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CHAPTER 4

Managing International Migration: The Canadian Case

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INTRODUCTION

Today, with more than 300 years of settlement history, Canada is correctly described, alongside Australia and the United States, as a nation that was forged and developed by immigration. With a population one-tenth that of the United States, Canada admits a greater proportionate share of immigrants to North America. In the first four years of the 21st century (2000–2003), 20 percent of all immigrants destined for North America arrived in Canada. As a result of past and present immigration, close to one in five of Canada's inhabitants are foreign-born, compared with just over one in ten of the United State's population. Only Australia has the distinction over Canada of having a higher percentage of foreign-born in its population (one in four).

Canada's current immigration system is the result of historical forces, the country's political system, and contemporary challenges arising from international politics and globalization. These factors all shape the goals that contemporary migration is thought to further, the apparatus—or bureaucratic organization—that guides migration policy-making and admits migrants, the actual demographic trends regarding migration, and the current issues and initiatives that exist with respect to Canada's management of migration flows.

THE HISTORICAL ORIGINS OF THE FUNDAMENTAL GOALS REGARDING MIGRATION

Unlike many European countries of today, which have switched from being countries of emigration to being countries of immigration, Canada has been a country of migrants from its very beginning. Even its Aboriginal populations are said to have crossed the land bridge from Asia to migrate to Canada. As a nation consisting of two major "charter" or founding groups, Canada is a place where migrants have been central to nation-building efforts. In the colonizing efforts by France and Britain during the 1600s and 1700s, migrants were solicited to literally populate new lands. The recruitment and settlement of these migrants was crucial to support the claims that each European country had on a vast dominion of land occupied by Aboriginal peoples. The resolution of these competing claims was decided in favour of the British as a result of the Seven Years' War. However, the loss of the French military to the British on the Plains of Abraham (Quebec City) in 1759, the capitulation of Governor Vaudreuil in Montreal a year later, and the official ceding of New France to the British in a 1763 treaty signed by the French did not mean the gradual disappearance of French Canada into an Anglo world. The continued use of French, the practice of Catholicism, geographical concentration, and high fertility rates helped to maintain a distinctive "nation."

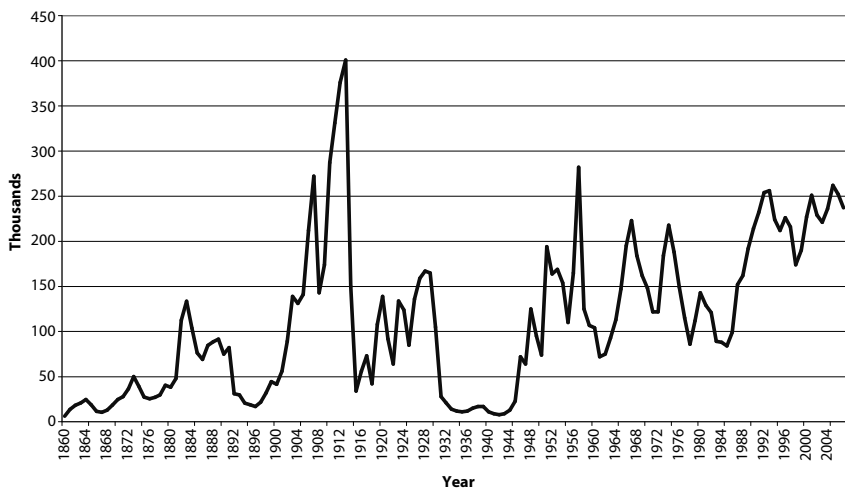
After the end of the Seven Years' War, migration continued, but it was primarily from Britain, the United States, or European areas other than France. The creation of the (federal) Dominion of Canada in July 1867 meant the acquisition of new areas and the inclusion of new provincial members, all representing substantial nation-building and consolidation challenges. Immigration was central to meeting these challenges for three reasons. First, as settlers, immigrants would occupy and fill sparsely populated areas along the newly built railroad line that linked the western and eastern parts of the country. The second and third reasons for immigration were economic. As consumers, immigrants would stimulate demand for goods and services; and as workers, they could be employed in labour-scarce industries. However, care was to be taken with respect to who should be encouraged to enter Canada; immigrants from Britain were the most desired (Kelley and Trebilcock 1998). Although migrants

often left Canada for the United States, the prevailing conceptualization then—as now—was that migrants would become permanent residents of Canada.

Eighty years later, in Prime Minister MacKenzie King's famous statement on Canada's long-term immigration objectives (1 May 1947), these goals of population growth and economic development were still in place. His statement contained six fundamental principles (Green and Green 1999; Hawkins 1972): (1) Immigration was to be used to increase population growth; (2) immigration was to further economic objectives; (3) immigration must be selective; (4) immigration must be related to Canada's economic conditions and thus to its absorptive capacity; (5) Canada is completely within its rights in controlling immigration, in particular in selecting the immigrants that Canada wants; and (6) immigration should not alter the composition of the Canadian population. This last principle rested on the argument that British and European migrants were preferred and that existing restrictions that prevented Asian migration should remain.

The relationship between Canada's economic goals and the recruitment of migrants is discussed in later sections of this chapter. However, inflows over nearly 150 years can be seen in Figure 1. The 20th century truly was a time of mass migration, with the highest levels reached in 1911. Migration flows were reduced during World Wars I and II and the Great Depression of 1929 to 1933, but these numbers rose again after World War II (Figure 1).

FIGURE 1
Total Number of Immigrants to Canada (1860–2007)



Source: Citizenship and Immigration Canada, *Facts and Figures 2002* (2002); Citizenship and Immigration Canada, *Facts and Figures 2007* (2007a).

Overall, the inflow contributed greatly to Canada's demographic growth (Boyd and Vickers 2000), particularly as Canadian fertility rates began their precipitous decline in the 1970s. Today, Canada has a birth rate of 10.9 births per 1,000 population, or approximately 1.58 births per woman aged 15 to 44 (figures are for 2006). With fertility at below population replacement levels, immigration currently accounts for 60 percent of Canada's population growth between 1996 and 2007. Population projections show that international migration may become the only source of net population growth by about 2030 (Statistics Canada 2007).

CONTROLLING IMMIGRATION FLOWS AND COMPOSITION: THE MANAGEMENT STRUCTURE

From the 1800s to the 2000s, the management of immigration flows evolved from a laissez-faire system in which labour recruiters played a significant role in generating migration to a managed process under government jurisdiction. The *British North America Act*, now known as the *Constitution Act of 1867*, conferred the management of immigration to both federal and provincial governments, with paramount authority to the federal government. By 1874, it was evident that independent recruitment efforts by the provinces created waste and inefficiencies and in some cases conflicted with the recruitment efforts of the federal government; thereafter, the federal government assumed control of immigration recruitment (Kalbach 1970; Knowles 2007). Further, migration policy moved away from direct parliamentary control to being part of a government agency mandated to deal with migration issues. As agriculture was the dominant economic sector of the time and immigrants were primarily recruited to work on the land, immigration matters became housed in the Department of Agriculture in 1887, to be transferred at the end of the 1800s to the Department of the Interior, yet again, in 1917, to the newly established Department of Immigration and Colonization, and then to the Department of Mines and Resources in 1936 (Kelley and Trebilcock 1998). Thereafter, the management of immigration was part of the Department of Citizenship and Immigration (1950), the Department of Manpower and Immigration, then the Department of Employment and Immigration, and then Citizenship and Immigration in 1994.

The administrative management structure described above is noteworthy for three reasons. First, the administrative location of immigration management reflects the core economic and nation-building objectives of immigration that have existed from the very beginning of Canada as a nation. How these objectives are attained, however, is rapidly changing. Later sections of this chapter highlight the growing use of temporary labour and within-Canada recruitment from the temporary labour and student pool.

Second, in a parliamentary system, as compared with a congressional one, the management of immigration by departments means that migration issues are less subject to “capture” by public interest groups or spontaneous debate. Canadian party leaders typically maintain strong control over their party’s elected members of Parliament. At the federal level, two governing bodies exist, an elected Parliament and an appointed Senate. Immigration legislation must be passed by both. The federal government department that manages immigration has its own minister, who is a member of the federal Cabinet. Immigration regulations are not enshrined in legislation, which simply states major guiding principles. As a result, alterations in immigrant admissions policies can occur with little visibility via Cabinet decisions and bureaucratic guidelines, rather than requiring continual legislative adjudication. Government departments also have discretion to fine-tune objectives. Overall, this arrangement for managing immigration allows for a more orderly process of planning. However, as discussed later in this chapter, recent legislative changes have given the Minister of Immigration power to issue instructions to visa officers without consultations or parliamentary review. These changes have the potential not only to diminish accountability but also to render the planning process less transparent.

Third, in little more than 100 years after Confederation, provinces are once again becoming part of the administrative structure of managing immigration. Although the federal government has the paramount authority to manage immigration, the 1976 *Immigration Act* mandated the practice of federal-provincial consultations, calling for provincial input into future immigration levels, the mix of immigrant classes admitted, and selection criteria. Several provinces took up the offer and signed agreements with the federal government. The most extensive agreement—one that granted powers in regard to selecting migrants—occurred with the province of Quebec (Kelley and Trebilcock 1998). In the wake of the 1976 election of the separatist Parti Québécois, the Quebec government was particularly keen to gain control over a system that many believed flooded the province with anglophones or allophones (whose language is neither French nor English). The Cullen-Couture Agreement, signed between Canada and Quebec in 1978, permitted Quebec to recruit more francophone immigrants to the province and allowed Quebec to select immigrants using a slightly different point system from the one used by the federal government (Kelley and Trebilcock 1998). In 1991, this agreement was replaced by the Canada-Quebec Accord, which has as its objective, among other things, the preservation of Quebec’s demographic importance within Canada and the integration of immigrants to that province in a manner that respects the distinct identity of Quebec (Gouvernement du Québec 2000; Young 2004). The Canada-Quebec Accord grants Quebec the authority to set annual immigration targets and the responsibility

for selecting immigrants in the economic category, as well as refugees from abroad. Quebec has its own point system, sends its own visa officers overseas, and gets a significant share of settlement funding provided by the federal government for the sole administration by Quebec government officials. The federal government remains responsible for establishing selection criteria for members of the Family Class and for determining the status of those claiming refugee status within Canada. The federal government also retains responsibility for health, security, and criminality checks of all immigrants and refugees and for defining immigrant categories, setting immigration levels, and establishing admissibility requirements under the *Immigration and Refugee Protection Act* (Citizenship and Immigration Canada 2008, section 2). Since the signing of the Canada-Quebec Accord, there has been growing involvement by other provinces in immigrant selection and integration processes; these new initiatives are discussed later in the chapter.

CONTROLLING IMMIGRATION FLOWS AND COMPOSITION: LEGISLATION AND REGULATIONS

Accounts of Canada's immigration history point to numerous pieces of legislation enacted to further the goals of population settlement and economic gain while controlling which individuals and groups would be allowed entry (Green and Green 1999, 2004; Kelley and Trebilcock 1998; Knowles 2007). Table 1 presents the major pieces of legislation in the past 100 years. As noted previously, Canada's parliamentary system allows for legislation to contain guiding principles; the specific implementation of these principles can occur via regulations that do not require a parliamentary vote.

A major change—done through regulations—did, in fact, occur in the 1960s. The 1952 *Immigration Act* had adopted national origin as the principle criterion on which people would be allowed legal entry and permanent residence; this allowed Europeans to migrate but excluded most of those from elsewhere in the world. By the 1960s, the civil rights movement in the United States, the role that Canada had played in the drafting of the Universal Declaration of Human Rights, and the leadership role that Canada was seeking in the British Commonwealth were making this criterion untenable. Regulations introduced in 1962 removed national origin as the primary selection criterion, retaining only one area of privilege for Europeans: Compared to non-Europeans, they could sponsor a wider range of relatives (Hawkins 1972, 125).

However, if national origin was no longer the criterion of admissibility, then other criteria had to be devised to regulate immigration. In 1967, an entirely new immigrant selection system was implemented, again through regulation. Included in this structure was Canada's point system, which applied to those who either lacked family in Canada or were not part of an

immediate family, defined as spouses and children (Boyd 1976; Hawkins 1991), but who could be admitted on the basis of their potential economic contribution. This point system has become one of the defining characteristics of Canada's immigration system, sustained in the *Immigration Act* of 1976 (effective in 1978), and in later acts and amendments to the acts. Points were given for the principal applicant's age, education, knowledge of French or English (Canada has two official languages), and to other factors such as occupational demand and occupational skill (see Boyd 1976; Green and Green 1999).

TABLE 1
Significant Canadian Immigration Acts and Regulatory Changes, 1900–2008

1910	<i>Immigration Act</i>
1923	<i>Exclusion Act (Chinese Immigration Act)</i> —repealed in 1947
1952	<i>Immigration Act</i> passed (came into effect 1 June 1953)
February 1962	New regulations implemented that removed most racial discrimination by no longer basing admissions on national origin
October 1967	Point system introduced by regulation
November 1976	New Immigration Bill tabled—came into effect in April 1978
1981	Foreign Domestic Workers Program introduced; replaced in 1992 by the Live-in Caregiver Program
1989, 1992, 1995	Bills adopted that altered parts of the 1978 act
June 2002	New immigration act goes into effect; called the <i>Immigration and Refugee Protection Act (IRPA)</i>
8 June 2008	Bill C-50 passed, giving substantial discretion to the Minister of Citizenship and Immigration
17 September 2008	The Canadian Experience Class established

Source: Authors' compilation.

The 1962 and 1967 regulations were at odds with those stated in the 1952 *Immigration Act*. After a lengthy process, outlined by Hawkins (1991), a new *Immigration Act* was passed in 1976 and came into effect in 1978. By the time of these regulatory and legislative changes, out-migration from Europe was declining, stimulated by large improvements in European postwar economies. The removal of national origin as a criterion of admissibility, in combination with declining migration from Europe, changed the origin composition of immigrants living in Canada. By 2006, slightly more than 30 percent of the foreign-born permanently residing in Canada

were from the United States, the United Kingdom, or other European countries; fifty percent were born in Asia; and the remainder were from other parts of the world, including Africa and Central and South America.

CURRENT MIGRATION GOALS

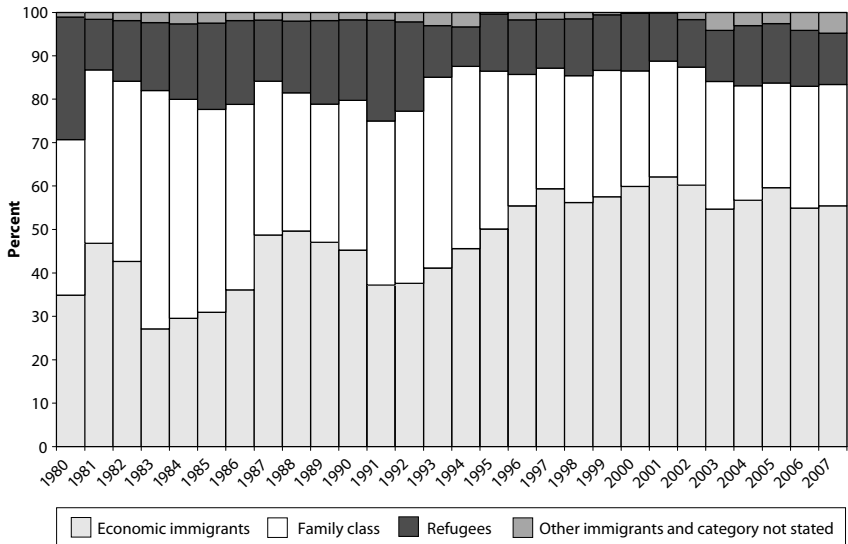
As had been the case from the very beginning, immigration remains part of Canada's nation-building endeavour. Immigration planning throughout the latter half of the 20th century has continued to rest on the principles that immigrants further demographic growth, stimulate the economy, and provide labour. Today, there are three main categories under which most immigrants enter Canada; each corresponds to a principle of admissibility. The three pillars of current Canadian immigration policy for permanent residence are family reunification, humanitarian criteria, and admission on the basis of economic contribution.

However, the comparative importance of each category of admissibility has varied over time since the 1950s, depending on the state of Canada's economy and the use, prior to the 1990s, of a "tap-on, tap-off" approach to regulating numbers of admissions by the authorized government department. Increasing or decreasing the numbers of immigrants to be admitted in any given year rested on the principle of fine-tuning immigration numbers to match Canada's "absorptive capacity." That is, immigration numbers in the economic category would be reduced during business cycle downturns when unemployment levels rose. In the late 1970s and the 1980s, admissions in the Family Class surpassed those in the economic category, partly because the introduction of a point system in the late 1960s made entry in the Economic Class more difficult (see Knowles 2007) and partly because during the recessionary period of 1982 to 1983, the Canadian government dramatically curbed the admission of those seeking to enter in the Economic Class.

From the early 1990s on, those entering in the Economic Class became a rapidly increasing share of all admissions for permanent residence (Figure 2). By 1995 and beyond, over half of immigrants entering Canada did so in the Economic Class (principal applicants and their accompanying dependants), rather than entering through family ties or on the basis of humanitarian concerns. Consistent with this trend, immigrants entering Canada during the 1990s on average were more educated than those arriving earlier. According to the 2006 census, two out of five of those immigrants had university degrees or higher; this rose to over half of those admitted between 2001 and 2006 (Figure 3).

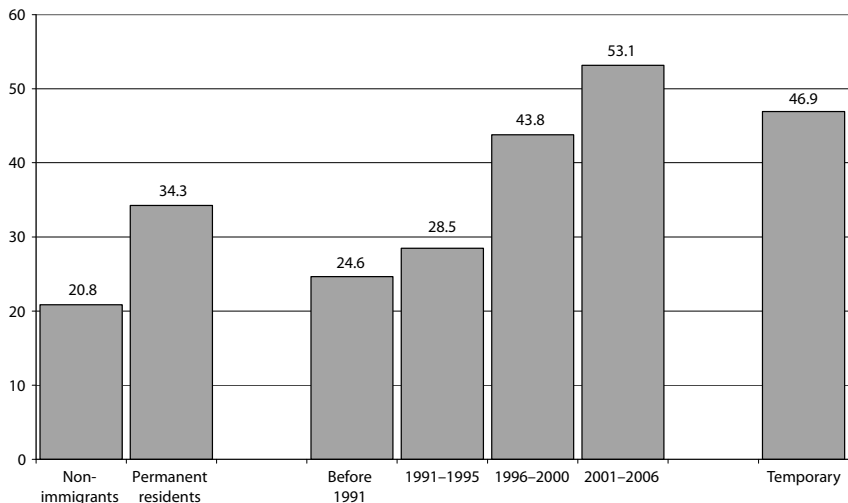
The increasing proportion of immigrants admitted under economic criteria represents two fundamental shifts, one in policy and the other in the management of migration by Citizenship and Immigration. First, by the early 1990s, regulating the size of annual flows in accordance with the robustness of Canada's economy had ceased, signalling the end of

FIGURE 2
Permanent Residents by Category of Admissions, Canada, Annual Flows, 1980–2007



Source: Citizenship and Immigration Canada, *Facts and Figures 2004* (2004); Citizenship and Immigration Canada, *Facts and Figures 2007* (2007a).

FIGURE 3
Percent with University Degree or Higher, Non-Immigrants, Permanent Residents and Temporary Residents, Age 25 to 54, Canada 2006



Source: Authors' tabulations compiled from Statistics Canada 2006 Census of Population: Data Products—Topic-based Tabulations—Immigration and Citizenship, Immigration Status, Item 12.¹

the earlier “tap-on, tap-off” procedure in which volume was enlarged or diminished according to economic conditions. The in-migration of permanent residents was exceptionally high during the early 1990s, coinciding with one of Canada’s worst recessions. Second, by the early 1990s, maintaining global competitiveness in knowledge-intensive activities had become the mantra of the Canadian federal government. Alongside the delinking between levels of immigration and economic downturns or upturns, Citizenship and Immigration Canada adopted a deliberate policy emphasis on increasing the flow of skilled workers. Tapping into the international movement of highly educated people is a major objective of Canada’s current immigration policy. Contemporary shifts from a primary resource and manufacturing economy to a post-industrial service economy have created demand for skilled labour; however, low fertility rates since the 1970s have not only resulted in an increasingly aging population but also have reduced the numbers of new labour market entrants from the native-born population. Population projections for Canada show that if current immigration rates continue, immigration could account for virtually all net labour force growth as of 2011 (Statistics Canada 2007).

In the eyes of policy-makers, rising labour demand and demographic change make it necessary, indeed crucial, for Canada to recruit skilled workers in order to maintain its success in innovation and its economic growth and prosperity (Citizenship and Immigration Canada 2007; Gera and Songsakul 2007). As stated in the 31 October 2007 Annual Report to Parliament,

Immigration will play an increasingly important role in supporting Canada’s economic prosperity and competitiveness. ... Immigration can contribute to addressing both short- and long-term labour market needs by attracting people with the right mix of skills and talents to support economic growth today and in the future. With other industrialized countries confronting similar challenges with respect to sustaining population and economic growth, Canada will be operating in an increasingly competitive worldwide market for higher skilled workers. (Citizenship and Immigration Canada 2007)

For the most part, those entering Canada under the criterion of making an economic contribution are in the “skilled worker” category, representing three-fourths of all those admitted in 2007 in the Economic Class. However, during the 1980s, additional procedures were adopted not just to recruit workers but also to recruit those prepared to invest in business. The legacy of these changes is found in the most recent legislation, the *Immigration and Refugee Protection Act* (IRPA), which became effective in June 2002. The act includes provisions to “... facilitate the entry into Canada of immigrants who are better prepared to adapt to Canada’s labour market needs and those who can make a contribution

to the economy through investments and the establishment of new businesses" (Citizenship and Immigration Canada 2005).

For skilled workers, who represent the largest number of immigrants entering Canada under the criterion of economic contribution, the new legislation departed from earlier attempts to link the labour supply of applications to specific occupational demand. Prior to a 28 November 2008 amendment, which will be discussed later in this chapter, IRPA focused on selecting immigrants with human capital—that is, the flexible and transferable skills needed to succeed in a rapidly changing, knowledge-based economy—rather than on selecting those with qualifications for specific occupations.

The point system under the 2002 IRPA is provided in Appendix A; it applies to principal applicants who seek entry in the skilled worker category. The increased policy emphasis on recruiting workers with high generic levels of skill is evident in several ways. First, the points required to enter have been increased from 60 points to 67. Second, under IRPA, years of education may count for a maximum of 25 points, or 37 percent, of the minimum required 67 points; previously, educational achievements were allotted a maximum of 16 points, or 27 percent, of the total 60 points required. Similarly, under IRPA, having the highest levels of English and French language fluency counts for 24 points, or 36 percent, of the minimum of 67 points; prior to IRPA, linguistic fluency counted for 25 percent of the total minimum 60 required points. Third, would-be immigrants seeking admission as skilled workers must meet the following requirements:

1. Have at least one continuous year of paid, full-time work experience or the equivalent in part-time continuous employment.
2. Have work experience that must be Skill Type 0 (managerial occupations) or Skill Level A (professional occupations) or Skill Level B (technical occupations and skilled trades) on the Canadian National Occupational Classification (NOC).
3. Must have had this experience within the last ten years.

In addition, applicants with pre-arranged employment in occupations that are considered to be "skilled" occupations are awarded extra points.

The increasing emphasis in Canadian immigration policy on admitting skilled workers raises two readily identifiable issues. First, although the size of the Economic Class is increasing, it is inaccurate to assume that all who are admitted are destined to work or are highly skilled; spouses and dependants make up over half of those recently admitted in the skilled worker category, and these family members are not assessed on the point system. For example, between 1998 and 2007, 49 percent of those entering Canada on the basis of economic contributions were principal applicants; within the skilled worker category, 43 percent were principal

applicants. Principal applicants in the skilled worker class represented slightly over 20 percent of all persons admitted as permanent residents in the period between 1998 and 2007, but this figure masks a downward trend over the ten-year period. In fact, in 2007, only 17 percent of all immigrants to Canada were assessed on the full skilled worker points system (Citizenship and Immigration Canada no date-a).

A second issue is the paradoxical situation in which nations seek high-skilled immigrants who then find their skills underutilized. The underutilization of immigrant talents is at the core of two integration issues that are currently centre-stage in Canada: (a) the declining fortunes of recently arrived immigrants, particularly in relation to the experiences of earlier cohorts during their first years in Canada; and (b) the barriers to successful labour market integration that can arise when professionally trained newcomers must be re-accredited or re-certified to practise in their professions.

Research on the economic integration of recent immigrants during the 1990s shows that they are not doing as well as previous cohorts with respect to employment, avoidance of poverty, and earnings. Immigrants who entered Canada in the 1990s were less likely to be employed in 2000 compared to the Canadian-born or to immigrants who had arrived earlier. Compared to immigrant cohorts that arrived in previous decades, immigrants who entered Canada in the 1990s also have higher percentages that fall below Statistics Canada's "low-income cut-offs" (Statistics Canada 2004a), which are commonly used as measures of poverty. Low-income rates rose throughout the 1990s for immigrants, but they have been highest for those who have been in Canada for less than five years. In 2000, the low-income rates for these immigrants were 2.5 times higher than the rates observed for the Canadian-born (Picot and Hou 2003). Comparisons of the earnings of new arrivals across censuses from 1961 onward indicate that the relative entry earnings of those who arrived in the 1990s have declined over time (Aydemir and Skuterud 2005; Statistics Canada 2004b; also see Frenette and Morissette 2005, for comparisons of entry cohorts between 1981 and 2001). Further, the earnings gap between immigrant and Canadian-born men widened from 11 percent in 1980 to 33 percent in 1995, before declining to 22 percent in 2000 (Frenette and Morissette 2005; Warman and Worswick 2004). Studies also find that the time it takes for the wages of new cohorts to catch up to those of the Canadian-born is getting longer (Frenette and Morissette 2005). However, when classes of immigrants are disaggregated, those assessed on the basis of the point system—skilled worker principal applicants—consistently fare better than all other immigrant classes, and those with knowledge of one of the official languages do best of all.

As noted in a release by Statistics Canada (2004b) and in a 2005 review (Picot and Sweetman 2005), these trends cannot be explained by a single factor (also see Alboim, Finnie, and Meng 2005). Some studies suggest

that the changing composition of immigrants does not play a direct role since educational levels have been rising among recent immigrants. Others find that knowledge of languages other than English or French and country of origin remain important factors underlying the deteriorating economic situation of immigrants (Galarneau and Morissette 2008). From a demand-side set of explanations, it does appear that employers may be increasingly discounting foreign education and work experience, treating immigrants as if they are new entrants to the labour force instead of being simply new arrivals in Canada. Ironically, under the criteria used to admit skilled workers, work experience is worth up to 21 points (Appendix A). In apparent response to this gap between policy and what is actually happening to immigrants, the federal government in 2011 proposed changes to the point system; the government recommends, along with making alterations in the points allocated to other selection factors, that points allotted to work experience be decreased from 21 to 15 points.²

Other factors behind the labour market difficulties of immigrants include the state of the economy and degree recognition difficulties. In the early 1990s, Canada experienced a severe recession, which impacted on Canadian new labour market entrants as well as on recent immigrants. Some researchers refer to the scarring effects of the early 1990s that entry cohorts continue to carry with them over time. The 2008–09 financial market declines and recessionary times will generate new scarring effects; yet the Canadian government admitted over 250,000 permanent residents in 2009 and another 280,000 in 2010, including nearly 154,000 and 187,000 immigrants in the Economic Class (Citizenship and Immigration Canada no date-b). The juxtaposition of economic recession and continued recruitment of skilled workers generates two questions for the future: (1) Do current economic conditions indicate the need to incorporate economic indicators into the planning of immigration levels? or (2) Will the numbers of skilled immigrants choosing to come to Canada during an economic downturn decline naturally? If the latter is answered affirmatively, then closing the tap now will make it harder to open it again when the economy improves. The most recent policy response to the high inflows juxtaposed against economic downturns was announced in June 2011; the number of skilled workers admitted without pre-arranged job offers will be capped at 10,000 as from July 2011. However, many of those destined to Canada's labour force also enter under the Provincial Nominee Program, discussed later in this chapter, and in the Family and Humanitarian classes, and these individuals remain unaffected by the new restrictions on skilled workers.

One obvious conclusion to be drawn from all of these studies is that having high human capital alone does not protect immigrants today from economic hardship. According to the 2006 census, 28 percent of men and 40 percent of women who had arrived within the past five years and

who had university degrees were employed in jobs with low educational requirements, such as clerks, truck drivers, cashiers, and taxi drivers, compared to one in ten Canadian-born (Galarneau and Morissette 2008). Difficulties faced by immigrants in gaining recognition for educational and professional training, as well as for training in trades, is an issue that is now being extensively discussed among immigrants and non-governmental organizations (NGOs) and within government agencies.³

In Canada, regulated occupations in certain trades, law, engineering, and health areas require certification and/or licensing. Such certification and/or licensing occurs primarily through professional regulatory bodies, who are often mandated to do so by provincial government statutes, the purpose being to ensure public health and safety. A recent study found that slightly over half of the foreign-trained who studied medicine are working as physicians, compared to over 90 percent of the Canadian-born. Further, more than half of the foreign-trained who studied engineering were employed in lower level technical occupations or in jobs unrelated to their training, compared to approximately one-fourth of the Canadian-born (Boyd and Schellenberg 2007). Yet, specialist physicians; general and family physicians; nurses; and mining, geological, and petroleum engineers are six of the 38 occupations identified as facing skill shortages and in demand of workers, and which were used to fast-track skilled worker applications made between 26 February 2008 and 26 June 2010 (Citizenship and Immigration Canada 2008; *Canada Gazette* 2010). Engineers were omitted in a reduced list of 29 occupations, issued on 26 June 2010, but approximately one-third of the 29 occupations are regulated by some or all of the provinces. Clearly, Canada's migration policies that admit immigrants on the basis of their potential professional contributions are not supported or complemented by provincial professional accreditation requirements. This conflict underlies ongoing discussions and government initiatives regarding immigrant re-accreditation; it also invites a re-examination of recent federal government actions to prioritize the admission of skilled workers on the basis of specific occupational expertise.

NEW INITIATIVES IN THE 21ST CENTURY

As Canada enters the 21st century, four important trends are evident in the management of immigration at the federal level: (1) increasing the flexibility for rapid change in policy decision-making through greater ministerial powers; (2) decentralizing and devolving more responsibility to the provinces for immigrant admission and settlement; (3) increasing the admission of temporary workers to meet short-term labour needs; and (4) recruiting permanent residents from temporary workers and international students studying in Canada.

Increasing Flexibility; Enhancing Ministerial Discretion

Recent federal legislation, passed on 9 June 2008, represents a major shift in the process of policy implementation. Previously, there were legislative requirements to conduct consultations on immigration levels and mix, as well as on proposed policy changes, and to table annual reports in the Parliament on the achievement of previous targets and on immigration plans for the coming year. This approach balanced the goals of government to manage the immigration program and the desires of citizens to participate in the decision-making process. Transparency and accountability were built into the process. However, Bill C-50, the 2008 *Budget Implementation Act*, contained within it amendments to Canada's most recent immigration act (the 2002 *Immigration and Refugee Protection Act*). These amendments gave complete discretion to the Minister of Immigration to process applications and requests made after 26 February 2008 "...in a manner that, in the opinion of the Minister, will best support the attainment of the immigration goals established by the Government of Canada." Further, the minister may give instructions to visa officers with respect to processing applications, establishing categories of applications, prioritizing the order, setting the number of applications or requests processed in a given year, and providing rules for repeat applications.⁴

The rationale for Bill C-50 is the need to have flexibility in the implementation of immigration policy in order to resolve the growing queues of applicants and to best serve the needs of the Canadian economy. However, the public reaction to Bill C-50 was extensive, and at least three major criticisms were raised. First, the method of passing amendments to the 2002 *Immigration and Refugee Protection Act* was highly unusual and without precedent. Rather than tabling amendments as a stand-alone parliamentary bill that would be subject to debate, consultation, and involvement by all political parties, amendments were inserted into a budget bill that was unlikely to face defeat since it would represent a vote of non-confidence, causing the dissolution of the Conservative government currently in power. Second, the amendments allowed for ministerial instructions to be issued at any time without consultation or accountability to Parliament and without transparency as to the underlying rationale. Third, by giving the Minister of Immigration the power to make changes at any time, immigration planning becomes more volatile. In the past, would-be immigrants, family members already resident in Canada who seek to sponsor relatives, or NGO groups willing to sponsor refugees could look to the targeted goals and selection criteria as providing information on the likelihood of success or the time required for gaining permanent residence. But the capacity of the minister to change levels suddenly or dramatically hampers such efforts. Even those seeking admission on the basis of their economic contribution will find

it difficult to plan. For example, on 28 November 2008, the Minister of Citizenship and Immigration announced that he was issuing instructions to visa officers to process from the federal “skilled worker” applications candidates in 38 high-demand occupations (out of over 500 occupations), such as health, skilled trades, finance, and resource extraction. These instructions were retroactive to 27 February 2008, the date specified by the Federal Budget. All other applications in the skilled worker category submitted since 27 February 2008 were returned unprocessed. Again, on 26 June 2010, a reduced list of 29 occupations was issued to be applied to all applications in the skilled worker category from that date forward. As indicated previously in this chapter, there is no guarantee that even the selected skilled workers in these demand occupations will be able to experience a smooth labour market entry in their fields given licensing requirements; moreover, given the current volatility of the Canadian economy, there is no guarantee that there will still be a need for these skilled workers by the time they arrive.

Delegating to Provinces

Provinces and territories are now partners with the federal government in the management of immigration. In addition to the Canada-Quebec Accord, Citizenship and Immigration Canada (CIC) currently has some form of immigration agreement with all provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Prince Edward Island, Nova Scotia, Newfoundland, and New Brunswick) and with two territories (Yukon and the Northwest Territories). The agreements with Manitoba and British Columbia transfer federal funds and responsibility for settlement services to those provinces. In other provinces and territories, settlement program funding is administered by CIC regional offices, and services generally are delivered by third parties, such as community-based organizations.

Despite changing emphases, rationales, and programs over the years, the Canadian federal government, along with some provinces, has been a long-time funder of immigrant settlement activities. However, since the 1990s, the administration of settlement services has been increasingly decentralized. In the 1994 budget, the federal government indicated that it was no longer interested in being in the business of managing immigrant settlement policies and programs. Following a pattern of decentralization found in other policy domains, the federal government was interested in transferring funds to other agencies, including the provinces, as a cost-cutting measure. Only three provinces—Quebec, British Columbia, and Manitoba—were prepared to take on this role and allow the federal government to withdraw from its traditional mandate. In all three provinces, there are questions about whether the federal funds transferred are indeed being spent on immigrant settlement activities as intended.

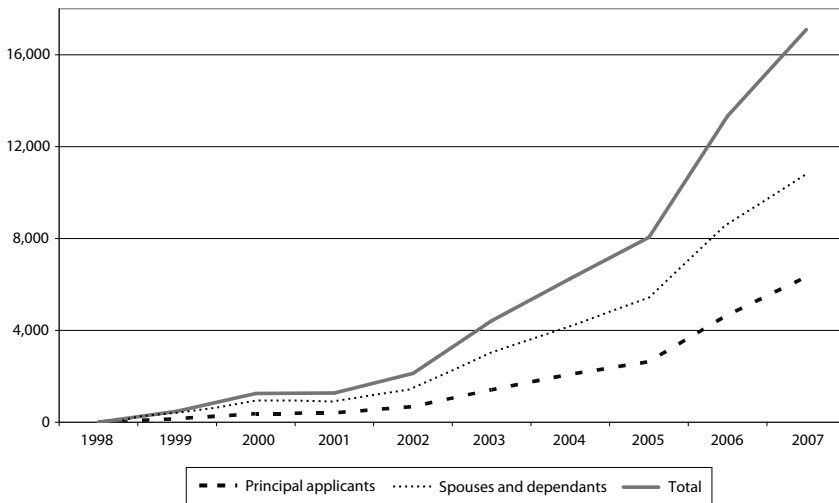
Program assessment also is difficult. There is no centralized public listing of programs, expenditures, the numbers serviced, and the outcomes (or efficiencies) of the programs. Instead, descriptions are vague, and estimates regarding coverage are hampered by discussions that refer to levels of funding and number of services provided, rather than to clients served and the effectiveness of the services provided. This appears to be common in the settlement services realm. A 1998 report laments, "Not only are we unable to determine whether settlement funds are spent in an effective manner ..., but we have no information on who accesses these services, which would then allow us to determine whether these particular expenditures contribute in a positive or anticipated manner to the integration process of the individual immigrant" (Citizenship and Immigration Canada 1998).

In addition to federal-provincial agreements regarding settlement, the Provincial Nominee system is a mechanism by which provinces are allowed to select those who meet their special demographic or labour needs for admission as permanent residents in Canada. All provinces now have Provincial Nominee agreements. Ontario has a Pilot Provincial Nominee Program. The criteria for provincial nomination are determined by the individual provinces and territories, and they change over time. For example, in Alberta, which until recently had a strong oil-based economy, those selected as provincial nominees must have a full-time job offer from an Alberta employer, and they must have worked in industries including food and beverage, hotel and lodging, manufacturing, long-haul trucking, or foodservices. In British Columbia, provincial nominees must be managers, professionals, technologists and technicians, or in the skilled trades; or they must be registered nurses, midwives, registered psychiatric nurses, or physicians; or they must have worked in select occupations in the tourism/hospitality or food processing industry, or as long-haul truck drivers. As indicated in Figure 4, the number of admissions under the Provincial Nominee Program is growing over time. In 2010, the last year for which statistics are available, over 36,000 provincial nominees were admitted, or approximately 13 percent of all admissions in that year.

Although the intention of the Provincial Nominee Program is to meet the specific labour market needs of provinces, at least four problems exist in the current arrangements. First, most programs are short-sighted, focusing on immediate labour market needs rather than on human capital characteristics of applicants, the latter of which would make them more adaptable to changing economic conditions. No attention is given to the unemployment and labour market difficulties that can occur when workers are admitted during economically prosperous times followed by recessionary periods. Second, because permanent residents have the right to live anywhere in Canada, allowing provinces to select (nominate) migrants creates unanticipated consequences when workers leave for other provinces. Third, the program has the potential to undermine the overall planning process at the federal level, by admitting workers

who normally would not be admitted in the skilled worker class (such as hotel workers). There are no ceilings to the Provincial Nominee Programs, yet they have priority processing, ahead of any of the federally selected skilled workers. Fourth, there is no overall national framework for the ten Provincial Nominee Programs, all of which have many sub-components. They differ in eligibility criteria, costs, and processes, and they have never been evaluated for effectiveness. This makes it very complicated for would-be immigrants to understand the programs and does not allow for informed choices.

FIGURE 4
Canada, Provincial/Territorial Nominees, 1998–2007



Source: Citizenship and Immigration Canada, *Facts and Figures 2007* (2007a).

Increasing Temporary Admissions

Temporary admissions cover a large range of circumstances and include refugee claimants, recently married spouses, international students who are studying in Canada, and persons explicitly admitted to meet labour shortages. Overall, the total annual flow of temporary migrants is comparable to the inflow of migrants admitted as permanent residents (Figure 5). However, because some temporary migrants have permits to stay for longer than a few days or months (students, refugee claimants, certain kinds of workers), the stock of temporary migrants—those in the country on a specific date—outnumbers the flow of temporary migrants (Figure 6). In fact, the gap between the inflow and the stock of workers

FIGURE 5
Canada, Annual Flow of Permanent and Temporary Residents, 1980–2006



Source: Citizenship and Immigration Canada, *Facts and Figures 2006* (2006a).

FIGURE 6
Canada, Temporary Residents, Flow and Stock Data, 1980–2006



Source: Citizenship and Immigration Canada, *Facts and Figures 2006* (2006b).

has widened since 2001. Currently, the number of temporary migrants in Canada at the end of the calendar year is almost double the number admitted annually as permanent residents (Figures 5 and 6).

Persons who are explicitly recruited to meet Canadian labour market needs on a temporary basis usually enter under three main programs developed and managed by Citizenship and Immigration Canada: the Seasonal Agricultural Worker Program (SAWP), the Live-in Caregiver Program (LCP), and the Temporary Foreign Worker Program. The first two programs are highly gender-specific: The SAWP primarily recruits men, while over 90 percent of those admitted under the LCP are women.

The Seasonal Agricultural Worker Program began with bilateral agreements in 1966 with Mexican and Caribbean governments to provide seasonal employment in agriculture. The numbers have grown considerably since its inception. In 1968, there were fewer than 2,000 temporary agricultural workers; numbers rose to nearly 6,000 by the mid-1970s; and by 2001, close to 18,000 workers were admitted annually (Preibisch 2007). As a result, temporary workers are increasing their share of employment in select agricultural sectors. The work permit is valid only for a specified job, employer, and duration (eight months). Many are employed in tomato and fruit farms and in vineyards. Control over this program is tight; admissions are based on employer demand, with workers living in housing arranged by employers. There is little opportunity for workers to slip away; rates of return to their home countries are extremely high, as are the rates of return of the same workers to the same employers in Canada on an annual basis (Hennebry 2008; Preibisch 2007).

The potential for abuse is high for temporary workers in the Seasonal Agricultural Worker Program and takes three main forms. First, living and working conditions are often poor and pose health risks to workers, particularly those who do not speak or read English and may not be aware of the risks of the chemicals or machinery they are using or being exposed to (Hennebry 2008; McLaughlin 2008). Second, workers are vulnerable—their temporary status means they lack full permanent residency or citizenship rights, and they may have little recourse to services when difficulties arise. For example, while their employers are required to pay for their health coverage, individual accounts indicate that when they become ill, workers are pressured by contractors to return to their countries of origin. Third, workers are economically vulnerable. In recent months, the downturn in the Canadian economy has led to temporary workers in the SAWP losing their jobs and being told to leave; these workers pay into the employment insurance fund but are not eligible to collect benefits when they are laid off. Overall, the workers, their families and communities back home, and their home countries' economies are dependent on the workers' earnings and remittances, and the workers

are often afraid to complain or assert their rights for fear that they will be returned to their home countries and not be invited back to work the following year.

The Live-in Caregiver Program admits caregivers to attend to children, elderly family members, or family members with disabilities. The migrant caregiver must live in the employer's home. Work permits may be issued for up to three years. A foreign live-in caregiver may apply for a permanent resident visa after working for a total of 24 months within a 36-month period; in April 2010, the requirement changed to a total of 24 months within a 48-month period. This capacity to transform a temporary status into that of a permanent resident has been unique until recently (see below) among Canada's temporary worker programs. This provision is the result of earlier programs in which domestic workers were admitted with no rights of residency but were allowed to stay for a number of years, coupled with intensive non-governmental lobbying on behalf of domestic workers. Like the SAWP, the Live-in Caregiver Program has received attention from non-governmental organizations that are concerned with the potential abuse of workers, ranging from poor living conditions, to being asked to work extra hours without pay, to sexual assault. The fact that the workers' homes are also their workplace contributes to their isolation and vulnerability.

The Temporary Foreign Worker Program was originally designed to admit workers, primarily at the high end, when Canadian employers could demonstrate that unsuccessful attempts had been made to hire Canadian workers. Recently, labour scarcities derived from the expanding oil-based industries in Alberta have allowed employers to hire workers at all levels of the occupational spectrum more easily. Not all temporary workers are admitted for lengthy periods; often, the duration of the work permit is only for days, in the case of entertainers, or for months, for international transferees. However, the growing numbers of temporary workers, particularly in low-skilled occupations, raises questions that are faced by all nations that import temporary workers. Is the overall program simply a way of bringing in cheaper labour? Are temporary foreign workers benefiting from the protections provided by provincial labour standards and laws, and what can be done about potential abuses and the denial of workers' rights? What are the long-term impacts of relying on temporary workers with respect to the wages and working conditions of Canadian workers? What happens to temporary workers during times of unemployment? Will workers return to their countries when their contracts are finished? What are the implications if they are not eligible for transition to permanent status and do not return to their home countries? And, will the Canadian reliance on temporary worker flows become institutionalized as part of an overall migration strategy?

Transforming Temporary Workers into Permanent Residents

As of 17 September 2008, the Canadian Experience Class (CEC) was established by formally amending the *Immigration and Refugee Protection Act*. The CEC is a new avenue of immigration for certain temporary foreign workers and for foreign student graduates with professional, managerial, and skilled work experience. This class of entry clearly is designed to take advantage of highly skilled workers who are already in Canada as well as foreign students who have recently received degrees, diplomas, or certificates from Canadian post-secondary institutions. The Canadian Experience Class allows an applicant's experience in Canada to be considered a key selection factor when immigrating as a permanent resident. A foreign graduate from a Canadian post-secondary institution needs a minimum of one year of full-time work experience. A foreign worker must have at least two years of full-time Canadian work experience in a managerial, professional, or technical occupation or in a skilled trade to qualify for the program. Many temporary foreign workers currently in Canada working in lower-skilled jobs will therefore be ineligible for permanent status, potentially creating an underclass of "permanent" temporary workers with few rights, or an undocumented population of people without status who do not return to their home countries when their work permits expire.

The rationale for CEC is that applicants will have acquired Canadian experience or a Canadian academic credential and will have linguistic proficiency in English and/or French, which will allow them to integrate successfully into the Canadian labour market. Also, the expectation is that processing time will be reduced since most applicants are already in Canada, presumably employed. So far, the take-up rate has been slow; Citizenship and Immigration Canada's plans for 2009 allowed for the admission of 5,000 to 7,500 persons in this class, but only 2,500 were admitted, followed by 3,700 in 2010. Although it is very early in the implementation of the CEC, possible reasons for the unexpected low numbers include the downturn in the Canadian economy, with the result that applicants see themselves as competing with newly unemployed Canadians, and the requirement that applicants undergo a language proficiency test.

The development of the Canadian Experience Class is noteworthy in two respects. First, it creates a two-stage immigration process, thus potentially minimizing risk and cost to the government, since temporary workers and students are not eligible for federally funded services, and the initial costs for selection and settlement are borne by the employer, the educational institution, and the migrant. The message is, "Come to Canada as a student or as a temporary worker; establish yourself; and then apply for admission to Canada as a permanent resident." However,

this two-stage process could have a significant negative impact on the long-term integration of the migrants, given their lack of access to early settlement interventions and their separation from their family members.

Second, this source of applicants indirectly relies on the criteria used to admit skilled temporary workers and students. As a result, candidates are the result of post-secondary college and university selections, provincial specifications for nominee programs, and employer-driven demand. This could result in potential immigrants taking advantage of the doors that are open in order to achieve their ultimate goal. For example, migrants could apply to Canada as students, not because they are particularly interested in a course of study, but because this avenue is perceived as a quicker, easier way to achieve their actual goal of immigration, thus adding to the strains currently faced by Canada's post-secondary education institutions. Canada has always viewed its immigrants as citizens-in-waiting. The question becomes, Is it appropriate to delegate the selection of Canada's citizens to agents (such as universities or employers) whose primary interest may not be the future of Canada as a nation or its citizenry?

CONCLUSION

Unlike many European countries of today, Canada has a long history of managing immigration, both with respect to numbers and composition. Consistent with the view that immigration is essential to Canada's nation-building and economic endeavours, a federal government department with its own Cabinet minister is responsible for setting immigration policy. What the numbers shall be and who shall be admitted have changed over the 20th century. Today, approximately a quarter of a million immigrants are admitted annually to become permanent residents; many have university degrees, and many are recruited on the basis of their potential economic contributions.

Immigration management is not static. Today, provinces are very active players in a variety of aspects of immigration. Most select specific types of workers under Provincial Nominee agreements, and a few manage settlement services. Three other recent developments include the June 2008 enhancement of ministerial power to set criteria and to process applications; the increased admission of temporary workers; and the creation of a Canadian Experience Class, which will permit those highly educated foreign students and temporary workers in high-skilled jobs who are already in Canada to apply to become permanent residents. These changes bring new questions and new challenges to the ongoing study of Canada's immigration objectives and management strategies.

NOTES

1. See <http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/tbt/Lp-eng.cfm?LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FRE E=0&GC=0&GID=0&GK=0&GRP=1&PID=0&PRID=0&PTYPE=8897 1,97154&S=0&SHOWALL=0&SUB=722&Temporal=2006&THEME=72 &VID=0&VNAMEE=&VNAMEF=>.
2. See www.cic.gc.ca/english/department/consultations/fswp/part2.asp.
3. See www.newswire.ca/en/releases/archive/April2005/25/c0038.html.
4. See www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3365116&Language=e&Mode=1&File=119#30.

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APPENDIX A**Canada Skilled Migrant Category Selection Factors and Pass Mark**

Factor One: Education	Maximum 25
You have a Master's degree or Ph.D. and at least 17 years of full-time or full-time equivalent study.	25
You have two or more university degrees at the Bachelor's level and at least 15 years of full-time or full-time equivalent study.	22
You have a three-year diploma, trade certificate, or apprenticeship and at least 15 years of full-time or full-time equivalent study.	22
You have a university degree of two years or more at the Bachelor's level and at least 14 years of full-time or full-time equivalent study.	20
You have a two-year diploma, trade certificate, or apprenticeship and at least 14 years of full-time or full-time equivalent study.	20
You have a one-year university degree at the Bachelor's level and at least 13 years of full-time or full-time equivalent study.	15
You have a one-year diploma, trade certificate, or apprenticeship and at least 13 years of full-time or full-time equivalent study.	15
You have a one-year diploma, trade certificate, or apprenticeship and at least 12 years of full-time or full-time equivalent study.	12
You completed high school.	5
Factor Two: Official Languages	Maximum 24
First Official Language	
High proficiency (per ability)	4
Moderate proficiency (per ability)	2
Basic proficiency (per ability)	1 to maximum of 2
No proficiency	0
Possible maximum (all 4 abilities)	16
Second Official Language	
High proficiency (per ability)	2
Moderate proficiency (per ability)	2
Basic proficiency (per ability)	1 to maximum of 2
No proficiency	0
Possible maximum (all 4 abilities)	8

... continued

APPENDIX A
(Continued)

Factor Three: Experience	Maximum 21
1 year	15
2 years	17
3 years	19
4 years	21
Factor Four: Age	Maximum 10
21 to 49 years at time of application	10
Less 2 points for each year over 49 or under 21	
Factor Five: Arranged Employment in Canada	Maximum 10
You have a permanent job offer that has been confirmed by Human Resources and Skills Development Canada (HRSDC)	10
You are applying from within Canada and have a temporary work permit that was:	
issued after receipt of a confirmation of your job offer from HRSDC; or you have a temporary work permit that was exempted from the requirement of a confirmed job offer from HRSDC on the basis of an international agreement (e.g., NAFTA), a significant benefit to Canada (e.g., intra-company transfer), or public policy on Canada's academic or economic competitiveness (e.g., postgraduate work).	10
Factor Six: Adaptability	Maximum 10
Spouse's or common-law partner's education	3–5
Minimum one year of full-time authorized work in Canada	5
Minimum two years of full-time authorized post-secondary study in Canada	5
Have received points under the Arranged Employment in Canada factor	5
Family relationship in Canada	5
Total	Maximum 100
Pass Mark	67

Source: Authors' compilation (2007) based on information from Citizenship and Immigration Canada, at <http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp>.