



# Indigenous Perspectives of Immigration Policy in a Settler Country

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## Abstract

The immigration policies in settler colonial countries rarely consider Indigenous perspectives or solicit their input—a reality that is particularly problematic given the key role that immigration policies have played and continue to play in the colonialization process. In this paper, we use Canada as a case study to examine the intersection of Indigenous experiences and the country’s immigration policy, and why and how Indigenous voices have been excluded from decision-making about immigrant selection. In addition, we review the academic and grey literature to investigate what the Indigenous perspectives that have been shared surrounding immigration policy currently are. Some perspectives affirm the need and desire for new immigrants while simultaneously engaging with the Canadian state’s problematic treatment of temporary migrants. Other perspectives fundamentally challenge the Westphalian state and its claim to regulate human mobility in the name of sovereignty. We connect these perspectives with academic open borders and no border debates.

**Keywords** Immigration policy · Settler colonialism · Canada · Reconciliation · Indigenous sovereignty

## Introduction

The admission of immigrants into settler-colonial countries rests on the assumption that the settler state has the right to control who enters its territory and who can become a member of its territorial polity. In this paper, we interrogate the way in which this territorial logic is disrupted by Indigenous perspectives of land and belonging (Bauder, 2011; Douglas, 2005; Thobani, 2007). We use the example of Canada—a country where there has been increasing interest in uncovering

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the colonial histories and continuity of violence and oppression against Indigenous people. The Truth and Reconciliation Commission (TRC) sought to uncover and address these legacies, and the discovery of thousands of unmarked graves of Indigenous children at the sites of former residential “schools” in 2021 has left the nation horrified at the cultural and physical genocide committed against Indigenous people (Hopper, 2021).

In Canada, multiculturalism and immigration policy has attracted diverse racialized populations and has masked prevailing settler-colonialism (Parasram, 2019). Yet, immigration regulations and policies in Canada are built at their core on territorial understandings of land through the lens of Westphalian sovereignty. Westphalian sovereignty, in this context, refers to the governance of bounded territory over which the nation state has supreme authority. This understanding of sovereignty differs fundamentally from Indigenous views of sovereign governance, which acknowledge relationships and interdependencies among agents connected to land rather than abstract territory (Bauder & Mueller, 2021). This situation has left unclear if and how Indigenous perspectives can be included in Canadian immigration policies. In this paper, we assess such Indigenous perspectives based on research, opinions, and anecdotes available in the literature.

The research problem we address in this paper is that the Canadian state has made a commitment to reconciliation with Indigenous peoples and the decolonization of Canadian institutions and laws. However, one of the main instruments of settler colonialism—immigration policy—remains largely untouched by these efforts. Among the 94 recommendations made by the TRC, only the last two address “newcomers to Canada” and none deals with immigration policy (Truth & Reconciliation Commission of Canada, 2015). In addition, while some scholars have drawn attention to the need for immigration policy and practice to respond to the needs and demands of Indigenous peoples (Abu-Laban, 2020; e.g., Bhatia, 2013; Carlsson, 2020; Kymlicka, 2010; Pellerin, 2019), there seems to be little interest among immigration policymakers and stakeholders in Indigenous perspectives of immigration policy and how Indigenous involvement in newcomer selection could be achieved (Bauder, 2020b). Furthermore, Indigenous voices on the matter of immigration are rarely heard in policy and public debate or in academic research, which may affect not only immigration policy but many policy areas in a settler-colonial state like Canada.

Our thesis is that immigration policy is framed in terms of Westphalian sovereignty and territorial statehood; this frame, however, contradicts Indigenous understandings of sovereignty and belonging to the land (Bauder & Mueller, 2021). We explore whether the relative silence of Indigenous voices on matters of immigration policy in the political realm relates to this contradiction. In other words, the selection of foreigners and granting them permission to settle on state territory might be incompatible with Indigenous ways of thinking about land and belonging. Since neither one of us is Indigenous (Harald is a non-racialized immigrant-settler from Germany and Rebecca is a third-generation white settler), we rely on written accounts from Indigenous and non-Indigenous scholars and commentators to assess what Indigenous ways of thinking about land and belonging in the context of immigration and settlement might be and reflect on the implications for settler policies

related to migration. Considering the possible contradiction between Westphalian and Indigenous frames, we further investigate whether the inclusion of Indigenous voices and perspectives in immigration policymaking can be reconciled within Westphalian territorial statehood, or whether there are fundamental differences that are irreconcilable.

Our method involves a scoping review of the academic literature consisting of peer-reviewed journal articles, books, and book chapters as well as grey literature comprising of working papers, reports, newspapers, and web-based resources. We used the search terms “Indigenous,” “Canada,” “(settler)colonialism,” “(im)migrant(s),” “newcomers,” “immigration policy,” “colonization,” “sovereignty,” and “solidarity,” which we entered into the databases EBSCOhost, ProQuest, and Google Scholar to identify relevant academic literature. We also used the general Google search engine using the same search terms to identify grey literature and assessed the credibility of sources based on the organizations posting the information. We skimmed the identified resources for their relevance to our project and retained those items in our sample that would be pertinent to addressing our thesis. We also consulted the “Indigeneity and Migration” resource guide (UBC Migration-Indigeneity Group, (n.d.)) and the bibliographies of the sampled literature. We used the software Zotero to organize the sample. The analysis involved categorizing the items in the sample into themes that represent different Indigenous perspectives of migration and immigration policy. Below we reference only the sources that are cited or referred to in the narrative of the paper, which represent a portion of but not the entire original sample.

In the remainder of this paper, we first explore how Indigenous peoples have been excluded from the selection of newcomers to Canada and other migration and refugee policies. Thereafter, we investigate the available Indigenous perspectives on immigration and settlement. Then, we link these perspectives with the academic debates of open borders and no border. We conclude with a reflection on our initial thesis.

## **Background: Settler Colonialism and Indigenous Absence from Immigrant Selection**

The absence of Indigenous perspectives from immigration policymaking is part of a wider process of settler colonialism and the denial of Indigenous sovereignty. Both groups, newcomers and Indigenous peoples, have been construed as outsiders and threats to the settler colonial state (Bohaker & Iacovetta, 2009; Perzyna & Bauder, 2022; Volpp, 2015). By the same token, the shared histories of colonialism, ongoing displacement, racialization, and allyship against oppression connect many newly arriving migrants and refugees with Indigenous struggles (Bauder, 2011, 2020a; Bhatia, 2018, 2020; Chatterjee, 2019; Chatterjee & Gupta, 2020; Tuck & Yang, 2012). Soma Chatterjee observes that the settler state is based on the exploitation of immigrant labour and appropriation of Indigenous land (Chatterjee, 2019, p. 645). Bonita Lawrence and Enakshi Dua further assert that both newcomers and Indigenous peoples must strive for the “survival and adaption to

the dominant culture” (Lawrence & Dua, 2005, p. 121). Moreover, Sunera Thobani remarks that “the historical exaltation of the national subject has ennobled this subject’s humanity and sanctioned the elevation of its rights over and above that of the Aboriginal and the immigrant” (Thobani, 2007, p. 9). In addition, both immigrants and Indigenous peoples have suffered from the regulation of their mobility through national borders, reserves, residential schools, and incarceration (Government of Canada, 2018; Carter, 1999). Especially immigrants without status, who are excluded from citizenship, share with Indigenous peoples their non-membership in the imagined and legal settler-colonial community. Paradoxically, Indigenous peoples are presented “as having been here too long, while others (such as migrant workers) are seen as not having been here long enough” (Bhatia, 2013, p. 48). The settler colonial state has presented only settlers as legitimate national subjects.

Historically, the settler state routinely ignored and delegitimated Indigenous sovereignty (Ellermann & O’Heran, 2021; Spitzer, 2019). The denial of Indigenous sovereignty is a critical part of “settler amnesia” (Hiller, 2017), which “involves forgetting the prior claims of Indigenous people” and the violence with which the settler-colonial nation appropriated land (Ernst, 2018, p. 114). While reconciliation efforts seek to acknowledge this violence and acknowledge settler-colonialism, it still takes place within the nation-state framework; reconciliation does not challenge Canadian state sovereignty (Gordon-Walker, 2018, p. 2). Since the *United Nations Declaration of the Rights of Indigenous People*—which the settler states of Australia, Canada, New Zealand, and the USA refused to sign in 2007—there has been heightened interest and debate as to how Indigenous sovereignty can be enacted in settler states like Canada. Article 3 of the *UN Declaration* states that “Indigenous peoples have the right to self-determination” and “freely determine their political status and freely pursue their economic, social and cultural development.” However, Article 4 subsequently limits the right to self-determination to “internal and local affairs” and denies Indigenous sovereignty over external affairs (United Nations, 2007). The problem is that settler colonialism and the *UN Declaration* follow a Westphalian framework according to which sovereignty (i.e. state self-determination) is supposed to be absolute and tied to state territory. Indigenous understandings of sovereignty, however, involve more than the legal dimension of territorial authority and acknowledge the “cultural identity” (Deloria, 1996, p. 111) of people. In addition, rather than granting supreme authority to a single political entity, Indigenous understandings of sovereignty emphasize relationships and interdependencies of various actors and the way they tend to connect to the natural and spiritual dimension of the land (Deloria, 1996; Moreton-Robinson, 2015; Thorner et al., 2018). Indigenous Knowledge Keepers in Canada understand “sovereignty as living the powerful, complex, practiced, and sustaining relationships with specific lands that sustain them physically, relationally, culturally, spiritually, and as distinct peoples” (Hiller & Carlson, 2018, p. 50). Sovereignty, in this case, is associated with responsibilities towards the land and the relationships it embodies. These Westphalian and Indigenous frameworks of sovereignty do not align with each other (Bauder & Mueller, 2021; Lightfoot, 2021). The *UN Declaration* and the efforts of settler colonial states towards reconciliation and granting some autonomy to Indigenous

governance generally uphold the superiority of the territorial Westphalian state over Indigenous sovereignty (Bauder & Mueller, 2021; Coulthard & Alfred, 2015).

When it comes to migration policy, the regulation of cross-border human mobility, and political membership, the Canadian settler colonial state asserts sovereignty and control over Canadian territory and its borders. These policy areas follow the logic of Westphalian sovereignty, which cannot be reconciled with Indigenous sovereignty (Bauder & Mueller, 2021). Historically, the sovereign's control over mobility and political membership has been a key instrument to exercise political authority over people (Bauder, 2018). It has served to solidify state control in Europe and the USA (Torpey, 1999) and to exercise colonial control in other parts of the world (Mongia, 2018; Sharma, 2020). Today, nation states continue to assert their sovereign authority over cross-border human mobility and national membership (Bauder, 2017, 2018; Sharma, 2020). In other words, the sovereignty claims of territorial nation states justify their monopoly on immigration law and policy. The settlement of non-Indigenous newcomers continues and is perpetuated through the processes of immigration (Gordon-Walker, 2018; Coulthard & Alfred, 2015). Although Canada has agreements to consult with stakeholders such as the provinces and territories, various municipalities, employers, faith-based groups, non-profit organizations, and linguistic minorities such as Franco-Ontarians (Bhatia, 2018, p. 347), Indigenous people are usually not included or consulted in the decision-making about who is invited to settle on the land. Bhatia concludes that "Indigenous laws, legal traditions and treaty relations should serve as a source of authority in immigration law, policy, and discourse going forward" (Bhatia, 2018, p. 343). Yet, few such efforts are discernable.

The absence of Indigenous perspectives in the context of immigration policy-making relates to the situation that exists in the legislative, executive, and judicial branches of government. Indigenous persons are strongly underrepresented in the Canadian Parliament, which enacts immigration legislation. Currently, only 11 Indigenous Members serve in the 338-seat Canadian Parliament; there were ten in the previous Parliament (The Canadian Press, 2021). Until then, only 43 Indigenous Members served in Parliament since it was established in 1867 (Morden, 2018, p. 124). When we cross-searched the names of Indigenous Members of Parliament with immigration-related topics discussed in the House of Commons, we found only very few instances of Indigenous members being involved in conversations surrounding immigration policy and practices. In December 2021, Marc Dalton, a Métis conservative member, advocated for the improvement of Canada's immigration processes, explaining that "an Afghan refugee in my riding has been struggling for years to get her husband to Canada." He continued by questioning the delay in the ministry's response to the 2021 crisis in Afghanistan: "when can these desperate people, who have endured such terrible suffering, expect the Liberals to finally clear bureaucratic backlogs and get them safe passage to Canada?" (Dalton, 2021). Dalton's position on this subject appears to stem from his role as advocate for the people of his riding (i.e. electoral district) rather than his Indigenous identity.

When it comes to the executive branch, the Ministry of "Citizenship and Immigration [could] find no record of aboriginal communities being consulted on immigration policy" (Cheadle, 2012, p. no page) prior to 2012, at which point First

Nation leaders criticized foreign workers programs in light of lacking employment opportunities for Indigenous youth. The Government of Canada's latest two reports of consultations on immigration levels indicate that no Indigenous, First Nations, or Inuit organizations responded to the online stakeholder survey (Immigration, Refugees and Citizenship Canada (IRCC), 2020a, b).

The judicial branch of Canada's government also lacks sufficient representation from Indigenous communities (Indigenous Bar Association 2005). Although there has been a requirement since 1875 that there be reserved seats for Quebec on Canada's Supreme Court, no similar guidelines exist for Indigenous peoples (Nasager, 2019). To mitigate Indigenous underrepresentation in the judicial branch, Indigenous scholar and member of the Chippewa of the Nawash First Nation in Ontario, John Borrows, recently recommended that the Supreme Court should have three Indigenous judges appointed to incorporate perspective from a variety of clans (Nation to Nation, 2021). Precedent is set when courts make decisions, and the existing precedent often stems from colonial perspectives. A stronger representation of Indigenous perspectives in Canada's court system would be paramount to interpreting and executing policy, including immigration policy.

The general absence of Indigenous perspectives from immigration policymaking illustrates how the colonial present in Canada continues to "symbolically and materially" displace Indigenous peoples (Hiller, 2017, p. 416). Given the impact of immigration on the continuing colonization of Indigenous people in Canada, the opportunity for Indigenous voices to be heard in immigration policymaking would be critical to state efforts towards reconciliation. In the next section, we report on the findings of our literature review on what these voices may entail.

## Findings of the Literature Review: Indigenous Views on Immigration

There is considerable academic discussion on whether all immigrants (and even refugees) are settlers and colonizers. Some scholars, including non-Indigenous ones, fundamentally challenge the presence of immigrants on land that was originally occupied by Indigenous peoples but subsequently appropriated through settler colonialism (Lawrence & Dua, 2005; Thobani, 2007). In this context, colonization is not a historical event but rather an ongoing process (Douglas, 2005). Thobani plainly states that by participating in Canadian society, "migrants became implicated, whether wittingly or otherwise, in the dispossession of Aboriginal peoples" (Thobani, 2007, p. 16). Chatterjee uses the term "immigrant settler hood" to critique the benefits that immigrants receive in their complicity and suggests that "while their pathways to the New World are various and complex, they cannot but be settlers on Indigenous land" appropriated through settler colonialism (Chatterjee, 2019, p. 650). Similarly, Ajay Parasram argues that the acceptance of "legal and territorial parameters" (Parasram, 2019, p. 197) by immigrants is implication enough in ongoing settler colonialism. In a non-colonial context, immigrants would observe the laws and adjust to the ways, not of the settler-colonizers, but of the Indigenous population (Tuck & Yang, 2012). They would not be selected, for example, based on their

ability to speak the settler-colonial languages English or French or required to swear allegiance to the Queen when they acquire Canadian citizenship (Bauder, 2020b).

Based on the above discussion, one could infer that Indigenous views may reject immigration all together. Indeed, on October 31, 2005, when discussing the contention between channeling resources towards new immigrants despite the inadequate living conditions faced by Canada's Indigenous communities, the Assembly of First Nations demanded that Canada "freeze all immigration coming into Canada until the federal government addresses, commits and delivers resources to improve housing conditions, education, health and employment in First Nations communities" (quoted in Todd, 2021, n.p.). However, Amar Bhatia, a non-Indigenous scholar, suggests that Indigenous people who have opinions on immigration may not categorically object to it; some may even find immigration desirable (Bhatia, 2013). Indigenous voices on this matter, however, are relatively rare in our sample.

Anecdotal evidence suggests that Indigenous communities and Indigenous leaders in Canada have other priorities and lack resources that could be devoted to developing perspectives of immigration policy or consult on and engage with immigration policymaking. Correspondingly, there are relatively few statements related to Indigenous perspectives of immigration that we could identify. One of such statements was recently made by Tsawwassen First Nation's elected chief Ken Bair who remarked: "I'm all for people who want to come here and work hard and build themselves a life and have good family values" (Todd, 2021, n.p.). Along the same lines, Chief Robert Joseph (2012) wrote: "As Aboriginal people we welcome you here. We are neither frightened nor challenged by your diversity and resourcefulness" (p. 9). Chief Joseph believes that "Every colour, every race, every creed has a right to be here. Every person or group of people has value, has purpose" (p. 10). Indigenous affairs columnist and member of the Little Pine First Nation, Sask., Doug Cuthand, makes a similar point when he writes:

It's kind of late to complain about immigration. There are 35 million people in Canada and only 1 million of us are members of the original First Nations ... In fact, I'm quite happy that more people of colour and diversity are coming to this country... We need a country that reflects more of the world's population if we are truly to become a country of the future. (Cuthand, 2017)

Overall, there is evidence that some Indigenous views support the arrival of diverse newcomer populations.

In the context of critiquing Canadian Multiculturalism from an Indigenous perspective, Harold Johnson, son of a Cree mother and Swedish immigrant father remarks: "We are happy that many people from different parts of the world have come to live here. They are as welcome as you (i.e. white settlers) are" (Johnson, 2007, p. 100 our parentheses). In this case, immigrant selection can be interpreted as a treaty responsibility that rests with the settlers.

Based on research and comments from some Indigenous leaders, it appears that some Indigenous peoples may not oppose the arrival of newcomers but they reject the way institutions and corporations instrumentalize migration, for example, when low-skilled temporary foreign workers are brought to Canada to serve as exploitable labour in industrial farming and resource extraction (Bhatia, 2013). In this case,

the problem that many Indigenous people have is with the nation-state's treatment of temporary migrants, not with the arrival of newcomers in general. In fact, *not* granting all migrants equal rights is a problem in the eyes of Indigenous voices in our sample. In regard to temporary foreign workers programs, Bhatia writes that "Canada's treaty right to be here cannot plausibly include the right to import people as commodities who never have the right to stay here, can never become treaty people, and are never subject to treaty obligations to share and care for the land, life and waters" (Bhatia, 2013, p. 59).

Furthermore, Canadian sovereignty claims over immigration can violate Indigenous rights to self-determination. An example is Sister Juliana, a Nigerian non-status migrant, who was adopted by Sandy Bay Ojibway First Nation in 2006 after her claim for asylum in Canada was denied. However, the Canadian state argued that the adoption did not provide status under the Indian Act to Sister Juliana, and a subsequent Federal Court decision set a precedence that an Indigenous band does not have "the power to usurp the discretion of the Minister of Citizenship and Immigration by accepting non-residents as band members and thereby granting them permanent resident status" (Bhatia, 2018, p. 346). After this decision, Sister Juliana was deported. In this way, the Canadian state deprived the Sandy Bay Ojibway First Nation of deciding who they welcome onto their land. The removal of Sister Juliana denied Indigenous peoples "their inherent rights and power to reproduce their societies through birth and immigration" (Bhatia, 2018, p. 348). The Westphalian sovereignty claim of the Canadian state trumped Indigenous self-determination.

Another example is the arrival of 492 Tamil refugees aboard the MV Sun Sea in 2010 on the shores of Canada's West Coast. When the refugees faced immediate incarceration, Indigenous elders held weekly demonstrations outside the jails. As their contributions to a National Day of Action in support of the detained Tamil refugees, the Lhe Lin Liyin of the Wet'suwet'en nation hung a banner affirming: "We welcome refugees." As part of this same National Day of Action, Pierre Beaulieu-Blais, an Indigenous Anishinaabe member of NOII-Ottawa, declared: "From one community of resistance to another, we welcome you. As people who have also lost our land and been displaced because of colonialism and racism, we say Open All the Borders! Status for All!" (Walia, 2013, p. 123).

## **Discussion: Indigenous Perspectives as Open Borders and No Border Positions**

In this section, we interpret Indigenous perspectives of immigration in light of academic debates of open borders and no border (Anderson et al., 2011; Bauder, 2017; Carens, 1987). The open borders position recognizes that Westphalian sovereign states are today's dominant political configuration but proposes that humans should be free to cross territorial state borders and be able to settle in the country. Academic debate suggests that existing immigration laws are unjust because they selectively permit or deny cross-border mobility; or they permit mobility only under certain conditions, for example, when migrants are allowed to enter the country to work for certain employers for a defined period. Such laws trap mostly racialized

workers in the Global South (Caplan, 2019), enforcing the international segmentation of labour that creates inequalities between people—often along colonial and racial lines—based on their country of origin and citizenship (Bauder, 2006). These laws and legal practices relate to fortress capitalism (Georgi, 2019) and border imperialism (Walia, 2013) that protect the privileges of elites in the Global North. The free mobility of people across national borders and the equal treatment of migrants within destination countries would mitigate the possibility of labour exploitation and colonial oppression.

Indigenous perspectives that are not opposed to immigration in general but reject existing national policies that select newcomers based on economic criteria and that deny temporary migrants important rights including the right to stay have an affinity with this open-borders position. This position does not oppose that people cross borders and enter Canadian territory, but rather rejects the unequal treatment of people by immigration policies. While accepting borders as open and refraining from seeking to control the selection of people based on economic or other arbitrary criteria, this position focusses on what happens after newcomers arrive and settle on the land. Pacific Northwest coast Kwakwaka'wakw chief Bill Wilson recently explained this position by focusing not on attempting to keep newcomers out but on the responsibilities that all newcomers have as settlers after they arrive: "I don't have any problem with people coming to this country. But what I object to is they're not required to understand the history ... Hopefully they could start to embrace some of the laws we are finally resorting to as a country in terms of (Indigenous peoples') relationship to the land and the water and the sea resources" (quoted in Todd, 2021, n.p. parentheses in original). Roxana Akhmetova (2019) argues that meaningful reconciliation should involve newcomer education about Indigenous peoples, and discussions of how immigrants have a choice not to comply with ongoing settler colonialism. She states that "awareness and acknowledgment are one step closer to creating opportunities to think about tangible ways that colonial relationships are supported, reproduced, and reinforced" (p. 54). Lynn Gehl (2012), who is of Algonquin Anishinaabe-kwe descent, echoes this sentiment of awareness raising and education, claiming that allies of Indigenous peoples should be responsible for recognizing their own privileges, the colonial structure they support, and their own responsibilities towards decolonialization.

Upon arrival, newcomers should also learn about the treaties and how to participate in them. Roger Epp (2008) highlights the importance of treaties, claiming "we are all treaty people—settler and aboriginal" (p. 5). According to the Government of Canada, Indigenous and Northern Affairs (2020), treaties "define specific rights, benefits and obligations for the signatories that vary from treaty to treaty," including guidance surrounding land and resource use, and governance, among others. Thus, newcomers are becoming a part of the broader society which has made promises to Indigenous peoples by way of treaties that should be upheld.

In addition, the willingness to cooperate is an important attitude newcomers should display. Three treaty people, James Bird, Ange Loft, and Jane Wolff (2021), discuss "the power of kindness and care to engender meaningful relationships among people and with places" (n.p.). Along similar lines, Greg Poelzer and Kenneth Coates (2015), in painting a picture of ideal Canadian society, imagine "senior

representatives of Canada's immigrant communities reach[ing] out to Aboriginal people in the interests of building economic prosperity and personal opportunity" (p. 283). Following this line of argument, open borders go along with newcomers' responsibilities towards decolonialization.

Contrary to the open-borders position, which affirms the territorial Westphalian framework, the no border position opposes the Westphalian territorial state on which national immigration policies rely (Epp, 2008). This position was shared by Chief Joseph of the Wal-lam-wat-kain (Wallowa) band of Nez Perce who said in 1871: "The country was made without lines of demarcation, and it is no man's business to divide it" (Noy, 1999, p. 208). Today, many scholars concur: "On the map of Turtle Island, the Canadian-US border is an illegal settler-colonial construct that violates Indigenous sovereignty" (Yalamarty, 2020, p. 477). Around the world, the imposition of national borders by colonial powers and settler colonial states has had devastating impacts on Indigenous peoples. Victoria Tauli-Corpuz, who is Kankanaey Igorot from the Philippines and the UN Special Rapporteur on the Rights of Indigenous Peoples, speaks about the effects borders have had on Indigenous people: "countless Indigenous Peoples have been divided by imposed State borders, their communities and relatives separated by artificial lines, their migration patterns, sacred rituals, fishing and hunting ways altered" (Tauli-Corpuz, 2020, n.p.). Dylan Miner, an Indigenous artist and scholar, shares his own reflections on the creation of borders in North America, recounting the story of how his paternal ancestors "criss-crossed the Canada-USA border and literally fought against its creation" (Miner, 2015, p. n.p.). Tauli-Corpuz (2020), too, references the limitations on mobility for Indigenous people and claims that "there should really be no borders as far as Indigenous Peoples are concerned because they existed in those territories before these nation states came into the picture" (Tauli-Corpuz, 2020, n.p.).

Borders not only pose material barriers in separating cultural groups, access to resources, and limiting movement, but they enshrine the settler-colonial territorial logic in the political imagination. Miner (2015) observes that: "the border—as a manifestation of the settler-colonial and capitalist nation-state—constrained my own being and, in turn, constrained my capacity to think beyond the limits of its own borders" (n.p.). Borders are both material and discursive tools of ongoing colonialism and imperialism (Walia, 2013).

Pro-migration organizations such as No One is Illegal (NOII) use the no border position to "challenge the settler state's legitimacy in determining who can and cannot enter the country" (Fortier, 2013, p. 9). The no-border position aligns with perspectives of Indigenous sovereignty that does not make any absolute territorial claims but recognizes the interactions and interdependencies between actors and responsibilities of everyone towards the land and its human and non-human inhabitants (Bauder & Mueller, 2021). In her critical analysis of the refugee politics of Westphalian settler-colonial states, Sedef Arat-Koç advocates for a "*place-based* episteme that helps to challenge the logic and discourse of the grateful refugee and also inspire and inform alternative political subjectivities and collective political visions of another world beyond colonialism, imperialism, interventionism, war, capitalist expansion and environmental degradation" (Arat-Koc, 2020, p. 373 original italics). These politics of place (i.e. a politics that is contextualized in concrete

locations and physical places) reject national citizenship and emotional attachment to an “imagined” (B. Anderson, 1991) settler colonial nation state, and instead involve solidarity between newcomers and Indigenous people and respect for the land (see also Arat-Koç, 2014; Bauder, 2020a). In the context of Aotearoa New Zealand, Vivienne Anderson and Zoë Bristowe observe that policy development should start “with the aspiration of indigenous people and attention to relational commitments” that involves caring for the land and responsibilities towards the ancestors and future inhabitants as they connect to particular places (V. Anderson & Bristowe, 2020, p. 423). This emphasis on relationships and caring for land stands in contrast to the Cartesian logic of Westphalian territorial sovereignty and resource extraction that frames immigration policy.

## Conclusion

In this paper, we addressed the problem that immigration policy largely remains on the sidelines of reconciliation efforts in Canada. Especially, Indigenous voices are rarely heard on this matter. We find this situation perplexing since immigration policies are a key instrument of ongoing settler colonialism and are historically closely connected to land appropriation and the oppression of Indigenous peoples (Bauder, 2011). The fact that there are relatively few Indigenous voices, however, does not diminish the validity of those voices that do exist. In fact, taking these Indigenous voices seriously would be an important aspect of decolonialization.

Existing research suggests that Indigenous understandings of sovereignty and belonging contradict Westphalian sovereignty and territorial statehood, which frames immigration policy (Bauder & Mueller, 2021). However, the evidence we present in this paper also suggests that those Indigenous voices that have commented on immigration in Canada do not always oppose the Canadian Westphalian territorial state. Some of these voices generally support immigration, advocate for the extension of equal rights to temporary migrants, and reject immigrant selection based on economic criteria. That only few of such voices are documented in the literature does not invalidate this position. We further suggest that this Indigenous position has an affinity with open border arguments that are prevalent in the academic literature (Bauder, 2017; Carens, 1987; Cole, 2000; Siebold, 2017).

There are also more radical voices that reject the Canadian Westphalia state as an institution that perpetuates settler colonialism. We propose that these voices align with a no border position assumed by some academics and activists (Anderson et al., 2011; Bauder, 2017; King, 2016; Walia, 2013). The evidence, however, is too thin to reliably conclude that the relative lack of Indigenous voices and perspectives in immigration policymaking can be attributed to the irreconcilability of Indigenous sovereignty and self-determination, and Westphalian territorial statehood on which current immigration policy depends.

There are other factors that may account for this lack of available perspectives: first, Indigenous communities may have more pressing priorities or too few resources to worry about immigration. There are other more important struggles that currently require the attention of Indigenous communities—such as the discovery

of unmarked graves of Indigenous children, the murder and disappearance of Indigenous women, and the unsafe drinking water in many Indigenous communities. Second, Indigenous perspectives may not oppose the arrival of newcomers. Denying people their right to mobility may not align with Indigenous interest or beliefs. Their focus may rather be on educating newcomers about Canada's settler-colonial past and present, holding newcomers responsible to learn about and respect treaties, establishing allyship with newcomers in the struggle for decolonialization, and sharing with them the land and resources in responsible, equitable, and sustainable ways.

The research we have presented in this paper has limitations. First, we, the authors, are settlers who cannot speak for Indigenous peoples. Nevertheless, we recognize the need to include Indigenous peoples directly in policy decision-making (Maaka & Fleras, 2009). In addition, we are mindful of our positionality as settlers as we draw attention to the policy matter of immigrant selection that Indigenous communities may not perceive as a problem. As settlers in and citizens of Canada, we are complicit in the state's immigration policies and practices which perpetuate the colonization of Indigenous peoples. Through this paper, we sought to uncover some of the realities of Canadian policy and discourses and find ways forward from a settler perspective. Second, our research relied on secondary sources. That relatively few secondary data on Indigenous perspectives of immigration and immigration policy in Canada exist is itself an important finding. Nevertheless, more research is necessary to obtain further clarity surrounding Indigenous perspectives on immigration and immigration policy to critically reflect on the current immigration policies by the settler colonial state. Especially primary research, such as interviews with elders or Indigenous focus groups, would provide richer data to inform immigration policymaking in Canada. This research could complement efforts by the Canadian legislative, executive, and judiciary branches to solicit Indigenous perspectives on immigration legislation and regulations.

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