

CANADA: IF YOU BUILD IT, PEOPLE WILL COME

Robin V. Sears

Contributing Writer Robin Sears looks at the history of immigration policy in Canada and finds that almost in spite of ourselves we have created, in this nation of immigrants, one of the most successful and diverse countries in the world. He also finds, on this political journey, episodes that Canada shouldn't be proud of, Chinese railway workers in one century, Jewish refugees in the next, are two that come to mind. He's also found, in the recurring efforts to reform immigration, that the system is always broke and needs fixing. And that, inevitably, what goes around comes around.



Retraçant l'histoire de la politique d'immigration canadienne, notre collaborateur Robin Sears observe que nous avons créé en cette terre d'immigrants l'un des pays les plus prospères et les plus diversifiés du monde. D'un siècle à l'autre, il n'en relève pas moins certains épisodes qui entachent cette réussite, notamment ceux des travailleurs du rail chinois et des réfugiés juifs. Il note enfin qu'en dépit d'efforts périodiques de réforme, notre système d'immigration reste boiteux et doit être révisé en profondeur. Sinon, nous en paierons inévitablement le prix.

Canada's first great national dream — our continent-straddling, glittering ribbon of steel, from sea to shining sea — always had a dark side. Hundreds of imported Chinese coolies plunged to their deaths in swamps and from cliff faces building it. Many of the survivors were deported at the end of their usefulness; the others were left to struggle through lives of poverty and official discrimination.

Canada's new national dream — the world's first multi-ethnic developed society, tolerant and colour-blind with equal opportunity for all — is marred by its own dark shadow. Many of those who arrive to build the dream endure rejection of their credentials and their experience while they and their families struggle to overcome more subtle forms of discrimination. Increasingly, they struggle at the bottom of the social ladder for far longer than any other generation of Canadian immigrants. Those in the queue to win a chance to land and build a life often endure a nightmare in an immigration purgatory than can last years.

Canada's immigration system is, once again, broken. Heralded for its bias-free, ethnically neutral, objective test of skills and capabilities — when compared to most others and our own race-based quota history — it is now an embarrassment to Canada. It is also a constant humiliation to nearly a million men and women trapped in its red tape, bureaucratic paralysis and contradictions.

Anyone who has ever worked in politics in Canada, fighting for constituents' cases as an elected member or staffer, has a collection of appalling stories about the victims of our immigration hell. The arbitrary and often incomprehensible stupidity of some parts of the immigration processing empire would cause even the most cynical observer to blush. Tragic tales of applications and appeals that go unanswered for years; decisions to separate parents and infants without explanation; refusal to acknowledge other nations' awards, credentials and approvals; and Kafkaesque treatment of supplicants roll in daily to MPs' offices across Canada.

A junior Canadian immigration official attempted to deny my infant niece entrance to Canada, from her birth home near Shanghai, until she had lived with her adopted mother and father for six months. This was a standard response a decade ago. That this was clearly an impossible option for parents who had often travelled long distances from their homes to complete an adoption was irrelevant. The official reason offered was "concern about whether this was a sincere adoption." My mother's caustic response still echoes: "What do they mean, exactly? That my daughter plans to sell her adored new child in Canada, or that my new infant grand-daughter has plans to set up an illegal Chinese laundry on arrival?" This year, after many years of bitter stories by adoptive parents, the government announced that adopted children, born anywhere in the

world would be granted citizenship immediately, when adopted by Canadian parents.

The thousands of men and women who work on the front lines of the Canadian immigration system in embassies, consulates and commissions around the world, a majority of them non-Canadian local hires, may be excused for sometimes harsh and arbitrary rulings, given the volume-driven pressures under which they operate, the many subterfuges and deceptions employed by immigra-

wanted skilled labourers and imported them first from the UK, the Caribbean and southern Europe and later from Asia. Today we want highly skilled tradespeople, service workers and professionals. We take nearly half of the annual total from East and South Asia.

Humanitarian policy goals in immigration have always played a distant second to economic imperatives, though few politicians or immigration officials like to concede this inevitable reality. Reunifying families does much less — and granting landed status to

immigration in the 1990s. The Hong Kong and Taiwanese immigrants who flooded Canada and Australia in the panic of post-Tiananmen China found on landing that their credentials and professional experience were not recognized, that tax rates were high and good job opportunities low. Many, perhaps as many as 250,000, returned “home” after years of frustration in Vancouver, Calgary and Toronto.

Today, it is hard to imagine that the Indian engineering Ph.D. working a night shift as a Toronto hospital orderly is not tempted by stories from Bangalore brothers about opportunities in the booming Indian economy. Apart from the personal frustration for the families themselves, this is the extravagant cost of the failure of our immigrant integration structure to cope.

It matches changes in demand poorly, fails to win acceptance of immigrants’ credentials and experience and is heavily overloaded in Toronto and Montreal. More than half the immigrants to Canada end up in the Great Toronto Area. Much of the burden for their integration falls, incredibly, on municipal taxpayers.

Once we have found the “best in class” from our lengthening queue of immigrants — those with the industrial and technical skills we say we need — and paid to help them find housing, learn English and “become Canadian,” we are surprised by their anger at having to drive a cab for years.

It was not meant to be this way. Forty years ago Jean Marchand and Pierre Elliott Trudeau engineered the amendments to Canadian immigration law which ended the last of the race-based quota system and replaced it with a merit-based and skills-based admission system, with special provisions for family reunification. Despite the Tory reputation for being “immigrant unfriendly,” it was John Diefenbaker and Ellen Fairclough who

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tion “consultants” and their clients to which they are subject every day and the lack of transparency at any one time about what our immigration policy really is.

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It is an embarrassing scene, the product of an unbridgeable chasm between policy goals and public demand. Canadian immigration policy has always been, understandably, self-interested first. In the 19th century we wanted peasants willing to occupy and cultivate the land. We found them by the thousands in eastern Europe. In the 20th century we

poor refugees is even more ineffective — to fill the economic gaps created by our declining birth rates than selecting a bright young Bangladeshi engineer or experienced Chinese software programmer as a new Canadian-in-waiting.

Our public dishonesty about not wanting to import indigent grandmothers and great-uncles as part of the package with our young engineer and his family is the root cause of much of the anger about immigration policy these days. We accept family reunification for two reasons: it is the price of getting the best immigrants, and it encourages the ones we really want to stay. There was a brief flurry of consternation even among immigration advocates when Statistics Canada revealed in March that, according to its analysis of the 2001 and 2006 census data, as many as 40 percent of landed immigrants and new citizens return to their native lands.

This was not news to those who had observed the waves of Asian

began the reform process, away from the “white Canada” immigration policy instituted by Mackenzie King and maintained until the late 1950s.

It was King whose report on Vancouver’s anti-Chinese race riots laid the groundwork for Canada’s “anti-yellow peril” immigration policies, claiming that the Asian male had a propensity for narcotic drug use. And it was the BC Liberal Party that took out full-page ads in the 1930s saying that supporting the CCF would mean giving “the Chinaman the vote.” But that was before the Liberal Party became the sole and sacred defender of new Canadians’ rights.

Changes to the system over the years have somewhat tilted it away from family reunification and toward skills attraction, though access to Canada is still more open than access to almost any other developed nation.

Sadly — for the applicants and for our previous reputation for tolerance, sensitivity and competence in immigration management — the system is once again on the verge of collapse. The government acknowledges that the backlog of applicants is now between 800,000 and 900,000 cases, a backlog that means a gap of six to eight years between application and approval. At current growth rates it will exceed one million before the end of next year. By contrast, when Jean Chrétien became prime minister, the backlog was less than 50,000.

What happened? Budget cuts in the ‘90s reduced the ability of the system to process claims; the flood of aspirants grew dramatically, driven especially by the then new freedom of mainland Chinese citizens to go abroad; new security checks and other new processing requirements slowed down the pace of clearance. Immigration consultants pump the system with multiple applicants for

the same family, often from different locations, and privacy rules and ancient data systems mean that officials can’t search for duplicates.

Academics expert in immigration and refugee flows often observe that it is not surprising that numbers of claimants increase, what is mysterious is why the numbers rise when they do. Why have increasing numbers of Mexicans and Central Americans decided to risk their lives in desert crossings to enter the United States now? Their countries were poorer, and in many cases more war-ravaged a decade ago. Why were there not 2 million, 10 million, 20

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million Indian immigrant applicants in the 1980s? India, booming today, offered a far dimmer future for its citizens then.

The question is important because there are more than 3 billion citizens in East and South Asia, and another two billion in the rest of Asia, Africa and Latin America. At an admission rate of less than 300,000 individuals annually, we can welcome an almost meaninglessly small slice of that potential wave.

This is the awesome dilemma that the federal government is today attempting to address. One may fair-

ly observe that it might have avoided the battle over its legislative changes through the sleight-of-hand of sliding the changes into a budget omnibus bill. One might raise one’s eyebrows at the expansion of the minister’s already broad powers under the *Immigration and Refugee Protection Act* to determine who gets in the queue, who gets out and in what order — though that is a dubious critique, as we shall see.

What one cannot do with any confidence is suggest that a continuation of the Liberal legacy, or of either the Bloc’s or the NDP’s conflicted policy notions, would produce anything preferable. The Liberals inherited an almost manageable mess, then drove it into the ground. The problems inherent in managing a fair, open and sustainable immigration policy are real and the answers are not obvious.

It could be worse, a lot worse. We share no border with any country that is home to tens of millions of aspirant immigrants. (If the Bush presidency did not produce a surge of American refugees, it is hard to imagine what might.) We are protected from illegal immigration by thousands of miles of oceans on three sides. Our geography has given us an almost unique opportunity among immigrant nations to carefully choose who becomes Canadian. We are also blessed by the fact that we have developed a mysterious ability to do nation-building, woven from hundreds of ethnic threads, better than anyone else.

Western liberals and much of the international media were horrified by the John Howard government’s offshore imprisonment of Australia’s flood of illegal immigrants, mostly from Indonesia. How different would our response have been if we had faced a mounting invasion of overcrowded, unsafe ships, from a nation of 200 million mostly impoverished

people less than 500 miles off our shores, being smuggled in accelerating numbers through the connivance of corrupt Indonesian government officials and a sophisticated “snakehead” mafia?

Hopefully, we would have avoided the thuggish rhetoric and offshore and desert prison camps Howard was proud of, but beyond that, what? Set up ever-burgeoning refugee and containment centres in the Lower Mainland of BC or the Annapolis Valley? I don’t think so.

We are fortunate, as well, that despite daily temptation, our front-line immigration officials are remarkably incorruptible. The United States and some European countries endure the regular embarrassment of visa sale scandals. It is an open secret in some cities which officials in which diplomatic missions can offer “expedited service,” and what the rate card is. The sums on offer can be hundreds of thousands of dollars, many years of a locally hired official’s salary. We have quietly managed small scandals in Hong Kong and Delhi and a few other places, but Canada retains a reputation as a country whose officials are difficult to buy or even rent.

Our immigration policy, when it has come closest to working well, was always a delicate balance between self-interest and humanitarian conviction, between opening our arms to refugees, grandmothers and the needy on one hand, and to the best skills and brains we could attract on the other. But it has never been un-self-interested or bias- or problem-free.

Yes, we were among the most generous recipients of Vietnamese boat people in the world, magnificently defended by Flora MacDonald. But few Canadians are aware that we also sold billions of dollars of passports to desperate Hong Kong and Taiwan Chinese in the eighties and nineties. We called them “immigrant investor Canadians,” and we took between



Montreal Gazette archives

Jean Marchand and Pierre Trudeau, here in 1965, undertook serious reforms of Canada’s immigration system when Marchand was later immigration minister in Trudeau’s government. The system was broken then, and it’s broken again, with a backlog of as many as 900,000 applicants.

\$250,000 and \$750,000 from each of them, invested in sometimes dubious specially created funds, in return for a fast track to citizenship.

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We invest several billion dollars a year in international development, much of it in assistance in skills development and education in the Third World. Some of the recipients get scholarships to study in Canada, and some of them fall in love with Canada and never go home. Canadian hospitals and universities then deprive their Third World countries of desperately needed skills. Some African leaders have quietly complained about trawling expeditions conducted by head-hunters on behalf of Canadian health care clients.

Our immigration ironies are piled many layers high: mounting skills and labour shortages in several sectors and provinces and an almost impossibly choked immigration bottleneck; professional associations and provincial governments who refuse to recognize engineering, medical and scientific credentials, while struggling with mounting skills shortages; accountants, doctors and scientists drifting back to their homelands after frustrating years doing menial chores in dead-end jobs.

The incentive to stretch the truth — or, in some cases, to repeat bald-faced lies — for most of the interested players in this sad saga makes serious policy debate rare.

Refugee advocates exaggerate the risks faced by every one of their clients, if they were to be deported, as if to concede one insincerity casts a shadow on all others. Immigration lawyers deny abusing the system while promising desperate applicants that only they know the shortcuts that work. Public and private sector recruiters paint glowing portraits of professional heaven to prospective job candidates overseas, knowing the real picture is far more sombre for many new arrivals. Immigration officials pretend that everyone is guaranteed equal

treatment, knowing full well that some are far more equal than others. And opposition politicians attack officials’ and ministers’ ability to move some cases to the front of the queue, except when they are demanding it for their own constituents.

As in the health care debate in Canada, the dearly held fictions of partisans on all sides make progress toward a sustainable system almost impossible. Every health minister knows that demand for health care improvements is infinite and budgets aren’t. Every health official knows that Canadians universally despise queue jumping, unless it’s their grandmother in the queue.

Immigration ministers know that family reunification must be capped if the system is not to deliver an unsupported and unemployable number of the very young and very old. They know that the system must give greater weight to the high-value skills for which high-value jobs really are waiting, if they are not to create a backlash of angry unemployed immigrants and unhappy taxpayers. And few prospective immigrants want a genuinely bias-

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and pressure-free selection system, at least not until they and their family have been able to fight their way to the head of the queue using whatever financial and political capital they have been able to bring to bear.

Wandering through the academic and media coverage of one of Canada’s longest-running policy debates, over many decades, one sees several constants emerge:

- The opposition is always furious at any proposed change in the immigration system, and then adopts those changes as its own on returning to power. It then tinkers with the entrance requirements, and

announces its own “bold, new solution,” surprisingly similar to the old. (The NDP and, more recently, the Bloc are opposed to every immigration change of every government, even ones that revert to a position they had previously demanded.)

- The media play their usual foolish and credulous role, repeating every myth and horror story with shallow attempts at verification, especially when a story can be illustrated with mother and child victims. It would be funny, if weren’t so sad, to see the outrage thundered by the same newspaper editorial page — sometimes by the same reporter — a decade later, over changes the paper forgot it had previously championed.
- The horror that is predicted to follow every change fails to appear, but neither does the system perform with the fairness and efficiency the government claimed it would deliver. Yet Canada remains at the top or near it in every survey of immigrant success.
- Canadians continue to understand the importance of immigration

and our high level of success at integrating newcomers, and report their enthusiasm at the outcome.

In recent years two new players have entered the debate: the colourful and somewhat shady cluster of immigration lawyers and consultants, and the immigration support NGOs. The immigration lawyers are opposed to any change that would decrease the need for their services and their often astonishing fees, but they always frame their criticism of any change as “unfair to applicants.”

The essential conflict is over the hypocrisy at the core of the debate: we do not want to admit that we

want only the best immigrants, those that quickly become successful Canadian taxpayers, those whose children go on to create the next generation's academic, business or professional successes.

This means — the claims of an endless series of immigration ministers to the contrary notwithstanding — that we really don't want the aging uncle, the manual-labouring brother-in-law or any other of the otherwise unqualified "family reunification" distant relatives. And, sadly, the statistics are cruelly blunt about the economic risk of reunification. The second arrival, even a brother with similar qualifications, rarely makes even two-thirds of the income of the first. Husbands, wives and children, we want for sure, as they make for a stable family unit and reduce the temptation to return home in the difficult early years.

And we confuse the economic driver of Canadian immigration policy — openly acknowledged by Clifford Sifton as he successfully depopulated chunks of the Ukrainian and central European farm community with promises of free land — with the humanitarian impulse of our generous refugee policy. Changes introduced by the Mulroney government, poorly amended by the Chrétien administration and adroitly exploited by the immigration consultant industry failed to deal with this deliberate confusion between immigration policy and refugee policy. When an immigration claim was not likely to succeed, the consultants would counsel the client to apply as a refugee.

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sible circle. The Chrétien government inherited massive numbers of Indian refugee aspirants from the Tories. Unless they were polygamous Rastas, it's hard to imagine a legitimate Trinidadian refugee claimant. The government of India was understandably grumpy over our consideration of Sikh terrorists as refugees.

The sad reality is this: Canada is one of half a dozen places in the world with both a relatively open-door immigration policy and a destination highly attractive to tens of millions of potential immigrants. There will always be several thousand potential immigrants for each one we are willing to admit. The door will always therefore be half closed. The policy responses to this immutable reality are few:

- We can adopt much tougher entrance requirements and at the same time target skill sets more precisely. This is what the Tories are accused of doing, though it is hard to see the proof of this in the

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language of what they have proposed, or in any political agenda that is not suicidal.

- We can leave the point system much as it is and add a lottery layer on top. This is the approach taken by the Americans in handing out their right-to-employment entrance visas, the famous green cards. They supplement this reliance on Lady Luck with special categories of employment visas, based on scarce skill sets, that technology employers depend

especially heavily on, and compete viciously over.

- We could double the annual intake to more than half a million, which, as a percentage of total Canadians, would not be much greater than the numbers we often accepted in the 1970s. But, given the strains on the system now, this hardly seems wise or fair to the added cohort.
- We can reintroduce regional or national quotas. Given that two thirds of the immigration backlog is made up of applicants from India and China, this solution would be instantly effective. It would also be attempted only by a brain-dead government led by politicians tired of living.

Or we can, as the Harper government has proposed, give to the minister and his or her officials the right to tinker with the numbers and entrance requirements as they determine what the economy and the social requirements of the coun-

try dictate. Although this has produced howls of anger about "ministerial rigging" and "partisan favouritism" from the opposition, it's hard to see their point.

First of all, the minister has this prerogative now. Every immigration minister overrides the system hundreds of times a year in favour of special cases. In Minister Judy Sgro's case this included considerable ministerial favour for Romanian "working girls," a euphemism for strippers, for reasons that were never entirely clear. The

Conservatives are proposing to make this a wholesale prerogative as opposed to a case-by-case, retail one. Is it really dastardly for an immigration bureaucrat to recommend that welders willing to work in Alberta should be given special access? For that is what the proposed process would do.

Second, even if you do not believe the Tories' promise that this bureaucratic power would be subject to parliamentary committee review, would any government be so silly as to make special provision for unemployed, unwanted classes of immigrants? Would they really, for example, favour Tamils over Sikhs on partisan grounds?

I remember being harangued, one late night driving into Stockholm, by a cab driver who explained to me that then prime minister Olaf Palme and the Social Democrats were buying thousands

of immigrants from dealers in the Balkans and Africa, importing them into swing constituencies and paying them incredible subsidies, just so that the party could stay in power. Without those immigrants' votes, he assured me, the government would have been thrown out years before. I suppose it is possible the Harper government has such a scheme as part of its famous hidden agenda. It would be rather challenging to keep hidden.

So if history is any guide, and in the Canadian immigration soap opera it reliably is, this chapter will end like all its predecessors. The new system will be adopted over howls of protest and predictions of disgrace. The backlog will be temporarily cut, until the immigration industry figures out a new way to pump it up again. Immigrant support groups and employers will demand new changes.

A newly elected Liberal government — not, admittedly, a short-term prospect — will attack the mess bequeathed it by the Conservatives, and then propose “a new, just and equitable solution to Canada’s immigration nightmare.” It will look very much like previous versions. It will then be vehemently condemned by the Conservatives, the NDP and the rest of the usual suspects.

Meanwhile, several hundred thousand newcomers will have successfully navigated the immigration minefield, overcome the hidden barriers to the achievement of their dream of a new Canadian life and joined in the realization of our not entirely shiny new national dream.

Contributing Writer Robin V. Sears, former national campaign director of the NDP, is a principal of Navigator Ltd., in Toronto. rsears@navltd.com



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