

*Written initially in July 2012 as a response to some of the initiatives being taken or considered with regard to changes in the Federal as well as the Provincial Immigration programs. It is designed to be moderately provocative in terms of asking some difficult questions.*

## **Immigration Matters**

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Immigration has been a foundational narrative of Canada, its development, its national character and arguably even its separate existence. More recently it has given rise to a globally unique experiment in the creation of a multi-cultural society built on a single set of values. Immigration is not a random walk. Whether intentionally or unintentionally the policies and practices of our Governments shape the nature of who comes, who stays, where they are likely to live and the impact on the evolving nature of our communities and society.

The debate about immigration policy has recently moved to center stage as a more activist Federal Minister tackles some of the outstanding issues. Simultaneously provinces, business and industries develop more specialized strategies. We need changes to immigration law and policies but even more we need an inclusive national debate to assure that the challenges and opportunities of regions, cities and the economy are properly reflected in these changes. At the same time we observe ongoing violence and dysfunctional politics in many countries. This results in an outflow of migrants matched with a parallel concern and resistance in receiving countries in terms of their ability to receive and integrate. Canada cannot be the entire solution to every humanitarian or economic problem but we have a capacity and national consensus to be compassionate.

Immigration policy is complex but there are some fundamental questions and issues that would benefit from public discussion.

1. How many immigrants?

Canada has accepted a total of 2,467,511 immigrants in the past decade and 248,748 in 2011. A decade ago there was resistance from the largest cities because they were receiving the vast majority of immigrants and settlement was a challenge. Possibly there was some concern about the rapid and visible cultural shift. The Provincial Nominee Program (PNP) was designed to diversify settlement patterns from a regional perspective and has been enormously successful. Now the same major centers are expressing some concern that the rise of the PNP is reducing the total flow to the historically largest recipients of immigrants. When immigration policy dictates an overall numbers cap but a new program is allowed to grow this will have an impact on some other flow of migrants – in the current situation the primary result has been a slowdown of both economic migrants and the reunification of family members. In a similar vein there are economic concerns about unemployment in some regions and a shortage of skilled and unskilled workers in others. Does a cap expressed as a global number make sense in a country as diverse in terms of geography, people and requirements as Canada? Federal Immigration Minister Jason Kenney states repeatedly that there is no national consensus for a higher immigration intake. Given the complexity of the issue it is like the proverbial group of blind people trying to describe an elephant. Each of us experiences the question from a regional and personal point of view that is valid but can impossibly result in a full and balanced appreciation of the issue. The answer may not be simple but we require leadership and not a survey of partially informed individuals based on limited information.

## 2. Temporary Workers versus Immigrants

Temporary worker programs are a time-honored global phenomenon that is ostensibly designed to deal with a temporary need. In many cases these programs were temporary because the need was genuinely temporary. In other situations “temporary” was a euphemism that implied that the workers were really not desired as permanent residents. In other cases “temporary” reflects the absence of sound policy. German guest workers, current practice in the Middle East and

Chinese builders of Canadian railroads reflect policies where permanent immigration was not the real intent. Too often temporary becomes permanent and in the absence of sound policy becomes problematic for both the immigrant and the society. Current Canadian programs that respond primarily to the impulse of an employer filling a need may contribute to that kind of an outcome since the “temporary workers” frequently want to remain in Canada but the selection process may not have identified them as ideal for successful long term integration into Canadian life. Where permanent immigration is a likely outcome the process of selection should fully reflect that possibility. The preference for temporary workers as promoted by current Government practices is a potentially dangerous aberration and requires discussion.

There is a genuine role for temporary worker programs. The seasonal agricultural programs are good examples and if administered well can benefit the employers, workers and both the sending and receiving societies. The use of temporary workers on a vast scale should be questioned. The initial oil sands project was started in 1967 and the resource is good for at least another century. If conditions had been created to welcome families, northern Alberta would be well on its way to a successful regional society. Thompson, Yellowknife and Whitehorse demonstrate that communities can be successful in the North where there is a viable economic base combined with adequate amenities. How many decades does it take for a “temporary” development to become permanent?

### 3. Immigrant Selection Process

This is arguably one of the most controversial issues and rightfully so. Canadians like to pretend an innocence and purity that is neither true nor helpful. There is no such thing as genuine neutrality or even the absence of preferences of various kinds in the immigration selection process and probably should not be. The goal is an immigrant – and the stream of people who follow that initial immigrant – who will be economically and socially successful in Canada. That success needs to be reflected equally in the experience of the host community. Whatever

the limitations of the recent selection process, the demonstrated ability and willingness of Canadians to welcome and socialize a remarkably diverse flow of people from all corners of the world is a genuine achievement. We should not be complacent about this outcome. In the absence of sound policy and awareness of potential negative experiences this overall national consensus about immigration can be at risk.

Canada adopted a points-based selection system in the 1967 as it shifted to a strategy that ostensibly reflected global talent rather than replicating the existing population profile. Compared to the experience of most other developed nations this strategy was innovative, far-sighted and arguably daring. The profile of arriving immigrants shifted in favour of advanced education but also reflected the push factors of poverty and dysfunctional governance in many parts of the world. A selection process that favoured formal qualifications versus an employment match had a predictable outcome in a society where credentials reflect medieval guilds more than the computer age. Nevertheless the new immigrants and their children have contributed incredibly to Canadian society. A feature of the new immigration system was the re-unification of families. This has arguable merit but when the most qualified member of a large and possibly rural family with almost unlimited relatives succeeds in coming to Canada, the predictable result will be a potentially endless stream of followers being “re-unified” with those who have already emigrated. Given the education-based initial criteria and weak family unification criteria the outcome will be a large number of immigrants with reduced ability and motivation to integrate and less ability to succeed. Who arrives first has an incredible long term impact on our society and on the cost of settlement. The arrival of an immigrant from a developed country that has few push factors and small families may have an initially identical impact to the arrival of an individual or nuclear family from a more distressed part of the world – but the results over time will be incredibly different – yet we apply the same initial criteria to both. This has nothing to do with racial or cultural

preferences but everything to do with the dynamics of the real world and the structure of our system. If we applied different selection principles to potential immigrants from places or of a character that would have no or limited future impact in terms of following family – we could be more aggressive in pursuing these unique carriers of talent. Alternatively we could review our family unification policies and change the expectation that the arrival of one person provides some kind of noble guarantee that many others can follow without similar qualifications. Remember – when someone is “unified” with their relatives in Canada they simultaneously make the decision to “separate” from what may be a larger family/community that they choose to leave behind.

The proposed changes to the federal immigration process place greater emphasis on immediate access to a pre-arranged job plus the greater use of temporary worker programs. The supremacy of a match with a job is admirable but the perceived inadequacy of the present system ignores the fact that the current points-based structure is a design of the Government itself. If it is not working right then the Government itself has the power to change the criteria. The match with a job implies that almost all other criteria about the qualities of a person and what they and their families and offspring will contribute is of limited merit. If the Government through the Ministry of Immigration really acknowledges that it is unable or unwilling to take the full measure of a potential immigrant then possibly the Federal Government should transfer selection power to other jurisdictions that are either more willing or more able to deal with these issues. The Manitoba PNP program uses the language and principles of “likely to succeed” as part of its selection process. This implies a much more inclusive view of a person and is arguably more respectful of the person as well as the receiving community. The potential flow of future family members remains as an issue and should be dealt with as part of the changes to immigration policy.

The process of selection is compounded by the unwarranted view that Canada has had an obligation to every potential candidate in terms of the review of their application. This results in a backlog of applications compounded by a policy of staff cutbacks at the embassy and processing level. The predictable outcomes are unacceptable backlogs in almost every category. Our sense of fairness may be assuaged but we are hardly treating the potentially desirable immigrant with any sense of respect or dignity and likely lose the best to countries like Australia that have figured out a better system. A well-defined and tightly run system demonstrates respect and fairness to potential migrants as well as to employers and families that want to get on with their lives.

#### 4. Family Re-unification

This has already been discussed as part of the selection process impact but there are elements that should be considered on their own merit. Multi-generational families are a source of strength and are rightfully part of a successful immigration and nation-building process. On the other hand an endless stream of family members with questionable ability to contribute economically has the potential to damage the Canadian consensus about immigration. The ability to bring additional family members needs to be balanced with the desire to accept a higher proportion of individuals that are personally matched to an economic opportunity. The Federal Government is proposing changes to the acceptance of the “initial” immigrant in terms of language ability. This will skew the selection process back to formal education which has demonstrably been a problem and focus the source countries in ways that may have better language outcomes but no assurance of greater long term economic success for the entire arriving family. A narrower view of the right to sponsor family would be more productive and create space for a greater flow of qualified persons.

An argument for family re-unification is the concern that families lose contact. In an age of the steamship this may have been a reality. In the world of air travel, the internet and skype the reality is totally different.

Canada has a backlog of approximately 8 years for the immigration of a grandparent who wants to connect with their Canadian children. In the meantime visitor visas are often a challenge for these same grandparents. We need to balance the ability to visit in a shrinking world with the desire to immigrate permanently. Access to grandchildren needs to be separated from access to Canadian systems of health and other benefits. Immigration should be possible but if access is available and meaningful the argument for permanent 're-unification' will be reduced and backlogs may be shorter. It is also arguable whether a parent who follows a 'qualified' child should have the right to sponsor others.

The concept of family re-unification needs to be redefined as a combination of access and immigration in a world where the barriers to travel and communication have dissipated.

#### 5. Provincial Nominee Programs

The PNP programs have taken on a life of their own and while generally viewed as a success are experiencing the consequences of their own accomplishments in an environment where total immigration is viewed as a zero – sum game. Every delay in the speed of a federal program or the length of a particular backlog seems to be attributed to the capacity used by the PNP. The PNP is an invention of the Province of Manitoba which was responding to economic stagnation in the late 1990's and observed that few immigrants arriving as part of the Federal points system were choosing Manitoba. The only significant arrivals were family re-unification or refugees sent by federal authorities or sponsored by local groups. The resulting economic and social funk resulted in an outflow of retirees to warmer climates and young people heading West, East or South in search of opportunity. The nature of the federal program demonstrably precluded successful real immigration to Manitoba. The PNP program was an initiative in 1998 between the Province of Manitoba, the newly formed Business Council of Manitoba and other social stakeholders.

The PNP recognizes that Immigration policy is actually a shared responsibility between the federal and provincial Governments but other than Quebec this has never been recognized in practice. The program allows the province to “nominate” the principal immigrant with the federal government (in theory) only applying health and security criteria. The original federal concern was that immigrants would use Manitoba as a shortcut to get to their real destinations of choice which was implied to be a location such as Toronto and avoid the longer application times. The Prime Minister of the day even stated verbally to the writer that “we should not waste our time since nobody wants to live in Manitoba.” This attitude was reflected in the initial caution that permitted only small quotas to test the program and clear understandings that Manitoba needed to demonstrate that PNP immigrants would actually settle and remain in Manitoba – in the absence of any legal obligations to do so. The PNP was designed around a carefully crafted consensus within the Province and built around the principles of relevant skills, advance or immediate connections to employers, existing family and community connections and a demonstrated history of employment or economic success in their life prior to emigration. The Manitoba PNP proved phenomenally successful and saw immigration to Manitoba increase by over 500% since 1998. The program met and exceeded its retention targets, the immigrants were successful with employment and the program has enjoyed universal support from all elements of the provincial political and social spectrum. Notably PNP arrivals have a home ownership ratio that exceeds that of the local population and many smaller communities have been successful in attracting and retaining new arrivals with incredible economic and psychological results. The Manitoba unemployment rate remains as one of the lowest in Canada in spite of these arrivals and without the mega-projects that one normally associates with low unemployment.

One result of the successful Manitoba PNP was its extension to other provinces and eventually to all provinces. It enjoys considerable success



in Saskatchewan which faced similar issues and has used the program in a manner similar to that of Manitoba. Success has been more problematic in other provinces that saw the program more as an alternative to the delays associated with federal programs rather than as a fundamentally different approach to the question of immigration. By extending the program to all provinces the PNP lost its original rationale in that it provided an alternate philosophy and possibility to attract and retain immigrants where the federal program was demonstrably not effective. The result has been the application of a 'cap' in terms of numbers to the Manitoba and several other programs. This affects Manitoba more than others since provinces such as Alberta have other effective alternatives such as the traditional federal skilled worker program and the expanding temporary foreign worker programs.

Since the inception of the PNP program in 1998 immigration to Manitoba has increased from 2,993 in 1998 to 15,962 in 2011. The number may have been even higher in the absence of restrictions. The dominance of Manitoba in the PNP program is evidenced by the numbers. A total of 181,886 persons have arrived in all PNP programs and 40% of these have arrived in Manitoba in spite of our population being only 3.8% of the national total. The federal government is making a strategic mistake in allowing all provinces to develop PNP programs and then begin to regulate them back to national standards – which was the original reason for the failure of Manitoba to attract immigrants. The PNP is a very unique effort calibrated to the Canadian reality of diverse regions, economic realities and differing attitudes. The PNP should be reserved for Provinces that cannot participate adequately in the 'federal' programs by reason of their design and the reality of being small and (internationally) invisible.

The current federal Government appears to view immigration substantially as the matching of skills in areas where they are needed. That has some merit but immigration for provinces like Manitoba is about population and the creation of a viable and competitive society. The PNP program has been a marvelous answer to that question and

could have a similar impact on the Atlantic Provinces and Saskatchewan but is hardly the right solution for Ontario, BC and Alberta.

6. Students: This is a very special category to which we should pay a great deal of attention. Canada has always attracted students but the ebb and flow of this group is quite variable and can change quickly. The United States has always been an attractive destination for students from around the world but the cost of study in the US is very high and the impact of 9/11 and subsequent policies have made entry and the experience more challenging. Accordingly many students have looked for alternatives. The UK has also historically been a magnet for foreign students but for various reasons related to the economy and social issues has become suddenly much more restrictive in terms of entry. It needs to be noted that the ability to study in the English language is very much a priority for most international students which makes Canada one of a select number of countries that is near the top of the list. A notable example of successful policy with regard to international students is Australia. They have exceptional ability to process students quickly and their universities are organized to deal with a very high proportion of foreign – generally Asian students who have both the ability to perform academically and the finances to pay. Australia then makes it easy for these students to remain in Australia so that its immigration policy is very oriented to the retention of students/immigrants who are known, already assimilated, speak English and can immediately contribute economically. Canada has adopted some more aggressive and progressive policies in recent years but we still trail Australia and New Zealand.
7. The humanitarian rationale for immigration. We use the word refugee as shorthand for the circumstances of people who have been placed in situations of great personal distress for reasons of war, natural calamity or other catastrophes. However 'refugee' is really a more technical term generally limited to persons who are outside of the country of citizenship and meet the criteria of the UNHCR. By global standards Canada has been reasonably generous to persons experiencing

humanitarian difficulties whether as a technical refugee or otherwise and this is commendable. Canada has space, capacity and many of us are in fact Canadians as the result of similar generosity experienced by ourselves or an ancestor.

We have experienced significant difficulty in recent periods as we mix a perceived generosity to refugees with the full application of Canadian legal and other rights.

We have taken the view that if a person touches a rock or tarmac in Canada regardless of their situation and the integrity or lack of it that got them there – they have rights that do three things. First, it absorbs the capacity of our legal and social system to deal with this category of person, second it fills the pipeline with people who are in limbo for years and third it damages the Canadian sense of fairness and welcome to genuine refugees who are patiently waiting in much more difficult circumstances. If a Canadian becomes agitated about the lack of legal perfection for some questionable applicant in Canada – take a walk through any of a number of refugee camps around the world and note the conditions of people who are arguably excluded by this process.

Any refugee program will be challenging but the combination of a Federal program complemented by the private sponsorship program of the past 30 years has exhibited a useful degree of flexibility and success. Given the global scale of the problem we need an approach that balances the need for individual attention on arrival with the desire to make it effective for more people.

8. Some difficult questions;

This article has raised a number of issues such as the total scale of immigration, the role of temporary versus other forms of entry to Canada, the nature of the selection process, the generosity of our family reunification policy, the issues around refugees and so forth. An additional issue that could impact immigration if answered in a different way is the

question of any restrictions on immigrants such as location for a period of time.

- Conditional immigration: Any immigrant who arrives in Canada has no obligation to live in any particular place or region. This is commendable but we have all kind of other conditions that apply to the process of being approved but somehow any restriction on where you live is deemed unconstitutional. On the other hand we have always had policies in some sectors such as health where an arriving doctor had obligations to serve in a rural region and there may have been restrictions for other categories. Notably a temporary foreign worker is frequently restricted to one particular employer which creates opportunities for abuse. If a person or family of demonstrated personal quality was given the choice of a restriction to a region – say Manitoba/Saskatchewan or the Atlantic Provinces for a limited period such as 3-5 years as a condition of entry versus being denied – many would consider that a very reasonable condition if it led to genuine citizenship and full future freedom. We deny opportunity to many who have a legitimate reason to relocate by applying institutional standards that do not correlate with the circumstances of the potential immigrant. Such a policy would permit some interesting programs for Provinces that are not only seeking skills but also population. If arrivals fail to support themselves economically the program would soon end of its own accord – but immigrants are unusually versatile and motivated and would likely manage quite well.

These ideas and observations about the immigration system and its policies would benefit from a genuine informed national debate. The system does have serious flaws in spite of the fact that internationally it is seen as far-sighted. If we get it right we can admit more immigrants with better results. Getting it wrong carries a high economic, social and most important human cost.