



Introduction

Michael Molloy

As we complete work on the upcoming book on the Indochinese refugees, the stories keep rolling in. Robert Shalka's account of a Thai wood transport ship that rescued hundreds of boat people is a prime example. The story of how young Shalka, alone at the Bangkok office, took the initiative when the UNHCR called for help, is an example of the enterprising spirit that visa officers displayed throughout the extended Indochinese operation. Murray Opperthausen's dictums: "Ottawa should be informed but spared the confusion of being asked for instructions" and "Don't ask Ottawa for permission to do something unless you want to be told no" should be cast in bronze. With today's instant communications, officers overseas probably no longer have such autonomy.

The SS *Kua Koon*

Robert J. Shalka

Author's Note: Not large compared to the Hai Hong and other "large boats" that arrived in various Southeast Asian countries in late 1978 and early 1979, the Thai Kua Koon was the largest vessel to arrive in Thailand, and it drew a great deal of attention because it arrived very close to Bangkok. The refugees on board were unusual because their small boat had not been attacked by pirates and the passengers still had all their money, jewellery and gold—some of which, no doubt, helped the captain of the Thai ship do the right thing. The largest component of this group was Chinese (perhaps 60 percent), and the rest was made up of ethnic Vietnamese. There was never any question that the passengers would be allowed to stay in Thailand, and the local authorities were quite relaxed about contacts between the ship and shore. As a result, the local Chinese business and benevolent associations were allowed to provide food, water and medical attention in more-than-generous amounts to those on the ship.

The Government of Canada expanded its Indochinese Refugee Program in Southeast Asia during the summer of 1978 by creating a small "land" program for Indochinese in camps in Thailand. This "Thailand Overseas Refugee" (TOR) program was supplemental to the already-existing "Small Boat Escapee" (SBE) provisions for boat people from Vietnam. Initially, the Thai program was intended to select a limited number of refugees who would arrive in Canada at a "metred rate" of 15 "land" and 5 "boat" families per month. Events were soon to overtake this modest program.

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Murray Oppertshauser, who was officer-in-charge, and I arrived in Bangkok on 11 November 1978 to open an Immigration section at the embassy to deliver the new program. Both of us came from offices closed because of government cut-backs, Murray from Manchester and I from Stuttgart. Our first months were hectic: setting up the office, finalizing the departures of refugees previously selected by Ian Hamilton from Singapore, attending to the visit by Archbishop Plourde of Ottawa, and making our own interview trips to camps at Aranyaprathet and Surin (for Cambodians), Nong Khai and Loei (for Lao), and Laem Singh and Songkhla (for Vietnamese). In addition, Murray made a long-overdue area trip to Rangoon. All this took place as targets were increased and there was no prospect of additional resources until at least July 1979.

To say the least, this was an “interesting time”, but for me perhaps the most dramatic event took place over Easter 1979. I was alone “holding the fort”, as Murray had left for the Songkhla camp on Tuesday, 10 April and was not due back until a week later, the afternoon of Easter Monday.

The day after his departure, the *Kua Koon*, a Thai-registered wood carrier arrived in Samut Prakan at the mouth of the Chao Phraya River downstream

from Bangkok with 517 boat people who had been rescued at sea. For UNHCR Bangkok, it was urgent to secure the permission of the Thai authorities to allow the refugees to disembark rather than be forced back to sea. Refugee-accepting missions (United States, Australia, New Zealand and Canada) were asked to consider approving at least some for resettlement. With the help of the refugees themselves, the UNHCR prepared a master list of those on board as well as the names and addresses of relatives in third countries. Some 40 family groups claimed to have relatives or contacts in Canada. Given the urgency of the situation and the fact that headquarters would be closed for Easter, I took a page out of Murray’s book that said Ottawa should be informed but spared the confusion of being asked for instructions.

I met with Sean Brady, the chargé d’affaires, to say that I would go out to the ship and try to interview those refugees claiming family or connections in Canada. Sean concurred, suggesting only that Doug Ewing, the RCMP liaison officer go along as well. I prepared a “Deliver By” telex for headquarters to inform officials of what I was going to do and made arrangements to get to the ship as quickly as possible. Accompanied by Doug, I went on board on Friday morning along with Mario Howard, the UNHCR field officer for Bangkok. Mario had already been to the ship on Thursday, but Doug and I were the first Canadian embassy people to board, beating the Americans.

Boarding was not without difficulty. The *Kao Koon* had anchored in mid-stream, well away from the shore. Mario had used a small water taxi on previous visits to the ship and suggested we do the same. Arriving at the ship, we found we could not board. The tide was low, and the ship was now aground in the mud, heeled over to one side, with the ladder to the main deck on the opposite side. The bottom of the ladder was too high to reach from our small water taxi. We had to return to shore and get a larger boat.

Doug and I spent Friday and Saturday on board. I quickly found, or was found by, an interpreter. I identified two or three other helpers and staked out a place to work. I interviewed and accepted all applicants with connections to Canada as well as a number of



Coming alongside the SS *Kua Koon*



R. Shalka and his interpreter interviewing refugee claimants on the SS *Kua Koon*

others who spoke English and/or French and who were interested in being resettled in Canada. It came to a total of 131 persons.

Being the first resettlement country on the boat was very much to Canada's advantage; I was able to select many fluent English-speakers who otherwise would have gone to the U.S. A case in point was my interpreter, whom I chose after a brief conversation about his experience that included unspecified studies in the U.S.

The first few hours on the ship were busy; my interpreter and I were fully occupied speaking to people on the list who claimed relatives in Canada and handing out forms, and we did not have time to talk. Once things quietened down, I asked him about where and what he had studied. It turned out he had Bachelor's and Master's degrees in computer science from San Diego State University in California. This was an amazing coincidence as I knew San Diego very well because my sister had lived there since the late 1950s and I had visited many times. It also turned out he had specializations in Fortran and Cobol computer languages—the exact profile for an open group sponsorship that had been received in the office a few days earlier. I should mention that the Matching Centre [See Bulletin 73] was not yet in operation, and so named and open sponsorships were sent directly overseas with the missions being expected to locate and match. In the case of the sponsorship seeking a refugee computer programmer, Murray and I were incredulous when it arrived and had been on the verge of sending a “get real” telex to the responsible CIC. Needless to say, my next question to my interpreter was, “Would you like to go to Canada?”, and I handed him application forms. There was one minor complication to the successful conclusion of this case, as the sponsors in Toronto (a group of five) had specified their preference for a single refugee. My interpreter was accompanied by his wife and pre-school-aged daughter. An exchange of telexes with CIC Toronto-Central resolved matters and the sponsors agreed to accept a family after being gently informed that they were extremely fortunate to have their “order” filled so closely.

The U.S. and Australia accepted almost everyone else on the *Kua Koon*, and along with Canada's assurances of resettlement, this was sufficient to persuade the Thai authorities to disembark the refugees into the Bangkok transit camp. Murray approved more cases when he returned to Bangkok. Our grand total surpassed 150 persons. Apart from the inevitable “furtherances” (requests for the completion of further medical tests and/or treatment) for tuberculosis, most of the refugees departed for Canada over the next two to three months after medical and security screening had been completed.

Headquarters, as had been anticipated, had no objections and approved what had taken place retroactively. As was the case on many occasions during the Indochinese Refugee Program, this was a situation where the officer on the spot had to make a quick decision in a developing situation without waiting for specific instructions from Ottawa. Would this be possible, or even desirable, today with instant communication and attendant micromanagement from the centre? Probably not.

2016 AGM: Enthusiastic and Informative Anniversary

Gerry Maffre



On 20 October, about 70 CIHS members and friends gathered in Ottawa to mark the 30th anniversary of the Society.

After people had had a chance to socialize and catch up with one another, the business meeting took place. The [financial](#) and [membership](#) reports and the 2017 board members (listed in the box at the end of the Bulletin) were approved. President Mike Molloy talked about 30 years of achievement in his [report](#) and gave a brief overview of the

past year. All the reports are on the CIHS website. Molloy also read out the names of members who died in 2016: Wilf Greaves, George Reynolds, Jack Lavoie, Ellery Post and Al Lukie. In Al's memory, board members sang his favourite song, "Kansas City".

The meeting also saw the presentation of the 2016 [Gunn Award](#) to Kassandra Luciuk, a PhD candidate at the University of Toronto. Her essay was chosen from a satisfyingly strong field of candidates. Entitled "There is only one Ukrainian People": Ukrainian Canadians, symbols of self, and the negotiation of legitimacy in Cold War Canada", the essay explores how Taras Shevchenko, the best known 19th-century Ukrainian poet and nationalist, became a symbol for the two Ukrainian-Canadian organizations competing for support during the Cold War years, one socialist and communist, and the other anti-communist and nationalist.



Left to Right: Gerry Van Kessel, 2016 Gunn Award winner Kassandra Luciuk, Mike Molloy

The board put a particular effort into arranging a program worthy of an anniversary celebration. The hall contained a number of displays illustrating a wide range of past activities. But domestic and international attention to Canada's resettlement of Syrian refugees made that movement—and especially the initial 25,000 people—the obvious keynote topic. We were fortunate to have Immigration, Refugees, and Citizenship Canada's Associate Assistant Deputy Minister of Operations Dawn Edlund; the now-retired immigration program manager and head of mission, Sid Frank; and Louisa Taylor, Director of Ottawa NGO, [Refugee613](#), as our guest speakers.



Left to Right: Sid Frank, Louisa Taylor and Dawn Edlund

Dawn Edlund discussed the high degree of interdepartmental commitment that went into ensuring the success of the movement and the high level of engagement and action shown by settlement agencies and the general population. She also recounted intense moments in her own encounters with front-line staff abroad and in Canada during those months of feverish but orderly activity. Sid Frank was the overseas coordinator charged with getting the refugees processed and on to Canada-

bound planes. He emphasized how the drive, collaboration and inventiveness of staff contributed to success. He also pointed out that an incredible amount of learning had gone on; a comment that may have prompted UNHCR Canada representative, Johann van der Klauuw, to encourage all the organizations involved to ensure that what they had done was well documented.

In her remarks, Louisa Taylor spoke about the overwhelming response from the City of Ottawa. She explained that it was the early pressure on local settlement agencies that led her to start up Refugee613 as a clearing house of information, a broker of the umpteen meetings that were needed to better coordinate the local response, and an organizer of information sessions for groups keen to help but new to the sponsorship role. She ended by talking about the changes sponsors and refugees will go through as formal commitments begin to lapse.



Anniversary Cake

It was, all in all, a very successful evening and a good start to our 31st year, which will be marked particularly by the publication of *Running on Empty*.

Treasurer's Report

Raph Girard

CIHS finances are in reasonably good shape at fiscal year-end, but there is no cause for complacency. Annual revenues totalled slightly more than \$10,000, but a large chunk of that came from a one-time donation by TD Bank to help our publishing project with McGill-Queen's University Press. Although we enter the new fiscal year with a healthy cash balance of more than \$16,000, almost all of that—\$14,000—will be needed to pay for the book's index and our share of the marketing program. The title of the book, *Running on Empty*, is ironically descriptive of where CIHS finances are likely to be this time next year. So, any member who has headroom in his or her contributions budget is encouraged to think of CIHS when deciding where to donate. Tax receipts are available for the full amount.

A continuing vote of thanks is due to The Canadian Museum of Immigration at Pier 21 and to Immigration, Refugees and Citizenship Canada for their generous support. Full [details of revenues and expenditures](#) for the 2015/16 fiscal year compared to last year can be found on the CIHS website.

The History and Evolution of Immigration Medical Screening

The third of a planned series of articles on the role of health and medical screening in Canada's immigration history

Brian Gushulak

Ed note: Dr. Brian Gushulak joined Immigration Medical Services of Health and Welfare in the early 1980s and held positions in both Health and Immigration departments. From 1996 to 2001, he was Director of Migration Health Services of the International Organization for Migration in Geneva, and then until 2004, he was Director General of the newly created Medical Services Branch in the Canadian Department of Citizenship and Immigration. He has since been engaged in research and consulting in the area of health and population mobility.

The first two articles in this series looked at how imported epidemic diseases such as cholera affected the national approach to the health of immigrants and influenced the organization and development of the Canadian quarantine service. This article will review how the individual medical examination of new arrivals has changed over time. In common with the earlier articles, the story will reflect the impact and influence of three sets of factors.

First, national immigration policies and practices are fundamentally products of social and political forces that evolve over time, and some aspects of medical screening have been affected by the social environment of the time. Secondly advances in medical knowledge, science and practice affect the way diseases and illnesses are identified, treated and managed. The history of immigration medical screening continues to reflect the evolution of medicine. The third set of factors that has influenced immigration medical screening derives from developments in non-medical sciences such as changes in the nature and speed of travel as well as the ways information is collected, managed and shared. Together, all of these forces and factors have influenced and shaped the science and methodology involved in the medical assessment and screening of immigrants—and they continue to do so.

Early Approaches

Infections and Epidemics

Even before the germ theory of disease was developed, it was clear that sometimes disease arrived with or followed the arrival of travellers from other regions. Religious instructions on isolating and managing leprosy victims extend into antiquity. By the 14th century, in response to plague that arrived with goods and travellers from abroad, city states and nations began holding vessels, passengers and goods before letting them enter their destination. European practices of maritime quarantine followed colonial expansion and were applied by seaports, colonial authorities and governments.

As early as 1647, Boston required vessels to pause or risk fines¹. In 1720, because of plague in France, Governor Vaudreuil of Quebec had vessels held before allowing them to land². In response to periodic

epidemics arriving from abroad, civic and municipal ordinances were replaced by colonial and provincial legislation, such as those that followed the cholera outbreaks of the mid-1800s³. Individual port of entry or provincial attempts to deal with the spread of cholera arriving with immigrants were consolidated over time and developed into national practices (See Bulletin 76).



The Government Inspector's Office (McCord Museum)

It is important to remember that, at the time, the actual causes of many diseases were not understood. Tuberculosis was often considered to be hereditary, and cholera and other infections to be spread by noxious vapours and bad air. There were no reliable tests or investigations. Diseases were recognized by symptoms only, and this meant that the person had to be ill enough to attract attention through fever, cough, skin changes, vomiting or diarrhea. It was not possible to identify those in the early stages of infection or disease. This lack of knowledge led to the implementation of what are now obviously ineffective practices, such as exempting first- and second-class passengers from screening because they were unlikely to have been exposed to the risks or bad environments of third-class or steerage passengers.

Other Conditions

Concerns about the health of new immigrants were not limited to infectious diseases. Those who were ill, infirm or decrepit could generate demands and burdens that churches, charities and new colonial communities were ill equipped to deal with. Additionally, colonial policies supported the belief that healthy, independent immigrants and settlers would result in more robust colonies that generated greater economic return. To that end, legislation in the 1800s sought to ensure that new arrivals were examined in the context of their ability to support themselves. Vessels or shipping companies bringing new arrivals who were “lunatic, idiotic, deaf and dumb, blind or infirm”⁴ and travelling without family support, had to provide a bond to defray the costs of support.

Science and Politics Influence New Legislation

Social Aspects

The scientific and sociological changes of the late 1800s had significant effects on the medical evaluation of immigrants. Understanding was growing in the fields of evolution and genetics. Methods of sustaining and perhaps improving human abilities through natural selection became topics of interest. This led to the concept of “eugenics”, a term which came to represent the improvement of human qualities through supporting offspring of increased genetic and social worth.

By the early part of the 20th century, the eugenics movement had become a quasi-scientific organization supporting racial and ethnic improvements by limiting the reproduction of less-desirable or defective individuals, in particular those with mental or developmental impairments, physical abnormalities, and behavioral patterns that diverged from “mainstream” society. It did not take long for the implications of eugenics and immigration to become topics of interest.

It is important to note that the quasi-scientific concepts associated with improving humanity through the production of better offspring took root at the same time as a change in immigration patterns. A large number of people from Central and Eastern Europe were starting to immigrate to North America. Their educational levels, language and culture were different from those of earlier migrants from the British Isles, western and northern Europe, and their “inferiority” was frequently mentioned in the medical and lay press.

Medical Aspects

At the same time, the discovery of microbes and the germ theory of disease clarified the understanding of how many infections were caused and transmitted. Advances in public health in terms of sanitation, pasteurization and infection control began to mitigate the impact of some epidemics. Medical technology was also evolving, and it was becoming possible to detect some diseases in their early stages. X-rays were discovered in 1895, and thereafter were used in medicine and dentistry. The size and complexity of the early equipment limited its use to a few facilities; however, radiological technology advanced enough to be used in World War I. About a decade later, the first blood test for syphilis was developed.

These changes would have profound impacts on immigration medical assessment as the conceptualization and science of “screening” for disease were developed. No longer would the detection of disease be limited to examining the obviously ill or sick; reliable tools could now reveal the early or silent stages of disease.

New Directions in Legislation

It is in this context that Canadian immigration legislation was introduced containing specific health components based on, but different from, quarantine screening. Some of those differences continue to the present day. The new legislation coincided with a shift in immigration policy from a relatively “open door” to one of “selection and restriction”⁵ This process began with amendments to the Immigration Act in 1902 and were further codified in the 1906 legislation.

The 1906 Immigration Act included a section dealing with infectious and other diseases separate from quarantine legislation. Section 27, for example, defined two categories of diseases: loathsome diseases and infections that were potentially dangerous to the public. The 1906 Act defined groups of arrivals who were prohibited medically from landing or who could be deported within two years after arrival. These groups included: the mentally impaired; those with seizure disorders; those with a history of serious psychiatric episodes within the previous five years; and blind or deaf mutes. These prohibitions were waived if families could demonstrate that they could look after their disabled family member.

This card was intended to be kept by the immigrant for three years and to be shown to government officials whenever required.

It is important to remember that these restrictions reflect rather broad definitions and the medical and scientific environment of the time. When they were implemented there were no antibiotics or psychiatric medications and only a limited understanding of and support for developmental impairment. Those who were believed to require long-term support in sanatoria, asylums or hospitals were considered to be undesirable and/or dangerous.

The Modernization of Screening

By World War I, radiological technology was used to screen and detect tuberculosis of the chest in military recruits. Organized testing for venereal disease expanded with the return of troops following the end of that conflict. These new approaches to disease control, where screening could identify those who did not know they were affected, became components of national strategies to reduce the impact of diseases of public health interest. As programs developed to deal with the domestic population, they were often adapted to immigration medical examinations and assessment. The

science behind screening also led to the introduction in 1928 of routine screening for all immigrants—not just those in third class or steerage. Prior to that time, first- and second-class passengers were only medically examined if they became ill in transit.

Screening Immigrants Prior to Arrival

In the mid-1920s the number of immigrants arriving in Canada who were determined to be inadmissible on or after arrival reached levels that generated complaints to the federal government. Transport and shipping companies were financially and logistically responsible for their return; and for those who had left their life behind and made the journey to Canada, being returned posed a great hardship. At the same time, there were suggestions that the number of immigrants committed to asylums and mental hospitals in Canada was increasing. Representations were made to the government by transport companies, provincial governments (particularly in Western Canada), the Dominion Council of Health (a national board set up to advise the national Health Department), and a variety of social service organizations suggesting that it would be more efficient and effective, not to mention less costly, to do the medical examinations of prospective immigrants abroad, prior to their departure for Canada.

As a result of those representations, Canadian Immigration medical personnel were stationed in Europe. Reflecting the immigration patterns of the day, by 1928 there were 21 Canadian Medical Officers in the United Kingdom and a further seven on the European continent. They conducted examinations themselves and in the U.K. supervised nearly 50 additional doctors who performed examinations in many locations⁶.

New Legislation and Health Insurance

Regular immigration practically ceased with the Second World War but expanded rapidly after that conflict ended. Screening in the 1950s and 1960s continued to focus on infections of public health importance such as tuberculosis, some intestinal infections, and sexually transmitted infections. The development of antibiotics, however, made treatment both possible and successful, and so exclusion for these infections became temporary rather than permanent. Prospective immigrants with infections subject to the legislation were deferred pending adequate treatment.

By the last quarter of the century, the evolving social environment in Canada in terms of both immigration and health once again led to new legislation.

The 1976 Immigration Act reflected the historical principles of earlier legislation as well as the newer aspects of the social and political environment of the day. The older concept of “public charge” was now considered in the context of the development of universal health coverage, and the perceived risk of overburdening community medical services. There was concern that the new universal Canadian health insurance might attract potential immigrants with illnesses that were complicated or costly to manage, and this led to the concept of “excessive demand” on the public health system as grounds for denial of admission. Adopting the same approach to complex issues that was used in other aspects of medicine, drafters of the Act and Regulations developed detailed and multi-layered scoring systems. Well intended and in retrospect overly complicated, they were ultimately based on the opinion of departmental medical staff and lacked an empirical foundation.

A similar approach to medical assessment focusing on demand for service was developed in Australia, which also had extensive public health insurance. In contrast, in the United States, where medical care and insurance remained primarily personal responsibilities, issues of public charge or demand resulting from the arrival of ill immigrants was less of an issue, except for refugees. All three nations were particularly concerned about infectious diseases.

New Approaches for Refugees

Global geopolitical changes, including the end of the Cold War, made a corresponding change in the refugee population. In Western resettlement countries, the political aspects of the refugee context diminished, replaced by a growing focus on the humanitarian nature of the populations at risk.

Immigration medical screening practices in Canada that devolved from the 1976 Act and Regulations were applied across all classes of newcomers, including refugees, and they included “excessive demand” in the assessment of admissibility. Refusing humanitarian cases because of medical conditions or illnesses created potential policy conflicts and case-load inequities between resettlement nations, who often had different medical requirements for refugees. This situation led to discussions and consultations as to whether refugees

should be judged by the same criteria as other immigrant classes in terms of their medical or social health needs and costs. As a result, considerations of “excessive demand” or cost-based medical inadmissibility restrictions were removed for humanitarian cases in newer legislation. Similar logic has been applied to other classes of immigrants: depending on the situation, children and other close family members may not be subject to “excessive demand” criteria. This is actually a return to the principles of earlier legislation where public charge considerations were not applied to those who had or could demonstrate sufficient family or financial support. Medical screening, evaluation and assessment for conditions of public health importance, such as tuberculosis, continue for all classes of applicants based on age and risk profiles.

The Future

Health and medical environments, characteristics and conditions continue to differ significantly between global regions as well as between communities and populations. New arrivals from regions of the world where disease and health care differ markedly from those at their new destination will continue to require immigration medical assessment and evaluation. Historical practices based on exclusion are likely to remain in place for those conditions where risks are determined to be of sufficient individual or public health importance. In the vast majority of those situations, denial of admission will be temporary, pending the treatment of the condition or the elimination of potential infection of others.

Nations with public charge or “excessive demand” based exclusion criteria will in all likelihood maintain the legislative capacity to utilize them despite the fact that they are applied in only a small number of cases. Their presence alone may discourage applications from those with complex illnesses, and it may be useful to retain legislative capacity in case there is a need to better manage the admission of those with complex or costly conditions.

Modern information technology and evolving health and medical needs of new immigrants may combine to expand both the intent and application of existing immigration medical assessment. Electronic medical records can facilitate the direct transmission of medical information collected during an immigration medical examination to health care providers or immigration health clinics in resettlement nations. This can facilitate the rapid referral of conditions, which may not be of immigration legislative importance but do require attention and follow-up. At the same time, such a process reduces the cost and logistics incurred by repeat investigations or absence of medical information. Depending on conditions and needs, an immigration medical assessment integrated with the host nation’s medical care system could become the medical entry portal for new arrivals. Verified and documented vaccine administration, rapid identification of those in need of extra or additional medical care, and the delivery of some pre-departure medical services (both treatment and prevention) are logical applications of an integrated process. Specific examples currently exist, primarily for refugee populations, but there is potential to expand the application across the immigration spectrum.

Sources

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² Heagerty, J.J. The Romance of Medicine in Canada. Toronto: Ryerson, 1941.

³ Nova Scotia. (1835b). An Act to Prevent the Spreading of Contagious Diseases, and for the Performance of Quarantine, 2 William IV, Cap. XIII, 14 April 1832. Statutes of the Province of Nova Scotia, Vol. 4. Halifax: King’s Printer.

⁴ Province of Canada (1848). An Act to make better provision with respect to Emigrants, and for defraying the expenses of supporting Indigent Emigrants, and of forwarding them to their place of destination, and to amend the Act therein mentioned, 1848, 11 Victoria, Cap. I. In Provincial Statutes of Canada. Montreal: S. Derbishire and G. Desbarats.

⁵ K. Tony Hollihan. “A brake upon the wheel”: Frank Oliver and the Creation of the Immigration Act of 1906”. *Past Imperfect*. 1992;1:93-112. Available from URL: <https://ejournals.library.ualberta.ca/index.php/pi/article/view/1415/958>. Accessed 7 October 2016

⁶ “Agriculture and colonization,” *Select Standing Committee on Agriculture and Colonization Report 1928* (Ottawa, 1928).

The 19th National Metropolis Conference “Looking Forward: Migration and Mobility in 2017 and Beyond” takes place at Le Centre Sheraton Montreal Hotel from 16 to 18 March 2017. Speakers will include federal Immigration Minister John McCallum, Quebec Immigration Minister Kathleen Weil, and Montreal Mayor Denis Coderre. In conjunction with the conference, an evening cocktail reception will be held at City Hall to mark Montreal’s 375th anniversary.

The Evolution of Citizenship: Policy, Program and Operations

Andrew Griffith

Ed. Note: This is the second of a three-part series.

Andrew Griffith is the author of *“Because it’s 2015...” Implementing Diversity and Inclusion*, [Multiculturalism in Canada: Evidence and Anecdote](#) and [Policy Arrogance or Innocent Bias: Resetting Citizenship and Multiculturalism](#) and is a regular media commentator and blogger ([Multicultural Meanderings](#)). He is a former director general of Citizenship and Multiculturalism and has worked for a variety of federal government departments in Canada and abroad.

1977 Citizenship Act

The 1977 update reflected a stronger Canadian identity and a greater diversity of immigrants and gender equality. Citizenship was presented more as a right (“the right to citizenship”) than a privilege as in the 1947 Act (“The Minister may, in his discretion, grant”). The last British vestiges of Canadian citizenship were erased with the removal of special treatment for British nationals. Previous discrimination between men’s and women’s ability to pass on their citizenship was ended, as it was for children born out of wedlock. Dual nationality was permitted.

The main naturalization requirements remained: adequate knowledge of Canada, of one official language, and of the responsibilities and privileges of citizenship. However, the residency requirement was reduced from five (out of eight) to three (out of four) years. Judicial interpretations of residency, however, ranged from physical presence to merely having a Canadian legal address; this created ambiguity in the actual requirement and how it was to be interpreted and met.

The Act also limited ministerial discretion and established citizenship as a qualified right for those who met the basic requirements. Criminal record checks were done for all applicants. Canadians born abroad would lose their citizenship should they not apply to retain their citizenship by age 28 and either reside in Canada for one year prior to their application or establish a “substantial connection” to Canada.

Renunciation of Canadian citizenship required formal application along with the following supporting material: birth certificate or equivalent, evidence of Canadian citizenship, an official document of the other country attesting to the person’s foreign citizenship (or evidence that the person would become a citizen of that country), and place of residence. The most famous renunciation case was Conrad Black’s renunciation in 2001 to allow him to sit in the U.K. House of Lords. Citizenship could only be revoked for fraud or misrepresentation. The decision was a three-step process, involving the minister, the Federal Court and the Governor in Council.

The 1977 Act established the oath that remains in use today: “I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen”.

The change to a more fluid sense of citizenship can best be captured by former Prime Minister Pierre Trudeau’s comment in 1977: “There is no such thing as a model or ideal Canadian. What could be more absurd than the concept of an ‘all Canadian’ boy or girl? A society which emphasizes uniformity is one which creates intolerance and hate”.

The 1971 Multiculturalism Policy was reinforced in the 1988 Multiculturalism Act, and the internment, deportation and dispersal of Japanese-Canadians during and following World War II was recognized through an apology, *ex gratia* payments to survivors, and the establishment of the Canadian Race Relations Foundation.

Administration and Operations: Citizenship Judges, Study Guides, and Introduction of the Citizenship Test

The 1977 Act officially established the position of citizenship judges and gave them the authority not only to preside over citizenship ceremonies but also to be independent decision makers who would determine, through interviews, whether applicants met requirements. Decisions could be appealed to the Federal Court.

Until 1999, the terms “citizenship courts” and “court of Canadian citizenship” were used even if they did not appear in the Act itself. In 2002, the judges adopted the term “Citizenship Commission” to refer to themselves collectively.

As part of the new Act, a new guide, *The Canadian Citizen* (1978, updated in 1980 and 1994), and the companion folder *A Look at Canada* (1979) were introduced. Table 4 shows the shift towards greater understanding of the government system, rights and responsibilities and history included in both. The 1994 edition of *A Look at Canada* replaced *The Canadian Citizen* and was significantly revised and updated to include the Charter of Rights and Freedoms.

TABLE 4: THE CANADIAN CITIZEN (1977 EDITION) - 16 PAGES

History	Geography	Government System	Economy	Society	Rights and Responsibilities	Introduction
17%	4%	44%	4%	4%	18%	9%

For Sobel, the narrative changes to that of politically active citizens who share the responsibility of caring for their country. Canada is presented as a country with legislation and policies that citizens can influence through active participation. Issued after the Multiculturalism Policy of 1971, the guide encouraged immigrants to share their cultural heritages with the wider community as they also learned from other communities. It encouraged active citizenship (defined as interest in politics); following the news; and participation by voting, joining a political party, or running for political office.

In 1994, a citizenship test was introduced, replacing the previous interview-based process, along with a new study guide, *A Look at Canada* (1995). The test was largely introduced to deal with the increase in applications and to ensure greater consistency in assessing language, knowledge of Canada, and the rights and privileges of citizenship. Equally important, the test was more efficient than individual hearings before citizenship judges, although judges would interview applicants having difficulty with the written test.

TABLE 5: A LOOK AT CANADA (1995) - 44 PAGES

Citizenship Procedures	Study Questions	History	Geography	Government System	Society	Rights and Responsibilities	Introduction
3%	16%	5%	14%	21%	14%	12%	1%

Sobel characterizes the narrative of *A Look at Canada* as that of a citizenship student preparing for the newly introduced written standardized test. Canada is presented as a “community country where people work together and help one another”. The emphasis on multiculturalism and pluralism continues but with less emphasis on government action to support other cultures (despite the fact that this guide was written after the 1988 *Multiculturalism Act*). In addition to voting and obeying laws, citizens were expected to help neighbours, join community groups, volunteer in the political process, and consider becoming candidates.

In 1983, citizenship application intake was centralized in Sydney, Nova Scotia, with processing (for example, test administration, language assessments, program integrity interviews and ceremonies) carried out in local offices. This arrangement has remained largely unchanged, with a small number of citizenship officers in Ottawa to handle more complex or difficult cases.

The general format of citizenship ceremonies welcoming newcomers was established and was further refined over time as governments shaped the welcoming message to new Canadians. The Charter of Rights and Freedoms was distributed to all new citizens after the Charter came into effect with the new Constitution in 1982.

The annual citizenship awards program, Citations for Citizenship, was launched in 1988, honouring a maximum of 20 Canadian individuals and organizations from the voluntary, private or public sectors who had contributed to the integration of new Canadians. It continued until 2009, was then rebranded as the Canadian Citizenship Award, and was eliminated in 2011. The annual National Citizenship Week, currently held in the second week of October, also dates from that time. Both initiatives aimed at providing greater visibility to the citizenship program.

The grant of citizenship fee was set at \$200, or about \$300 in today's dollars. This included a \$100 Right of Citizenship fee, introduced in 1995, that was refunded if citizenship was not granted.

Responsibility for citizenship moved to Citizenship and Immigration Canada following the elimination of the Secretary of State department in 1993. One of the unforeseen consequences of that decision was the virtual elimination of detailed reporting on the characteristics and origins of new citizens. The Secretary of State published detailed annual statistical reports. The 1990 report, the last one available, included the following data tables: historical table 1952-1991, demographic details (sex, marital status, year of immigration, country of birth, country of former "allegiance"), average number of years between year of immigration and citizenship, province of residence, and by section of the Act.

CIC's subsequent annual reports, initially entitled "Citizenship and Immigration Statistics", include only immigration statistics. Even today, over 20 years later, the paucity of citizenship data in relation to immigration is striking, whether in the Annual Report to Parliament on Immigration, various statistical products such as the "Quarterly Administrative Data Release", "Facts and Figures", or departmental performance reporting. Only data related to overall numbers—grants, proofs, and ceremonies—are provided, but no demographic or other characteristics.

Funding for the citizenship program declined from \$37.1 million in fiscal year 1993/94 to \$27.1 million in 1995/96, likely reflecting some of the general cuts in government spending during that period.

Efforts to Update the Act

The Conservative government of Prime Minister Brian Mulroney issued a discussion paper, "Citizenship 87: Proud to Be Canadian," on the 10th anniversary of the 1977 Citizenship Act. The booklet was designed to "remind Canadians of their heritage, to inform them of the legislative options available, to stimulate informed discussion and debate throughout the country so that the Government can draft legislation with people's wishes in mind". The issues it discussed included dual citizenship, residency requirements (physical presence), exemption from ability in the official languages for those over 60, broadening criminality and other reasons for barring citizenship, questions regarding revocation for fraud or misrepresentation, allowing for discretion in assessing knowledge, clarifying the role of citizenship judges, and the nature of the citizenship oath. The last issue proved to be the most controversial because of the proposal to omit reference to the Queen. Given the government's focus on Meech Lake and related constitutional discussions, no legislation was ever tabled.

The courts started playing a larger role in identifying issues that needed to be addressed. *Benner vs. Canada* (1997) addressed gender discrimination by ruling that children who were born to a Canadian mother abroad must be treated identically to children born of a Canadian father abroad, ensuring that a child, whether born to a Canadian mother or father, would be entitled to Canadian citizenship without having to take a citizenship test or oath of citizenship or becoming a permanent resident first.

There were a number of abortive efforts under the four governments of Jean Chrétien to modernize the Act. A number of key reports helped shape the approach: "Canadian Citizenship: A Sense of Belonging" (1994), "Updating Canada's Citizenship Laws: Issues to be Addressed" (1994), "Updating Canada's Citizenship Laws: It's Time" (2005) and "Citizenship Revocation: A Question of Due Process and Respecting Charter Rights" (2005).

"Not just numbers: A Canadian framework for future immigration" (1996) by the Legislative Review Advisory Committee was a major review with extensive public consultations. It was largely focused on immigration, but

included such citizenship-related recommendations as compliance with the *Income Tax Act*; active participation (defined as at least two of the following: employment, study, volunteer/community service, and family care); and revocation for criminality, fraud, war crimes or crimes against humanity committed before or after citizenship was granted.

Three citizenship bills were introduced under the Chrétien government: Bill C-63 (1994), Bill C-16 (2000), and Bill C-18 (2002), all of which died on the order paper. It is important to note that all three initiatives were an effort to rewrite the Act completely, rather than amending the 1977 Act. The legislation addressed such key issues as:

- Second-generation limit on transmitting citizenship;
- Physical presence definition of residency (three years out of five);
- Adequate knowledge of an official language and Canada, with an interpreter permitted for the latter requirement;
- Children adopted abroad automatically to become citizens rather than permanent residents;
- Authority to deny citizenship “where there are reasonable grounds to believe that it is not in the public interest for the person to become a citizen” or for foreign criminality;
- Citizenship judge role in assessing citizenship applications to be largely replaced by public servants, with judges (“commissioners” as called in the bill) being limited to a ceremonial role, emphasizing the rights and privileges of citizenship; and
- Anti-fraud measures.

New wording for the oath was proposed: “From this day forward, I pledge my loyalty and allegiance to Canada and Her Majesty Elizabeth the Second, Queen of Canada. I promise to respect our country’s rights and freedoms, to uphold our democratic values, to faithfully observe our laws and fulfill my duties and obligations as a Canadian citizen”.

“Boutique” Legislation: 2007 C-14 Adoption and 2009 C-37 “Lost Canadians”

International adoptions appear to comprise the majority of adoptions, although there is no one authoritative source on the number of in-Canada adoptions, and provincial data vary in quality and comparability. The court decision in *McKenna vs. Canada* (1999) ruled that the distinction between children adopted abroad by Canadian parent(s) and children born to Canadian parents violated the equality rights section of the Charter of Rights and Freedoms. This, along with political pressure, led to Bill C-14, allowing foreign adopted children to be granted citizenship without first becoming permanent residents. The actual number of international adoptions is small and appears to be declining as seen in Table 6.

TABLE 6 - NUMBER OF INTERNATIONAL ADOPTIONS 2010-15

	2010	2011	2012	2013	2014	2015
Total	1,162	1,100	939	762	667	580

Similarly, the issue of “Lost Canadians”, those who lost Canadian citizenship due to earlier citizenship legislation, came to the fore with the decision in *Taylor vs. Minister of Citizenship and Immigration Canada* (2006) that addressed wedlock discrimination by ruling that the children born out of wedlock and outside of Canada prior to the 1947 Act should not lose their citizenship, applying the Charter of Rights and Freedoms retroactively, and setting the stage for Bill C-37.

“Lost Canadians” include four groups:

- People naturalized to Canada who subsequently lived outside the country for more than 10 years prior to 1967;
- People born abroad to a Canadian parent before the current Citizenship Act came into effect on 15 February 1977;

- People who lost their citizenship between 1 January 1947 and 14 February 1977 because they or their parent acquired the nationality or citizenship of another country; and
- Second- and subsequent-generation Canadians born abroad since the current Citizenship Act came into effect on 15 February 1977.

In practice, this included many war brides, war babies, U.S. “border babies”, and babies born abroad.

C-37 also imposed a first-generation limit on transmission of citizenship, repealing previous retention and registration provisions. This was perhaps the most contentious of the changes. It reflected public and political anger over “citizens of convenience” following the evacuation of dual Canadian-Lebanese citizens from the war in Lebanon in 2006 and subsequent return of many evacuees to Lebanon once hostilities died down. Moreover, the previous policy of requiring an application for retention of citizenship by age 28 was difficult to administer and arguably was not stringent enough with respect to a substantial connection to Canada. The first-generation limit provided greater clarity and ensured a recent connection to Canada but made it harder for descendants of Canadians living abroad to transmit Canadian citizenship to their children.

TABLE 7 - NUMBER OF CITIZENSHIP PROOFS 2010-15

	2010	2011	2012	2013	2014	2015
Proofs	69,725	66,403	46,005	53,636	56,944	55,609

Lost in all the advocacy and discussion was meaningful evidence of the actual numbers of “Lost Canadians” who wanted their citizenship restored. While advocates used numbers of around 200,000, according to the then Minister of Citizenship and Immigration Diane Finley, the number of cases that needed to be resolved in 2007 was under 500. Table 7 provides operational data from five years later regarding the total number of citizenship proofs, suggesting that the actual number of “Lost Canadians” was not significant, and closer to the estimate cited by the Minister than the advocates. Slightly more than half of all proofs are issued to Canadians living abroad.

ERRATUM

There was an error in the first part of this article published in Bulletin 78, page 4: the section on Values should have referred to the 1977 Act, not the 1967 Act.

A Year of Web Traffic

Gerry Maffre and Winnerjit Rathor

From November 2015 to September 2016, cihs-shic.ca registered 3,646 visitors, who looked at two pages per visit on average. The most popular pages, in order, were: home page, UNHCR Nansen Award to Canada, Indochina home page, About us, Research, Bulletin, Indochina historical documents, Contact us, and Resources.

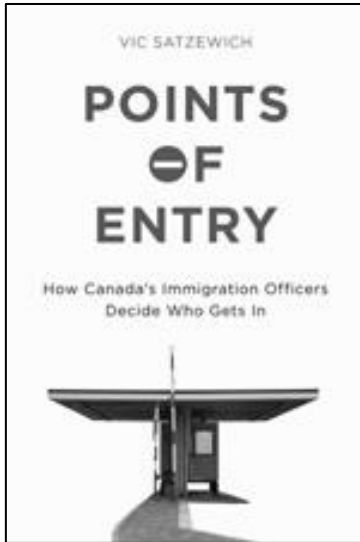
Almost 75 percent are returning visitors, the majority of whom are from Ottawa, Toronto, Montreal and Gatineau. We had just over 200 visitors from England. The top language preferences are: English—2,860; French—129; Portuguese—80; and Spanish—15.

Traffic has generally been lower since the spring, and this reflects the fact that we have posted less new material since the big push of last year around the 40th anniversary of the Indochinese boat people.

We are still working to convert the current site to a design that will make visits easier for people using tablets and smart phones.

Immigration to Canada in the Computer Age

Points of Entry: How Canada's Immigration Officers Decide Who Gets In by Vic Satzewich. Vancouver: UBC Press 2015. 306 pages
Reviewed by Peter Duschinsky



Vic Satzewich, a professor of sociology at McMaster University, is expert at analyzing Canadian approaches to immigration, multiculturalism, “race” and ethnicity. Since 1991, he has published a range of books and articles, dealing with farm labour migration, multiculturalism and transnationalism, immigration policy making, racial profiling, transnational identities, and the Ukrainian diaspora. He is well prepared to tackle the complex challenge of providing a detailed overview of Canadian immigration policy and, especially, how this policy is implemented in the field.

Points of Entry provides an in-depth view of how Canada’s federal immigration professionals perform their task of deciding “who gets in” to Canada. In doing the research for this book, Professor Satzewich was given extraordinary insider access to immigration points of service around the world; interviewed a wide array of Canadian immigration officials, including senior bureaucrats, program managers and working level front-line visa officers; and sat in on some immigrant interviews.

Not since Freda Hawkins’s iconic history of Canadian immigration in 1972 (updated and re-released in 1988) has a scholar had such access. But her emphasis was on the development of Canadian immigration policy and program delivery over time. His goal is to find out how federal immigration officers make their decisions now. Are they dispassionate bureaucrats mechanically applying immigration rules and procedures—as claimed by some—or fallible human beings who bring their biases to decision making—as claimed by others?

As described by the author, the present system of decision making is very different from Canada’s immigration system decades ago because of technology and standardization. All officers use GCMS (Global Case Management System), which contains up-to-date information on all cases, as well as acts, regulations, manuals and headquarters instructions to make selection and admissibility (security, criminality and medical decisions). There are still paper files, but decision makers anywhere in the world can electronically access information on any file.

Federal immigration decision makers now work in insulated environments. Face-to-face interaction with applicants has become rare. Applicants’ questions are answered by relatively low-level clerical staff at call centres. Decision makers are expected to make decisions rapidly, usually under strong time pressures. Personal interviews take place in less than 10 percent of immigration cases—when there are unanswered, doubtful, possibly fraudulent or ambiguous issues.

The author examines whether there is bias related to race or ethnicity in the system, and whether front-line officers’ personal discretion is biased. Many academics have argued that discretionary decision making by front-line Canadian immigration officers is biased in favour of European immigrants and against visible minorities, and until the mid-1960s, this was true.

By the late 1960s, however, Canadian immigration policy had moved sharply away from racial and ethnic bias, and the policies created through the 1976 Immigration Act were largely free of racial bias. By the 1990s, the overwhelming majority of immigrants were non-European, and this trend continues to the present. A major objective of the present Immigration and Refugee Protection Act is “to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada.” The large majority of Canadian visa offices are now in Asia, Latin America, the Middle East and Africa. Despite this, some critics continue to argue that front-line immigration officers still display racial bias in favour of European applicants when the opportunity arises. By comparing immigrant visa refusal rates in all

regions of the world, Satzewich demonstrates that this contention does not correspond to reality. In fact, in 2012 Europe had the highest immigrant visa refusal rates of all world regions.

He notes that front-line officers may have to deal with pressure from a number of sources: MPs reacting to pressure from their constituents (over 80 percent of an MP's constituency work deals with visa-related representations); high-level federal political interests; provincial interests (through the Quebec immigration program and the Provincial Nominee Programs economic immigrants are selected by the provinces; in the great majority of these cases federal officials rubber stamp the provincial selection decision); NGOs; Canadian employers requiring both long- and short-term migrant workers; immigration lawyers and consultants; and even Canadian ambassadors. Despite the lack of personal contact and the many pressures Canadian immigration officers face, Satzewich concludes that they perform their jobs professionally and knowledgeably and resist such pressures.

At the same time, however, the ability of front-line officers to use personal judgement has declined precipitously in the past decades. Until the early 1990s, most candidates for immigration were chosen during a personal interview. Under the point system as originally conceived, for economic immigrants 10 points were available for the exercise of personal judgement, and each immigrant was judged by the interviewing officer to determine his/her personal suitability for successful settlement. In addition, officers could exercise discretion in favour of or against candidates, if they considered that the points obtained did not accurately reflect the chance of successful settlement. That system provided leeway for individual decision making and gave scope for individual bias. A very small element of the old system is still maintained through the use of substituted evaluation, which, in theory, still allows individual officers to override the point system based on their personal judgement. However, when Satzewich raised the question of substituted evaluation with front-line officers, "they seemed both puzzled and slightly surprised". With the present system, substituted evaluation, meaning officer discretion, is used extremely rarely. While a 2003 report could still state that discretion was used in 2.3 percent of cases in the late 1990s, by 2010 substituted evaluation was used in less than 1 percent.

With the present computerized, largely standardized non-interview system, the amount of information demanded from applicants has increased. Applications are routinely made on line, and even before their applications are considered, economic applicants must undergo standardized language tests. In making decisions, officers must decide whether the information given is genuine and truthful. This can be a subtle, difficult task, and this is now where discretion is used, rather than in determining personal suitability. One area where Satzewich has done only relatively minor analysis is the use by applicants of private non-government professionals—immigration lawyers and consultants. Since their beginnings in the 1980s, immigration consultants have become a major profession, with 2,500 members in Canada. Applicants appear to be using lawyers and consultants ever more frequently (there are no statistics accessible to this reviewer or outside analyses on this subject, so this is an impressionistic opinion). However, based on relatively recent exposure to immigration files, it is this reviewer's view that the immigration applications of a large percentage of federal immigration applicants have been prepared by lawyers or consultants.

Many files arrive on the desk of immigration officers in a well-organized state that corresponds to the processing system's requirements. On the one hand, lawyers and consultants perform a valuable job in doing this. On the other hand, it is in the interest of lawyers and consultants to present files in the best possible light. Often lawyers and consultants represent immigration applicants from their own communities. Therefore, bias may enter into their work. At this point we do not know whether it does, since a scholarly analysis has not yet been performed on this subject.

In this book Satzewich has presented a thorough, highly professional yet readable analysis of Canada's federal immigration system in the early 21st century. In the opinion of this reviewer, it will become essential reading for anybody interested in the system. In his conclusion, Satzewich agrees with Freda Hawkins's conclusion made almost 50 years earlier: Canadian immigration officers are of "high quality" and "displayed a keen interest in the job and dedication to it".

The author has impressively analyzed the centralized, federal elements of immigrant selection and processing, as well as temporary-resident processing. However, in the past 40 years, parts of the system have become fragmented. Major elements of immigrant selection have been assumed by provincial governments. Immigration lawyers and consultants, as well as Canadian employers play an increasingly major role. These new elements still remain to be analyzed. Based on what he has performed in this book, this reviewer hopes that Professor Satzewitch considers undertaking this task.

The Eagleston Memorandum: a Summary of British Refugee Policy

Gerry Maffre

In [Bulletin 74](#) we published a note about EXIST, a group of retired immigration officers in the United Kingdom, one of whose objectives is to preserve material of historical importance. EXIST's John Waddell has drawn to our attention their work to put on line the 333-page "Eagleston Memorandum". This document records, among other things, the management of aliens interned in wartime Britain, some of whom were subsequently moved to Canada for safekeeping. It was originally drafted by Arthur Eagleston who, between 1894 and 1944, rose through the ranks of the British Home Office, ending up as Assistant Secretary. He was charged with reporting on government policy on the management of refugee crises, in his own words:

"to give some account of the various measures for the control of aliens in this country which were adopted by the Home Office (or in some cases forced on it) in the course of the events which led up to the outbreak of war and of the vicissitudes of the war itself."

It was understood for some time that his Memorandum was the best readily accessible source of information about the history of refugee policy, and it provides useful background about the handling of internment and internees during WWII in the United Kingdom, Canada and Australia. EXIST has taken a faded archival document, re-typing some pages and sharpening the clarity of others, and then run the text through optical character resolution software to produce text that could be laid out in a more clearly readable and word-searchable (170,000 words) web posting—in all, an effort of some 14 months by the team.

The content reveals how attitudes have altered over the last 100 years:

"even the slightest power of restriction was not merely bad but was regarded by many people as shocking in itself and an outrage on English liberties." (pre 1905)

"The congested state of the labour market in the United Kingdom makes it impracticable to admit persons seeking employment. The unemployment problem is probably more active here than in most European countries, and so long as great numbers of our own people are unable to find work there is no capacity to absorb refugees." (1933)

"In these circumstances no Government could allow the entry of immigrants in such numbers as to run any risks of taking away employment from British subjects, lowering wage standards, or increasing the burden on state or municipal funds; and the immigrant's reasons for wishing to enter the country are from this point of view quite irrelevant. Even in the case of immigrants who possess the means of starting a business, a class which used to be regarded as unobjectionable and frequently useful entrants, the element of competition has come in." (Between WWI and WWII)

"It follows from these facts that Great Britain, in its modern conditions, cannot be a country of settlement; that is, it cannot provide a permanent home for any large mass of refugees. The most it can do is to receive a small number, and they must be carefully selected from among people who, by reason of their possession of means or the nature of their business or occupation, can be absorbed without harm to the interests of the native population." (Between WWI and WWII)

EXIST tells us the [Memorandum](#) is accessible as a flip book in their digital library with the password eagleston. The major portion of the Memorandum dealing with removal to Canada covers pages 247 to 264.

Donation to Pier 21

Through the work of Charlene Elgee and Gerry Maffre, Pier 21's collection about the experiences of immigrants who did not pass through the port will be enhanced. The museum has agreed to accept, digitize and make public a collection of photographs documenting the 1999 movement of 5,000 Kosovars to Canada. The photos, taken by immigration staff abroad and in Canada, show the initial selection of the Kosovars and their departure for Canada, their reception and living circumstances on Canadian military bases, and their departure to Canadian sponsors or for voluntary repatriation. Many of the photos make clear the collaborating bodies CIC worked with to make this a success, including the Red Cross and National Defence. This donation by CIHS is complemented by Maffre's donation of material gathered when he was involved in the movement as Director General of Communications at CIC. Pier 21 will work to make these photographs available to the public.

Letter to the Editor

John Rundle

In 1963, the Canadian government sent an immigration officer to Guyana, then British Guyana, to interview prospective immigrants. I had just set up an office to issue entry certificates, after the U.K. Commonwealth Immigration Act had come into force the year before. I was able to accommodate the Canadian in my office. I forget his name*, but he was a memorable 6 feet 6 inches tall and excellent company for about a month. I remember he had an accident involving a horse-drawn cart, resulting in an injured leg that caused him a lot of trouble. We kept in touch for a while. I often wonder if he cleared a person who was later to marry the next Canadian immigration officer with whom I became involved when I returned to the U.K., who was chief immigration officer at London's Heathrow airport in the 1970s.

Heathrow, as is common, has a system whereby travelers in transit from one country to another do not need to go through Immigration controls and simply go to the departure lounge to check in for their ongoing international flight. Two Canadian immigration officers (one of them was Jim Bennett) were escorting a deportee to, I think, one of the Balkan countries, and were taking him from the incoming Canadian flight to the departure lounge. U.K. Immigration was not aware of this. The deportee decided to head-butt a steel girder and ended up in hospital. So the U.K. immigration service became involved, and I became friends with Jim. The outcome was that the deportee remained in hospital, Jim returned to Canada, and when the deportee was fit to travel you sent over two more officers to return him to Canada.

The Guyanese lady who married Jim was called Hetty Kailan. She had emigrated to Canada and worked in the U.S. Consulate, in the section that your Deportation Section dealt with. And that's how she met Jim Bennett. We remained in touch for several years. All characters, except me and perhaps the deportee, are now dead. I am now 90.

**Ed. Note: John Rundle is a former British Immigration officer and learnt about the Society as a member of EXIST (See above and Bulletin 74). After some suggestions from the Society's board, Mr. Rundle thinks the Canadian was Bob Leeson, but if any reader can shed more light, please [let us know](#) by email or at: The Canadian Immigration Historical Society, P.O. Box 9502, Station T, Ottawa, Ontario K1G 3V2.*

In Memoriam

Remembering Al Lukie

Don Cameron

I worked for Al in Singapore from 1979 to 1981 during the peak of the Indochinese Refugee Program. The responsibility for delivering the Malaysia and Indonesia share of the 50,000 Indochinese refugees Canada had agreed to resettle weighed heavily upon him, and there were many obstacles in the way of success. Protecting and advancing Canada's interests required Al to spend much of his time in meetings in Singapore, Malaysia,

Indonesia and even Bangkok with some or all of the civil and military officials of these countries as well as international organizations such as the UNHCR and the IOM, national NGOs such as the Malaysian Red Crescent Society, and also with his American and Australian counterparts.

The Americans and the Australians were competitors for access to the refugee camps and services such as refugee medical examinations that Canada required to meet its refugee targets. When our interests conflicted with those of the other resettlement countries, Al prevailed through a combination of persuasion, conciliation, charm, and what other meeting participants later described to me as yelling and pounding the table! These times of great stress were punctuated with the legendary Lukie parties, the highlight of which was Al performing Cossack dances. He is truly unforgettable and will live on in the minds of all who knew him.

Edward F. “Bud” Muise

Deep in the archives of the CIHS there is a photo taken in the early 1950s of the entire staff of Immigration HQ that includes a very young man named Bud Muise. Born in Ottawa on 5 December 1926, Bud had a successful career with Immigration and Foreign Affairs, travelling often to Canadian missions. He had a profound expertise in administration and finance and a propensity for doing the right thing rather than doing the thing right. He was generous to others and a tireless volunteer for many causes including programs for the disabled, Meals-on-Wheels and the Recreational Association. Bud passed away in Ottawa on 12 November in the presence of his wife Lorraine Laflamme and family members. He is survived by Lorraine, his sons Douglas and Bruce, and a large, loving family.

Larry Carroll says it best....

I knew Bud for the better part of 50 years. He was my first boss at Immigration Headquarters when we worked together in the Finance and Administration Section at the Bourque Building. We became good friends, and we travelled together on business on several occasions. I was always impressed with his calmness in dealing with difficult situations and his ability to find practical solutions when rules and regulations appeared to dictate otherwise. His was an “open door” approach, and his experience, good judgement and compassion went a long way in helping solve many a finance-related problem for immigration personnel living overseas. One example is the time he fought for and approved the travel of a son (whose immigration officer father died overseas) to join his grieving mother at the mission and together return to Canada with the body. That case resulted in DFAIT adopting the practice in years to come.

I characterized Bud as a “Man for all Seasons”. In his personal life, family and loved ones came first. He enjoyed skiing, tennis, squash and golf, was avid fan of jazz and attended many a jazz festival in Ottawa and Montreal as well as New Orleans. He loved to travel, and his work provided ample opportunity for him to carry out business as well as take in the sights and sounds of the world (often accompanied by Lorraine). Bud loved to dance and to entertain, and that “open door” policy applied to family and friends who were invited to the house to celebrate many a happy occasion.

Bud was always available to help a fellow human in distress. In his quiet, unassuming manner he accomplished a lot which did not go unnoticed by many of us. He led by example and was an inspiration to me.

When I last went to see Bud, the Head Nurse informed me that he had been unresponsive for some time and that he was unlikely to show any emotion or even open his eyes. I sat and prayed out loud and spoke to him reminiscing on the good times we shared together. I spoke of the time we attended a wedding and he was dressed in a dark suit, with dark shirt and a bright white tie. At dinner he had some difficulty opening a bottle of ketchup. I bravely offered to open it on his behalf and proceeded to douse him and his white tie with ketchup. As I was recounting the tale, I thought I detected a smile on Bud’s face.

Dick Martin: After the counter coup in Portugal in 1975, my car windshield was struck with two bullets as I passed a hotel. A paratrooper lieutenant and Syl Brochet, a mountie, decided that the shooter was an angry Angolan refugee. Their logic was that I was the only non-Russian diplomat who drove a Peugeot. So I applied

for the cost to be reimbursed from some External committee responsible for this kind of thing. They refused, even denying they had any record of the incident. Our department had a full record. I was angry as hell. Bud said he'd take care of it. Sure enough he covered it.

Mike Molloy: I had the pleasure of knowing Bud and Lorraine as neighbours in Lowertown. My best memory is of sitting on the front steps reading Roger St. Vincent's wonderful memoir: I reached the passage where Roger complains about Bud refusing some long-ago expense claim just as Bud came up the street. I opened a couple of beers and we drank a toast to Roger. The next one's for you, Bud.

Denis Scown: Not good news, but Bud must have been getting on and he certainly led a good life. He was always good to me and was good for the Immigration foreign service.

Ian Thomson: Please convey my condolences to Lorraine. It seems that our branch of the foreign service had so many memorable people and they are all going off into the night.

Anne Arnott, David Cohen, Doug Dunnington, Fran Pstuka, Scott Heatherington and Charles Rogers also sent short messages of condolence.

Cecil L. Rotenberg
Barbara Jackman

Cecil Rotenberg, affectionately referred to as the Grandfather of the Immigration Bar, died on 17 November. Cecil was called to the bar in 1959. In his early years, he practiced in family law and civil litigation, but from the 1970s until his death he specialized in immigration law.

Cecil was a litigator, and when he believed that the law was not fair he took on the government in court. In *Hilewitz v. Canada (Minister of Citizenship and Immigration)*, Cecil argued, and the Supreme Court of Canada agreed, that applicants for Canadian residence could not be refused admission on the basis of disability stereotypes; rather each applicant's circumstances had to be assessed on whether admission would pose an excessive demand on health or social services. And Cecil was responsible for establishing a very important principle of fairness, one now taken for granted. In *Muliadi v. Canada (Minister of Employment and Immigration)*, Cecil argued that it was unfair for an immigration officer to consider information prejudicial to the applicant without disclosing it. The Court agreed, strengthening the obligation on the part of Canadian officials to be fair in their processing of immigration applications. These are but two examples of the many, many cases Cecil brought before Canadian courts on behalf of individuals who wanted to make Canada their home.

Cecil was well liked and respected. He was a good lawyer and also a person of integrity who cared passionately about the people he helped and about the law. He helped advance the law through his writing and publishing, establishing the *Immigration Law Reporter* and editing *ImmQuest* magazine. He was involved in establishing the Immigration Lawyers Association, which became the Immigration Law Section of the Canadian Bar Association, He will be missed by his family, by his clients and by those of us who worked with him and learned from him over the years.

As this edition of the Bulletin goes to press, [Jacques Cardin's death](#) was announced. Friends and colleagues are invited to send their reminiscences to the editor.

<p>The Canadian Immigration Historical Society (www.CIHS-SHIC.ca) is a non-profit corporation registered as a charitable organization under the Income Tax Act.</p>	<p>The society's goals are: - to support, encourage and promote research into the history of Canadian immigration and to foster the collection and dissemination of that history, and - to stimulate interest in and further the appreciation and understanding of the influence of immigration on Canada's development and position in the world.</p>	<p>President - Michael J. Molloy; Vice-President - Anne Arnott; Treasurer - Raph Girard; Secretary - Gail Devlin; Editor - Valerie de Montigny; Members at large - Brian Casey, Roy Christensen, Peter Duschinsky, Charlene Elgee, Kurt Jensen, Gerry Maffre (Communications), Ian Rankin and Gerry Van Kessel Member emeritus - J.B. "Joe" Bissett IRCC Representative - vacant</p>
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