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In Plain Sight: Documenting Immigration Detention in Canada

Carrie Dawson

Abstract. *In December 2013, Lucia Jimenez was caught paying less than the full fare for a public transit ticket. An undocumented Mexican national, Jimenez was taken into custody by the Canadian Border Services Agency. She hanged herself shortly thereafter. Following Jimenez's death, a friend argued, "Lucia ended up being a ghost here." Like so many non-status migrants for whom banal daily rituals—like accessing public transit—are dangerous, Jimenez practiced a necessary invisibility. But it wasn't until her undocumented status came to light that she really disappeared: she entered the state's "apparatus of disappearance, and vanished in plain sight" (Nield). Given the technologies of surveillance at work in detention facilities, it seems counterintuitive to constitute them as places where one can vanish, but such is the case in Canada, where there is no upper limit on the length of immigration detention. Tings Chak takes up these issues in her 2015 graphic essay, *Undocumented: the Architecture of Migrant Detention*, arguing that there is a pressing need "to make visible the sites and stories of detention." With attention to Chak's book and to the circumstances surrounding Jimenez's death, this essay takes up the call to investigate a public conversation about immigration detention in Canada.*

On December 1, 2013, Lucia Vega Jimenez, an undocumented Mexican national who worked as a chambermaid in a Vancouver hotel, was caught paying less than the full fare for a Sky Train ticket. The transit police apprehended her and turned her over to Canadian Border Services Agency (CBSA), who took her into custody and began arranging her deportation. On December 20, 2013, one day before she was scheduled to be deported, Jimenez hanged herself from a shower rod in the immigration detention center below Vancouver international airport. She was found forty-five minutes later and was taken to hospital, where she died one week later.

In an interview with the *Vancouver Sun*, Yasmin Trejo, a friend of Jimenez's said, "Lucia ended up being a ghost here" (Pemberton). A ghost. Like so many non-status migrants for whom the most banal daily rituals—like accessing public transit—are dangerous, Jimenez practiced and endured a necessary invisibility. But it was not until her undocumented status came to light that she really disappeared: to borrow Sophie Nield's terms, Jimenez entered the state's "apparatus of disappearance, and vanished in plain sight" (144). Given the multiple technologies of surveillance at work in detention

facilities, it seems counterintuitive to constitute them as places where one can vanish—where one can be “present before the law, but invisible to it” (Nield 144); but such is the case in Canada, where there is no upper limit on the length of immigration detention, and where some migrant detainees are incarcerated for years, despite not being convicted of a crime.

Using the Jimenez case as an entry point, this paper examines the forces that enable the disappearance of migrant detainees and the invisibility of migrant detention. Specifically, it critically scrutinizes the “apparatus of disappearance” that allows detainees to vanish “in plain sight.” The second half of the paper uses Tings Chak’s graphic essay, *Undocumented: The Architecture of Migrant Detention*, to explore the carefully contrived banality of migrant detention. A migrant rights activist, architect, and multidisciplinary artist, Chak points out that “spaces of incarceration are both nowhere and everywhere, blended into our landscapes,” but ‘their invisibility is no coincidence’ (9). Because these mostly semi-suburban and physically unexceptional sites typically ‘bare little trace,’ and because access is extremely limited, there is, she insists, a pressing need to “make visible the sites and stories of detention, to bring them into [public] conversations” (26). Following Chak, and paying particular attention to her use of visuals and her meditations on in/visibility, this paper takes up the call to instigate a public conversation about immigration detention – to make the invisible visible.

According to CBSA, which is responsible for overseeing immigration detention and removals, 9,571 people were detained in the 2012-13 fiscal year and 9,929 people were detained the year before (“End Immigration Detention”).¹ Although the vast majority of detainees are held for administrative reasons rather than criminal ones, approximately one-third of detainees are held in provincial prisons and are not typically separated from those serving time for criminal offences (Gros and van Groll 4). The Global Detention Project, an interdisciplinary research initiative investigating the role of immigration in global migration, indicates that “Canada remains one of only a handful of major industrialized countries to make widespread—and, in the case of Canada, increasing—use of prisons to confine non-citizens in administrative detention.” They add that that “Canada’s lack of detention time limits places the country in the company of a dwindling number of states” (Global Detention Project). In a 2015 report addressing the social and psychological consequences of migrant detention in Canada, Hanna Gros and Paloma van Groll stress that the psychological distress caused by indefinite detention “exacerbates existing mental health issues and often creates new ones, including suicidal ideation” (4). Stephanie Silverman goes further, suggesting that the uncertainties of “detention without time limits can present difficulties akin to mental torture” (29).

¹ The average length of stay was between twenty and twenty-five days, but, drawing on CBSA data collected on 8 November 2013, Nicholas Keung points out that 10 percent — or 60 of 585 — people in immigration detention at that time had been held for more than a year (2013).

In the autumn of 1999, two of the ninety Fujian women migrants incarcerated in British Columbian prisons gave an interview protesting their indefinite detention, arguing: “We have not broken the law. We came to Canada to look for freedom. Is this against the law?” (Direct Action Against Refugee Exploitation). Not exactly. As the women suggest, the right to seek asylum is protected by international law, but, in the last twenty-five years, Canada, like many other first-world countries, has introduced numerous pieces of legislation that make it almost impossible for asylum seekers to arrive at our borders without breaking our laws: for example, in 1987 Canada introduced the Deterrents and Detention Act (Bill C-84), which made it an offence to assist a Canadian-bound migrant who was not in possession of valid travel documents and which authorized the government to turn away ships beyond our territorial waters when there were ‘reasonable grounds’ for believing that the vessels contain people in contravention of the act. In the 1990s, amendments to the Immigration Act (Bill C-86) made it necessary for Convention refugees to produce ‘satisfactory’ identity documents in order to be landed, and in 2002 Canada and the United States signed the Safe Third Country Agreement, which required asylum seekers to lodge refugee claims in the first country of arrival. By making legal migration very difficult, these, and other measures, encourage Canadians to see undocumented migrants as illegal, if not criminal, a problem that has been exacerbated by the 2012 introduction of mandatory detention for ‘irregular arrivals.’

‘Crimmigration’ is the portmanteau coined by citizenship and migration scholars to describe the overlap of immigration policy and criminal law that is demonstrated above but is perhaps most obvious in the incarceration of undocumented migrants and non-criminal asylum seekers in Canadian prisons, (Stumpf 2006; Hernández & Cuahtémoc 2013). Quite simply, the tendency to constitute these groups as law-breakers is encouraged by their incarceration: “migrants *might* be criminals, necessitating detention; migrants must be criminals, because they are detained” (Mountz et al. 527, emphasis in original). And so, the problem of jailing migrants for administrative reasons largely disappears. When it rears its head in the press—as it did after Jimenez’s death, and again in September 2014 and June 2015, when Joseph Charles Todd Dunn and Abdurahman Ibrahim Hassan died in immigration custody²—state representatives attempted to make immigration detention practices palatable to Canadians by likening CBSA detention facilities to “hotels with good living conditions” (Ball 2012). For example, despite abundant evidence to the contrary, Jason Kenney, who was Minister of Citizenship and Immigration Canada between 2008 and 2013, repeatedly characterized the Toronto Immigration Holding Centre as a ‘hotel-style’ facility that is “hardly comparable to

² News of Dunn’s death coincided with the beginning of the inquest into Jimenez’s death and renewed public calls for independent civilian oversight for CBSA. For information on other recent deaths in custody see Keung 2016; Friscolanti 2014; Perkel 2015; and Young 2014.

a prison” (Toews and Kenney 2013). Elsewhere he argued that “anyone can leave immigration detention at any time they want—they just have to leave Canada” (Ball 2012). If anyone can leave immigration detention at any time, suggests Kenney, those who stay choose to do so and thus they are not inmates so much as uncooperative, undesirable guests of the state who reap the benefits of Canadian hospitality in the form of ‘hotel-like’ living conditions.

In an article exploring the Australian government’s use of suburban hotels as ‘residential prisons’ for asylum seekers, Joseph Pugliese uses the idea of ‘vernacular violence’ (2009, 153), violence that is disguised by an appeal to ordinariness, to argue that the policies and discourses relegating the asylum seeker to a civilian space (the hotel room), normalize suffering by locating it “within the unexceptional spaces and sites of everyday civilian life” (2009, 156). Elsewhere, Pugliese argues that vernacular violence is “indissociable from the everyday” and is thus opaque: “interwoven into the cultural fabric of Australian everyday life, vernacular violence is what cannot be registered as violence as such” (2011, 24). As I have argued elsewhere, this is also the case in Canada, where the state’s comparison of immigration detention to a stay in a two-star hotel has rendered the experience unremarkable. And so, once again, the problem of immigration detention disappears in plain sight.

This may be about to change. Between March and May 2016 three men died while in the custody of CBSA: Francisco Javier Romero Astorga, a thirty-nine-year-old Chilean; Melkioro Gahungu, 64, from Burundi; and an as-of-yet unnamed twenty-four-year-old man. News of their deaths prompted Public Safety Minister Ralph Goodale to acknowledge that the federal government “can and must do better” when taking care of migrant detainees (Draaisma 2016).³ It is too early to tell if Goodale’s pledge to explore “appropriate review mechanisms” will lead to independent oversight of CBSA (Draaisma 2016), but the government’s acknowledgement of wrongdoing indicates that the time is right to “make visible the sites and stories of detention” and to account for the ‘invisibilised’ suffering of so many detainees (Chak 2014a, 26; Pugliese 2011, 25). Here, Chak’s *Undocumented* is helpful.

The first twenty-five pages of *Undocumented* contain small aerial photographs of prisons and immigration detention centres where migrants are held. Beneath those photographs are larger-scale and relatively simple line drawings of the buildings and their surrounds. I say ‘relatively’ because Chak’s use of rounded lines and inverted images creates a convex effect that reproduces the 360-degree perspective of the full-dome cell mirrors often used for monitoring prison inmates (Figure 1). Because they render streetscapes, the drawings also mimic the perspective produced by looking in a car’s rearview window. As such, they might be understood to invite the viewer to assume the perspective of a driver, thus underscoring the comparative immobility experienced by

³ Also note that on May 16, 2016 a group of 130 healthcare providers sent Community Safety and Correctional Services Minister Yasir Naqvi a petition calling for independent oversight of CBSA and an end to the use of jails to hold migrant detainees (Keung 2016).

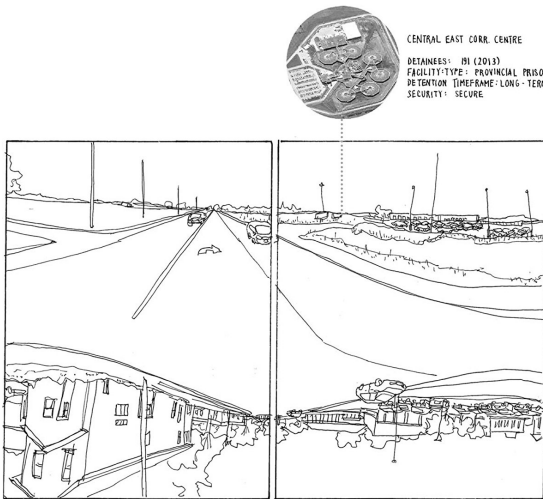


Figure 1. Chak, Tings. 2014. *Undocumented: The Architecture of Migrant Detention. Montreal and Amsterdam: The Architecture Observer*, 15.

detainees. And yet, the disorienting images also position the reader as a detainee who is whisked through a landscape that is simultaneously unexceptional and unhomely, familiar but somewhat distorted, thus making it difficult for her to get her bearings. Such a reading is confirmed by the book's structure, because these images are followed by three sections— "Intake," "The Living Zone," and "Outtake," that position the reader not as an observer, but as an inmate, who is transported to a deten-

tion centre, processed, incarcerated, and then readied for removal.

"Intake" begins with the following observation: "This building is a maze and you are forced to march through it. Following an intake sequence for arrivals, you face a complex set of stations for observation, verification, and neutralization (Figure 2). This building is a processing machine, you are the input, and the output, a detainee to be deported" (33). The input process by which 'you' are 'neutralized' involves being led through a number of small and altogether impersonal spaces. The same is true of "The Living Zone": you see no other people, but are very much aware of being seen because in each drawing a security camera records your every move.

The visual form of *Undocumented* emphasizes the fragmentary nature of space in prison through its inclusion of multiple small images on a single page and through the use of heavy black lines that contain each image (Figure 3). The graphic and thematic representation of carceral space as a series of tightly bound fragments that divide bodies or body parts underscores Chak's interest in "the treachery of borders, violently imposed onto our bodies, between our families, and throughout the places we call home" (92). "Inside," she argues, "they never let you see the horizon" (89). Thus, in more sense than one, "you can never wholly grasp" the space you occupy (90). As a result, "you lose your spatial bearings" (90), and, fittingly, 'you'—the undocumented migrant, asylum seeker, or failed refugee claimant—are further displaced and forego your already precarious ability to know yourself in relation to a place.

Because detention centres are often located in remote locations, and because overcrowding means that prisoners are often transferred between fa-

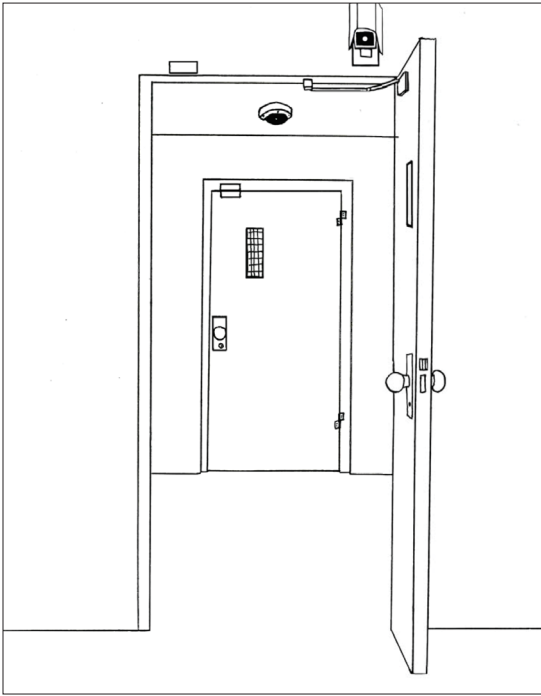


Figure 2. Chak, Tings. 2014. *Undocumented*, 39.

ilities, the very system that displaces detained migrants “through relentless spatial and temporal controls,” “makes those same bodies mobile in controlled ways through dispersal, transfers, and deportation” (Mountz et al. 528). As Alison Mountz argues, “Detention is not simply a matter of containing migrant bodies, but also of choosing when and where they can move” (529). Chak makes a similar point on the first page of *Undocumented*, where she suggests that, while “migrants’ journeys are commonly portrayed as linear progressions from home to host nations,” they are increasingly “replete with interruptions and discontinuities...[in]

spaces which are largely invisible to the public” (1).

While the book’s form and its preservation of lots of white space augment this feeling of placelessness and radical discontinuity, it is most evident in the final pages, where the author includes a large white square, an apparently empty space, above which she defines the experience of ‘white blindness’ that sometimes results when one spends long periods of time confined in a small space staring at empty white walls (97). Whether or not her attention to the experience of disorientation and her visual incorporation of large white spaces manage to reproduce the experience of white blindness, Chak’s book begs important questions about what we (don’t) see and why, or how it is that we, who are citizens of a largely privileged and mostly white nation, remain blind to the fates of the mostly non-white migrants detained here each year. In order to suggest how this happens, I want to elaborate upon Chak’s suggestion that detainees often “describe a sense of spatial haunting—feeling the presence of someone else in the cell, or in the walls, who you can never catch a glimpse of” (96). One of the many strengths of this book is its ability to reproduce that effect, by haunting its reader. Here I owe something to Avery Brown, who uses haunting as a metaphor and an ‘experiential modality’ to address “an animated state in which a repressed or an unresolved social violence is

making itself known” (2). More concretely, Brown uses haunting as a way of understanding “some of the ways that modern forms of dispossession, exploitation and repression concretely impact the lives of the people most affected by them and impact our shared conditions of living” (1). Haunting, she argues, is a “very particular way of knowing what has happened or is happening,” because “being haunted draws us affectively...into the structure of feeling of a reality we come to experience, not as cold knowledge, but as transformative recognition” (8).

Chak knows this. Her hand-drawn lines bear traces of human individuality, will, and frailty, while also reminding readers of our reliance on papers as arbiters of rights and freedoms. In an interview, she explains:

Using hand drawings was not just an aesthetic decision. A lot of what I’m talking about is about paper, of having papers as a proof of personhood and the fragility of paper. Having certain documents can determine a lot of things in our lives. For a migrant, it can determine your freedom, what rights or services you have access to, and what protections you might have. Hand drawing the book helped emphasize that arbitrariness and fragility. (Chak 2014b)

Although *Undocumented* presents us with the bare facts of immigration detention through, for example, a graph depicting the number of migrants detained and deported last year, its direct address of the reader as a detainee and its visual representation of the ways in which carceral regimes systematically deny the individuality and the very ‘subjecthood’ (Chak 2014a, 90) of detainees “draws us affectively.” Or perhaps more precisely, it undraws us affectively: that is, *Undocumented* “make[s] visible the sites and stories of detention” by graphically depicting the invisibility of its subjects: the reader/detainee who is escorted through the detention facility does not encounter another person

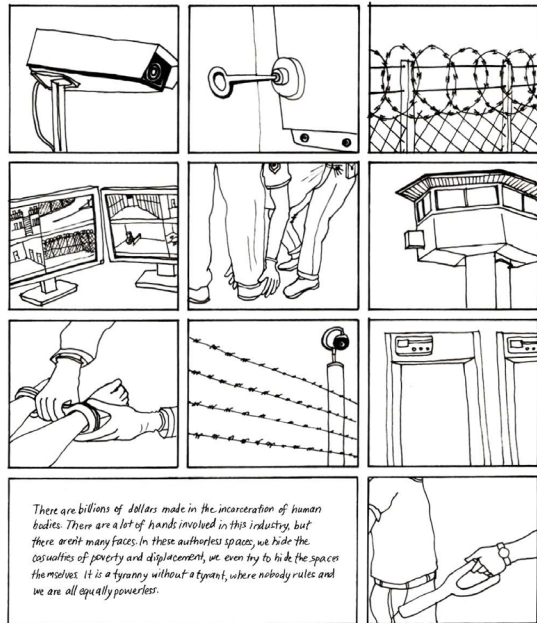


Figure 3. Chak, *Tings*. 2014. *Undocumented*, 33.

until the last pages of the book, and then what she sees are only the hands that fasten her cuffs and administer her pat-down. As Chak writes: “there are a lot of hands involved in this industry, but there aren’t many faces” (91). Foregrounding anonymized and routinized institutional violence, she emphasizes that there is nothing personal about immigration detention.

Undocumented celebrates the small acts of resistance with which detainees assert and protect the personal. Arguing that hand-crafted objects can be used by prisoners to “build space, and that space can become a refuge, a home for the self,” Chak includes directions for toilet paper curtains, a picture frame made from a detergent box, and a recipe for ‘jail cake,’ for example (106, 107). As a migrant rights activist and a prominent member of No One is Illegal—Toronto, Chak has dedicated herself to navigating and publicizing various “directions” for finding or building spaces for refuge and pro-refugee resistance.⁴ Here, though, I mean to restrict myself to her interest in immigration detention as an apparatus of disappearance and so will return to the relevance of ghosts and haunting for *Undocumented*.

I started this paper by echoing Yasmin Trejo, who argued that Lucia Vega Jimenez “ended up being a ghost” in Canada. Like Trejo, Chak uses the figure of the ghost to represent the undocumented migrant who endeavours to remain unseen by police or by CBSA. In *Undocumented*, the very precarious and anxious relationship of undocumented people to public space is forcefully rendered by a drawing of blank-faced and thus featureless figures who minimize traces of their presence in Canada by hovering above the landscape. However, a similar blankness and weightlessness characterizes many other images of detainees in her book (Figure 4), and bolsters her argument that “the disappearance of one’s self” is one of the foremost struggles for incarcerated people

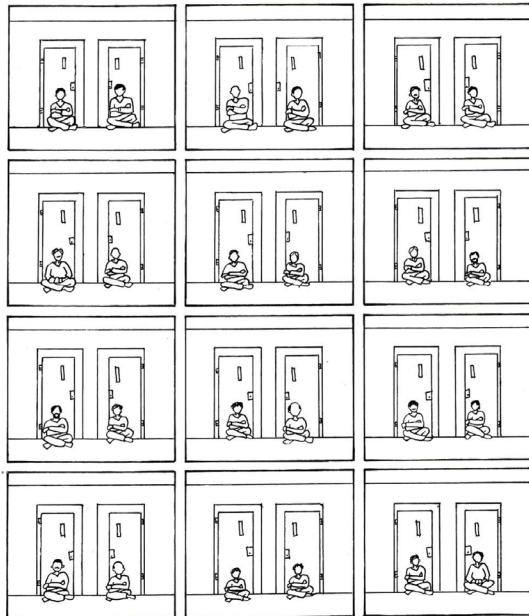


Figure 4. Chak, *Tings*. 2014. *Undocumented*, 111.

⁴Consider, for example, “How to Take Direct Action,” a 2015 webinar hosted by Chak and Syed Hassan, in which they offer online ‘direct action training’ for those interested in supporting #RefugeesWelcome.

(112). The facelessness of Chak's ghostly figures is particularly apt given that many detainees, whether they are asylum seekers, failed refugee claimants, or undocumented migrants, use false identity documents and their time in detainment is often protracted by the difficulty of determining their real identities, as was the case with Michael Mvogo, who was held without charge in Canadian detention facilities for more than eight years while officials struggled to confirm his identity and gather the travel documents necessary to deport him to his country of origin.⁵

Like Chak, Avery Gordon suggests that we might usefully construe the migrant detainee as a ghost who, though very much alive, has suffered a "social death." Drawing on arguments made by Orlando Patterson in *Slavery and Social Death*, Gordon refers to social death as the process by which a prisoner is 'socially negated,' "civilly disabled or dead in law and in the broader social domain" (10). Indefinite detention can be understood as social death because it robs prisoners of the ability to plan their futures and thus compromises their ability to cope with the day-to-day challenges of detainment. The ability of prison detainees, as opposed to those held in immigration detention centres, to appear before the law is particularly limited because they typically have reduced access to lawyers, limited opportunities for visitation, and greater difficulty gathering case-relevant materials.⁶ Tragically, this was true of Lucia Vega Jimenez, who was invisible and effectively dead before the law in her final weeks.

Before being transferred to the CBSA holding facility at Vancouver International airport, Jimenez was held in the maximum security wing of Alouette Correctional Centre, where she tried for two weeks to get a lawyer to help her file a Pre-Removal Risk Assessment, a document that would have given her more time to fight her deportation and to establish her fear of persecution in her home country. Though she did secure a lawyer five days before the deadline, the document was never filed. Nonetheless, at the inquest into her death, fellow inmates testified that Jimenez was "absolutely traumatized" at the prospect of returning to Mexico and said that she believed she would be killed or tortured there (Gros and van Groll 15). Noting Jimenez's profound anxiety, a nurse at Alouette made an appointment for her to meet with the prison's

⁵ Mvogo, now in his mid-50s, was convicted in 2006 of drug possession. He served his sentence for that offence but was not released from jail because he didn't have a legal passport proving his identity and country of origin, so CBSA could not deport him. With reference to Mvogo's detention, the members of the UN High Commission for Human Rights' Working Group on Arbitrary Detentions argue that "The inability of a state party to carry out the expulsion of an individual does not justify detention beyond the shortest period of time or where there are alternatives to detention, and under no circumstances indefinite detention" (Keung 2014).

⁶ As Michael Mvogo's experience in Canadian prisons indicates, the difficulties of appearing before the law are compounded for the many prisoners whose identities are in question. Equally important, it has been argued that "the detention review process, which is meant to mitigate the risk of indefinite detention, actually facilitates it" because reviews are often run by "lay decision-makers," and hearings often last "a matter of minutes, lack due process and presume continued detention" (Gros and van Groll 5).

mental health coordinator, but a paperwork error meant that the appointment was not held. When Jimenez was transferred to the Vancouver Immigration Holding Centre on December 19, there was no communication between the prison and CBSA concerning her mental health (Gross and van Groll 15). In an attempt to exercise her rights and to address pressing mental-health needs, Jimenez used all the channels available to her, but her requests fell on deaf ears; displaced, disoriented, and isolated from the institutions that ground and protect rights-bearing subjects, she endured a social death before suffering a violent a physical death.

While Jimenez's inability to access desperately needed services suggests that she was invisible to the law in the weeks before hanging herself, it is also the case that she was and is hypervisible before the law and before all of us: CBSA footage of Jimenez being admitted to a detention facility on December 19, 2013 continues to be readily available online (Judd 2014). Footage from the following morning shows her picking up a yellow towel, entering the shower stall, and closing the door behind her. No guards are present. Forty minutes later, viewers can see two other inmates knock at the shower-room door and peer through the glass. Next, two male guards are seen entering the stall and lowering Jimenez's body to the ground. These men worked for Genesis Security, the private firm CBSA hired to watch detainees. The inquest revealed that the holding centre was understaffed at the time of Jimenez's detention and that Genesis employees made a series of errors in the hours before Jimenez hanged herself: these include failing to perform routine room checks and playing video games while on duty (Gross and van Groll 16). So, despite persistent monitoring, Jimenez remained invisible until it was too late.

"The precarity of life imposes an obligation on us," writes Judith Butler (2): "We have to ask about the conditions under which it becomes possible to apprehend a life or set of lives as precarious, and those that make it less possible, or indeed impossible" (2). In speaking to those conditions, Butler uses the notion of 'frames,' which she defines as the reiterated norms that "produce and shift the terms through which subjects are recognized" (3-4). Because she is interested to ask how we might "shift the very terms of recognizability in order to produce more radically democratic results" (6), Butler focuses on the vulnerability of those frames, arguing, "What happens when a frame breaks with itself is that a taken-for-granted reality is called into question, exposing the orchestrating designs of the authority who sought to control the frame" (12). This is helpful for understanding what it is to watch the CBSA video after Jimenez's death and outside of its scene of production: because the video is security footage designed to be viewed by guards or other state agents, the "frame breaks with itself" when the viewer refuses to be positioned or 'framed' as an agent of the state and refuses to see Jimenez primarily as a law-breaker. To see the security footage this way is to render it and the frames that structure its intended modes of recognition "vulnerabl[e] to reversal, to subversion, even to critical instrumentalization" (Butler 10). Here, though, that instrumentalization is inseparable from the utter helplessness and horror

felt by the viewer who watches the video after Jimenez's death and who thus has a "protentive certainty about what will have been" (Butler 97).

Something similar happens to the reader of Chak's book, which includes drawings that simulate security footage: the section entitled 'The Living Zone' opens with multiple shots of empty rooms seen from the perspective of security cameras. The page containing eight of these images simulates the effect of looking at a bank of security screens, each registering the time the 'footage' was collected (55). Alongside each 'shot,' Chak includes an architectural rendering of the space with a standardized list of its dimensions and building materials. That data indicates that the pictured rooms conform to international standards governing "the minimum habitable space for an incarcerated individual" (103), and yet, the very minimal data and the absence of any people in these 'shots' do more than emphasize the radically depersonalized nature of the space. In their very barrenness, they underscore all that the camera does not see; implicitly, they insist that "not every human action can be programmed or predicted" and, furthermore, that "our bodies always find ways to carve our space, to refocus our attention from the geometry to the lived experience, from the container to the contained" (Chak 2014a, 103). This section of the book also includes multiple examples of tools that detainees use to 'make space' within their cells – from toilet paper curtains to the example of the prisoner who worked out the number of footsteps in a mile so that he could walk from Minnesota to Boston from inside his cell. In these ways, too, Chak underscores the fact that something always 'exceeds the frame,' be that the literal cell or the ideology that apprehends the detainee as an inmate but fails to recognize her as a person.

Butler suggests that "When those frames that govern the relative and differential recognizability of lives come apart,...it becomes possible to apprehend something about what or who is living but has not been generally 'recognized' as a life" (12). Avery Gordon would argue that that effect is haunting because "the people who are meant to be invisible show up without any sign of leaving" (2). When that happens, "what has been in your blind spot comes into view" (Gordon 2): you and I see what has been hidden in plain sight. Such, I have argued, is the effect of watching video footage of Jimenez's suicide, and such is the effect of reading Tings Chak's graphic essay: the people hidden in plain sight demand our attention and they demand their due.

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