Preface to the Second Edition

Nothing illustrates so well the rapid pace of development in immigration and international migration today as the changes which have taken place in Canadian and Australian immigration in the last five years. Since this book was originally completed in 1986, Canada has embarked upon a new five-year immigration plan in which annual levels of immigration will be substantially increased. Australia has overhauled and modernized almost her entire system of immigration law following the recommendations of the Fitzgerald Committee which reported to the Hawke government in 1988. There have been new developments in multiculturalism, immigration appeal systems, and refugee status determination. Dramatic events on the international scene, including the ending of the Cold War, the unification of Germany, increasing political and economic turbulence in the Soviet Union, the exodus from Hong Kong, war and its aftermath in the Middle East, and the ever-growing movement of asylum seekers towards affluent countries which began in the 1980s, are presenting the international community with new and urgent problems in international migration.

In the midst of serious constitutional deliberations and not far perhaps from a profound restructuring of her constitution, Canada is proceeding with an ambitious and courageous immigration plan involving longer-term planning and much higher annual immigration levels. As suggested in the final chapter of this book, the period of restricted immigration (following the recession of 1979–82), when levels declined to below 100,000, did not last very long. It was followed in 1985 by a decision by the Mulroney government to “restore and revitalize” the immigration program. The government then announced that “a policy of moderate growth” would be pursued, based on the recognition that immigration brought “economic, social, demographic, humanitarian, cultural and international benefits to Canada.” This policy continued until October 18, 1989 when Barbara McDougall, then a very able Minister of Employment and Immigration
and now Secretary of State for External Affairs, announced in the House of Commons that it had been decided to move from then on to a five-year immigration plan. This decision, she said, represented "a shift from short to long-term planning, to more comprehensive consultations on immigration issues, and to a more comprehensive view of the immigration process itself." The plan would be developed after extensive consultations were held across Canada in the next few months.

These consultations took place between November 1989 and March 1990 and included a much wider range of representatives and individuals than the earlier annual consultations had done. There were eight national meetings in the larger cities from Halifax to Vancouver and twenty regional meetings to cover regional, local, and community interests. More extensive consultations were held with all the provinces and many written submissions were received. The Minister and her senior officials played an active part throughout this national consultative exercise.

Participants in all these non-governmental meetings were asked to focus on four areas: (1) the number of immigrants Canada should accept in the future and the pace at which increases should proceed, (2) the balance among categories of immigrants, (3) the settlement and integration of immigrants, and (4) the factors affecting the distribution of immigrants across Canada.

A rather remarkable degree of consensus emerged from these consultations, at least on the principal issues involved. There was a widely held view among participants that immigration was good for Canada and that levels should be increased during the next five years. In all provinces, it was felt that increased immigration would be of great benefit economically and would contribute to Canada’s future in many ways. There was universal support also for the admission of increased numbers of independent immigrants selected on the basis of skills and talents and without family connections. This category, it was felt, had always been the valuable core of Canada’s immigration program but had been seriously reduced by the restrictions of the early eighties. Refugees and refugee programs were also strongly supported in all regions. On the important question of the settlement and integration of immigrants, there was similar agreement on the need for considerable improvement in Canada’s settlement services for immigrants and refugees, particularly in language training programs which, it was felt, should be more widely available and less specifically related to labour

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1 Quebec now has a new agreement with the federal government which came into force on April 1, 1991. This agreement enhances her control over the immigration policies which directly affect the province, and gives her exclusive responsibility in the selection of her own independent immigrants. Among other advantages, Quebec will be able to receive up to 30 per cent of all the immigrants coming to Canada from now on. With the lowest fertility rate in Canada, it can be seen that Quebec does indeed have a strong interest in high levels of Canadian immigration.
Figure 1
THE 1991-95 IMMIGRATION PLAN

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force participation. Many participants emphasized the importance of helping immigrants to identify with their new country and develop a sense of belonging and being part of Canadian life. Government was urged to devote additional resources to the development of better integration services.

The Minister tabled Canada's first five-year immigration plan on October 25, 1990. Under this plan, immigration will rise from 200,000 in 1990 to 220,000 in 1991 and 250,000 in 1992 where it will be stabilized for the rest of the planning period (see Figure 1). Within these numbers, a
reasonable balance will be maintained between the family, refugee, and independent categories. Minor changes will be made in family-related regulations to allow Canadians to sponsor — as well as other family class members — children who are in fact dependent on their parents, but not adult non-dependent children as before. Canada's international commitments relating to refugees will be maintained through both government and private sponsorship programs and the new system for refugee claimants already in Canada. The independent and assisted relatives components of the immigration program will be maintained at current levels during the early years of the plan, but the number and overall proportion of skilled workers will increase in later years. Retirees will no longer be admitted and the retiree program will be discontinued after 1990. Those who were born in Canada, however, and wish to return, having given up their citizenship while working abroad, will still be able to do so.

There will also be a new "federal integration strategy," developed in cooperation with the provinces, municipal agencies, and other groups, that will improve language training programs and provide immigrants with a wide range of co-ordinated services to help them settle in their new communities and participate fully in society. A new emphasis will be placed on "helping immigrants learn about Canadian values and on helping Canadians understand the diverse backgrounds of newcomers." An annual program review will assess the operation of the plan and allow for adjustments if necessary. There will also be a review of the policy direction and objectives underlying the plan after three years, to prepare for the next five-year planning period.

In the present Canadian climate of constitutional uncertainty, the five year plan and prospect of much higher annual levels of immigration have aroused relatively little opposition. They are seen by many as a move towards the kind of immigration planning on a much larger scale which Canada will probably be involved in in the coming years. We can say today that the plan and its higher annual immigration levels offer the following advantages: (1) They enable control to be established at a time of rising pressures in all categories. (2) They allow a better balance to be achieved among the three categories of immigrants — family, refugees, and independents. (3) They may permit, at least for the time being, control to be achieved over the rising tide of asylum seekers by establishing fixed limits to entry, as well as generous entry quotas. (4) They will offer valuable experience for the management of the larger immigration movements to Canada which lie ahead.

Australia has been no less active and innovative in the immigration field in the last few years, although Australians are more divided today on the benefits of immigration — particularly of higher levels of admission — than Canadians are and the two major parties are still divided as this issue. A
vigorouss debate on the economic, demographic, and environmental impact of immigration has taken place in the media and in academic circles during this period. The hard working National Population Council has now been asked by the government to undertake an inquiry into "the impact of population increase on the economy, environment, human service delivery, infrastructure, social equity and international obligations" and to report by September 1991. The Structural Adjustment Committee of the Cabinet is also examining the question of population growth. Prime Minister Bob Hawke has said on more than one occasion that he favours expansion and that the Government believes that, with proper planning, Australia could absorb a growing population. In an interesting recent interview in The Age (February 21, 1990), he said – in answer to the question “Given the economic downturn, do you think there will be a case for reducing the migrant intake?”:

I know that it will be argued. Generally speaking I am in favour of higher migration intakes rather than lower ones, because I think this country is going to be a better country. It is going to provide better services and better environment for its citizens with a somewhat larger population. Now I understand that this is a complex issue. I understand that there are widely diverging views about it. I understand that the economics profession is seriously divided on it. You could say the economic jury is out ...(But) there will still be the family reunion element. There will still be a significant place for business migrants and there will still be the humanitarian component. Now I frankly couldn't see that, looking to the next period, there is a case for any significant lowering of the figure we've got at the present time. But we as a Cabinet will consider that matter.

Nevertheless, the Cabinet did agree on a fairly substantial reduction in the numbers of new settlers for 1990–91. The present Minister for Immigration, Local Government2 and Ethnic Affairs, Gerry Hand, announced on June 27, 1990 that the Government had decided on a balanced reduction from the 1989–90 announced program planning level of 140,000 places. The new planning level would be 126,000, including 64,000 for family migration, 50,000 for skill migration, 11,000 (including a contingency reserve of 1,000 places) for humanitarian migration, and a small special eligibility category of 1,000 places. This decision was applauded by conservation groups and condemned by ethnic group leaders, with some politicians, academics, journalists, and others taking sides in a continuing debate. There was a further reduction to 111,000 in 1991–92, but there are plans to bring this level up to 128,000 in 1993–94.

2 The Office of Local Government was incorporated in the department in July 1987.
Australia's major effort in the past few years, however, has been to reform and modernize her immigration legislation and improve her methods of immigration planning and management. Billed in official publicity as "the biggest reform of migration for 20 years" (when the Whitlam Government got rid of the White Australia policy), this period of energetic reform can be compared with the similar Canadian effort that took place a decade earlier and is recorded in Chapter 2. Disatisfaction with Australian immigration law, particularly with her basic Migration Act of 1958, had existed for a long time. Proposals for reform of the Act had been put forward by the Administrative Review Council and by the former Human Rights Commission. A major effort to examine Australian immigration law and management and identify their deficiencies took place in the late seventies when a full-time task force was appointed within the Department of Immigration and Ethnic Affairs to carry out a thorough examination and review of the Department's responsibilities and operations. The task force gave special attention to the performance of the Migration Act, the problems of illegal migration, the effectiveness or otherwise of the existing migrant selection system, and the state of staff morale within the Department. Their final report was presented in July 1978. (See pp. 122–25)

Very much the same kind of concerns occupied the Committee to Advise on Australia's Immigration Policies (CAAIP) appointed by the Hawke Government in September 1987 and chaired by Dr Stephen Fitzgerald, an academic, businessman, and former Ambassador to China, although the Committee's terms of reference were much wider. The Committee was asked to report to the Minister of Immigration, Local Government and Ethnic Affairs in March 1988 on Australian immigration policies, addressing "all pertinent matters" including, in broad terms, the following:

- the relationship between immigration and the economy, including the effects on the labour market and economic development;
- the relationship between immigration and Australia's social and cultural development as a multicultural society;
- the relationship between immigration and key population issues;
- the overall capacity of Australia to receive significant immigration; and
- the relationship between immigration policies, including compliance, and the administrative and legislative processes involved.

In carrying out its work, the Committee was also required to note that: (1) Australia's immigration policies were non-discriminatory in respect of national or ethnic origin, race, sex, and religion and that it is a sovereign right of the Australian Government to determine who should enter; (2) Australia had a continuing commitment to play its part in providing international humanitarian assistance to those in need; (3) the Government
had ruled out an amnesty for illegal immigrants; (4) while bearing settlement experiences in mind insofar as they are relevant to the framing of immigration policies, the Government was separately developing a National Agenda for a Multicultural Australia; and (5) full consultation with interested parties through written and oral submissions and other appropriate means should be undertaken.

The Fitzgerald or CAAIP Report was duly submitted to the Minister on March 16, 1988 and is, in many respects, the basis of the reforms in Australian immigration law and management which have been carried out since then, although the Government did not accept all the Committee’s recommendations. The Committee had some very important things to say about immigration which, they pointed out, was under pressure worldwide. In these circumstances, Australia’s immigration policies were not managing the increasing demand, in their view, and the planned immigration program would probably be exceeded by tens of thousands of immigrants unless there were immediate reform. In addition, “widespread mistrust and failing consensus” threatened community support of immigration and the program was not identified in the public mind with the national interest. Many Australians were not convinced that immigrants were making a commitment to their new country and were troubled by the inevitable changes which immigration brought to their society. The status of citizenship, which should reflect a commitment to Australia and its institutions and principles was felt to be seriously undervalued. Although warned off multiculturalism by the Government, the Committee said that the philosophy of multiculturalism was not widely understood in Australia and that the “uninformed ensuing debate” was damaging the cause it seeks to serve.

The Fitzgerald Committee urged that a coherent philosophy of immigration be developed now which would emphasize – among other things – the Australian context of immigration and allow Australians to understand the effect of immigration now and in the future and the many benefits it brings. Immigration was for all Australians, not for sectional interest groups. It must not be allowed “to slide into the margins of government decision-making”. It must be in the mainstream. A total of 73 separate recommendations were made by the Committee, including a model bill which could form the basis of a new Migration Act.

The Government’s response to the CAAIP Report came on December 8, 1988 when the previous Minister, Senator Robert Ray, gave a ministerial statement outlining the new immigration policies which had been approved. Since the submission of the Report on March 16, an interdepartment committee representing 12 government departments had examined it. Working parties of the National Population Council had studied selection systems and the problem of overseas qualification recognition. Senator Ray himself had visited all the state and territories to discuss the Report with his coun-
terparts, had held public meetings on the subject in all capital cities, and had received over 120 submissions from individuals and organisations. Following this public consultation, Senator Ray said, the Government had adopted many of the theories of the Fitzgerald Committee’s Report and the substance of many of its recommendations. In some areas, the Government supported its underlying concepts, although the approach differed in detail. In others, the Committee’s response differed significantly from the Committee’s proposals. In general, however, the Government accepted the Committee’s message that immigration should be for all Australians and in the national interest.

The following are the major changes in immigration policy, law, and management announced by Senator Ray on December 8, 1988. They came into effect on December 19, 1989 and amounted to a complete overhaul of the old Migration Act of 1958. Extensive amendments to the Act had received royal assent on June 19. Some additional changes and modifications were announced by Senator Ray’s successor, Gerry Hand, during the following year.

The Government’s response to the CAAIP Report consisted of the following elements:

1. The Government’s commitment to a non-discriminatory approach to migrant selection on a global basis was reaffirmed.
2. The Immigration Department was authorized to develop a research capacity to bring immigration into the mainstream of economic and social planning. A Bureau of Immigration Research would be established to undertake major, systematic research and improve public comprehension of immigration issues. There would also be “upgraded consultative mechanisms,” including Immigration Outlook Conferences.
3. The immigration program of 140,000 for 1989–90 would be divided into three main streams – family, skilled, and humanitarian migration – plus a small special eligibility category. Each of these streams would be “capped” to ensure that the migration program did not overrun the levels set by the government.
4. The family migration stream would comprise (a) the immediate family (spouses, fiancée(s), dependent children and parents with the balance of family in Australia⁴ with no limits set on numbers, and (b) the extended family (siblings, non-dependent children, nieces and nephews and parents without the balance of family in Australia). Extended family members

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³ Migration Legislation Amendment Act 1989.
⁴ Only those with more of their children living in Australia than in any single other country, or at least as many in Australia as overseas, would qualify as close family without a points test being applied.
would be subject to a points test with a "floating" passmark to allocate
the limited places in the program fairly.

5 The skilled migration stream would consist of (a) an employer/business
element which would include the Business Migration Program, the Em-
ployer Nomination Scheme, negotiated industry arrangements, and a
"special skills" group (numbers would be subject to demand), and
(b) a "labour force enhancement element" including the Occupational
Shares System and Independent Migrants. Everyone in this category
would be subject to a points test with a floating passmark.

The National Population Council had developed a new points system
to meet these needs. Future overseas recruitment of skilled labour and
the recognition of overseas qualifications would be referred to the Structural
Adjustment Committee of the Cabinet for early consideration.

6 A major change in the review of immigration decisions would be introduced
through a statutory two-tiered system of review. The first tier would
involve a statutory and independent review by a special unit in the
Immigration Department which would be independent of the primary
decision-making areas. The second tier of review would be formed by
a substantial restructuring of the former Immigration Review Panels.
This new body would be set up under the Migration Act and empowered
to consider cases on their merits and make a final decision. It would be
represented in all states and territories. Fees would be charged for each
tier of review, with a lower fee for the first tier.

7 The Secretary of the Department of Immigration, Local Government
and Ethnic Affairs rather than the Minister would be the principal decision-
maker on most immigration cases to guarantee fairness and equity for
immigration decisions, to ensure that decisions were open to scrutiny
and to remove the possibility of political interference. The Minister,
however, would retain the power to determine several classes of decision,
notably those involving the deportation of criminals, security matters,
and refugee determinations.

8 There would be changes in the laws governing the detention and deportation
of people who were in Australia illegally. A major effort would be made
to reduce their numbers.

Implementation of most of these policies and programs took place during
the following year and, as noted, became law on December 19, 1989. On
December 18, Senator Ray made another major statement saying that he
was proud to have presided over the long reform process—the most exhaustive
and comprehensive review of immigration in Australian history—that had
culminated in the introduction of the amended Migration Act and its new
regulations. "[This] package of legislation substantially tightens our man-
agement of the immigration program," Senator Ray said. "It also provides
for a much fairer system of reviewing migration decisions, and improves our ability to curb abuse of the immigration program by people seeking to come to Australia illegally. [But] perhaps the most important result is the establishment of immigration rules and criteria within the legislation which will ensure accountable and consistent decision-making, open and fair to all.”

Following the re-election of the Hawke Government in March 1990, Senator Ray became Minister for Defence and Gerry Hand took over the portfolio of Minister for Immigration, Local Government and Ethnic Affairs and Minister assisting the Prime Minister for Multicultural Affairs. Since then Mr. Hand has presided over the necessary process of fitting this large package of law and regulations into place and making the necessary adjustments and additions where the fit was not satisfactory. In a parliamentary statement on May 9, 1990, he said that large sections of the amended Act and new regulations were operating satisfactorily, but the Government had heard a good deal of criticism of parts of the new system and had decided to rectify a number of procedural flaws. A process of parliamentary scrutiny and public consultation would also be set up to examine any further changes which might be necessary.

The Canadian equivalent to this major Australian reform effort took place, as discussed in Chapter 2, in the 1970s when her old, illiberal Immigration Act of 1952 was finally abandoned and replaced with the far better, liberal, and workable Immigration Act of 1976 which has served the country very well so far. During that decade Australia, whose governments had been much more aware of population issues since World War II, set up a National Population Inquiry which investigated Australia’s demographic situation in considerable depth and reported to the Minister for Labour and Immigration in 1975 (see pp. 111-15). The Inquiry’s Report did not produce policy recommendations, but offered a discussion of Australia’s demographic options on the basis of the considerable amount of demographic information which had been accumulated. Canada also made what proved to be an abortive effort in the 1970s to raise the level of public consciousness on population issues and to formulate, if not a population policy, at least a set of useful “population guidelines” for Canada. This plan was defeated by a majority of the provinces who were not ready at that point to think about Canada’s demographic future (see pp. 66-70). In the 1980s, however, the Mulroney Government, increasingly disturbed, like other Western governments, by the problem of low fertility and the prospect of an ageing and ultimately declining population, tried again.

A “Review of Demography and Its Implications for Economic and Social Policy” was set up on April 29, 1986, with its headquarters in the Department of Health and Welfare. The Review was directed to study possible changes
in the size, structure, and distribution of the population of Canada to 2025 and to report on how these changes might affect Canada's social and economic life. The first major report of the Demographic Review, *Charting Canada's Future*, appeared in 1989. During the previous three years, a total of 167 studies had been commissioned from Canadian demographers, economists, and other social scientists at a cost of over $2 million. In 1989–90, the Review secretariat discussed their findings with 2 Cabinet committees, the senior management of 21 federal departments, all provincial and territorial governments, and a large number of private sector groups. These findings were also reported to all the immigration consultative meetings which took place between November 1989 and March 1990, prior to the announcement in October 1990 of Canada's first five-year immigration plan.

*Charting Canada's Future* is an interesting and informative document, presented in an attractive diagramatic form that, as intended, makes its demographic material easy to understand. The following is a summary of its major conclusions relating particularly to immigration.

1 Canadian fertility rates are below the replacement level, but because a large proportion of the population is currently in the childbearing ages, the population will, if current rates continue, grow until 2026. At that time, the population will begin a long, slow decline, returning to the level of the 1986 census—25 million—in 2086 and continuing to decline, eventually stabilizing at about 18 million or roughly the size of the country in the late 1950s. This is the shape of the demographic future for all Western countries; that is, for all countries that experienced a post-World War II baby boom followed by fertility rates below the replacement level.

2 Without immigration, continuation of Canada's below-replacement fertility rates would eventually lead to Canada's disappearance. The large proportion of the population currently in the childbearing ages would again maintain growth in the short term—the population would grow to a peak of 28 million in 2011—but the subsequent decline would never cease. The decline, however, would be relatively slow: the population would still be above 19 million 100 years hence.

3 Regional population growth in Canada will follow similar trends, growing slowly over the next 40 years before beginning a possible long-term decline. The exceptions are Ontario, which may grow slightly faster than the rest of Canada, and Quebec, which faces the possibility of relatively slower growth.

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4 Linguistic duality has been an integral part of Canadian society since its beginning. From 1850 to 1950, the proportion of the two charter groups in Canada has been maintained at approximately 60 per cent anglophone and 30 per cent francophone. This long period of equilibrium ended at the close of World War II when all the demolinguisitc factors (differential fertility, immigration, and linguistic mobility) started to exert downward pressure on the proportion of francophones. They now form 23 per cent of the Canadian population. Superimposed on the linguistic duality of Canada is a growing territorial duality. In 1986, nearly 90 per cent of all francophones lived in Quebec, where they accounted for 83 per cent of the population. On the other hand, 95 per cent of anglophones lived in the other provinces where they accounted for 80 per cent of the population.

5 The consensus among those economists who have considered the question is that, within broad limits, population growth or sheer numbers of people are not a major factor in economic growth or economic well-being in modern economies that play an active role in world trade. Canada is such an economy. Recent studies indicate that it is not so much the numbers of people that will affect Canadians’ economic well-being as their skills, and the effective development of those skills.

6 The Canadian population is ageing in the demographic sense that future populations will have a higher proportion of the population in the older age groups. This is a long-term trend caused by the historical decline in fertility. Compared with some developed countries (e.g., Germany and Sweden), however, Canada’s population is relatively young. This is because those countries have comparatively lower fertility rates than Canada and the process of ageing has not been delayed by a marked baby boom, as it has in this country.

7 In a low-mortality country such as Canada, fertility is the major demographic force affecting the age structure. As long as the age structure of immigrants stays the same, immigration affects the overall age structure only in the short term. Increases in immigration to levels as high as 600,000 per year have, in the long term, no impact. An increase in fertility to replacement levels also produces only a minor impact. Only a significant increase in the fertility rate – for example to 3.1 (from Canada’s rate of 1.7 in 1986) – would change the long-term trend toward an older society.

8 Canadian immigration is far more diverse now than it was a quarter of a century ago in terms of the national, linguistic, religious, and racial backgrounds of immigrants. This is changing the face of Canada, but the impact is largely an urban phenomenon and, except for Montreal, it takes place west of Quebec. The 1986 census counted 110,000 immigrants in Ottawa-Hull and 120,000 in all of Canada east of Ontario,
excluding Montreal. To cite just one example of these differential impacts, in 1951, Halifax and Toronto had roughly the same kind of ethnic structure: three-quarters of their populations were of British origin and the other quarter was divided among a variety of ethnic origins. Despite 25 years of immigration that was shifting towards non-traditional sources, Halifax in 1986 still had the same ethnic structure, but Toronto had been transformed. In fact, immigration for the past few decades has not been a national but a highly focused phenomenon, focused on the large cities: Montreal and the large cities west of Quebec, especially Toronto and Vancouver.

9 The overall contribution that immigrants make to the economy of their new country is an important issue. Average income is a fair measure of economic contribution and the average income of immigrants in Canada is higher than the national average (although their social and economic experiences can vary widely). Part of the reason for their comparative economic success is their higher average level of education compared with the Canadian-born. This is true of immigrants from both traditional and non-traditional sources. Educational attainment in the family class and among refugees, though somewhat lower than in other immigrant groups, is still above that of the Canadian-born. Immigrants thus continue their historical role of reinforcing the trends in Canadian society, in particular the trend towards a better-educated, culturally diverse, urban, cosmopolitan society.

Charting Canada's Future has come in for a fair amount of criticism from Canadian demographers, some of whom find it too bland and simplistic and lacking in rigorous intellectual discussion. The Report certainly informs very effectively, but does not challenge or disturb, nor does it make specific proposals for action. The Research Secretariat have emphasized, however, that this Report is only the important first stage in a major information and educational effort designed to increase the public's awareness and understanding of population issues, and they claim that it has already raised a great deal of interest across Canada. Perhaps the major criticism which can be levelled against the Report, however, is that, by its own admission, it does not deal in any way with world population problems today, nor was it required by Government to do so. There is no discussion, for example, of the huge, continuing increases in the world's population and their probable effect on Canada. But it is doubtful whether the outside world can in fact be excluded in this way. This point has been well put by one academic critic:

"... in the face of a world trying to cope with more than 10 million refugees, with starvation in Africa, with the turmoil in Eastern Europe and the misery of Central
America, with the transfer of Hong Kong to the People's Republic of China in 1997, with demographic explosions in a score of Third World metropolises, is it really thinkable that our vast and wealthy land will accept no more than 100,000–400,000 immigrants in any year in the next 50? Is it not more likely that there will be years, perhaps many years, of a million or more immigrants—the equivalent of the yearly 3% of population—who came in as immigrants in some years at the turn of the 19th Century?\(^6\)

The pressures of rising world population and the increasing dissatisfaction with the economic disparity between the affluent countries and those of the Third World are already being felt in Canada and Australia. We have noted that the Fitzgerald Committee in Australia pointed out that immigration was now under pressure worldwide. Among the policy changes announced by Mr. Hand a year after the amended Migration Act came into force was the introduction of a new system and additional resources for determining claims for refugee status and humanitarian stay in Australia which came into force on December 10, 1990. These changes were necessary, Mr. Hand said, in order to deal with the growing number of people applying to stay in Australia on refugee and humanitarian grounds. The new system would have three stages:

1. a primary stage in which applications would be assessed and decisions made quickly on refugee status;
2. a review stage where there were negative assessments; and
3. a third stage where, although there were clear grounds for humanitarian stay, refugee status would not be recommended, but there would be Ministerial approval for temporary entry on humanitarian grounds.

A Refugee Status Review Committee would be established at the review stage which would replace the existing Determination of Refugee Status (DORS) Committee.

For the first time, a non-Government representative would be involved in the refugee decision-making process. A representative nominated by the Refugee Council of Australia would be a member of the Committee together with representatives of the Department of Foreign Affairs and Trade, the Attorney General's Department, and the Department of Immigration, Local Government and Ethnic Affairs (Chair). A representative of the United Nations High Commissioner for Refugees (UNHCR) would continue to attend meetings in an advisory capacity. The Minister said

that the Government had agreed to a significant increase in the resources available to process applications for refugee status in order to speed up decision making. It was essential that Australia should be able to decide refugee applications quickly and fairly, Mr. Hand said, and the Government was committed to a system which dealt with asylum seekers in Australia in a compassionate and humane way. Applicants who were granted permission by the Minister to remain in Australia on humanitarian grounds would receive a four-year temporary entry permit on the same conditions as a refugee.

In creating this new system, Australia would have been well aware of Canada’s battle with the asylum-seeker problem. The “Canada-Australia watch” referred to in Chapter 6 (p. 243) has, if anything, speeded up and Ottawa has seen several important Australian delegations recently. The annual number of applications for refugee status in Australia is relatively low at present compared with those of Canada and some other industrialized countries, but there is no reason to think that it will remain at this level. The introduction of the new system of refugee status determination is, therefore, a timely move.

The 1980s have seen a remarkable escalation in the numbers of undocumented migrants, now more commonly described as asylum seekers or claimants for refugee status (as refugee status is now seen as a possible means of entry to many countries), now leaving developing countries and seeking a better life, generally in the more affluent countries to the north. More than 80 million people are believed to be involved in this large population movement and most industrialized countries have been inundated in the 1980s with refugee status claimants and have developed large backlogs in the process of dealing with their claims. The centuries-old international commerce of migration is prospering today as never before and becoming more sophisticated all the time. It provides – in many different ways, ranging from jet planes to rowing boats – the essential transportation for these migrants. Five hundred claims for refugee status were made in Canada in 1977. In 1983–84 the number had increased to over 6,000 and in 1986 to 18,000 with a backlog of over 20,000. This backlog grew to 60,000 in 1988 and to well over 100,000 in 1990 as the number of applications for refugee status continued to increase.

Canada’s need for a more effective refugee status determination system was therefore urgent. The two bills mentioned in Chapter 4, Bill C55, which created a new refugee status determination system, and C84, known as the “Deterrents and Detention Bill” and designed to stop abuse of this system by firm deterrent measures, were passed without difficulty, despite a good deal of opposition from the Liberal and New Democratic parties, non-governmental organizations, and certain sections of the legal profession. They were then incorporated in an amended Immigration Act 1976 which
received royal assent in July 1988. The new system, consisting of a new national board, the Immigration and Refugee Board (IRB), which includes two distinct divisions: the Convention Refugee Determination Division and the Immigration Appeal Division, is described briefly on pp. 192–93. It has now been in place for a little over two years. The Board is Canada’s largest administrative tribunal with over 120 full-time members in the Refugee Division and about 22 in the Immigration Appeal Division. Both Divisions may take on as many part-time or additional full-time members as they require. The IRB is headed by a Chairman who is the chief executive officer of the Board with a Deputy Chairman for each Division. The IRB has its national headquarters in Ottawa and five regional offices located in Montreal, Toronto, Winnipeg, and Vancouver.

Thus far, Canada’s new refugee status determination system has not been able to deal with demand or backlog any more effectively than the past system, not least because the flow of asylum seekers and number of refugee claims continues to grow. Canadian acceptance rates have been very high – around 90 per cent in the summer of 1990. This rate is far higher than those of other countries in similar circumstances and efforts are being made to bring it down. The planned levels for the three categories of refugees defined in Canada’s new five-year immigration plan should help to establish some control over numbers. It is increasingly evident, however, that the continuing efforts of asylum seekers to gain entry to the more affluent countries of the Western world – their individual response to poverty and disadvantage – can only be handled internationally. Radical revision of the ideas of the international community about refugees and their protection, and the management of refugee movements of different kinds, is urgently needed.

Canada is also proceeding with the process of institutionalizing multiculturalism in her present political system that began in 1982 with the entrenchment of “the multicultural heritage of Canadians” in the Charter of Rights and Freedoms. Since then, Canada has acquired (in 1988) a Multiculturalism Act. A new full Department of Multiculturalism and Citizenship has been created, as well as a fully fledged House of Commons Standing Committee on Multiculturalism and Citizenship. With these and other developments, what has been called “the dizzying rise of multiculturalism as a national ideal in Canada” has appeared to reach a plateau, with a reasonable level of public acceptance but perhaps slightly less enthusiasm than in the past. Further developments at the federal and provincial levels await the outcome of constitutional discussions.

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In Australia, however, where public acceptance and understanding of multiculturalism has been less certain, the Prime Minister, the Office of Multicultural Affairs, and the Advisory Council on Multicultural Affairs have made a major effort to make the multicultural nature of Australian society better understood, to explain the government's multicultural policy, and "to lay to rest many of the concerns and misapprehensions that continue to be expressed about multiculturalism." Following extensive consultations by the Office of Multicultural Affairs and the Advisory Council with all the state and with national and voluntary organizations, the Council prepared a discussion paper entitled "Towards a National Agenda for a Multicultural Australia" which was presented to the Prime Minister in September 1988 and then released publicly. The Council developed eight goals for a multicultural Australia that were accepted by the Commonwealth Government and are the basis of a number of new initiatives in this field. Among these new initiatives, the Office of Multicultural Affairs is examining the desirability of a Multiculturalism Act for Australia.

The last few years in Canada and Australia have indeed been critical years for both countries in immigration, population, refugee policy, and multiculturalism. If Canada is moving ahead somewhat—in a numbers sense—in coming to terms with world-wide migration pressures, Australia may move in this direction later, now that her immigration laws and regulations have been revised and modernized. In many areas, however, not least in the actual management of annual immigration and refugee movements, policies in the two countries are converging.

Whether the exclusive national management of immigration can survive for very long in the next century remains to be seen. It is certain, however, that Canadian and Australian experience in the migration field will be invaluable in helping the international community to develop the new initiatives and new kinds of international collaboration which will be badly needed in the coming years.

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