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Canadian Immigration Law: A Brief History and Current Issues

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Abstract

Canada is a nation that is built on immigration and is fortunate in that it benefits from the diverse skills and abilities that immigrants contribute to the labour pool. Throughout the last century, there have been many amendments to Canada's immigration policy coinciding with the country's economic expansions and recessions. Unfortunately, policymakers have been unsuccessful in creating an immigration policy that is able to sustain a consistent labour force, and they have only been able to propose very short term solutions to the labour surpluses and deficits that accompany economic cycles. Although economic cycles are inevitable, the development of a global policy that encourages the movement of temporary workers is a long term solution to the labour movements that accompany them. Furthermore, such a policy encourages inter-government cooperation which is becoming more important as the issues of individual nations take a back seat to global problems.

Throughout the last century, there have been many amendments to Canada's immigration policy which range from accepting any person of any nationality to limiting immigrants to only those that have a prearranged working arrangement with a domestic employer. If one observes the policy changes and the time at which they occurred, it is apparent that modifications in Canada's immigration policy coincide with economic expansions and recessions. The underlying goal being to manage the labour shortages and surpluses that accompany the economic cycles. Unfortunately, policymakers have been unsuccessful in creating an immigration policy that is able to sustain a consistent labour force, and they have only been able to propose very short term solutions to the labour surpluses and deficits that accompany economic cycles. The Canadian government needs to implement a policy that will balance labour force supply and demand and the ultimate solution is the utilization of temporary foreign workers

Canada is a nation that is built on immigration and is fortunate in that it benefits from the diverse skills and abilities that immigrants contribute to the labour pool. In the article "The Goals of Canada's Immigration Policy," authors Alan Green and David Green describe how Canada's desire to expand its population and economy led to the creation of a written immigration policy. Immigration policy in the late nineteenth and early twentieth century developed from a central set of national policies: developing Canada's infrastructure (transcontinental railway), protecting the economy from the importation of manufactured goods, and encouraging immigrants to settle in the West. Overwhelmed with the large numbers of people immigrating from the United States and overseas, the government was forced to create a formal policy to focus on a prospective immigrant's country of origin, which led to the creation of the 1910 Immigration Act. Green and Green then go on to state that in the 1930s, when Canada's economy slumped, immigration nearly ceased altogether as a result of the government's concerns shifting from expansion to preservation. It was not until the end of World War II that Canada again became concerned with population and economic growth. Green and Green state that during the 1960s and 1970s many changes were made to the Immigration Act, the most significant being that the government was less focused on immigrants' countries of origin and more on the employable skills and abilities that they possessed. Immigration policy also heavily favored immigrants with prearranged work; however, in the 1980s, the government would come to realize that this provision was far too restrictive.

After numerous swings in the economy and in the number of immigrants, Green and Green explain that Canada enacted

the new Immigration Act of 1978. This new act was built on three main principles: to reunite Canadian residents with family from overseas, to fulfill refugee and humanitarian obligations, and to encourage a strong Canadian economy. After the recession in the 1980s, the Immigration Act changed dramatically: the provision that all immigrants needed to have prearranged employment was removed, allowing for many more people to immigrate. As a result, between 1985 and 1987 the number of immigrants rose nearly 85%. The most recent change to the government's stance on immigration, the Greens state, is the creation of an annual immigrant inflow target of 1% of the Canadian population (or approximately 300,000 people). In addition, the government has realized that simply allowing people into Canada is not enough. Once foreigners immigrate, they cannot become an effective member of our labour force unless they are given assistance in becoming accustomed to the new culture and language that they have just been immersed in. Realizing this, the government has begun funding language training for immigrants in order to facilitate their integration into Canada.

Despite everything the government has done to increase immigration and ensure population growth and, thereby, economic growth, there are still areas within Canada that are experiencing shortages of skilled labour. Over the past century, Canada's birth rate has been declining and each year sees a new record low set for the number of births. This has created challenges for the government as they struggle to supplement a decreasing population with foreign immigrants. As outlined in the *Economist* article "Help Wanted," Canada's strong economic growth in recent years has led to record low levels of unemployment and a shortage of trained blue-collar workers. The article claims that the problem is not that there are not enough workers immigrating to Canada, it is that the immigrants are not occupying the professions that are in the greatest demand, specifically, skilled laborers.

This labour shortage is especially noticeable in the West (British Columbia and Alberta) where factors such as an increase in the number of people pursuing secondary education and a decreased number of women entering the workforce have exacerbated the problem. The article suggests that Canada's immigration policy tends to favour people with higher education rather than the skilled labourers who are in much higher demand (35). This labour shortage was also noted recently by Statistics Canada in their Current Economic Conditions article for November of 2005: despite a population increase in Alberta, the number of people employed has dropped. The result has been that nearly half of the manufacturing companies in Alberta are understaffed (1.3). Statistics Canada has attributed this to the same reasons mentioned above. It would seem that if Canada is going to keep up with the demand for skilled labour, the government needs to either consider amending its immigration policy or consider other options for increasing the number of workers. One possible solution to the labour shortage is to supplement the Canadian workforce with an influx of skilled temporary workers. Although Canada admitted around 300,000 permanent immigrants last year, they only admitted 95,000 temporary workers, which was still not enough to fill the gaps in the Canadian work force ("Help Wanted" 35). The solution to the labour shortage is to allow and encourage more temporary workers to immigrate to Canada.

Many scholars feel that the temporary workers are the ultimate solution to balancing one country's labour shortage with another's labour surplus. By reducing the restrictions on the movement of temporary workers, governments would be able to alleviate their labour issues. Although economic cycles are inevitable, the development of a global policy that encourages the movement of temporary workers is a long term solution to the labour movements that accompany them. This is precisely the focus of Mode 4 in the General Agreement on Trade in Services which was recently proposed by the World Trade Organization (WTO). The strategy behind Mode 4, as discussed in the book *Moving People to Deliver Services*, is meant to grant workers temporary access to work in other countries. This concept was first brought up in the late 1980s during the WTO's Uruguay Round of talks. The workers' arrival in high need areas would be expedited, the book explains, and their stay would be temporary. This efficient approach to satisfying labour demands would be available to workers in fields ranging from construction to computer programming, and would bring benefits to both countries involved: the workers' home countries would receive the tax-based financial benefits of having their citizens employed, and the hiring countries would fill the gaps in their labour force (Mattoo 1-3).

A good example of the success that is possible through the use of temporary workers can be seen in Canada's agriculture industry. Chantal Blouin explains in a recent edition of the *Journal of World Trade* that by employing thousands of temporary workers each year, the Canadian Seasonal Agricultural Workers Program (CSAWP) offsets a portion of the labour shortage felt in the Canadian agricultural industry. The dedication and collaboration of the Canadian and Mexican governments is what has made this program so successful. This government cooperation makes it possible for an industrialized nation to employ members of a developing nation without exploitation and abuse (884). It is this type of government collaboration that is needed to fuel changes to global policy and make the international migration of workers more efficient. This will ultimately lead to greater economic growth for both the sending and receiving countries.

Throughout history, we have seen many amendments to Canada's immigration policy in an attempt to solve the fluctuations in the labour market, which mirror economic expansions and recessions. The knee-jerk reactions of government and the dramatic changes to immigration policy have managed the labour market fluctuations, but only in the short term. Economic swings are inevitable and longer term solutions to manage the labour market are needed to mitigate the cyclical changes in Canada's workforce. As a developed nation that encourages higher education, Canada is left with a gap in the labour force (skilled labour). Mode 4 of the GATS suggests that we decrease the barriers to the cross-border movement of temporary workers as a solution to this issue. If more temporary workers were able to reach the areas that are experiencing labour shortages, the country would not be left with understaffed companies. Furthermore, such a policy encourages inter-government cooperation which is becoming more important as the issues of individual nations take a back seat to global problems.

About the Authors

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