Canada

Introduction

Since the 1980s, Canada has accepted more immigrants and refugees for permanent settlement in proportion to its population than any other country in the world. During the twentieth century, the country's immigration policy was transformed from a mechanism for keeping people of non-European origin out into a tool for selecting a mixture of newcomers – regardless of origin – designed to fuel the country's economic and demographic growth. Despite consistently high levels of immigration and increasing diversity, especially in urban centers, Canada has not experienced the kind of political backlash against immigration and multiculturalism seen in most European countries during the past decade.

In Europe and elsewhere, Canada's immigration policy – at least the component referred to as the "point system" – is often regarded as a model to be emulated.

Background Information

Capital: Ottawa

Official languages: English and French

Area: 9,984,670 km^2

Population (2011): 33,476,688

Population density (2011): 3.7 persons per km^2

Population growth (2006-2011): + 5.9%

Foreign-born population as a percentage of total (2011): 20.6%

Labor force participation rate (04/2013): 66.7%

Unemployment rate (04/2013): 7.2%

Religions (2011): Roman Catholic (38.7%), Protestant and 'other Christian'(15.6%), Muslim (3.25%), Christian Orthodox (1.7%), Hindu (1.5%), Sikh (1.4%), Buddhist (1.1%), Jewish (1.0%) no religious affiliation (23.9%)

In recent years, however, the system upon which this Canadian success story is based has begun to change fundamentally. Three policy shifts in particular are of concern to migration researchers: (1) the expansion of temporary migration channels, (2) the more restrictive and conditional approach to permanent immigration and (3) the devolution of power over immigrant selection from the federal to the provincial level. All three changes have been introduced in order to address perceived shortcomings, especially the increasing labor market difficulties of highly-skilled immigrants since the 1990s and untenably long processing times for reviewing immigration applications. Whether or not these recent changes will have the economic effect that policy-makers desire is unclear. There are growing concerns that they may have negative consequences for aspects of immigrant integration beyond the economic sphere.

Development of Immigration and Immigration Policy since the 19th Century

Immigration policy in the late 19th century Canada's first Immigration Act was passed in 1869, two years after the country's founding. The law was intended to counteract emigration to the United States and to help settle the country's western territories. It did not

place a great number of controls on the entry of newcomers, giving the federal government the power to prevent the entry of poor, sick and disabled persons. However, this *laissez-faire* approach soon gave way to successive laws that sought to attract persons deemed suitable for settlement, both in economic and ethnic/racial[1] terms.

The late nineteenth century saw the introduction of a mass-immigration program designed to populate Canada's west. To this end, aggressive information and recruitment campaigns were mounted in the United Kingdom, the United States, Germany and other northern European countries. Once it became clear that the traditional source countries – particularly the United Kingdom – would not yield enough would-be immigrants, attention was turned to Central and Eastern Europe. These campaigns resulted in the first large influx of new arrivals from continental Europe, notably Ukrainians[2], Germans, Italians and Russians.[3] The policy aimed to attract farmers and farm laborers. Artisans, clerks, common laborers and other city inhabitants, on the other hand, were considered ill-suited for settlement.

Definitions of who was well-suited for settlement were also influenced by the notion that Canada was a "British settler society" and that, as such, only certain national or ethnic groups could be assimilated without altering the fundamental character of the emerging nation. This belief led early on to the introduction of a series of formal and informal entry restrictions based on ethnicity and race, directed mainly at Chinese, Japanese and Indian migrants.

The 1952 Immigration Act

Entry restrictions designed to minimize cultural, ethnical and ideological diversity were maintained until well after the Second World War. In 1947, Prime Minister Mackenzie King, in an oft-quoted speech, maintained that immigration should not be allowed to "make a fundamental alteration in the character of our population."[4] The 1952 Immigration Act gave significant powers to the government to restrict or prevent the admission of persons on the basis of nationality, citizenship, ethnic group, class, geographical area of origin, occupation, lifestyle, unsuitability with regard to Canada's climate and "probable inability to become readily assimilated" into Canadian society.[5] Regulations that went into effect along with the law established a list of preferred countries of origin.

Abolition of racist immigration policies and introduction of the point system

Canada's racist immigration policy was mostly abandoned[6] in 1962, when a regulation came into force allowing immigrants with the necessary education, skills or other qualifications to enter the country, irrespective of color, race or national origin. In 1967, the point system was introduced, allowing immigration officers to assign points up to a fixed maximum in categories such as education, language abilities and employment opportunities. Although the categories in which points are awarded and the sum needed to pass have changed over the years, this system remains a key component of Canadian immigration policy.

Table 1: Six Selection Factors for Federal Skilled Workers

Selection factor	Maximum points
English and/or French skills	28
Education	25
Experience	15
Age	12
Arranged employment in Canada	10
Adaptability	10
Total	**100**
Pass mark: 67 out of 100 points	

Source: www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp (accessed: 7-16-2013)

The Immigration Act of 1976 set up four basic categories of individuals who could qualify as landed immigrants. It also required the government to set yearly targets for immigration numbers and to consult with the provinces regarding the planning and management of immigration. The Act is considered the cornerstone of present-day immigration policy in Canada.

The 2002 Immigration and Refugee Protection Act

Immigration to Canada is currently regulated by the 2002 Immigration and Refugee Protection Act (IRPA) and its amendments. Under the IRPA, individuals can apply to become permanent residents in one of three so-called landing classes: economic class (i.e. skilled workers, business immigrants and their immediate family members), family class (e.g. spouses, partners, children, and other relatives of Canadian citizens or permanent residents) and protected persons/refugees. In addition to these classes, it is possible to be granted permanent residency under Humanitarian and Compassionate (H&C) provisions, at the discretion of the Minister of Citizenship and Immigration Canada (CIC). Once a person has been accepted as a permanent resident, s/he enjoys rights similar to those of citizens, including unlimited access to the labor market and social services.

Contrary to popular belief, only a very small proportion of individuals seeking to enter Canada as permanent residents are subject to selection using the point system. This process applies only to principal applicants in the economic class, like Federal Skilled Workers. In 2011, 16 percent of incoming permanent residents were assessed under the point system.

Recent changes to the Federal Skilled Worker Program

Since 2012, fundamental changes have been made to the Federal Skilled Worker Program (FSWP). Unable to cope with processing delays of up to six years for applicants in some parts of the world (especially Asia), CIC announced in November 2012 that is was suspending FSWP until mid-2013 and clearing its backlog of applications. Approximately 280,000 applications that had been filed before February 2008 but not yet processed were subsequently eliminated from the system and the processing fees returned to the applicants.[7] In addition to evaluation under the point system, applicants to the re-vamped FSW-program must meet one of three criteria: (1) they must have a minimum of one year of work experience in one of 24 eligible occupations (mainly in the engineering, medical, and information technology fields); (2) they must have an offer of employment for a job that cannot be filled by a Canadian citizen or permanent resident; or (3) they must be an international student enrolled in a Ph.D. program at a Canadian university and have at least one year of work experience in a professional or managerial-level job. The eligible occupations and Ph.D. streams are limited to 5,000 and 1,000 applications per year, respectively. The imposition of quotas marks a sharp change from Canada's longstanding emphasis on mass immigration. Additionally, self-assessments of language ability have been replaced by mandatory language testing, and applicants are now required to obtain an educational credential assessment for their educational qualifications.

The Federal Skilled Trades Program

Long criticized for ignoring the demand for workers in skilled trades in favor of professional and managerial workers, CIC introduced the Federal Skilled Trades Program in January 2013. Under this program, up to 3,000 individuals per year can apply to become permanent residents based on their qualifications and work experience in one of 43 trades. Applicants are also required to meet language requirements and have either an offer of employment or a certificate of qualification from a province or territory.

Changes in family immigration

Family-related immigration has long been a cornerstone of Canadian immigration policy; however, two recent developments indicate that this is changing. First, in December 2011, CIC introduced the so-called "Super Visa" for parents and grandparents. No longer eligible to immigrate to Canada as sponsored relatives, parents and grandparents can now receive a ten-year, multiple-entry visa to visit their families in Canada, provided the sponsoring family member meets minimum income requirements and can provide private medical insurance for the visitor. Second, in October 2012, CIC introduced a conditional permanent resident status for sponsored partners/spouses who have been in their relationships for less than two years and have no common children (see the Irregular Migration section for details).

Temporary immigration

While federal admissions streams for permanent residents are growing more restrictive, in qualitative and quantitative terms, Canada has experienced an exponential growth in temporary admissions programs over the past several years. It is possible for some temporary migrants to transition to permanent status, a policy approach referred to as "two-step" immigration. Canada's first formal program for temporary migrants, the Seasonal Agricultural Worker Program (SAWP), was introduced in 1966 and continues to this day. It was joined in 1973 by the Temporary Foreign Worker Program (TFWP), which was originally used to bring in people to fill shortages in highly-skilled occupations but was expanded to include low-skilled workers in 2002. The TFWP allows employers to hire workers from abroad. Generally, employers require a positive labor market opinion (LMO) from the federal government in order to recruit a foreign worker. A positive LMO confirms that the employer was unable to find a Canadian citizen or permanent resident to do the job, that the employment is genuine, and that the employer has not defaulted on any commitments to previous TFWPs. Both the SAWP and TFWP are intended to fill short-term labor market needs, although some participants in the TFWP program may transition to permanent residency through the Canadian Experience Class or a Provincial or Territorial Nominee Program (PTNP) (see below).

One of the most prominent temporary federal admissions programs is the Live-In Caregiver Program (LIC), which started in 1992. Under this program, individuals with a high-school education, knowledge of English or French, and experience in care work can apply to work in Canada for up to four years as a Live-In Caregiver for children or elderly or disabled persons in a household. This is the only temporary admissions program with a built-in mechanism for switching from temporary to permanent status.

Since 2008, the Canada Experience Class (CEC) has provided a means for highly-skilled temporary workers, foreign students who have graduated from Canadian universities, and their families to transition to permanent residence status after one year of experience in a professional or managerial position, or in a trade, provided the principal applicant meets language and other requirements.

Provincial/Territorial Nominee Programs

In addition to federal admissions policies, a series of agreements between the federal government and the country's provinces and territories have given the latter increasing powers to select their own immigrants based on regional economic needs and according to their own criteria and procedures. Provincial/Territorial Nominee Programs (PTNPs) are both a tool for selecting newcomers abroad for permanent or temporary entry as well as a pathway for newcomers already residing in Canada as temporary foreign workers (TFWs) admitted under the federal system to transition to permanent resident status. The first and most comprehensive of these arrangements was signed with Québec[8] in 1991, and most of the other provinces and

territories have followed suit since 2000. The proliferation of PTNPs has resulted in a policy landscape that is difficult to understand in its entirety. It also marks a shift away from the traditionally centralized approach to migration management, the effects of which are as yet unclear.

Immigration Flows

Despite recent changes, Canada's immigration policy remains a 'mass immigration' policy; yearly inflows have been consistently above the 200,000 mark since 1990,[9] the equivalent of 0.7-0.9 percent of the total population. After reaching a postwar record of 280,691 new permanent residents in 2010, 248,748 were admitted in 2011.

Admissions policy for permanent residents aims to "manage the mix" of economic immigrants, family class immigrations, and refugees. In 2011 that ratio was approximately 66 percent, 20 percent, and 12 percent, respectively, although one must bear in mind that the figures for economic immigrants include their accompanying family members. A significant number of people also obtain permanent residence in the category of "other immi-

Figure 1: Total Permanent Residents per Year, 1976-2011

Source: Citizenship and Immigration Canada (2012, p. 3)

grants", which includes retirees, persons with deferred removal orders and so-called "humanitarian and compassionate cases" (i.e. persons accepted for permanent residence by the Minister of Citizenship and Immigration Canada for humanitarian or public policy reasons). Figure 2 shows a breakdown of the admissions from 1987 to 2011 by category.

In addition to the abovementioned inflow of permanent residents, Canada welcomes an even higher number of temporary residents each year. Since 2002, Canada has admitted be-

tween 300,000 and 400,000 temporary residents per year, including foreign workers, students, refugee claimants, and visitors. From 2006 to 2011 (with the exception of 2010), the number of temporary foreign workers exceeded the number of principal applicants admitted each year as permanent residents in the economic class.
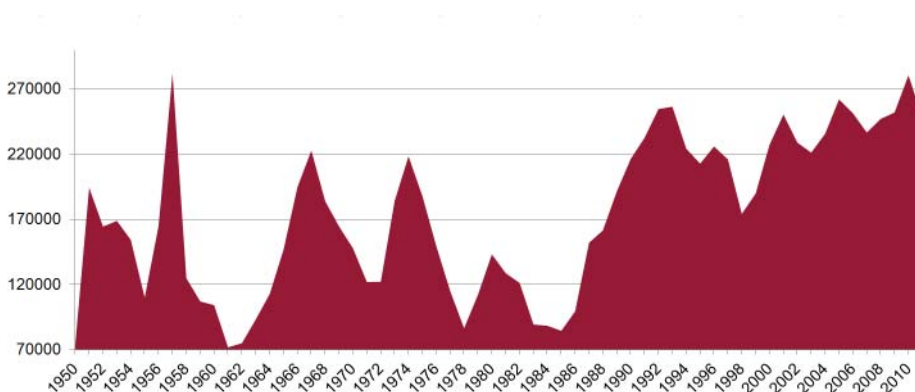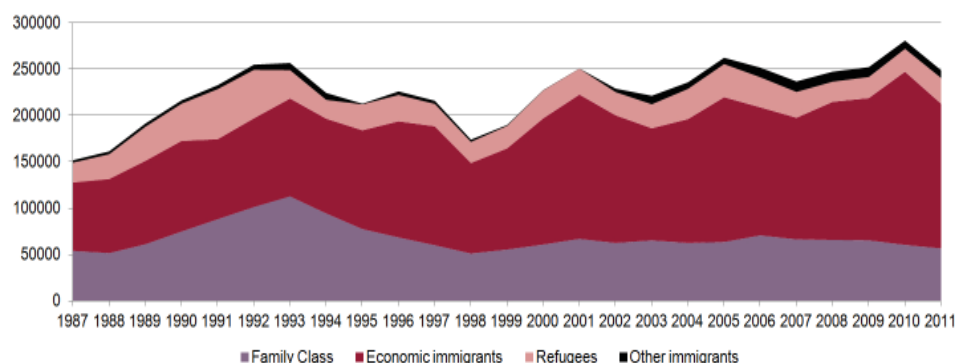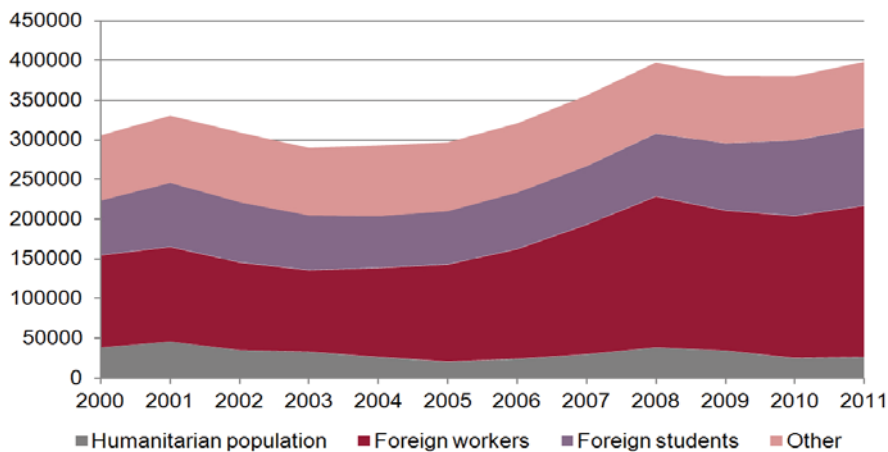
The Immigrant Population

For statistical purposes, the immigrant population is defined as people who are, or have ever been, landed immigrants in Canada, i.e. people who have been granted the right to live in Canada permanently by immigration authorities. In 2011, 20 percent of the country's population was foreign-born and thus classified as belonging to the immigrant population.[10] In 2011, questions pertaining to immigration, ethnic diversity, language, education, labor market participation, income, and other important socio-demographic characteristics were removed from the mandatory census questionnaire distributed every five years to all households and administered as a part of the new, voluntary National Household Survey (NHS).[11] This move has been widely criticized by migration researchers and social scientists in general, who fear that their ability to conduct critical analyses of trends in social change and social inequality will be curtailed.

In geographical terms, the immigrant population is distributed unevenly across Canada. According to the 2011 NHS, 94.8 percent of Canada's foreign-born residents live in four out of ten provinces: Ontario (53.3 percent), British Columbia (17.6 percent), Québec (14.4 percent) and Alberta (9.5 percent). The immigrant population is also concentrated in urban areas. Toronto alone is home to 37.4 percent of all foreign-born persons in

Figure 2: Inflow of Permanent Residents by Category, 1987-2011

Source: Citizenship and Immigration Canada (2012, pp. 4-5)

Figure 3: Inflow of Temporary Residents by Category, 2000-2011

Source: Citizenship and Immigration (2009, p. 62; 2012, p.62)

Canada, and they account for 46 percent of the city's total population. In other words, nearly every second person in Canada's largest city was born outside the country.

In the past 40 years, new immigration policies and international events related to the movement of migrants have resulted in a marked shift in the main countries of origin of Canada's immigrant population. According the 2011 NHS, among immigrants who reported settling in Canada prior to 1971, 78.3 percent came from Europe, 8.5 percent from Asia, 5.4 percent from the Caribbean, Central and South America, and 1.9 percent from Africa. In contrast, those who reported arriving between 2006 and 2011 came mainly from Asia (56.9 percent), Europe (13.7 percent), Africa (12.5 percent), and the Caribbean, Central and South America (12.3 percent). The top ten source countries for newcomers in 2011 were, in descending order, the Philippines, China, India, the United States, Pakistan, the United Kingdom, Iran, South Korea, Colombia and Mexico.

proportion rose to 19 percent and 39 percent in the 1996 and 2001 censuses respectively. In 2011, 10,563,800 people reported being of Canadian origin. Some researchers see the "Canadian response" as a tool that is increasingly used by well-established European groups to distinguish themselves from more recent arrivals from Asia, Africa and Latin America.[12]

Visible Minority Population

The 1996 Employment Equity Act defined visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian[13] in race or non-white in colour", and the 1996 census was the first to obtain counts of visible minorities across the entire population. This information is collected as benchmark data for federal employment equity measures. On the 2011 NHS, 6,264,800 people, representing 19.1 percent of the population, identified themselves as belonging to a visible minority, up significantly from the less than 1 percent reported in 1971 and the 13 percent reported in 2001. The visible minority population – like the immigrant population – is concentrated in four provinces (Ontario, British Columbia, Québec and Alberta), and in urban centers, particularly Toronto, Vancouver, and Montreal. In 2011, 49.1 percent of Toronto's population identified themselves as belonging to a visible minority, as did 45.2 percent and 20.3 percent of Vancouver's and Montreal's populations, respectively. In some suburbs, the proportions can be even higher. For example, in the Vancouver suburb of Richmond, 70.4 percent of the population belongs to a visible minority, as does 72.3 percent of the population in the Toronto suburb of Markham.

Ethnic Origins

Information on the ethnic origins of the entire population – immigrant and non-immigrant – was collected in the Canadian census from 1901 to 2006. Part of the voluntary NHS in 2011 (see previous section), the procedure for indicating one's ethnic origins remains the same. Individuals may assign themselves to one or more ethnic groups, and Statistics Canada recognizes that this is a fluid measure that reflects a respondent's self-perception at the time the individual is questioned, and that this self-perception may change over time. In 2011, more than 200 different ethnic origins were reported on the NHS. The thirteen origins that were mentioned the most were, in descending order, Canadian, English, French, Scottish, Irish, German, Italian, Chinese, First Nations (North American Indian), Ukrainian, East Indian, Dutch, and Polish. One interesting phenomenon in ethnic origin reporting is the rise of the "Canadian response". In the 1991 census only 3 percent of the population reported it as their sole ethnic origin. This

Citizenship

Canada encourages permanent immigrants to adopt Canadian citizenship, and naturalization is regarded by the government as "a significant step in the integration process for newcomers because it signifies full participation in Canadian life."[14] As a result, the country has one of the highest naturalization rates in the world. In 2011, 85.6 percent of all immigrants who were entitled to naturalize had done so.[15] Over two-thirds (78.3 percent) of Canada's entire population is Canadian by birth, and another 15.8 percent has acquired citizenship by naturalization, meaning that 94 percent of people residing in the country are Canadian citizens.

The high naturalization rate is probably one reason that explains why high levels of immigration and diversity have failed to become political issues that can be taken advantage of by right-wing parties during elections, as has happened in many European countries over the past decade. The high naturalization rate means that the majority of immigrants have the right to vote, and their votes

affect election outcomes in areas with the most electoral districts, i.e. the major urban centers where immigrants tend to settle. Thus, politicians (and the parties they belong to) have more to lose than to gain from resorting to inflammatory anti-immigrant or anti-diversity rhetoric.[16]

Naturalization requirements changed slightly in 2010. In order to become a naturalized citizen, a person must be a permanent resident of Canada (i.e. must have been granted permission to reside permanently in Canada by immigration authorities), must have lived in Canada for at least three out of the four years prior to application, must demonstrate the ability to communicate in English or French (by passing a language test or by having completed a post-secondary degree in English or French), and must pass a citizenship test[17] to demonstrate knowledge of Canada and the rights and responsibilities of citizenship. Since the new test was introduced in 2010, higher failure rates – which jumped from 4 percent to 30 percent – have been a recurring issue. However, the government has responded by adjusting the test to keep the pass rate at the targeted level of 80-85 percent: a clear sign high naturalization rates are still a policy goal.[18]

Maintaining dual citizenship has been possible for Canadian citizens since 1977. In 2011, 944,700 individuals, or 2.9 percent of the population, had multiple citizenships, 79.5 percent of whom were immigrants.

In 2009, a new Citizenship Act took effect, limiting the acquisition of Canadian citizenship by descent to the first generation born outside Canada. In other words, if someone is born outside Canada and obtains Canadian citizenship from a parent, that person can no longer pass Canadian citizenship on to their own children, if they are also born abroad. All persons born on Canadian territory automatically acquire Canadian citizenship (*jus soli*).

Integration Policy

Facilitating access to citizenship is regarded as one of the most important components of Canada's integration policy; beyond that, the federal government funds settlement services for permanent immigrants, which are designed and carried out by hundreds of immigrant-serving organizations (ISOs) across the country. From 1996 to 2006, government spending on integration programs almost doubled, from $235.4 million to $445.0 million per year, and it has almost doubled again, reaching $966 million in the 2011-2012 fiscal year. In 2008-2009, Citizenship and Immigration Canada (CIC) introduced a new approach to integration policy, replacing its three main programs (the Immigrant Settlement and Adaptation Program, the Language Instruction for Newcomers to Canada Program, and the Host Program) with one single Settlement Program which defines several core aims and means of carrying them out. It is the job of ISOs to conceptualize integration programs for their communities that make use of one or more means to meet one or more aims; proposals are then submitted to CIC for funding consideration. The five core aims of the Settlement Program are: orientation, language/skills, labor market access, welcoming communities (i.e. building social and professional networks), and policy and program development.

Changes in integration policy

As with immigration policy, integration policy in Canada has been undergoing a process of devolution over the past decade. While CIC pays for settlement services in all provinces and territories, Québec, Manitoba, and British Columbia are responsible for the design, delivery, and administration of those services. Co-management agreements are in place between the federal government and the provinces of Ontario and Alberta. Reliance within the Settlement Program on community organizations to design and carry out individual programs also means that responsibility for integrating immigrants is further devolved from the provincial/territorial level to local communities.

Due to this increasing devolution, it is difficult to map the scope and scale of integration-related programs across the country. Nevertheless, it is possible to identify some trends over the past decade. One is an emphasis on programs to facilitate the labor market integration of highly-skilled, internationally-trained immigrants. A lot of attention has been paid to the medical and engineering sectors, with multiple programs aimed at facilitating the recognition of qualifications and helping immigrants to acquire any necessary supplementary training. So-called career bridging programs, which involve placing internationally trained immigrants in paid internships in order to gain Canadian work experience in their field, have also become popular. Finally, several so-called employment councils – multi-stakeholder consortiums aimed at solving local labor-market barriers – have made efforts to link highly-skilled immigrants with small and medium-sized employers in their local regions. Another trend in settlement programming has been the increasing focus on very high-level and occupation-specific language training.

In addition to programs for individuals who have already arrived in Canada, CIC funds a range of in-person and online information programs overseas, to help newcomers prepare for their arrival in advance.

Multiculturalism, Interculturalism and Discrimination

Multiculturalism

When Canada adopted an official policy of multiculturalism in 1971 it was the first country in the world to do so. At the time, the policy was conceived mainly as a complement to the policy of bilingualism that made English and French Canada's official languages in 1969. It is thus referred to as a policy of "multiculturalism within a bilingual framework." The multiculturalism policy aims to affirm the "dignity of all Canadians", regardless of race, ethnicity, cultural heritage, religion, ancestry and place of origin; it invites individuals to keep their identities and take pride in their ancestry

while "encouraging them to integrate into their society and take an active part in its social, cultural, economic and political affairs."[19] Both the bilingualism and multiculturalism policies were initially designed to counter rising Québec nationalism and to ease tensions between the French and English majority and the "other Europeans" who had arrived in the course of the twentieth century. The policy itself makes it clear that Canadian multiculturalism exists within the framework of the democratic norms laid out in the Canadian Charter of Rights and Freedoms. In 1988, the Canadian Multiculturalism Act was passed, giving the federal government the mandate to, among other things, "recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future."[20] In 2008, responsibility for the Multiculturalism Program was transferred from the Department of Canadian Heritage to Citizenship and Immigration Canada. One year later, in 2009, the federal government introduced changes to the Multiculturalism Act that included the addition of three new policy objectives: (1) to build an integrated and socially cohesive society; (2) to help institutions meet the needs of a diverse population; and (3) to participate in discussions of multiculturalism and diversity at an international level.[21] While Jason Kenney, Minister of Citizenship and Immigration from 2008 to July 2013, tended to avoid extensive use of the term "multiculturalism" and emphasized the need for more social cohesion, this anti-multiculturalism turn is happening exclusively at the level of political rhetoric, not policy-making.[22] In contrast to many European countries, multiculturalism as a policy and political philosophy is generally popular among Canadians. It is a part of Canadian identity that has been fostered systematically in public school curricula, public broadcasting, social services, history museums, etc.

Interculturalism in Québec

Seeing the 1971 federal policy of multiculturalism as an affront to previous commitments to English-French biculturalism, Québec has been pursuing its own framework since the 1970s, which it calls "interculturalism". What exactly distinguishes multiculturalism from interculturalism is a matter of philosophical debate. Interculturalism can be said to differ from multiculturalism in its stronger emphasis on integration into a collectivity rather than maintaining and celebrating diversity as an end in itself. At the heart of this process is continuous dialogue between the established population and newcomers (although the latter are not ascribed the same power as the former), aimed at gradually creating a new public sphere.[23]

Discrimination

Despite Canada's commitment to multiculturalism, racism and minority discrimination in employment, housing and policing remain a concern. Visible minorities face earnings disadvantages, even among third-and-higher-generation Canadians.[24] According to analyses of Canada's Ethnic Diversity Survey (EDS), visible minority respondents are far less likely than other population groups to identify as Canadians and express a sense of belonging; that perceived lack of belonging tends to be much higher among second-generation Canadian visible minorities than among their recent immigrant counterparts.[25]

Occasionally, highly-publicized events turn diversity, discrimination, and multiculturalism into contentious political issues, as was the case when a debate about the limits of "reasonable accommodation" of minorities erupted in Québec in the late 2000s. A series of events fuelled this debate, including a 2006 Supreme Court ruling in favour of a Sikh student wishing to wear his *kirpan* (ceremonial knife) to school, a request by Orthodox Jews to have the windows of a local community centre frosted so as to obscure views of women exercising, and a report that men were being excluded from prenatal classes in one neighborhood because immigrant women felt uncomfortable with their presence. Following these events, the tiny Québec town of Hérouxville, which had almost no ethnic minorities or immigrants among its population, published its own "standards" for appropriate ways of living, which researchers characterize as being aimed at the town's (nonexistent) Muslim population. The most oft-cited of the standards is that "we consider that killing women in public beatings, or burning them alive, are not part of our standards of life."[26] Shortly after this incident, the Québec provincial government appointed a commission, headed by Gerard Bouchard and Charles Taylor (referred to as the Bouchard-Taylor Commission), to investigate practices for accommodating diversity and make recommendations for the future. The Commission's 2008 report made some concrete recommendations but notably declared that the "crisis of accommodation" the Commission was supposed to respond to was more a "crisis of perception" (i.e. overreactions to incidents that had been blown out of proportion by media and politicians) than a problem with actual accommodation practices.

Irregular Migration

Unlike in the neighboring United States, mass irregular migration has not been a prominent issue in political or public discourse in Canada. This is due mainly to the country's relative geographical isolation from all other countries except the United States, which is itself the more established destination for irregular migrants from Mexico and South America.

Irregular migration in the Canadian context is most often depicted as something that occurs when individuals attempt to defraud the immigration system by misrepresenting themselves as asylum seekers or family-reunification immigrations, or by overstaying temporary residence or visitor permits. According to Citizenship and Immigration Canada (CIC), 10,663 Canadian citizens, permanent residents, and third parties were implicated in residence fraud investigations in 2012.[27] CIC has made combating one form of residence fraud in particular, so-called "marriages of convenience", a policy priority in recent years, and made it the subject of a special public consultation in

fall 2010. The term "marriage of convenience", also called "marriage fraud", denotes a situation in which either a couple pretends to be in a relationship so that the sponsored person can immigrate to Canada or the person being sponsored tricks their sponsor into believing they are in a genuine relationship in order to gain entry to the country. CIC estimated that a substantial number of the 20 percent of applications for partner and spousal reunification that were rejected by visa offices abroad (out of 49,500 applications received) in 2009 involved attempts at marriage fraud.[28] Despite this apparently high rate of detection, in October 2012, CIC introduced conditional permanent resident status for common-law or conjugal partners admitted to Canada under family reunification provisions if they have been in a relationship of two years or less and have no children. Immigrant partners in such relationships can now have their permanent residence status revoked if they fail to remain in the relationship for two years after arrival in Canada. While there are exceptions for cases involving domestic violence, NGOs have expressed concern about the way in which the provisions increase the vulnerability of sponsored immigrant partners and spouses.

"Precarious status"

Canadian migration scholars have started to reframe the terms of debate about irregular migration by introducing the term "precarious status".[29] Instead of seeing irregular status as something that one does or does not have, and as something that is entered into willfully by individual migrants, the notion of "precarious status" emphasizes the way in which the immigration system – with its rapidly expanding and changing paths to permanent and temporary legal status – places individuals in uncertain positions in which they can cross from legality into irregular status unintentionally. For example, entry streams for sponsored family members, Live-In Caregivers, and Temporary Foreign Workers make immigrants dependent on family and employer relationships, which may break down and put the immigrant in an irregular status unwittingly.

Paths to precarious status are built into policies that affect a large and growing number of people. As Figure 4 shows, there has been a steady increase in the number of temporary residents in the country ('stocks') relative to entries of temporary residents ('flows'), suggesting that more and more temporary residents are staying rather than leaving. If this continues there is considerable potential for an increase in Canada's non-status population. Most concerning for observers of this trend is that temporary migrants are increasingly low-skilled and are generally ineligible for settlement services while they are legally in the country. This means that any future undocumented population would likely be comprised of individuals who do not have the training or resources to re-orient themselves in Canadian society. If half of the almost 200,000 temporary migrants each year were low-skilled, and if over half of them overstayed their visas, the low-skilled non-status population would increase by almost 50,000 persons per year, which is comparable to the number of undocumented migrants arriving in the United States from Mexico on a yearly basis.[30]

Refuge and Asylum

Although Canada signed the 1951 Geneva Convention Relating to Refugees and its 1967 Protocol in 1969, the Immigration Act of 1976 was the first law to regulate refugee determination procedure in the country. Prior to that, refugee policy functioned on an *ad-hoc* basis in direct response to particular events around the world. For example, special programs with relaxed immigrant selection criteria were set up to admit people from Hong Kong in 1962 (the first time that Canada opened its doors to non-European refugees), from Czechoslovakia in 1968 and from Uganda in 1972.

Refuge and asylum are now regulated under the 2002 Immigration and Refugee Protection Act (IRPA). Under the IRPA, there are two avenues for obtaining refugee status: the Refugee and Humanitarian Resettlement Program for people seeking refugee status from outside Canada, and the In-Canada Asylum Program for people launching protection claims from within the country. Under the resettlement program, refugees abroad (e.g. in a refugee camp) are sponsored to come and settle in Canada, either by the government or privately, by groups, organizations or individuals. The Canadian government relies on the United Nations High Commissioner for Refugees (UNHCR), referral organizations and private sponsoring groups to identify refugees to be sponsored. Persons thus identified

Figure 4: Total Entries of Permanent Residents, Stock and Entries of Temporary Residents, 1987-2011
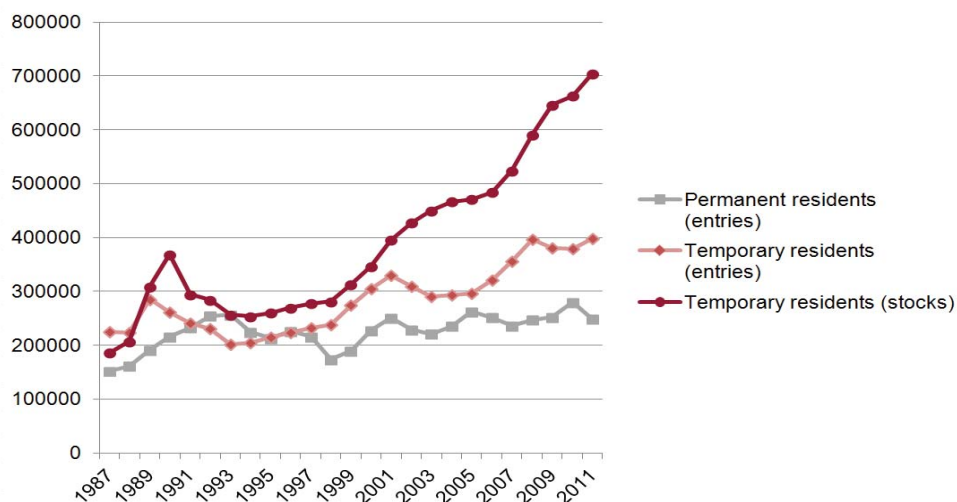
Source: Citizenship and Immigration (2012, pp. 3, 52, 53, 58, 59)

Figure 5: Permanent and Temporary Refugee Admissions, 2002-2011
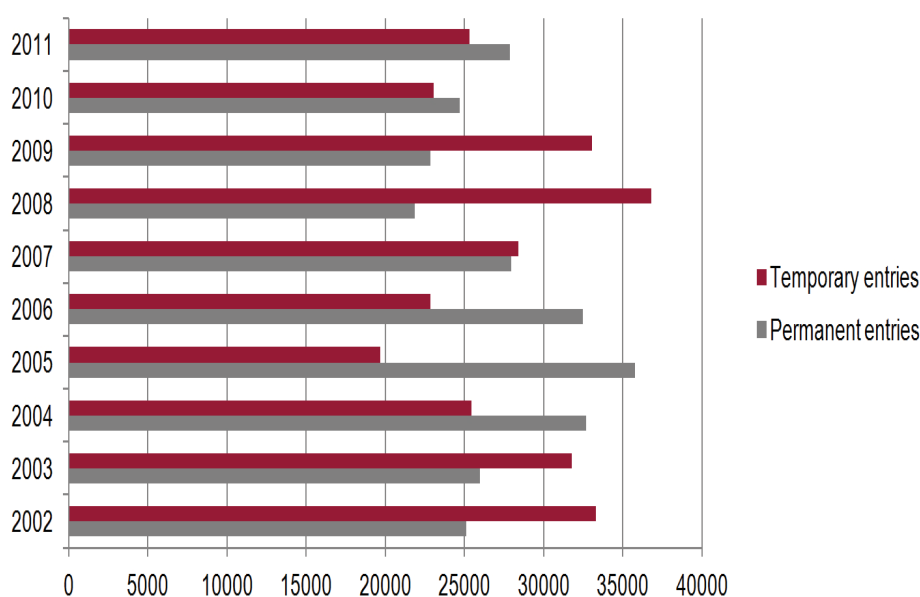
Source: Citizenship and Immigration (2012, pp. 6, 102)

are then evaluated by a Canadian visa office[31] to determine whether they are eligible for refugee status and whether they pass certain medical, security and criminal checks.

In addition to the resettlement program, it is possible to apply for asylum, as a Convention refugee or other person in need of protection, from within Canada. In this case, asylum can be claimed at a port of entry or at a CIC office in Canada. If a CIC officer decides that a claimant is eligible, the case is sent to the Immigration and Refugee Board (IRB) for a decision. For the past 20 years, acceptance rates have remained at approximately 40-45 percent. In 2010 and 2011, that rate declined to 38 percent, the lowest in the history of the IRB.[32]

Changes in Canada's refugee program

Two pieces of legislation – the 2010 Balanced Refugee Reform Act and the 2012 Protecting Canada's Immigration System Act (also known as Bill C-31) – have changed Canada's refugee program substantially in the past couple of years. First, there is a new administrative category – Designated Countries of Origin or DCOs – which denotes countries that are not considered to be sources of refugee movements, that respect human rights, and that have an independent judicial system and civil society organizations.[33] Refugee applicants from any country designated as a DCO by the Minster of Citizenship and Immigration are subject to an expedited review process (approximately 30 days, compared to nine months for non-DCO applicants and about three years for all applicants previously) and have no right to appeal the decision. Second, the Minister now has the discretion to classify refugee claimants arriving in groups of two or more as "irregular arrivals". Irregular arrivals are subject to immediate detention and may not appeal decisions pertaining to their cases. A third major change is in the ability of refugee claimants to apply for permanent

residence under the Humanitarian and Compassionate (H&C) stream during or after a (failed) refugee claim. Applicants are now barred from launching an H&C application while a refugee claim is ongoing, and in the 12 months following the final decision of the Immigration and Refugee Board of Canada (IRB).

A number of NGOs, like the Canadian Council of Refugees (CCR), have expressed concern about these changes. One concern is that the short timeframes for launching a claim will make it difficult to prepare cases properly and/or obtain appropriate documentation from some origin countries. Another is that placing the authority for designating a country as a DCO in the hands of the Minister rather than independent experts may lead to false designations in the interest of expediency. Third, the CCR questions the constitutional legality of detention and review procedures for people designated – at the discretion of the government – as irregular arrivals. Plans to detain children under 16 years of age or offer families the option of releasing them into the care of the state are seen as particularly worrisome. Finally, alongside the high degree of Ministerial discretion in the new laws, the CCR has heavily criticized the numerous restrictions placed on appeals.

Current Issues and Future Challenges

For the past decade, there has been a growing awareness of employment problems faced by Canada's immigrants. Using Census data, several researchers have shown that the earnings of successive immigrant cohorts have been declining since the 1970s, despite rising educational and skill levels among that population.[34] One study shows that the decline in immigrant earnings is due to both underemployment (i.e. being in a job below one's skill level) and poorer returns in comparison to native-born workers within the same skill level, with both factors leading to an annual loss to the economy of $11 billion each year.[35] Explanations for these trends focus on either the quality of immigrant skills, discriminatory disadvantage on the labor market, or broad institutional factors, such as increasing skill levels among the Canadian population and labor market cycles.

Many of the recent policy changes highlighted in this profile can be understood as responses to the skill underutilization phenomenon. The government hopes that by giving provinces and territories more control over who enters, limiting the entry of permanent skilled immigrants (in terms of numbers and the range of acceptable occupations) in favor of temporary and two-step immigration routes (i.e. temporary programs that offer the possibility of gaining permanent status), and giving employers a larger role in selection will fix the problem. Researchers, on the other

hand, are concerned that increasing temporary migration (particularly of low-skilled workers), limiting permanent immigration, and placing responsibility for selection and status-changes in the hands of private individuals rather than public servants may create new problems. They argue that the success of the Canadian model rests largely on the fact that the large majority of immigrants have been entitled to immediate permanent residence status, generous family reunification provisions, and expedient access to full, legal citizenship: in other words, they have been given the legal and social security needed to commit to building a life with their families in Canada. Now an increasing number of newcomers arrive with a temporary status, limited rights, almost no access to immigrant services, and lower skill levels. This precariousness may have negative effects on migrants' abilities to integrate economically and socially, if they transition from temporary to permanent status.[36] It also makes them vulnerable to abuse and exploitation at the hands of employers, who are gradually replacing trained civil servants as the gate-keepers controlling entries and status transitions. Taken together, the policy trends outlined here will likely have a profound effect on Canadian society and the way Canada's immigration system is perceived within the international community.

Notes

[1] The term 'racial' is used here because 'race' is still used in official definitions of 'visible minorities' as found in the Canadian Census Dictionary and the Employment Equity Act.

[2] 'Ukrainian' was the collective name applied to Slavs from regions of the Russian and Austro-Hungarian empires in Eastern and Southern Europe. See Citizenship and Immigration Canada (2000).

[3] The Russians arriving during this time were primarily Doukhobors, members of a peasant sect marked by pacifism and a communal lifestyle which had been persecuted under the czarist regime in Russia.

[4] Cited in Kelley and Trebilcock (2010).

[5] Kelley and Trebilcock (2010).

[6] Immigrants from Europe and the Americas were still permitted to sponsor a wider range of relatives. This, too, was abandoned in 1967. See Citizenship and Immigration Canada (2000).

[7] See the CIC website: www.cic.gc.ca/english/department/media/releases/2012/2012-09-17.asp (accessed: 7-16-2013)

[8] Québec is the only province that has complete authority to manage its immigration. It sets its own annual immigration targets, is solely responsible for selecting its immigrants (with the exception of those in the family class and refugees, whose status is determined at the federal level), and it has full responsibility for providing orientation courses and integration services. See Citizenship and Immigration Canada (2006).

[9] This is with the exception of the years 1997 and 1998, when the total was slightly below that mark.

[10] In Census and National Household Survey data released by Statistics Canada, the terms "immigrant population" and "foreign-born" population are used synonymously.

[11] The 2011 NHS was distributed to approximately 4.5 million households, and the response rate was 68.6 percent. The statistics cited in this section and the one on ethnic origins is taken from Statistics Canada (2013a).

[12] Thomas (2005).

[13] "Caucasian" is generally used as a synonym for "white". A more precise dictionary definition is as follows: "Of or relating to a racial group having white skin, especially one of European origin; white." See "Caucasian" in The American Heritage Dictionary of the English Language, 4th edition, 2004. http://dictionary.reference.com/browse/Caucasian (accessed: 7-16-2013)

[14] Cited in Citizenship and Immigration Canada (2006).

[15] Statistics in this section are taken from Statistics Canada (2013b).

[16] For a detailed account of the argument, see Triadafilopoulos (2012).

[17] For more information on the citizenship test and the material to prepare for it, see the CIC website: www.cic.gc.ca/english/resources/publications/discover/index.asp (accessed: 7-16-2013)

[18] See Joppke (2013) for more on this discussion.

[19] For more information, see the CIC Website: www.cic.gc.ca/english/multiculturalism/citizenship.asp (accessed: 7-16-2013)

[20] Citizenship and Immigration Canada, Canadian Multiculturalism: An Inclusive Citizenship. http://www.cic.gc.ca/english/multiculturalism/citizenship.asp (Accessed 7-16-2013)

[21] For more information, see the CIC website: www.cic.gc.ca/english/resources/evaluation/multi/exec-summary.asp (accessed: 7-16-2013)

[22]Joppke (2013).

[23]For more information on similarities and differences between the two concepts, see Waddington et al. (2012).

[24]Skuterud (2010) and Pendakur and Pendakur (2002).

[25]Reitz (2012).

[26]Cited in Nieguth and Lacassagne (2009).

[27]See the CIC website: www.cic.gc.ca/english/department/media/backgrounders/2012/2012-09-10.asp (accessed: 7-16-2013)

[28]See the CIC website: www.cic.gc.ca/english/department/media/backgrounders/2010/2010-09-27.asp (accessed: 7-16-2013)

[29]For elaboration on this concept and the illustrations presented in this section, see Goldring et al. (2009).

[30]Cited in Reitz (2012).

[31]Under the Canada-Québec Accord, Québec is responsible for selecting refugees abroad for resettlement; the federal government is responsible for ensuring that people selected by Québec are eligible for refugee status.

[32]See refugee statistics compiled by the Refugee Forum at the University of Ottawa's Human Rights and Eduction Centre: www.cdp-hrc.uottawa.ca/projects/refugee-forum/projects/Statistics.php (accessed: 7-16-2013)

[33] In addition to these qualitative criteria, the Minister may designate any country as a DOC if a high volume of applications from its nationals has been rejected. For details, see the CIC website: www.cic.gc.ca/english/department/media/backgrounders/2012/2012-02-16i.asp (accessed: 7-16-2013)

[34]See, for example, Frenette and Morissette (2005) and Reitz et al. (2013).

[35]Reitz et al. (2013).

[36]See, for example, Goldring and Landolt (2011).

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