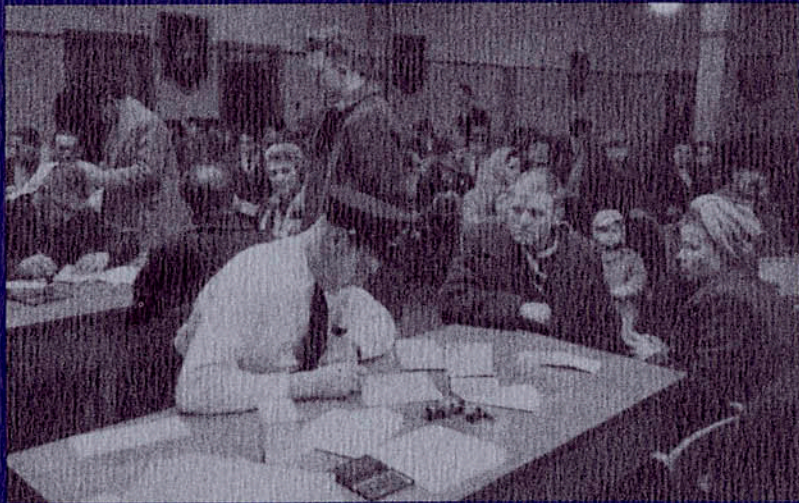


# CANADIAN IMMIGRATION POLICY



## SINCE CONFEDERATION

**Reg Whitaker**

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# **CANADIAN IMMIGRATION POLICY SINCE CONFEDERATION**

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TABLE I  
Immigration to Canada 1867-1987

1867	10 666	1888	88 766	1909	173 694	1930	104 806	1951	194 391	1972	122 006
1868	12 765	1889	91 600	1910	286 839	1931	27 530	1952	164 498	1973	184 200
1869	18 630	1890	75 067	1911	331 288	1932	20 591	1953	168 868	1974	218 465
1870	24 706	1891	82 165	1912	375 756	1933	14 382	1954	154 227	1975	187 881
1871	27 773	1892	30 996	1913	400 870	1934	12 476	1955	109 946	1976	149 429
1872	36 578	1893	29 633	1914	150 484	1935	11 277	1956	164 857	1977	114 914
1873	50 050	1894	20 829	1915	36 665	1936	11 643	1957	282 164	1978	86 313
1874	39 373	1895	18 790	1916	55 914	1937	15 101	1958	124 851	1979	112 096
1875	27 382	1896	16 835	1917	72 910	1938	17 244	1959	106 928	1980	143 117
1876	25 633	1897	21 716	1918	41 845	1939	16 994	1960	104 111	1981	128 618
1877	27 082	1898	31 900	1919	107 698	1940	11 324	1961	71 689	1982	121 147
1878	29 807	1899	44 543	1920	138 824	1941	9 329	1962	74 586	1983	89 157
1879	40 492	1900	41 681	1921	91 728	1942	7 576	1963	93 151	1984	88 239
1880	38 505	1901	55 747	1922	64 224	1943	8 504	1964	112 606	1985	77 510
1881	47 991	1902	89 102	1923	133 729	1944	12 801	1965	146 758	1986	92 590
1882	112 458	1903	138 660	1924	124 164	1945	22 722	1966	194 743	1987	159 098
1883	133 624	1904	131 252	1925	84 907	1946	71 719	1967	222 876		
1884	103 824	1905	141 465	1926	135 982	1947	64 127	1968	183 974		
1885	79 169	1906	211 653	1927	158 886	1948	125 414	1969	161 531		
1886	69 152	1907	272 409	1928	166 783	1949	95 217	1970	147 713		
1887	84 526	1908	143 326	1929	164 993	1950	73 912	1971	121 900		

SOURCE: Canada Employment and Immigration Commission.

# CANADIAN IMMIGRATION POLICY SINCE CONFEDERATION

Reg Whitaker

## I — CONFEDERATION AND THE NATIONAL POLICY

Canada, it has often been said, is a country of immigrants. All Canadians, except for the native peoples, are either themselves immigrants or trace their ancestry back to migrants. For a country of immigrants, the question of immigration *policy* is central. But the goals and objectives of immigration policy, even in the short term, have never been clearly articulated and have at no time been the object of anything approaching a consensus among the influential elements and interested parties of the Canadian community. This persistent lack of clarity, reflecting deep divisions of interest and ideology within the community, has been matched by a diffusion and fragmentation of responsibility for formulating, executing and enforcing immigration policy, between the public and private sectors and between the federal and provincial levels of government.

During the Confederation debates in 1865, the encouragement of immigration was seen as one of the principal benefits of the union of the British North American colonies. As George Brown put it in 1865 to the cheers of his listeners:

there is hardly a political or financial or social problem suggested by this union that does not find its best solution in a large influx of immigration. The larger our population, the greater will be our productions, the more valuable our exports, and the greater our ability to develop the resources of our country.... Double our population, and we will at once be in a position to meet promptly and effectually any invader who may put his foot with hostile intent upon our soil.

Other politicians shared Brown's vision of Confederation as opening the way to westward expansion. Moreover, they hoped that a continental British North America would stop the drain of both immigrants and more settled residents southward.

Immigration and agriculture were the only subjects placed under the concurrent jurisdictions of the federal and provincial governments under the British North America Act of 1867. It was no accident that immigration and agriculture were thus linked. In 1867 it was assumed that settlement would be primarily on the land. Although control over Crown land was a provincial responsibility, the federal government retained rights over the disposal of the Crown lands in the west. The differing perspectives of Quebec and of English Canada on immigration also dictated part of this original federal-provincial accommodation: Quebec

insisted upon a voice in immigration since it was unwilling to trust the English-speaking majority in the new federal government. Yet, from the beginning the federal government was clearly entrusted with responsibility for *controls* over immigrant inflow. In 1867 this was understood in terms of medical controls, given a past record of communicable diseases sometimes introduced by newcomers. The first federal Immigration Act, passed in 1869, reenacted earlier controls exercised by the British North American colonies over the exploitation of immigrants by ships captains and overcrowding of vessels. It also gave the federal government authority to deny entry to paupers and the mentally or physically disabled. The more positive side of immigration policy was the task of attracting and bringing people in, rather than keeping them out. Although the provinces were initially involved in immigration through federal-provincial meetings to coordinate policy, provincial enthusiasm soon waned and the initiative clearly passed to the federal government, particularly as attention focused on the opening up of the West. The principle of federal control over western land settlement was confirmed in the Dominion Lands Act of 1872 and even after new provinces were created on the prairies, the federal government would retain control over land until 1930.

When the Tories returned to office in 1878, they brought with them a broad economic development agenda under the name of the National Policy which demanded a more active and aggressive federal role. The National Policy tariff structure had a somewhat contradictory effect. Designed to encourage the industrialization of Canada, the tariff led to a need for an expanded industrial labour force. Some of this would be met by internal migration from declining rural sectors, but ultimately it would require immigrant labour as well. Thus the long-term effect of the National Policy was to break the link between immigration and agriculture. The short-term effect of the National Policy was, however, to strengthen the link, as the building of the Canadian Pacific Railway (CPR) opened the prairies to large-scale agricultural colonization. Western settlement thus became the leading priority of federal immigration policy for the next half-century.

Yet for the first three decades of Confederation, western expansion was an almost unredeemed failure. From 1867 to the mid-1890s, emigration always remained well ahead of immigration (see Table 1). Immigrant flow-through to the United States was constant throughout the late 19th century; it seemed that neither Confederation nor the National Policy and the opening of the West along an all-Canadian transport route could reverse Canada's position as a mere transfer-point between Europe and America. One popular interpretation was that native-born Canadians were leaving for the United States to be replaced by 'foreigners'. This displacement theory was essentially nativist in its implications, although nativism in Canada spoke two separate languages. In Quebec, the well-known exodus of French Canadians to New England led to fears of being overwhelmed by non-French non-Catholic newcomers. In English Canada it amplified demands for large-scale British immigration to retain the 'British' character of Canada.

Why did the Western frontier not attract sufficient numbers to offset the outflow? The Macdonald governments of the 1880s tried and failed to develop concerted schemes for settlement in co-operation with the British government (which appeared to be interested mainly in exporting their turbulent Irish subjects, and at Canadian expense). The Canadian West was popularized in Europe through the circulation of pamphlets drawing a (misleading) picture of a veritable Garden of Eden awaiting settlers. Yet the American West continued to outdraw its northern neighbour, for it had climatic advantages for wheat cultivation. Canadian lands could not compete until the development of new, more weather-resistant strains of wheat and dry farming techniques combined with the exhaustion of the American agricultural frontier lands. These factors did not come together until the end of the century when, fortuitously, a rise in world wheat prices further stimulated production. Until then, promotional campaigns were unlikely to attract many settlers or to retain those who were initially attracted. Railway construction was a vain inducement to settlement ahead of, instead of in response to, demand.

There were also contradictory elements in the National Policy. Despite the critical importance of immigration to national growth and development, the federal government was very reluctant to assume a strong role in shaping and directing policy, but rather sought a partnership with the private sector. Part of the central thrust of the National Policy was to attach the interests of the wealthy and influential elements of Canadian society to continent-wide development. The encouragement of immigration thus became identified with the private interest of the large companies making profits out of national development. Specifically the CPR, a private corporation backed by extensive public subsidy and assistance, was designated not only to build the transcontinental railway, but also to be the main instrument of immigration and settlement. In its wake other transportation companies interested themselves in immigration as part of their business operations. This was an extension of an old pattern in Canadian immigration: human migration was simply part of the economics of transportation in a developing country dependent upon staple extraction within a wider imperial framework. The state, having set the framework for development, was then content to leave much of the actual process of immigration to private companies and market forces. Behind this reliance on private capital was classical economic theory that viewed labour as a factor of production, the movement of which should not be unduly interfered with by the state. True, classical theory was less readily acceptable in Canada than in Britain, which as the leading industrial power in the world could afford to let factors of production move freely according to the laws of the market. Yet even if Canadian governments through tariffs and subsidies did interfere to encourage development, they had insufficient bureaucratic capacity, let alone political will, to intervene directly on a large scale. Instead they preferred to rely as much as they could upon private companies whose interest could be expected to be similar to that of the state.

As late as 1930 a Saskatchewan Royal Commission on Immigration and Settlement noted that “there can be no question that the greatest agencies in the settlement of Western Canada in the past have been the two great railway systems [the CPR and the CNR]”. The CPR formed its own Department of Colonization and Immigration. This department engaged in massive propaganda efforts to attract immigrants in Europe and the United States, worked with both foreign governments and private organizations abroad to encourage and assist emigration to Canada, advanced loans and other forms of assistance to immigrants using Canadian Pacific steamships and CPR trains as passage, set up regional colonization offices, sponsored irrigation and other agricultural improvement programmes to make land more attractive, and even offered special mortgage plans for purchase of CPR-built ready-made farms. In 1923 the president of the CPR, Sir Edward Beatty, claimed that up to that date the CPR had settled over 100,000 prairie farms at an aggregate cost to the corporation of \$64.6 million — a figure which Beatty confidently asserted was “very much in excess of like Government expenditures during the same period”. He did not point out that the CPR had realised a return of \$83.8 million on prairie land sales for the period 1896 to 1914 alone.

At the heart of the CPR’s role was a massive government subsidy built into its original contract: 25 million acres of arable land (plus another six million added later from British Columbia). These lands had a dual role: to finance the railway and to draw settlers. Other railways later were awarded lands on the same plan. Yet herein was concealed a potential contradiction. Free grants or extremely cheap prices for land might offer competition to more fertile American (and Australian) land. But if the railways were to be financed out of the proceeds of land disposal, there was an incentive not to let prices fall too low. It does appear that in practice the CPR encouraged settlers to take up public lands — so as to increase the value of their own adjacent holdings — but the most recent study of CPR land policy concludes that the railway directors were determined to maximize profits from the sale of their own lands. A related problem was that the railways had selected only a small portion of the acreage set aside for them as subsidies. This left large tracts of land, often fertile prairie soil, unavailable for settlement. Only in the 1890s, when the railway land-grant system was finally abandoned and the railways forced to choose their remaining acreage, could land policy and immigration policy really begin to work together.

## **II — THE BOOM YEARS OF IMMIGRATION**

The coming of the Liberals to office under Laurier in 1896 marked a turning point in the history of immigration. This was largely due to a conjuncture of more favourable world conditions but some of the credit must also go to the drive and initiative of Laurier’s first minister in charge of immigration, Clifford Sifton. Sifton stepped into a situation which seemed to be one of unrelieved failure: decades of promoting settlement had yielded only the persistent net

drain to the United States; the year the Liberals took office the number of immigrants had fallen to 17,000, the lowest figure recorded since 1868. But this was soon turned around and by the first decade of the 20th century immigrants were flocking to Canada in record droves.

Sifton insisted upon attracting large numbers of peasants from central and eastern Europe. Although non-British groups had been settled in small numbers before Sifton's time, he directly affronted pro-British sentiments by his aggressive recruitment of the 'foreigner', whom Sifton described as a "stalwart peasant in a sheepskin coat, born on the soil, whose forefathers have been farmers for ten generations, with a stout wife and a half-dozen children". He turned the attention of his department to the Europe continent, as well as to the United States, from whence many farmers were ultimately attracted, many of whom were themselves relatively recent immigrants from Europe moving on to Canada in the promise of better land. But if Sifton sought to encourage non-British immigrants, he had firm ideas about class. Urban industrial workers were not to be officially encouraged to immigrate. As Sifton put it himself in 1899, "none but agriculturalists, we do not recognize the labourers at all".

Sifton's main contribution was probably his thorough administrative overhaul of immigration, which he wanted to put on a more modern, business-like basis. He relied upon a strong centralization of operations in Ottawa and enhanced ministerial control over the bureaucracy by the vigorous use of political patronage to fill key posts. In Sifton's case, partisanship did not overshadow the need for results, and patronage was effective. As well, a more efficient system of agents and subagents in the field was put in place. A commission system was instituted with payment for immigrants actually delivered.

Complicated questions of public-private conflicts of interest were never satisfactorily resolved. The interest in immigration of the transportation and land companies sometimes worked to the advantage of overall immigration policy, but often broke down in conflicts of interest. Relations with foreign governments also presented problems, especially in Europe where there was often resistance to the emigration of peasants, considered the conservative anchor of social stability in some states. To avoid this, the Canadian government formed a secret agreement with German steamship companies under the name of the North Atlantic Trading Company, and paid the company bonuses for agricultural immigrants. The Conservatives raised suspicions of scandal. Yet the government had little choice but to try to evade the incidence of local laws by such means. Public-private conflicts were also dramatized in London, where a group of Canadian employers set up a 'Canadian Labour Bureau', in the same building as the Canadian Immigration Office, for the purpose of recruiting strikebreakers. Warnings had to be posted in British post offices that private interests could not necessarily be trusted on the subject of Canadian conditions. Still, the Sifton era did mark a decisive turning point in immigration policy: not only was the door opened much wider than before, but the government was

making sure that more people were actually drawn in through it — eight times as many entered Canada in 1905 as in the Liberals' first year in office.

In 1905 Sifton was replaced by another Westerner, Frank Oliver. Although the broad lines of policy and administration remained unchanged, the Oliver era witnessed a withdrawal from the open door for immigrants of non-British origin. This change in policy reflected a growing backlash against 'foreign' or 'alien' immigrants among various elements of Canadian society. Oliver voiced the misgivings of many when he argued that

it is not merely a question of filling the country with people.... It is a question of the ultimate results of the efforts put forward for the building up of a Canadian nationality... This can never be accomplished if the preponderance of the population should be of such a class and character as will deteriorate rather than elevate the condition of our people and our country at large.

Oliver was reminding his listeners that immigrants were not here just for the economic advantage of Canada but were destined for Canadian citizenship as well. This caution was reinforced by a popular belief of the age, that racial (and class) origins were the determining factor in the capacity of 'foreigners' to assimilate into the Canadian community. The first post-Confederation era of mass immigration spawned the first mass campaigns of nativism and racism. Governments, even those like the Laurier Liberals concerned with boosting the population through mass settlement, both shared in these racist attitudes and reflected them as an inevitable aspect of democratic representation of the popular will.

Much of the anti-foreign agitation developed in the West against the farmer immigrants from central and eastern Europe ("Bohunks", as they were contemptuously called). British immigrants often attempted (with much reinforcement from the broader pro-British environment of Canadian society and politics) to establish themselves at the head of a racial and cultural hierarchy in the new land. The antipathy to the 'foreigners' grew, and found ugly form during World War One when direct state coercion was exercised against Germans, Ukrainians, and other ethnic groups believed to be potentially subversive or disloyal.

Ironically, the nativist clamour was increased by voices from French-speaking Catholic Quebec which otherwise had little in common with those Protestant British elements beating the drums against foreigners in the rest of Canada. Henri Bourassa, the voice of French Canadian nationalism in this era, was a vehement critic of immigration. Reflecting a long tradition of French Canadian suspicion, Bourassa argued that the purpose of immigration was to swamp the French Canadian minority, while the French language and French Canadian culture were effectively denied access to the Canadian west. Bourassa wanted government monies invested in a repatriation programme designed to draw

French Canadian emigrants back from New England, rather than in schemes to encourage eastern Europeans to immigrate to Canada. While French Canada was loud in its denunciations of *les étrangers*, it is well to remember that xenophobia was equally characteristic of English Canada. If French Canadians like Bourassa were sometimes more outspoken in the expression of their national prejudices, this may only reflect the greater insecurity they felt as to their own national status in the Canadian political community.

Much of the nativist agitation of the early decades of this century was sparked by the arrival of non-British workers who either were not intended for agriculture or who, for one reason or other, never ended up on the land. Despite Sifton's oft-proclaimed dictum that, in effect, only farmers need apply, the success of the National Policy in fostering Canadian-based industry ultimately undermined the agricultural bias of immigration policy. The demand for an immigrant-fed labour market in both the resource and industrial sectors led to complicated policy problems. Governments had to concern themselves, as best they could, with the long-range effects of immigration on the country as a whole, while private companies were more interested in short-term economic advantage. Governments were, moreover, answerable to their democratic electorates and the state sometimes found itself in opposition to powerful capitalist interests. The latter may have been equally racist in private, but were quite willing to buck the nativist consensus when it advanced their own profits.

Agricultural settlement was, in the minds of policymakers, permanent and stable. The migration of labour to Canada for employment by capital in manufacturing or resource extraction, raised different, often unsettling, images. An industrial proletariat was the necessary basis for national strength in the age of industry. Yet as European experience indicated, an industrial proletariat was also a potential basis of social and political unrest, even of class war. And what of a proletariat which was polyglot, unassimilable not only in class but in ethnic and cultural terms? It was from such fears that the image of the 'dangerous foreigner' arose among middle and upper class Canadians. One model for supplying needed migrant labour without having to absorb the migrants into the society is the contract-labour or 'guest-worker' system. Workers, usually ethnically distinct from the majority of the labour force, are imported on a short-term basis to fulfil labour contracts, but have no right to remain past their contract and no eligibility for eventual citizenship rights in the host country. In fact, strong elements of this model were incorporated into Canadian immigration practices. The building of the CPR was in part based upon the labour of 'navvies' of foreign origin — most notably Chinese men — who were not accepted as regular immigrants but held in a special ghetto of Canadian life without even potential citizenship rights. Similar fates awaited labour imported to work on major development 'megaprojects' in the boom years of the early 20th century. Yet, despite the enthusiasm shown by some Canadian capitalists for just such a system, successive governments in the early 20th century resisted, often refusing to issue temporary work permits and exhorting employers not to rely on short-

term contracts. Governments did give way on occasion, but they were reluctant to do so, for they continued to believe that the long term interest of the economy lay in the expansion of the labour force by permanent immigration.

Employers also saw advantages in a multiethnic and polyglot labour force, since it was less likely to develop effective class solidarity. A British Columbian mine manager explained succinctly: "it is necessary to have a mixture of races.... They are the strength of the employer, and the weakness of the union". Not surprisingly, organised labour reacted with deep suspicion of immigration as a union-busting and strike-breaking tactic. This hostility was partly based on working class interest but was not always free of nativist and racist tones. Working class nativism reinforced the general nativist trend in the society which cut across class lines. Ironically, one of the first responses of governments, both federal and provincial, to working class demands in this era of rising democracy was a bow in the direction of a more nativist immigration policy.

The most sensitive testing ground for this issue was the question of 'Oriental' labour in British Columbia. Asians were at the very bottom of the immigrant hierarchy. Yet by the early years of the century, a quarter of the British Columbia labour force was of Asian origin. Provincial governments, representing export-oriented resource industries determined to maintain low wages, had presided over the importation of non-white labour to break strikes and depress wage rates. But white workers were beginning to exercise pressure on the British Columbia legislature to exclude Orientals (who were denied the franchise). The legislature responded by continually passing Oriental exclusion bills which were disallowed by the federal government. The latter was concerned about the Anglo-Japanese treaty which allowed for the free movement of nationals and which, formally at least, Canada had pledged to uphold. In 1906-7, Lieutenant Governor James Dunsmuir withheld his consent to exclusion acts — and then, in his capacity as one of British Columbia's largest mine-owners, signed a contract for several hundred Japanese mine workers.

Tensions rose in the recession year of 1907 and following the formation of the Asiatic Exclusion League, anti-Oriental riots broke out in Vancouver. The following year the federal government responded by restricting immigration to those who arrived on a continuous voyage from their land of birth. Since there were no direct steamship connections between India and Canada, this indirectly excluded immigrants from the Indian subcontinent. The CPR forced a test case in the courts and the order was declared invalid. New wording was found which was acceptable in law. The state had been forced to confront the largest private corporation over immigration, and it was the state, backed by public opinion, which prevailed. In 1914 the steamer *Komagatu Maru* was refused permission to unload its 376 passengers, mainly Sikhs. After two months at anchor in Vancouver harbour, Canada's first 'boat people' were forced to sail away.

Not only were immigrant workers seen as strikebreakers and ratebusters by trade unionists, but a contradictory image of the foreign radical agitator was

also gathering force by World War One and the Bolshevik revolution in 1917. Employers obviously did not want radical agitators in their workplaces. Capital wanted immigrant labour but it wanted selective controls over the inflow and outflow: the private sector could encourage the inflow, but only the state could effectively exercise the coercive power required to keep people out, or remove them once they were here. Both the nativist reaction and the fears of political radicalism led to increased state regulation of immigration during the first two decades of the century. A new Immigration Act passed in 1906 shifted emphasis from earlier legislation to specify many more grounds for exclusion, as well as strengthening the control features. Prohibited classes of prospective immigrants were enlarged to include the “feeble minded”, those “afflicted with a loathsome disease”, “professional beggars”, prostitutes and those living off their avails, persons convicted of crimes of “moral turpitude”, anyone “likely to become a public charge”, or who “may become dangerous to the public health”. As these latter phrases suggest, great latitude was given to officials to make arbitrary judgments about suitability. Amendments and orders in council over the next dozen years widened their exclusionary authority. In 1910, women or girls “coming to Canada for any immoral purpose” were barred. In 1919 persons suffering from alcoholism, mental or physical defects or a condition of “constitutional psychopathic inferiority” were added to the list of prohibited classes. In general the enforcement powers were greatly strengthened, and were secured from judicial review. Medical and character checks on entrants were often a means of ethnic discrimination. A 1911 draft order in council specifically prohibiting black immigrants was never actually enacted, but the medical and character checks at United States border points effectively did the same job without declaring an official intent to discriminate.

Apart from discrimination based on national origin, increasing attention was paid by the federal government to the deportation of political radicals, anarchists, and others suspected of conspiring to overthrow the government. Following the Winnipeg General Strike in 1919, even more draconian measures were enacted in an amending act to the Immigration law. Any non-citizen, or anyone whose citizenship had been acquired through naturalization, advocating the overthrow of constituted authority or associating with any group advocating the overthrow of government, could be deported. Anyone who had ever been deported from an allied country as a radical could be barred from entry to Canada. It was the duty of local officials to report radical activity by non-citizens to Ottawa. The Royal Canadian Mounted Police, created as a national police force in 1920, immediately commenced surveillance of ethnic organizations. Immigrants of certain origins (especially Ukrainians, Russians, Finns, and Jews) and those holding certain political opinions (mostly left-wing) were marked as potential enemies by the Canadian state.

### III — THE INTERWAR YEARS

The 1920s were a decade in which the contradictions of the prewar era continued to play against each other. Although the almost frantic pace of immigration in the immediate prewar years (see Table 1) was never reached again, the heavy inflow continued into the 1920s. But the relatively high intake, strongly supported by business in general and the powerful transportation corporations (CPR and CNR) in particular, was not uncontested. A rising tide of anti-immigrant nativism in Canadian society was reflected in some government quarters. In the United States, the era of mass immigration began to draw to a close in the 1920s with the imposition of an elaborate quota system restricting immigration from eastern and southern Europe. Attempts to restrict immigration from these countries were only partially successful in Canada, because the needs of business often triumphed over popular nativist sentiment.

Government applied the brakes to a limited degree in the first few years after the war, citing the postwar recession as reason for caution. Immigrants were required to be bona fide farmers or, if they were of British origin, to have sufficient means to maintain themselves until employment was secured, and in 1923 the Chinese Immigration Act virtually halted immigration from China. But there were also moves in the other direction. In 1922 the Empire Settlement Act allowed over 100,000 British immigrants, assisted in a variety of ways, to come to Canada throughout the rest of the 1920s. Governments and the transportation and land companies tried hard to attract more British agricultural immigrants, but despite the highly discriminatory schemes for encouraging this particular group, there were not a great many competent British farmers willing to migrate, and most of the schemes attracted people fundamentally unsuited to agriculture. Many of these either returned to Britain, flocked to the cities as manual workers or became charges on the public welfare rolls.

Both the CPR and the CNR put strong pressure on the federal government in the mid-1920s to open the door wider once again to central and eastern Europeans. They were backed by ethnic organizations representing non-British European nationalities — a new development in Canada. In 1925 the government capitulated (to the distress of some of its immigration bureaucrats) and signed the Railway Agreement with the two giant companies. Under this arrangement, the railways could recruit 'bona fide agriculturalists' even from those countries previously discriminated against. Because the definition of who constituted an 'agriculturalist' was left to the discretion of the companies, eastern and southern Europeans were effectively placed on the same footing as those from western Europe. About 185,000 immigrants entered Canada in the latter half of the 1920s under the terms of the Railway Agreement. The federal government's role in the process was limited essentially to medical checks and issuing visas; this period marks the high water mark of private sector participation in immigration policy.

Opposition to this policy came from organised labour, which warned of a capitalist drive to cheapen labour, and the churches, which warned of the dangers of

diluting the British character of the country. By the late 1920s a rising tide of nativism flowed from such groups as the National Association of Canada, the Native Sons of Canada, and even the Ku Klux Klan which had spread over the border from the United States to defend a white Anglo-Saxon 'Kanada' against the influx of foreign 'scum'. In 1928 a House of Commons committee recommended that the Railway Agreement be modified to restore greater governmental control.

The trend in the late 1920s was clearly toward more restriction, but the *coup de grace* to the half-open door was dealt by the Great Depression of the 1930s. In the election of 1930 the Conservative party, which had pledged to end Liberal 'laxity' in immigration, came to office. The new prime minister, R.B. Bennett, cancelled the Railway Agreement and immigration — especially from outside Britain and the United States — was sharply curtailed during the remainder of the decade.

With relief rolls swelling from the pressure of the unemployed and indigent, the Conservative government of R.B. Bennett officially deported over 28,000 persons from Canada from 1930 to 1935 (the actual figures may have been higher). This number was equivalent to those deported for the entire 20 year period preceding 1930. In 1933 one immigrant was deported for every three who entered the country. Immigrants, along with their dependents, could be deported for a number of stated reasons: criminality, medical causes, being a 'public charge', or for 'other civil causes', a catch-all category which covered political deportations of radicals and union organizers. Some observers have argued that Canada was actually running a kind of disguised guest-worker system. Following large-scale immigration in times of economic expansion, deportation served as a stabilizing mechanism in times of depression, when immigrants could not find work and became charges on the public welfare or were politically troublesome.

The interwar years witnessed the emergence in Europe of a phenomenon which would later become familiar on a world scale: refugees. Millions of people were displaced first by the 1914-18 war and the redrawing of national borders which followed, and then by the rise to power of oppressive totalitarian movements. Particularly poignant was the case of the Jewish refugees from Nazi genocide who found almost all doors closed to them. Canada did very little. Citing the economic situation in depression-racked Canada, but reflecting widespread anti-Semitism, senior bureaucrats and politicians closed their ears to the desperate appeals. In 1939 the *St. Louis*, a ship bearing 907 German Jews was refused embarkation anywhere in South and North America. "The line must be drawn somewhere", declared a senior Canadian immigration official, as the *St. Louis* returned its human cargo to the death camps of the Third Reich.

During World War Two, immigration to Canada almost stopped, but anti-Asian racism assumed its ugliest form ever with the confiscation of property and forcible relocation of the Japanese Canadian population of the west coast

to concentration camps in the interior. The federal government even planned to deport this entire group to Japan after the war — including those who had been born in Canada. Some were ‘voluntarily’ repatriated before public opinion demanded that the policy be abandoned.

#### **IV — POSTWAR POLICY: AN OPEN DOOR?**

At war’s end, there were strong external pressures for an open door in immigration: hundreds of thousands of displaced persons were in camps under international supervision awaiting relocation, and Canada, the United States and Australia were the only countries outside Europe with the capacity to absorb large numbers of refugees. Beyond the ‘DPs’ were vast numbers of potential immigrants from a war-weary and economically prostrate Europe. Internal pressures were strong as well. Public opinion in general was more pro-immigration than at any time before or since. Business, as usual, was a vocal lobby and even organized labour, a traditional enemy of immigration, was muted in its criticism and in some cases even supportive. A sense of economic optimism after fifteen years of depression and war helped create a momentary consensus that an expansive future would need a more expansive immigration policy. Critics remained, but their voices were temporarily marginalized. After extensive public hearings, a Senate committee on immigration and labour concluded on an optimistic note, urging a “sustained policy of immigration” based upon the “absorptive capacity” of the Canadian economy and society.

Prime Minister Mackenzie King outlined the government’s cautious approach to postwar immigration policy in a statement to the House of Commons in 1947, promising “regulation and vigorous administration, to ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our national economy”. King made it “quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not a ‘fundamental human right’ of any alien to enter Canada. It is a privilege. It is a matter of domestic policy”. Because “the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population”, King added that “large-scale immigration from the Orient” would not be permitted to “change the fundamental composition of the Canadian population”.

In the late 1940s, special teams were despatched to Europe to select displaced persons from camps under the supervision of the International Refugee Organization. Eventually over 100,000 ‘DPs’ were relocated in Canada, and others were later sponsored by relatives in Canada. Occupational categories for admission were gradually widened. Immigrants from France were placed on the same formal basis as those from Britain and the United States, thus ending a distinction which had long rankled in French Canada. And in 1950 a new department of government was created for immigration and citizenship. The latter was now

defined under the Canadian Citizenship Act of 1946 which for the first time created a *Canadian* citizenship distinct from British subject status.

Amid the generally positive atmosphere, the key question was that of *absorptive capacity*. The Canadian government had assumed responsibilities for maintaining full employment and stabilizing economic cycles under the new Keynesian economics which had partially replaced the *laissez faire* economics of the past. Within a context of expanding frontiers and/or advancing technology, population growth for Keynesians was a stimulant to higher levels of investment and thus promoted full employment in the long term. Part of the new interventionist role of government was to manage the inflow of immigrant labour in relation to employment and labour market conditions. In popular terms, this meant that in times of economic slowdown, the immigration tap should be turned down, or off. These were the essential terms upon which labour was drawn into the new consensus. However, no-one could ever satisfactorily define the exact measure of absorptive capacity; the consensus was thus more fragile than it seemed.

The private sector had become a less significant actor in postwar immigration due to the precipitous decline in importance of the railway and transportation companies. The CPR, for instance, still played a shrunken role in the late 1940s, but gradually disappeared as a major actor in the process, and its specialized immigration department eventually gave up the ghost. The labour-intensive agricultural frontier in the west disappeared with the more intensive mechanization of operations and the consolidation of farms. With the decline of agriculture as a source of employment, transport companies lost their economic interest in promoting immigration. The resource sector remained important, but it too became more capital-intensive. In the immediate postwar years, government unsuccessfully attempted to shunt the displaced persons into agriculture, often on a contract basis. This use of 'unfree labour' proved impossible to sustain for any length of time in a liberal democratic society, especially when the need for agricultural work was not expanding. The postwar immigration proved to be largely urban, with skilled labour, business and professional qualifications far more in evidence than among earlier waves of immigrants. The state was now much more squarely at the centre of the immigration process — especially when the new urban immigrants could avail themselves of the welfare state social programmes which also emerged in Canada after 1945.

The old conflict between the short-term economic demands of specific sectors of capital and long-term development strategies for the economy as a whole remained but it was now played out within the state itself. There was a long conflict throughout the 1950s and into the 1960s between the Immigration Branch of the Department of Citizenship and Immigration and the Department of Labour over control of immigration policy. The former represented the drive for expanded immigration in tune with business and was strongly backed by C.D. Howe's Department of Trade and Commerce. The Department of Labour represented the short-term needs of the labour market, as well as the interests of

organised labour in limiting the impact of immigration on wage levels. Indeed, the trade unions passed resolutions urging that the Labour department be given sole responsibility for immigration. The Liberal government, which had fashioned a postwar compromise between capital and labour (Keynesian full employment policies and social programmes in exchange for moderated wage demands), strongly approved of the class compromise embodied within the Labour department and spokespersons for government immigration policy (both Liberal and Conservative) in the 1950s and early 1960s readily admitted that they would not and could not plan ahead for more than months, at most a year.

There was a deeper contradiction embedded in this policy: stop-and-go immigration would work best with a guest-worker system. While this might suit specific sectors of capital, it could never meet with the approval of labour, nor could it be accepted by the state with its broader concerns about population growth in relation to economic growth. By the 1960s, the government agreed that the economy required more skilled labour — precisely the kind of labour demand which cannot be met by a guest-worker system. The compromise was the creation of an immigrant labour force with permanent residence and potential citizenship rights, alongside a stop-and-go immigration policy. Elements of a guest-worker system remained in place, especially with regard to seasonal agricultural labour and domestic labour (the latter entirely female), but this was not central to the economy as a whole.

The government also began in this era to encourage a form of immigration which had profound and unanticipated consequences for the shape of postwar policy. 'Sponsored' immigrants (later known as 'family class') are relatives of Canadian citizens who undertake to sponsor and assist the newcomers. This category is in contrast to independent immigrants who are selected on the basis of the needs of the Canadian economy and their own qualifications, as variously defined over the years. The scope of this family class was periodically expanded. In the 1950s and 1960s, sponsored immigrants represented about 37 per cent of the total, although in 1959 this proportion actually reached 55 per cent. A policy of sponsored immigration had certain results: it encouraged the entry of many more low or unskilled people; it led to uncontrolled growth in numbers, skewed toward the expansion of ethnic groups already established in Canada with strong kinship ties; and it helped foster, especially in major cities, strong ethnic pressure groups with political leverage, which seek to maintain and expand the system. Thus the state in effect diminished the control and selectivity which it apparently sought in other aspects of immigration policy.

Federal officials apparently saw the sponsored movement as a way of lowering the costs of the acclimatization and integration of immigrants, and transferring some of these costs to the private sector — in this case to the sponsoring families and their immigrant communities. The result was a compromise which undermined some of the stated goals of public policy. In the long run, family class immigration has produced a steady stream of people who have tended to form pools of relatively

low-wage labour (disproportionately female), sometimes exploited, not least by *'padrones'*, entrepreneurs from their own ethnic community relying upon cheap labour. This runs alongside the increasingly highly skilled and educated — and sometimes wealthy — independent immigrant stream going into technical, business and professional occupations. Political and humanitarian pressures surrounding family class immigration make the programme virtually untouchable; the flow may be slowed from time to time, but no government would dare turn it off.

Another aspect of selectivity and control — deliberately concealed from public scrutiny — fell into place in the late 1940s. The Cold War fostered the growth of the 'national security state' in Canada, as in the United States and the other western allies, and with it a concern about the movement of politically dangerous people (and their ideas) into the country. An elaborate screening process was set up to filter out immigrants who were Communists or associated with or related to Communists. Screening of fascists and Nazi war criminals proved to be much less zealous. Political screening was not new, but what was new was the systematic elaboration of the policy and its widespread application abroad. The RCMP security service placed personnel at every visa post abroad and developed extensive linkages with police and security forces throughout the western world to gain access to information on the past histories, politics and associations of applicants. Even temporary visitors to Canada were screened and sometimes barred. Similar controls were instituted to screen applicants for citizenship in Canada, and if necessary to deport so-called security risks. All of this was done under the cloak of extreme secrecy, using much administrative discretion on the basis of the most tenuous legislative authority, with little or no legal recourse for those adversely affected to appeal their fate. Political screening had differential effects on immigrants, impeding the flow from countries with large Communist movements, such as France and Italy.

## **V — REFORMS TO THE IMMIGRATION ACT**

With the massive postwar changes in immigration patterns, a new legislative framework was needed. In 1952 a new Immigration Act became law. Perhaps the most striking features of this act, in clear continuity with past practice, were the extreme degree of discretion granted to the minister and thereby his senior officials, the heavy emphasis placed upon the enumeration of classes of applicants prohibited from entry and the powers of exclusion, arrest, detention and deportation. No appeals were possible, under the principle that immigration was a privilege, not a right. After an adverse court ruling regarding the delegation of certain discretionary power to officials, new regulations were enacted in 1956. At their heart was a section which specified that the "landing in Canada of any person is prohibited" except for four categories, arranged in a hierarchy of most to least welcome national origins. At the top were unsponsored British subjects from the United Kingdom and the white Commonwealth, as well as those of

American and French origin; second were unsponsored immigrants from specified western European countries; third were a broad range of sponsored relatives from Europe, America and a few middle eastern countries; at the bottom was a residual category designed to restrict Asians to sponsored close relatives without indicating that intention openly. As the minister of immigration explained to his cabinet colleagues, this regulation "illustrated more clearly than ever before that the Immigration Act was really a prohibition act with exemptions". At the same time a very limited form of appeal boards was instituted.

An unintended consequence of the high degree of ministerial discretion embodied in immigration legislation was an unacceptably high work load placed upon the minister and his staff. Rejected applications (especially when they were sponsored) would often end up on the minister's desk, along with lobbies from the family and the ethnic group, and sometimes an endorsement by a backbench MP or even a cabinet colleague, seeking a ministerial permit. Ironically, a policy which emphasised *control* (and avoided judicial appeals) in fact granted an excessive degree of arbitrary discretion to the politicians. Nowhere was the discretionary aspect more in evidence than with regard to refugees. Canada did not close its doors to refugees as it had in the 1930s. Following the wave of DPs from Europe in the late 1940s, Canada hosted a second refugee wave of over 37,000 Hungarians after the USSR crushed the Hungarian revolt in 1956. In 1968 some 12,000 Czechoslovakians were admitted following the Soviet invasion of that country. But these refugee movements did not conform to any legislatively created category; they were made possible by the mass issuing of ministerial permits.

At the end of the 1950s, the Conservative government of John Diefenbaker announced its intention to overhaul the Immigration Act but political uncertainty and bureaucratic inertia foreclosed this option. Instead new regulations were enacted in 1962 which began the process of ending overt racial discrimination. Independent immigrants were to be admitted according to their skills and means of support, without regard to national origins. All immigrants could sponsor close relatives but a clause was added to the regulations which had the effect of continuing discrimination against Asians and Africans so far as sponsoring more distant relatives. The new regulations were an important step toward lowering racial barriers, although the practice of discrimination seems to have continued to some degree.

In the mid-1960s, under Liberal governments, further changes were made both in policy and administration. These reflected not only new government policy priorities, but changes in the Canadian society and economy. By the mid-1960s the greatest postwar boom was underway. In an expansionary economy, more immigration was needed but skilled labour, technical, and professional categories were especially required. At the same time low-skilled and ill-educated immigrant labour was increasingly seen as a problem to the

economy and a burden upon welfare state programmes. Yet the economic recovery of Europe had sharply reduced Canada's major source for skilled labour. Educated, skilled workers could only be found in large numbers in precisely that part of the world traditionally restricted the most by Canadian law and practice: Asia. As well, the political culture of Canada in the 1960s was less tolerant than in the past of overtly racist forms of discrimination.

In 1967 the federal government recognized these new realities when it established a 'points system', whereby independent applicants were ranked according to certain objective criteria concerning education, skills and resources. Although many have argued that this system was not free of biases which were indirectly racial (it may have stacked the deck against poor immigrants from Third World countries), it did establish at the level of formal principle that Canadian immigration policy is 'colour blind'. This principle, partially established in the earlier 1962 regulations, represented an historic watershed. The trend of the 1950s toward southern European immigration was maintained in the 1960s, but after 1967 the pattern of immigration to Canada showed a reversal, away from Europe, toward Asia, and to other Third World areas. By the mid-1970s there were more immigrants arriving from the Third World than from the developed world. The largest number of Third World immigrants come from Asia, with the Caribbean next, followed by Latin America and Africa. Another innovation in 1967 which also sought to address a more liberal climate of opinion was the passage of the Immigration Appeal Board Act, expanding the powers of boards (which had been first been set up in the mid-1950s) and the scope of appeals against administrative decisions.

The Liberal governments of the 1960s were interested in *managerial* solutions to immigration problems. The immigration functions of the old Citizenship and Immigration department were absorbed within a new Department of Manpower and Immigration (later Employment and Immigration), combining parts of the old Labour department with immigration. Citizenship was hived off under the Secretary of State. Immigration was now seen simply as an aspect of the employment market and the primary variable in regard to immigration was the Canadian economy's absorptive capacity. Selectivity would be geared more closely to labour market needs, both in overall macroeconomic terms and in relation to regional variations in Canada — although in practice family class immigration continued to run counter to this intention. The administrative marriage of employment and immigration policy remained in place through the 1980s, although the unique needs of immigrants, *qua* immigrants, critics argued, were unlikely to be best met in an administrative arrangement which subordinated immigration to employment policy.

In the early 1970s, Robert Andras, Liberal minister of Manpower and Immigration, initiated a major review of immigration and population policies. A Green Paper was published to generate public debate and more than 1,400 briefs were submitted in hearings held across Canada. In 1978 a new Immigration

Act became law. It remained in place, with amendments, at the beginning of the 1990s.

The 1978 Immigration Act was both more liberal and more positive than its predecessor. It opened with a statement of principles and objectives, drawn from the recommendations of the joint committee of parliament. Immigration policy and administration was designed to: promote demographic goals established by the government; enrich the cultural and social fabric of Canada, taking into account its federal and bilingual character; facilitate family reunification; foster intergovernmental co-operation to assist the adaptation of immigrants to their new home; facilitate visits to Canada by foreigners; ensure non-discrimination among immigrants on grounds of race, national or ethnic origin, colour, religion and sex; fulfil Canada's international obligations with regard to refugees and "uphold its humanitarian tradition with respect to the displaced and persecuted"; foster a viable economy and regional prosperity; maintain the health, safety and good order of Canadian society; and promote international order and justice "by denying the use of Canadian territory to persons who are likely to engage in criminal activity".

With the exception of the last-named objective, this list was generally *positive*. In sharp contrast to the 1952 act, the new law's provisions were less control-oriented and less exclusionary. Provisions for exclusion and deportation on security and criminal grounds remained stiff and strongly weighted in favour of the state, but the grounds for exclusion or deportation were narrowed and made more precise, and procedures allowed for more representation of the individual affected. The thrust of the act was generally toward wider consultation, with the provinces and the public. For instance, the minister was required to announce in advance the numbers of immigrants the government wishes to admit, on a demographic basis worked out in consultation with interested parties (the provinces, business, labour, professional and voluntary organizations, and academic experts). It had been expected that a population policy would be set in place after consultations with the provinces, but the latter showed little interest in such a process. The result was that immigration levels continued to be set by short-term considerations of the labour market rather than long-term projections of desirable population levels.

The growing role of the larger provinces has become one of the more striking features of immigration policy in the late 20th century. The provinces were responsible for a host of social services such as education, health and welfare, highly pertinent to the absorption of immigrants. Ontario, host to the largest number of immigrants settling in Canada, created a ministry of citizenship, including a multicultural branch, with a budget to promote the settlement and integration of immigrants.

Quebec provided the most interesting and significant input into policy. Although Quebecers had long been among the leading critics of immigration, political events within Quebec in the late 1970s dramatically altered that

province's stance. The passage of the Quebec Language Law by the *Parti Québécois* government of René Lévesque was an important factor, reducing the climate of linguistic insecurity that had previously bedeviled Quebec attitudes toward immigrants. The preference of *allophones* (immigrants whose mother tongue is neither French nor English) to assimilate into the Anglophone community posed a serious demographic threat to the predominance of the French language in Montreal. The new law made it mandatory for the children of *allophones* to attend French language schools — a requirement later reinforced by section 23 of the federal Charter of Rights. Once this hurdle had been passed, Quebec became a leading advocate among the provinces for a more positive role in promoting immigration. The Cullen-Couture agreement of 1978 provided for the joint selection of immigrants who wished to settle in Quebec, as well as other forms of co-operation, supervised by a Joint Committee of federal and Quebec immigration officials.

## VI — THE REFUGEE CRISIS OF THE 1980s

The 1978 Immigration Act pointed to another new trend: the growing importance of refugee movements. Alongside independent and family class immigrants, the Act created a third category for refugees, persons seeking asylum from persecution in their homelands. The refugee provisions, which go farther than Canada's international obligations under the United Nations Convention on refugees, allow for the recognition under Canadian law of refugee claims which might not fit the relatively narrow UN definition. Subsequent regulations created the category of "designated class" refugees, specifying that people from certain countries would be recognized as coming from, in effect, refugee-producing areas.

Since the 1950s, refugee questions had been defined in Cold War terms: refugees from Communist states were legitimate, but those fleeing right-wing regimes allied to the United States were less certain of a friendly reception. After the bloody coup which overthrew the democratically-elected Socialist-Communist government of Salvador Allende in Chile in 1973, Canada did not extend to the Chileans the same generosity as it had to the Hungarians and the Czechoslovakians despite the imminent danger in which left-wing Chileans found themselves. On the other hand, Canada's response to the flight of refugees from Southeast Asia, following the Communist victories in Vietnam, Cambodia and Laos in the mid-1970s, was extremely generous. The plight of the 'boat people' adrift in pirate-infested waters or interned in squalid camps touched Western consciences, and during 1979-80 about 900,000 were resettled, with Canada taking over 60,000, a figure which rose to about 100,000 through the 1980s. This was the largest single refugee movement in Canadian history, and 54 per cent of the Indochinese refugees were privately sponsored. The Conservative government of Joe Clark, which initiated the programme, used private sector voluntary associations as central actors in the process, and support groups around the

country welcomed and accommodated the newcomers. The entire movement was privatized and decentralized, with government playing a supportive role. The response of Canadians broke sharply with traditional ethnic prejudice: the Indochinese were from that part of the world which in the past had been most discriminated against by Canadian policy. In 1986 the UN's Nansen Medal was awarded to the Canadian people for its outstanding generosity toward refugees.

The boat people had fled Communism, thus conforming to a familiar Cold War pattern. Refugees in the 1980s, such as Central and South Americans, were more likely to be fleeing right-wing authoritarian states allied with the US. Canadian governments have been much less comfortable about accepting these kinds of refugees, citing worries about security risks. Many other refugees did not conform to Cold War patterns at all, but were driven from their homes by indigenous conflicts and repression in the Third World. The generosity accorded the Indochinese was much less in evidence in relation to non-white refugees from the Third World lacking Cold War legitimation.

In the 1980s, the refugee question grew to proportions never envisaged by the framers of the 1978 Immigration Act. The refugee element of immigration policy and administration became something of a monster which threatened to engulf the immigration process as a whole. Refugee claims made by people arriving in Canada began to build up an enormous backlog which turned into an administrative and political nightmare. The immigration bureaucracy objected to many refugees as 'self-selected' immigrants, rather than immigrants selected by the bureaucracy.

Both the bureaucracy and the public were outraged in the 1980s by clearly illegitimate applicants who deliberately made false or unjustifiable refugee claims in Canada. An administrative review in the mid-1980s failed to clear the backlog of unprocessed applications which swelled to over 80,000 by the end of 1988. Ersatz 'Jehovah's Witnesses' claiming religious persecution in Catholic Portugal were among the more notorious abusers. Others in the backlog were in effect 'economic refugees', a category not recognized either in international or Canadian law. When two boatloads of people coming from European refugee camps, first Tamils and then Sikhs, landed on Canada's Atlantic coast and immediately claimed refugee status, a national outcry was sparked. The government argued that illegitimate claimants were trying to "jump the queue", banking upon an eventual government amnesty to clear the backlog. Just as other host countries in the West were slamming their doors, the Canadian government began to abandon its relatively generous policy, with two bills amending the Immigration Act introduced in 1987, one at a special emergency session of parliament. These bills restricted the scope of the refugee route, greatly shortening the period for hearing claims, provided for sanctions against ships bringing illegal immigrants to Canadian shores and against voluntary groups assisting individuals to make refugee claims, and — most controversially — made provision for quicker and easier deportation for those whose claims were rejected.

The government refused to reward unfounded claimants by offering an amnesty, but instead instituted a 'fast-track' process which was supposed to clear the backlog within a year or so, but failed to do so. Non-governmental organizations, especially church groups, were generally hostile to the government initiatives, as were most lawyers with immigration/refugee practices. Although public opinion in general was clearly favourable to a more restrictive policy, those with ongoing involvement and expertise in refugee matters were not. The government tried to use non-governmental groups as a means of privatizing and legitimating its policies, but it learned that this could be a double-edged sword. By the late 1980s a permanent and highly respectable non-governmental pro-immigration lobby was well established.

Constitutional challenges were also raised to the new legislation. In the past, the state had always argued that since immigration to Canada was a privilege, not a right, immigrants could not claim the protection of rights accorded Canadian citizens in their dealings with government. The rights of Canadian citizens themselves were undergoing expansive redefinition with the passage of a constitutionally entrenched Charter of Rights and Freedoms in 1982. In 1985 the Supreme Court, in the case of *Singh vs. the Minister of Employment and Immigration*, ruled that anyone, including non-citizens, subject to the application of Canadian law could avail themselves of the protection of the Charter of Rights. The import of this decision can hardly be overestimated. Governments now found themselves much more constrained than in the past in setting policy, beset as they now were not only by strong and critical voluntary groups, but by constitutional law as well.

Pressures came from many directions. A growing feminist consciousness focused attention on the special problems encountered by women immigrants — and on the discriminatory treatment of women under government immigration and citizenship programmes. For instance, it was pointed out that government-sponsored classes in English and French as a second language were being closed to married women and female dependents who were designated as "not destined for the labour market". The application of equality rights under the Charter may play a leading role in the future in helping restructure the relationship between state services and their immigrant clients.

## VII — TOWARDS A MULTICULTURAL CANADA?

In the 1970s the Trudeau government announced its official support for 'multiculturalism', within a framework of two official languages, and their Conservative successors have echoed this commitment. A ministry of state for multiculturalism has its own budget for programmes promoting the multicultural character of the country, and in 1987 a *Canadian Multiculturalism Act* was tabled in parliament. Around multicultural programmes clustered a number of ethnic organizations with a strong interest in fostering the status of ethnic groups and 'visible minorities'.

Canadians, however, had yet to confront fully the prospect of a multiethnic, as well as multicultural, society. During the 1980s, the growing visibility of non-white immigration, especially in major cities, produced an anti-immigration backlash which resurrected many of the earlier themes of racist nativism. The new nativism was considered a fringe movement, hedged in, as never before, by human rights code restrictions on public airing of racist views and by a pervasive liberalism in the dominant political culture. Nativism lacked the institutional bases of the past: the trade union leadership and mainstream churches were committed to liberal values on immigration. It would be misleading, however, to deny that restiveness about the impact of non-white immigration had made substantial inroads into public opinion, or to pretend that covert discrimination in the job and housing market had disappeared from Canadian cities, or that immigrants, especially those from visible minorities, were no longer subjected to the hidden (and sometimes not so hidden) injuries of social discrimination.

One policy innovation developed in the 1980s was the business immigration programme, designed to identify, attract and select entrepreneurs, who were required to establish businesses that would create or retain jobs. An "investor" division, created in 1986, allowed persons to enter Canada who possessed a half million dollars worth of net personal wealth who promised to invest at least a quarter of a million dollars over a three-year period in Canadian business. This latter provision attracted much controversy, raising questions about wealthy immigrants buying Canadian visas at a time when poor but deserving applicants were being rejected. There was also skepticism that commitments were actually kept. By the late 1980s, the business immigrant programme was predominantly attracting immigrants from Asia and the Middle East, and in particular Hong Kong which accounted for 40 per cent of all business immigrants by 1986.

Governments found themselves uneasily suspended between growing public unease about immigration on the one hand, and the growth of informed and articulate interest groups favourable to immigration on the other. This problem became more acute by the end of the 1980s when demographers concluded that in the 21st century there would be too few Canadians of productive years and too many of retirement age. Given the reluctance of Canadians to reverse their falling birth rate, a much larger intake of immigrants in the 1990s seemed the most reasonable policy prescription. Yet this consensus was only reluctantly embraced by the federal government during an era of persistently high unemployment, especially as most of the increase would undoubtedly come from Third World sources.

As the prospect of stepped-up immigration levels in the 1990s loomed on the horizon, immigration policy faced some major rethinking in the last decade of the 20th century. Some things seem irreversible. Overt racial discrimination in the selection of immigrants, once a structural feature of policy, is no longer a viable option. Nor can any government ignore the short-term labour market conditions in setting immigration levels: whatever long-term planning indicated,

admitting too many immigrants under conditions of high unemployment would not be tolerated.

Earlier in our national history, immigration was left largely to powerful forces in the private sector of the capitalist economy whose actions were at best under the indirect influence of the state. Moreover, the state itself was divided in its limited responsibilities for immigration between federal and provincial levels of government, and divided between radically differing perspectives from the two national communities, English and French Canada. Finally, as the state found itself with increasing control over immigration in the post World War II era, its capacity to act was constrained by a persistent lack of consensus in civil society. Immigrants themselves have gained greater effective rights in Canadian society and a wider constellation of interested groups has contested each and every political and administrative initiative by the state. A basic question about immigration policy — who is in charge here? — has no easier answer in the late 20th century than it did in earlier stages of Canadian history.

The story of immigration policy has been that of a series of attempts to assert control over this vital process in nation-building, with consistently indifferent results. Ideally, governments would like to control immigration as if it were, in effect, a large purchasing department — commanding precisely so many new Canadians with specified qualities and skills demanded by the Canadian economy, and preventing the entry of any who fail to match these specifications. In reality, governments have been able to control effectively neither the supply side nor the demand side. Immigrants, by and large, present themselves. Nor have governments ever been able to define in any clear and uncontroversial manner the demand for immigrants. It is ironic that the more the state has centralized control over the process, the more uncontrollable the process has become. The state focuses upon itself the conflicting pressures of Canadian society, which, in a matter like immigration, includes strongly conflicting, even contradictory pressures. Perhaps muddling through is the best that can be expected.

## SUGGESTIONS FOR FURTHER READING

There is no general history of Canadian immigration policy. There is a good general text on policy and administration which covers the post-World War II era in Freda Hawkins, *Canada and Immigration* (2nd ed., Kingston and Montreal, 1988). See also her recent *Critical Years in Immigration; Canada and Australia Compared* (Kingston, 1989). An earlier study was David C Corbett, *Canada's Immigration Policy: a Critique* (Toronto, 1957). A.G. Green's *Immigration and the Postwar Canadian Economy* (Toronto, 1976) focuses on economic aspects of policy. A concise and cogent argument about the relationship between national economic development policy and immigration is John Dales, "Protection, Immigration and Canadian Nationalism" in Peter Russell, ed., *Nationalism in Canada* (Toronto, 1966). Anthony H. Richmond's *Immigration and Ethnic Conflict* (New York, 1988) studies the sociological impact of immigration policy on ethnic relations. John Porter's classic *The Vertical Mosaic* (Toronto, 1965) features immigration policy as a central aspect in the shaping of Canadian society. A good general introduction to the social history of immigration is Jean R. Burnet with Howard Palmer, *Coming Canadians* (Toronto, 1988).

One of the best accounts of immigration policy for the latter part of the 19th century can be found in V.C. Fowke, *Canadian Agricultural Policy* (Toronto, 1946). The first experiments in federal-provincial co-operation on immigration are described by Garth Stevenson, "The origins of co-operative federalism", in David Shugarman and Reg Whitaker, eds., *Federalism and Political Community: Essays in Honour of Donald Smiley* (Peterborough, 1989). Recent research on CPR land policy is presented in John Eagle's *The Canadian Pacific Railway and the Development of Western Canada* (Montreal, 1989). The Sifton-Oliver era is well covered in Harold Martin Troper, *Only Farmers Need Apply* (Toronto, 1972); D.J. Hall, *Clifford Sifton, vol.1: The Young Napoleon* (Vancouver, 1981); and Mabel Timlin, "Canada's Immigration Policy, 1896-1910", *Canadian Journal of Economics and Political Science*, 26, 4 (November 1960). Donald Avery, *"Dangerous Foreigners"* (Toronto, 1979) is a key source on labour, capital and immigration in the first three decades of the 20th century. Deportation as a tool of policy is chillingly described in Barbara Roberts, *Whence They Came* (Ottawa, 1988). But see Henry Drystek, "The simplest and cheapest mode of dealing with them: deportation from Canada before World War II", *Social History*, 15, 30 (November 1982) for a different interpretation. Irving Abella and Harold Troper present a disturbing indictment of Canadian indifference and hostility to Jewish refugees from Nazi terror in their classic *None is Too Many* (Toronto, 1982).

The operation of national security controls over immigration in the post-war era is described in Reg Whitaker, *Double Standard* (Toronto, 1987). Post-war refugee policy to the mid-1970s was covered very well in Gerald Dirks, *Canada's Refugee Policy* (Montreal, 1977), extended to the early 1980s in Dirks, "A policy within a policy: the identification and admission of refugees to Canada",

*Canadian Journal of Political Science*, 17, 2 (June 1984). A later, and more critical study of Canadian refugee policy compared to other Western jurisdictions can be found in David Matas, with Ilana Simon, *Closing the Doors: the Failure of Refugee Protection* (Toronto, 1989). Different aspects of the underside of official policy is explored in two articles by Vic Saztewich: "Unfree labour and Canadian capitalism: the incorporation of Polish war veterans", *Studies in Political Economy*, 28 (Spring 1989) and "Racism and Canadian immigration policy: the government's view of Caribbean migration, 1962-1966", *Canadian Ethnic Studies*, 21, 1 (1989). Official government views on policy directions were exposed in the Green Paper (*Canadian Immigration and Population Study*, 1974). A good recent account of policy dilemmas at the end of the 1980s by a well-informed journalist is Victor Malarek's *Haven's Gate: Canada's Immigration Fiasco* (Toronto, 1987).



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