

**Sharry Aiken, Queen's University**

**“Who gets in and who gets to stay: Systemic Discrimination in Canada's Immigration Program”**

Canadian immigration law and policy are informed by competing and often contradictory objectives. Nevertheless, as the text of the law and legal discourse in the area of immigration has evolved from its explicitly racist and gendered origins to objective neutrality, discrimination in its less obvious, systemic forms has persisted. From slavery to expulsion, women have been the victims of a legal system that has worked to their disadvantage on multiple and intersecting grounds of gender, “race”, class and disability. This paper will begin with a brief review of the defining features of immigration law and policy from implementation of the equality guarantees of the Canadian Charter of Rights in the mid 1980s to today. Immigrant selection, the rules for refugees and humanitarian and compassionate cases as well as immigration security provisions will be the primary focus. A number of recent judicial and tribunal decisions will be analyzed to illuminate the extent to which the terrain of sexism and racism in Canadian immigration law may have shifted but the promise of transformative constitutionalism remains unfulfilled for non-citizens – particularly women. Indeed, the appearance of change - the language of equity and fairness in the text of the law and law talk - has served as a cover for sustaining systemic discrimination in Canada's immigration program.