



Demography is Destiny
Toward a Canada-First Immigration Policy

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PART I: WHAT'S WRONG WITH CANADA'S CURRENT IMMIGRATION

WHO GETS IN

Absorption Issues

We're all familiar with the observation that Canada is a nation of immigrants. This is certainly true – most Canadians are either immigrants themselves or are descended from immigrants. It is no stretch to say, therefore, that to be anti-immigrant is to be anti-Canadian.

Over the years, Canada's population has changed. In addition to its own natural growth, it has evolved from a pioneering society with a scattered, principally rural population, to a cosmopolitan, largely urban population. For better or worse, multiculturalism and diversity are inseparable from the contemporary Canadian experience. This transformation of Canadian society has been accompanied by an explosive growth in both the type and volume of services that governments provide that is matched only by the expectation that those services should continue. The impact of immigration on these issues can be profound. This is why Canada needs a well thought out immigration policy.

It may surprise Canadians to learn that, in fact, Canada has no comprehensive immigration policy. Instead, we have a patchwork of policies that have been developed in isolation from one another, each intended to address a specific issue, but none of which were designed to be part of a coherent whole. As a result, despite the many rules and procedures governing immigration and the existence of a large bureaucracy to enforce those rules and procedures, Canada has lost control over immigration.

Each year the number of immigrants that we admit under various categories equals a little less than 1% of Canada's total population. This is a staggeringly high number. To illustrate just how high, consider that the United States admits a number equaling about 0.4% of its total population annually while Australia admits a slightly higher percentage at 0.44%.

The impact of such large numbers of immigrants arriving in Canada annually cannot be ignored. Many newcomers are not integrating well into the broader Canadian society. Most immigrants end up settling in three cities: Toronto, Montreal and Vancouver. These cities have a combined population of about 8-9 million people and cannot continue to absorb 300,000 newcomers annually without experiencing serious infrastructure and social problems.

Another factor that undermines successful integration is the advance of communication technologies which essentially allow whole communities to continue to function as if they were not in Canada at all.

'Ghetto-ization' of immigrant communities is hardly a new phenomenon. Earlier generations of immigrants also tended to congregate with one another in the same neighbourhood. What is different today is that some newcomers can and do actually transplant their home countries here in Canada. Children are being effectively cut-off from broader Canadian society, making the medium and perhaps even the long term prospect of successful integration much less certain. Strategies to encourage integration and assist in the process have not kept up with these changes.

Economic Issues

Most Canadians assume that the government approves a predetermined number of immigration applications each year. This is not so.

Under the present system *all* applicants who meet the selection criteria are accepted. If they do not get a visa this year they are placed in a backlog where they wait for the visa to be issued at a later date. Current legislation simply does not give the government the means to regulate the number of applications it approves in order to reduce or eliminate backlogs.

Today there is a backlog of more than 900,000 immigrants whose applications have been approved and who are waiting to come to Canada. This number continues to grow mainly because the application process is entirely open-ended. In some cases, successful applicants must wait years to obtain a visa. As a result, many who would make model citizens and who possess skills needed in Canada are simply choosing to go to other countries with a shorter waiting period.

The percentage of migrants who come to Canada because of their education, training or occupation is only approximately 25%. The rest are either relatives of these or previous immigrants, or they are refugees or other humanitarian cases. These latter immigrants do not have to meet any selection criteria other than to comply with health and criminal/security standards. Many are parents and grandparents of successful applicants.

In principle there is really nothing wrong with this. The problem arises when one takes into account the stress imposed by this class of immigrants on an already overburdened social service structure, especially health care and income maintenance programs. The average immigrant who arrives in Canada at a fairly young age and who finds and maintains gainful employment can be expected to offset much of the cost of providing healthcare for himself and his family over a lifetime, as well as pensions and/or other forms of income support later in life. This is not so for those who are either elderly or otherwise unable to work. Our very commitment to maintaining the universality of our social programs necessitates a regulated intake of immigrants.

Under current rules, immigrants are no longer chosen because they have occupations that are in demand in Canada. The selection system stresses academic qualifications with the result that many of the skilled workers Canada needs for its labour force are refused while, on the other hand, many of the highly educated who arrive find it difficult to obtain employment. Related to this is the fact that, even when a successful applicant possesses labour skills needed in Canada, the rules prohibit him from being processed sooner than others with skills and training less in demand. The current government is in the process of addressing this issue by giving the Minister the authority to direct the department to process these successful applicants first. This is a wise modification.

At one time, applicants who would not readily find work because of a glut in the labour market of workers with skills they possess would have been automatically refused, regardless of how many points they might have been scored on other factors. This enabled the Department to control the numbers entering each year. If there was a strong demand, immigrants in those occupations were increased. In times of high unemployment applicants with occupations in low demand were refused. The tap was turned on or off depending on economic conditions. This system worked and served Canada well.

Demographic Issues

Current policies are dramatically altering Canada's demographics. In itself, this is not a bad thing. The problem arises when demographic change is accompanied by cultural changes. A discussion of Canada's multi-cultural policy is beyond the scope of this paper. On the other hand, we would be remiss if we did not make the observation that many of our society's fundamental values and attitudes are predicated on an existing cultural

consensus. Tolerance toward minorities, separation of church and state, the role of women in society – these are just a few of the important issues, heretofore considered settled, that may become increasingly controversial as large numbers of migrants with fundamentally different views settle here. It is pointless, and dangerous, to pretend that social and cultural cohesion should not be considered when formulating a sound immigration policy.

Refugees

It is impossible to exaggerate how out of control Canada's inland refugee system has become.

Canada is the *only* country that allows any person who arrives to claim asylum, including not only those who are traveling through safe countries, but actual residents, and even citizens, of safe countries such as the United States, Germany or England. This practice undermines efforts on the part of the United Nations and other international bodies to provide assistance to legitimate refugees. It encourages aspiring immigrants to bypass the system and facilitates the activities of criminal gangs engaged in human trafficking.

Upon arrival in Canada, refugee claimants are seldom detained for any significant period, including those with false documents or no documents at all. A major reason for this is the length of time – often years – it takes to process refugee claims. All claimants are permitted to either work or remain on welfare which is a strong incentive for them to choose Canada as a final destination when, in fact, common sense, *and above all fairness* require that the final destination country for refugees (as opposed to immigrants) must be the *first* safe country they arrive in. Such refugees should still be able to make their way to Canada, but only by applying through the immigration system from the countries they are currently residing in as refugees.

Once unverified refugee claimants are released from detention, many disappear. The number of outstanding deportation orders for bogus refugee claimants that cannot be executed now stands in the tens of thousands, while those orders that *can* be executed are not, because so much time has passed that the claimant has integrated successfully into Canadian society and is a law abiding member of the community in which they have settled. They have made new lives for themselves. They hold jobs, pay taxes – in some cases they've even had children. This is not to say that the rules should be relaxed in such cases. On the contrary, it is an illustration of how unjust and uncompassionate our system can be precisely *because* rules were either ignored or inadequately enforced right from the start.

Finally, no discussion of Canada's broken refugee system can be completed without noting the substantial security threat posed in not rectifying the deficiencies. This issue has become a serious problem in Canada/US relations and is an underlying irritant in negotiations on many bilateral issues. It is the main reason why Canada/US border security is so tight, a significant impediment to the smooth flow of goods between our two countries. More importantly, the safety of Canadians themselves may be jeopardized by our dysfunctional refugee system. In addition to the risk of property damage and injury or loss of life, governments would be prudent to consider the potentially staggering liability that they, and therefore the public, are assuming if it can be demonstrated that deficiencies in our refugee system were a contributing factor in any such losses.

HOW MANY GET IN

When Paul Martin was Prime Minister, he explained his immigration policy neatly, if not eloquently: "We need more immigrants – plain and simple." It sounds nice, but then so did the phrase "The earth is flat – plain and simple" in its day. The point is that nobody really knows if Canada needs a larger or

smaller level of immigration than it already has. It is only assumed that we do, and policy is then created to address that assumption.

It is widely believed that Canada needs more immigrants to counterbalance our aging problem, that a larger population through immigration will guarantee economic prosperity, or that we face dire labour force shortages that must be met by more immigration. The fact is that none of these statements can be backed up by evidence. No credible demographer believes the aging issue can be solved through immigration. In fact, as noted above, current immigration practices may be compounding the problems associated with an aging population. Economists may argue among themselves whether or not immigration is good or bad for the economy, but none argue that its impact either way is significant. On the question of addressing Canada's labour needs, no serious study has ever concluded that increased immigration of selected skilled workers is the best way of resolving labour shortages.

No mechanism or methodology exists to assess our needs on an ongoing basis and determine the optimal level of immigration, whether it should be higher or lower than it presently is. Instead, decisions of this nature are left to the House of Commons Standing Committee on Immigration. The pitfalls of this should be obvious. Committee members are appointed in large part because they represent constituencies with large immigrant populations. This is analogous to assembling a committee made up of the heads of every commercial bank in Canada and assigning them the task of formulating banking regulations.

Like all committees, the deliberations of the Standing Committee on Immigration reflect the subjective ideologies of the majority of its members. The Committee usually only hears witnesses that represent pro-immigration positions: immigration lawyers, church groups, ethnic organizations and non-governmental organizations that receive funding to help settle and care for newcomers.

THE PROCESS

Canada's Department of Immigration is quite simply a mess. Very little research/policy development is conducted within the department which means that senior staff is ill-equipped to provide timely and informed advice to the Minister before policy is promulgated. As a result, political considerations almost always trump sound policy. Experience is also in very short supply in the department. Senior officers down to the Director level are relative newcomers to the program.

Decisions of the Supreme Court have effectively extended Charter Rights to potential immigrants with the result that the system has become far too litigious. It is now almost impossible to refuse an application for a family member without a court case developing. As a consequence, officers are reluctant to refuse anyone. It is easier to simply issue a visa and get on with the job. A refusal involves much paper work and written justification in the event of representations or appeals. A positive decision is easy and no questions are asked. This is an unsatisfactory situation. The solution is not easy and short of exempting immigration decisions from Charter challenges it may not be possible to overcome the problem.

Immigration procedures have become so complicated that those applying to come to Canada and even Canadians wishing to deal with the Department, often are forced to hire the services of an immigration consultant or lawyer to help them wind their way through the myriad of procedures and systems involving even the simplest activity such as sponsoring a relative. The Department suffers from a serious lack of transparency and has become overly legalistic, bureaucratic and remote from its clients.

The Department is no longer providing adequate service to people. It may be that there are several “service centers” set up across the country, but these offices offer few services. It is almost impossible for anyone to see an officer face to face to ask for help or seek clarification on process or procedures. Few employees answer their telephones and those manning the call centers are seldom able to answer even the most elementary questions. Instead, clients are increasingly expected to obtain service “online”, but this assumes that these clients have computer and internet access and the skills necessary to navigate through complicated and often confusing directions.

PART II: RECOMMENDATIONS

Any reform to the system should emphasize three things: fairness, transparency and service.

- The very statement that Canada “needs” immigrants is predicated on the belief that immigration must be tailored to Canada’s needs. The government must create a credible, objective and non-partisan process whereby these needs can be assessed and determined on an ongoing basis, and immigration policy should be designed around this process. In the interim, the number of immigrants we accept on an annual basis should be reduced to relieve the strain the larger numbers place on the department, both pre and post arrival, and to lessen the burden on urban infrastructures and our universal social safety net. In setting this number, consideration should also be given to reducing the list of approved applicants still waiting to come to Canada.
- Filling occupational demands in Canada must become the chief criterion to determine not just whether or not an application will be approved. Applicants should have to demonstrate that they possess skills and training needed in Canada in order for their application to be approved. It should be noted that this alone will not necessarily reduce the number of immigrants coming to Canada each year, nor is it intended to do so.
- Filling occupational demands should also determine the order by which successful applicants are processed and issued visas. Successful applicants who possess skills and training needed most in Canada should be moved to the front of the queue. Even without the measures outlined in Recommendation 1, there is simply no sense in having a ‘skilled worker’ class of application unless those skills are used to

prioritize applications. There is nothing fair in letting exotic dancers in Canada before trained nurses simply because the exotic dancer was first in line.

- The range of relatives eligible to be sponsored under family reunification class should be limited to spouses, fiancé(e)s, unmarried dependent children. Consideration should be given to adopting the Australian practice of allowing sponsorship of parents and grandparents only if there are more members of the family in Canada than are residing in the country where the parents and/or grandparents live. Such a practice would preserve the intent and integrity of the principle of family reunification while reducing pressure on Canada's social programs.
- In addition to medical, criminal and security checks, prospective immigrants should be interviewed to determine if they hold strong beliefs that make would make it difficult for them to adjust to life in Canada and embrace our basic values such as the rule of law, freedom of speech and religion, separation of church and state, tolerance of others, equality of women, etc. Those who cannot live by these standards should not be accepted. It is wrong to bring to Canada people we suspect will not adjust or integrate into our society.
- Adequate resources must be allocated to ensure that immigration staff at both here at home and abroad is able to properly discharge its duties in the selection and counseling of newcomers.
- The domestic removal and enforcement functions of the department have been transferred to the new Border Service and this is probably a good move. These activities were never received satisfactory resources or senior management attention when part of the Immigration Department. The enforcement role of the department overseas, however,

is critical – especially since 9/11 and it is essential that this function not be ignored or downplayed by management

- Canada's inland refugee system needs a complete overhaul. The Immigration and Refugee Board should be abolished and replaced by a cadre of professional career Refugee Officers trained and experienced in refugee affairs. Access to the Refugee system should be summarily denied to anyone coming from "safe countries," i.e. countries designated as "safe" by the Government of Canada that are signatories to the UN Refugee Convention, that are democratic and that follow the rule of law. The process whereby refugee claims are assessed must be streamlined. Claimants found not to be genuine should be quickly removed from Canada.
- High volumes of immigrants coming from one region of the world are changing the demographics of our three major urban centers. This trend needs to be studied more carefully to ensure we do not face serious integration problems in the years ahead. As a starting point it might be useful to create a Royal Commission (as recommended by the late Bernard Ostry) or some other neutral body to look into and examine issues surrounding integration. It is a certainty that many Canadians would take some comfort at the announcement that these issues were at last being brought out in the open.

CONCLUSION

Immigration is not about numbers – it is about people and their hopes and aspirations.

We in Canada seem to have lost sight of this. By any objective standard of measurement, Canada's arbitrary and chaotic immigration system and practices are not serving either New Canadians or Canada well. Too many New Canadians are not doing well. Too many of them are living below the poverty line; too many of them cannot find jobs in line with their qualifications. Successful applicants are being forced to wait for years before being allowed to come to Canada as are their relatives once they do come and settle here. The whole system needs change - change that will help New Canadians and help Canada as well.

We should not promise they will get their relatives to Canada unless we are willing to keep the promise and to do so within a reasonable time frame. We should not accept applications from people and make them pay a fee for doing so unless we can process their application in a reasonable time and not force them to wait in a backlog for months or years. Our offices must be open and available to see people face to face and to help them resolve their problems and to provide them with a decent standard of service. Our procedures must be simplified and made transparent so they can be understood and easily followed.

