

BOOTSTRAP IMMIGRANTS: ASSESSING THE CONSERVATIVE TRANSFORMATION OF CANADA'S IMMIGRATION POLICY

JOHN IBBITSON

KEY POINTS

- Over the past nine years, the Conservative government has incrementally but fundamentally transformed Canada's immigration system: limiting refugee claims, discouraging family-class immigration and encouraging new arrivals who can integrate quickly and successfully into the Canadian job market.
- These reforms, although major, are mere prelude to an entirely new immigration policy that takes effect on January 1, 2015. The new Express Entry system will replace the queues created by the previous points system, with a new pool of applicants ranked by their suitability for the Canadian labour market.
- The new system appears to encourage "bootstrap immigrants," chosen by businesses and by governments acting on their behalf. Such immigrants may, for that reason, be economically and socially more conservative than those who came before.

INTRODUCTION

Of all the reforms launched by this most conservative of Conservative governments, none surpass the root-and-branch restructuring of Canada's immigration policies. And what has come before does not equal what is to come.

On January 1, 2015, the federal government will replace the points system used to select immigrants for nearly 50 years with the entirely new Express Entry program.



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The goal is to better align the abilities of immigrants to the needs of the Canadian economy. Well-educated, fluent in English or French or both, self-reliant, able to fit seamlessly into the workforce without need of government assistance—these “bootstrap immigrants,” as they could be called, might also be inclined to vote Conservative.¹

This policy brief will briefly outline Canada’s immigration policy before Stephen Harper became prime minister in 2006, Conservative reforms past and present and what those reforms could mean for the future, as the country transitions from an Atlantic-centric nation of mostly European inhabitants to one that is more Asian, more Pacific and perhaps more conservative in values.

BACKGROUND: REJECTING AN INGLORIOUS PAST

Immigration has always been the lifeblood of the dominion, stretching back to the nineteenth century, when Clifford Sifton, Prime Minister Wilfrid Laurier’s minister of the interior, actively recruited immigrants from Eastern Europe to fill the Canadian Prairies. But there was an ugly side to immigration policy: Asians were not welcomed. Whether through specific legislation and regulations, such as the Chinese immigration acts or the head tax on Chinese immigrants,

1 I derived the idea of an immigration policy that actively seeks to encourage a more economically conservative class of immigrants — who believe in pulling themselves up by their own bootstraps, as it were — from a November 2014 seminar hosted by CIGI that included scholars from CIGI and the Balsillie School of International Affairs (BSIA). While taking sole responsibility for the content of this policy brief, I am deeply grateful to those who participated in the seminar; their insights proved invaluable. I owe a special debt to Margaret Walton-Roberts, associate director of the International Migration Research Centre at the BSIA, for offering the up-by-the-bootstraps analogy and for pointing out that the new programs make it possible for government officials to screen much more carefully for the perceived ideal candidates.

or through more informal proscriptions, politicians and bureaucrats actively sought to bar Chinese and other Asian immigrants from settling in this country. Between World War I and World War II, Jews were added to the list of those discouraged from entering — “none is too many” was how one official put it — to Canada’s eternal shame.

The Diefenbaker government was the first to openly question this implicit colour bar. Immigration Minister Ellen Fairclough established regulations in 1962 that sought to eliminate racial prejudice from the selection process (Diefenbaker Canada Centre n.d.). The Pearson government codified those reforms through legislation that established what is commonly known as the points system.

Under this system, persons interested in immigrating to Canada complete an application that assigns points based on education, fluency in English and/or French, work experience and existing ties to Canada. Those who accumulate a sufficient number of points join a queue of applicants; once they reach the front of the queue, the applicant is invited to enter Canada as a permanent resident and placed on a path toward citizenship.

Because it is colour- and culture-blind, and because the postwar recovery led to a sharp drop in European immigrants, the points system has transformed Canada’s immigration policy into one that increasingly features new arrivals from developing countries.

Going further, the Trudeau government reformed the refugee policy, making Canada such an internationally recognized refuge for those fleeing persecution that the United Nations bestowed the Nansen Refugee

award on “the people of Canada” in 1986.² By 1991, one quarter of all immigrants to Canada were refugees. Major changes, however, were already underway.

CHANGE AND CONTINUITY

First, and most important, the Mulroney government opened the floodgates to immigration. In 1992, for the first time in decades, Canada took in more than 250,000 new arrivals, a benchmark that the Chrétien government returned to in 2001. Since then, 250,000 immigrants a year has been the aspirational target for both Liberal and Conservative federal governments. In 2014, Immigration Minister Chris Alexander raised the bar to between 260,000 and 285,000 immigrants per year, a substantial change in what is already the developed world’s most wide-open immigration policy (Government of Canada 2014a).

Although overall immigration targets have been maintained, and even increased, the makeup of those immigrants has changed radically. For one thing, far fewer refugees are being admitted to Canada than in the past. The Liberals under Jean Chrétien began ratcheting the numbers down, from 54,073 in 1991 to 30,091 in 2000 (Government of Canada 2014b.). That decline continued under the Conservatives, to a low of 21,859 in 2008. By 2013 the intake had climbed back to 24,398, still less than half of what it was two decades ago.

Traditionally, Canada placed a high emphasis on family-class immigration, reuniting new arrivals with spouses, parents and other family members. In 1993, 112,640 immigrants belonged to the family-class category,

² The award was granted largely because of the Clark government’s decision to accept large numbers of Southeast Asian refugees, commonly known as Vietnamese boat people, in 1979-1980.

surpassing the 105,664 who arrived as economic-class immigrants.

The Liberals reversed this policy: by 2003 there were 121,046 in the economic class, compared to only 65,120 family-class immigrants, a ratio of roughly 2 to 1. The Conservatives maintained the shift: in 2013, family class accounted for 79,684 entries, while 148,181 were economic class (ibid.).

In this sense, Conservative policy represents a continuation of Liberal policy, increasingly favouring immigrants over refugees and favouring economic-class immigrants over family class. In terms of overall quotas, Conservative immigration policy is actually quite Liberal, although both sides would deny it.

CONSERVATIVE TRANSFORMATION

Within the envelope of quotas and categories, however, the Conservatives have imposed transformative changes. Jason Kenney, citizenship and immigration minister from 2008 to 2013, served as architect. Kenney had a political as well as ministerial mandate: to attract as many immigrant voters as possible to the Conservative Party, which had traditionally been seen as hostile to immigration and immigrants (Ibbitson 2011).

Kenney based his calculations on the assumption that immigrants who had arrived in Canada since the reforms of the Pearson and Trudeau eras were economically and socially more conservative than their predecessors. Since they were less likely than their European forebears to be fleeing wars, pogroms and poverty, economic-class immigrants from China, India and the Philippines — to name the three top nations by annual intake of immigrants — they were also less likely to need government aid, and therefore more likely

to hold conservative economic views. They also hailed from socially conservative societies, which placed a strong emphasis on law-and-order issues, another Conservative priority (ibid.).

Kenney gambled that aspirational, middle-class, suburban immigrant voters would support moves to crack down on queue-jumping refugee claimants, because immigrant voters had themselves joined the queue. He was fortunate: the MV *Sun Sea* arrived off the coast of British Columbia in August 2010, carrying 492 Tamil passengers claiming refugee status. To some Canadians, the passengers were seen as examples of economic migrants who gamed the system by arriving at border crossings claiming refugee status. Thanks to Canada's cumbersome laws, which permitted seemingly endless appeals of a negative decision, such claimants could count on staying in Canada for four or five years before being forced to leave.

The Conservatives addressed the situation in 2012, with the passage of legislation establishing designated countries of origin. The new law gave the minister of citizenship and immigration the power to establish and revise a list of safe countries, such as the United States or Norway, from which applicants claiming refugee status have very little chance of success, because the country they applied from does not persecute its citizens.

Applicants from such countries — there are currently 42 on the list, with Mexico the most controversial — have as little as 30 days to prepare their case for a hearing before the Immigration and Refugee Board (IRB). If their claim is denied, they have no right to appeal to the IRB's Refugee Appeal Division. They may appeal to the Federal Court, but because of an expedited removal process, they may well be back in their country of origin before the verdict is delivered.

The Canadian Association of Refugee Lawyers (2013) condemned the legislation as “arbitrary, unfair, and unconstitutional.” To date, however, the changes have at least proved constitutional. And the new restrictions have not led to a decline in the overall number of refugees admitted to Canada through the Office of the United Nations High Commissioner for Refugees and other agencies and programs. In any case, applications for asylum from people entering from safe countries have declined by 80 percent since the program was implemented and the time from a claim being rejected to the claimant being removed has been reduced from four-and-a-half years to four months (Government of Canada 2014a).

But new rules that stripped such claimants of access to public health care were widely condemned and overturned by a federal court, although the judgment is under appeal.

Despite maintaining an overall intake of refugees consistent with past practice, the Conservative reforms reflect “a strong anti-refugee position,” according to Susan McGrath, resident scholar at York University’s Centre for Refugee Studies. “‘Good refugees’ are those who wait in camps to be selected,” she maintains, as opposed to those who “come into the country, particularly by boat, asking to stay.”³

There were other major reforms to immigration rules. New programs encouraged foreign students to apply for permanent residence after graduation. The government discontinued a program that fast-tracked applications from entrepreneurs after it turned out to be ineffective and open to abuse. While it became harder for immigrants to bring in parents and grandparents as permanent residents, a new “super visa” made it

possible for them to stay in the country for up to six months at a time for as long as 10 years, provided the family took care of health-care costs. The age of children who could accompany immigrants into Canada as dependents was reduced from 21 years to 18 years.

At both ends of the spectrum, then, policy favoured self-reliant, skilled, working-age immigrants over those who would draw on government resources. Most significantly, Ottawa arbitrarily eliminated a backlog of 100,000 applications, representing 280,000 people waiting to enter Canada, on the grounds that the waiting list had gotten out of control and that the applications were so old they no longer met market needs (Cohen 2012).

This arbitrary measure turned out to be an overture to an entirely new system of selecting immigrants that goes into effect on January 1, 2015. The changes represent the most fundamental reform to the immigration system since the Pearson government introduced the points system. The new program was originally called the Expressions of Interest system, before being renamed Express Entry.

EXPRESS ENTRY: IMMIGRATION TRANSFORMED

While Express Entry bears some similarities to the points system, in other respects it is fundamentally different. In essence, candidates for entry to Canada are invited to send in a job application. As with the points system, applicants describe their education, fluency in one or both official languages (they are tested as well), work experience and other qualifications. Younger applicants are favoured over older. Each application is examined by an immigration official and ranked. Those considered the best match for Canada’s labour needs are invited to enter to Canada as permanent

³ Susan McGrath, email to the author, 2014.

residents. In other words, rather than joining a queue, applicants become part of a pool, with the most desirable applicants favoured over others. A job offer is one of the surest routes to a high ranking, as is an invitation under the provincial nominee program, in which provincial governments select immigrants they wish to bring in.

Once an applicant has qualified for entry to Canada, Ottawa promises to have the application processed and approved within six months. To prevent a backlog, all applications are deleted from the pool after one year, although applicants may reapply.

Advocates of the new program point to numerous potential advantages. Under the former regime, the government had designated certain occupations as particularly desirable, based on existing shortages. To manage applications, Citizenship and Immigration Canada (CIC) assigned quotas to each occupation, with applicants processed on a first-come, first-served basis. This could lead to arbitrary acceptance or rejection, based on who got their application in first.

The quota system required federal bureaucrats to anticipate the needs of the labour market, something the government has never been very good at doing. And otherwise-qualified applicants might go without jobs in their field because professional associations refused to license them to practice. This led to anecdotal instances — there were many such anecdotes — of, for example, ophthalmologists driving taxi cabs. Express Entry is intended to curb that problem by better fitting immigrants to existing jobs vacancies, although obtaining credentials in some professions may continue to be a challenge.

According to immigration law firm FWCanada, “the new Express Entry program will also allow applicants to focus on and highlight their impressive credentials as

opposed to trying to fit those same credentials into the CIC’s existing framework.”

Other experts are more hostile: “Canada’s once path-breaking immigration policies are being transformed into a system that mainly serves employers, treating immigrants not as future citizens or members of Canadian communities and families but merely as convenient or cheap labour,” wrote Morton Beiser and Harald Bauder (2014) of Ryerson University.

Richard Kurland, an immigration lawyer based in Vancouver, believes the new system places far too much power in the hands of bureaucrats and politicians. “Before, you calculated points, sent in your case, and were processed ‘first-come first-served,’” he told *The Globe and Mail*. “Now, you calculate points, send in your case, and there is a giant ‘pool’ where a huge number of people ‘qualify’ and no explanation...[is given for] why one specific case is chosen and another is not...Not having transparency, oversight, or accountability is a recipe for political interference” (quoted in Chase 2014).

Along with the changes described above, the government transformed the temporary foreign workers program — and then transformed it back when laxer rules led to abuse. The Conservatives have also imposed new obligations and restrictions on acquiring citizenship. Those topics are beyond the scope of this policy brief.

CONCLUSION: THE BIG SHIFT IN IMMIGRATION

Unlike their landmark reforms in areas of trade, fiscal and foreign policy, the Harper government has been largely quiet about its reform of the immigration system, often burying changes in omnibus bills or implementing new rules with little more public notice

than a press release. The reasons for such stealth must remain purely speculative, but the Conservatives could be worried that increasing the immigrant intake might anger nativists within the Conservative base, or that restrictions on family-class immigrants might anger immigrants already here.

But however stealthily the reforms were introduced, their impact has been profound. Limiting family-class immigration, carefully screening economic-class applicants under Express Entry and increasing the role of the private sector in choosing applicants should produce a particular kind of immigrant: one who is highly educated, fluent in at least one official language, equipped with the skills required to adapt quickly to their new home and in need of little or no government assistance — the bootstrap immigrant.

Such self-reliant, highly motivated new Canadians may value the private sector, because they work in it and because it played an active role in getting them to Canada. They may be skeptical of welfare and other social programs, since they come from societies where such programs do not exist and they don't require any help themselves. Consequently, they might also be more inclined to vote Conservative. An Ipsos Reid poll in 2011 revealed that immigrant voters, especially those who belonged to the middle class and lived in suburbs, were generally more economically and socially conservative than native-born voters (Bricker and Ibbitson 2013). In the 2011 election, the Conservatives won virtually every seat with large immigrant populations in the so-called 905, the band of suburban ridings outside Toronto. The Conservatives' immigration reforms, in particular the new Express Entry system, could accelerate that trend.

These changes to immigration policy could be permanent. Unless one believes that a future Liberal or NDP government will ratchet down the number of

immigrants arriving each year in Canada, or replace the emphasis on skilled, motivated workers with one that favours grandparents and refugee claimants from Scotland, the Tory reforms are probably here to stay. In this, as in other aspects of Stephen Harper's transformation of government, what looks today to be radically right wing may one day be seen as bipartisan, part of a new and more conservative national consensus.

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