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2008

### Immigration and Integration in Canada

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#### Citation Details

Mary Liston & Joseph Carens, "Immigration and Integration In Canada" in Atsushi Kondo ed, *Migration And Globalisation: Comparing Immigration Policy In Developed Countries* (Tokyo: Akashi Shoten, [forthcoming in 2008]) 207.

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# Immigration and Integration in Canada

Mary Liston and Joseph Carens\*

## Introduction

Like Australia and the United States, Canada is usually considered a “traditional” immigrant receiving country in contrast to many countries in Europe, Asia, and Africa where large scale immigration is a relatively recent phenomenon. This chapter will review past and current Canadian immigration policy. Section one will provide a brief historical overview of Canadian immigration patterns. Section two will outline current immigration policy, including the changes introduced by Canada’s new *Immigration and Refugee Protection Act (IRPA)* which became law in June 2002. Section three will discuss the relationship between immigration policy and the integration of immigrants in Canadian society.

## 1. Historical patterns of Canadian immigration<sup>1</sup>

### 1 ) Pre-Confederation Canada: the origins of a settler society

Canada, which began as a trading post for British and French colonial powers in the 16<sup>th</sup> century, quickly evolved into a national economic unit fueled by mercantilism and resource industries. Crucial to the eighteenth-century political foundation of Canada was the influx of United Empire Loyalists fleeing the American Revolution, who became dominant in English-speaking parts of the country. Early immigrants included farmers, traders, administrators of the colonial system, labourers, and religious orders. In addition to the Loyalists, early refugees

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<sup>1</sup> See Day (2000) and Kelley and Trebilcock (1998) for more detailed histories of Canadian immigration policy.

included French Protestants such as the Huguenots, as well as fugitive slaves from the United States who came after slavery was abolished in Canada in 1834. In the early nineteenth-century, British colonies became an outlet for disruptive social forces and displaced peoples during Britain's transformation from a feudal to a capitalist society; however, ultimately Australia, not Canada, became the main destination for this group of immigrants. Later, Canadian self-government endorsed British free trade economic philosophy and the movement of desirable workers from Great Britain and Ireland to Canada. During this time, Canada's Aboriginal peoples were actively displaced from their traditional lands by the Canadian state, lands which were then used for farming, resource development and, of course, settlement.

## 2) From Confederation until the 1960s: expansion and exclusion

At Confederation in 1867, 70 per cent of the population had been born in Canada (Kelly and Trebilcock 1998: 441). With Confederation and the creation of the National Policy, Canada accepted immigration as a cornerstone for the building of a new nation. The years between 1896 and 1914 saw the largest influx of immigrants in Canada's history, resulting in an increase from 13 to 22 per cent in the immigrant share of the population between 1901 and 1911 (Statistics Canada 2003). Immigrants crucially assisted in the expansion of the economy and the creation of an agricultural and industrial infrastructure. Economic liberalism, however, did not translate into a liberal immigration policy. Many new migrants (chiefly Asian, South Asian, and African-American) were subject to contract-labour schemes which limited their citizenship rights. Within Canada, these people were primarily perceived as cheap sources of labour. Racial preferences were employed in the selection and admission process. The imposition of costly head taxes on

Chinese immigrants, continuous-journey requirements on East Indians, and a voluntary immigration quota on Japanese persons drastically reduced Asian immigration. African-Americans seeking to move to Canada were discouraged or rejected from settling. The ministerial discretion that the Cabinet exercised in these matters was generally beyond judicial or parliamentary scrutiny.

Immigration declined with the onset of World War I. This period also saw the curtailment of immigrant rights as close to 9,000 individuals of enemy-alien birth, particularly of German and Ukrainian origin, were incarcerated during the war without compelling or credible reasons. Labour and political activists were removed under the strengthened deportation provisions in 1919 and Asian immigrants were virtually excluded from entering the country under the 1921 *Exclusion Act*. The period of the Great Depression in the 1930s saw a convergence between economic and communal interests around a highly restrictive immigration policy. During the Depression, indigent immigrants with less than 5 years' residence were subject to deportation in order to decrease pressure on public relief. Deportations of thousands of immigrants went almost unnoticed and undebated in public. However, attempts to remove communists, suspected communist sympathizers and organized labour activists met with great criticism from the left and mainstream liberals, and political deportations were reduced as a result.

Hostility to immigration continued in the period leading up to World War II. Despite the desperate plight of Jewish refugees in the 1930s, Canada took in very few. Indeed, when one important bureaucrat was asked how many Jewish refugees would be too many for Canada to accommodate, he replied, "None is too many" (Abella and Troper 2000: xxi). During the war, immigrants of enemy-alien birth—Italian, German, Japanese—were incarcerated or persecuted. The government confiscated the property of Japanese Canadians, forcibly relocated them to

camps, and attempted to deport them back to Japan. Over the past few years, the Canadian government has issued formal apologies to immigrants of former enemy-alien birth, as well as to the Chinese-Canadian community who suffered under the imposition of the head tax. In addition, the Canadian government has provided compensatory monies to most of these groups. While some group members such as the Japanese-Canadians have received individual compensation for these historic abuses, others have benefited through government contributions to their ethnocultural communities and representative associations.

### 3) Immigrant activism and a reformed immigration policy: the 1960s to the 1990s

In the immediate aftermath of World War II, Canada accepted a significant number of displaced persons from Western Europe, while still continuing a clear preference for British immigrants and limiting immigration from Asia and the Caribbean. The post-war economic boom furthered the perception that immigrants harmed neither economic growth nor job creation, and led to an acceptance of large-scale immigration. Canada admitted large numbers of skilled and unskilled immigrants from southern Europe, particularly those from Italy, Greece, and Portugal. By the end of the 1950s, Canada had also recognized the need to end its policies of racial discrimination.

In 1962, Canada replaced its country-of-origin immigration policy with a system that awarded potential immigrants points on the basis of various criteria such as age, family ties, knowledge of English or French, education, economic contribution, and compatibility with labour-market needs, and admitted those who passed a certain threshold. The points system was incorporated into immigration regulations in 1967, and has been used ever since with occasional

adjustments regarding threshold and the criteria for which points would be awarded. The points system was supplemented by a policy authorizing family reunification in cases where admission was sought by the spouse or minor children of a Canadian citizen or permanent resident. Even for those admitted under the points system, the requirements applied only to the primary applicant. Dependents of applicants, such as spouses and minor children, did not have to satisfy these criteria and would normally be admitted with the applicant. With this new policy came the entrenchment of due process for immigrants regarding admission and expulsion. Rule of law principles concerning transparency and accountability were expressed in a publicly articulated immigration policy and immigrants were able to challenge decisions made by immigration officials before a neutral tribunal.

Two government papers on immigration, the White Paper on admissions policy in 1966 and the Green Paper in 1974, led to the passing of a new *Immigration Act* in 1976. Political mobilization among immigrants and their supporters (for example, non-governmental organizations as well as ethnic, religious, and community organizations) was strong, and they vociferously advocated for a liberal immigration framework.

Immigrant and ethnocultural political activism also had significant influence on the drafting of the *Canadian Charter of Rights and Freedoms*, subsequently adopted in 1982. Immigrant representatives appeared at parliamentary committees to relate their experiences with past discrimination at the hands of the Canadian state. Except for national voting rights which are limited to citizens, the rights and freedoms contained in the *Charter* are generally provided to permanent residents as well as to citizens. Of particular note are the section 15 equality rights guarantee, the section 6 mobility rights guarantee, and the section 27 multiculturalism clause

providing that rights will be interpreted in manner consistent with preservation and enhancement of the multicultural heritage of all Canadians.

Despite severe recessions in the late 1980s and early 1990s, business, labour and most federal political parties still endorsed a relatively open immigration policy in the last two decades of the twentieth century. The national consensus was tested somewhat in the 1990s with the emergence of a political party, the Reform Party, which made opposition to immigration one of its central themes. This anti-immigrant theme resonated with some of the population, but never really took root in the way it has in some other countries and in some right-wing political parties. For many reasons, the Reform Party had only limited electoral success, and its later incarnation, the Conservative Party, has largely eliminated Reform's anti-immigration rhetoric. There has been no significant change in immigration policies since the Conservative Party formed the national government in 2005, although it does not have a governing majority. Immigration levels remained steady during the decade of the 1990s—between 200,000 and 250,000 per year—with the median being 225,000. In the first five years of the new century, these levels increased slightly with a median of 229,000 and a peak of 262,000 (Statistics Canada 2005c). This rate of intake is almost twice that of the United States as a proportion of the population.

#### 4) Refugees

Refugees constitute another important component of Canada's immigration stream. At the end of World War II, Canada accepted thousands of refugees from Hungary in the 1950s and from Czechoslovakia in the 1960s in the wake of the failed revolutions in those countries.<sup>2</sup> In the

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<sup>2</sup> Some would also include the thousands of Americans who moved to Canada during the period of the Vietnam War from the mid-1960s to the early 1970s, largely to avoid the military draft. They were not formally classified as refugees, but normal immigration restrictions were relaxed to permit them to stay. In the current United States led invasion and occupation of Iraq, Americans who have fled service in the military have not received refugee status in Canada.

1970s, Canada admitted thousands of Asians expelled from Kenya and Uganda (whom Britain would not accept even though they held British passports) and in the early 1980s, Canada took in thousands of refugees from Southeast Asia. On the whole, the Canadian population endorsed these policies, at least after the fact, and the image of Canada as a haven for refugees became part of the public projection of Canada's self-understanding of its place in the world, an image reinforced by the selection of the "people of Canada" for the Nansen Refugee Award by the U.N. High Commission for Refugees in 1986.

A welcoming stance toward refugees, however, was not the only component of Canadian policy. In Canada as in many other developed countries, the number of asylum claimants increased dramatically in the late 1980s and early 1990s, from a few thousand a year to over 30,000 (Citizenship and Immigration Canada 2005d). As with other countries, Canada imposed visa restrictions and carrier sanctions to make it more difficult for asylum claimants to reach Canada. These reduced and stabilised the flow of claimants, though at a considerably higher level of over 20,000 a year on average during the 1990s. That number has increased significantly in the last few years as other countries have become even more unwelcoming.

During the 1980s, other independent developments complicated the refugee dynamics. In 1985, the Canadian Supreme Court interpreted the *Charter of Rights and Freedoms* as requiring that every refugee claimant be given a full and fair hearing of his or her claim.<sup>3</sup> The government responded to this decision by creating a new independent administrative tribunal, the Immigration and Refugee Board, and making it responsible for determinations of refugee status on the basis of Canada's interpretation of the definition of a refugee found in the 1951 U.N. *Geneva Convention Relating to the Status of Refugees*, a convention that Canada had signed in 1969. The much more formal procedures adopted for the refugee determination process,



including rights of appeal through the legal system and the relative independence of the board members, led to longer processing times and relatively high rates of success for asylum applicants (just under 50%), at least as compared with European levels. To address the potential backlog created by the new process and to ensure that new asylum applications could be handled in a timely fashion, the government conducted an administrative review of applications for asylum in 1986 and accepted 85% of the 28,000 applications without requiring them to go through any further process (Canadian Council for Refugees 2000). In effect, this was an amnesty for those already in the system. Nevertheless, new backlogs have emerged over time, and the government has again passed new legislation designed in part to speed up the administrative process.

## **2. Current immigration policy**

Canada admits people for permanent residence in three main categories: independent or economic immigrants, family-class immigrants, and refugees. Of the 250,386 people admitted into Canada in 2001, 61% were economic immigrants, 27% were family class immigrants, and 11% were refugees. These percentages have remained relatively stable: in 2005, of the 262,236 people admitted, 60% were economic immigrants, 24% were family class immigrants, and 14% were refugees (Citizenship and Immigration Canada 2005a). The rules governing each class will be explained further below.

The majority of immigrants to Canada come from Asia and the Pacific region. The top ten source countries for the year 2001 were: China, India, Pakistan, the Philippines, Korea, the U.S., Iran, Romania, Sri Lanka, and the U.K. Similarly, in 2005 the top ten source countries were: China, India, the Philippines, Pakistan, the U.S., Colombia, the U.K., Korea, Iran, and

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<sup>3</sup> See *Singh v. Minister of Employment and Immigration*, [1985] 1 S.C.R. 177.

France. Indeed, since 1998 China, India, the Philippines and Pakistan have consistently constituted the top four source countries (Citizenship and Immigration Canada 2005b). Over half the immigrants were between 25 and 44 years of age, and one-third had a bachelor's degree. Canada seeks to increase its immigration intake to one per cent of the population, or about 300,000 a year. Immigrants play an important role in Canada's population development. Indeed, by 2011 immigrants will account for all of Canada's labour force growth, and by 2026 projections show that Canada's population will grow solely through the arrival of immigrants (Citizenship and Immigration Canada 2004).

Immigration is a shared jurisdiction between federal and provincial governments in Canada. Currently, the province of Québec is the only province that has sole responsibility for selecting all independent immigrants who wish to settle there.<sup>4</sup> Most other provinces—British Columbia, Saskatchewan, Manitoba, New Brunswick, Prince Edward Island, Newfoundland, and the Yukon—have some autonomy to recruit and select immigrants according to their special labour market needs. Two other provinces, Alberta and Ontario, are also seeking increased power in the selection and settling of immigrants. Immigrants tend to settle in urban centres, especially Toronto, Vancouver, and Montreal.

1) Independent immigrants

Independent immigrants are selected through the points system, which assigns numerical weight to an individual's age, labour market experience, education level, language abilities in English and/or French, family connections, and labour market demand for specific types of employment. As part of the cooperative arrangements between the federal and provincial governments in the field of immigration, some provinces put more or less weight on some

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<sup>4</sup> The Canada-Québec Accord, in which the federal government formally transferred additional immigration powers to Québec, came into force in 1991.

criteria than the federal government. For example, on applications processed by the federal government, the federal government recognizes knowledge of French and English but requires the immigrant to choose which will be the first and second official languages: up to sixteen points could be awarded for knowledge of the first official language and up to eight for the second official language, for a maximum of twenty-four points. By contrast, on applications processed by Quebec, up to eighteen points is given for knowledge of French and only a maximum of six for knowledge of English. This reflects the priority the Quebec government places on attracting immigrants to Quebec who know French well, although a majority of Quebec's immigrants are still not francophone in origin.<sup>5</sup>

Once accepted under the points system, independent immigrants become permanent residents who enjoy most of the rights and responsibilities of Canadian citizens. In order to maintain their landed status, permanent residents must meet residency requirements and not engage in criminal activity. The residency requirements have recently been revised to require permanent residents to be physically present in Canada for at least two years in every five.

Two different admission programs for specific categories of independent immigrants are worth highlighting. The first is the investor and entrepreneur category. This program facilitates the admission of persons who have significant experience in the ownership or management of a business and who are willing to invest in a Canadian business and employ Canadian workers. Investors must have a legally obtained net worth of at least Cdn\$800,000 and must invest Cdn\$400,000 in a business in Canada (again, there are some provincial variations). Entrepreneurs have two years in which to establish or buy a qualifying business which employs Canadians other than the entrepreneur and his or her family. Self-employed business people also have two years to establish or buy a successful business that will contribute economically or

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<sup>5</sup> For an analysis of the relationship between federalism and immigration, see Hanna 1995.

culturally to Canada. This policy began with the movement of persons and capital out of Hong Kong in the 1990s, before Hong Kong's status changed from that of a crown colony of the United Kingdom to a special administrative region of the People's Republic of China in 1997.

A second, quite different category for potential independent immigrants is the live-in caregiver program. This allows people, mostly Philippina women, to come to Canada as domestic workers on a temporary contract whose conditions include spending two years as nannies or housekeepers while living in their employers' homes. Changing employers is possible, though discouraged unless the employer has been abusive or otherwise in default of the terms and conditions of the contract. After two years of employment, caregivers can apply for permanent residence and sponsor their family members. They frequently pursue other forms of employment once the two year period has ended.<sup>6</sup>

## 2) Family class sponsorship

Canada allows citizens, permanent residents, and refugees to sponsor family members to join them as permanent residents in Canada. The main categories of people who count as family members for these purposes are spouses, fiancé(e)s, unmarried dependant children under the age of twenty-two (including adopted children), parents, and grandparents. The definition of spouse now includes same-sex and common-law partners. Spouses and dependent children can now apply for sponsored admission from within Canada while those in other categories are supposed to be outside the country when applying, although this rule is not always strictly enforced.

The sponsor is required to sign an undertaking for each family member sponsored that the person will not make use of need-based social assistance programs for a specified period: three years for spouses and dependent children over the age of twenty-two, and ten years for most

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<sup>6</sup> For a critical analysis of this program, see Macklin 1994.

others including unmarried dependent children under the age of twenty-two. The restriction does not apply to health insurance, disability-related programs or contributory-based programs such as employment insurance and workers' compensation.

Sponsors must meet the minimum income threshold for geographic area and number of family members as set by the government in its Low-Income Cut-Off figures, although this requirement no longer applies to the sponsorship of spouses, common-law partners, and unmarried dependent children. Persons unable to meet the income requirement may sponsor family members through Minister's Permits or humanitarian and compassionate grounds applications. Nevertheless, bars to sponsorship remain and include criminality or domestic assault, default of court-ordered spousal or child support payments, and receipt of social assistance for reasons other than disability. If previously sponsored relatives have applied for welfare, the sponsor may not be allowed to bring in another family member and may theoretically have his or her wages garnisheed to repay social benefits, though this too is rarely enforced.

Family members may be denied admission because of a criminal record or because of a pre-existing medical condition, such as mental illness, cancer or AIDS, that could cause excessive demand on health or social services. The latter restriction was removed for spouses and children only in 2002. The excessive medical demand criterion is especially relevant to the admission of aged parents and grandparents, though age alone is not a sufficient basis for a finding of potentially excessive demand.

### 3) Refugees

Refugees enter the immigration stream in Canada either as people who are selected for resettlement in Canada after having been determined to be refugees overseas, or as asylum

claimants who apply for refugee status in Canada either immediately upon entry or at some later point. In recent years approximately 25,000 people a year have become permanent residents in Canada by this route.

Canada admits about 10,000 to 11,000 people a year under the refugee resettlement program. In 2002, for example, 10,400 people were admitted under this program. Most of these people met the Geneva Convention definition of refugee but about 1,500 met a slightly different standard of being from an “asylum country” where they were seriously and personally affected by civil war, armed conflict or massive violations of civil rights. Another 1,700 or so were still inside their country of origin even though meeting the Geneva Convention definition in other respects.

This form of refugee admission is relatively uncontroversial because the people are confirmed to be refugees before their arrival in Canada, and the government determines the overall number of those admitted through the program. The arrival of these refugees raises few fears that Canada is losing control of its borders or that people are only pretending to be refugees as a way of getting into the country. Moreover, the government establishes the criteria used to select people from abroad, usually taking either those who are most likely to succeed economically in Canada or those whose admission enjoys strong domestic political support for other reasons (for example, a program targeting women at risk of harm).

Canada also receives thousands of asylum claims each year. In 2002, over 38,000 people applied for asylum. This marked a decrease from the historic high of 45,000 in 2001 and a return to the level of 2000 which was, however, higher than the norm of the previous decade. During 2002, the Immigration and Refugee Board approved 46% of the applications for asylum that had been referred and denied 36%, while another 18% of the cases were withdrawn or considered

abandoned (Immigration and Refugee Board 2003). The backlog of those awaiting a first instance decision was almost 53,000.

Canada's new *Immigration and Refugee Protection Act* (2002) seeks to consolidate the decision-making process by adopting a refugee protection definition that includes not only the Geneva Convention (which has been interpreted relatively broadly in Canada on a range of technical issues), but also the 1984 U.N. *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and other risk assessment criteria in order to create a single protection decision. The *IRPA* also provides for the creation of an appeals division to provide a paper review of negative decisions, but this has not yet been implemented and the Canadian government apparently believes that it is not legally or politically required to do so. Unsuccessful claimants are entitled to appeal a negative decision at Federal Court Trial Division, but the courts are not required to take up the appeal.

Asylum applicants are normally not detained. They have the right to work or to go to school, the right to health care and to basic income support, and the right to sponsor family members to join them even before their claim is resolved. Successful refugee claimants can apply for permanent residence within 180 days after the decision. Close relatives either within or outside of Canada can be included in the same application. Claimants usually require authentic documentation to obtain permanent resident status, an obstacle which can lead to significant delays, but will otherwise receive permanent resident status as a matter of right.

Asylum claimants are more politically controversial than refugees who arrive via resettlement. When the number of claimants increased dramatically in the late 1980s and early 1990s, this became a prominent public issue. Some people undoubtedly do file refugee claims as a way of gaining access to Canada (derogatorily known as "queue-jumping"), and also some

people believe that many asylum claimants do so for that reason.<sup>7</sup> But because Canada, as a signatory to the Geneva Convention, is committed in principle to giving a fair hearing to every refugee claimant who arrives in Canada, there exist few means of limiting a priori the number who might have to be admitted. One way, however, was implemented in 2004 when the Canadian government designated the United States a “safe third country,” thereby limiting refugee claims from persons who had reached Canada via the United States. The U.S. Committee for Refugees and Immigrants reports that Canada refused to hear 280 asylum claims in 2004 because of this agreement. This change has proved controversial among refugee advocacy groups, who argue that the United States is not safe for refugees because of the government’s stricter interpretation of the Geneva Convention, its practice of detaining asylum seekers, and its apparent disregard for human rights and prohibitions against torture.

In the wake of the September 11, 2001 attacks on the United States, a number of stories alleged that Canada’s refugee determination system was too lenient in various ways and that people were coming to Canada to file asylum claims as a way of gaining access to the North American continent with the intention of slipping over the border into the United States. While not a specific high-profile issue, asylum remains part of a package of concerns about immigration and multiculturalism and their impact on national security and internal sources of terrorism. In response to 9/11, Canada has attempted to implement many anti-terrorism measures, such as: tightening border control; imposing more visa requirements in order to reduce refugee claims; issuing security certificates which are supposed to create an expedited process for removing dangerous persons (but have largely resulted in indefinite detentions); strengthening the ability to remove failed refugee claimants and other unwanted persons; and

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<sup>7</sup> Although just under half of refugee claims are accepted, one cannot assume that all of the ones denied were filed in bad faith or without any basis. On the other hand, some critics think that the Immigration and Refugee Board is too



enhancing the ability of domestic security agencies to monitor “communities of interest,” such as the Muslim community in Canada.

#### 4) Temporary immigrants

In addition to admitting people for permanent residence, Canada admits people on a temporary basis for work or study. Normally study and work permits are required before the person arrives in Canada, though some people, such as citizens or residents of the United States, may apply at a port of entry for a study visa if they have a letter of acceptance from a Canadian educational institution, or a work visa if they have a confirmed offer of employment. Also, spouses of persons in Canada with valid study or employment authorizations are able to apply for an employment authorization while in Canada. Temporary foreign workers must meet the usual medical and security requirements. The authorization is arranged by the employer who informs the federal department of Human Resources Development Canada that employment offered to a non-Canadian or non-permanent resident will have a net benefit for Canada. Once the job is validated as being genuinely available for foreign workers and not able to be filled by someone from the domestic workforce, then the employment authorization is issued.

Employment authorizations are issued on individual, sectoral, or firm-specific bases in order to fill short-term labour market needs. Under the *IRPA*, immigration officers can deny a study or work permit to persons who have previously studied or worked in Canada without authorization. Under the revised version of the points system, work or study experience in Canada is given greater weight so that some expect that many more independent immigrants will use temporary study or work permits as a way of gaining access to permanent residence.

#### 5) Unauthorized migration

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lenient in approving claims.

Canada has a number of immigrants who have settled without authorization. Many arrive as tourists or visitors and overstay their permits and take up work without authorization. Others are persons who have abandoned their refugee claims or have had them rejected. Still others are brought in by human traffickers and are subjected to coercion and exploitation in the sex trade or in sweatshops. In all of these groups, some immigrants do not stay in Canada but rather cross the border into the United States, though the extent of this movement is unclear. As is often the case with unauthorized migration, there is no reliable data on numbers and estimates vary widely—from 20,000 to 200,000—although it seems generally agreed that the relative size of the population of unauthorized immigrants as a proportion of total population is much smaller in Canada than in the United States.<sup>8</sup>

Apart from the 1986 clearance of the refugee backlog and an earlier, smaller process in 1973 that granted residence status to about 12,000 people, Canada has no history of general amnesties for unauthorized immigrants. Some people are able to regularize their status through application on humanitarian grounds, but there is only a limited likelihood of success by this route (unless one has married a Canadian citizen or resident) and most of those residing without authorization are reluctant to bring themselves to the attention of the authorities. Nevertheless, many of these unauthorized immigrants remain crucial sources of labour for certain sectors of the economy, such as the construction industry.

In the aftermath of 9/11, Canada has taken a number of steps, some of them controversial, to heighten security, strengthen border protection, and reduce illegal migration.<sup>9</sup> Several of these measures focusing on deterrence, detection and prosecution of security threats, are in cooperation

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<sup>8</sup> Cheney and Freeze 2001. The U.S. Department of State reports that thousands of persons, including at least 15,000 Chinese, have entered Canada illegally over the last decade and come primarily from East Asia (China, Korea, Malaysia), Eastern Europe, Russia, Latin America (including Mexico, Honduras, and Haiti), and South Africa. See United States Department of State 2001.

with the United States. Nevertheless, Canada has not yet adopted anything like the kinds of stringent measures such as detention of large numbers of foreigners or suspension of refugee resettlement that have been introduced in the United States.

### **3. Integration of Immigrants**

The basic underlying assumption of Canadian immigration policy is that immigrants are recognized as full members of the Canadian community. This stance is reflected in the rights granted to non-citizens, in nationality law, and in Canada's policy on multiculturalism, although there are some elements in Canada's policies that conflict with this basic position.

From the moment of arrival, residents possess most of the same legal rights as citizens. There are three major exceptions. First, only citizens have the right to vote and hold public office. Second, citizens have priority in employment in the federal civil service, although non-citizens may be employed when a qualified citizen is not available for a particular position. Finally, non-citizens may be deported if they are found guilty of a serious criminal offence (one punishable by two years or more of imprisonment). This rule even applies to and is enforced against people who arrived in Canada as young children and have lived all of their lives there.

All children born in Canada (except for the children of diplomats) become Canadian citizens automatically, regardless of the status of their parents. Naturalisation is relatively easy as well, requiring only three years' residence out of the last four, a basic knowledge of English or French and of facts about Canadian history and politics, and the absence of a serious criminal record. Minor children are normally naturalised with their parents. Canada accepts dual or multiple nationalities. Citizenship cannot be revoked unless it was fraudulently obtained.

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<sup>9</sup> For an analysis of Canada's anti-terrorism legislation as it relates to immigration, see Macklin 2001.

The 1996 census showed that 95% of Canada's total population were Canadian citizens, and of this number 87% were citizens by birth while 13% were naturalized citizens.<sup>10</sup> Of the 5% who were not citizens, 89% were landed immigrants (some of whom were not yet eligible to apply for citizenship) while 11% were non-permanent residents. The majority of immigrants who settle in Canada naturalise soon after they are eligible. By 1996, 92% of Eastern European, 90% of African, and 88% of Southeast Asian immigrants had obtained citizenship. In contrast, immigrants born in the United States were least likely to have obtained citizenship and in 1996 only 56% of American immigrants had done so. Among recent immigrants, 59% of those who had arrived between 1991 and 1992 had become citizens by 1996. Only 3% of the overall population held dual citizenships while one in five naturalised Canadians held dual citizenship.

Canada is officially committed to a policy of multiculturalism. Constitutionally, the *Charter of Rights and Freedoms* officially recognizes the multicultural character of Canadian society. Statutorily, the 1988 *Canadian Multiculturalism Act* asserts that multiculturalism is a fundamental characteristic of Canadian heritage and identity and declares Canada's intention to overcome discrimination, facilitate participation in society, ensure equality of opportunity, and enhance the cultural expression of all ethnic groups in Canada. Official multiculturalism has also been adopted by almost all of the provinces and by many municipal governments. In Québec, a similar but distinct government policy is called interculturalism.

Although particular features of Canada's multicultural policy are contested, there is wide acceptance of the basic view of Canada as a multicultural society in which cultural differences are welcomed and respected.<sup>11</sup> The larger Canadian identity is emerging as a complex hybrid of cultures: in the 1996 census, 19% replied "Canadian" as their identity. This was the first time

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<sup>10</sup> The statistics in this paragraph are taken from Statistics Canada 1997.

that this response had been officially offered to respondents, although between 2% and 3% had self-identified this way in 1991. Another 36% gave multiple responses concerning their origin (Abu-Laban 1999: 478). Canada has promoted its multicultural identity abroad as an incentive to attract skilled immigrants in what is now often a global competition.<sup>12</sup>

Canada has made efforts to improve immigrant and refugee settlement services and to facilitate social, economic and political inclusion.<sup>13</sup> In the past, Canada relied heavily on ethnocultural communities to provide the bulk of settlement services but the Canadian state now recognizes that it must share the costs of language training, translating immigrant's qualifications into appropriate jobs, and housing.<sup>14</sup> Churches, voluntary organizations, and ethnocultural associations continue to play a crucial role in the process of immigrant integration, however. In Canada, integration is usually a "nested" process where immigrants integrate first into family, then neighbourhood, ethnic subcommunity, ethnic community, and lastly the larger Canadian society. Second generation children are usually well integrated into Canadian society though they still maintain cultural ties to their parents' country of origin, thereby attesting to the fact that integration is ultimately multigenerational.

Increased mobility and multiple citizenships are part of the dynamic that we now call globalization. In addition to attracting immigrants, then, Canada faces the challenge of retention of both immigrants and natives. For example, during the 1990s, Canada suffered a net loss of

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<sup>11</sup> So much so that this was used as an element in a popular beer advertisement that sought to emphasize the supposed differences between Canada and the United States.

<sup>12</sup> For some of the scholarly debate about Canadian multiculturalism see: Abu-Laban 1999, Anderson et al. 1998, Banting 1998, Bibby 1990, Bissoondath 1994, Carens 2000, Cairns 1999, Gwyn 1995, Kymlicka 1998, Tully 1995, and Webber 1994.

<sup>13</sup> For more detailed information on integration see: Berry and Laponce 1994, Kymlicka 1998, Weinfeld 1998, and the publications found in the Metropolis Project website: <[http://canada.metropolis.net/publications/index\\_e.htm](http://canada.metropolis.net/publications/index_e.htm)>.

<sup>14</sup> Note that Canada's federalist architecture makes the provision of settlement services complicated and multi-levelled particularly in the areas of health and education (i.e., municipal, provincial, and federal jurisdictions are all implicated). In Canada, this problem is inextricably tied to the need to redistribute political power and state resources to cities since most immigrants settle in large cities.

skilled workers to the United States in several knowledge-based occupations such as the high technology sector. Nevertheless, for every university graduate it lost to the United States, Canada gained four university graduates from abroad and as many immigrants with a master's degrees or doctorates entered Canada as left for the United States (Statistics Canada 2000).

There is no question that immigration played a crucial role historically in the building of the Canadian economy, but disputes exist about the current economic impact of immigration. According to figures taken from the 1996 census, for immigrants who came before 1966 average earnings were 30% above the average earnings of non-immigrants, while for immigrants who came between 1966 and 1975 average employment income was 1% higher. The average employment income of immigrants who came between 1986 and 1990 was 18% lower than non-immigrants, and for those who came after 1990 was 36% lower.<sup>15</sup> What is contested among scholars is: whether these figures reflect the costs of transition so that, over time, more recent immigrants will also be successful economically; or, whether this reflects some deeper change in the structure of the Canadian economy; or, whether it is the composition of the immigrant population (or even some other variable) that reduces the prospects of long-term economic success for immigrants. Disturbingly, except for immigrants who arrived between 1956 and 1966, the average employment income of "visible" minority earners within each period of immigration was lower than that of other immigrants, ranging from 2% for the immigrants in the period from 1966-1975 to 28% for recent immigrants who are visible minorities.

#### **4. Canada in Comparative Perspective: Hypotheses and Questions**

In some important respects, the developments of Canadian immigration policy converge with developments in immigration policies elsewhere. For example, all countries of immigration

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<sup>15</sup> These statistics can be found at Statistics Canada 1998.

have repudiated the use of racial criteria of exclusion in the selection of new immigrants, and indeed that has now become an international norm. Similarly, the expansion of the rights of non-citizen residents in the last half of the twentieth-century is something that occurred not only in Canada but in every Western democracy, whether a traditional country of immigration or not.

In other areas, the Canadian case raises questions. For example, why does Canada have recognition rates of around 50% for asylum claimants, when rates in European states are much lower? In principle, the differences between North American states as traditional countries of immigration and European states as new countries of immigration should not be relevant here, since all are responding to the same international conventions. Yet these differences do seem to matter. The challenge, then, remains to explain how and why the differences have had such an impact.

Canada's experience also poses a challenge for those who postulate a strong inverse relation between immigration and the welfare state. Although Canada's welfare state is not highly developed in the way that some European welfare states are, Canada has higher rates of immigration per capita and a stronger welfare state, especially in its public health system, than the United States. Moreover, despite severe fiscal pressures during the 1990s and controversial reductions in welfare state expenditures, immigrants were never a primary focus of the public debate as they have been in both Europe and the United States. Recent changes prove to be the most troubling, as current events and anti-terrorist responses in Western countries raise fears that openings will be narrowed, if not closed, to many prospective immigrants and refugees in the name of security.

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