 2007; Negari, 2018). Considering the U.S. government's actions in recent years as it relates to asylum-seeking, scholars are concerned if the United States can ensure "effective protection" for asylum claimants. If not, this would undercut the implementation of the STCA, challenge the efficacy of Canada's revisions policies related to the STCA, and violate international agreements

(Negari, 2018). These and other concerns have prompted interest groups to make recourse to legal actions to seek a suspension of the Canada–U.S. STCA.

A year after the adoption of the STCA, interest groups filed a lawsuit in a Canadian Federal Court – contending that U.S. immigration policies contravene the Refugee Convention and other international agreements and, on this premise, should not be classified as a "safe" jurisdiction for people in need of protection. They further contended that Canada's action of returning asylum seekers to the United States based on the STCA is an act of indirectly removing individuals seeking protection. Advocates were of the view "that the STCA and its associated regulations violated section 15 (equality) and section 7 (life, liberty, and security of person) of the Canadian Charter of Rights and Freedoms and should be struck down" (Arbel, 2013, p. 79). In November 2007, the Canadian Federal Court ruled that the STCA is invalid and contravenes Charter rights. The Court further observed that based on section 102 of the IRPA and considering that immigration policies in the United States are at variance with provisions embedded in the Refugee Convention and the Convention Against Torture, it did not meet the requirement of a "safe" country. Nevertheless, Justice Michael Phelan's ruling was upturned in June 2008 by a Canadian Federal Court of Appeal. The Appeal Court noted that his decision was a matter of statutory interpretation (Arbel, 2013).

An alternative protuberant actor that has evaluated the STCA and the asylum-seeking process is the UNHCR. The organization has provided regular reports on the STCA since it came into force. Among these publications is a "Monitoring Report" on the STCA, published a year after the Agreement was adopted. UNHCR evaluated how

stipulations of the STCA are aligned with international law (UNHCR, 2006). To assess

the consistency between the STCA and international agreements, UNHCR undertook

assessment missions to border crossings between Canada and the United States. On this

assessment mission, the UNHCR: toured centers where those seeking third-country

protection could be incarcerated; observed the asylum application process; met and

deliberated with designated officers and state officials at the regional and national level;

held discussions with non-governmental organizations with a presence in Canada and

U.S. border crossings; conducted interviews with asylum claimants, their families, and

their legal representatives; reviewed protection claims dossiers and policies on asylum-

seeking; and conducted an analysis of data obtained (UNHCR, 2006).

In its findings, the UNHCR was mainly critical of the Canada–U.S. "returned

policy," given that some asylum claimants sent back from Canada to the United States

were subjected to incarceration, which prevented them from following through with

asylum hearings and, in some cases, asylum applicants were deported by the United

States—even before their applications for portion were reviewed. Also, UNHCR was also

concerned about the communication gap between the two party's on complex asylum

claims; the inadequacy of the asylum system to conduct a review of asylum claims; the

slow scheduling of asylum hearings in the United States; some officers lacking the skills

to assess asylum claims; the limited facilities at detention centers in the United States and

impact on asylum claimants who are subjected to incarceration; the limited and restricted

public access to information on the STCA; and, the small number of Canadian personnel

who are responsible for reviewing asylum claims (UNHCR, 2006). As outlined in the

2006 "Monitoring Report," these findings were the only evaluation UNHRC conducted within the first twelve months of implementing the STCA (Negari, 2018).

Researchers have noted that although the Refugee Convention and the 1967 Protocol are intended to protect the rights of asylum seekers, these international agreements failed to provide provisions specific to third country agreements. Those who support safe third country arrangements contend that it is indirectly incorporated in these international Conventions. While the Refugee Convention and the 1967 Protocol centered attention on the protection of refugees, they do not openly talk about STCAs. However, the advocates of STCA have argued that the concept is implicit in the Refugee convention (Krikorian, 2002; Mazreku, 2018; Moore, 2007). Although UNHCR has not officially stated its position on the safe third country idea, it is opposed to the explanation assigned to Article 31 – which suggests that the framers of the Convention on Refugees envisaged and agreed with the safe third country concept. UNHCR has made recommendations on how safe third country arrangements could be effectively implemented (Borchelt, 2003; Mazreku, 2018; Moore, 2007).

Interest groups have criticized the one-year window given to asylum seekers in the United States to file an asylum claim or be prohibited from doing so as being at variance with international law (Arbel, 2013; Musalo & Rice, 2008). There is no such law in Canada. The United States asylum system also prohibits asylum claimants involved or aided terrorist groups – albeit without conducting a review to establish if an asylum applicant did so willingly. Critics have strongly condemned these regulations –

given that such policies are at variance with the Canadian asylum system (Arbel, 2013;

Human Rights First, 2009).

Thus, considering that there is no legal framework in Canada that provides the

basis for such restrictions, asylum seekers who faced such limitations in the United States

would most likely seek protection in Canada and be granted an asylum claim hearing by

Canadian authorities (Macklin, 2005). However, consistent with the STCA enforcement,

such claimants are returned to the United States unless they meet the exemption

requirements. Those affected by this "returned policy" faced immediate detention in the

United States or are subjected to "chain refoulement" until they are back in their country

of origin, where they are most likely to face the persecutions that caused them to flee.

This is indicative that notwithstanding the STCA's commitment to upholding the

principle of non-refoulement as stipulated in its introductory section, asylum seekers

could still be subjected to removal before their case is adjudicated (Arbel, 2013; Macklin,

2005).

This contradictory provision of the STCA, it is argued made it permissible for the

Canadian government to violate the rights of individuals seeking asylum – an action

which contravenes Canadian and international law (Macklin, 2003). More so, the STCA

has caused changes to both the site and operation of borders in Canada and led to the

creation of an imaginary border which is termed a "smart border" that moves the location

of border control from land borders of Canada to restrict asylum seekers who intend

seeking asylum at Canada's land border crossings. While the system and implementation

are different, changing border regulations view state border as not stationary – given that

from a conceptual, legal, and geographic standpoint, it is separated from the physical land space of the state, which makes it possible for states to exercise control of who enters its jurisdiction effectively – through the enforcement of legal and administrative regulations (Arbel, 2013; Shachar, 2009).

According to Arbel (2013), the policy of changing the location of border control in an era of large-scale global movement of people creates an avenue for governments to regulate the flow of migrants as it relates to those, they want to grant entry authorization, who are subjected to refoulement, and the ones who are prevented from obtaining entry authorization or seeking asylum at its land borders. These regulations put Canada in a position where the country is not held legally liable for not fulfilling its international obligation of granting asylum to individuals seeking in-country protection or claiming asylum at its land border crossings (Arbel, 2013).

Although the STCA is not usually used as an exclusionary instrument, it indirectly supports the moving border measure. While the implementation of the STCA takes place at physical borders, it pre-establishes if an asylum seeker will be admissible to Canada or not – especially asylum claimants who transit the United States before applying for protection at Canada's land border. Given that the first country of arrival is the United States, the claim filed at Canada's border will be rejected – unless the exception clauses are met. This suggests an imaginary shifting border and assumes that the asylum seeker is still within the initial jurisdiction – although they are in a different jurisdiction (Arbel, 2013). This made it possible for the STCA to alter the longest unprotected boundary – nullifying the possibility of an asylum seeker applying for

protection at a land border crossing – unless they met one exception criterion or opted to use illegal border crossing points to gain entry to Canada (Gilbert, 2007). The concept of moving borders under the safe third country arrangement has created the condition for the review of asylum applications to be changed from an assessment based on validity to a review that is premised on meeting technical requirements (Arbel, 2013).

The CCR (2005) opined that it is incomprehensible that individuals in a state of vulnerability as well as people at risks due to various forms of persecutions are subjected to rights violation, including the rejection of their asylum claims, removal to a third country where they are most likely to be incarcerated, or subjected to "chain refoulement" until they are back in their homeland where they were persecuted.

Gaps in Literature

The growing and fast-changing dynamics of irregular and forced migration occurring around the world over time has been attracting a growing number of studies with a greater focus on immigration, migration policies, asylum-seeking/seekers, forced migration, refugee, and refugee or asylum system. Even with the increasing number of studies, researchers have observed that there is still a significant gap in the empirical body of knowledge relating to these areas mentioned above. This has been attributed to the empirical challenges associated with carrying out systematic studies that include clearly defined research – needed to provide data for the study (EASO, 2016). It has been noted that comparative studies to explore the variations between asylum granting states and how this influences an individual's asylum-seeking preference is limited, dated, and

presents a problem – given the evolving trend in irregular and involuntary movement of people (EASO, 2016).

There are also limited studies on migrant smugglers related to how information is shared within their organization (Kuschminder et al., 2015). Also, there is a lack of consensus among scholars as it relates to immigration regulations in asylum-seeking countries or if such policies, in real terms, affect and regulate migration waves. Also, there is a dearth of studies on the extent to which the movement of asylum seekers impacts immigration laws in asylum-seeking countries and, by extension, the legal control within which asylum-seeking will be regulated. Expanding research to understand how immigration laws in the originating, asylum-seeking, and transiting countries impact the procedures for assessing asylum claims – especially as it relates to influencing or inhabiting the continuous movement of asylum seekers is also needed (EASO, 2016). Thus, on this latter premise, this qualitative study, which is based on a phenomenological research design, seeks to explore the impacts of the Canada–U.S. STCA on asylum seekers in Canada uses social construction and policy design theory as the theoretical foundation of the study.

Summary

Chapter 2 discussed the sources used for researching scholarly literature relevant to the study, described the search terms utilized for the literature review, and the approach employed for reviewing and cataloging the scholarly literature for this doctoral study. Given that the research is focused on exploring the impact of the STCA on African asylum seekers in Canada, this Chapter contextualized the study by discussing the

historical development of asylum-seeking in Canada and extensively discussed key concepts related to the study, including the concept of asylum in international law, the asylum system in Canada, the asylum system in the United States, the concept of the first country of asylum, the concept of the safe third country, the Canada–U.S. STCA. It also described the theoretical foundation on which the study is based and provided an extensive review of empirical literature related to the study.

Chapter 3 will provide details on the research method that will be used to explore the impacts of the Canada–U.S. STCA on asylum seekers in Canada. This chapter will describe the sampling approach that will be employed to select the targeted number of research participants. It will also discuss the selected research design, which is considered the blueprint of how the study will be conducted and why it is deemed the most appropriate for exploring the phenomenon of interest. The central research question and subquestions will be restated, which are intended to obtain a comprehensive understanding of the central phenomenon of this doctoral study.

This chapter will also outline the role of the researcher, the study methodology, which will include the study population, sampling plan and recruitment of research participants, instrumentation, and data sources and data collection. It will also discuss the ethical procedures that will be followed to ensure the study is in confirmative with established research ethics, the issues of trustworthiness (credibility, transferability, dependability, and confirmability) in terms of how the study will ensure the findings are trustworthy, an imperative of qualitative research.

Chapter 3: Research Method

The study used a qualitative research method. Qualitative research is defined as a systematic approach through which researchers describe the phenomenon under study (Astalin, 2013). This research method makes it possible for the researcher to understand a research phenomenon such as a social institution and generate meanings based on the perspectives and/or experiences of research participants (McGill University, 2020). This means that data and meanings are naturally generated from the research context (Astalin, 2013). Also, this research approach ensures that relevant parts of the study are methodically connected to respond to the central research question and subquestions. It also details how the study will be implemented and is considered the blueprint for conducting the study (Tuffour, 2017).

This study, which was focused on exploring the perceived impact of the implementation of the Canada–U.S. STCA on African asylum seekers in Canada, was based on a phenomenology research design. This research design assists researchers in describing and understand the lived experiences of individuals who participate in a study (Astalin, 2013; Neubauer et al., 2019). A description, understanding, and explanation of existing knowledge on a given phenomenon might be lacking because no phenomenological research has been conducted to explore the unknown (Astalin, 2013; Pathak et al., 2013).

The study explored the views of a purposive sample of 22 African asylum seekers in the selected research setting on how the Canada–U.S. STCA have impacted them. STCA. Data were obtained through semistructured interviews, reflective journals, and

notes taken during the interviews. The collected data were manually transcribed verbatim and analyzed based on the seven steps used in analyzing responsive interviews (Rubin & Rubin, 2012). Qualitative data analysis software and manual coding were used as the tool and approach for transcribing and analyzing the data. The Walden Institutional Review Board's guidelines on ethical research was applied at all stages of the study.

This chapter describes the research design and justification and the role of the researcher. It also discusses the methodology used for the study, outlines issues of trustworthiness, ethical concerns, and how the study addresses these issues and concludes with a summary.

Research Design and Rationale

In this section, I restate the research question and subquestions for this phenomenological research and the justification for the selected study design. Thus, this component of the study includes subsections on the central research question and subquestions and the rationale for phenomenological research design.

Research Question

This phenomenological research design had one central research question: What are the impacts of the implementation of the Canada–U.S. STCA on the rights to life, liberty, and security of Africans seeking asylum in Canada since December 2004? Subquestions included the following:

1. What meanings do African asylum seekers in Ontario and Quebec ascribe to the asylum system in Canada?

2. How do African asylum seekers in Ontario and Quebec describe the impact of the Canada–U.S. STCA on their asylum-seeking experiences?

Phenomenological Research Design Rationale

Researchers who are still novices to qualitative research design are often overwhelmed and uncertain about what research method is the most appropriate for their proposed study (Groenewald, 2004). According to Groenewald (2004), researchers must fully understand the various qualitative research designs to ensure that the selected design is the most appropriate for the proposed study. Given the contradictory views on the research method to use for a given qualitative study, ensuring a comprehensive understanding and validation of the selected research approach is essential for ensuring a successful research project (Groenewald, 2004).

A qualitative research design links relevant sections of the study to respond to the research question (Tuffour, 2017). This research approach also provides details on how a study is conducted. It is considered the roadmap for conducting a study, and when effectively designed, it enhances the likelihood that the answers obtained from the research participants will answer the central research question and subquestions and validate the research findings and conclusions (Walden University, 2010). Given that the purpose of the study was to explore a phenomenon of interest, I adopted a phenomenological research design.

The term *phenomenology* is concerned with the study of phenomena. The phenomenon could be events, situations, experiences, or ideas. Phenomenology describes existing events, situations, experiences, or ideas and provides the basis for understanding,

generating meanings, and knowledge about the phenomenon with no existing knowledge. Thus, a phenomenological research approach is relevant when the purpose of the research is to explore an unknown phenomenon (Astalin, 2013).

This phenomenological research design will include IPA, which through a process of in-depth reflective inquiry discovers what a lived experience means to an individual (McLnally & Gray-Brunton, 2021; Smith et al., 2009). The three primary theoretical underpinnings of IPA are as follows: First, it attempts to provide a narrative of a lived experience of a person instead of being prescribed by pre-existing theoretical notions. Second, it recognizes the inquiry as an interpretative activity because humans are sense-making organisms, and therefore participants' accounts reflect the senses they make out of their lived experiences. Third, it is idiographic in its commitment in examining the detailed experience of everyone in turn, before making a general statement (Smith & Osborn, 2015).

According to Alase (2017), the distinctiveness of IPA is in its receptiveness for more in-depth data collection and analysis processes; it uncovers the meaning that exists within an experience and communicates that meaning through a discourse, and interprets a narrative of an experience of an individual (Thomas, 2006; Tuffour, 2017). IPA interprets and amplifies the lived experience of an individual, and the sense making (interpretative) of the individual's lived experience requires the inquirer (researcher) to have a true and deeper understanding of the experience of the individual (Alase, 2017).

IPA is committed to "explore, describe, interpret, and situate the participants' sense making of their experience" (Tuffour, 2017, p. 3). It differs from other

phenomenological techniques due to its idiographic nature—it allows a researcher to use observations and/or focus groups to understand a particular phenomenon (Smith et al., 2009; Gill, 2020), and data collection through semistructured interviews (Gill, 2020). To this end, the choice to use IPA for this phenomenological research was based on the conclusion that this type of analysis will ensure that the study explores and interprets the perceived impacts of the Canada–U.S. STCA on asylum seekers residing in the provinces of Ontario and Quebec, Canada.

The Role of the Researcher

In qualitative studies, the role of the researcher includes, among others, constructing meanings based on the lived experience of people impacted by a given phenomenon; and in an inductive process, the researcher has a role in building abstractions, concepts, hypotheses, and theories from the details (Atieno, 2009; Patton, 2015; Simon, 2011). Other research findings suggest the researcher assumes the primary role of collecting and analyzing data instead of relying on study questionnaires or qualitative data analysis software (Maxwell, 2013; Patton, 2015; Simon, 2011). Fink (2000) noted that the researcher is the primary custodian of the data collected and is also responsible for ensuring an ethical research process, the trustworthiness of the data collection, analysis, and reporting of findings. Within this context, the researcher has the responsibility of providing a clear description of their personal biases, assumptions, and experiences and how these would be overcome to ensure the study's trustworthiness (Simon, 2011).

Against this backdrop, my primary role as the researcher for this study was to ensure reliable data collection by using semistructured interviews (through either in-depth face-to-face or electronic means), documenting reflective journals, and taking notes before and during interviews with respondents that will be selected for the study. Also, I was responsible for analyzing data obtained, reporting findings, and making recommendations based on results from the study. As the researcher, I was responsible for recruiting research participants, safeguarding the privacy of respondents and information obtained, informing interviewees about the risks and benefits of being interviewed, ensuring that the study complies with the Institutional Review Board's guidelines—especially as related to conducting studies that are focused on vulnerable populations.

When conducting the interviews, I recorded the participants' perceptions on the study questions and gathered their stories through both audio recording and note-taking. I listened to the audio recordings and manually transcribed them verbatim to ensure that all relevant information was captured—an imperative for guaranteeing the accuracy of the information obtained from research participants and conducting preliminary analysis to establish the quality of data, findings, and presentation of results (Rubin & Rubin, 2012).

Methodology

In this section, I discuss the study methodology, including subsections on study participants, sampling plan and recruitment of participants, instrumentation, data sources and data collection, data analysis plan, ethical procedures, and trustworthiness (credibility, transferability, dependability, and confirmability).

Study Population

The target population for the study was African asylum seekers in the provinces of Ontario and Quebec, who are aged 18+, sought asylum in Canada, and have been in the country for not less than a year. Potential participants who did not meet the selection criteria were excluded from the study. Those who met the criteria were purposively selected based on their experiences related to the research interest. The study focused on research participants in these two provinces because a substantial number of asylum seekers in Canada reside in these two jurisdictions (Government of Canada, 2017). Therefore, there was the possibility of identifying and recruiting potential respondents in the selected provinces "who [could] best inform the research questions and enhance understanding of the phenomenon under study" (Sargeant, 2012, p. 1).

Sampling Plan and Recruitment of Participants

Qualitative studies are usually based on nonprobabilistic sampling methods such as purposive sampling. There are no established criteria for generating nonprobability samples; albeit it relies on the concept of saturation, which is the stage at which no new information is generated from the data obtained (Guest et al., 2006). In qualitative studies, the usual approach is that the researcher selects one to 30 respondents. This determination is based on how much information is needed to ensure an adequate response to the research question (Bengtsson, 2016).

Thus, I used purposive sampling, a nonprobability method, to select 22 African asylum seekers as research participants in the selected research setting who were most likely to provide information that generates an in-depth understanding of the issue being

study and provide answers to the research questions (Sargeant, 2012). According to

Sharma (2017), the purposive sampling method relies on the subjective judgment of the

researcher regarding the selection of study participants.

Although the plan was to select 30 potential research participants, the target was

to interview 20 of the 30 selected participants. This approach is consistent with

Creswell's (2014) view that five to 25 participants should be selected for

phenomenological studies. The rationale for the target of 20 interviews was premised on

a few considerations. Recent research findings suggest that a study focusing on asylum

seekers presents practical challenges related to the availability of research participants

and their willingness to provide information relevant for the study due to fear that it

might affect their asylum claims (Sanchez-Alicea, 2019). The other consideration was

that the vulnerability of this target population might cause an unwillingness to participate

in the study and provide confidential information due to the lack of trust in the research

process, the notion that immigration officials might gain access to the study, which might

affect social assistance they are provided and immigration decisions on their asylum

application (Sanchez-Alicea, 2019). Another consideration was the limited access to

potential research participants due to the prevailing COVID-19 pandemic.

Although the targeted number of interviewed research participants was 20, the

research was guided by the concept of data saturation. Thus, if saturation was not

achieved after 20 interviews, additional participants would have been interviewed until

saturation was achieved (Guest et al., 2006). As a strategy for determining data

saturation, data analysis was conducted concurrently with data collection. In qualitative

research, the concept of data saturation is considered a fundamental requirement – as it is

perceived as the yardstick for determining the adequacy of data that ensures a

comprehensive understanding of the issue under study (Hennink & Kaiser, 2019). The

concept of data saturation is the stage at which no new information is generated from the

data obtained (Guest et al., 2006). Given the qualitative nature of this study and the

purposive sampling approach used for this study, reaching data saturation was

imperative, given that it provides a basis for evaluating the quality of the study as well as

validating its content (Fusch & Ness, 2015; Hennink & Kaiser, 2019).

It has been established from research that asylum seekers have different

experiences based on factors such as age, region of origin, and gender (Birchall,2016).

Thus, I ensured that I recruited research participants using the criteria of age, gender,

region of origin, and education level to ensure that the study captures in-depth and

diverse lived experiences of African asylum seekers who were interviewed. Also, I

employed email, telephone, and face-to-face contact with the targeted population, who

are adults age 18+, are asylum claimants in Canada, and have been in the country for not

less than a year. Participants who met these requirements were considered the best fit for

participating in the study. These participation requirements are consistent with research

ethics that restricts participants of lower age from granting legal consent to participate in

a research interview and because participants in this age bracket would be more capable

and intelligent to narrate their experiences. As part of the recruitment process, I sent

email invitations to potential participants, and once they accepted to participate in the

study, I provided participants with an informed consent form and requested verbal audio

recorded consent prior to conducting an interview to ensure voluntary participation. As they represented a unique study population, I assured participants that the information they provide will be protected using codes and that research ethics will be strictly followed. More importantly, the study participants were selected for participation voluntarily, and they were provided study instructions upon expressing their willingness to participate. They were also informed that they could withdraw from the study at any time they considered it necessary to do so.

Instrumentation

Instruments used in this study included a demographics questionnaire (see Appendix A) and an interview guide (see Appendix B) that listed the specific interview questions to be posed. In the context of the literature, there are several guidelines for developing interview questions (Rubin & Rubin, 2012). Within this context, interview questions developed by researchers must be simple and structured in a way that generates comprehensive answers from research participants. It is also important that questions that the respondent can answer with one word or closed-end questions and questions that require respondents to do your analysis should be avoided. Researchers are also to avoid developing interview questions that "ask for hearsay or opinions of the group they are part of," and the interviewer should not be afraid to ask respondents sensitive or embarrassing questions as this is the only means by which the researcher will obtain comprehensive information on the phenomenon of interest (Guest et al., 2013; Jacob & Furgeson, 2012).

Thus, in developing the interview guide as an instrument for data collection, I considered the above guidelines and the problem and purpose statements, central research question, the selected research method and design, and Institutional Review Board guidelines. A semistructured interview guide for data collection, reflective journals and interview notes was used to obtain data for the study. The semistructured interview guide ensured that research participants provided their perception of the phenomenon of study, which provided the basis for answering the central research question and subquestions raised for the study.

The selected instruments for data collection ensured that the respondent's demographic data such as age, marital status, length of time in Canada, country of origin, educational level, employment status were captured during the interview. This provided an avenue to follow up on the respondent's socioeconomic and cultural factors enmeshed in pull and push factors that could have caused them to seek asylum in Canada. Hand-written notes were taken while interviewing research participants and documenting reflective journals, which complemented audio data recorded by me for data presentation and analysis.

In the research process, it is imperative that the interview guide meet the requirements of rigor. Current research findings suggest that to ensure the thoroughness of an interview guide, factors such as objectivity, replication, reliability, and standardization should be considered in developing the interview guide (see Appendix B). This is because it provides a fundamental basis for deciding on what good research is

and given that it is the yardstick by which all studies are evaluated (Davis & Dodd, 2015; Walden University, n.d.).

Thus, to ensure content rigor and the credibility of the interview guide, the study first considered the established guidelines for designing a good interview guide (Harvard University, n.d.; Jacob & Furgeson, 2012; Walden University, n.d.). I also took into consideration Institutional Review Board guidelines as the second consideration – especially Section III. For example, questions 16. B, C, and F of Section III of the Institutional Review Board guideline on research ethics was taken into consideration to ensure the credibility of the interview guide that will be developed and used for obtaining data from research participants (Walden University, n.d.).

Data Sources and Data Collection

For data sources, the study relied on primary sources of data. The study used a semistructured interview guide to obtain primary data from research participants. A reflective journal and hand-written notes also served as the other two sources to supplement the data obtained from the semistructured interviews, which provided a useful basis for analyzing and interpreting the data obtained for the study. In addition to using a semistructured interview guide, audio recording, note-taking, memoing were used to ensure that the perspectives of research participants were comprehensively captured.

In qualitative research, conducting semistructured interviews to collect data ensures that the researcher obtains detailed information from interviewees who have directly experienced or were impacted by the phenomenon being study (DeJonckheere & Vaughn, 2019). This could provide a basis for triangulation with other sources of data.

Also, qualitative interviews, as a data collection methodology, assist researchers to comprehensively explore and understand an event from the perspectives of others (Ravitch & Carl, 2016). Alternatively, researchers also used phone interviews to gauge and understand the experiences and perspectives of individuals directly impacted by a specific event (Burkholder et al., 2016). Qualitative interviews are also useful for recreating events that researchers did not directly experience (Robin & Rubin, 2012).

Given that the study was focused on exploring the impacts of the STCA on African asylum seekers in Canada, a semistructured interview was considered the most appropriate method for data collection as the data obtained through this approach provided the basis for understanding, explaining, and generating meanings related to the phenomenon of study. The approaches used to collect data was face-to-face and over the phone using a semistructured interview guide and demographics information form. For the conduct of the interview, the participants were asked to provide an audio recorded verbal consent. They were made aware of their rights to participate voluntarily and withdraw from the study at any time without consequences. The interview process was audio-recorded for an estimated 45 minutes, and each participant was interviewed once as there was no need for a follow-up interview.

Consistent with member checking, the transcript for each interviewee was sent via email for accuracy of data collected and validation. Any correction or update on data collected were affected appropriately before data analysis and findings presentation. The data collected and transcribed were saved as a password protected word documents on a password protected personal computer at home and will be securely kept for 5 years, at

least, per the Walden University guidelines on data collection. After that, the appropriate technique of shredding and demagnetizing to properly dispose of data will be used.

Data Analysis Plan

This phenomenological study assumed an IPA, which through a process of in-depth reflective inquiry discovers what a lived experience means to an individual (Smith et al., 2009; McLnally & Gray-Brunton, 2021). According to Sargeant (2012), in qualitative studies, the analysis of data is intended to understand the data obtained from research participants and the themes that emerged from the data analysis process. This component of the research methodology makes it possible for the research to obtain a comprehensive knowledge of the phenomenon that is being studied – albeit this aspect of the research method is most time misconstrued with content analysis – the aspect of the research process which is focused on identifying and describing the results obtained (Sargeant, 2012).

Researchers who have conducted studies on qualitative data analysis notes that there are seven stages in analyzing qualitative data – albeit researchers do not always follow the seven data analysis steps sequentially (Rubin & Rubin, 2012). Given the seven steps for data analysis and the qualitative nature of the study, data obtained from the semistructured interviews will be analyzed by: (a) electronically and manually translating and reviewing the data, (b) identifying and extracting codes from the interview transcripts which provides the basis for establishing relevant concepts or themes, (c) documenting codes in the same category into a single data file to ensure a methodical data analysis process, (d) condensing the data files to facilitate a more focused data analysis.

categorizing and recategorizing the content of data files, comparing the contents of different subcategories, and summarizing the results of each category, (e) reviewing the different versions of the categories generated – taking into consideration the information provided by each research participant to create a comprehensive description of the data, (f) integrating concepts and themes that emerged from the data analysis and used these as a basis to develop a theory that provides a premise for explaining the description of the data as outlined by the researcher, and (g) establishing if the research findings could be used for other studies (Rubin & Rubin, 2012).

In the data analysis process, generating codes, categories, and themes is considered one of the essential components. Saldana (2013) observed that learning the skills of coding and doing it with ease is imperative for researchers to gain proficiency in qualitative data analysis and that the quality of the research results is predicated on the excellence of the data coding process (Saldana, 2013). The qualitative data analysis is a step-by-step process that moves from the analysis of raw data to clear and convincing answers to the research question. The strength of the analysis is based on the quality of research design structure which ensures "the richness, the thoroughness, the balance, the nuance and detail" (Rubin & Rubin, 2012, p. 190), which makes it possible for the researcher to report findings that are clear, reliable, and consistent with data obtained from respondents (Rubin & Rubin, 2012). According to Creswell (2015), coding is imperative in qualitative data analysis because it makes it possible for the researcher to condensed large volumes of data. Considering the time needed to analyze dense data, it is a useful approach to data analysis that saves time. This process, which is intended to

index and describe the study data, makes it possible for the researcher to derive meanings they related to the research questions (Creswell, 2015).

The analysis and interpretation of qualitative data include reviewing data such as transcripts, audio recordings, or detailed notes. This can be done by assigning descriptive codes to the data and summarizing and categorizing codes to identify patterns and categories (DeJonckheere & Vaughn, 2019). Transcripts generated from qualitative data obtained for the study will be coded using methods such as In Vivo and Descriptive coding. These methods ensure a "natural and deliberate" coding by the researcher (Saldaña, 2016). While there are computer systems for analyzing qualitative data – albeit extracting data relevant to the study is not a process that should be delegated to computer software (Rubin & Rubin, 2012).

Researchers can conduct an analysis of qualitative data that is beyond the performance of computer applications. Within this context, a researcher can identify and assign additional importance to a comment made by an interviewee – considering the respondent's experience. Thus, in analyzing the data obtained for the study, the researcher considers the variation in words and underlying meanings they generate. This is an analytical process that the researcher can only perform (Rubin & Rubin, 2012). When a researcher transcribes or reviews the transcripts of data collected, they can readily begin to identify and code concepts, themes, events, examples, and topical markers, for example, locations. Also, a part of the transcript could be marked as the unit of analysis, and this could be a sentence, a paragraph, or series of connected paragraphs. However, identifying concepts and themes and marking them may not always be a linear

process. In some transcripts, concepts and themes are only hinted at but not clearly stated by respondents. Therefore, it is, imperative that researchers familiarize themselves with skills and knowledge required for identifying and marking concepts and themes not clearly stated by research participants (Rubin & Rubin, 2012). In qualitative research studies, data could also be transcribed using word-processing software, which requires a little creativity in carrying out most of the functions compared to qualitative data analysis (QDA) software (LaPelle, 2004).

Thus, given that this research was based on IPA, I was able to explore and understand the perceptions and meanings each participant gave to their lived experiences on the study phenomenon (Creswell, 2013; Hennink et al. 2011; Tuffour, 2017). The use of IPA supports a researcher to be "able to produce more consistent, sophisticated and nuanced analyses" (Alase, 2017, p. 10). Based on the above, the study followed the seven steps for analyzing the qualitative data obtained from research participants (Rubin & Rubin, 2012). Therefore, the audiotaped interview proceedings, reflective journals, and hand-written notes taken during the interviews were subjected to the seven steps of data analysis in a qualitative study as reported by (Rubin & Rubin 2012).

The analysis and interpretation of the qualitative data included the review of the data such as transcripts, audio recording, or detailed notes. Transcripts generated from qualitative data obtained for the study was coded using In Vivo coding method. This method ensures a "natural and deliberate" coding by the researcher (Saldaña, 2016). The analysis and interpretation of the qualitative data included the review of the data such as transcripts, audio recording, or detailed notes. Given the limitations of computer systems

in extracting data relevant for a study (Rubin & Rubin, 2012), interview transcripts, codes, and themes were manually generated. In addition, to ensure accuracy in the transcripts, I manually transcribed verbatim the audio recordings from the semistructured interviews that were conducted. The process of manually transcribing the recordings made it possible to readily mark events, themes, and concepts during the coding process. Manual transcription enabled me to understand the adequacy or inadequacy of data collected and to decide on data saturation. To this end, I primarily relied on manual transcription and construction of meanings beyond the capacity of QDAs.

Ethical Procedures

As outlined under the subsection on data sources and data collection, data for this study was collected through semistructured interviews. When this method is used in qualitative studies, interviewees are usually asked sensitive or personal questions in nature. Therefore, it is imperative that the interaction between the researcher and each study participant is balanced and strictly confirmative with research ethics that ensure that study participants are protected (DeJonckheere& Vaughn, 2019).

In this study, some of the interview questions were personal and confidential and generated ethical issues. Therefore, I assured study participants that confidential information provided during the interview will be safeguarded and that their involvement in the process is voluntary. Study participants should also be made aware that, if for any reason, they decide to stop participating in the study, they have the liberty to do so (Bengtsson, 2016).

Thus, to ensure that the study was following ethical procedures that govern research involving human subjects, I obtained ethical approval (# 08-04-21-0049040) from the Walden University Institutional Review Board to conduct this doctoral study. No, study participant was contacted before the Insitutional Review Board's approval was received. In addition, I provided research participants a documented assurance that their identity will be protected, including the guarantee that personal details such as the name of respondents will not be disclosed to anyone and that no person other than me, will have access to the information provided during the interview whether advertently or inadvertently and that no individual will be able to link the information provided by research participants to their names except me and that the identity of an interviewee will not be disclosed when the research is published. Furthermore, the research questions' responses will not be used for any other purpose rather than the stated research purpose known to the participant.

Also, ethical issues such as privacy in terms of family members influencing research participants by advising research participants not to provide confidential or truthful information could impact the quality and/or accuracy of the data. A commitment to confidentiality and selecting interview locations that are preferable to research participants minimized this risk. The data to be collected for the study will be kept under my safe protection and password-protected computer at home for 5 years, at least, according to the Walden University guidelines on data collection. After that, the appropriate technique of shredding and demagnetizing to properly dispose of the data will be used.

Trustworthiness

Research indicates that most researchers who have conducted qualitative studies failed to provide comprehensive descriptions of the study's assumptions or the research methodology – specifically how data was analyzed. This has raised concerns of research bias and the imperative of researchers ensuring trustworthiness (Gunawan, 2015). While there are scholars who are critical of qualitative studies related to trustworthiness; studies have shown that resign designs that ensure validity and reliability of qualitative research findings have been used for several years (Shenton, 2004).

To this end, researchers must demonstrate how issues of trustworthiness were addressed. This is because it provides the basis for those who read the study report to determine its trustworthiness (Sandelowski, 1993). From the positivist viewpoint, credibility, dependability, transferability, and confirmability provide the basis for demonstrating how the study's trustworthiness would be achieved. Within this context, credibility is concerned with internal validation, while dependability is focused on ensuring the reliability of the research. Transferability demonstrates the external validation, whereas confirmability has to do with how the study is reported (Sandelowski, 1993).

According to Creswell and Miller (2000), validation of results from a study is one of the key requirements of qualitative research because it provides the basis for the researcher, interviewees, and readers of the study report to decide on the accuracy or inaccuracy of the research findings. For this study, trustworthiness was ensured by

adopting the following measures: credibility, transferability, dependability, and confirmability.

Credibility

In qualitative research studies, it is imperative that the researcher outline the steps that will be taken to check on the accuracy and credibility of the research findings (Helen & Smith, 2015). Thus, for this phenomenological study, the credibility of the research findings was safeguarded by explaining to potential participants that personal and confidential information they provided will not advertently or inadvertently. This was to ensure that answers to interviews questions were honest and comprehensive. Credibility was also preserved by recruiting and interviewing volunteers who met the requirements for inclusion in the study, adopting multiple approaches to collecting and analyzing the data, using the same interview guide to conduct semistructured interviews with participants, asking the same interview questions in different ways to gauge honesty in the respondent's answers and to establish the validity of the data obtained. The credibility of the research findings was also preserved by identifying and taking note of similar and divergent perspectives to reflect diverse views in the findings; ensuring that personal perceptions did not influence the research findings but rather the exact perspectives of research participants to ensure the research findings are evidently supported. This was achieved through member checking which provided an avenue for correcting errors in the transcribed data and ensuring data consistency and accuracy before data analysis which ensured that the research findings are evidently supported. I clearly outlined in Chapter 3

the different methods used to analyze the data which supports the credibility of the results.

Transferability

Transferability is one of the key criteria for achieving rigor in qualitative studies (Morse, 2015). Within this context, the researcher must show how the findings of the study could be used in other research settings or applied to other studies (Moon et al., 2016). However, other scholars hold the view that transferability is analogous to external validation and that proving that the results obtained from the study could be applied to other studies is not the researcher's responsibility but rather the researcher's role is to show the indication that it could be used in other studies. The evidence provided by the researcher enables "potential appliers" to determine if the study results could be transferrable to other studies (Lincoln & Guba, 1985). Thus, under the section on methodology, I showed indication of transferability of this qualitative study by providing a detailed narrative of the study participants, sampling plan and recruitment of participants, instrumentation, data sources and data collection, data analysis plan. I also demonstrated evidence of transferability by linking the theoretical framework to the research questions and ensuring that the problem statement, purpose of the study, research questions, and research design are aligned.

Dependability

Dependability in qualitative research illustrates the coherence between the study's findings and the methods used in conducting the study. This provides the basis for other scholars to evaluate the procedures adopted to conduct the study (Polit et al., 2006;

Streubert, 2011). Dependability which is synonymous to reliability demonstrates the consistency and repeatability of the research findings. For the phenomenological study, the researcher ensured dependability by systematically integrating the data collection and analysis processes. Under the data collection and analysis sections, I provided detailed narratives on how data was collected and analyzed which provided the basis for the results generated. I also ensured that this trustworthiness criterion was met by ensuring that the research findings were based on the data obtained from the participants so that if other scholars analyze the data, the results obtained and how it is interpretated, would be the same.

Confirmability

In qualitative research, confirmability is how findings from a study are reviewed and corroborated by scholars who were not involved in the study. It is usually focused on demonstrating that the data, meanings derived from it, and the findings are based on the data obtained from research participants and not imaginarily derived (Korstjens & Moser, 2018). Thus, consistent with the concept of confirmability, the researcher exercised neutrality by ensuring that the data collected, the research findings and the interpretations are based on objective facts and not influenced by the researcher's imagination or prejudice. Confirmability was also demonstrated by ensuring that the meanings and findings of the study's results are not based on the researcher's opinions but are solely premised on the data obtained (Korstjens & Moser, 2018).

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Summary

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In Chapter 3, I provided details on the research method and design used to explore

the impacts of the Canada–U.S. Third Country Agreement on asylum seekers in Canada. The chapter described the sampling approach used to select the targeted number of research participants. It also discussed the selected research design, which is considered the blueprint of how the study will be conducted and why it is deemed the most appropriate for exploring the phenomenon of interest. The central research question and subquestions are intended to understand the central phenomenon of this doctoral study.

This chapter also outlined the role of the researcher, the study methodology, which included the study population, sampling plan and recruitment of research participants, instrumentation, and data sources and data collection. The chapter also discussed in detailed ethical procedures that was followed to ensure the study was in confirmative with established research ethics, the issues of trustworthiness (credibility, transferability, dependability, and confirmability) in terms of how the study ensured the findings are trustworthy – an imperative of qualitative research.

Chapter 4 will provide details on the research setting, the demographics characteristics of the research participants, and the approach that will be used to collect and analyze data. It will also discuss evidence of trustworthiness, and findings of the study.

Chapter 4: Results

As outlined in Chapter 1, this phenomenological research was intended to explore the perceived impacts of implementing the STCA on African asylum seekers in Canada. The research was designed to understand and explain the impact of STCA from the perspectives of African asylum seekers in the provinces of Ontario and Quebec. The study was also intended to further the knowledge of the distinctive challenges faced by African asylum seekers in Canada, contributed to the existing public administration literature related to the phenomenon of study by furthering the knowledge of the distinctive challenges African asylum seekers face in Canada, and generate research findings that support positive social change. Basing the study on an IPA provided the basis for comprehensively exploring and interpreting the experiences of the study population based on their perspectives, as opposed to it being centered on a prevailing theoretical presumption (Smith & Osborn, 2015; Tuohy et al., 2013). The research was guided by this central research question: What are the impacts of the implementation of the Canada–U.S. STCA on the rights to life, liberty, and security of Africans seeking asylum in Canada since December 2004? The subquestions were as follows:

1. What meanings do African asylum seekers in Ontario and Quebec ascribe to the asylum system in Canada?

2. How do African asylum seekers in Ontario and Quebec describe the impact of the Canada–U.S. STCA on their asylum-seeking experiences?

In this chapter, I discuss the research setting, the demographic characteristics of interviewees, the approach used for collecting and analyzing data, how trustworthiness was achieved, and the results obtained from the data analysis.

Ethics Approval and Research Setting

The Walden Institutional Review Board approved the research design on August 4, 2021. Participant recruitment and data collection centered on semistructured face-to-face, internet-based phone or telephonic in-depth interviews with African asylum seekers in Ontario and Quebec. However, recruiting a significant number of potential participants was a challenge due to the prevailing COVID-19 pandemic that caused settlement organizations offering in-person services to asylum seekers to close their facilities. After Institutional Review Board approval was granted, I contacted individuals, community, and faith-based organizations to ask them to refer potential research participants and post the study's recruitment flyer on their electronic bulletin or platform. The first six participants who were identified and agreed to be volunteers were sent the informed consent form and interview guide through email. Through phone and email communications, the participants and I decided on the dates and times of the interviews. Participants were asked to provide verbal audio-recorded consent before the interview to ensure voluntary participation. Using the snowballing approach to recruit participants, the first set of volunteers interviewed were asked to refer potential participants. Through this approach, 37 asylum seekers originating from Africa, Asia, the Caribbean and Central America were referred to me.

Unexpected Trend in Recruitment of Participants

Most of the potential research participants who agreed to be interviewed were from countries in Africa. Due to this unexpected trend, I revised the proposed research topic, the central research question, and subquestions to focus only on African asylum seekers in Canada instead of all asylum seekers. The revisions made to the proposed research topic, central research question, and subquestions, ensured that the sample population was representative of the unit of analysis and demonstrated evidence of transferability of the study. The initial proposal was to recruit 30 participants and interview 20 of them; however, to increase the perspective of women, 22 semistructured interviews were conducted from August 15 to October 11, 2021, with 15 of the participants being men and seven women. All the participants interviewed resided in Ontario and Quebec, were 18+, and have been in the country for not less than 1 year.

Demographics

In qualitative studies, obtaining and presenting demographic information on research participants is imperative. It provides the basis for determining whether participants in a study reflect the population under study and generality (Salkind, 2010). It also ensures that socioeconomic status and other relevant information related to the participant are presented. A researcher who excludes this information runs the risk of *absolutism*—the assumption that all participants have similar socioeconomic characteristics or status (Hammer, 2011). Demographic information could be presented collectively, individually, or illustrated collectively and individually (Adu, 2019).

For this phenomenological study, I purposively selected a sample of 22

participants from the target population. Using a purposive sampling method enabled me

to include in the study individuals who met the following selection criteria:(a) being an

asylum seeker in the provinces of Ontario and Quebec, (b) being aged 18+, (c) having

been in the country for not less than a year, and (d) being willing and able to best provide

answers that respond to the research questions and enhance insight of the study

phenomenon. Consistent with the research's ethical obligation to protect the privacy of

research volunteers, the 22 participants were designated as Participant 001 to Participant

022. Demographics of the study participants are presented in Tables 1 and 2.

Table 1

Demographic of Participants—Gender and Education

Demographic variable	Participants (N = 22)
Gender	
Male	15
Females	7
Level of education	
Masters	8
Bachelor	10
College	2
University student	2

Table 2

Demographics of Participants

Participant	Age	No. of children	No. of dependents	Year of arrival	Country of origin	Employment status	Sector	Years employed	Employment status in homeland
001	46	4	2	2019	Liberia	Employed	Health	3	Employed
002	42	3	5	2019	Liberia	Employed	Health	1	Employed
003	47	3	0	2019	Liberia	Employed	Health	1	Employed
004	47	4	0	2018	Nigeria	Employed	Health	1	Employed
005	46	5	0	2019	Liberia	Employed	Health	1	Employed
006	46	1	0	2019	Nigeria	Student	N/A	N/A	Employed
007	52	4	0	2017	Ghana	Employed	Engineering	2	Employed
008	34	3	1	2016	Liberia	Employed	Health	4	Employed
009	47	2	0	2020	Liberia	Employed	Health	1	Employed
010	48	1	0	2010	Ghana	Employed	Finance	2	Employed
011	36	2	0	2016	Ghana	Student	N/A	N/A	Employed
012	56	7	2	2019	Liberia	Employed	Manufacturing	2	Employed
013	33	2	10	2018	Ghana	Employed	Logistics	3	Employed
014	46	1	14	2020	Nigeria	Employed	Engineering	1	Employed
015	35	2	0	2021	Liberia	Employed	Health	1	Employed
016	49	1	8	2017	Nigeria	Employed	Health	8	Employed
017	40	3	2	2019	Liberia	Employed	Health	1	Employed
018	36	2	0	2019	Liberia	Employed	Health	1	Student
019	37	5	17	2019	Liberia	Employed	Engr.	1	Self-employed
020	38	3	6	2020	Liberia	Employed	Health	1	Employed
021	40	3	5	2019	Nigeria	Employed	Health	1	Employed
022	60	2	5	2009	Liberia	Employed	Health	9	Employed

Data Collection

As discussed in Chapter 3, under The Role of the Researcher, the collection, transcription, and interpretation of data for this phenomenological study was conducted by me. I obtained data for the study through semistructured interviews, reflective journals, and hand-written notes before and during interviews with respondents.

Participants Selection and Interview

I recruited and interviewed 22 participants for this study through purposive and snowballing sampling strategies (Allen, 2017; Sargeant, 2012; Sharma, 2017). The initial target was to interview 20 participants. Nonetheless, after completing 15 interviews, the I concluded that saturation had been reached—given that the data collected were not yielding additional insights and were adequate for ensuring a comprehensive understanding of the issue under study, evaluating the quality of the research, and validating its content (Fusch & Ness, 2015; Hennink & Kaiser, 2019). However, to validate this conclusion and increase women's participation and perspective, I recruited an additional seven participants, bringing the total number of respondents to 22.

The first six potential participants identified or referred were contacted through email invitations seeking voluntary participation in the study. Once they acknowledged their willingness to be volunteers, I sent them the informed consent agreement and interview questions to review before conducting the interviews. Based on the preference of a potential interviewee, the date and location of the interview were agreed. Consistent with the proposed options for data collection, I conducted 16 face-to-face semistructured interviews, whereas six semistructured interviews were conducted on the phone. The

average time per interview was 35 minutes. The face-to-face semistructured interview

allowed me to interact with participants to make them feel at ease during the interview

process and gauge nonverbal data relevant for generating meanings (Denham &

Onwuegbuzie, 2013). For participants who were interviewed in person, I asked them to

complete the participants' demographic information form (see Appendix A) after the

interview, whereas those interviewed on the phone provided me with these answers over

the phone.

Consent Agreement

To minimize risks and stress on potential interviewees, I did not seek a consent

signature or email consent but only sought verbal consent, which was recorded for the

purpose of documentation. Thus, prior to conducting an interview, participants were

verbally informed that I was required to obtain an audio-recorded verbal consent from

participants to ensure their participation is voluntary and for documentation. Participants

were also asked if they verbally consented to be a participant. Once they verbally

affirmed their willingness to be a volunteer, I provided a brief overview of the study and

proceeded with conducting the semistructured interview. In accordance with qualitative

research, the interview questions were opened-ended to avoid providing predetermined

responses to interviewees and to allow them the opportunity to share their experiences to

ensure that comprehensive answers are obtained from respondents (Allen, 2017; Guest et

al., 2013; Jacob & Furgeson, 2012). Consistent with the consent agreement, at the end of

each interview, I informed the interviewee that confidential information provided would

not be advertently or inadvertently be disclosed and that, to ensure the accuracy of data

collection, the transcribed audio-recorded interview would be sent to them for validation before the analysis of data.

Recording, Transcribing and Cleaning of Data

From obtaining verbal consent to conducting the semistructured interview, the entire interview process was recorded using a Sony IC Recorder ICD-PX370. I also took handwritten notes to capture relevant verbal and nonverbal communications during and after the interview for the purpose of triangulation and enhancing data analysis. To secure the audio-recorded interviews, I downloaded and transcribed the data using the Otter transcription app, read the transcripts, and observed that the texts had several errors and were not consistent with the interviews conducted. I attributed the inaccurate texts to the accent of most of the interviewees and the limitations of the Otter transcription software in understanding what the participants communicated. Thus, data cleaning became necessary to ensure accurate documentation of responses from the interviews. The data cleaning process involves identifying errors in the transcribed data and correcting the inaccuracies (Chu & Ilyas, 2016). In cleaning the data, I listened to and manually transcribed the 22 audio-recorded interviews by incorporating words and phrases omitted, correcting wrong or misspelled words, deleting repetitive words and phrases, removing colloquial and rewriting the text in an academic language format, and making consistent words with similar meaning.

Participants Identifier and Member Checking

To protect privacy, codes 001 to 022 were assigned to participants based on the interviews' sequence. Assigned identifiers were incorporated on the participants'

demographic information form instead of names to ensure that no individual can link the information provided by research participants to their names and for the research to link the data to participants based on the sequence of the interviews conducted. The 22 manually transcribed interviews were saved as a password-protected Microsoft Word documents on a password-protected desktop computer with the identifiers Participants 001 to 022. Consistent with member checking, the transcript for each interviewee was sent via email so interviewees could check for accuracy of data collected and validation. I provided each respondent adequate time to review and confirm the accuracy of the transcript and informed them that, beyond the time provided to respond, it would be assumed that the participant agreed for the data to form part of the study and I would proceed with data analysis. I also placed phone calls to all participants to ensure they confirmed the accuracy of the interview transcript.

Data Analysis

In qualitative studies, the analysis of data is intended to understand the data obtained from participants and the themes that emerged from the data analysis process. This component of the research methodology makes it possible for the research to obtain a comprehensive knowledge of the phenomenon being studied (Sargeant, 2012). Based on the seven stages of qualitative data analysis, generating codes and themes is an essential component of the data analysis process. Codes are "words or phrases" in the transcripts that occur frequently and that give meaning to a paragraph, while themes are short statements or inferences that the researcher draws from the interview texts or research questions (Rubin & Rubin, 2012). Coding is imperative in qualitative data

analysis because it makes it possible for the researcher to condense large data volumes (Creswell, 2015). For this phenomenological study, I reviewed, transcribed, identified, and extracted words and phrases that frequently occurred in the interview transcripts. The codes generated and a review of the answers to the research questions provided the basis for establishing relevant themes.

Evidence of Trustworthiness

Research indicates that providing comprehensive descriptions of the study's assumptions or methodology is imperative. Specifically, how data are analyzed ensures trustworthiness in qualitative studies and removes concerns of research bias (Gunawan, 2015). To this end, researchers must demonstrate how issues of trustworthiness were addressed. This is because it provides the basis for those who read the study report to determine its trustworthiness (Sandelowski, 1993). From the positivist viewpoint, credibility, dependability, transferability, and confirmability provide the basis for demonstrating how the study's trustworthiness would be achieved. Within this context, credibility is concerned with internal validation, while dependability is focused on ensuring the reliability of the research. Transferability demonstrates the external validation, whereas confirmability has to do with how the study is reported (Sandelowski, 1993).

Credibility

In qualitative studies, it is imperative that the researcher outlines the steps that were taken to ensure the accuracy and credibility of the research findings (Helen & Smith, 2015). Thus, for this phenomenological study, I safeguarded the credibility of the

research findings by explaining to potential participants that personal and confidential

information they provided would not advertently or inadvertently be disclosed. This was

to ensure that answers to interview questions were honest and comprehensive. Credibility

was also preserved by recruiting and interviewing volunteers who met the requirements

for inclusion in the study, adopting multiple approaches to collecting and analyzing the

data, using the same interview guide to conduct semistructured interviews with

participants, asking the same interview questions in different ways to gauge honesty in

the respondent's answers and to establish the validity of the data obtained. The credibility

of the research findings was also preserved by identifying and taking note of similar and

divergent perspectives to reflect diverse views in the findings and by ensuring that

personal perceptions did not influence the research findings, but rather the exact

perspectives of research participants to ensure the research findings are evidently

supported. This was achieved through member checking, which provided an avenue for

correcting errors in the transcribed data and ensuring data consistency and accuracy

before data analysis which ensured that the research findings are supported. I outlined in

Chapter 3 the different methods used to analyze the data, which supports the credibility

of the results.

Transferability

Transferability is one of the key criteria for achieving rigor in qualitative studies

(Morse, 2015). Within this context, the researcher must show how the study's findings

could be used in other research settings or applied to other studies (Moon et al., 2016).

However, other scholars hold the view that transferability is analogous to external

validation and that proving that the results obtained from the study could be applied to other studies is not my responsibility but rather my role is to show the indication that it could be used in other studies. The evidence provided by the researcher enables "potential appliers" to determine if the study results could be transferrable to other studies (Lincoln & Guba, 1985). Thus, under the section on methodology, I showed indication of transferability of this qualitative study by providing a detailed narrative of the study participants, sampling plan and recruitment of participants, instrumentation, data sources and data collection, and data analysis plan. I also demonstrated evidence of transferability by linking the theoretical framework to the research questions and ensuring that the problem statement, the purpose of the study, research questions, and research design are aligned.

Dependability

Dependability in qualitative research illustrates the coherence between the study's findings and the methods used in conducting the study. This provides the basis for other scholars to evaluate the procedures adopted to conduct the study (Polit et al., 2006; Streubert, 2011). Dependability which is synonymous to reliability, demonstrates the consistency and repeatability of the research findings. For the phenomenological study, I ensured dependability by systematically integrating the data collection and analysis processes. Under the data collection and analysis sections, I provided detailed narratives on how data was collected and analyzed which provided the basis for the results generated. I also ensured that this trustworthiness criterion was met by ensuring that the research findings were based on the data obtained from the participants so that if other

scholars analyze the data, the results obtained and how it is interpreted would be the same.

Confirmability

In qualitative research, confirmability is how findings from a study are reviewed and corroborated by scholars who were not involved in the study. It is usually focused on demonstrating that the data, and meanings derived from it, and the findings are based on the data obtained from research participants and not imaginarily derived (Korstjens & Moser, 2018). Thus, consistent with the concept of confirmability, I exercised neutrality by ensuring that the data collected, the research findings and the interpretations are based on objective facts and not influenced by my imagination or prejudice. Confirmability was also demonstrated by ensuring that the meanings and findings of the study's results are not based on my opinions but are solely premised on the data obtained.

<div align="center">

Results

</div>

Based on the research and interview questions and review of transcripts and hand-written notes, I identified three emergent themes and eight subthemes. Table 3 documents the emergent themes and subthemes. I structured and presented emergent themes and subthemes in Table 3 based on the central research question and subquestions.

Table 3

Emergent Themes and Subthemes

Theme	Subthemes
Theme 1: Protection of rights	Asylum benefits
	Policy challenges
	Policy renewal
Theme 2: Perceptions on Canada's asylum system	Human dignity
	Uncertainty
	Fair and rigorous process
Theme 3: Experiences of asylum seeking	Ability to seek asylum
	Loophole for illegal entry

Central Research Question

The central research question and related interview questions provided the basis for exploring the experiences of research participants as it relates to the impact of the Canada–U.S. STCA on the rights to life, liberty, and security of Africans seeking asylum in Canada since December 2004. The central research question also served as the premise for developing interview questions that gauged the perspectives of research participants on the first port of entry stipulation of the STAC and how the Agreement could be improved to protect asylum seekers. The three overarching themes and seven subthemes that emerged from the central research question and subquestions RQ1 and RQ2, as well as verbatim quotes selected from participants' related interview answers, are presented in the following sections.

Emergent Theme 1: Asylum Rights

The protection of people is an imperative within the context of national and international related to asylum-seeking. Thus, I sought to understand from the perspective of the study participants how the agreement impacted their protection interests and to obtain insight on specific provisions of the STCA and options for improving the policy.

Subtheme 1: Protection Benefits

Most of the interviewees indicated that the STCA had no negative impacts on their rights to life, liberty, and security because these rights have been protected since they sought asylum in Canada. Their perceptions were premised on the granting of temporary resident permit, financial assistance, work authorization, access to health care, freedom of movement, absence of arbitrary arrests and threats to life. Within this context, Participant 001observed that "the safe third country agreement did not negatively impact my right to life, liberty, and security. Canada has been generous to me as an asylum seeker." The participant noted that "they afforded me the right to live and work in Canada." He also added that "in less than three months, I obtained legal documents that made it possible to stay in Canada as a legal refugee until my asylum application was reviewed and approved." and that "Canada has been very much aware of the right to human dignity." This participant also indicated that his "right to security was assured at the orientation of my acceptance into Canada, including the right to associate, pursue my personal goals as an asylum seeker, and be a law-abiding citizen." These protection rights in his view, were vital for his stay in Canada. Within this context, Participant 003 stated that

The safe third country agreement has been beneficial because it grants me the liberty to move freely without intimidation, harassment or arbitrary arrest by police or a border security officer. It gives me the liberty to work and earn an income to sustain myself and my family without any form of prejudice, intimidation or harassment, or racial discrimination. Upon arrival in Canada, the Canadian immigration services provided legal aid service to facilitate the asylum process, a work permit, and a temporary resident status to live and move freely in Canada without intimidation or harassment from border patrol officers or police officers.

Participant 012 observed that "the Safe Third Country Agreement positively impacted my life, liberty and security." This is because "when I came to Canada, I had the privilege of being a beneficiary of the welfare program and was issued a work permit." Participant 012 added that "I have freedom of expression, go to places I want to go, have the right to apply for a job, and freely move from one province to another province" and "I feel secured. Law enforcement officers in Canada are very friendly."

Participant 019 explained that "the Safe Third Country Agreement had no negative impact on my life, liberty and security" given that "when I crossed the border in 2019, I was welcomed by the Canadian border patrol, was detained for two hours, asked few questions, and released." Participant 019 explained that "the government allowed me to work and exercise my freedom. I have never been harassed by any Police officer or immigration personnel or anyone asking me in the streets for identification."

Conversely, two participants noted that the STCA negatively impacted their rights to life, liberty, and security given that her initial asylum claim was denied. According to Participant 008,

When your asylum claim is denied, you have no rights because you do not have your paper to even move around, like going to other counties such as the U.S. to visit family, and it is like you do not have the liberty to move around. You are threatened all the time by immigration officers with deportation, which I see as a violation of the rights of asylum seekers.

Participant 010 stated,

It has impacted me in many ways. One, it limits your freedom of movement because, once you, for example, arrive in the U.S., it limits your freedom of movement. You cannot go to Canada to apply for asylum because of the Safe Third Country Agreement – restricting your right to seek asylum in the U.S. only. So, it impacts your liberty as a person because once you enter the U.S., you cannot come to Canada to seek asylum and vice versa. Once you get into Canada, you can't go to the U.S. as you don't have the liberty or the freedom to enter the U.S. to apply for asylum – even if that was your preferred country for seeking asylum. Two, it has impacted my right to security in several ways. Security for me is how my family gets settled? Do they have the opportunity to work, for example? So, for me, security is the opportunity to have a job.

Subtheme 2: Policy Challenges

Under this subtheme, findings related to the STCA clause that stipulates that asylum seekers whose first port of entry is the United States should not be granted asylum in Canada unless they meet the exception clause of the agreement (Government of Canada, 2020) are presented. All 22 participants interviewed disagreed with the first port of entry clause of the STCA given that it perceived as not being a policy for rescue but rather an agreement that is revictimizing people in need of protection. On this premise, Participant 002 noted that

That aspect of the agreement should be revised in the sense that asylum policy is an arrangement for rescue. At the time of deciding to seek asylum in a country, one might not be certain about such a decision and could follow through with the first decision based on the situation at the time. Your first decision could also be reconsidered based on the situation. Most times, the first decision might be reconsidered based on your situation. So, in as much as it is an arrangement for rescue, both parties to the safe third country agreement should accept asylum seekers regardless of the first port of entry.

Participant 003 stated that "I disagree with this clause because asylum-seekers situation varies from person to person and from country to country." Participant 003 further noted that "I feel that based on your case, the threats that you faced in your homeland could have made it not feasible to claim asylum in the first country of entry." The participant added that under such circumstance, "you would rather seek asylum in

another country of your choice and where you feel safe and protected to live. Participant 008 narrated,

> I was one of the victims of the first port of entry stipulation of the Safe Third
> Country Agreement when I came to Canada. I was in the U.S. for close to two
> years when the situation came up in my country that could not allow me to go
> back. So, I tried to seek asylum in the U.S., but once you have stayed for over one
> year in the U.S., immigration officers there will not allow you to seek asylum
> anymore. So, I had no option but to come to Canada. When I came to Canada and
> applied for asylum, I was denied, and one of the reasons for the denial was
> because I did not seek asylum in the U.S.? Though I tried to explain, it was to no
> avail. And when my lawyer applied for an appeal, I was not also qualified because
> I did not seek asylum in the U.S.

Participant 009 observed that the "STCA was intended to help regulate the movement of asylum seekers but it's not working in the best interest of asylum seekers. The U.S. being the first port of entry does not guarantee an approval for asylum." Participant 021 noted that the "agreement should be revised because most people find it easier to enter the U.S. but find it hard to get asylum in the U.S due to stringent immigration regulations" Participant 021 was of the view that "making the policy flexible gives people the right to seek asylum in the U.S. or Canada." Participant 022 stated that "I don't think it's a good idea depending on an individual's case and individual experiences in the U.S. before deciding to come to Canada."

Subtheme 3: Policy Renewal

The STCA was designed to regulate the movement of asylum seekers between Canada and the United States, but the agreement remains contentious (Carbert, 2019; Gil-Bazo, 2015). The interview question related to this subtheme sought to obtain answers from research participants on how the policy could be improved given its drawbacks. All 22 research participants suggested various strategies that policymakers could adopt to improve the STCA to protect asylum seekers. These include, conducting a review of the first country of entry stipulation of the agreement, and allowing asylum seekers the right to pursue higher education just as they are permitted to work. Below are excerpts of the policy options provided by some participants on how to improve the agreement to protect asylum claimants. Participant 006 suggested that

> Policymakers could improve this agreement by allowing asylum seekers to pursue their education while going through the asylum process. As an asylum seeker, you are not allowed to pursue education, but they might have a reason for that restriction because you are still going through the asylum process. If immigration authorities can allow those who want to go to school to do so, that would be helpful, given that some asylum seekers must wait for three to four years before their asylum application is approved. So, while waiting, they are doing nothing. That is the only aspect they need to improve.

Participant 010 was of the view that

> Policymakers in Canada and the U.S. should redefine Safe Third country by asking whether the two counties are safe as defined in the agreement. So that they

can remove the barrier that prevents an individual from seeking asylum in Canada once they come through the U.S. It will create the opportunity for people to seek asylum in Canada if it's not working for them in the U.S. It must be done at the political level to solve the problem with the involvement of policymakers.

According to Participant 011, "policymakers should advocate more for asylum seekers. Allocate more funds, seek more volunteers, get more people to work with refugees, revise/review the refugee act, and adopt workable policies to govern the process for people who are seeking asylum." Participant 013 was of the view that "policymakers should abolish or cancel the Canada–U.S. Safe Third Country agreement." Participant 016 stated that

Policymakers can improve this agreement to protect asylum seekers by revising the clause in the Safe Third Country Agreement that states that you should seek asylum in the first country you entered. This is because sometimes, people who want to seek asylum and come to the U.S. do not want to seek asylum in the U.S. because of one issue or the other. Their intend might be to seek asylum in Canada, but if the agreement is strictly implemented, they cannot do so. That is the clause they need to revise overall.

Participant 017 suggested that

If an asylum claim is denied, all options should be made available to the individual involved. If all options still do not result in the acceptance of an individual's asylum case, the person should be sent back to the U.S. instead of his home country. For someone who fled danger in their home country and comes to

Canada for refuge, when their asylum case failed, for policy improvement, they should be returned to the U.S. instead of the conflict zone they fled.

Participant 019 stated that "policymakers can improve the agreement by consulting those the agreement was meant to protect or regulate." The respondent added that "this can be done by surveying asylum seekers to obtain their perspective, as with other systems in the country." Participant 019 further noted that "the agreement was developed by few people and is not working for everyone. So, to improve it, you must go back to the same people who are impacted by the agreement." Participant 022 was of the view that "they can improve the Safe Third Country Agreement by looking at cases of people applying for asylum." Participant 022 further observed that "there are many people with genuine claims, and details are not reviewed comprehensively to see what situation people face, especially women with children… there is a need to thoroughly review cases before denying asylum claims, especially those with children."

Emergent Theme 2: Perceptions on Canada's Asylum System

Research Question (RQ1) and related interview questions focused on gauging the meanings African asylum seekers in Ontario and Quebec ascribe to the asylum system in Canada including the asylum process. An overarching theme and three subthemes were derived from the RQ1 and related interview answers. The common views associated with the emergent themes were that the asylum system has advantages and disadvantages, and the process is fair but lengthy.

Subtheme 4: Human Dignity

Most of the interviewees were of the view that the Canadian asylum system, in comparison to other countries, is unique, well organized, and reputable as it relates to protecting the fundamental rights of people seeking protection, allowing asylum seekers to be heard by an immigration judge where they can tell their story, present their situation and circumstances. The participants noted that the asylum system creates the condition that puts an asylum claimant in the right frame of mind and helps them regain their liberty without threat or fear. Within this context, Participant 001 observed that "Canada has been very much aware of the right to human dignity." Participant 001 added that

> The positive aspects are that you are welcomed into Canada once you do not have
>
> a criminal record, and you are treated with some level of dignity compared to
>
> other countries that I have travelled. You are treated like a human.

Participant 002 stated that "the positive aspects of the asylum system in Canada are that it allows you your full right to freedom of movement, and it provides you with a decent living environment." Participant 008 noted that "the positive aspect is that whether you are denied or in the process of waiting, you get government assistance, you get medical, which is very good. The interviewee added that "when you get denied, your employer will want to terminate you, and I think because they do not have information." According to participant 009, "the moment one files a refugee claim or intention or declares their intention to seek asylum after being assessed and accepted, they are issued a temporary status and a work permit." In addition, "they have full coverage under the Canadian

government's health insurance plan. Refugees or asylum seekers benefit from almost everything like permanent residents." Participant 011 noted that

> The asylum system is straightforward. Everything about the asylum system is very exceptional. After you are temporarily permitted to enter Canada, they find you a lawyer, make you feel comfortable throughout the process, and people volunteer to take you through the process. Although the entire process is stressful, they tried to make it less stressful for you.

Participant 014 recounted that

> Some of the positive aspects of the asylum system in Canada are that it allows you to be independent, gives you the freedom to move around, and provides access to medical benefits like any other Canadian, making you feel very much at home when you come to Canada.

> Participant 016 observed that "the asylum system in Canada…is good [given] that when you arrive in Canada, they conduct security screening. If you do not have any records that make you inadmissibility, do not pose any security threats, you are allowed into the country." The respondent further noted that "after few days, a work permit is issued to you and with this, you can gradually stand on your own."

Subtheme 5: Uncertainty

While 21 of the 22 of the respondents were of the view that the asylum system was unique, well structured, and a system that ensures a fair process, they also revealed that there are uncertainties associated with the Canadian asylum system such as the long wait time for an asylum hearing.

Participant 001 observed that "the asylum system's only downside is the prolonged period you must wait for an asylum hearing." Participant 002 stated that "the not too positive aspect of the asylum system in Canada is when you are denied on error grounds and not based on the supporting pieces of evidence you provided to support your asylum application. According to participant 009, "one of the main downsides is the emotional torture that refugees and asylum seekers go through during the waiting period." Participant 009 further stated that "immigration officers, lawyers and consultants do not seem to understand the stress and psychological syndrome, which come with the process of a person leaving their home unceremoniously to start life in a new environment." Participant 011 noted that

The not-so-positive aspect of the asylum system is that you must wait a long time for your asylum hearing, which keeps you on edge. And especially when you get a hearing date, and that date is postponed. You keep worrying and thinking about what your fate is, which is in another man's hand.

Participant 014 recounted that "the not-so-positive aspects of the asylum system are the wait time for getting your asylum approved or the timeframe given for reviewing and approving an asylum seeker's resident status." The participant added that "this prolonged timeframe makes some asylum seekers feel they are still strangers in Canada."

Participant 016 observed that

The not-so-positive aspects have to do with the duration of the hearing. The wait time for the Immigration and Refugee Board hearing can be between one year to minus ten years." The respondent stated that "nobody has a template to say that I

will complete my immigration hearing in one or two years. So, the fear of the

unknown is always within you.

Subtheme 6: Fair and Rigorous Process

As stated above, RQ1 and associated interview questions also sought to

understand the meanings African asylum seekers in Ontario and Quebec ascribe to the

asylum process. Thus, the study participants were asked to share their perspectives as it

relates to the asylum process. Below are excerpts of the views expressed by some

participants on this subtheme. According to Participant 001,

The asylum process has been very, very rigorous, and the process has also been

exceptionally long. I do not know if this was the case prior to COVID. But

normally, you do not have a specific time for you to know if you will be denied

asylum or given the green light or the approval to stay in Canada. So, you find it

difficult to get completely integrated into society because of your immigration

status.

Participant 002 noted that "the asylum process has been going very well in terms of the

processes involved in obtaining temporary legal documents, access to health care, and a

lawyer for legal representation." Participant 003 stated that "upon arrival in Canada, the

Canadian immigration services provided legal aid service to facilitate the asylum

process**."** Participant 003 added that "the asylum process has been smooth and

transparent. They give you the opportunity for you to be heard, and to ask questions."

The respondent added that "if your asylum application is not approved, there are other

options such as filing an appeal or applying for asylum on humanitarian grounds to be

able to continue living in Canada." Participant 004 observed that

> The process has been good because you have a right to legal counsel through
>
> Legal Aid, which is a very positive aspect of the process. You do not have to pay
>
> for that. You have access to information and resources to push your case. And I
>
> think those are both very positive aspects of the process.

Participant 005 noted that "the process is genuine and unique. Canada has the best immigration and asylum system in the world. There is a system, and you are responsible for working with it to ensure that your asylum application is approved." Participant 005 added that "As an asylum seeker, I think the process has been good and effective. The board, the immigration lawyers, the organizations of the lawyer, the way information is filtered down to asylum seekers." The respondent further noted that "lawyers representing asylum seekers attend workshops organized by immigration authorities to respond to questions adequately and effectively from asylum seekers related to the process." In addition, "there are questions related to the new immigration policy that grants expedited asylum approval to asylum seekers working in the health sector. These workshops help lawyers respond to questions from asylum seekers they represent." Participant 009 narrated that

> The asylum process is short for some people but long for others. I entered Canada,
>
> and within two months, I was able to get my hearing. As an individual, the
>
> process has been challenging. As I said, when you are denied, everything
>
> becomes unstable. You do not know what to do, and the process is lengthy. You

will wait for one year before you can be qualified for humanitarian. So, the
process was long and difficult for me.

Participant 011 stated that "the asylum process is very overwhelming… my
asylum process was long, filled with anxiety, and tiring, but went fine. They have policies
that they follow and people to help while you [are] waiting to get a hearing." Participant
020 recounted that "for me, it's been good. I had a short process given the time I have
been here. The process was fast." The interviewee further noted that "I came last year,
and this year I got a call for my hearing and was approved instantly. I did not have to wait
for two weeks for my results, so the process was good."

Emergent Theme 3: Asylum-Seeking Experiences

Research Question (RQ2) and related interview questions were focused on
assessing the impact of the STCA on the asylum-seeking experiences of African asylum
seekers in Ontario and Quebec. In addition, RQ2 and associated interview questions were
designed to gauge how the STCA influences a participant's decision to seek asylum in
Canada including options for border crossing.

Subtheme 7: Ability to Seek Protection

Most of the interviewees revealed that that the STCA impacted their asylum
experiences. Participant 001 stated that "the agreement impacted my asylum-seeking
experience in that, when I came to the U.S., I did not stay for an extended period." The
respondent further noted that "my record reflects spending less than three days in the U.S.
before coming to Canada to seek asylum." Participant 001 added that "it was one of the
reasons why my landed paper was approved." Participant 003 noted that "the safe third

country agreement impacted my asylum-seeking experience in that it gave me a broader understanding of who an asylum seeker should be when to apply for asylum and who should be granted asylum." The interviewee further narrated that "it gave me a comprehensive overview of what to expect at my asylum hearing… it provided the knowledge for me to explain to the hearing officer what my situation is and why I should be considered an asylum seeker." According to Participant 010,

> It has impacted my asylum-seeking experience because … entering the U.S.
> before seeking asylum in Canada will affect your ability to seek asylum in Canada
> because the U.S. is considered safe. You are not allowed to apply for asylum in
> Canada and vice versa … that is a lot of limitation on the process. One should
> have the freedom to choose the country where you want to seek asylum,
> irrespective of where you landed.

Participant 011 stated that

> The agreement helped to manage access to the refugee system better. It helps us
> as asylum seekers to follow the guidelines and processes to get what we were
> rightly seeking—especially as asylum seekers crossing the Canadian borders. It
> helped Canadian immigration officers in making sure they knew who they
> accepted in the country. So, I will say that it helped make the process smooth
> based on what they follow for refugees or asylum seekers to get the
> accommodations they need.

Participant 019 noted that "my asylum-seeking experience has been a very fair one. Even though the agreement states that people who crossed illegally, as I did, should

not be granted asylum." In addition, the respondent stated that "there are exceptions within the same agreement, and within that section, people like me with documents and passports are qualified to make claims. If you have no such documents, you cannot enter, or your process is lengthy." Participant 019 also narrated that "if you are qualified for the exception, you are granted asylum. So, the agreement has helped me." While most of the study participants indicated that the STCA positively impacted their asylum-seeking experiences, two interviewees revealed that it negatively impacted their asylum-seeking experiences. Participant 008 narrated that

It impacted me negatively because I went through a lot. My asylum claim was not accepted, but given the pieces of evidence presented, the judge should not have denied it. When my asylum application was denied, I would have qualified for an appeal had it been for the Safe Third Country Agreement. So, I was not qualified to appeal my case because I did not file for asylum in the U.S. The Safe Third Country Agreement affected me significantly everywhere.

Participant 013 stated that

It has caused me so much distress. With this agreement in place, it is difficult for an asylum seeker to live outside the perimeters of fear. You will always be in fear once this policy is in place because you feel that you do not meet the standard, and so, you are caught between the scissors, looking at the agreement in place and the choices Canada must make concerning your situation. So, you always live-in fear.

Subtheme 8: Loophole for Illegal Entry

The responses provided by the study participants as it relates to this subtheme indicated that the STCA influenced the asylum-seeking decision of half of the research participants. Within this context, Participant 004 noted,

That was the most crucial factor that influenced my decision on how to seek asylum. After spending seven months in the U.S. and never had the opportunity to seek asylum or be heard by U.S. immigration authorities at the time, so, when I started researching and digging deeper, I found that the third-party agreement between the U.S. and the Canadian was a way out for me. And so, I pursued an opportunity and here am I today. In total, it was beneficial.

Participant 016 narrated that

The Canada–U.S. Safe Third Country Agreement influenced my decision to seek asylum in Canada because, when I came to the U.S., a clause in the agreement states that you must not be in the U.S. for more than one year before seeking asylum. Initially, I was not thinking of seeking asylum in the U.S. because the condition back in my country was still a bit fair. But while in the U.S., things started deteriorating and already, the one-year threshold had elapsed. So, there was no way I could have filed for asylum in the U.S. without facing a lot of legal tangles, so I had no other option than to seek asylum in Canada.

Participant 017 revealed that "this agreement created free passage to Canada through the illegal point where we crossed into Canada. There was no U.S. immigration molestation as they allowed us to travel freely and come to Canada to seek asylum."

Participant 019 noted that "the way it influenced my decision was based on the exceptions of the Safe Third Country Agreement." The respondent observed that "part of the exception says that you should have family members in Canada who are citizens or permanent residents or protected persons under the Canadian immigration legislation." The interviewee added that "I met those requirements and had a passport and other documents, making it possible to be identified and seek asylum."

Conversely, 11 of the 22 study participants stated that their asylum-seeking decisions were influenced by other factors instead of the STCA. Participant 011 stated that "my decision to seek asylum was not based on the Safe Third Agreement…it was based on me seeking a better country that would accept me, a country that would protect me." The respondent further noted that "Canada was one of those countries that I knew that respects and protects women. So, that influenced my decision to come to Canada." According to Participant 008,

> I never read about the Safe Third Country agreement before coming to Canada. So, I had no idea what I would meet and how it would be like, so I never had an initial idea about the Safe Third Country Agreement to impact or influence my decision.

Participant 022 revealed that

> Information provided by friends influenced my decision to seek asylum in Canada. I had no idea how to seek asylum here until I got into the situation where I was to be deported, and through friends and family members, I was able to hear about this program.

While half of the respondents noted that the STAC did not impact their asylum-seeking decision, 19 of the interviewees revealed that they entered Canada through an illegal border crossing point. In addition, all the participants first port of entry was the United States, and most of the study participants stated that when they illegally crossed the Canadian border, they were warmly welcomed by Canadian border enforcement officers, treated with dignity, and their rights were respected. Although they were arrested for crossing into Canada illegally, the charges were dropped. They went through the procedures of security screening, interviews and completing asylum application forms. They observed that the process was transparent, and border enforcement officers were very professional in carrying out their duties.

Summary

This chapter considered the research setting, the unexpected trend in the recruitment of participants, participant demographics, data collection, participants selection and interview, consent agreement, recording, transcribing, and cleaning of data, participants identifier and member checking, data analysis, evidence of trustworthiness, study results and provided a summary of the Chapter. In Chapter 5, I will discuss the interpretation of the results, the limitations of the study, and provide recommendations for future research. I will also outline implications for public policy and positive social change and a conclusion.

Chapter 5: Discussion, Conclusion, and Recommendation

To interpret the results of this phenomenological study, I looked beyond the findings by seeking to draw meaning from the results through conceptual and integrative reasoning and recognizing and extracting relevant interpretations from the results (Patton, 2002). I also extracted meaning from the findings by comparing the study results with related literature and past studies to determine whether the findings agreed with or deviated from existing literature related to the subject (Lincoln & Guba, 1985). Given that there are no specific methods on how to approach the interpretation of research findings, Patton (2002) suggested that questions such as "What is going on here? What is the story these findings tell? Why is this important? What can be learned here?" could be useful in interpreting the meaning of the results.

Findings

Key Findings From Central Research Question

The central research questions and related interview questions sought to establish the perceived impacts of the implementation of the Canada–U.S. STCA on the rights to life, liberty, and security of Africans seeking asylum in Canada, to gauge the perspectives of research participants on the first port of entry clause of the Canada–U.S. STCA and determine how the agreement could be improved to protect asylum seekers. Based on the data analysis and presentation of results in Chapter 4, the three findings associated with the central research question and related interview questions and answers are discussed below.

Finding 1

Asylum seekers' right to life, liberty, and security are three fundamental human protection principles and/or values extensively discussed and/or documented in various national and international laws such as the Universal Declaration of Human Rights (1948) and the Canadian Charter of Rights and Freedom. Article 3 of the Universal Declaration of Human Rights stipulates that "everyone has the right to life, liberty and security of person," whereas Section 7 of the Canadian Charter of Rights and Freedom specifies that "everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except under the principles of fundamental justice" (Government of Canada, 2021). Section 7 of the Canadian Charter of Rights and Freedom applies to asylum seekers.

The answers provided by research participants in response to interview questions linked to the central research question revealed that the protection rights of life, liberty, and security of most of the participants were not negatively impacted by the STCA, but two of the respondents indicated that the STCA negatively impacted their rights to life, liberty, and security. The finding also established that although the STCA positively impacted the protection interests of most of the research participants, there are challenges associated with the agreement and therefore the need for policy renewal.

The perception by most of the respondents that their rights to life, liberty, and security were not adversely impacted by the STCA was largely premised on the conclusion that they were granted protection benefits such as the issuance of work

authorizations. One of the respondents in this study, Participant 003, revealed the following:

> The safe third country agreement has been beneficial because it allows free movement without restriction, harassment, or arbitrary arrest by police or a border security officer. It grants liberty to work and earn an income without any form of prejudice, intimidation or harassment, or racial discrimination.

This finding appears to be a deviation from existing literature in which it is reported that hundreds of asylum applicants are rejected each year at the Canadian border (Arbel, 2013). The perceptions shared by the majority of the respondents that the STCA did not adversely impact their rights to life, liberty, and security was primarily premised on the conclusion that they were allowed to enter Canada to seek asylum, permitted and supported by the government to submit an application for asylum, were provided protection benefits such as work authorizations and temporary resident permits, had the liberty to move freely across the country, and were not subjected to harassment or arbitrary arrest by immigration officers or the police. This finding is at variance with a study on asylum seekers in Australian, which established that asylum seekers are not granted work authorizations, which has caused a feeling of dehumanization (Hartley & Fleay, 2014).

Based on the findings discussed in Chapter 4, most of the research participants revealed that they entered Canada through an illegal border crossing point, and the STCA does not apply to illegal border crossings (Government of Canada, 2009). The results also showed that all the respondents' first port of entry was the United States. A related

finding from the study established that most people find it easier to enter the United

States on a visa but find it difficult to get asylum in that country due to stringent

immigration regulations. And because it is difficult to come directly to Canada, entering

the United States makes it easier to seek protection at Canada's land borders. This is

likely the underlying reason why all the participants first country of entry is the United

States. The findings also revealed that half of the participants had knowledge of the

STCA's provision related to the first port of entry and exemption requirements for those

seeking protection at authorized Canadian borders (CCR, 2017; European Commission,

2016; Falconer, 2019).

Although the STCA was intended to regulate the moving of asylum seeking

between Canada and the United States and address issues such as the "refugee in orbit"

(Macklin, 2005), asylum seekers have adopted to restrictive measures of the policy and

used it to their advantage. Within this context, their knowledge of the policy likely

influenced their decisions to use unauthorized border crossing points to seek asylum in

Canada—knowing that using an official crossing without meeting the exemption

requirements would have resulted in refoulement to the United States and possible

detention and chain refoulement (CRR, 2005; Macklin, 2005; Moore, 2007; UNHCR,

2006). Using unauthorized crossing points is consistent with research findings that the

STCA has created an avenue for asylum claimants to enter Canada through illegal

crossing points (Arbel, 2013; Gilbert, 2007; Macklin, 2005; Smith & Huffmann, 2019;

Wilkins, 2018; Winterdyk & Dhungel, 2018).

The perceptions expressed by most of the interviewees that their rights to life, liberty, and security were protected when they sought asylum was possibly influenced by Canada's quest to uphold Article 3 of the Universal Declaration of Human Rights (1948) and Section 7 of the Canadian Charter of Rights and Freedom, international law on asylum and how Canada wants to be perceived as it relates to upholding the protection interests of asylum seekers. The protection benefits provided appears to be a temporary and/or partial protection of these rights. Participant 008, who had a divergent view on the impact of the STCA on the rights to life, liberty, and security, noted that

> When your asylum claim is denied, you have no rights because you do not have your paper to even move around, like going to other counties such as the U.S. to visit family, and it is like you do not have the liberty to move around. You are threatened all the time by immigration officers with deportation, which I see as a violation of the rights of asylum seekers.

This assertation is consistent with existing research findings that state that if an asylum claimant's application does not meet the requirements to be granted legal permanent status, they are sent back to their country of origin where they are likely to face renewed threats to life, liberty, and security (Government of Canada, 2017; UNHCR, 2018; Winterdyk & Dhungel, 2018). From the findings discussed in Chapter 4, it could also be inferred that the rights to life, liberty, and security were partly granted. Although all the respondents were allowed entry into Canada, permitted and assisted in submitting an asylum claim, issued work permits, allowed free in country movement, and were not subjected to arbitrary arrest, they were not permitted to pursue higher education, which is

considered a fundamental human right—a core component of the United Nations

Educational, Scientific, and Cultural Organization's (UNESCO's) mission and stipulated

in the Universal Declaration of Human Rights (1948) and other international human

rights conventions (United Nations, 2021; UNESCO, 2021). This finding, which cut

across national boundaries, is consistent with a previous study on asylum claimants in

Australia, which found that people seeking protection were not permitted to pursue

higher education (Hartley & Fleay, 2014). The exclusion of asylum seekers from

pursuing higher education is likely due to the high financial costs and possibly due to the

notion that asylum claimants might leave the country after obtaining university education

or completing their university program. However, it could be inferred that it is most

likely that asylum seekers who are provided protection benefits, including access to

education, will opt to stay in the destination country to build a new life. On this premise,

it can be assumed that the benefits of granting asylum claimants access to higher

education like other protection benefits outweigh the costs of such investment, given that

it gives them the capacity to avoid reliance on social assistance and contribute to the

national economy by becoming financially independent—especially in a knowledge-

based economy such as Canada. Participant 003 explained that "if immigration

authorities can allow those who want to go to school to do so, that would be helpful,

given that some asylum seekers must wait 3 to 4 years before their asylum application is

approved." Participant 019 observed that "within 2 weeks of arrival, asylum seekers are

given work permits, but they cannot attend training workshops or universities. So, there is

a need to review this restriction on the freedom of asylum seekers." He observed that the

immediate issuance of a work permit and not an education permit makes asylum seekers in the category of temporary foreign workers. This participant added that "there are various categories of asylum seekers. Some were, for example, pursuing higher education before fleeing their home countries and would like to resume their studies in Canada immediately." Participant 019 narrated that

> Every individual has the right to education, but they deny our rights to education. They give us a work permit but not a study permit. Even if you earned money to pay your tuition, you are not allowed to attend school but only to work, and the only place they have is the factory. Some people who fled their countries were doing well professionally. Sometimes it takes between 2 to 7 years to be called for a hearing. During this waiting period, you cannot obtain any education but only work, pay bills and taxes. Every human being needs growth, but here asylum seekers are restricted. At least adults should be allowed to pursue education, but only kids can go to school.

This finding is consistent with the right to education supported by the 2030 Agenda on Education, and it is considered a right that empowers marginalized and vulnerable people such as asylum seekers (UNESCO, 2021).

In summary, although most of the participants explained that the STCA did not affect their rights to life, liberty, and security, it is likely that Canada's protection of these fundamental human rights was possibly influenced by the quest to uphold Article 3 of the Universal Declaration of Human Rights (1948) and Section 7 of the Canadian Charter of Rights and Freedom, and international law on asylum and how Canada wants to be

perceived as it relates to the protection interests of asylum seekers. While the perceptions

of respondents seem to contradict the literature as it relates to the rejection of hundreds of

asylum seekers at the Canadian border in recent years, it is likely that because

participants in the study came through an unauthorized border crossing, which is not

covered under the STAC, they were not turned back to the United States. It also appears

from interrelated findings of the study that the rights to life, liberty, and security was

temporary and limited in that if their asylum applications are denied, they could still be

subjected to refoulement, which could lead to a violation of these human protection

interests and that they are not permitted to pursue higher education, which is likely to

impact their economic and social progress.

Finding 2

The perception of most of the study participants that the first port of entry clause

of the STCA should be revised is based on the argument that it limits the right of asylum

seekers to seek protection in the country of their choice and/or restricts asylum-seeking to

the first country considered as a safe country that an asylum seeker might perceive as

unsafe for seeking protection. In expressing their perceptions on the first port of entry

clause of the STCA, Participant 002 explained that

> At the time of deciding to seek asylum in a country, one might not be certain
>
> about such a decision and could follow through with the first decision based on
>
> the situation at the time … most times, the first decision might be reconsidered
>
> based on your situation. So, as it is an arrangement for rescue, both parties to the

safe third country agreement should accept asylum seekers regardless of the first port of entry.

This finding is consistent with existing literature related to the challenges associated with the first port of entry and safe country concept adopted to regulate the movement of asylum seekers. Research findings suggest that barring asylum seekers from seeking protection in Canada on the premise that their first port of entry was the United States (Government of Canada, 2020), and returning them to the United States, without taking into consideration that there are variations in immigration policies in the United States as compared to Canada (CCR, 2017; Gil-Bazo, 2015; Smith, 2019), limits the right to asylum (Arbel, 2013; Human Rights First, 2009; Jacob, 2002;). This study established that all the participants' first port of entry was the United States due to easy access to that country. The study also found that most of the participants could not seek protection in the United States either due to the country's rigid immigration regulations or due to the traditional ties between the United States and their homeland which allows frequent movement of people between the two countries and the possibility of their lives still being at risk in United States. Based on this overarching perspective, Participant 001 stated that

> My thoughts on the first port of entry clause of the agreement are that it is not in the best interest of asylum seekers, especially when it comes to their safety. The other party to this agreement is the U.S., where I first thought of seeking asylum, but this did not go well because the then U.S. administration policies on asylum seeking prevented me from seeking asylum there. So, I had no option but to come

to Canada to seek asylum, and Canada was generous enough to embrace and accept me as an asylum seeker. So, I think it is crucial for that agreement to be revised.

It can be inferred from correlated findings of the study that the respondents' overwhelming disagreement with the enforcement of the first port of entry provision of the STCA was centered on concerns related to the protection of life, liberty, and security in the case whereas an asylum claimant is returned to the United States based on this clause. This finding is consistent with other studies that observed that those affected by this "returned policy" faced immediate detention in the United States or are subjected to "chain refoulement" until they are back in their country of origin, where they are most likely to face the persecutions that caused them to flee. This is indicative that, notwithstanding the STCA's commitment to upholding the principle of non-refoulment as stipulated in its introductory section, asylum seekers could still be subjected to removal before their case is adjudicated—an action which is detrimental to people in need of protection (Arbel, 2013; Jacob, 2002; Macklin, 2005).

The finding is also coherent with existing literature in which it is argued that the first port of entry stipulation of the STCA made it permissible for the Canadian government to violate the rights of individuals seeking asylum—an action which contravenes Canadian and international law (Macklin, 2003) and has caused changes to both the site and operation of borders in Canada and led to the creation of an imaginary border which is termed a "smart border" that moves the location of border control from land borders of Canada to restrict asylum seekers who intend seeking asylum at Canada's

land border crossings (Arbel, 2013; Jacob, 2002; Macklin, 2003; Shachar, 2009). Other research findings have established that regardless of the extensive global initiatives to document the imperatives of safeguarding human rights and adherence to the international agreement on which it is based, instituting basic criteria for assessing asylum claims and the acceptance of international guidelines on what states should offer to those in need of protection, has not been the focus of those who support a uniform policy for the protection of asylum seekers, which in some cases, prevent them from gaining access to countries to make asylum claims (Stevens, 2017).

In summary, it has been noted in the foregoing that all the respondents disagreed with the enforcement of the first port of entry clause of the STCA or what is referred to as the "returned policy" because it puts the protection interests of asylum seekers at risk, and limits asylum seeking options for those in need of protection. This finding is coherent with other studies that argued that despite the STCA's assurance that the principle of non-refoulement will be upheld, people seeking protection could still be subjected to refoulement before their case is heard. It is also consistent with other research findings that established that the first port of entry provision of the STCA has made it permissible for Canada to deny asylum claims and restricted the asylum seeking option of people in need of protection.

Finding 3

As discussed in Chapter 4, the central research question and related interview question also sought to establish from the respondents' perspective how the STCA could be improved to protect asylum seekers. While the STCA was designed to regulate the

movement of asylum seekers between Canada and the United States, other studies have established that there are associated drawbacks (Carbert, 2019; CCR, 2017; Gil-Bazo, 2015), such as the lack of coherence between the Agreement and national and international laws and its inability to safeguard the principle of non-refoulement or chain refoulement. These drawbacks, it is argued, has created a platform for the rights of asylum seekers to be violated or for their safety to be put at risk – prompting calls for the policy to be improved to protect asylum seekers (CCR, 2017; Gil-Bazo, 2015; Moore, 2007)

All 22 research participants provided a range of options that policymakers could adopt to improve the STCA to safeguard the protection interests of asylum seekers. Based on the perspectives of participants, alternatives public policies such as revising the first port of entry stipulation of the agreement to allow asylum seekers the right to seek asylum in the country of their preference, allowing asylum seekers the right to pursue higher education just as they are permitted to work, and redefining safe third country by asking whether the two counties are safe as defined in the agreement, could ensure that the protection rights of asylum seekers are safeguarded. Participant 016 stated that

> Policymakers can improve this agreement to protect asylum seekers by revising the clause in the Safe Third Country Agreement that states that you should seek asylum in the first country you entered. This is because sometimes, people who want to seek asylum and come to the U.S. do not want to seek asylum in the U.S. because of one issue or the other. Their intend might be to seek asylum in Canada,

but if the agreement is strictly implemented, they cannot do so. That is the clause that needs to be revised.

This finding confirms existing research findings in which it is argued that applications for protection should not be denied on the basis that the applicant should have submitted an asylum claim in the first country of entry. It is further noted that the intention of an asylum claimant as it relates to the country they prefer to seek protection should, as far as possible, be considered. That asylum seekers should be granted the right to select the country they wish to submit an asylum application, be provided the opportunity to attend a hearing – even if they were not eligible in the first county of entry (Jacobs, 2002). Participant 010 was of the view that

> Policymakers in Canada and the U.S. should redefine Safe Third country by asking whether the two counties are safe as defined in the agreement. So that they can remove the barrier that prevents an individual from seeking asylum in Canada once they came through the U.S. It will create the opportunity for people to seek asylum in Canada if it's not working for them in the U.S. It must be done at the political level to solve the problem with the involvement of policymakers

This finding is consistent with existing literature in which scholars have asked whether states classified as safe third countries meet this obligation (Negari, 2018). Within this context, states must establish their ability to provide "effective protection" for all asylum seekers – including ensuring that their rights within the context of national and international laws are protected (Goodwin-Gill & McAdams, 2007; Negari, 2018). This finding shows that even states categorized as safe third countries might not be able to

uphold the protection interests of asylum seekers because they are likely to adopt immigration policies to protect their territorial integrity rather than safeguard the protection interests of asylum seekers. This study established that although the United States is classified as a safe country within the context of STCA, some asylum seekers perceived it as not meeting this requirement due to its stringent immigration policies, and its inability to uphold protection rights and provide protection benefits for people in need of asylum.

In summary, it has been established from the above discussion that although the STCA was adopted to control the flow of asylum seekers between Canada and the United States, the policy has created limitations for asylum-seeking and based on these drawbacks, the research participants provided recommendations for improving the agreement to protect asylum seekers. The uniqueness of the recommended policy options for improving the STCA is that they are based on the perspectives of asylum seekers directly impacted by the implementation of this agreement. The study also established that a country classified as safe might not be safe for a person in need of protection because it might be perceived as not meeting its safe country obligations due to inconsistencies between its immigration regulations and bilateral agreements. The policy options recommended by the study participants are similar to those documented in previous studies. They could provide the basis for revising the policy to ensure that parties to the agreement safeguard the protection interests of asylum claimants consistent with international law.

Key Findings From Subquestion RQ1

The subquestion (RQ1), and related interview questions focused on gauging the participants' views on the asylum system and process in Canada. Based on the data analysis and presentation of the results in Chapter 4, the two findings associated with subquestion (RQ1), and related interview questions and answers are discussed below.

Finding 4

The general perspective of almost all the research participants was that the asylum system in Canada has positive and negative attributes. On the positive side, 21 of the respondents believed that Canada's asylum system is the best in the world compared to other countries because from the border to providing social assistance and support such as shelter and legal aid, the immigration procedures are well organized. It is a system that ensures that asylum seekers are warmly welcomed and most importantly, it is an asylum system that treats people in need of protection with dignity. In other words, asylum seekers are treated as humans and not subjected to dehumanizing treatments or conditions. This overarching perspective was based on considerations such as the uniqueness and flexibility of Canada's asylum, its willingness to grant asylum seekers freedom and a conducive living environment. It was also premised on Canada not turning back asylum seekers who illegally crossed its borders to seek protection but rather showing empathy for foreigners in need of protection, and the opportunity it grants to asylum claimants to explain their stories with the help of legal practitioners some of whom are paid by the Government of Canada. It is likely that welcoming asylum seekers and treating them humanely is intended to convey a positive image of Canada's asylum

system globally. One of the research participants stated that "you are welcomed into Canada once you do not have a criminal record, and you are treated with some level of dignity compared to other countries that I have travelled to. You are treated like a human" (Participant 001). This participant added that

> The level of welcome by immigration officers and how they assisted me with my luggage is unique to Canada. To ensure you are not a liability to the government, they provide an opportunity for you to work in less than two months. In about one to two months, you are issued a temporary work permit that makes it possible to seek employment and start earning income for yourself. That brings some dignity. Every man needs dignity or a dignified life.

After being granted temporary asylum, finding a job makes it possible for asylum seekers to provide for their own needs and the needs of their families (Participant 005). According to participant 009, "the moment one files a refugee claim or intention or declares their intention to seek asylum after being assessed and accepted, they are issued a temporary status and a work permit." In addition, "they have full coverage under the Canadian government's health insurance plan. Refugees or asylum seekers benefit from almost everything like permanent residents. Participant 004 observed,

> I think the asylum system is comprehensive as it allows you to be heard by an immigration judge where you can tell your story, present your situation and circumstances. The asylum system creates the condition that puts you in the right frame of mind and helps you regain your liberty without threat or fear. You have the freedom to exist and live, which are the best aspects of the system. So, in

short, the system in Canada can best be described as a system that grants a free
and fair opportunity to exist.

These findings are consistent with existing literature regarding the rights Canada
grants to asylum seekers to fulfill its international obligations. Within this context,
asylum claimants deemed eligible for protection are issued an attestation document by the
designated Government of Canada agency, are protected from all forms of
discrimination, and are guaranteed various rights in keeping with Canadian law, such as
the right to practice the religion of their choice, free speech, freedom of movement, and
legal representation. Other rights include access to healthcare, work authorization, and
free education for grade school children (Government of Canada, 2019; UNHCR, 2018).

Finding 5

In identifying the drawbacks associated with the asylum system in Canada, the
general perspective was that the length of time it takes to be called for an asylum hearing
is protracted, and there is no specified timeline within which an asylum hearing should be
held. It could take between a year to three years to be called for a hearing. Participant 014
recounted that

> The not-so-positive aspects of the asylum system are the wait time for getting
> your asylum approved or the timeframe given for reviewing and approving an
> asylum seeker's resident status. This prolonged timeframe makes some asylum
> seekers feel they are still strangers in Canada.

Participant 016 stated that "nobody has a template to say that I will complete my
immigration hearing in one or two years. So, the fear of the unknown is always within

you." Participant 009 noted that "from [her] experience, one of the main disadvantages is the emotional torture that refugees and asylum seekers go through during the waiting period." The participant further revealed that "immigration officers, lawyers, and consultants do not seem to understand the stress and psychological syndrome, which come with the process of a person leaving their home unceremoniously to start life in a new environment." She added that "asylum hearings are possibly not scheduled systematically given that some people are scheduled after three years, while others get their hearing within two months of arrival." The prolong and unpredictable wait time creates a feeling of ambiguity and this, according to Participant 011 "keeps you on edge. And especially when you get a hearing date, and that date is postponed. The participant added that "you keep worrying and thinking about what your fate is, which is in another man's hand. That is one of the things that keeps you in a state of uncertainty as you wait for a decision on your asylum claim." This finding is coherent with other studies as it relates to the bureaucratic procedures for determining asylum claims, the long wait time, and the re-traumatizing impact it has on asylum seekers who are already in a state of distress (Office of the Auditor General of Canada, 2019; Jacobs, 2002).

A participant noted that another downside Canada's asylum system is that "sometimes the hearing judge uses his discretion to grant or not to grant asylum regardless of the supporting pieces of evidence provided by an asylum seeker." and added that "sometimes asylum claimants are denied on error grounds and not based on the supporting pieces of evidence provided to support [an] asylum application" (Participant 005). The study established that sometimes judges who review asylum claims, make

decisions based on race. It was also noted that "there have been calls against racism. There have been calls against people who make prejudiced decisions insofar as it relates to African asylum seekers" (Participant 005). It can be inferred that the determination of asylum claims based on prejudiced decisions, creates a platform for asylum seekers to be victimized and this undermines the credibility of a system established to ensure a fair review of asylum applications. This finding is at variance with the preamble of the Canada–U.S. STCA and other immigration policies in which it is assured that the determination of asylum claims will be systematic and will ensure a comprehensive, fair, and efficient review of asylum applications to safeguard the protection interests of asylum seekers in accordance with national and international law (Jacobs, 2002; Office of the Auditor General of Canada, 2019).

In summary, it has been established from the above finding that the asylum system in Canada has advantages and disadvantages. The general perspective as it relates to the positive aspect of the asylum was that Canada has the best asylum system in comparison to other countries because it welcomes people in need of protection and treats them with dignity. Canada's action in welcoming asylum seekers who crossed its borders illegally, is possibly due to how it wants to be perceived internationally as it relates to protecting asylum seekers. The overarching view on the downside was that the wait time for an asylum hearing was lengthy, and there is no established timeframe within which a hearing will take place.

Finding 6

As discussed in Chapter 4, sub question (R1) and related interview questions also sought to assess the asylum-seeking process in Canada. The participants provided a range of perspectives on the asylum seeking process. The respondents described the asylum seeking process as smooth, flexible, overwhelming, rigorous, filled with anxiety and tiring, fair, genuine and unique, transparent, and a process that provides the opportunity for you to be heard by an immigration judge where you can tell your story, present your situation and circumstances, and to ask questions. If your asylum application is not approved, you can pursue other options, such as filing an appeal or applying for asylum on humanitarian grounds. At the onset of the asylum process, the government through legal aid provides legal counsels to assist asylum claimants in answering questions regarding the asylum process and representing them at asylum hearings. While immigration lawyers provide legal guidance and representation during the process, a claimant is also responsible for ensuring that their asylum application gets approved by submitting supporting documents. However, the overarching perspective of the participants was that the duration of the asylum seeking process was lengthy. While some asylum claimants were scheduled for an asylum hearing within few months of applying for protection, most had to wait for two or more years to attend a hearing. Based on related findings from the study, the unpredictable and lengthy time it takes for an asylum decision to be made, could be attributed to discretionary decisions on asylum claims and the postponement of asylum hearings. Participant 010 noted that

The factor that worked against me the most during my asylum seeking process was the duration. You sit hoping that you are going to have a positive outcome from the judge, but you must wait for a long time. The process can be very protracted so, if I am to make a recommendation, I would recommend a review of the process as it relates to its duration. In my situation, it took me up to three and a half years to meet a judge. But other than that, the process has been a fair process.

This finding confirms existing studies in which it is established that people seeking protection in Canada must wait approximately two years for a determination on their asylum application by an inflexible system incapable of processing the increasing numbers of asylum claims promptly. Although the Immigration and Refugee Board (IRB) has the authority and capacity to speed up the review of asylum applications, they seldomly do so. Most asylum claims are deferred for reasons not beyond the control of immigration authorities – with the implication being several months of added time for an asylum claim to be reviewed (Office of the Auditor General of Canada, 2019). While there are mandated timelines within which asylum applications should be processed, it can be inferred that the deferment of asylum claims and the prolonged period for determining protection claims, that the IRB is not adhering to processing timelines which are at variance with Canada's immigration policies aimed at ensuring a fair and efficient asylum determination process and ensuring supporting the orderly review of asylum applications (Jacobs, 2002; Office of the Auditor General of Canada, 2019).

In summary, participants provided varying descriptions of the asylum-seeking process in Canada based on their lived experiences. Nevertheless, the general perspective of the respondents was that the asylum-seeking process was protracted – with most spanning a period of two or more years before a determination is made to grant or deny an asylum claim. The lengthy duration of the asylum seeking process was attributed to the failure of the IRB to expedite asylum hearings – even with the ability and capacity to do so and postponement of hearings, which unduly extends the asylum determination process.

Key Findings From Subquestion RQ2

Research Question (RQ2) and associated interview questions were focused on exploring the impact of the STCA on the asylum-seeking experiences of African asylum seekers in Ontario and Quebec. In addition, RQ2 and related interview questions were designed to gauge how the STCA influenced the participants' asylum seeking decisions, including options for border crossing.

Finding 7

As discussed in Chapter 4, subquestion (R2) and related interview questions were focused on assessing the impact of the STCA on the asylum-seeking experiences of African asylum seekers in Ontario and Quebec. All the respondents stated that the STCA impacted their asylum experiences. The participants provided perspectives on how the STCA impacted their asylum-seeking experiences. They noted that it created uncertainties during the application for protection, limited the ability of people in need of protection from seeking asylum in Canada, and the likelihood of being granted asylum

because the United States is considered a safe country. It created an avenue for those who

meet the exception requirements of the STCA including people with documents and

passports to make asylum claims in Canada. It also impacted the asylum-seeking

experiences of research participants as it relates to a broader understanding of who an

asylum seeker should be, who qualifies for asylum, and insight into what an asylum

claimant should expect at an asylum hearing. With this agreement in place, it was noted,

it is difficult for an asylum seeker to live outside the perimeters of fear because of the

feeling that they do not meet the standard. Thus, they are caught between inevitability

and doubtfulness considering that they came through the United States to seek asylum in

Canada. Given that the STCA considers the United States a safe third country, Canada

must make choices concerning an asylum application. In other words, it must decide

whether to review an asylum claim or to return a protect claimant to the United States.

Participant 019 noted that

> The Safe Third Country Agreement impacted my asylum-seeking experience
>
> given that there are exceptions within the agreement, and within the exceptions,
>
> people like me with documents and passports are qualified to make claims. If you
>
> have no such documents, you cannot enter, or your process is lengthy because you
>
> must be identified. If you are qualified for the exception, you are granted asylum.
>
> So, the agreement made it possible for me to file an asylum claim in Canada.

This finding is consistent with existing literature in which it is stipulated that

individuals who meet an exception stipulation of the agreement may be eligible to seek

asylum at an official Canadian border crossing—regardless of whether the United States

is the first country of asylum (Government of Canada, 2020; Jacobs, 2002). Participant 008 revealed that

> The STCA impacted my asylum-seeking experience in various ways. I was in the U.S. for close to two years when a situation came up in my home country that could not allow me to return. So, I tried to seek asylum in the U.S., but once you have stayed for over one year in the U.S., immigration officers there will not allow you to seek asylum anymore. So, I had no option but to come to Canada. When I came to Canada and applied for asylum, I was denied, and one of the reasons was why I did not seek asylum in the U.S.? Though I tried to explain, it was to no avail and when my lawyer applied for an appeal, I was also not qualified because I did not file for asylum in the U.S. and was to be returned to my home country.

This finding confirms existing research findings in which it is noted that in the U.S. asylum seekers have a one-year window to file an asylum claim or be prohibited from doing so, a policy deemed to be at variance with international law (Arbel, 2013; Musalo & Rice, 2008). This finding is also consistent with existing literature that observed that people in need of protection have been denied asylum by Canada based on the safe third country clause of the STCA (Jacobs, 2002). This contradicts its international commitment to non-refoulement as stipulated in the STCA and violates the right to life, liberty, and security within the context of Canada's Charter Rights (Government of Canada, 2021; Jacobs, 2002).

In summary, it has been noted in the foregoing that the STAC impacted the asylum-seeking experiences of all the research participants such as creating uncertainties during the asylum application process due to the last first country of asylum clause, restricting the ability of asylum seekers to seek protection in Canada, and the likelihood of not being granted protection because of the safe third country clause of the STCA. It has also created an avenue for those who meet the exception requirements of the STCA to submit asylum claims at official Canadian borders, adversely impacted the asylum-seeking ability of asylum seekers who stayed in the United States for a prolonged period and served as a ground for the rejection of applications for protection – given the first country of arrival clause of the STCA. This finding is coherent with previous research findings.

Finding 8

The subquestion (RQ2) and related interview questions, as discussed in Chapter 4, were also designed to gauge how the STCA influenced the participants' asylum seeking decisions, including options for border crossing. Based on the responses obtained from the research participants, eleven of the twenty-two respondents indicated that the STCA was the primary factor that shaped their asylum-seeking decisions. Within this context, the study participants observed that the STCA shaped their asylum-seeking decisions related to the exemption requirements in the STCA that provides the opportunity for those in need of protection to file asylum claims at an official Canada land border crossing. For those who overstayed in the United States with no prospect of filing an asylum application or being granted an asylum hearing, the STCA provided a way out for

seeking protection in Canada. One of the participants stated that "the agreement created free passage to Canada through the illegal point where we crossed into Canada. There was no U.S. immigration molestation as they allowed us to travel freely and come to Canada to seek asylum"(Participant 017). This finding is consistent with other studies in which it is stated that the border control measure introduced through the STCA did not essentially lead to a decline in the number of asylum claims but rather created an avenue for people desperately in need of protection to find other options to make asylum claims in Canada (Jacobs, 2002). The Canada–U.S. STCA, it is argued, has generated a range of social issues, including asylum seekers risking their lives to seek protection in Canada and human smuggling (CCR, 2017). Research suggests that the policy encourages irregular migration, such as the unauthorized entry of asylum seekers through unofficial border crossing points and human smuggling. This has been attributed to the agreement stipulating that asylum seekers who seek protection at official border crossings should be repatriated to the United States—except those who meet one of the exception requirements. Asylum seekers, who are aware of this restriction, have adopted it to their advantage by using unofficial border crossing points to avoid being returned to the United States. There is no provision in the STCA related to asylum seekers who come to Canada through unauthorized points of entry. Thus, participants in the study, based on their knowledge of the policy, identified this as a loophole to illegally enter Canada to seek protection. Data from the CBSA on detention and repatriation of asylum seekers revealed that the STCA is the primary factor that drives unauthorized border crossing and human smuggling (Arbel, 2013; Smith & Huffman, 2019; Wilkins, 2018). The European

Union experienced an uncontrollable number of human smuggling and organized crime when it adopted a similar agreement (Jacobs, 2002). A related finding from this study established that nineteen of the research participants entered Canada through an illegal border crossing point. It can be inferred from the interrelated findings of the study that because the participants' first country of asylum was the United States and most did not meet any of the exemption requirements, they opted to seek protection through illegal border crossing – being aware that it was a loophole not covered under the STCA.

In summary, half the number of participants in the study revealed that the STCA was the primary factor that shaped their asylum-seeking decisions as it provided grounds for seeking asylum in Canada based on factors such as the exemption requirements stipulated in the STCA. The above finding also determined that the STCA created a loophole for people in need of protection to enter Canada through illegal crossing points. This finding was coherent with other studies. While the STCA influenced the asylum-seeking decisions of half the respondents, a related finding from the study showed that 19 participants sought protection in Canada using illegal border crossings, which indicates that asylum seekers have adopted to the policy and are strategically using it to their advantage.

Limitations of the Study

This qualitative phenomenological research required the voluntary participation of asylum seekers in Ontario and Quebec. Thus, given the limiting criteria for recruiting interviewees, there was difficulty identifying and recruiting potential participants. Most of the potential research participants identified and who agreed to be interviewed were

from countries in Africa. Due to this unexpected limitation, I revised the proposed

research topic, the central research question, and subquestions to focus only on African

asylum seekers in the selected research setting. Although the targeted population is large,

the prevailing COVID-19 pandemic limited my ability to recruit many participants –

especially women due to their work schedules and long working hours. The restrictions to

recruiting study participants were overcome by seeking the assistance of individuals with

social connections to people within the targeted population and applying multiple

recruitment strategies – including working through community and faith-based

organizations to identify potential interviewees, posting advertisements on various

internet-based platforms seeking interested research participants, and using a snow-ball

recruitment strategy (Allen, 2017).

The study also encountered limitations related to privacy as it relates to

interference from family members and associates. This challenge was overcome by

allowing respondents to identify interview sites and provide personal and detailed

information. The validation of data also presented a challenge. However, a range of

strategies was adopted to guarantee the trustworthiness of the data and research findings.

This included the adoption of strategies such as transcribing interviews verbatim and

verifying the accuracy of the transcripts with respondents to ensure their experiences

were fully captured.

The ongoing global public health emergency also presented a challenge for data

collection. Although most of the data were collected through face-to-face interviews,

some interviews were conducted over the phone, limiting my ability to capture non-

verbal communication. While the research was able to recruit and interview twenty-two research participants, most were readily not available – either due to their reluctance to participate or work engagement. This limitation was overcome by explaining to them that based on ethical guidelines of the study, information provided by participants will not be advertently or inadvertently disclosed. When the study is published, personal information such as the name will not be included to ensure privacy protection.

Recommendations

This phenomenological study aimed to explore the perceived impacts of implementing the STCA on African asylum seekers in Canada. In addition, the study was focused on understanding and explaining how the STCA impacts them from the perspectives of participants. It was also intended to contribute to existing literature, bridge the gap in the public administration literature related to the study phenomenon, and generate research findings that support positive social change.

This study contributed to the existing public administration literature related to the phenomenon of study by furthering the knowledge of the distinctive challenges African asylum seekers face in Canada. Findings from the study will serve as a scholarly reference that will assist future scholars in obtaining knowledge on the impact of the STCA on African asylum seekers in Canada. For future research, it is recommended that a study be undertaken to explore the impact of the STCA on African women seeking asylum in Ontario and Quebec to understand the full and distinctive impact of the policy on this population. It is also recommended that future researchers conduct a study to explore the impact of the STCA on asylum seekers from another continent, possibly Asia

or the Caribbean. Given that all the participants in this study came from countries in Africa, a future study will establish if the STCA impacts asylum seekers differently based on the continent of origin.

Implications

Implications for Policy

For this phenomenological research, I based the implications for policy on the analysis and findings of the study. The findings show that the participants right to life, liberty, and security were protected. However, integrated findings from the study established that the protection rights granted appear to be partial given that asylum seekers are not permitted to pursue higher education which is considered a fundamental human right – a core component UNESCO's mission and stipulated in the Universal Declaration of Human Rights (1948) and other international human rights conventions (United Nations, 2021; UNESCO, 2021). To ensure that the right to life, liberty, and security is comprehensive, there is a need for the Canadian government is collaborating with provincial governments to revise the policy that restricts asylum seeker's access to higher education – given that education is considered a right that empowers marginalized and vulnerable people such as asylum seekers (UNESCO 2021). This study established that some asylum seekers must wait three to four before their asylum application is approved. Thus, it would be helpful if immigration authorities can allow those who want to go to school to do so – given that the benefits of supporting asylum claimants right to higher education exceeds the costs – considering that it creates the opportunity to enhance their educational capacity which is likely to make them economically self-reliant

and enhanced their capacity to contribute to society significantly. The findings of the study also revealed that the stipulation of the STCA as it relates to the first country of asylum limits the right of asylum seekers to seek protection in the country of their choice and/or restricts asylum-seeking to the first country considered as a safe country which an asylum seeker might perceive as unsafe for seeking protection. Research findings suggest that barring asylum seekers from seeking protection in Canada on the premise that their first port of entry was the United States (Government of Canada, 2020), and returning them to the United States—without taking into consideration that there are variations in immigration policies in the United States as compared to Canada (CCR, 2017; Gil-Bazo, 2015; Smith, 2019), limits the right to asylum (Arbel, 2013; Jacob, 2002; Human Rights First, 2009). The study revealed that the circumstances asylum seekers faced are different. While the two countries are classified as safe countries, an individual in need of protection might find it unsafe. Thus, to uphold the right to asylum as embedded in international law, it is crucial that the Canada–U.S. STCA be revised so that a person in need of protection is not restricted based on the agreement's first port of entry clause.

The study results showed that there is a need for the Canadian asylum system to address the issue of delays in determining asylum claims. The findings established that the length of time it takes to be called for an asylum hearing is protracted, and there is no specified timeline within which an asylum hearing should be held. According to the OAG (2019) and Jacobs (2002), the bureaucratic procedures for determining asylum claims, the long wait time can have a re-traumatizing impact on asylum seekers who are already in a state of distress. Therefore, there need all actors involved in the asylum determination

process to adopt an alternative asylum determination policy that ensures adherence to the

timeline established to determine an asylum claim and the established timeline for

reviewing an asylum application is communicated to the asylum claimant to remove

uncertainties. The findings also show that the STCA has created a loophole for people

seeking protection to enter Canada illegally. Jacobs (2002) observed that border control

measures introduced through the STCA did not essentially lead to a decline in the number

of asylum claims but rather created an avenue for people desperately in need of

protection to find other options to make asylum claims in Canada (Jacobs, 2002). To

address the loophole in the policy and curb illegal border crossing, there is a need to

revise the STCA to make it permissible for all asylum seekers to seek protection at

official Canadian land borders – regardless of whether the United States is their first port

of entry.

Implications for Positive Social Change

Research has shown that public policy is a powerful tool that promotes positive

social change because, through the development and implementation of workable public

policies, planned social change takes place that creates a better world and brings

improvement to human populations (Shah, 2011; Walden University, 2020). The findings

from the study show that there are unfair practices associated with the asylum hearing as

it relates to hearing judges sometimes deciding on asylum claims based on their

discretion rather than supporting documentation submitted by asylum claimants. Thus,

government actors and policy networks with interest in the asylum determination process

could use this finding to promote positive social change by using it as a basis to design

and implement a mechanism to address discriminatory practices associated with decisions

on asylum claims which ultimately will ensure a transparent and fair hearing process that

safeguards the protection interests of asylum seekers.

The study also established that STCA created social problems such as illegal

border crossings and human smuggling. The findings showed that 19 of the study

participants sought protection in Canada using illegal border crossings, which indicates

that asylum seekers have adopted to this restrictive policy and are strategically using it to

their advantage to enter Canada to seek protection illegally. According to Jacobs (2002),

border control measures introduced through the STCA did not essentially lead to a

decline in the number of asylum claims but rather created an avenue for people

desperately in need of protection to find other options to make asylum claims in Canada

(Jacobs, 2002). The STCA stipulates that asylum seekers who make asylum claims at

official border crossings should be returned to the United States—except they meet one

of the exception requirements. Asylum seekers, who are aware of this restriction, have

opted to use unofficial border crossing points to avoid being returned to the United

States. Data from the CBSA on detention and repatriation of asylum seekers revealed that

the STCA is the primary factor that drives unauthorized border crossing and human

smuggling (Arbel, 2013; Smith & Huffman, 2019; Wilkins, 2018). Parties to the

agreement and other stakeholders could use the findings from the study to promote

positive social change by removing the first port of country provision and return policy

from the STCA. These revisions to the policy will support positive social change as it

will curb the social issue of illegal border crossing. Asylum seekers being aware of the

revised policy will seek protection at authorized border crossings instead of risking their lives to seek protection through illegal borders. Findings from the study may also engender positive social as it may assist the public to understand the unique challenges faced by asylum seekers in Canada.

Conclusion

This phenomenological study was intended to enhance the body of knowledge related to the perceived impacts of implementing the STCA on African asylum seekers in Canada. The unique aspect of this research was its focus on understanding and explaining from the perspectives of African asylum seekers in the provinces of Ontario and Quebec how the STCA impacts them. The study was also intended to further the knowledge of the distinctive challenges faced by African asylum seekers in Canada, contribute to existing public administration literature related to the phenomenon of study, and generate research findings that support positive social change. Based on the purpose and nature of the study, the study adopted a qualitative research method and used a purposive sampling approach to recruit 22 study participants. They met the criteria of being African asylum seeker in Ontario and Quebec, who are aged 18+, have been in the country for not less than a year, and who could best provide answers that respond to the research questions and enhance insight on the phenomenon of the study. Data was collected through semistructured face-to-face and over-the-phone interviews.

This study explored various components of the Canada–U.S. STCA to understand its impact on the African asylum seekers in the selected research setting. Within this context, the central research questions, subquestions, and related interview questions

were focused on exploring the impact of the STCA on the right to life, liberty, and security of African asylum seekers in Ontario and Quebec; gauging how the STCA could be improved; assessing the asylum system and process and exploring the impact of the STCA on the asylum seeking experiences including decisions on how to seek asylum. The finding from the study established that the purpose of the study was achieved, and the responses obtained from the participants answered the central research question and subquestions.

The perception by most of the participants that their rights to life, liberty, and security were not adversely impacted by the STCA was largely premised on the conclusion that they were granted protection benefits. It was inferred that Canada's protection of these fundamental human rights was influenced by how it wants to be perceived internationally. Interrelated findings of the study revealed that the protection rights granted were temporary and limited in that if an asylum claimant's application was rejected, they could still be subjected to refoulement, which could lead to a violation of these human protection interests and given that asylum seekers were not permitted to pursue higher education which is considered a fundamental human right – a core component of UNESCO'S 2030 Agenda on Education and Universal Declaration of Human Rights (1948). Policy makers are likely of the notion that an asylum claimant might leave the country after completing their studies. However, it was inferred that asylum seekers who are provided protection, will mostly likely opt to stay in the destination country to build a new life. On this premise, it can be argued that the benefits outweigh the costs of such investment.

The study established that all the respondents disagreed with the enforcement of the first port of entry clause of the STCA or what is referred to as the "returned policy" because it puts the protection interests of asylum seekers at risk, and limits asylum seeking options for those in need of protection. The study also found that the asylum system in Canada has advantages and disadvantages. The general perspective was that Canada has the best asylum system in comparison to other countries because it welcomes people in need of protection and treats them with dignity. Canada's action is possibly due to how it wants to be perceived internationally. The overarching view on the downside was that the wait time for an asylum hearing was lengthy, and there is no established timeframe within which a hearing will take place. This trend was attributed to the failure of the IRB to expedite asylum hearings – even with the ability and capacity to do so and postponement of hearings, which unduly extends the asylum determination process.

Other findings revealed that while the asylum system in Canada is well organized, there are associated drawbacks such as discretionary decision-making and lengthy hearing periods – creating the need for new measures to be instituted to improve the asylum system. It is likely that because most of participants in the study came through an unauthorized border crossing, which is not covered under the STAC, they were not turned back to the United States. The use of unauthorized border crossings by most of the research participants show that asylum seekers have adopted to a policy intended to restrict the movement of asylum seekers and were able to identify a loophole in the agreement which they strategically used to their advantage to claim asylum at unofficial border crossing points in Canada.

For policy-makers and policy networks, the results and their implications for policy could provide the basis for designing alternative policies to address the drawbacks associated with the STCA. The study also presented findings that could be useful to governments, non-state actors, and the public in their quest to support the development of alternative policies and planned positive social change related to people in need of protection.

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Appendix A: Participants' Demographic Questionnaire

Participants Demographic Information

Date: _____

Time: _____

Location: _____

Interviewee (Unique Code): _____

The interview is intended to obtain your perspective on "The Impact of Canada–U.S. Safe Third Country Agreement on Asylum Seekers" in Canada. Please provide answers to the questions below to the best of your knowledge.

Participant name/ID:	
Gender	Male_____ Female _____
What is your age?	
Marital status	Single_____ Married ___ Divorced __Common law __ Widowed ___
Number of children and their ages	Number_____ Ages _____
Number and category of dependents	None_____Children_____Parents_____ In-laws_____ Other family members_____
Which year did you come to Canada?	
What is your country of origin?	
Which region do you come from?	Africa _____ Asia ___ Europe ___ North America ___ Other_____
What is your level of education?	
What field is your education?	
What is your employment status in Canada?	
If employed, in what sector?	
How many years have you been working in this sector?	
What was your employment status in your country of origin before seeking asylum in Canada?	

Appendix B: Interview Guide

Introductory statement:

Thank you very much for accepting to be interview as part of my doctoral research requirement.

The interview is intended to obtain your perspective on "The Impact of Canada–U.S. Safe Third Country Agreement on Asylum Seekers in Canada." I will therefore be asking questions related to the topic, and please let me know if you need clarity on any questions asked or if you have any concerns. I will be asking series of questions, but feel free to let me know if you would like me to repeat the question. The whole process should about 45 minutes of your time. Do you have any questions? If not, let us get started.

Interview Questions:

Q1. Please tell me, how long have you been in Canada?

Q2. The Canada-US Safe Third Country Agreement states that asylum seekers whose first port of entry in the United States should not be granted asylum in Canada. What are your thoughts on this agreement?

Q3. As an asylum seeker, how has the Safe Third Country Agreement impacted your rights to life?

Q4. As an asylum seeker, how has the Safe Third Country Agreement impacted your rights to liberty?

Q5. As an asylum seeker, how has the Safe Third Country Agreement impacted your rights to security?

Q6. How would you describe the asylum system in Canada?

Q7. Tell me about the positive aspects of the asylum system in Canada.

Q8. Tell me about the not so positive aspects of the asylum system in Canada.

Q9. As an asylum seeker, how has the asylum process been?

Q10. How were you treated by Canadian border enforcement officers when you first sought asylum in Canada?

Q11. In what ways can policymakers in Canada improve the asylum system?

Q12. In what ways has the Canada-US Safe Third Country Agreement impacted your asylum-seeking experience?

Q13. In what ways can policymakers in Canada improve this agreement to protect asylum seekers?

Q14. Did you come to Canada through an official or irregular crossing?

Q15. In what ways did the Canada-US Safe Third Country Agreement influence your decision on how to seek asylum in Canada?

Q16. Why did you decide to move North to seek asylum in Canada?

Q17. Tell me about your experience when you sought protection at the Canadian border?

Q18. Please tell me anything else you think I should know about your experience as an asylum seeker

Concluding/closing statement:

I want to thank you kindly for sharing your experience and/or perspective on this research topic. In keeping with the consent agreement, the personal and confidential information you provided

will not inadvertently or advertently be disclosed. For more accurate data collection, the

participant's responses will be transcribed using a qualitative data analysis (QDA)

software and or manually transcribed by me and emailed to participants for clarity and

accuracy of the data collected. Any correction or update on data collected will be affected

appropriately before data analysis and findings presentation. Again, thank you for your

participation it is highly appreciated.