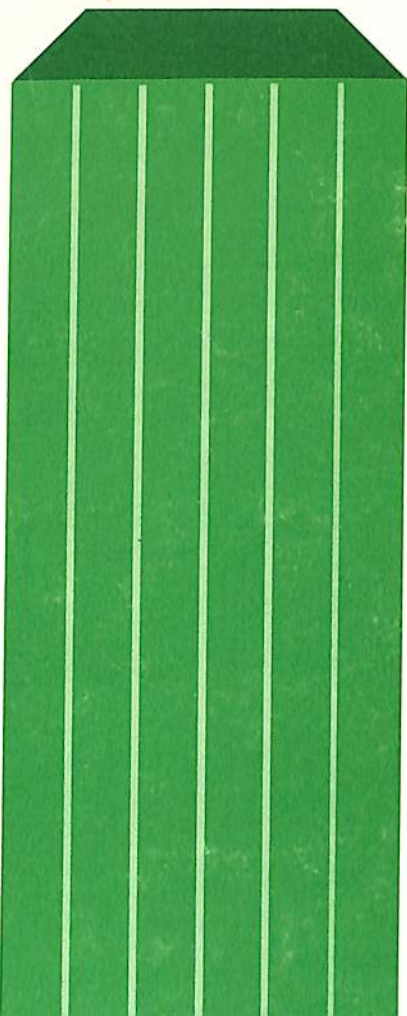


A report  
of the Canadian  
immigration  
and population  
study

# 1 Immigration policy perspectives

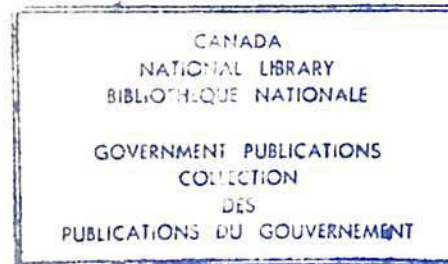
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# 1 Immigration policy perspectives



Manpower  
and Immigration

Main-d'œuvre  
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## 1. IMMIGRATION POLICY PERSPECTIVES

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# 1 Immigration policy perspectives



Manpower  
and Immigration

Robert Andras  
Minister

Main-d'œuvre  
et Immigration

Robert Andras  
Ministre

00335373

December 1, 1974.

The Honourable Robert Andras  
Minister of Manpower and Immigration

Sir,

I have the honour to submit a report entitled "Immigration Policy Perspectives". This, together with the supporting documents described in the Preface of the report, constitute the Green Paper on immigration prepared on your instructions by a group of officials chaired by Richard M. Tait.

It is hoped that this Paper will furnish a helpful basis for public discussion of the contribution of future immigration to Canada's economic, social and cultural development, and will prove of assistance to the Government when it considers the framing of new legislation on this subject. While the Green Paper analyzes, as objectively as possible, both immediate and longer-term policy problems in relation to the current operation of the immigration program, it does not contain recommendations endorsed by departments or agencies of the Government of Canada.

A. E. Gotlieb  
Deputy Minister of  
Manpower and Immigration

Canadian  
immigration  
and population  
study

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sur l'immigration  
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## PREFACE

In the House of Commons on September 17, 1973, the Honourable Robert Andras, Minister of Manpower and Immigration, announced plans for a comprehensive review of Canada's immigration policy. From the outset, the approach to this review has emphasized the value of public discussion, and the desirability of obtaining the widest possible cross-section of opinion. When the review was launched the Minister accordingly invited national organizations to submit whatever comments they might wish to offer on behalf of their members during the first stage of the review, extending this invitation to concerned Canadians generally.

Because the provinces share a constitutional responsibility with the Federal Government in the immigration field, they were notified of the review, and their views were requested. Over the course of the past year contacts between the two levels of government have been developed, and information exchanged, as work on the review progressed.

Within the Department of Manpower and Immigration a small team of officials was entrusted with the task of coordinating the preparation of a series of discussion documents, referred to collectively as a Green Paper. This has involved the study of briefs and letters submitted by organizations and members of the public, liaison with interested Federal Government Departments, exchanges with provincial authorities, and the collaboration of outside consultants. The entire project was designated as the Canadian Immigration and Population Study.

The Green Paper is being published in four components under separate covers:

### *Immigration Policy Perspectives*

This first part examines the immigration program from the viewpoint of broad policy issues. While it has been designed to be read as a self-contained document, it rests on, and refers at many points to the more detailed treatment various aspects of the program receive in other parts of the Green Paper.

### *The Immigration Program*

The reader will find in this second part of the Paper a brief history of legislation and procedures, and a detailed account of the present conduct of Canadian activities in the immigration

field. It describes fully the manner in which immigrants are selected; the operation of control and enforcement machinery; the refugee program; services to immigrants; and policy with respect to the admission of non-immigrant workers. While essentially descriptive in nature, this volume analyzes the rationale on which policies in these various fields is based, and contains a chapter devoted to evaluating the trends displayed by the immigration movement since Canada's current selection procedures were introduced in 1967.

#### *Immigration and Population Statistics*

To avoid, on the one hand, overloading the first two booklets with tables and figures or, on the other, exercising undue selectivity in the choice of data, it was decided to compile in a single pamphlet a comprehensive set of statistics to which the interested reader might refer for information about immigration and population developments over the years.

#### *Three Years in Canada*

This, the fourth component in the set, is the first report of the Longitudinal Survey on the Economic and Social Adaptation of Immigrants. It presents the results of an important research effort undertaken by the Department of Manpower and Immigration. The report examines how a recent group of immigrants to Canada have actually fared. It analyzes the experience of a representative sample of people who were admitted in 1969, following their experience over a three-year period.

Taken together, it is hoped that these reports will provide a useful background of information and analysis against which public discussion may unfold. An attempt has been made for the first time in an official publication to present a comprehensive picture of all aspects of Canada's immigration policies and practices, relating these to domestic economic and social questions, and placing them in the context of international developments.

While the other components in the set are mainly intended to furnish background material, this first part of the Green Paper, *Immigration Policy Perspectives*, looks to the future. It concentrates on challenges and policy choices. It is conceived as a contribution to public understanding of the problems of

policy formation in a field where the economic, social and cultural interests of the nation intersect.

A Green Paper neither makes recommendations nor announces courses of action the Government believes should be pursued. Rather, by focussing on the vital role immigration decisions play in shaping Canada's population future, and their relevance to so many issues of immediate national concern, this publication is intended to serve as a basis for informed and constructive debate, and to stimulate thinking about a particularly complex and important area of public policy.

## POPULATION AND IMMIGRATION

There is virtually no national issue of concern to Canadians today that is not bound up in one way or another with the course followed by the development of our population. The complex dynamics of population change are interwoven with the organization of the economy, the quality of life in our cities, and the provision of public services. They exert a pervasive influence on the political and cultural evolution of our society as a whole. They affect decisions about how we should plan the use of our land and resources, protect our environment, and overcome disparities—whatever their nature and source—in the opportunities available to individuals or sectors of the Canadian community. Calculations about population size, its rate of growth, its dispersal, concentration, and structure, enter prominently into the diagnosis of problems in all these areas. Public policies in many fields, at the federal, provincial and municipal levels, have either a deliberate or inadvertent effect on the country's demographic make-up. Increasingly it is recognized that the solutions of many pressing national problems require a co-ordinated set of public policies that will work together to influence the course of population change in those directions judged most likely to yield the largest measure of self-fulfilment for present and future generations of Canadians.

A consideration of Canada's population future cannot be divorced from world developments. On a global basis, the problems posed by population growth rates are prodigious. These rates mean that the world's population will inevitably double in approximately 35 years. No one can predict at what point this growth rate will slacken, as slacken it must sooner or later. But we can be certain that most people who are in early middle age today will live to see a world in which population has soared from its present level of nearly four billion to around 7 billion; and the children of today could well live to share a world with a population nearly twice that size. This order of growth within such a short time-span will be of paramount significance for the course of international economic and political relationships in the coming years. Its influence on the forces behind international migration will be intense. These mounting

pressures are among the most important factors that immigrant-receiving countries like Canada will have to take seriously in formulating their policies about the place immigration should occupy in their population futures.

In one customary sense of the expression, of course, Canada does not face a "population problem". As a nation we do not have to reckon with the grim prospect confronting overpopulated countries afflicted by spiralling growth attributable to high birth rates. In another sense, however, Canada, like any country, has a demographic problem. It takes the form of urban congestion, regional imbalances, and trends that entail the de-population of some areas and an undesirable rate of growth in others. Within the compass of a brief presentation, it is impossible to attempt any complete analysis of these complex problems. Based on a very substantial body of work by experts, including studies commissioned specially for the present review, this chapter accordingly seeks to do no more than focus attention on major population-related issues from the viewpoint of their implications for future immigration policy. This requires in the first instance some examination of immigration's relevance to the size, growth and distribution of Canada's population. But it also demands that human factors, and social and cultural values, never be obscured by a discussion simply of numbers.

## GROWTH

Because historically immigration has made such a great contribution to Canada's identity, its direct impact on the rate of population growth is sometimes over-estimated. The sources of growth are two. On the one hand natural increase—the excess of births over deaths—and on the other, net immigration—the number of people from abroad who establish themselves in the country minus those who leave permanently. Through different periods in our short history the relationship between these two growth components has fluctuated widely. The data show that natural increase on balance has been the more significant, there being in fact a good many decades during which there were more emigrants from than immigrants to Canada.

But the pronounced decline in Canadian birth rates that set in from the late 1950s obliges us to contemplate a future in which the numbers of immigrants Canada admits may progressively become, not only the main determinant of eventual population size, but also the chief factor responsible for the pace at which growth occurs. Like most advanced nations, Canada is in the process of completing what is referred to as the "demographic transition". This is the historic change a population undergoes from a situation of high birth rates, high and erratic death rates, and short lifetimes, towards a state of affairs where low birth rates, low death rates, and long lifetimes are the rule. As and when a population stabilizes on the basis of a balance between births and deaths, its further growth will be generated by net migration.

Looking at the statistics for mortality and fertility (the average number of births per woman) we see that Canada's population is approaching this point of balance. The fertility rate now stands at 1.9, slightly below what demographers call the "replacement level" (2.1 for Canada). It is important to realize that this does not mean that, in the absence of net immigration, the population could stabilize at its present level of approximately 23 million. There is significant momentum for further growth from natural increase built into the present age structure. The baby boom of the 1950s is over, but its results are still with us. As the exceptionally large numbers of children born during the post-war years raise their families, the population will continue to increase for quite some time ahead. Leaving international migration aside, the point at which the Canadian population stabilizes will depend on the decisions Canadians make in future about the numbers of children they have. If they continued to choose, on average, a two-child family—and no net migration occurred from now on—Canada's population would flatten off in the neighbourhood of 26 million in the early years of the coming century.

The purpose of projections is to give insights into what could happen, not to foretell what will. Projections are not predictions, but extrapolations on the basis of assumptions that are usually chosen because they seem plausible in the light of experience. In July 1974, Statistics Canada published a comprehensive set of population projections, and a selection of these are reproduced in the statistical companion to the present

report. The fertility assumptions employed by Statistics Canada vary from 1.8 to 2.6. The former figure, just below the level required for the population to replace itself in the long run, is one which many anticipate Canadian fertility rates will shortly reach. The latter corresponds to the national fertility figure registered as recently as 1967. For its immigration assumptions Statistics Canada drew on the experience of the 1960s when three-year average annual intakes ranged between 80,000 and 200,000.<sup>1</sup> Combining these assumptions with mortality rates that are unlikely to alter appreciably over the period, the Statistics Canada projections yield a fan of possibilities for the total population of between 28.4 million and 34.6 million by 2001.

Of all the variables determining population growth—fertility, mortality, immigration and emigration—the first, fertility behaviour, is the great imponderable. The number of children Canadians have in future will remain a matter for private decision. But there are reasonable grounds for supposing that the factors now combining in our society on the side of decisions in favour of smaller rather than larger families will continue to hold the fertility figure down. If this is so, it is evident that the future growth rate for the Canadian population becomes a matter of immigration decisions. Subject as it is to regulation by Government, immigration accordingly emerges as the principal instrument at the command of policy enabling a preferred rate of growth to be plotted in terms of overall numbers.

Through much of Canada's history the arguments supporting rapid population expansion seemed compelling, and coloured national attitudes towards immigration. The traditional arguments are well known: the need to open a new land of vast resources to agriculture and commerce; the development of a population base adequate to sustain a vigorous and diversifying economy; the forging of a national entity that both demographically and culturally could flourish independently on a continent shared with a much larger neighbour. Forcible as they were in the past, and although they still have many proponents, the validity of these arguments in contemporary

<sup>1</sup> The latest three-year average for the period 1971 through 1973 for the total number of immigrants landed annually was 143,000.

circumstances is now being questioned. To many Canadians, living in a modern industrialized and increasingly urbanized society, the benefits of high rates of population growth appear dubious on several grounds. Canada, like most advanced nations, counts the costs of more people in terms of congested metropolitan areas, housing shortages, pressures on arable land, damage to the environment—in short, the familiar catalogue of problems with which most prosperous and sophisticated societies are currently endeavouring to cope.

A summary of shifting perceptions about the virtues or otherwise of population growth fed by immigration is, of course, not at all the same thing as the intricate analyses of specialists. The economics of demographic growth are particularly complicated. Individual facets may be clear, but the total picture of the balance of advantages different rates of growth offer tends to be confused by the multitude of offsetting variables involved.<sup>2</sup> Established lines of research have examined the advantages accruing from spreading social overhead costs among a bigger population and consequent lower per capita outlays on government, the transportation system, public utilities, and the like. Especially relevant to immigration policy development are the gains to the national economy that are attributable to labour force characteristics. A labour force augmented by immigrants who are mainly in the working age group benefits from the viewpoint of adaptability; immigration may also have a significant effect on the ratio between the productive members of a population and those, either young or old, who are dependent on them. (In this connection it should be noted that a lower dependency ratio lessens the burden of financing the social security system.) An inevitable result of low fertility rates over any extended period is that a population "ages". When the age structure of the Canadian population is projected on the basis of the current birth rate, this aging phenomenon starts to become quite perceptible towards the end of the next decade. Clearly the economic and social ramifications of this demographic phenomenon should be among the concerns that longer term immigration planning takes into account.

<sup>2</sup> A number of studies by specialists of individual aspects of the problem are being made available in conjunction with this report.

But when all the arguments are sifted it would probably be a not unfair assessment of our understanding of the economic consequences of higher against lower population growth rates for a country in Canada's present position to conclude that the evidence in favour of higher rates is uncertain. Furthermore, the hidden costs that they entail in terms of social strains and the impairment of the quality of life, admittedly extremely difficult to quantify, have thus far tended to be neglected in expert appraisals.

The advocates of substantial population expansion have frequently cited the view that the competitiveness of Canadian industry would derive significant benefit from the larger domestic market it would afford. Traditionally this view has exerted a considerable influence on immigration thinking, and has been an identifiable element in Canada's post-war immigration philosophy. The alleged contributions an expansionist immigration policy could make to economies of scale were emphasized, for example, as recently as 1966 in the White Paper of that year on immigration. The results of a recent study of the subject commissioned by the Department of Manpower and Immigration are at variance with the traditional economies of scale thesis.<sup>3</sup> The customary argument hinged on comparisons with the United States. Estimates suggest that between five and six per cent of the difference in Canadian and U.S.A. per capita income is attributable to the size of the domestic market U.S.A. manufacturers enjoy. What proponents of high immigration rates failed to take sufficiently into account were the orders of magnitude by which the Canadian population would need to grow to yield economies of scale sufficient to overcome this income differential. The United States has a population over ten times bigger than Canada's. Thus even a threefold increase in Canada's population, to between 60 and 70 million, would have a negligible impact in reducing the difference in per capita incomes between the two countries. It follows that for economies of scale Canadian industry should continue to look principally to an expanding international market rather than to future increases in the size of the Canadian population.

<sup>3</sup> "The Unimportance of Returns to Scale for Canadian Growth," Professor Spencer Star, The University of British Columbia.

At the federal level in the course of the past year government departments were asked to assess the policy consequences in their fields of responsibility of two ranges of population growth for Canada over the next two decades, based on alternative volumes of annual net immigration. The two rates chosen were (a) 50,000 to 100,000 and (b) 100,000 to 200,000.<sup>4</sup> (These would be equivalent to admitting 110,000 to 160,000, and 160,000 to 260,000 immigrants yearly, assuming population loss through emigration to be 60,000 annually.) Because of the diversity of their responsibilities and interests, the approaches departments adopted in answering this survey naturally varied. Their responses dealt with a very wide field covering such distinct problem areas as housing, transport, environmental impact, the provision of governmental services, industrial development, international relations, etc. Predictably an analysis of this exercise did not provide a firm basis for definite conclusions that one growth path was at all points necessarily to be preferred to the other. Nevertheless, it was not surprising that the survey brought out clearly that there were few areas of public policy where problems would be materially alleviated by a future spectrum of population growth in the higher of the two ranges. Accordingly, there was a general disposition to favour the more moderate upward curve.

Even an abbreviated account of this sort is sufficient to indicate the difficulties involved in setting definite targets for overall rates of population expansion, the complexities surrounding judgments about the relative advantages of alternative rates, and the uncertainties involved in implementing policies to attain any given objective with respect to total numbers. There are few firm handholds for policy in the field of demographic planning. One, it has been emphasized, can be furnished through the control of immigration volume.

If Canadians wish immigration policy to function as a mechanism to steer population growth along a charted course,

<sup>4</sup> Assuming a constant fertility factor of 1.8, the lower immigration range would lead to a total population figure by the year 2001 of 30-32 million, while the higher would result in a figure of from 32-36 million. It is important to bear in mind that the immigration assumptions involve *net* growth from international flows. The problems associated with estimating population loss through emigration are examined in Chapter 3 of Part Two of this report: "The Immigration Program".

then the immigration program must be adapted so as to permit confident forward planning as to the numbers of immigrants Canada receives over time. At present a capacity to plan ahead reliably for a given number of immigrants over a given time period is not a feature built into the organization of the Canadian program. A later chapter explores this problem more fully, explaining the difficulties associated with a system that does not pre-fix the volume of immigrant admissions, and under which resources must be allocated to the selection service responsively—i.e. on the basis of how many, and where, applicants come forward to seek immigrant visas. It points out that modifications in this system will be necessary if the program is to permit that degree of deliberate regulation of future immigration volume that the attainment of demographic growth objectives logically demands.<sup>5</sup>

### DISTRIBUTION AND URBANIZATION

The interdepartmental survey referred to above tended to confirm a widely accepted proposition, namely that future developments respecting population distribution and concentration can be expected to have a more immediate impact on the well-being of Canadians over the next few decades than will aggregate national population growth rates. Provincial fertility rates are now converging towards a uniform low national average. This accentuates the importance of the role played by the movement of people within Canada in determining how population will be distributed among the provinces, and has important implications for governmental policies that aim to ensure that each region of Canada develops its economic and social potential to the full.

Canadians are a mobile people. This mobility is expressed in internal migration towards those parts of the country where incomes are high, where the number and variety of job openings are greatest, and where the range of social amenities—educational facilities, health services, recreational opportunities, and the rest—is most appealing. The forces that govern the direc-

<sup>5</sup> See Chapter 3, "National Interest and International Responsibility", pp. 38-46.

tions internal migration takes are essentially the same as those that influence the choices immigrants make about where in Canada to establish their homes. Variations are apparent in the behaviour of the two flows, but the statistics demonstrate very clearly how the directions of internal movements and the direction of immigration flows tend to coincide. The broad picture as it relates to the interprovincial streams may be summarized as follows: Ontario, British Columbia and Alberta are the major receiving provinces with respect to both interprovincial and foreign migrants; Quebec, Manitoba and Saskatchewan receive net inflows of international, but have a negative balance with respect to interprovincial migration; the Atlantic Provinces experience population losses on both scores.

The numerical superiority of internal migration over the flow of immigrants from abroad suggests that the latter is of considerably less importance in the context of longer-term regional population imbalances. Nevertheless, it is clear that immigration policy should be alert to opportunities to support federal, provincial and municipal efforts as these combine in various programs that endeavour to promote a more satisfactory regional distribution of the Canadian population as a whole, to rationalize urban planning, and to achieve a diffusion of population to smaller centres within metropolitan growth areas. This framework links closely the activities of the Department of Manpower and Immigration with those of the Department of Regional Economic Expansion and the Ministry of State for Urban Affairs.

The volume of international migration and the pattern of immigrant settlement are especially relevant to problems associated with the current pace of urbanization in Canada, which now ranks as one of the "most urbanized" countries of the world. If the rate of urban growth revealed by the last Census continues, nine out of ten Canadians will live in towns and cities before the end of the century. The three great metropolitan growth areas are Montreal, Toronto and Vancouver. These three cities are the destinations preferred by an increasing number of migrants from all parts of Canada, and it is also in these areas that foreign immigration is particularly concentrated. In recent years consistently more than half the immigrant movement has been drawn to the three centres, Toronto alone receiving roughly 30 per cent. It is undeniable

that a more dispersed pattern of immigrant settlement might help to alleviate some of the difficulties that plague these congested and rapidly expanding areas.

The relative effects of internal versus foreign migration on urban growth is an immensely complex topic. However, an examination of the Census figures conveys some idea of the impact of foreign migration on the expansion of Canada's major cities over the period 1961 to 1971. During the decade population in the Toronto metropolitan area increased by 44 per cent. The number of immigrants who settled in Toronto during that period, and were still living there in 1971, accounted for almost one-half of that growth. The Vancouver metropolitan population grew by 37 per cent, of which the immigrant residents who arrived over the decade made up almost one-third. Population in metropolitan Montreal grew by 30 per cent, of which one-quarter represented immigrants who had arrived during the decade. The impact of immigration was also substantial in smaller centres, notably Winnipeg, Windsor and Hamilton, but nowhere as marked as in Toronto. It is interesting to note, however, that certain cities that experienced explosive growth rates over the period did not show anything like as important increases in the number of their foreign-born inhabitants. Calgary and Edmonton, for instance, both grew at about the same rate as the Toronto metropolitan area (45 per cent and 47 per cent, respectively). But only 21 and 16 per cent, respectively, of their growth could be traced to immigrant settlement.

Few means exist at present to steer immigrants against prevailing population currents, and these are limited in their effectiveness. It would be an exercise in futility to attempt to direct people towards destinations where adequate employment opportunities and their accompanying social infrastructure were lacking. Canadian immigration policy has generally avoided measures to compel immigrants to settle and remain in any particular place. There is resistance in a democratic society to restraints on the freedom of movement of those who, in the national interest, are admitted as permanent residents and suitable future citizens. Besides such objections, the enforcement of rules that would bind immigrants, even temporarily, to a particular place of residence, presents very practical difficulties. Moreover, the rigidities such an approach could introduce

into immigration management would have to be reconciled with changing national labour market priorities. The importance of geographic and occupational mobility in the working population is recognized by national manpower strategy; it would be irrational to deny the importance of those qualities in the case of the immigrants we select to join the national labour force.

This does not mean that present policy ignores the desirability of "spreading out" immigrants. Good counselling before immigrants arrive can influence their settlement decisions. A wider dispersal of immigrants across the country can be one of the useful effects of selection criteria that facilitate the admission of people qualified to take jobs identified at the regional level as needing filling badly. Both these approaches are followed in the immigration program now. But however imaginatively the current techniques to induce more broadly distributed settlement are applied, it must be frankly recognized that the apparently irresistible attraction of major cities for migrants, foreign and domestic, will persist in the years immediately ahead. Accordingly, future immigration policies will need to be formulated with particular attention to their effects on the quality of life Canadian city dwellers seek.

The energies, enthusiasms and skills of immigrants drawn from a widening number of countries have made an immense contribution to many facets of Canada's development. Thanks to its post-war immigration experience, Canada is able to count itself a more mature, lively and outward-looking nation. Few would dispute that, as a result of the immigrants they have received through this period, our centres of commerce and culture are today more cosmopolitan in the most positive sense of the term. At the same time, the accelerating pace of change that is so characteristic of contemporary urban society carries with it risks which immigration policy cannot afford to overlook. Intensifying demands for housing, transit facilities, community services, and just plain space, mean that the calls the migrant makes on the receiving community's hospitality become more onerous, and are seen to be so. There is no getting away from a fairly high degree of social tension, if not outright friction, in modern urban living. Newcomers may too easily become the focus of frustrations and antagonisms that are no

less socially disruptive for being often quite out of proportion with the actual size of the immigrant group involved.

The rapid increase during the past few years in the number of sources of significant immigrant movements to this country—with those from certain Asian and Caribbean nations now larger than some traditional European flows—has coincided with the latest and most dynamic phase of post-war urban expansion in Canada. In the circumstances it would be astonishing if there was no concern about the capacity of our society to adjust to a pace of population change that entails after all, as regards international migration, novel and distinctive features. What is perhaps more surprising, when our experience is set against that elsewhere, is the resilience Canadian society has demonstrated in accommodating so many foreign migrants during this period with so little social stress. In this respect, Canada's performance has been remarkable. (In the post-war era only Australia and Israel have accepted comparable numbers in proportion to their populations.)

Clearly what was emphasized earlier respecting national population growth rates, and the forward planning of immigration numbers, is very pertinent when it comes to thinking about population change at the regional and urban level. For immigration policy to play a full and constructive part in the future within an integrated set of national, provincial and municipal policies that aim to achieve objectives affecting population distribution, it should be equipped with the means to manage immigration to Canada in support of these goals. It has been noted that acceptable means to influence the settlement pattern of foreign migrants are scarce; and that the effects of those available in counteracting current trends toward the concentration of people in high density areas are at best marginal. Yet the potential social penalties of these trends in the long run are too serious for immigration policy to be allowed to function in isolation from other public policies that seek to mitigate them. This focusses attention again on a requirement already stressed: the need to study ways to introduce into the immigration program mechanisms that will permit confident longer term planning about the size and other characteristics of the flow of immigrants to this country, in order to ensure that it is in harmony with national demographic objectives as these are developed at many levels.

## CHARACTER

A demographic map showing merely the size and areas of concentration of population would be of little use as a portrait of what a nation's people is really like. In Canada's case it would convey no idea of the diversity of our people—its ethnic, linguistic and cultural variety. These qualities define the elusive, but all-important concept of national character or identity. How peoples of many origins, imbued with a sense of shared national purpose, combine their energies and talents in common endeavours is what the Canadian reality is all about. As a nation we derive inestimable advantages from a population speaking more than one language and enjoying the many traditions its component groups cherish by reason of birth or ancestry. These benefits are manifest in the nature of our political and social institutions, our arts and letters, and in the vitality and creativity of our society as a whole. These advantages are immigration's legacy. All Canadians, unless they belong to the tiny minority descended from the country's original inhabitants, are immigrants or descendants of immigrants. The broader dimension of immigration's contribution to Canada's identity, to issues involving social values, to the manner in which Canadians see themselves and wish to be regarded by others, all these are critical and legitimate concerns in the debate about future immigration policy.

One essential dimension of Canada's identity is language. The fact that Canada is a country with two official languages—and all that expresses in terms of history, constitutional development, cultural complexion and political cohesion—that fact is basic to our national life and character. It is so basic that federal policy cannot ignore the effects future immigration may have on the relationship between the numbers of English-speaking and French-speaking members of Canada's population.

Three things govern the development of the relative size of language groups within the country: natural increase, migratory movements, and language mobility. Analysis of the influence of trends under these three headings on the linguistic characteristics of the population indicates that over the past two decades the French language has been losing ground, while the English language has made gains over both French and third

languages.<sup>6</sup> Natural increase has been of steadily diminishing importance in sustaining the traditional linguistic equilibrium; at the same time anglicization has tended to erode the position of French-speaking communities outside Quebec. The language choice made by immigrants is now, and will likely remain, a significant element insofar as the preservation of a fundamental feature of Canada's population is concerned.

For immigration policy-makers the implications of this are clear for national unity, and by extension for the maintenance in the international domain of Canada's role as a bilingual nation. They point to the elaboration of policies that will tend to favour the admission of a higher proportion of people likely to choose integration within the French-speaking community. The success or otherwise of such policies will be among the considerations many Canadians apply in future when judging whether the nature of immigration to Canada is responding to essential national interests. A later chapter, examining federal-provincial relations in the immigration context, highlights the avenues of collaboration being developed between Ottawa and provincial authorities to support an objective of major concern to the nation as a whole.

As for ethnic composition, the most notable feature through the last one hundred years has been the very strong growth of the population group that is of neither British nor French origin. During the century the proportion of the population of French origin has remained relatively constant, hovering around 30 per cent. In contrast, the British component declined from 60 per cent in 1871 to just under 45 per cent in 1971. The last Census revealed that over the period immigration had stimulated the increase in the size of other ethnic groups to where they now collectively make up 27 per cent of the population (in other words, approximating the size of the French-speaking group).

Data on ethnic origin is obtainable only from the Census conducted at 10-year intervals. As explained in Part Two of

<sup>6</sup> A specially commissioned study is being made available in conjunction with the present report which analyzes linguistic trends in detail: "Immigration and Language Imbalance" by Professor J. Henripin.

this report<sup>7</sup>, information on the ethnic composition of the immigration movement is no longer recorded. It is therefore impossible to establish from figures available now the extent of population change from the viewpoint of ethnicity that has been brought about as a result of the very pronounced alterations during the past few years in the sources from which immigrants to Canada have come. Canadian sociologists deplore this information gap. It certainly impairs our ability to understand aspects of the immigration program that have immediate and longer range relevance to the social and cultural evolution of the Canadian community. There was a laudable motive for deciding in 1967 to drop the collection of information on the ethnic characteristics of the immigrant flow. It sprang from a wish to avoid any imputation that selection was influenced by racial considerations. With non-discrimination a firmly established principle of Canada's approach to immigration, it might be worthwhile thinking again about the wisdom of any failure to obtain the data necessary to furnish as complete insights as possible into the impact of policy on Canada's demographic make-up.

The following chapters will scrutinize immigration policy problems from various angles in the light of the way the immigration program operates at present. Before leaving the broad topic of population, however, it seems pertinent to note a distinctly Canadian phenomenon: how the immigration question so often becomes the focus of passionately felt attitudes about the country's population future, eliciting widely diverging opinions about the function future immigration should perform in the evolution of our society.

There are those whose vision of national destiny includes the prospect of very substantial population growth. People who think the nation would ultimately be better off with a population several times its present size do not necessarily discount the magnitude of the technological problems and the massive investment involved, for example, in any significant settlement of Canada's land surface to the north. Some view these difficulties essentially as challenges to which Canada should be prepared to rise. Proponents of an expansionist immigration philosophy include those whose attitudes are governed by a

<sup>7</sup> "The Immigration Program", Chapter 3.

generous impulse to help the less fortunate. They compare the advantages Canadians enjoy with the living conditions of those in increasingly over-crowded and poverty-stricken countries abroad. They regard Canada's relative affluence, and abundance of opportunities, as constituting a moral obligation to keep the nation's doors open. Policy, they feel, should give precedence to essentially humanitarian considerations over those of narrower self-interest.

At the other pole of the debate there are equally fervent advocates. Their arguments range across all the problems associated with rapid population increase as such. Some would emphasize the special dimensions these problems assume when migration from abroad is the chief factor responsible for growth. Others are concerned about the consequences for national identity that might follow any significant change in the ethnic composition of the population, citing the unhappy example of countries where the pace at which migration introduced new racial groups into the population outstripped the ability of their societies to adapt to these changes harmoniously, and resulted in serious social difficulties. Those holding such views may agree that there are moral aspects to Canada's participation in international development assistance efforts; and they usually accept the humanitarian obligation to help refugees. But they argue that humanitarian sentiment furnishes no adequate ground for policies that could affect Canada's future as a nation.

It would be absurd, of course, to maintain that policy-makers should seek to arbitrate between extreme positions; there is no happy balance that policy can strike between approaches that are mutually exclusive. Nevertheless, the presence of sharply differing attitudes about the right course for future immigration policy is surely very relevant in the context of the present review. It suggests that we should accept that there are no easy answers to the problems the immigration question poses, and that we can expect that the conduct of policy will continue to be buffeted by contending currents of opinion. This need not, and should not, inhibit constructive debate from which may emerge a wider consensus about the role of immigration in shaping Canada's population future. The recognition by all of immigration as a powerful agent of change means that policy-makers in this field must plan for uncertainty. Our

selection system must permit firm management of the immigration flow as national perceptions of the impact the program makes on the process of economic and social change are moulded by our experience of that process. And finally, it is suggested, most Canadians will agree that, no matter what the number of immigrants admitted in future, the character of our society demands a policy approach that is non-discriminatory and humane; one that emphasizes the dignity of the individual immigrant, and the value of his or her potential contribution to the Canadian community.

## THE WORKING IMMIGRANT

In 1966, the White Paper on Immigration set out more thoroughly than ever before the Government's appreciation of the economic determinants of immigration policy. A year after it appeared, the judgments in that document laid the foundation of Canada's present system for selecting immigrants. The White Paper emphasized that:

"Immigration policy must be consistent with national economic policy in general and with national manpower and social policies in particular . . . It must be related to the conditions of national and international life in 1966 and the years ahead rather than to past events."

Although written eight years ago, this encapsulates several ideas basic to sound thinking about immigration policy and serves as a good introduction to an examination of the impact of labour market considerations on immigration planning.

First, the statement is a reminder that immigration is intimately linked to economic realities. Immigration policy must be shaped by the same general aims as national economic policy of which, from the manpower viewpoint, it is a constituent element.

Second, it stresses that policy on immigration must be forward-looking. The international and domestic setting is subject to such rapid change that the relevance of past assumptions and the effectiveness of yesterday's techniques are continually exposed to obsolescence. Both demand constant reassessment to prevent policy from becoming outmoded, and to ensure that the immigration process as a whole remains a national asset. There is no room for entrenched doctrine or rigidity in managing a program that must be geared to economic and social change.

Implicit, therefore, in the White Paper's statement is one of immigration's chief perplexities: the varying time horizons policy must observe. What suggests itself as a desirable course of action in immediate circumstances is often problematic or hazardous when viewed in a longer term perspective. Immigra-

tion policy calls at every point for imaginative efforts to accommodate the needs of the moment with sound judgments about the future national interest.

All these considerations must be respected in relating immigration to Canada's labour market requirements. The importance of getting that relationship right is uncontested. In both human and economic terms there is a world of difference between the immigrant gainfully employed in an occupation corresponding to his talent, skills and choice, and the immigrant who is unemployed, underemployed, or working in a job for which he is unfitted. The former case means benefits to society at large and satisfaction for the individual. The latter imposes a burden on society and unhappiness for the immigrant and his family. To encourage the first situation and forestall the second is a prime concern of government in deciding whom it should admit to join the ranks of working Canadians. No policy that falls short of discharging that responsibility can long enjoy or deserve public support.

One touchstone, then, for judging the success of immigration policy is how well it responds to the needs, present and future, of Canada's labour market. That simple truth, however, presents policy-makers with a complicated task. A look at the short, medium and longer-term considerations that their decisions must take into account will give an insight into the problems involved.

### THE SHORT TERM

In any likely set of economic circumstances there will always be shortages of people willing and able to do jobs that need doing. There are periods when demand for given types of workers may characterize the job market across the country or, and this is especially typical of recent Canadian experience, there may be acute regional shortages of certain categories of manpower that cannot be met from domestic sources. Where these bottlenecks occur they impede economic growth and adversely affect employment prospects generally. Immigrants with the required skills and qualifications offer an expeditious solution to the problem.

When immigration provides the solution, it must be intimately linked with domestic manpower policy. The basic responsibility of Canada's manpower service is to match people with existing jobs. Immigration makes possible the extension of that function abroad, but it must not be allowed to mask the alternative routes open to national manpower strategy in meeting the requirements of the labour market. Fundamental to that strategy has been the development of a mix of programs that will broaden the employment opportunities available to Canadians. The substantial resources devoted to expanding training programs, to the encouragement of worker mobility, and to special programs for groups suffering some particular disadvantage in becoming gainfully employed, reflect on-going efforts that deserve high national priority. Immigration policy must be designed to respect that priority, and be incorporated within a strategic approach to the solution of national manpower problems that gives first place to the access Canadians should enjoy to the jobs the national economy creates.

Whatever weight, then, is given to the immigration solution, it must not allow either exploitation of the immigrant or the foreclosure of opportunities to resident Canadians. Provided there are safeguards on both counts, immigration supports Canada's prosperity by promptly bringing forward qualified immigrants for whom specific jobs are waiting. Facilitating the movement of those for whom work has actually been arranged in advance demonstrably responds to filling urgent labour market demand. Recruiting on behalf of employers is another effective method of meeting that demand. Canada's present immigration policy makes prominent provision for these activities and should continue to do so under foreseeable conditions.

Important though they are, the prearranged employment and active recruitment channels have affected crucially the movement to Canada of only a minority of those immigrants who have entered the labour force.<sup>1</sup> Most have found their jobs after they arrived. The purpose of the selection system is to provide reasonable assurance that all will be able to do so without undue difficulty. In this sense the allocation of "points," by weighting a combination of personal and labour

<sup>1</sup> An amendment to the regulations that went into effect on October 22, 1974, has now increased the weight accorded to prearranged employment in the selection process; See page 31.

market-oriented qualities in the assessment of the applicant, has attempted to reflect one objective measure of Canada's varying "absorptive capacity."

The concept of absorptive capacity, invoked by Prime Minister Mackenzie King in 1947 as a governing principle of immigration policy, has been an important notion, but far from easy to define in its application to many important areas of immigration policy. The question, for example, of how many immigrants Canada can absorb from a cultural standpoint is one that could be much disputed. The evaluation of absorptive capacity in terms of immediate labour market demand, however, is fortunately less dependent on subjective judgment.

The development of reliable information in as much detail as possible about the current state of the job market in Canada at both the national and regional level has been central to the operation of Canada's present selection of immigrant workers. How much demand, for exactly what sort of workers and where—this information is the key to using immigration as an effective instrument to serve the immediate demands of the Canadian economy. It is the key to welding manpower and immigration policies together as parts of a single endeavour. On the one hand it permits the immigration system to encourage the movement to Canada of people whose abilities will make an immediately productive contribution to the economy. On the other, it provides a basis on which to screen out those for whom job opportunities are remote and whose admission in all likelihood would entail direct hardship for them, increased domestic unemployment, or both.

The present system puts in the hands of selection officers abroad continuously up-dated information about the strength of demand across the country by all occupations. It is supplemented by similar information about employment conditions on a regional basis. And it pinpoints by locality categories of especially hard-to-fill jobs that are known to be actually vacant.

The progress that is being made in helping policy-makers to make projections about the functioning of the labour market is mentioned later. It should be noted here that success in this whole field does not depend on an isolated federal effort; it

entails a common undertaking that enlists the collaboration of manpower planners at all levels of government.

As our ways to measure the present and future demand in Canada for immigrant workers improve, immigration policy must ensure that this capability is fully exploited and applied to the selection process. This is particularly important given the stage of development the Canadian labour market has now attained. In marked contrast to the situation in the 1950s, that prevailed well into the last decade, Canada appears largely to have overcome any *general* shortage of professional and highly trained people. It is not suggested that shortages in these groups have vanished, but they tend to be *specific* shortages. In demand are people equipped with just such and such training or past experience, ready to accept a particular salary and work in a particular location. The disappearance of general shortages in these categories is largely the result of the enormous investment in educational facilities in Canada over the past two decades as well as the large resources devoted by government to upgrading the training of the national labour force.

As more Canadians have become equipped to fill highly skilled jobs, difficult problems have emerged at the other end of the labour market spectrum. Stubborn shortages persist of people willing to remain in unskilled or semi-skilled occupations, especially if they involve geographic remoteness, unattractive working conditions, low wages, or any combination of the three.

The changing mix and pattern of demand reinforce the arguments for a high degree of selectivity in the achievement of immigration's economic purposes. Judgments made in the 1960s are responsible for the number of points currently assigned to the employment-related factors in the selection system. It was recognized, when the system was introduced, that a number of these factors should be periodically adjusted in response to changing Canadian conditions. One aspect of the present review of selection procedures within the Department of Manpower and Immigration, therefore, involves a study, drawing on the most refined instruments available to assess current labour market needs, of the credit applicants receive related to their educational and skill qualifications.

### THE MEDIUM TERM

There are sound reasons why *immediate* demand in Canada should not overshadow other factors relevant to immigrants' job-worthiness and their prospects for successful establishment in employment. When selecting permanent additions to the labour force through immigration, it is necessary to allow for uncertainty about the future level and character of national economic activity. Fluctuations nationally, regionally, and in individual enterprises will inevitably have their impact on the security of the immigrant's job. Changes in export demand and consumer tastes, technological advances, and other factors change the number of employees and mix of skills a given industry requires. To build adaptability to change into the labour force is an important goal of manpower policy. It would be shortsighted to let immigration work at cross-purposes. A recruitment policy that was oriented too narrowly to immediate demand could swell the labour force with people who were especially vulnerable to structural adjustments in Canadian business and industry, and to any slackening in the economy.

Hence the emphasis in the selection process on age, schooling and skills. These, together with competence in Canada's official languages, count because of the part they play in the ability of the immigrant to adapt to Canadian society and to the world of work. Under most circumstances, youth and knowledge are assets. They count especially for those who may be obliged to adjust quickly to a new working environment and who may, more than once in the course of their lives, face the prospect of adapting themselves through retraining or otherwise to shifts in employment conditions. The emphasis on these work-related qualities in the selection system helps to ensure the continued employability of immigrants under varying labour market circumstances.

### THE LONGER TERM

Whatever their immediate purposes, immigration decisions make indelible imprints on all aspects of the nation's character. Eventually, therefore, policy consideration of one immigration objective, and of the means to achieve it, must broaden to

accommodate the others. In the long run it is impossible to disentangle the significance of the labour market and economic impact of immigration from its social and cultural consequences.

This being so, it is necessary constantly to re-examine the assumptions on which any immigration system rests and, by exposing the philosophy behind the system, ensure that it conforms fully to current realities and goals. This implies a policy framework that is supple, and relies heavily on our best projections of the situation which the interplay of domestic and international developments is working to bring about.

The basic assumptions underlying the selection system as it now exists stem, as already noted, from assessments made in the 1960s and articulated eight years ago in the White Paper. They reflect a strongly expansionist approach to immigration. This is confirmed in the White Paper's conclusion that "Canada will need as many well qualified immigrants as it is likely to be able to attract during the foreseeable future."

When we consider both elements in this proposition, Canada's attractiveness and Canada's needs, the picture "during the foreseeable future" has undergone much change. Internationally, extremely strong forces are combining to give Canada an unprecedented drawing power insofar as immigration is concerned. Prodigious population growth rates in the developing countries are probably the source of the greatest contemporary pressure behind migration worldwide. In many developing nations, including several of the largest where demographic problems are the most acute, the numbers of people now receiving more advanced education are persistently surpassing the employment prospects those countries can offer them. In the industrialized countries of the world on the other hand, while population growth in itself presents no comparable difficulties, urban stress, economic uncertainties, social changes, together with a restive search for a better quality of life, are stimulating generally higher population mobility and the propensity to migrate.

In the face of exploding "migration demand" there has been no corresponding expansion in the choices available to those wishing to emigrate. On the contrary, these have shrunk significantly as more restrictive policies are adopted by those

nations, always a relatively small group, that have traditionally received migrants. (Changes in the laws and practices of Britain, Australia, New Zealand and EEC countries represent recent examples of this trend.) This imbalance between migration pressures and the openings available to accommodate them, far from being a transitory phenomenon, is deeply rooted in global conditions, demographic, social and economic. Inescapably these have spelt an end to that keen competition among receiving countries for the immigrants they wanted that characterized some earlier eras. Those earlier periods were formative ones in their influence on Canadian immigration philosophy; they demanded that policy preserve an international competitive edge in the interests of sustaining Canada's ability to attract qualified manpower. This requirement inevitably fostered an expansionist immigration outlook on Canada's part. The influences being exerted on the international migration movement globally, however, are now such that it is no longer necessary or relevant to argue, as a policy premise, the need to secure Canada's continuing attractiveness as a country of immigration.

It follows that future Canadian policy cannot afford to ignore either the reality of, or the problems created by, the strength of Canada's *natural* drawing power on migrants from all sources. Policy must come to terms with a state of affairs in which that attraction for a long time to come will be enhanced and buttressed by international conditions. In short, an assessment of the contemporary international scene leads to the conclusion that Canada's appeal as a country of immigration is unlikely in future to call for deliberate stimulus from Canadian policy itself.

On the domestic front, from the standpoint of longer term labour market requirements, there are also reasons to question the wisdom of an expansionist philosophy. Projections show that during the next decade the Canadian labour force will continue to grow at a very rapid rate, in relation to Canada's past experience and compared with projections for other industrialized countries. The rate of labour force expansion will reflect the entry of the young people born during the era of high birth rates after the war, as well as the growing participation of women in the world of work. Furthermore, new

entrants, both men and women, will possess higher levels of educational attainment than during any previous period.

This outlook poses a continuing and substantial challenge to the Canadian economy in terms of the number of new jobs that will have to be created annually. Related and important questions concern future shifts in the mix of occupational demand and the "fit" between this mix and developments on the supply side of the labour market equation.

A specific example of an expansionist tendency in past Canadian immigration thinking is that which ascribes significant benefits to the importation of highly qualified manpower. This view stressed the savings to the economy in terms of the educational investment to which Canada would otherwise be committed. There was certainly cogency in this argument during earlier periods of Canadian immigration history. And no doubt it will remain true in selected instances that an imported expert is "cheaper" than a home-grown one. Considering, however, Canada's heavy investment in its own training and educational establishments, the products of which will be entering the labour force at extremely high rates in the years to come, it is evident that this should become a rarer occurrence, and that the education-savings argument has lost much of its validity as a principle of policy.

### LABOUR MARKET INFORMATION

No matter in what time-frame the economic purposes of immigration are approached, knowledge of the functioning of the domestic labour market is basic to sound immigration planning and policy. The Department of Manpower and Immigration conducts an ambitious program that aims to put at the disposal of policy-makers the most refined instrument possible to guide the selection of the workers Canada needs now and to plan for those it will need in future. This program involves other departments and agencies of government, notably Statistics Canada, the co-operation of the provinces, and the use of various econometric models developed by the Economic Council.

The capacity to gauge for immigration purposes the level of national demand, occupation by occupation, has been improved by the Job Vacancy Survey developed for the Department of Manpower and Immigration by Statistics Canada. This has provided policy with a sharper tool to match the immigration movement to job openings, across the country and regionally. To serve the purposes of longer term manpower planning, the Canadian Occupational Forecasting Program has been designed to yield the best projections possible of the ways in which Canadian demand for various occupational groups is likely to shift in future. These programs provide a more solid basis than was available in the past on which to determine how best to relate immigration to Canada's present and future labour market needs. They are supplemented by extensive surveys of the actual employment experience of the immigrants Canada admits, such as the Longitudinal Survey that is published as a document in the current series.

In parallel with these statistical and research programs, immigration operations rely on the daily flow of practical information from the field on the functioning of the labour market supplied by Canada Manpower Centres (CMCs), and the Department's district economists. The linkages with the CMCs are indispensable to the selection of immigrants abroad when it is a matter of establishing that applicants' job offers are bona fide, and of ascertaining whether in individual instances there are qualified Canadians available for the positions employers may be seeking to fill from offshore sources. A very important role is also played, in strengthening the immigration program's ability to service regional labour market needs, by the Manpower Needs Committees, the federal-provincial consultative mechanisms that have been established under Section 13 of the Adult Occupational Training Act and exist in each province.

### THE EMPLOYMENT OF NON-IMMIGRANTS

Besides accepting permanent additions to the labour force through immigration, policy must regulate the entry of temporary, non-immigrant, workers. Many of the factors that have been mentioned in connection with immigrants and the job market are pertinent to the policy problems raised by the place

of temporary foreign members in the labour force. External pressures generated by unemployment abroad, a detailed understanding of the functioning of Canada's job market, the alliance between immigration and manpower policy, the impact of imported workers on social and employment conditions over the longer term: all these matters interlock when reaching decisions on the conditions under which jobs in Canada can and should be filled temporarily from outside sources.

In 1973 the Government introduced a system of employment visas. Chapter 7 of Part Two of this report explains its rationale and how it works in detail. In brief, the basic purpose of the regulations is threefold: to respond to the urgent search by employers for people to fill jobs that cannot be filled domestically; to safeguard the employment prospects of Canadian residents against an unwarranted resort to foreign workers; and to provide an effective system of keeping track of Canada's temporary worker population. Experience with the employment visa system has been short. The system is being monitored closely to prevent it from being abused and to identify what, if any, modifications may be needed to improve its functioning.

There are obvious advantages in providing a controlled channel to satisfy pressing demands which, if unmet, might impair Canada's agricultural or industrial productivity. But the channel must be carefully administered to ensure that at no point it undercuts the effort of governments and employers, working together, to develop and train a permanent labour force that is fully responsive to Canada's needs. The Government recognizes, therefore, that aspects of the present system will require special surveillance as more experience with the recently introduced regulations is acquired. Although the visas, for example, are of short validity, the regulations do not currently insist that the nature of the job in which the temporary worker is installed be itself temporary. In fact, many of the jobs involved are seasonal—but by no means all. With few exceptions, employment visas for any sort of job are issued only in cases where no qualified resident is available. Should it transpire that present measures to uphold this general rule prove inadequate, it may be necessary to re-define the types of job openings which employers could seek to fill under the regulations.

It is the Government's firm intention to see to it that policy with respect to the admission of non-immigrants for employment remains in harmony with Canada's manpower strategy and national social objectives. There are sobering lessons in this field to be drawn from the experience of others. In the post-war period western European countries have resorted on a giant scale to the importation of "guest-workers." Although the circumstances and regulations governing their employment vary much from one country to another, these foreign workers now account for a very substantial proportion of the western European labour force. The majority fill jobs that citizens of these nations regard as "undesirable," and their working and living conditions are frequently substandard. Having often left their families at home, and alienated from the communities whose prosperity they serve, these workers are enmeshed in a system that exacts a heavy toll of social distress and antagonism. The arguments are compelling for Canadian policy scrupulously avoiding any step that might lead to comparable difficulties here.

### EVALUATION

To establish a closer and more sensitive relationship between immigration and manpower policy was a basic principle in designing Canada's selection system as it now exists. This objective provides one, but of course not the only standard for judging the success of immigration policy and of the selection mechanism through which it is expressed. The second chapter of Part Two of this report describes the present selection process in full detail. It may be useful here to recall its essential outlines before turning to its evaluation.

Regulations pertaining to the choice of working immigrants involve two admissible classes, independent immigrants and nominated relatives.<sup>2</sup> Applicants in both categories receive "points" based on criteria that aim to gauge their adaptability to life in Canada in general, and their prospective contribution to the economy in particular. The criteria for assessing

<sup>2</sup> The third admissible class, the sponsored group, comprises immediate dependents. They, of course, are not assessed under the points system.

independent applicants cover a range of employment-related factors, including those personal qualities successful resettlement usually requires. For nominated applicants, however, a number of the criteria used in selecting independent immigrants are replaced by the degree of family relationship to their nominators in Canada. Of the 50 points that visa approval normally requires, a nominated immigrant may have received from 15 to 30 points on the basis of kinship with his or her nominator. The thesis justifying the substitution of family ties for some of the assessment factors applying to the independent category is that the initial adjustment nominated immigrants must make to work and life in Canada will be eased by the help their relatives undertake to extend.

The winter of 1974 saw the first significant change in the application of the points system since its introduction in 1967. Evidence that too many immigrants were being admitted whose employment prospects were dim, prompted an amendment in February that imposed an overriding requirement: before visas may be approved for either independent or nominated applicants some solid indication must exist that their occupation is in demand in Canada. While a departure from an approach that previously had made no single assessment factor mandatory, this change in the Regulations reaffirmed the policy emphasis on immigration's economic function that had shaped the system at its inception. When weighed with the influences responsible for some of the most significant trends (described below) the post-1967 flow reveals, it was realized, however, that the impact of this change on the size and composition of the movement to Canada was unlikely to be major. Given that prevailing circumstances were making it more important than ever to ensure that the employment prospects of immigrants were satisfactory, a further change was made in October 1974. The Regulations now stipulate that, from all the points awarded either an independent or nominated applicant, 10 are deducted unless the applicant shows evidence of bona fide arranged employment, or is going to a job where persistent regional shortages are known to exist (i.e. the "designated occupation" criterion described on page 57). Furthermore, for an applicant to receive credit for prearranged employment it must be established that no Canadian citizen or permanent resident is available to fill the vacancy.

How well suited to Canada's economy and society are these rules for selecting immigrants for the work force? So far the discussion of immigration's economic aims has dealt mainly with a variety of general considerations related to recent domestic and international developments. Against this background it is useful to examine some notable features that have characterized the immigration movement since the present selection system went into effect. This reveals a number of specific trends that must be studied carefully when appraising the adequacy of the system as a contemporary instrument of policy.

There are four especially striking features of the post-1967 immigration movement:<sup>3</sup>

- (a) *The pronounced change in major source countries.* In 1966, the last year before the present selection procedures were introduced, 76 per cent of immigrants came from Europe. Asia accounted for only 6 per cent of the total movement. By 1973, European countries were the source of 39 per cent of the annual flow, while Asia's share of the movement had climbed to 23 per cent. Asian nations (led by India) and Caribbean countries (Jamaica and Trinidad) had replaced such countries as Germany and France that had traditionally appeared on the list of the first ten source countries.

It must be remembered that the ranking of source countries gives a misleading picture of the ethnic composition of the movement based, as it is, on immigrants' countries of last permanent residence. Many immigrants apply for visas in countries other than their countries of origin or birth.

- (b) *A rise in the proportion of immigrant workers accounted for by the sponsored and nominated categories (particularly the latter).<sup>4</sup>*

<sup>3</sup> The third chapter of Part Two, "Recent Immigration Patterns," analyzes the data pertinent to these trends in some detail.

<sup>4</sup> Statistics for both 1972 and 1973 are distorted by special programs in Canada—notably the Adjustment of Status Program—under which immigrants were classified in the independent category who, had they been processed abroad, would have appeared in the nominated stream.

- (c) *A downward trend in the overall skill level,* notwithstanding the fact that more immigrants have possessed managerial, professional or technical qualifications.
- (d) *The accentuation of uneven patterns of settlement,* Ontario receiving an ever larger proportion of the total movement (over 56 per cent last year) followed by British Columbia (15 per cent), the latter having replaced Quebec (whose share of the movement has steadily declined since the early 1960s) as the second most important immigrant-receiving province in 1973.

Admittedly some of the questions raised by these trends in the post-1967 immigration movement stretch the boundaries, narrowly defined, of an examination of the economic purposes immigration is designed to serve. The long-run significance of certain trends, for example, may reside principally in their social and cultural effects. Yet it cannot be too strongly emphasized that the purposes and impact of immigration policy need to be evaluated as an organic whole. Canada's approach to choosing immigrants to support the development of its labour force cannot be judged in isolation; the policies and procedures that will best promote that goal will in the final analysis be found to be those that best contribute to achieving immigration's other purposes as well.

The reconciliation of two immigration imperatives—respect for the family unit and response to domestic manpower demands—has been a perennial challenge to policy. How these two claims should be balanced was one of the difficult questions the Government faced in 1967 when it introduced a system that sought to reinforce immigration's links with manpower strategy. The technique adopted to preserve that balance was to create a new admissible class of nominated immigrants between the sponsored group on the one hand and the independent group on the other. However, this solution has not been easy to reconcile with the full realization of the economic and manpower objectives which the new immigration structure was designed to support.

While the present selection structure has been in effect for only eight years, the system appears in practice to have favoured an increase in the number of nominated immigrant workers relative to the number of workers in the independent category. Whereas the points assigned on the basis of occupational demand in Canada are intended to regulate the immigration flow to match the level of economic activity, the movement of nominated immigrants has tended to be less responsive to swings in occupational demand in Canada due to the points this class of immigrants receive on the basis of kinship. Accordingly, during periods of lower economic activity the proportion of nominated immigrants in the total movement has tended to increase, although it is precisely members of this group—selected as they are on less stringent economic criteria—who have appeared to be least equipped with the skills and qualifications required to adjust to more difficult labour market conditions. It might be argued that this should be regarded as of secondary concern so long as the cause of family reunion is served. It is important to note, however, that the Longitudinal Survey and other studies have yielded evidence that, in contrast to the situation in the case of sponsored immigrants, economic reasons, not a desire to join their relatives, are the chief motive behind the decision to emigrate on the part of most members of the nominated group. The Longitudinal Survey has also established the greater employment difficulties nominated immigrants have encountered on arrival in Canada, particularly those for whom occupational demand is marginal. The fact that the amendments to the regulations in 1974 have now placed additional weight, in selecting both independent and nominated immigrants, on their employment prospects, should serve to rectify certain of these difficulties. Whether these adjustments will eliminate them entirely only further experience with the operation of the revised regulations will show.

Another post-1967 phenomenon, the decline in the overall skill level of immigrants, can also be traced in part to the nominated class, members of which generally have been less skilled. From 1968 to the present, 29 per cent of nominated workers have been classified as skilled, compared to 41 per cent of sponsored workers and 72 per cent of independent workers. Even when genuine demand for unskilled and semi-skilled workers in Canada exists, the ways in which it can and should

be met through immigration must be watched carefully and considered in the context of developing manpower strategy. Any undue reliance on immigration in meeting demand in Canada for this category of labour can undercut efforts to ensure that employment standards for the jobs that need doing are adequate to attract and retain members of the resident work force. This important consideration is also very relevant to programs that aim to ensure access to employment opportunities for disadvantaged groups, including Canada's native peoples.

The pronounced changes that have occurred since 1967 in the sources of the immigrant movement appear to a certain extent attributable to the structure of the present assessment system itself. Since up to 20 points are awarded for educational qualifications, the system tends to favour selection in those countries which possess developed academic institutions. It is noteworthy that in some parts of the world the effects of this phenomenon are reinforced by the presence of an extended concept of family responsibility that links more distant relatives in a close economic and social unit. In other words, high assessment on educational factors tends to work together with family preference rules to tilt selection towards certain countries and away from certain others. The difficulties this situation presents from the viewpoint of guaranteeing an equitable distribution of Canada's visa-processing capacity geographically are explored in the following chapter.

There is every reason for Canada's policy to retain its long-standing emphasis on family values in the rules it sets for choosing immigrants. But it should be feasible to safeguard those values while at the same time exercising that high degree of selectivity that the admission of immigrants destined for the labour force requires today, in the interests both of Canada's economic well-being and of immigrants themselves. The purpose of the interim adjustments to the Regulations introduced during 1974 is to enhance the job prospects of both independent and nominated immigrants. Experience will demonstrate how successfully this purpose is fulfilled. In the meantime there may be a case for advocating the re-establishment of a sharper distinction than now exists between those immigrants selected to fill identified manpower needs on the one hand and those, on the other, who are admitted primarily in order to meet the

important objective of reuniting families. And whatever rules in future determine the choice of working immigrants, it will be essential for future policy to ensure that adequate emphasis is placed on those job skills that Canadian labour market developments demand. A guiding principle in any revision of Canadian selection procedures at this time must be to guarantee the most effective linkage possible between manpower and immigration policies.

### NATIONAL INTEREST AND INTERNATIONAL RESPONSIBILITY

Like most major public policies, Canada's immigration policy projects into the international environment a range of vital national interests and concerns. Immigration policy is a particularly complex reflection of national interests abroad because it is geared to support the achievement of not one, but a mixture of goals—economic, demographic, social and cultural. It expresses these in a singularly direct manner because the stuff of immigration is people, future Canadians and their families. The overriding responsibility of the Government is to see to it that immigration, as it augments the nation's human resources, makes a consistently positive contribution to the prosperity, harmony, and cultural evolution of our society as a whole. So long as policy is structured to meet that basic test, immigration will continue to reinforce Canada's sovereignty and unity. It is therefore axiomatic that an assessment of Canadian immigration policy, and decisions affecting its future course, must spring from a realistic appreciation of national interest, and clear perceptions of the type of country Canadians seek collectively to build for themselves and their children.

It is equally obvious that immigration policy must be shaped by the international environment in which it operates. As a member of an international community, Canada assumes responsibilities in all areas where the pursuit of its national interests interacts with the interests of other nations and the people of other lands.

This chapter examines these responsibilities and the related question of the impact of the global environment and contemporary migratory trends on policy development. The preceding chapter devoted to the labour market examined some of the implications for a selective immigration policy, tuned sensitively to Canada's economic needs, of a world situation where inexorable population pressures are increasingly making themselves felt. The next section explores these implications further in relation to the overall design of immigration policy and management.

## VOLUME AND COMPOSITION OF THE IMMIGRATION MOVEMENT

A cardinal principle set out in the Government's White Paper on Immigration in 1966 was that Canadian immigration policies "... must involve no discrimination by reason of race, colour or religion and consequently ... must be universally applicable." This principle was translated into a selection system in 1967 based on objective criteria designed to measure the adaptability of potential immigrants—the "points system" described in full detail in the second chapter of Part Two of this report. By placing at the disposal of selection officers abroad a single yardstick to gauge the suitability of applicants, no matter who they are or where they present themselves for examination, this system of selection gives concrete expression to the principle of non-discrimination on which Canadian policy rests.

Both conceptually and administratively this approach possesses great advantages. It has rationalized selection factors systematically. It guarantees fair and even-handed treatment for all applicants. It incorporates self-regulating mechanisms that bring to bear on the selection process fluctuations in domestic labour market requirements. It combines these with other criteria measuring the personal suitability of immigrants and their potential to adjust satisfactorily to Canadian life, both in the short and longer term. It respects the values our society invests in the family, and recognizes that a humane and sensible policy must always accord due weight to these.

Resulting naturally from the policy course adopted in 1967, Canada's immigration facilities abroad have assumed a new configuration. The network of immigration posts has been substantially extended and expanded in new countries and regions of the world. Resources permitting, decisions regarding the deployment of processing capacity abroad have been determined by the interplay of a number of considerations: readiness to receive qualified immigrants from new sources as migration from traditional sources showed signs of ebbing; demand for immigration services in places from which Canada was already receiving a significant number of immigrants but where local processing capacity was lacking; and a steady and, in some instances, startling growth of interest in migration, more par-

ticularly in some of those countries from which substantial immigration to Canada has been a recent development.

How Canada's immigration processing facilities should be distributed around the world has caused controversy, focussing especially on the extension of posts to areas outside those from which historically most immigrants to Canada have come. There are advocates of the broadest conceivable interpretation of universality, who insist it implies more than uniform selection criteria that exclude racial origin or religion. One school of thought would maintain that a non-discriminatory immigration policy requires that Canadian immigration services should be so distributed around the globe that facilities are equally and evenly accessible to all, wherever or whenever actual or potential demand for those services is apparent. Short of that position, some people would maintain that processing facilities abroad should be expanded more rapidly than has been done thus far.

This matter raises issues for the future that go beyond mere problems of the availability of financial and personnel resources, real though the limitations on these are at any given moment.

Let us consider what determines the volume, as well as the other characteristics, of the immigration movement to Canada annually. This is now the product of four things working together:

- First, the bearing of economic criteria on the number of independent and nominated immigrants who can meet these criteria. As these change to reflect the level of economic activity in Canada and demand for people in specific occupations, the total movement of immigrants coming to Canada to join the labour force is stimulated or restrained.
- Second, the flow of immigrants admitted because of family connections with people already in Canada who act as sponsors (for close relatives) or nominators (for more distant relatives).
- Third, the level of interest abroad in migration to Canada. This fluctuates sharply as changing conditions in source countries and in Canada itself affect how potential immigrants perceive the advantages Canada

offers against life in their home countries and other migration options open to them.

- Fourth, the capacity of the selection system to process applications. The extent of that administrative capacity and its geographic distribution determine, not only how many applications from prospective immigrants can be processed, but also how many applications will be received. The simple presence of a Canadian immigration post in a country or region not previously served can be the occasion of a sudden, substantial and sustained surge in applications.

It will be observed that all four factors involve a degree of *responsiveness* of one sort or another from the standpoint of immigration management.

In the first case, of course, that responsiveness is a deliberate and integral feature of policy: the labour market criteria applied in selection are designed to respond to changes in the level of domestic economic activity, the pattern of occupational demand, and the development of Canadian manpower strategy. Provided this feature of the selection process functions properly, it will assure that each year the number of immigrants selected primarily on the basis of job-related criteria matches Canada's capacity to absorb workers from abroad productively into its economy.

The responsiveness, however, of the other three determinants of volume is, so to speak, external to the structure of selection policy itself. Decisions to sponsor or nominate relatives are taken by individuals, not government. The previous chapter noted the differing effect that rules relating to kinship have in different countries, depending on cultural concepts of family responsibility. In countries where a deep sense of obligation exists within an extended family group to include many persons beyond the members of the immediate family as generally interpreted in a society like Canada's, selection tends to be tilted towards the volume of applications "family preference" immigration rules generate (an example of this tendency is provided by the situation in India where currently over 95 per cent of visas approved by our New Delhi office involve sponsored or nominated cases). The risk must be recognized that this

phenomenon can have a sharp impact on the distribution of administrative capacity among our offices abroad, on the flow of immigrants to Canada and on the ability to provide immigration services in places where there are legitimate reasons to do so.

As for immigration demand, the previous chapter also stressed the current imbalance between global migratory aspirations and the opportunities available to satisfy them. All immigrant-receiving nations must come to terms with the prospect that this imbalance will become more rather than less acute. One of the most conspicuous features of projections of world population growth is the unevenness in the distribution of the increases foreseen in the decades ahead. According to United Nations projections the tempo and magnitude of population growth will continue to be concentrated in parts of the world where incomes are lowest and opportunities for the productive employment of rising generations are least favourable. The projections forecast that by the 1990s the presently less developed regions of the world will be gaining population at the rate of 94 million a year, accounting for seven-eighths of the projected annual increase in the world as a whole. The political, social and economic challenges for the international community that world demographic projections portend are staggering, and obviously beyond the scope of the present discussion. But the import of this outlook for those few countries that still conduct active immigration programs is unavoidable and sobering. Canadian policy must be shaped to a world situation where motivations to migrate are bound to rise rapidly, in which the source of migratory pressures will be distributed more and more unevenly, and where powerful forces will work to increase the magnetic attraction a country in Canada's favoured position exerts on people in less privileged countries.

Canada's present immigration system, in force since 1967, has rationalized with considerable success methods of assessing the suitability of potential immigrants. It has been less successful in furnishing a reliable long-term policy framework within which to program the use of Canada's immigration selection apparatus abroad. Decisions about how much selection process-

ing capacity the immigration program should possess, how it should be distributed geographically, and the priorities visa officers should accord to different categories of applications—these are by no means routine administrative decisions. They are policy decisions of real significance affecting directly the volume and composition of the annual immigration movement. They will become even more important as matters of policy as demands for immigration service continue to increase more rapidly in some parts of the world than in others.

Trade-offs are involved in every decision pertaining to the disposal of immigration selection facilities in the field. Each time several priorities will compete for attention. An illustrative list might include: the need to step up recruitment activities to satisfy a specific labour market requirement on an urgent basis; a call to respond to a new refugee situation; a request from a friendly government to open an office in its country; the problem posed when the volume of applications at certain posts surpasses the point where the local complement of visa officers is able to handle them within a reasonable waiting period. Inevitably the decision to augment selection capacity in one place for a given purpose entails a decision not to do so somewhere else, and to accord less emphasis to meeting some other claim to immigration service.

Problems associated with resource allocation in the field are endemic to immigration management. These dilemmas will become increasingly hard to resolve in future in the absence of a framework that will provide a reliable basis on which to plan the total size of the annual movement, and to systematize the deployment of selection capacity among source countries in a way that will serve national goals with maximum effectiveness.

Against this background, what are the options open to future policy? Among the practicable approaches available, the following four are selected for discussion as illustrative of the range of possibilities that deserve attention. They do not represent "either/or" options, since elements from one approach could, in certain cases, legitimately be combined with elements from another.

- i) *Retain the present responsive system of resource allocation abroad. This system, as we have seen, does not rest on decisions that fix in advance the numbers of*

*visas Canadian immigration centres, collectively or individually, should issue over a given time-span.*

The marked advantages which current selection procedures lend to Canada's immigration approach have already been underlined. The drawbacks inherent in maintaining the status quo, however, will also be apparent from the previous discussion. If available capacity is allocated simply in response to the sheer volume of visa applications at certain posts, there can be no assurance that selection facilities are equitably distributed geographically, or that the immigration movement will consistently respect national priorities and serve the various policy purposes of the program.

- ii) *Gear the program even more intensively than is the case at present to meet its economic and labour market objectives.*

This would entail drawing a very clear line between the class of immigrants Canada admits because the labour market needs them, and those who are accepted for other reasons. Specifically, this option appears incompatible with retaining an "in-between" category of immigrants, i.e. the present class of nominated relatives, who are selected partly because they meet labour market criteria and partly on the grounds of kinship. A decision to structure the future selection system primarily to meet economic needs would also, of course, have to make due provision for admitting close family members.

This course of action, which would make the satisfaction of demonstrable labour market demand in Canada the chief criterion in deciding how to allocate selection capacity in the field, would indeed ensure that the program fulfilled one of its major policy functions. Such a system would also accommodate the admission of sponsored dependents, and could be sufficiently flexible to provide for the admission of refugees on humanitarian grounds. But there would be drawbacks. In the first place, as has been noted, it would probably mean abolishing the present class of nominated relatives, a step which many might regard as curtailing in an objectionable fashion the immigration access now available to the more distant relatives of people in Canada. Secondly, the problems involved in determining an equitable geographic distribution of selection facilities abroad would still remain.

- iii) *Develop and announce explicit targets for the number of visas to be issued annually—on a global basis, regionally, and possibly post-by-post.*

This option could furnish a framework for a more equitable dispersal of selection facilities. It would also provide policy with an instrument not currently at its disposal for long-term immigration planning, enabling the immigration program to be related deliberately to national demographic policies, as these are developed.

The choice of this third option would mean a major innovation in Canadian policy. It would imply the establishment of quotas, a significant departure from our present approach which, in theory at least, is 'open-ended' as to the numbers of immigrants Canada is prepared to admit annually. On the other hand, the implications of this option look less startling when it is realized that limitations on the volume of immigration are unavoidably built into any program, including Canada's traditionally open-ended one. Obviously there will always be limits to the numbers of immigrants the country can absorb annually. And there will always be limits both to the number of Canadian visa officers in the field, and to the number of applications they can process over a given time period.

The question is then not simply one of deciding on what basis these limits should be set. The question becomes: on what basis, within these limits, should selection processing capacity in the field be apportioned? Unfortunately the principle of non-discrimination provides little positive guidance to policy when it is a matter of deciding where to install visa officers, how many of them there should be in any particular part of the world, and how many there should be in any particular country. Quotas, like any system that seeks to ration resources that are limited, would have the virtue of introducing a basis for resolving these difficult questions in the most equitable manner possible.

The hurdles to be surmounted in establishing such a system, however, would be formidable. They concern chiefly the complex problems that would immediately be presented when it came to choosing the formula that should be employed in fixing in advance the figures for the number of visas to be issued in a given time period by posts abroad. It is easy to speak of equity,

but extremely difficult to translate this principle into practice when it would be a matter of determining the precise basis for allotting visa quotas, whether regionally, sub-regionally, or post-by-post. The framework and details of the arrangement would need to be flexible enough to respect the full range of immigration priorities, and to ensure that the social and humanitarian purposes of the program were met. In contrast to present practice, it would involve periodic announcements by the Government of global immigration targets, and their regional or country breakdown.

- iv) *Establish annually a global ceiling for the total immigration movement, specifying the priorities to be observed in the issuance of visas to different categories of immigrants within that ceiling.*

This approach would entail a process of planning and preparation in advance of each immigration year. The first step would be for the Government to determine the number of immigrant visas that would be issued over the planning period. To assist the Government in reaching this judgment, it might be appropriate to institute a regular process of consultation through which the views of the provincial governments would be sought, as well as advice from designated outside agencies and organizations. The second element in this arrangement would be a determination as to the order in which applications from different classes of potential immigrants would be processed. With the overall ceiling and priorities established, a forecast would then be made of the number of applicants in each priority group for each source country and area of the world. In the light of this forecast, processing resources overseas would be so deployed as to ensure that, subject to the global intake figure, the higher priority applicants in all countries were examined during the target year, and that lower priority applicants did not experience significantly longer delays in some countries than in others.

Insofar as the setting of visa-processing priorities is concerned, the arrangements envisaged under this system would simply refine the operating practices, as described in the second chapter of Part Two of this report (p. 64 ff.), currently followed at our immigration posts abroad. As in the case of the "quota option" discussed above, predetermining the target for the

immigration movement would enable immigration planning to be integrated within whatever program to achieve demographic growth objectives was developed as a matter of national policy. This approach would avoid, however, some of the dilemmas inherent in establishing in advance visa quotas on a regional or country-by-country basis. At the same time, this arrangement would not be without its difficulties. A commitment to process certain priority groups in a given year, for example, could be complicated by an unexpectedly large number of applicants in one or more of the priority categories. Similarly the sheer volume of high priority applicants could lead to an indefinite deferment of applications from non-priority groups (unless, of course, the system involved reserving a specific proportion of visas for each and every group, including the lowest priority).

It must be recognized that none of the options summarized above offers an ideal solution. Each possesses advantages and disadvantages. They have been presented, as already noted, to indicate the range of possible solutions, the merits and difficulties of which Canadians may wish to consider in debating how future immigration policy should be fashioned to cope with the rising pressures that world conditions hold in store.

#### EMIGRATION AND THE RELIEF OF POPULATION PRESSURES

Among the less developed countries a few of the smaller ones may continue for some time to look to emigration for a measure of relief from the problems associated with their rapid population growth. But the larger countries in the developing world cannot realistically view emigration as a way of easing their population problems, and their leaders do not do so. In India, for example, a reduction of its current rate of population growth by one percentage point (from 2.5 to 1.5 per cent) by emigration would now require the movement of approximately six million people annually. Merely to arrange and finance the transportation of such a number would be an impossible undertaking, not to mention the problems of installation, assimilation, and absorption into the labour markets of whatever

countries might be prepared to receive immigration in this volume.

The World Population Conference, held in Bucharest in August 1974, confirmed that all developing countries agree that the path to the solution of their demographic difficulties lies through action to raise the living standards of their peoples. The Plan of Action adopted by the Conference emphasizes that the problems involved in reducing birth rates and the problems of socio-economic development are inextricably linked. The developing countries look, not to international migration, but to international co-operation in the field of development assistance for the help they require in tackling the immense problems they confront. They call for a greater commitment by the rich nations to a more equitable sharing of resources, as well as to improvements in international trade and monetary relationships. And they are naturally concerned to ensure that the human capital they possess and train is mobilized effectively in support of their own social and economic objectives.

The opinion occasionally voiced that Canada, a resource and space-rich country, has an obligation to assist in the solution of global population problems through immigration may be admirable as an expression of sympathy. It is not, however, one subscribed to by the governments of those large countries where demographic growth problems are most grave, nor will this view stand analysis as a practicable policy objective.

#### THE BRAIN DRAIN

The problem, alluded to above, of what is popularly described as the "brain drain"—the flow of professionally and technically qualified people—from developing to developed countries has been the subject of intensive research and heated discussion in international bodies and academic circles. The phenomenon is too complex to permit much useful generalization. The elements of the problem vary widely from one developing country to another. In some the remittances they receive from their emigrants may compensate their loss in qualified manpower. In others, where adequate opportunities do not exist for the graduates of their educational systems, there may be little incentive or possibility to take effective action to

retain their services. But the majority of developing countries, although they may not have the capacity to do much to rectify the situation, are on record in the United Nations and elsewhere as stating that they regard the outflow of highly qualified persons as harmful.

While Canada's national interest demands that the immigration program emphasize selectivity wherever it is conducted, the Government is keenly aware of the anxieties of developing nations about the loss of trained people whose talents their societies may desperately require. In these countries, as everywhere else, Canadian immigration posts function with the consent of the host governments concerned. Moreover, it is long-standing policy that Canadian posts in the developing world should deliberately abstain from active promotion or recruitment. At the same time it has been the Government's view that unilaterally to refuse to entertain immigration applications from any particular source would not only be inconsistent with a non-discriminatory immigration posture, but would also be incompatible with the principle of freedom of movement for all people enshrined in the Universal Declaration of Human Rights.

Within the limits these principles impose, it is incumbent on Canada to take what practicable measures it can to ensure that its immigration program and development assistance efforts—its own as well as those of the international community at large—do not operate at cross-purposes. To this end, continued close co-operation is called for between the administrators of aid programs and our immigration authorities. Training programs conducted in the developing countries themselves are to be encouraged. Every care must be exercised to see that students in Canada sponsored by the Canadian International Development Agency (CIDA) return to apply their knowledge and skills in their homelands. Similar co-ordination is also necessary overseas when visa officers assess the applications of prospective immigrants who may have benefitted from training under multilateral and bilateral aid programs. And, subject to the need to respect individual freedoms, Canada should be prepared to support steps the governments of developing nations consider obligatory to assist in channelling their human resources to the task of economic and social development. In this context the policy objectives of host governments may

emerge as one criterion Canada should apply in future in determining the visa processing capacity to be allotted to its posts in the developing world.

In the final analysis the brain drain is a symptom of international economic disparities. Permanent solutions are only to be found in the creation of new opportunities in the countries suffering from this problem, through action by these countries themselves, supported by international development assistance.

## REFUGEES

One out of every ten new settlers in Canada since the Second World War has been a refugee. Translated into relief of human misery, this statistic is one in which Canadians may take pride. Basically humanitarian in purpose, this feature of Canadian immigration has served foreign policy objectives as well. It represents a substantial contribution by Canada to easing the political and economic strains occasioned by the flood-tide of post-war refugees with which the international community has been forced to cope. The emphasis immigration policy accords the reception of refugees allows Canada to pursue actively abroad a role that is consistent with its stature in world affairs.

Part Two of this report contains details of both Canada's regular refugee program and a description of responses to emergencies which in the past have demanded special arrangements to move and resettle large numbers of refugees quickly. Two broad conclusions emerge from a survey of experience in this field. The first is the notable strength of public support within Canada for this aspect of immigration policy. That support has been demonstrated time and again—by individuals, voluntary agencies, churches, and provincial authorities—in the generous provision of the extraordinary assistance the successful resettlement of refugees normally requires.

The second is that the nature of refugee situations has been altering. Until relatively recently it was the European refugee problem, an aftermath of the Second World War, that chiefly preoccupied Canadian policy. That geographic focus is now a

thing of the past. The United Nations High Commissioner for Refugees has been obliged to expand his mandate to cover substantial numbers of people in virtually all parts of the world. New and complex refugee situations are constantly in the making in various trouble spots around the globe. The variety of problems to which Canada may be called upon to respond has been illustrated in the recent past. The situations generated by Tibetan refugees, expellees from Uganda and, most recently, people seeking refuge after the coup in Chile, involved very distinctive problems—each case requiring different types of responses on Canada's part. Looking ahead, there is no reason to be complacent about the number and variety of refugee problems that will continue to arise and will make demands on Canadian policy.

A sensitive aspect of policy in this field concerns who should be regarded as eligible for treatment as a refugee for immigration purposes. Part Two of this report describes in detail the internationally agreed definition of those people who may benefit from the protection afforded by the mandate of the United Nations High Commissioner for Refugees. This provides guidelines which Canadian immigration authorities may apply. But not infrequently there are situations where individuals or groups make special and justifiable claims for consideration on humanitarian grounds although they are unable to qualify as refugees within the strict terms of the relevant international covenants. The Ugandan expellees, for example, admitted to Canada as members of an "oppressed minority", were a case in point. From time to time, however, situations arise when it is no simple matter to decide whether it is appropriate to consider the applicant as a refugee. It is essential in each such case to establish firmly whether the life or liberty of the person concerned is at risk. Plainly, sufficient grounds must exist before relaxing normal selection criteria. This requires a clear distinction to be drawn between the genuine refugee who is threatened with persecution, and the migrant whose motive for seeking entry to Canada springs from economic hardship or general dissatisfaction with conditions in his country of origin. In order not to erode the concept of the genuine refugee as a person to whom the international community should extend special assistance, and to preserve the integrity of Canada's selection system, it is vital that the validity of the claims of

those seeking admission for humanitarian reasons be adequately demonstrated.

Most Canadians will agree that Canada should continue to assume its fair share in helping to solve refugee problems. In whatever decisions are made in future about regulating immigration volume, it is therefore assumed that the program should make provision for the discharge of this humanitarian responsibility. The offer of resettlement opportunities is, of course, only one of the avenues available in meeting refugee obligations. Financial or material assistance in some instances may be the more appropriate way to help. A constant aim of Canadian policy should also be to strengthen the capacity and will of the international community to take action on behalf of refugees. This means continuing strong support for those international agencies through which nations collectively assist the world's dispossessed and homeless.

## FEDERAL-PROVINCIAL RELATIONS AND RESPONSIBILITIES

### THE CONSTITUTIONAL BACKGROUND

The provisions of the British North America Act relating to immigration are naturally rooted in Canada's needs as they were perceived at Confederation. A single country was being forged with immense geographic reaches to be opened, first to agriculture, by settlers from abroad. Established international law and a united nation-building effort called for strong central authority over the immigration process. On the other hand, the maintenance of equilibrium between regional interests, including French Canada's desire to safeguard its demographic and cultural position, extensive immigrant settlement programs conducted by the provinces, as well as their responsibilities for health, education and welfare services—all these argued for assigning the provinces a significant constitutional role.

The result was a characteristic Confederation compromise. The 1867 Act, in Section 95, declares immigration (together with agriculture) to be a matter under the concurrent jurisdiction of the Federal Parliament and the Provincial Legislatures. The section, however, stipulates federal paramountcy in the event of conflict between federal and provincial laws. In the years immediately following Confederation the division of authority was elaborated in agreements concluded between Ottawa and the provincial governments whereby the former undertook to maintain immigration offices at home and abroad, while the latter looked after the settlement and colonization of uncultivated lands "as bearing on immigration".

Through the first half of the century after Confederation constitutional case law developed in connection with a series of enactments by western provinces dealing with Asian migrants that were challenged in the federal courts. This story, extending into the 1920s, was essentially one of the upholding of federal authority. In a series of decisions the weight accorded federal jurisdiction did not rest solely on the primacy clause of Section 95. It derived as much from the central government's exclusive jurisdiction constitutionally over aliens and naturalization. In

the final analysis the Government of Canada, as in most federations, accepts and exercises the ultimate responsibility for deciding who should be admitted to, or rejected from, Canadian territory in accordance with the interests of the country as a whole.

### THE WORKING DIVISION OF AUTHORITY

Conditioned though the provinces' jurisdiction over immigration has been by federal prerogatives, their concurrent responsibility in this field has never been a mere formality. On the contrary, there are important passages of very active provincial participation in Canada's immigration history, involving the recruitment of immigrants abroad and many aspects of their subsequent settlement and absorption into the community. Dating from well back into the last century, most of the provinces have, at one time or another, maintained offices abroad to encourage immigration to their respective territories. Ontario notably, and some others, continue that activity. With important exceptions, however, the general picture through the post-war period could fairly be described until quite recently as one in which interest on the part of the provincial authorities in immigration policy issues had waned, or was expressed only sporadically.

A combination of factors was responsible for this state of affairs. Partly it may have been a question of priorities, as provincial responsibilities expanded in pace with economic and social development across Canada. In part, as immigration ceased to be a matter of settling people on farms and became an overwhelmingly urban phenomenon, the provision of services to immigrants was diffused at the provincial level among the various agencies in their health, welfare and educational systems serving the population at large, with a de-emphasis on the immigrant component as a distinct entity. A proper desire to avoid administrative duplication may also have influenced provincial attitudes, as well as the fact that immigration requires political contact with foreign governments, something that falls to the Federal Government in discharging its constitutional responsibility for foreign policy. In any event, the net result was a situation in which, broadly speaking, most provin-

cial governments did not attempt to articulate in any detail their position on immigration problems as such, and policy development became very largely the concern of the central government.

### PROVINCIAL INTERESTS

It would be wrong to infer from the background summary of the manner in which the general provincial interest in the immigration field has been expressed in the post-war era, that there is any lack of awareness at the provincial level of the significant impact federal immigration policies have on a wide range of matters embraced by provincial jurisdictions. Quebec, for instance, has been notably active in formulating a position on immigration that reflects the very special concerns it has as that province where most French-speaking Canadians reside. It is also the case that of late most provincial authorities have evinced a marked and growing interest in the relationship between national immigration policy and a variety of issues to which they attach high priority. These focus on immigration's relevance to the development of provincial manpower resources, to specific objectives provinces may have with respect to the training of regional labour forces, and to individual labour market priorities, including those related to industrial development projects in individual provinces. The energetic activities of Ontario's placement service deserve special mention; a very substantial volume of requests from employers is channeled through this service, Ontario's offices abroad co-ordinating the recruitment of immigrants in response. Those provinces where population is growing most rapidly are also the major immigrant-receiving provinces. They are therefore especially interested in the impact of immigration on their responsibilities across the spectrum of social and community services they provide, and on problems associated with urban expansion.

During the past few years, Quebec's involvement in the immigration field has been particularly lively. Historically, high birth rates in that province represented a guarantee of its demographic, cultural and linguistic position within Confederation. At one time this explained Quebec's relative lack of enthusiasm about immigration. Its benefits were seen mainly to

accrue to English-speaking Canada; and the low francophone component in the movement meant that immigration to Quebec itself tended to be viewed there as antithetic to its cultural integrity. This state of affairs has greatly changed. Beginning in the early 1960s, the birth rate in Quebec began to dip sharply, declining to a point where it now stands slightly below the national average. Simultaneously over the last ten years immigration to that province, both in absolute numbers and as a proportion of the total movement, has been falling off. The distinct tendency of immigrants to become assimilated within the anglophone rather than the francophone community has understandably caused special concern to the provincial authorities.

In the face of these events, Quebec's reaction has been vigorous. The only province with an Immigration Act, it established in 1968 a separate Department of Immigration with both recruitment and settlement functions. Programs were launched to encourage the immigrant to integrate economically and socially within the French-speaking community. Federal support for these has been forthcoming under the Canada Manpower Training Program administered under federal-provincial agreements, and in the form of funds for language training from the Department of the Secretary of State.

As for recruitment, Ottawa's response to a problem that not only affects the unique concerns of a single province, but that also has vital implications in terms of the national interest, has been reflected in the ordering of federal immigration priorities and in specific co-operative arrangements with Quebec. In deciding where new immigration offices should be opened, the Federal Government has been anxious to identify promising sources of French-speaking immigrants. A co-operative achievement in the recruitment area was the conclusion in 1971 of an agreement between Ottawa and Quebec under which provincial orientation officers are stationed within certain Canadian immigration offices overseas. Their function is to give additional counselling to immigrants who, having been selected on the usual basis by federal officials, are destined for Quebec. Ways to enhance the scope and effectiveness of collaboration in this area are currently the subject of active discussion between the federal and Quebec authorities.

## FUTURE DIRECTIONS

Clearly, there is no constitutional bar to more active and widened collaboration between the central government and the provinces, the purpose being to make immigration policy more sensitive to the latter's requirements. As already noted, numerous fields of provincial responsibility are immediately and directly affected by immigration decisions, and by the measure of success the individual immigrant enjoys on settling in Canada. Immigrants make no less a call than other residents on the social, health and educational services the provinces provide, and some may impose special demands. Their housing and employment requirements, the place they occupy in the development of the labour force, their contribution to the social and cultural character of the part of Canada where they make their home, all these touch substantial and lively provincial interests.

Of the several areas of immigration management where the formation of Canadian policy stands to benefit in future from intensified federal-provincial co-operation, two deserve special emphasis. The first involves manpower planning. The selection of those immigrants who respond most effectively to the genuine requirements of the Canadian economy depends heavily on detailed and continuously up-dated information about the state of job markets in all parts of the country. It is important, if immigration's economic purposes are to be fulfilled, that federal policy take appropriately into account manpower planning objectives at the provincial level.

The winter of 1974 saw a significant innovation that seeks to direct working immigrants to where their services are in high demand. This was the incorporation within the selection criteria of "designated" occupations. Immigrants qualified in these occupations are assessed as if they possessed pre-arranged employment. An occupation is "designated" when a persistent regional shortage of workers in that occupation is identified.

This system is designed to make it easier for immigration to meet urgent regional requirements, regardless of the demand rating for the occupation in question at the national level. An attractive feature of this innovation is the modest, but nonetheless real way it may work for a more satisfactory

distribution of the immigration movement, favouring the selection of people whose qualifications are in especially urgent local demand. The assistance of the provinces has been enlisted in the designation of occupations under this arrangement, using for this purpose, as appropriate, the Manpower Needs Committees that bring together federal and provincial representatives in each province. A current federal objective is to enhance the role these Committees can perform in ensuring that the immigration program (including policies with respect to the admission of non-immigrant workers) is in as close harmony as possible with provincial manpower goals.

Another field where the Federal Government is now endeavouring to work in closer co-operation with the provinces relates to the provision of those services that immigrants may require to help them solve problems they encounter in adjusting to life in Canada. While here the Federal Government recognizes its responsibility to lead and co-ordinate actively, an adequate program of immigrant adjustment services calls for support from all levels of government. This important topic is discussed at length in Part Two of this report,<sup>1</sup> which stresses the valuable functions that voluntary and private agencies perform in this field, and the need to integrate these functions effectively within a comprehensive system of immigrant services. (The Federal Government recently has taken steps to improve the basis on which private bodies assisting immigrants receive public funds.)

Immigration policy development must take place within a framework that embraces longer term demographic, economic, cultural and social objectives. It follows that the value of regular exchanges between Ottawa and provincial governments is not limited simply to matters that immediately concern effective program management. In the future, national policy formation could be enriched through consultation between the two levels of government which approached immigration in the wider context of all those Canadian goals to which immigration's contribution is relevant.

<sup>1</sup> "The Immigration Program", Chapter 5: "Services to Immigrants."

## THE LAW

When we speak of immigration law we refer both to statutes enacted by Parliament and to regulations made by the Government from time to time under the authority granted by the Immigration Act.<sup>1</sup> Together the Immigration Act, the Immigration Appeal Board Act, and the Regulations make up the legislative vehicle through which immigration policy is expressed. They provide the essential legal basis for the entire decision-making and procedural apparatus required to select immigrants, to uphold the rights and enforce the obligations of aliens entering Canada for whatever purpose, and to establish the rules and sanctions necessary to protect a fundamental principle — that the admission to Canadian soil of all those who are not citizens of Canada is a privilege and not a right.

The cornerstone of this edifice is the Immigration Act itself. It is to the Act that one must look to find the principles, philosophy and ground rules that inform the whole system. The Act must provide a reliable instrument to classify the conditions on which people are admitted to Canada, to define the powers government and officials need to ensure that those conditions are met, and to establish machinery that will effectively and equitably administer in the national interest the complex processes entailed in governing the flow of many millions of people annually across Canada's frontiers. It is with this basic component of immigration law that the present discussion is principally concerned. Modifications in Canadian immigration policy require, depending on their nature and scope, revisions to various aspects of the legal framework, changes in the Regulations as well as to the Act. However, because the Act underpins the entire legal system for the conduct of policy, the question of how it should be shaped in order to best perform that function enjoys logical priority. A major aim of the Government in initiating the current review of policy is that it should lead as quickly as practicable to a new

<sup>1</sup> The law also includes, of course, the decisions of the courts and the Immigration Appeal Board as these interpret the statutes and the regulations.

Immigration Act fully adequate to serve as a basis for the evolution of future Canadian policy.

Through more than two decades of extremely rapid change since its passage in 1952, the present Immigration Act has been subject to only minor alterations. These have been years of immense development—in Canada's socio-economic character, in immigration policy and practice, in world conditions affecting migratory movements, and in transport technology. These developments have literally revolutionized the configuration of the problems with which immigration law, policy and administration must deal. In the face of so much change the durability of the 1952 Act is all the more astonishing when its antecedents are recalled. The Act is itself an outgrowth of legislation dating back to the turn of the century. Its structure and many of its provisions betray approaches rooted in the circumstances, conditions and attitudes of an earlier era. It is inevitable, therefore, that there should be much in the Act that can only be called old-fashioned, and that, more broadly, this piece of legislation should stand in need of comprehensive revision if immigration policy is to be furnished with a statutory basis that is fully suited to contemporary conditions and the requirements of the future.

Successive governments have recognized the deficiencies in the present Act and have planned several attempts to remodel it. In the past, however, these attempts were deferred because an array of challenges to the administration of the immigration process demanded urgent action on other fronts. As Canada's industrial growth produced new labour market priorities, and stimulated the development of comprehensive manpower policies, new immigration rules had to be framed in consequence. These took the form of changes in the Regulations rather than amendments to the Act. Simultaneously, a growing awareness of the importance of safeguarding human rights and individual freedoms focussed concern on the administration of the immigration process, dictating changes that placed more explicit weight on the application of the principle of natural justice, circumscribed the exercise of discretionary authority at both the ministerial and official level, and sought to rid procedures of arbitrariness and bias. The removal of discriminatory features embedded in selection policies was also a major preoccu-

pation of the 1960s. This cluster of pressures and concerns constituted the chief formative influence on policy through the past decade, and was reflected in law in the passage of the Immigration Appeal Board Act and the new Regulations adopted in 1967—but did not result in substantial change in the Immigration Act itself.

Another cause that contributed to postponing the introduction of a new Act lay in the serious practical problems with which the management of the immigration movement had to contend soon after the 1967 Regulations were adopted. The serious situation provoked by the regulation that allowed visitors to apply for permanent residence within Canada is familiar recent history. When applying in Canada became the route chosen by an ever-growing number of immigrants, it was necessary to revoke the regulation that afforded this opportunity. This step in turn obliged the subsequent amendment of the Immigration Appeal Board Act to restrict the wide appeal rights that were being exploited on a quite intolerable scale by would-be immigrants entering Canada as visitors. A full description of the circumstances surrounding this important development of immigration law, essential to the restoration of a manageable system of immigrant selection, is contained in Part Two of this report.

The challenges of the past decade have demanded, then, a series of responses on many fronts. These challenges have been met through piecemeal, although highly important, changes in immigration law that have left the overall design of its framework essentially intact. There is nothing wrong with good patching on anything, the law not excluded. But the circumstances in which these changes have been undertaken have allowed scant opportunity to stand back and consider how the total legal fabric, and particularly the Immigration Act itself, might best be tailored to the contours of Canada's long-run immigration interests. The sort of crisis situations that periodically afflicted immigration management are, it is hoped, a thing of the past now that the integrity of the selection system has been restored through measures adopted in the last two years. The present is therefore the right time for Canadians to be thinking hard about how future policy should be shaped, and how this policy may be effectively grounded in law.

The changes the law should undergo will depend on the results of that consideration, and on the clarity and consistency of the fundamental immigration objectives that are defined during the current policy review. Whatever major policy directions for the future are decided upon should be given appropriate expression in new law and carefully integrated within the legal and administrative structure on which the effective conduct of the immigration process depends.

### THE LAW'S SCOPE

Thinking about immigration law is complicated by both the multitude of issues with which it deals and by the different perspectives from which these issues must be approached. The essential subject matter of the law is not merely procedural since it is concerned with the rights of human beings and with the social, economic and cultural destiny of the nation. On the other hand, the specific problems the law must resolve are singularly conducive to complex procedural and administrative processes.

A crucial function of the Act is the translation into law of policy respecting who should be admitted to join Canada's permanent population. This requires the law to delineate clearly the measures needed to differentiate immigrants from the millions of people who annually seek to enter Canada for other purposes: as tourists, students, on business, for short-term employment—a host of temporary visitors and transients. The Act must deal with those who seek unlawful entry, and lay down provisions for the removal from Canadian territory of those who should not be here. It must establish provisions to safeguard the health, safety and good order of Canadian society. It must stipulate mechanisms for the thorough and impartial examination, at many points and under various circumstances, of those who seek to join the Canadian community and of those whose presence in Canada may be illegitimate. It must contain penalties for those who have contravened the law and deter potential attempts to abuse or ignore its provisions. It extends assistance to aliens where this is warranted by their affiliation with Canada, or by humanity, justice, or simple common sense.

In all these spheres immigration law must try to reconcile satisfactorily different and, at times, opposing considerations. The law must ensure full respect for due process and the rights of the individual. This constitutes one set of fundamental objectives. At the same time these claims must be reconciled with administrative effectiveness and practicality. It is the responsibility of the law to ensure that the immigration system operates smoothly, while guaranteeing that it works with fairness and compassion. This imposes a tall order; but it is one that must be fully met by the basic legislation that governs a field affecting so many vital Canadian interests.

### EXISTING OUTLINE

It would be useful, before examining some specific problems that new legislation should resolve, to summarize the legislative structure as it exists now.

Canada's present Immigration Act is divided into an introductory and interpretative section, and seven parts. The first, entitled "Admission to Canada", sets out the rights of entry of Canadian citizens and those with domicile (i.e. with five years residence); defines the classes of people whose admission to Canada is prohibited; and contains sections covering the classes of persons who may be admitted as non-immigrants, or may be granted entry by ministerial permit. This part also states the general presumption that anyone seeking to come into Canada shall be regarded as an immigrant seeking permanent residence until the examining officer is satisfied otherwise.

Part II of the Act defines the categories of immigration officers and their respective powers, including the making of reports on individuals that may lead to their subsequent deportation. It sets forth provisions governing detention, and deals with the rights and duties of peace officers. Part III describes examination and inquiry procedures to determine admissibility. Although this part is headed "Examinations, Inquiries and Appeals", it does not cover, its title notwithstanding, the question of appeals. Part IV is devoted exclusively to the execution of deportation orders.

Part V of the Act outlines the duties and liabilities of transportation carriers, and measures to protect immigrants and others, empowering the government to adopt regulations on these matters. Part VI deals with offences and penalties under the Act.

The last section, Part VII, deals with a variety of residual matters, including the basic matter of the Governor-in-Council's and Minister's regulation-making powers; ministerial directives as to forms; proof of documents; security deposits and liens; loans and assistance to immigrants (including assisted passage); and the authority delegated by the Minister to his senior officials.

The Immigration Act is completed by the Immigration Regulations, Part I, and the Immigration Inquiries Regulations. The Part I Regulations detail the responsibilities of transportation companies, the recording of immigrants landing in Canada, and the registration of non-immigrants. They set out the details with respect to employment visas and other documentation that people coming into Canada may be required to possess.

Regulations 31 to 33 contain the key provisions defining the classes of people admissible as immigrants. Here the rules are set out for the sponsorship of dependants, and for the nomination of other relatives, as well as the requirements with which independent applicants and their immediate families must comply for their admission to be approved. These regulations are completed by two schedules stipulating the units of assessment assigned to each selection factor (the "points system").

The Immigration Inquiries Regulations describe how inquiries are to be conducted, the duties of the special inquiry officer who presides, and the rights of the person under examination.

The Immigration Appeal Board Act of 1967, as amended by Parliament in 1973, established the Immigration Appeal Board as an independent tribunal with authority and broad discretionary powers to allow appellants to enter or stay in Canada, notwithstanding anything in the Immigration Act. The Board may release detainees under such conditions, including security deposits, as it may determine. The Act provides for appeals,

with leave, to the Federal Court from decisions of the Board on any question of law.

Appeals to the Board are strictly from deportation orders, with one exception—a right of appeal exists in cases where a sponsored application is refused. Parliament, by an Act that entered into force in August 1973, amended the Immigration Appeal Board Act to restrict appeal rights. The Board may now consider appeals made by only four categories of people: permanent residents, those in possession of valid visas issued outside Canada, persons claiming refugee status, and those claiming Canadian citizenship.

\* \* \* \* \*

The preceding section gives only a sketch of the law's anatomy. It will help the reader who wishes to do so to discover where and how, within the body of current legislation, individual problems and subjects are addressed. A student of the text of the Act itself may well conclude that there is much, at both the level of general approach and detail, that is sound and that ought to be confirmed in new legislation. This would be a natural conclusion in the case of an Act which, after all, has stood the test of time for so long. And it would certainly be a mistake to infer from what has been said earlier about shortcomings in the Act that root and branch surgery is necessarily called for. Nevertheless, there are some broad questions that demand attention initially when considering improvements in the statutory basis on which Canadian immigration policy rests. The following paragraphs examine three such areas:

- Updating, streamlining and consolidating the law
- The balance between what is contained in the Immigration Act itself and what should appropriately be left for Regulations under the Act to cover
- The expression in the law of the basic objectives that its provisions are designed to attain.

An obvious first task of new legislation concerns the removal of anachronisms in the present Act. The definition of the

classes of people whose entry should be prohibited should reflect, for example, contemporary conditions to ensure that these provisions are framed in a way that genuinely fulfils the purpose of preventing the admission of persons who present a real threat to the safety, health and welfare of Canadian society. In this context the medical grounds for prohibition require modification not only to bring them into line with the current state of medical science, but also to introduce that degree of flexibility into the law needed to facilitate the adjustment of our rules to keep pace with advances in knowledge and changing conditions at home and abroad.

There are several ways in which a new Act might be streamlined in the interests both of comprehensiveness and intelligibility. The integration of the appeals system, for instance, within a new statute would serve both objectives. The Immigration Appeal Board was originally established by a separate Act of Parliament principally to avoid opening up at the time the Immigration Act itself to revision. A separate statute had the additional advantage of emphasizing the independence of the Board that was being created. With confidence in the integrity and independence of the appeal system an accomplished fact, the opportunity could be taken to consolidate in one statute all the basic aspects of Canada's immigration system.

It is important that the Immigration Act should be drafted in a way that can be understood easily by the host of people it affects. The intelligibility of the present Act suffers from the fact that the essential criteria governing admission to Canada are dispersed through the Act and the Regulations in a somewhat haphazard fashion. This makes it unnecessarily complicated for anyone who merely reads the Act to grasp the fundamental principles and conditions that surround the admission of immigrants and non-immigrants. Effective management of the system depends to a large degree on a wide understanding of the law's essential purposes. It would therefore be desirable if whatever admissible classes are established were defined in one part of the Act, together with the essence, if not the detail, of the conditions for their admission, rather than having these matters scattered, as they now are, throughout the Act and the Regulations.

To bring the law up to date—creating an instrument of modern policy that will be sufficiently robust in its principles to survive unforeseen pressures and sufficiently flexible in its concepts to accommodate new challenges—this objective requires careful consideration of how the law's provisions should be distributed between the statute and the regulations. This is not an easy subject. Legislation by regulation, especially when it affects profoundly, as it does in the case of immigration decisions, the lives of individuals, must be fully justified by and rooted in the principles and authority that an Act of Parliament lays down. At the same time experience in the immigration field has demonstrated the utility of the Act conferring on the Government significant regulation-making powers. Besides whatever discretion the Minister of Manpower and Immigration possesses under the law to deal with exceptional cases, it is the Regulations that furnish the indispensable flexibility that the very dynamics of the immigration process demand. By changing the Regulations the Government can adjust the operation of selection and control mechanisms swiftly in response to varying circumstances in Canada and abroad. The capacity to change the Regulations quickly is particularly valuable in allowing an effective response to shifts in domestic economic and labour market conditions. The importance of preserving this capacity in new legislation applies to other aspects of the screening mechanism where unexpected pressures and problems may call for rapid action in the national interest.

Consequently, there would be much advantage if a new Immigration Act devoted itself chiefly to a clear statement of essential principles of policy and to creating the statutory basis on which the necessary administrative apparatus is erected. The Regulations would continue to concentrate on specifying procedural and administrative detail. Assuming this to be a desirable approach, one can identify matters of interpretation and administration now in the Act that probably could and should be transferred to the regulatory section of the law. Conversely, the present Regulations now deal with some questions of principle so fundamental that they probably deserve inclusion in a new statute (an outstanding example here might be the basic principles that should underlie the selection of immigrants; these at present find no expression in the Act, being reflected only in the Regulations).

It is self-evident that what the Regulations do, and why, should be fully understood by the public at large. One goal of policy should be to ensure that immigration decision-making is compatible with open democratic processes. How new legislation might best acknowledge the value of review and consultative processes in the immigration field, and encourage their development, is a matter under active study by the Government at the moment.

Very closely related to both modernizing the Act and to assuring the right balance between the Act and the Regulations is a third broad question—the enunciation in the Act of immigration's purposes. Obviously the most powerful factor governing the exercise of regulation-making authority is the Act under which the Regulations are made. It provides the source of regulation-making power and furnishes the principles that the Regulations must respect. It could accordingly be a goal in the drafting of a new Act to express the broad national objectives that Canadians wish the admission of both immigrants and non-immigrants to serve. It should be noted that present legislation contains no such general statement of positive purpose. Instead the Act tends to adopt what might be called a "gatekeeper's" stance; it is drafted in a way that emphasizes procedures for keeping people out, but is silent about the reasons for letting them in. Effective immigration policy obviously demands strict administrative control. But clearly the positive aspects of immigration policy are equally important. The economic and social purposes that Canadian immigration policy seeks to sustain and promote might find appropriate reflection in new legislation.

It is sometimes said that Canada's present law is more about immigration than about immigrants. In addition to setting out clearly the basic policy aims the law seeks to promote, it would be desirable that a new Act deal more explicitly with the rights and duties of immigrants regarded as individuals. It could also be argued that it should devote some attention to the obligations the Canadian community assumes on receiving immigrants in assisting them to become fully adjusted to Canadian life.

\* \* \* \* \*

Distinguishing a number of broad objectives to be met in framing new legislation helps to organize our thinking about how to set about improving on the present Act. It falls short of conveying a picture of the wealth of issues that need sifting in a comprehensive review of the format and details of the law.

The following, therefore, is a list of some concrete matters where a new Act could offer solutions that present legislation does not afford. It should be taken as illustrative only of many specific problems arising in the day-to-day administration of Canada's immigration system. The list is by no means an exhaustive catalogue of all the points at which legislative change could underpin a flexible, fair and efficient national immigration policy.

#### • Removal from Canada

At present a deportation order is the only means to remove a person from Canadian territory. The circumstances leading to the execution of these orders vary greatly. People may be deported because they arrive without an appropriate visa; or, at the other end of the scale, deportation may be ordered because a serious criminal offence has been committed. Whatever the gravity of the offence involved, however, deportation is the only instrument at the law's command. The deportee is permanently denied permission to return to Canada unless the Minister gives his consent. On both humanitarian grounds and in the interests of effective immigration management, a new Act could usefully provide alternative means of excluding people from Canada where circumstances justify action that would not entail the stigma and consequences of deportation as such.

#### • Point-of-Entry versus Inland Controls

Screening the huge number of people entering Canada daily depends heavily on their initial examination at the border point or airport where they arrive. Officials must make there and then a decision about the legitimacy of the purpose of the person's intention in seeking entry to Canada, and decide whether he or she should be permitted to enter Canada as either a bona fide immigrant or non-immigrant. Unquestionably point-of-entry controls must remain a crucial stage of the screening process. Canada, unlike many other countries, has avoided practices that would circumscribe the freedom of movement of people we admit to this country, and has steered

clear of policies that could be interpreted as discriminating unjustifiably between our resident population and those temporarily within our borders. The registration of non-immigrants who wish to stay longer than three months, and the recently introduced employment visa regulations have improved the capacity to keep track of those granted temporary admission. Other forms of granting conditional entry that would provide for a subsequent determination of status might be a useful method to alleviate to some extent the burden of making "once and for all decisions" that are now borne by officials at points-of-entry.

#### •The Inquiry System

This is a crucial aspect of Canada's enforcement procedures. It is at the inquiry that officials under the law determine the legitimacy, when this is in doubt, of an individual's claim to be allowed to enter or remain in Canada. Since it is the inquiry process that may result in orders of deportation, it is imperative that procedures at this point be conducted with scrupulous regard to impartiality, objectivity, individual liberties, and the rights persons in Canada enjoy under the Bill of Rights. The same considerations apply to immigration procedures with respect to arrest and detention.

In the space of a few years the procedures governing the review of deportation orders have undergone major transformation. An era of wide ministerial discretion was brought to an end when the Immigration Appeal Board was established. There ensued a short period when the right to appeal to the Board was open to all those ordered deported. This has been superseded by a situation in which the right of appeal has been strictly curtailed, and in which the Special Inquiry Officer acts as the adjudicator in the majority of deportation cases. The rapid evolution of immigration law in this area highlights the desirability of re-examining the appeal system as it now exists side by side with the functioning of the inquiry system, paying particular attention to the quasi-judicial character of the latter. On grounds of national interest, it may be determined that access to the appeal system must remain limited, being extended only to those whose affiliation with Canada is considered to be close, or to persons deserving special consideration for humanitarian reasons (e.g. claimants to refugee status). If this is so, then it becomes a paramount concern for the law to ensure due process

during inquiry hearings, setting high standards of fairness and thoroughness for proceedings that may gravely affect the lives of the individuals involved.

#### •Refugees

In Canada's immigration policy the reception of refugees has enjoyed an important place. Assuming that this should continue to be the case, the new Immigration Act should contain statutory recognition of refugee status and of the protection Canada now extends to refugees in accordance with the obligations it has undertaken in adhering to the United Nations Convention on this subject. Such recognition, of course, in the Act would not deal with the admissibility of refugees as immigrants, since this must be left for regulation as a matter of selection policy according to circumstances.

### CONCLUSION

Immigration is a dynamic process that must be contained within a stable framework of law. New immigration legislation, as mentioned at the beginning of this chapter, must strike an appropriate balance between frequently competing objectives. The development of Canada's future immigration legislation must be inspired by a sense of purpose about Canada's immigration goals and the place of the immigrant in Canadian life. A basic purpose of the current review is to assist Canadians to clarify these goals in their minds, in anticipation of the new Immigration Act that will be presented to Parliament in the near future.

## APPENDIX

### CANADIAN IMMIGRATION AND POPULATION STUDY

Officials within the Department of Manpower and Immigration members of the project team:

R. M. Tait (Chairman)  
F. Renault (Associate Chairman)  
F.V.S. Goodman (Executive Director)  
Maurice H. Brush  
J. Denault  
E. P. Irwin

### STUDIES BY CONSULTANTS

Among the studies commissioned for the project and carried out, either by consultants from outside the Government service or by officials with particular expertise, the following are currently being prepared for publication:

*Aspects of the Absorption and Adaptation of Immigrants*

Anthony H. Richmond (University of Toronto)

*Canadian Views on Immigration and Population—  
An Analysis of Post-War Gallup Polls*

Nancy Tienhaara<sup>1</sup>

*The Economic Impact of Immigration*

Louis Parai (University of Western Ontario)

*The Effect of Immigration on Population*

Warren E. Kalbach (University of Toronto)

*Immigration and Inflation*

Larry Epstein<sup>1</sup>

*Immigration Policy and Management in Selected Countries*

Freda Hawkins (University of Toronto)

<sup>1</sup> These authors are members of the Public Service.

*Immigration and Language Imbalance*

Jacques Henripin (University of Montreal)

*The Social Impact of Changes in Population Size and Composition—Reactions to Patterns of Immigration*Raymond Breton, Jill Armstrong, Les Kennedy  
(University of Toronto)

## BRIEFS RECEIVED FROM ORGANIZATIONS

## Religious Groups

Anglican Church in Canada and United Church of Canada  
 The Bible Holiness Movement  
 Bloor Street United Church—Toronto  
 The Canadian Council of Christians and Jews

## Service Organizations

Byelorussian Canadian Alliance  
 Catholic Immigrant Services  
 The Chinese Freemasons of America—Vancouver Branch (Brief  
 on behalf of a number of Chinese-Canadian organizations  
 and the Chinese-Canadian community of Vancouver)  
 The East Indian Canadian Citizens' Welfare Association  
 Edmonton Interfaith Immigration Committee  
 Girl Guides of Canada  
 The Goan Overseas Association  
 The Grand Orange Lodge of Canada  
 I.O.D.E. National Chapter of Canada  
 Indian Immigrant Aid Services  
 Jewish Immigrant Aid Services and Canadian Jewish Congress  
 Kiwanis International  
 Mobility Counselling Services of Metropolitan Toronto  
 National Inter-Faith Welcoming Committee  
 The Royal Canadian Legion  
 Service d'accueil aux voyageurs et aux immigrants (Reception  
 of Travellers and Immigrants)  
 Trans-Canada Alliance of German-Canadians  
 Vancouver Finlandia Club

Young Men's Christian Association of Canada—The National  
 Council and the following member associations: Montreal  
 YMCA; Toronto YMCA; Victoria YMCA-YWCA; Windsor  
 YMCA-YWCA

Young Women's Christian Association of Canada (Brief on  
 behalf of several YWCA member associations across  
 Canada)

## Educational Groups

Association of Universities and Colleges of Canada  
 The Canadian Association for Health, Physical Education and  
 Recreation  
 Canadian Bureau for International Education  
 Canadian Political Science Association  
 Canadian School Trustees' Association  
 The Canadian Sociology and Anthropology Association  
 Canadian Teachers' Federation  
 Canadian Vocational Association  
 Glendon College, Toronto—Student Liberals  
 Queen's University—International Centre  
 Queen's University—Liberal Club  
 University of Alberta—Foreign Student Adviser's Office  
 University of Manitoba—International Students' Organization  
 University of Ottawa—Student Services  
 University of Western Ontario—Liberal Association

## Native Peoples' Organizations

Association of Iroquois and Allied Indians  
 Committee for Original People's Entitlement  
 Indian Defense League of America  
 Indian Homemakers' Association  
 Indians of Quebec Association  
 Moravian Indian Council  
 National Indian Brotherhood  
 Native Brotherhood of British Columbia  
 Native Concerns Committee  
 Treaty Voice of Alberta  
 Union of New Brunswick Indians

Union of Nova Scotia Indian  
Union of Ontario Indians

### Business and Professional Associations

Advisory Board for the Building Trades in Canada  
Canadian Association of Chiefs of Police, Inc.  
The Canadian Bankers' Association  
The Canadian Bar Association  
The Canadian Chamber of Commerce  
Canadian Construction Association  
The Canadian Council of Professional Engineers  
Canadian Export Association  
The Canadian Federation of Agriculture  
Canadian Federation of Mayors and Municipalities  
Canadian Institute of Forestry  
Canadian Institute of Management  
The Canadian Institute of Mining and Metallurgy  
Canadian International Paper Company  
Canadian Labour Congress  
The Canadian Library Association  
The Canadian Manufacturers' Association  
The Canadian Medical Association  
Canadian Mental Health Association  
Canadian Pulp & Paper Association  
The Chemical Institute of Canada  
Fisheries Council of Canada  
Greater Vancouver Regional District  
Media Club of Canada  
The Mining Association of Canada

### Social Action Groups

British Columbia Civil Liberties Association  
The Canadian Civil Liberties Association  
The Canadian Council on Social Development  
The Canadian Federation of Civil Liberties and Human Rights  
Associations  
Canadian Survival Institute  
Concerned Residents' Action Committee—Toronto

Countdown Magazine  
The Family Planning Federation of Canada  
Federated Women's Institute of Canada (Submissions from  
member groups across Canada)  
Gays of Ottawa  
Ladies Auxiliary Social Credit League—Penticton Branch, B.C.  
The National Council of Women of Canada  
Planned Parenthood of Guelph  
United Nations Association in Canada  
The University Women's Club of Vancouver

### ERRATUM

The Montreal Lakeshore University Women's Club should be added on page 77 to the list of organizations from which briefs have been received.