

The current state of Canadian immigration policy

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We are led to believe that Canada's immigration policy serves the national interest and is essential for economic growth, to fill our labor shortages, and to offset an aging and diminishing population. We are also told that most of our immigrants are selected because they possess the education, trades, skills, and training essential to meet our labor-force demands. These assertions need to be challenged because they do not bear up under examination. They have become myths, used by governments and pro-immigration advocates to justify unreasonably high immigration levels.

As will be documented below, there is a strong body of evidence indicating that immigration does not contribute significantly to the economy, is not essential to the labor force, and does not help with the problems stemming from an aging population. Less than 20% of the immigrants coming to Canada are selected because of their skills and training. Most of the immigrants admitted are sponsored by their relatives already in Canada, or enter as refugees, or for humanitarian reasons. These immigrants do not have to meet any economic selection criteria to be accepted. It should not be surprising, therefore, that immigrants arriving since the 1990s are not faring as well in their new country as did previous immigrants.

Canadians are conditioned to accept immigration as a natural phenomenon. It is part of our national heritage. The romantic idea that we

are all descendants of immigrants remains strong and is embedded in our national consciousness. All of the political parties favor large scale immigration and insist that our economic growth depends on it. In this they are supported by much of the media and special-interest groups who repeat the arguments that Canada must rely on immigration if it wishes to prosper. Government policies advancing multiculturalism and diversity reinforce this view.

Until the mid-1980s, the immigration movement to Canada was regulated in accordance with economic conditions. When there was a buoyant economy and a strong demand for labor, the intake was increased; at times of economic down-turn and rising unemployment, the tap was turned off and immigration was reduced. This was the system that had governed the flow of immigrants since the end of the Second World War and it had served Canada and the immigrants well.

However, in 1985 the newly elected Progressive Conservative government of Prime Minister Brian Mulroney raised immigration levels despite evidence of an economic down-turn. This was the signal that the Conservative party was determined to win ethnic votes by supporting high immigration levels. In 1990, the then Minister, Barbara McDougal, convinced her cabinet colleagues to raise the levels to 250,000, by arguing that higher levels would help the party to establish stronger ties with ethnic communities. Later, the Minister said in an interview that a political party was not doing its job if it failed to reach out to ethnic groups (Windsor, 1990, October 24). There was political capital to be gained by high numbers whether they were needed or not.

This change in policy marked a significant turning point in the way the immigration program was to be managed in the years ahead. The numbers to be admitted were no longer to be governed primarily by economic factors. Immigration had become “politicized” and immigrants were to be seen by all political parties as potential voters. The two political parties that have subsequently shared power now compete with each other in raising the immigration levels and even the New Democratic Party advocates high levels. Numbers have become the primary consideration.

For the past 20 years or so, we have been accepting close to 1% of our population as immigrants each year. This is a very high number to absorb and on a per-capita basis is more than is accepted by any other

immigrant-receiving country. The United States, for example, admits less than half the number of legal immigrants per capita that Canada does (Stoffman, 2002).

It is important to realize that the immigrants arriving in Canada are not distributed equally across a population base of 33 million people. They are for, the most part, settling in the three major urban centres of Toronto, Vancouver, and Montreal. These centers have a combined population base of approximately nine million people. As David Ley, a professor of geography at the University of British Columbia has pointed out, “[t]his is a huge country but immigration, especially visible minority immigration, is extraordinarily concentrated in just a few square miles” (Ley, 2006: A11).

The result is that these cities are experiencing serious infrastructure and environmental problems: traffic congestion, garbage disposal, rising crime, sky-rocketing welfare, education and health costs. Yet seldom are these problems attributed to, or associated with, the extremely high numbers of immigrants entering these cities every year. In his 2000 annual report, Gord Miller, Ontario’s Environmental Commissioner, expressed concern about the Province’s plan to accommodate an additional 4.4 to 6 million people in the next 25 years. He warned that any plan based on continuing population growth and consumption of resources is not sustainable (Miller, 2000). Unfortunately Mr. Miller’s warning has not been taken seriously.

Another issue that is seldom discussed is that most of the newcomers are coming from Asian countries and consequently are transforming the demographic content of our major urban areas. The latest census figures show that 5 million or 16% of Canada’s population is made up of visible minorities but that 60% of these live in the two metropolitan areas of Toronto and Vancouver (Ley, 2006). It seems likely that if immigration intake continues at the present level these two cities of Canada will over time become predominately Asian. Already Metro Toronto’s foreign-born population has reached 46% and Metro Vancouver has 39.6% foreign born (Statistics Canada, Immigration and Citizenship, 2006). This may or may not be desirable but surely it is something that should be discussed openly and done so without accusations of racism. In other words, there are important implications involved when the traditional demographic and cultural nature of a city or country is subject to sudden change. If

our immigration policy is designed to encourage more diversity and to promote multiculturalism, then we should be told that this is one of its objectives. What guarantee do we have that diversity in itself is a desirable objective? At what point does diversity mutate into a form of colonization?

These are issues that should be at the center of public-policy discussions about immigration, but they are not. Immigration policy is rarely debated in the Parliament of Canada, it has not yet been raised by any of the political parties—all of whom support high immigration levels—and the parties clearly do not want immigration policy to be debated. The House of Commons Standing Committee on Citizenship and Immigration focuses on operational issues but does not question the overall policy objectives or the high immigration levels.

The witnesses called before the Committee are usually those who have a vested, and often a monetary, interest in high levels of immigration. They are immigration lawyers or consultants, ethnic organizations, non-governmental organizations that receive government funding to help in the settlement of newcomers, other support groups, and immigration activists arguing for another amnesty or for open borders. Over time, these hard-core lobbyists have developed a symbiotic relationship with governments to the extent that they are no longer referred to as lobbyists but are looked upon, and dealt with, as “stakeholders.”

Many of the reasons with which Canada justifies its high immigration intake are simply not valid and the economic and social costs are not open to discussion or debate. The policy is out of control and desperately in need of reform. We may not yet have reached the tipping point but, if we continue to sleepwalk into the twenty-first century and ignore this issue, we may find out too late that Canada has been unalterably changed without either the consent of its people or a full awareness on their part of what is happening.

A program out of control

A government that cannot control or regulate the numbers of immigrants permitted to enter its country has lost control of the program. Canada now finds itself in that position. The problem dates back to the passage of the 2001 *Immigration and Refugee Protection Act* (Bill C-11). The new

Act left out a key element of any immigration legislation—a mechanism for managing or limiting the numbers to be admitted annually.

In the past, the numbers admitted had been controlled by changing the selection criteria either by adjusting the numbers of points awarded to specific occupations or by raising or lowering the pass mark. Because economic conditions changed rapidly, it was necessary to be able to make adjustments quickly. Therefore, the necessary changes were normally achieved by amendments passed by Regulatory means rather than by changes to the Act, a much more cumbersome and time-consuming exercise. The 2001 Act contained a provision that stated that, if any applicant met the selection criteria and other requirements of the Act, a visa “shall” be issued (Bill C-11, cl.11(1)). This was the core of the problem. That section of the Act overlooked the reality that there will always be many more thousands of people able to meet the selection criteria and who want to come to Canada than can either be processed or satisfactorily absorbed by the economy. Within months of the passing of the Bill, a backlog began to grow.

One year after the new Act was enacted, the Liberal government realized the problem and tried to correct it by introducing retroactively a more stringent passing mark for those in the backlog who had already been accepted. This attempt was struck down by the courts and the backlog has continued to expand since then. In June 2008, the backlog had reached the 950,000 mark and the Department estimated it would reach 1.5 million by 2012. In addition, the backlog at the Refugee Board had reached 62,000 and was expected to be 84,000 within two years. Most of these refugee claimants will eventually end up as landed immigrants in Canada.

To these extraordinary numbers must be added another 100,000 to 150,000 temporary workers who will in all probability, based on past experience, remain in Canada. Recent changes in immigration rules now permit certain categories of temporary workers to apply for permanent residence from within the country. Moreover, it has become extremely difficult to remove people from Canada without a prolonged and expensive investigation and litigation process.

Nevertheless, in the face of such extraordinarily high numbers, the Government was forced to act and did so in February 2008, by incorporating amendments to the immigration Act in Bill C-50, the *Budget*

Implementation Act. These amendments were designed to restore to the government the power to decide the numbers and the categories of immigrants to be admitted annually. The amendments, it should be noted, did not apply to the backlog and all those currently waiting in it are guaranteed eventual entry.

The opposition parties in Parliament, immigration lawyers, and other “stake holders,” assailed this attempt to regain control of the immigration program. The government was accused of having a hidden agenda and of giving the Minister of Citizenship and Immigration too much power to pick and choose the types of immigrants to be selected. In any event, the Bill passed into law on June 9, 2008, with most of the Liberal members absenting themselves from the vote.

It remains to be seen if these new measures will enable the government to regain control of immigration. The numbers in the backlogs and the intention of the Minister to admit between 240,000 to 265,000 new immigrants in 2009 present an almost impossible challenge. Whatever course the government might take, it is difficult not to conclude that the current immigration system is out of control. In the face of what appears to be a serious global recession, immigration reform is badly needed. This will not be easy to do since our political leaders do not seem to be impressed by the facts of immigration. They seem interested only in numbers.

Does immigration help the economy and the labor force, or reduce the problems stemming from an aging population?

The short answer to each of these questions is “No.” Curiously, about the only people who *do not* believe that immigration benefits the economy and the labor force and reduces problems stemming from an aging population are those whose business it is to research and study these questions. It is the economists, the demographers, the statisticians, and the academics who find the answers.

Most economists consider the question of whether immigration helps the Canadian economy is essentially settled. That is to say, they do not believe immigration contributes significantly to our economic prosperity or our per-capita income. Studies done in Canada looking at the economic costs and benefits of immigration reach the common

conclusions that there is little gain to the economy from immigration and that costs appear to outweigh any benefits.

One of the first extensive studies of this question was the 1985 report by the Macdonald Royal Commission on *The Economic Union and Development Prospects for Canada*. This report concluded that immigration did not contribute to economic growth but in fact caused a decline in per-capita income and real wages of Canadians (Macdonald, 1985). In December 1989, the Department of Health and Welfare published the results of a comprehensive three-year demographic study entitled *Charting Canada's Future: A Report of the Demographic Review* (Demographic Review Secretariat, 1989). This study also concluded there was no economic argument for increased population growth and stressed that immigration was not an answer to the aging of the population. Later in 1991, two studies by the now defunct Economic Council of Canada, *New Faces in the Crowd* (Economic Council, 1991) and *Economic and Social Impacts of Immigration*, arrived at similar conclusions (Swan, Auer, et al., 1991).

Professor Alan Green of Queen's University, in a paper entitled *What Is the Role of Immigration in Canada's Future* (2003), suggested that although immigration had been useful to Canada in the past, the economic argument for it had "largely disappeared. The current political posture of using immigrants to solve economic problems is no longer valid" (2003: 42). Frank Denton, of McMaster University, and his colleagues, Byron Spencer and Christine Feaver, have produced a long list of studies of aging and the labor force showing that immigration cannot significantly affect the aging of our population.

A more recent study by Professor Herbert Grubel of Simon Fraser University entitled *The Fiscal Burden of Recent Canadian Immigrants* has shown that in the year 2002 alone, the costs in services and benefits received by the 2.5 million immigrants who arrived between 1990 and 2002 exceeded the taxes they paid by \$18.3 billion. As he points out in his study, \$18.3 billion represents more than the federal government spent on health care and twice what it spent on defence in the fiscal year 2000/2001 (Grubel, 2008). That amount is also approximately what Canada has spent so far on the Afghanistan campaign. Typically, Professor Grubel's study received little media coverage and elicited no comment by government spokespeople.

In January 2007, Statistics Canada released a report entitled *Chronic Low Income and Low Income Dynamics among Recent Immigrants* (Picot, Hou, and Coulombe, 2007). This study revealed that, despite the emphasis placed on the educational qualifications of the “skilled worker” category of immigrants, their earnings in relation to native Canadians were significantly lower and continue to deteriorate. In other words, the hard evidence shows that the immigrants selected for their value to the labor force are not performing nearly as well as in previous years. In this context, it is useful to remember that approximately 80% of our immigrants are not in the “skilled worker” category but enter, or are allowed to stay, for humanitarian reasons or because they have been granted refugee status. They do not have to possess education, skills, or work experience.

The studies referred to above raise serious questions about the economic value of our current immigration policy. Similar studies done outside Canada also have concluded that immigration does not help the economy, nor does it result in any appreciable increase in the per-capita income of the receiving country. In the United States, George Borjas of Harvard University, perhaps the world’s most renowned immigration economist and an immigrant himself, has demonstrated in numerous studies that it is wrong to say that immigration benefits the economy. He argues that any net gain is so small as to be insignificant.

Borjas points out that, while some large companies might earn more profit because of the added supply of labor, this is offset by the losses suffered by native workers whose wages are reduced by immigration. In his book, *Heaven’s Door*, he recommends the annual immigration flow into the United States be cut in half because the levels are not helping economic growth (Borjas, 1999).

In Britain, a report by the House of Lords in April 2008, warned that the Government’s plan to admit 190,000 immigrants per year would achieve little benefit but would seriously affect the availability of housing and have an adverse impact on public services. The report added that record numbers of immigrants entering Britain were bringing no economic benefits to the country. The report sharply criticized the Government for using “irrelevant and misleading statistics” to justify the high immigration levels of the past decade. It concluded there was no economic benefit from the present high levels of immigration and that immigrants were

not needed to fill labor shortages or help fund the state pension fund for retiring Britons (Winnet, 2008, April 2).

Unfortunately, it is highly unlikely that many of our political representatives have read any of the economic studies listed above or, if they have, they are not paying attention to them. The 2007 *Annual Report to Parliament on Immigration* (Citizenship and Immigration Canada, 2007) bewailed the fact that, unlike the situation in the past, Canada is seeing more and more competitors for immigrants entering the field and observed that China and India are beginning to offer opportunities for their own skilled workers. Section one of the *Report*, bearing the impressive but misleading title of Making Immigration Work for Canada, went on to say that “[i]mmigration will play an increasingly important role in supporting Canada’s economic prosperity and competitiveness. In a few short years, given our aging population, Canadians who leave school for the workplace will only offset the number of retirements. Immigration will be a key source of labor force growth in the future” (Citizenship and Immigration Canada, 2007: 1).

Here we have the same old myths being advanced to support higher immigration levels: that we need it for the economy, the labor force, and to replace our aging population. There is no acknowledgement that only 17% of the principal applicants in the selected worker category are chosen for their potential to enter the labor force. There is no mention that despite years of high immigration levels the incomes of Canadian workers with more than a university undergraduate degree declined by 7% between 1980 and 2000 (Statistics Canada, Family and Labour Studies Division, 2007). Statistic Canada’s study concluded that immigration played a role in this drop in wages and pointed out that if labor supply increases by 10% then wages decline by 3% or 4%. The hardest hit are the young native-born males and immigrants.

In an article in the *Globe and Mail* about the 2006 census results, Michael Valpy points out that wages being paid to well-educated workers are in decline, “largely because there are so many of them—bad news for both the highly educated immigrants Canada vacuums up from the developing world and its own well educated native-born.” He goes on to question the morality of admitting more than 200,000 immigrants, “who are struggling—with declining success—to find jobs commensurate with

their knowledge and experience, good incomes and decent, affordable housing” (Valpy, 2008, April 26: 11).

Daniel Stoffman in his excellent book, *Who Gets In* (2000), warned that there seemed little justification for raising immigration levels at a time when a large group of younger Canadians were just beginning to enter the labor force. These he described as the “echo generation,” the children of the “baby boomers” born between 1980 and 1995. They are the second-largest population cohort in Canada after that of their parents and they number 6.5 million potential workers. As the author rightly asks: “Why make their entry into the labor force more difficult by bringing in armies of competing workers from abroad” (Stoffman, 2002: 102).

Concern is frequently expressed that as our birth rate declines our labor force will inevitably shrink and therefore it is only through immigration that Canada will be able to see an expansion of its labor force. The assumption here is that we need a larger labor force to guarantee economic viability. Yet the size of the labor force is not a guarantee of economic success. Many countries with small labor forces have vibrant and strong economies. The Netherlands, Switzerland, Finland are three examples and there are many more.

Canada has historically relied on immigration to bolster its labor force and will continue to do so but there is a downside to relying on foreign workers unless they are carefully selected and possess the skills that cannot be filled by domestic supply. Reliance on foreign workers can inhibit innovation and the development of labor-saving technology. Japan’s answer to its shrinking labor force has not been to rely on the immigration of foreign workers but to encourage technological adaptation and innovative labor-saving devices.

Leon Bouvier in his book, *Peaceful Invasions*, calls for a reduction in the levels of immigration to the United States and points out that “unskilled immigrants can lower wages and increase profits but if workers are readily available firms are discouraged from buying machinery that can raise productivity” (Bouvier, 1992: 94). He states that it was “[t]he availability of immigrant workers that helps explain why parts of the American economy remained labor-intensive in the 1980s despite calls for business to raise labor productivity to compete successfully in the global economy” (Bouvier, 1992: 94).

Undue reliance on foreign workers may also delay and discourage other methods of resolving skill shortages such as training domestic workers or raising the age of retirement. James Knight, president of the Association of Community Colleges, told a House of Commons Industry Committee that thousands of students who, with adequate training, would be employed immediately cannot get the training needed because of a serious lack of training capacity. He quoted a study that showed that 42% of the skill shortages are in occupations that normally demand college or apprenticeship training compared to about 7% that require university education (Knight, 2008). Although there is no evidence that high immigration levels have inhibited investment in community and technical college infrastructure, it is reasonable to assume there is a relationship between the two. Why spend money on training native workers when trained workers can be supplied through immigration?

Interestingly enough, there is some question of whether Canada does in fact have a serious skill shortage. A study by the Canadian Policy Research Networks challenged the pessimistic predictions of large-scale skill shortages as unfounded and exaggerated. The study, entitled *Labour Force Ageing and Skill Shortages in Canada and Ontario*, pointed out that it is difficult to measure skill shortages and there is disagreement about the impact skill shortages are having on the Canadian labor market (McMullin and Cooke, 2004]. The study suggests Canada could help meet its labor-force demands by raising the age of retirement. Research has shown that workers between 50 and 60 years old are the most productive and the study estimated that, by raising the retirement age by one year, Canada could boost its GDP per capita by 3.5% by 2050.

The study also suggested there were a number of strategies that could be followed to meet labor demand: immigration that targets skills in demand; encouraging more aboriginals and single mothers into the work force; promoting life-long learning and training; and recruiting an “age balanced work force” for companies. The study concluded by arguing that aging is not the only significant determinant of skill shortages. It stressed that labor-market policies need to look beyond the fact of an aging work force and consider industry and occupational specific issues and the whole complex of factors involved.

The aging of our labor force is used as one of the major arguments justifying high immigration levels and the importation of temporary foreign workers from abroad. Like many of the other standard arguments used as the basis of our current policy, the aging issue does not stand up to the facts.

The refugee policy disaster

It appears clearly evident that the state of our current immigration policy is in disarray. But our asylum policy is in even worse shape. It is a cynical and costly policy, out of step with other asylum countries and working against the interests of the world's refugees. It is a policy designed to satisfy the special interests of immigration lawyers and other organizations—the “stakeholders”—whose existence depends on delivering services—paid for by the taxpayers—to the thousands of people entering Canada every year claiming to be persecuted in their own country.

Canada is the only country in the world that permits almost everyone who arrives at our borders claiming persecution to enter and to be granted a full quasi-judicial hearing to determine if the individual is a genuine refugee. In 2004, for example, citizens of 152 countries submitted refugee claims in Canada (Immigration and Refugee Board, 2004). This wide-open invitation is fully exploited by thousands of people desiring to avoid the normal immigration procedures. Our asylum system has made a mockery of the United Nations Refugee Convention and has degenerated into a “self-select” immigration flow.

The numbers are high. In the past 25 years, over 700,000 asylum seekers have entered Canada and the flow continues at about 2,000 each month (UNHCR, 2007). There is a serious backlog of 62,000 cases before the Immigration Refugee Board (IRB) so that it takes up to two years or more before a decision can be made. The costs are also high but difficult to measure because they cover a multitude of services and are diffused through different levels of government. So far there has not seemed to be any interest on the part of the immigration department to calculate or even to estimate the costs to the taxpayer of our asylum policy.

It is possible, however, by looking at the costs sustained by the British Government—the Home Office does keep track of costs—to get a

fair idea of what the Canadian system is costing for services provided since they are similar in both countries. In 2001, the British spent £1,052 million for services to asylum seekers (Helper, 2002). That year Britain received 70,135 asylum claims; in the same year, Canada received 44,000 claims, a little more than half that of the British. At the 2001 rate of exchange and cutting the British figure by half, we can estimate Canada's costs at close to or more than a billion dollars annually.

It can be assumed that whatever the actual figures might be, they are high. These costs may help explain why our annual contribution to the United Nations High Commissioner for Refugees [UNHCR] of between \$20 to \$25 million is so woefully inadequate. After all, government budgets have limited funds to spend on asylum seekers and refugees. Canada ranks tenth out of the top ten donor countries, below such countries as Denmark, Norway, the Netherlands, and Sweden (UNHCR, 2007). The United States is the largest donor and also receives the largest number of asylum seekers of any industrial country. Despite this record, a judge of the Canadian Federal Court recently declared the United States to be "unsafe" for refugees. Happily his judgment was overruled by a superior court.

The UNHCR is responsible for looking after approximately 25 million real refugees, living in deplorable conditions in camps around the world. They are poorly housed and inadequately fed. The majority are women, children, the elderly, and the sick. They do not have the means to pay smugglers to get them aboard an aircraft destined to Canada. It would seem that, if Canada really wished to help resolve the global refugee problem, it would provide more funding to the UNHCR so that the real refugees in the camps received better care and protection and spend less on the thousands of people who arrive here only claiming to be persecuted in their own countries.

Before Canada became a major asylum country, our refugee policy was to take from camps around the world refugees whom we believed able to become established in Canada within a year and resettling them here. Our record in this humanitarian effort since the end of the Second World War was recognized in 1986 when the UNHCR awarded Canada the Nansen prize. We now only select between 5,000 to 7,000 refugees from abroad. The numbers have diminished because settling refugees or asylum seekers involve high costs and we cannot afford to do both. The

refugee lobby has made it clear the preference should go to asylum seekers and the government seems to agree.

The current asylum system also plays into the hands of human smugglers who can guarantee individuals being trafficked into the country a stay of at least two or three years even if the decision on refugee status is denied. Should the decision be negative, it is unlikely the person concerned will be removed since, after two or more years in Canada, it would be considered inhumane to send the person home.

The Department conducts a humanitarian review of all those who have been found by the IRB not to be genuine refugees and also carries out a check to ensure there would not be any risk if the person were removed from Canada. Because of the findings of these reviews, many of the failed refugee claimants are permitted to remain on humanitarian grounds. The Immigration annual report of 2007 indicates that over 6,000 of these people were allowed to stay as permanent residents in 2006.

Many thousands of failed refugees who are asked to leave Canada are unaccounted for. Auditor General Sheila Fraser's latest report in May 2008 indicated there were 41,000 illegal immigrants missing whose whereabouts were unknown; most of these were assumed to be failed refugee claimants (Auditor General, 2008).

The asylum fiasco has existed since the mid-1980s when Canada began to receive more and more people arriving at our ports of entry claiming to be persecuted in their own country. Almost all of these claimants were coming from western European countries or from the United States or they were coming direct from countries that did not have a record of persecution such as Portugal, Trinidad and Tobago, Brazil, and India.

The first step in trying to stop this movement was to require a visitor visa from the citizens of the above countries and, since the 1980s, whenever Canada has received large numbers of asylum seekers from a particular country we have used the visitor visa as a means of stopping the flow. In the late 1990s, an influx of Roma from Hungary and the Czech Republic was halted by the imposition of visas on the nationals of these two countries. Anyone suspected of being an asylum seeker is not issued a visa and without a visa legal travel to Canada is not possible.

Unfortunately, the introduction of visitor visas adversely affects our bilateral relations with the countries concerned, some of whom retaliate

by imposing visa requirements on Canadians. Although the imposition of visas does help stop or slow down the flow of asylum seekers, it also inhibits tourism and may, as well, adversely impact our commercial relations with the countries concerned. Despite these negative consequences, there has been little effort to reform the system.

Accompanying the increase in the volume of asylum seekers (from 7,000 claims in 1984 to 44,000 in 2001) was a concurrent expansion in the size and influence of the “refugee” lobby. Lawyers, consultants, church groups, non-governmental organizations, and politicians rallied to the side of the “refugees.” The multimillion dollar “refugee industry” was born. Any and every attempt to curtail the flow of asylum seekers, whether coming from refugee producing countries or not, produced fierce and highly organized opposition. It still does.

The problem was compounded when the Supreme Court ruled in 1985 that, to conform with the new Canadian Charter of Rights and Freedoms, asylum seekers were entitled to an oral hearing before the refugee board. Experience quickly showed that under a quasijudicial process that allowed universal access to the system, the number of asylum seekers entitled to hearings reached unsustainable levels. New legislation, therefore, was passed in 1989 containing a provision enabling the Cabinet to declare a country “safe” for refugees. The concept was not new and is in force now in the countries of the European Community. A country is considered “safe” if it is democratic, follows the rule of law, and is a signatory to the UN Refugee Convention, which obliges signatory countries to protect refugees and not to return them to a country of persecution. Under the proposed legislation, anyone coming to Canada from a “safe” country would have been denied the right to make an asylum claim and would have been removed from Canada.

The purpose of the new legislation was to restrict access to the asylum process. The integrity of the Bill depended upon the ability to ensure that only those claimants who had a credible claim for protection would have their application heard by the Refugee Board. Since most of the people claiming persecution were coming from “safe” countries, it was assumed that Canada would receive few asylum seekers eligible to submit a claim. Thus, by restricting access it was possible to construct a refugee determination process that would not be overwhelmed by frivolous claims

but one that could be exceptionally fair and generous with those whose claims were credible—and this was done.

Every advantage was to be afforded the claimant. The process was to be “non-adversarial,” meaning that cross examination of the asylum claimant was not permitted. In other words, the story told by the claimant was assumed to be true. A further concession was that both members of the Refugee Board had to agree on a refusal. If only one Board member believed the person was a genuine refugee that was enough to secure a positive decision. IRB members were not required to give written reasons if they accepted a claim but reasons for refusing an applicant had to be in writing. In addition, any refusal by the Refugee Board could be appealed with leave to the Federal Court.

It appeared that Canada was on the road to resolving its asylum problem. However, this was not to be. On the eve of enacting the new legislation, which was to come into effect on January 1, 1989, the Minister of Immigration issued a press release announcing that the Bill would come into effect but without enacting the “safe” country provisions. At the last minute, the legislation was emasculated. The lobbying by the “stakeholders” who had stridently opposed the Bill had prevailed. The legislation without the provision to restrict access was doomed to failure and the numbers of asylum seekers since the Bill was passed speak for themselves.

Twelve years later, when the Liberal Government passed the Immigration and Refugee Protection Act in 2001—two months after the 9/11 terrorist attack—the new legislation, astonishingly, made it even easier for asylum seekers to claim refugee status and more difficult to remove failed claimants. The definition of refugee was expanded beyond that of the UN Convention to include anyone who claimed to be persecuted and additional levels of appeal and review were introduced.

This failure to express the most elementary concern about allowing thousands of people into the country, none of whom had been medically examined or checked for criminality or security, has been the primary reason why the United States has “militarized” the border between our two countries. American authorities are very much aware that a number of identified terrorists in Canada entered as asylum seekers. The most notorious of them was the “millennium bomber,” Ahmed Resam, the Algerian al-Qaeda operative who attempted to blow up the Los Angeles airport on the eve of the millennium.

There is no redeeming merit in our current asylum policy. It serves as a symbol of the willingness of successive governments to placate the selfish demands of special-interest groups at the expense of the Canadian people. The policy should have been reformed long ago. Instead, for almost 20 years and at a cost of billions of dollars, this charade of pretending to be managing a humanitarian program has been defended and indeed promoted by both Liberal and Conservative governments.

The dysfunctional Immigration Refugee Board (IRB) has been used as a pork barrel to appoint members who in many cases have not been qualified to determine who is or who is not a refugee. A special report to the Liberal Government in 1997 entitled, *Not Just Numbers*, recommended scrapping the IRB and replacing it by a Protection Agency staffed by a cadre of professional career officers to decide asylum claims both at home and abroad (Trempe, Davis, and Kunin, 1997). This sensible report, which was replete with sound recommendations, was shelved by a government clearly not interested in a change of policy. So far, there can be no doubt our politicians have placed the interests of the refugee lobbyists ahead of the public interest and the public purse.

Some concluding thoughts

Canada's immigration and refugee policies are deeply flawed and are leading the nation down a perilous road. When a policy is fundamentally flawed, it is difficult if not impossible to fix it through adjustments of the program or by operational directives. When the real objectives are to keep the numbers high without regard to economic conditions or the successful settlement or integration of the immigrants themselves, the prospects for reform are bleak. Nevertheless, pending a thoroughgoing review, there are some priority issues that should be addressed as quickly as possible by any government truly concerned with the interests of the nation rather than the "stakeholders."

Select highly skilled workers

The current selection criteria for skilled workers is not obtaining the type of workers needed by the labor force. The selection grid places too much emphasis on education and experience—46 out of 100 points—without

taking into account differences in educational standards or the fact that Canadian employers as a rule do not credit foreign experience. As a result, many workers with high educational achievement in their own country and years of experience in their occupations easily meet the criteria but cannot qualify for jobs in Canada. On the other hand, many highly skilled tradesmen with low educational achievement cannot meet the requirements. Either fewer points should be allotted to education and experience or a system of educational equivalencies and assessment of foreign experience should be provided to the selection officers

Select workers for occupations in high demand

The selection criteria should contain points for occupations that are in high demand as was done in the original point system. This critical selection factor was dropped because it was found that occupational demand changed frequently and often immigrants selected for their particular occupation after they arrived, did not work in that occupation. The department should devise an improved and more up-to-date method of ascertaining the occupations that are needed by our labor force and adjust the points allotted accordingly. Possession of an occupation that is in demand is one of the key factors helping immigrants to become established in Canada. There needs to be a process to get these workers into Canada quickly while their occupations are still needed.

Interview applicants in the skilled-worker category before they are accepted

All immigrants in the skilled-worker category should be interviewed by a Canadian visa officer before being accepted. In recent years, because of pressure of numbers, the vast majority of immigrants are not seen or interviewed by a visa officer but receive their visas after a paper review only. This is not satisfactory: it is only through a personal interview that a proper assessment of an applicant can be made. The visa officers should also have the power to refuse or accept an applicant if, after a personal interview, it is apparent the points obtained in the selection grid do not adequately reflect the chances of successful settlement. This power can be carefully monitored and controlled to ensure there is not discrimination involved

in the officer's decision. It would be difficult to find a business enterprise anywhere that would hire a worker without a personal interview.

Provide counseling for immigrants

Before being overwhelmed by numbers, visa officers took the time to counsel prospective immigrants, tell them about Canada, suggest the most appropriate destination for them to settle in, and provided valuable and practical advice to ease the first months after arrival. Written material was also provided and at times films about Canada were shown at group counseling sessions. Counseling was an important feature of the visa officer's job and it demonstrated that immigrants were important enough to be given personal attention before their departure and were not regarded by their new country as mere numbers. Counseling should be reintroduced in the selection procedure for the selected worker class if not for all immigrants.

Put more emphasis on ability to speak English or French

More emphasis on language ability is necessary and the criteria should reflect this requirement. The *2007 Annual Report to Parliament on Immigration* (Citizenship and Immigration Canada, 2007) disclosed that in 2006 83,298 immigrants who arrived in Canada did not speak either English or French. The ability to speak English or French is an essential qualification for successful establishment in Canada. It should be allocated more points in the selection grid and there should be language testing for selected workers. In the case of professional immigrants, fluency in one of the official languages should be mandatory.

Control the numbers admitted each year

It is essential there be a mechanism for controlling the numbers of immigrants admitted each year. In the past, this was done by either adjusting the pass mark or by refusing any applicant whose occupation was not in demand. This is the only means of ensuring that backlogs in the skilled-worker category do not build up. With the passage of Bill C-50, the government now has regained this power to manage the numbers admitted annually. It remains to be seen how this mechanism will be incorporated in the selection system.

Restrict family class

The family class as defined in the current Immigration Act is too broad. The inclusion of parents and grandparents of any age generates the phenomenon called “chain immigration,” whereby young parents sponsored by one of their children in Canada enter the country accompanied by others of their children. These latter siblings in turn later are able to sponsor their spouses or fiancé[e]s. The family class constitutes a growing portion of the immigration flow and adds to the cost of health and social services. The *Annual Report to Parliament on Immigration, 2007* (CIC, 2007) shows there were 20,006 parents and grandparents admitted in 2006. The definition of family class and the obligations of sponsors is a complex and controversial issue that needs careful review, but the existing definition means that the numbers admitted under the family class will eventually squeeze out the economic portion of the immigration program.

Do not issue visas to professional immigrants until they have met Canadian standards

Many professional immigrants who arrive in Canada find they are unable to practice their profession because they do not meet the professional licensing requirements. All professional immigrants are warned prior to their departure that they will not be able to follow their profession until they meet the necessary Canadian requirements. Many find they are unable to do so and this can create resentment and disaffection. The fact is that Canadian standards in medicine, engineering, architecture, and other professions are among the highest in the world and are difficult to meet. Canada should follow the Australian practice of not issuing visas to any professional immigrants until they have first satisfied all of the requirements.

Monitor admission of foreign temporary workers closely

The *Annual Report to Parliament on Immigration, 2007* (CIC, 2007) tells us that 112,658 foreign temporary workers were brought into Canada in 2006 and that this figure represents a 13% increase over the 99,141 admitted in 2005. These workers are allegedly permitted entry to address labor-market shortages but many of them are unskilled workers employed in low-paying jobs. Their long-term prospects of successful establishment

are dim. This is an area that requires careful review and monitoring. Are the shortages primarily because the employers are not willing to pay wages that might attract Canadian workers? Is this a program designed to ensure a plentiful supply of cheap labor? These are questions that need to be asked. There are warning signs: the *Ottawa Citizen* on July 11, 2008 reported that Alberta had launched a \$1.4 million pilot project to help the 23,000 foreign temporary workers there settle in the province (*Ottawa Citizen*, 2008, July 11). If they are there on a temporary basis, why do they need financial support to become settled? Germany and other European countries admitted thousands of so-called temporary guest workers in the 1970s only to find out too late that the workers did not go home. These temporary workers eventually formed a permanent and costly under-class in the countries concerned. Canada is in danger of making the same mistake.

Require government to publish the costs of immigration each year

It is difficult for the average Canadian to get an accurate idea about immigration policy. The annual reports and statistics are not helpful and are designed to present immigration in a positive light. There is never any mention of costs or of studies questioning the value of immigration. The millions of dollars spent in donations and grants to “stakeholder” groups are hidden or not revealed in public reports. The number of immigrants receiving welfare is not available or perhaps not even recorded by provincial governments. In 2006, Denmark was forced to adopt a new policy on immigration when it was revealed by their Minister for Employment that immigrants were using the welfare system so heavily that the government was in danger of becoming bankrupt (MacAllen, 2007). Our government should be required to make public each year the costs of immigration; these should include the costs of social welfare, language training, processing and settlement, and free legal services.

Track entry, residence, and exit of visitors and temporary residents

Canada is one of the easiest countries to enter and, yet, we do not have a system for recording entry or any tracking process to know where visitors or other temporary residents are residing. Furthermore, we have no exit control, so there is no way of knowing if people entering for a temporary period have left or not. We do not normally detain people who arrive with

forged papers or without documents. In other words, we are operating as if these issues were not a matter of national security or a matter of common sense. Our border-control officers are more concerned about whether returning Canadians are bringing in extra tobacco or alcohol than if foreign visitors are entering illegally. At some of our ports of entry, there is no separate inspection line for non-Canadians. The examination priority is on the violation of customs and excise rules and not on the entry of illegal immigrants. This must change if Canada is to be taken seriously by our allies in combating the activities of international criminals and terrorists. A priority for the effective management of any immigration program is to keep track of the whereabouts of high-risk temporary entrants and to know whether they have left the country before their legal status has expired.

Canada has a problem with its immigration and refugee policy. The problem becomes even more serious when government camouflages its real motives by carefully designed public relations activities to convince the people that there is a desperate need for massive immigration flows. By refusing to debate policy issues in the public forum, and counting on full support from opposition parties, the “stakeholders,” and the media while doing so, it affords little opportunity for sensible and informed discussion. Attempts to discuss this issue are often dismissed as the narrow opinions of those who hold to outdated and racist views. Yet immigration is changing Canada and responsible citizens have the right to challenge whether the abnormally high levels are needed.

Now is an opportune time to call for an intermission to slow down the number of new immigrants admitted each year and to reassess our immigration policy. The reality that almost one million immigrants are already at the gate and have the legal right to enter should call for a temporary moratorium on new immigrants until the backlog has been eliminated.

During this period of economic slow down, the only new immigrants to be admitted should be those who have proven skills that are critical to our economy and the spouses and minor children of Canadian citizens and legal residents. During this period, the people in the backlog would be able to enter and join their relatives or take up new jobs but it

would also provide an opportunity for the thousands of recent immigrants to settle in and become integrated into Canadian society. It would be a “time-out,” and a chance for a serious and non-partisan review of our policy to determine what we expect immigration to do for Canada and what benefits we expect to derive from immigration.

A review of this kind, aimed at immigration and refugee reform and a return to the days when immigration was seen as an instrument of national policy to enhance our labor force and improve our economic productivity, is long overdue but urgently needed. The real challenge will be to carry forward some of the reforms that are needed. Immigration has become such a political tool in the hands of our political parties that it has been impossible to generate any objective discussion about the subject. It is an important area of public policy and it needs attention.

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