From the late nineteenth century onwards, health has been a technology of governance constitutive of national borders and racial boundaries. As many scholars have documented in various geographical contexts, nineteenth and twentieth-century public health policies have been intricately linked to racialized nation-formation in several ways. Whereas disease and ill-health were often the racial mark of the ‘colonized’ and ‘uncivilized’, the racialized concept of (European) citizenship was historically imagined through ideas around health and vitality. Today, as we move into the twenty-first century, public health remains an imperative of nation-formation. If contagion was historically seen as ‘the dark side of the civilizing mission’ as Michael Hardt and Antonio Negri claim, in the twenty-first century contagion remains a constant and present danger, but is now the dark side of globalization. Global flows of knowledge, capital, migrant labor, and travel – and the rapid speed at which these now occur – have opened up even greater possibilities for the transmission of germs and disease. ‘If we break down global boundaries and open up universal contact in our global village’, ask Hardt and Negri ‘how will we prevent the spread of disease and corruption?’

This chapter explores the recently enacted mandatory HIV/AIDS testing initiative for all prospective immigrants seeking entry into Canada, a problematic policy that has received surprisingly little critical scholarly attention. Although health screening was expanded to include HIV/AIDS in 2002, the Canadian government’s decision to test all immigrants for HIV/AIDS is not a new development. In 1994, the then Reform Party’s Immigration critic introduced a motion to Federal Parliament calling for mandatory HIV testing for all persons applying for immigrant status in Canada. During this time, Citizenship and Immigration Canada was already planning a considerable restructuring of immigration law. As part of this process, they consulted extensively with Health Canada about the need for
more rigorous health screening procedures. Although Health Canada initially advised that testing all prospective immigrants for HIV/AIDS and excluding those who test positive would be the safest and most productive public health strategy, in light of criticism from various immigrant/refugee and HIV/AIDS advocacy groups, they later revised their recommendation. In April 2001, Canada’s Minister of Health sent a newly drafted statement to Elinor Caplan, then Minister of Citizenship and Immigration. The amended opinion was as follows: ‘mandatory testing for HIV is necessary, but prospective immigrants with HIV, after receiving counseling need not be excluded from immigrating to Canada on public health grounds’.

On 15 January 2002, the federal government included mandatory testing for HIV/AIDS as part of the new Immigration and Refugee Protection Act. Medical testing for a variety of diseases including syphilis, tuberculosis, and more recently, hepatitis B and HIV/AIDS is now a requirement that must be met by almost all prospective immigrants. Although persons who test positive cannot lawfully be denied entry on the basis of public health grounds alone, prospective immigrants may be turned away if seen to pose a ‘public health risk’ or ‘excessive demand’ on Canada’s already overburdened health care and/or social services network. Interestingly, no other categories of entrant such as tourists, visitors, or returning citizens are required to undergo compulsory HIV/AIDS screening unless they meet specific criteria. When asked about the selective testing procedures Elinor Caplan explained that HIV/AIDS testing would not be feasible for the millions of visitors and returning citizens and residents who enter the country each year. Because of globalization and access to travel, Caplan explained, ‘[w]e know that it is impossible to shrink wrap our borders’.

Many social theorists have argued that we have now entered into a post-national historical juncture in which the nation-state is increasingly becoming a geopolitical formation of the past. Zygmunt Bauman among others has contended that in a global world, the nation-state has ‘lost much of its past allure as a location for secure and profitable investment’. Others have insisted that globalization has stripped the nation-state of many of its former powers, and in the process has placed national formations and sovereignty into question altogether. Etienne Balibar observes that: ‘We are henceforth in a situation in which the question of knowing what the terms “nation”, “national”, and “nationalism” mean, and the idea of inscribing the relation between the individual and the national model have become distinctly more obscure’. However, Balibar and others caution that globalization is not a new phenomenon. Rather, he observes that the nation-form has never stopped transforming itself. A given nation, Balibar explains is ‘certainly no longer a “nation” in the same sense of the word as it was two hundred years or even two generations ago’. While the nation-state has undeniably undergone significant shifts, what arguments about globalization and the erosion of the nation-state obscure is