

# **IMMIGRATION TO CANADA: THE CASE OF MEXICANS**

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MIGSYS**

Immigrants, policies and migration systems:  
An ethnographic comparative approach

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# **Mexican migration to Canada: Policies and Practices**

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Canadian report for the Immigrants, policies and migration systems: An ethnographic  
comparative approach (MIGSYS) project

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## **Mexican migration to Canada: Policies and Practices**

The Migration Systems (MIGSYS) project will seek to understand whether there are links between the migration policies of receiving countries and the decisions of individuals and families who immigrate to those countries. This paper provides an overview of current Canadian immigration policy and recent immigration history in the context of increasing border security. Although immigration policy is a large part of the picture of migration in Canada, in practice it is immigrants and refugees who experience the implementation of this policy. For this reason, the paper examines settlement outcomes of individuals who have migrated to Canada and concludes with a brief discussion of Mexican migration in particular, which has increased significantly since the early 1990s.

### **Section 1: A brief history of Canadian Immigration Policy**

The year 1967 is often seen as a turning point in Canadian immigration history since it was that year that the focus of Canada's policy shifted with the introduction of the Point System that was meant to address the explicit racial discrimination in immigrant selection procedures to that point. The new system assessed applicants seeking entry under an "independent immigrant" category on the basis of several factors that had been assigned a range of points, including education, training, job opportunities, knowledge of an official language, relatives in Canada, and adaptability (Isajiw, 1999). Furthermore, Canada endorsed the United Nations Convention on Refugees in 1970, allowing refugees fleeing Czechoslovakia, Tibet, Uganda, Chile, Vietnam, and Cambodia to enter the

country. Over the next decade, the face of immigration to Canada changed significantly with increasing ethnoracial diversity and a wider range of source countries.

By 1974, when Canada received the largest number of immigrants since before the first World War, the volume of immigration emerged as a concern since the government saw a link between decreasing European immigration and labour market shortages, particularly in the pool of highly skilled and educated workers (Henry, Tator, Mattis, & Rees, 2000). This prompted the drafting of a Green Paper on Immigration that was introduced in the House of Commons and became the new Immigration Act of 1976, which entered into effect two years later. The new Act required the Immigration Minister to prepare annual plans linking immigration levels to economic and demographic needs, in an attempt to ensure that Canada did not accept more immigrants than the labour market could support. It also set up the Immigration and Refugee Board and introduced visa requirements for visitors.

With the economic recession of the late 1980s, amidst growing criticism of immigration and asylum policies, the government sought a way to increase the benefit and decrease the cost to Canada of immigration (Abu-Laban, 1998; Simmons, 1998a). The introduction of three immigrant classes in 1993 further contributed to increasing flows of immigration from non-European countries (Isajiw, 1999). It was around this time that immigration through the economic classes (i.e. skilled workers and business investors) was allowed to increase at the expense of family class immigration. Between 1994 and 2000, entry under the economic class increased from 43 to 53 percent, while from 1984 to 1997 family class immigration decreased from 51 percent to 44 percent (Simmons, 1998a). To further contain the costs of immigration to the Canadian

government, as of 1994 all individuals entering the country were required to pay a landing fee. In addition, in-process refugee claimants were permitted to work and sponsors were responsible for the relatives they sponsored for the first ten years they were in the country. Abu-Laban (1998) suggested that the 1990s introduced the notion of immigrant “integration” as a key policy objective; integration was conceived of as a two-way process in which both newcomers and Canadians had responsibilities.

In 1994, the Canadian government organized public consultations around the future of immigration and refugee policy. This was followed with the establishment of a non-partisan advisory group to review migration policies and programs, which later released a report entitled *Not Just Numbers: A Canadian Framework for Future Immigration* (Davis, Kunin, & Trempe, 1998). The report’s recommendations informed the development of new legislation to replace the 1978 Immigration Act. It was first introduced as Bill C-31, then revised and presented to the House of Commons in February 2001 as Bill C-11. On June 13, 2001, the Act Respecting Immigration to Canada and the Granting of Refugee Protection to Persons Who Are Displaced, Persecuted or in Danger was passed by the House. However, the climate in North America changed considerably a few months later following the events of September 11, 2001; the new Canadian legislation – entitled the *Immigration and Refugee Protection Act* (IRPA) – came into effect on June 28, 2002, along with substantially restrictive measures specified in accompanying regulations and the Anti-terrorism Act that was passed in December 2001 to reflect the increasing focus on border security and anti-terrorism efforts.

## **Section 2: Border security – The new context of immigration**

Although the IRPA was drafted, presented, and approved by Parliament prior to the events of September 11, 2001, its framework structure allowed the government to respond to the increasing focus on security that emerged in North America after this date using regulations. Interestingly, the Act already contained measures such as introducing the fraud-resistant permanent resident card and requiring refugee claimants to pass a security check. It included a new offence related to human trafficking or smuggling, with the penalty for persons found guilty of either offence being life in prison, and allowed for the deportation of permanent residents implicated in serious criminal offences.

On December 12, 2001, Canada and the US signed the Smart Border Declaration, which outlined a 30-point Action Plan to collaboratively identify and address border security issues while ensuring that the flow of trade between the two countries would continue uninterrupted. In 2003, the immigration and enforcement functions of Citizenship and Immigration Canada (CIC) were split: responsibility for immigration and settlement related matters remained with CIC while enforcement and intelligence became the jurisdiction of the new Canadian Border Services Agency (CBSA). Among other national security related responsibilities, the CBSA detains and deports immigrants and refugees determined to be ineligible to remain in the country; it is an agency under the Department of Public Safety and Emergency Preparedness (PSEP), which is the Canadian counterpart department to the US Department of Homeland Security.

Another agreement that emerged in the same period was the Safe Third Country Agreement. This agreement, which requires refugee claimants in Canada or the US to seek asylum in the first “safe” country in which they arrive, entered into force on

December 29, 2004; it applies only to claims made at land border crossings. According to CIC, the agreement's implementation has reduced land border asylum claims by 40 percent (CIC, 2005a). It is difficult to assess the impact of the Safe Third Country Agreement given its relatively recent implementation; however critics suggest it will have a differential impact on gender-based claims in particular and more generally on the success rate of claimants forced to seek asylum in the US where acceptance rates are lower (Canadian Council for Refugees [CCR], 2005; KAIROS, 2005; Macklin, 2003). Two reports released around the first anniversary of the agreement's implementation support these claims (CCR, 2005; Harvard Law School, 2006). In addition, critics argue that it has effectively outsourced refugee screening to the US by allowing for the interdiction of potential asylum seekers before they cross the border and preventing them from making a claim inland.

*a) Migration management*

The Safe Third Country Agreement is just one way in which Canada has focused its migration management efforts. For many years prior to the implementation of this agreement, the government set quotas for entry under various categories as well as overall immigration targets in the annual plans it presented to Parliament; the 2001 plan introduced multiyear planning and indicated that the goal of the country's immigration program was to ensure that migration "contributes to Canada's social and economic interests and...meets Canada's humanitarian commitments"(CIC, 2001b, p.3). In this way, the annual plans are to focus on the selection and integration of immigrants and refugees within the contemporary international and domestic context. The 2001 plan

suggested that the long-term goal of Canadian policy was to achieve annual immigration levels of around one percent of the population.

While these annual plans indicate Canada's objectives with regard to entrance via various categories, the country uses several other measures to manage immigration. Most of these measures involve interdiction in some way, such as the Safe Third Country Agreement, however there are two practices in particular that have moved the interdiction function of migration policy away from Canada's border crossings. The first is the implementation of visa requirements on visitors from many countries. There are 148 countries on the list of countries whose citizens require visas to enter Canada as visitors; this information from the CIC website is current as of May 2004 (CIC, 2004). Under the Canada-US Smart Border Agreement, the two countries agreed to move towards greater harmonization of their visa policies: as of December 2004, they had common visa policies for 175 countries and differed on 18 (Department of Foreign Affairs and International Trade [DFAIT], 2004). A second means of interdiction of potential immigrants is the requirement that all travellers present airline employees and customs officers with appropriate identity and travel documents; an airline must pay the return airfare if an individual is not permitted to enter Canada due to lack of proper documents (Government of Canada, 2001). In this way, the interdiction function of migration management has been outsourced to visa officers, airline employees, and customs officers who as a consequence have a good deal of discretion over who is permitted to board a plane for Canada (Barsky, 2001). The government reported that increased efforts to pre-screen air travelers resulted in an interdiction rate of 72 percent in 2003, when over 6,000

individuals were prevented from arriving in Canada with “improper” documentation (DFAIT, 2004).

Finally, Canada’s bilateral agreements with sending countries are a way to manage immigration. Several researchers have pointed to increasing temporary migration in recent years as an indicator of Canada’s approach to border control, and suggest that the use of temporary workers allows Canada to meet its labour market needs without having to assume long-term responsibility for these individuals and their families (Bauder, 2005; Mueller, 2005; Preibisch, 2004; Sharma, 2006). Of particular relevance in the case of Mexican migration to Canada, the Seasonal Agricultural Workers Program (SAWP) began as a bilateral agreement between Canada and Jamaica in 1966, with several other Commonwealth Caribbean countries joining later; a separate agreement between Canada and Mexico was signed in 1974. This program, under Human Resources and Skills Development Canada (HRSDC), brings in workers each year between the spring and fall to work in several provinces, with Ontario and Quebec receiving the majority. The foreign governments recruit workers and tend to select underemployed, rural males with families and low levels of education; although explicitly committed to assisting individuals with low socio-economic status, it has been suggested that implicit in the tendency of governments to select workers with families is a concern with ensuring that they return home at the end of the season (Basok, 2004; Bauder, 2005; Preibisch, 2004). HRSDC provides the work permits and farmers pay for workers’ accommodation, airfare, and wages. In Ontario and Nova Scotia, a private agency called Foreign Agricultural Resource Management (FARMS) administers the program, while in Quebec, New Brunswick, and Prince Edward Island FERME carries out this role.

Under the SAWP, temporary workers are paid minimum wage and qualify for health and medical benefits. Employers of seasonal workers are required to have Workers Compensation in the event of a workplace accident, while workers themselves make contributions to Unemployment Insurance and Canada Pension Plan programs. Many workers are unaware they have the right to access the benefits of these programs, and the conditions of their entry and tenure in Canada are barriers to their ability to access them (Basok, 2004, 2002; Sharma, 2006). Although they are subject to Canadian labour legislation, farm workers in the province of Ontario are not covered by the Occupational Health and Safety Act or the Labour Relations Act and are not permitted to join unions (Preibisch, 2004). At the end of the season, employers complete an evaluation of each worker that is submitted to the Mexican Ministry of Labour and has resulted in workers being suspended from the program (Bauder, 2005; Preibisch, 2004). Furthermore, although many individuals who come to Canada under this program have spent several years in the country, they do not have the right to apply for permanent residency.

*b) Other temporary worker programs*

Another category of entry was created under the North American Free Trade Agreement (NAFTA) to facilitate the temporary movement of individuals conducting business activities or investments between Canada, Mexico, and/or the United States. Chapter 16 of this agreement, which came into effect in 1994, applies to travel conducted by business visitors, traders and investors, intra-company transferees, and professionals<sup>2</sup>. Business visitors do not need a work permit to enter Canada, while entrants in the other

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<sup>2</sup> Chapter 16, Appendix 1603.D.1 of the NAFTA lists categories of professionals that qualify for temporary entry (Government of Canada, 2003).

three categories do. Numbers of individuals entering under this program, while recorded, are not significant especially when compared to individuals entering under other temporary work programs like the SAWP. Between 1994 and 2001, the numbers of individuals entering Canada from Mexico under the NAFTA professional category went from 34 to 101; during the same period, temporary entry by non-NAFTA workers went from 5,207 to 11,011 (Meyers & O'Neil, 2004). The NAFTA focuses on policies to facilitate the movement of trade, capital, and labour for business purposes within the continent.

A third program through which individuals can enter Canada on a temporary basis as a worker is the Live-In Caregiver Program (LCP). This program grants individuals temporary work permits to care for children, older people, or people with disabilities, and must be renewed annually. In 2002, live-in caregivers began to be permitted to apply for permanent resident status if they complete two years of employment during their first three years in Canada. Advocates indicate that this requirement is often difficult to meet due to delays in processing work permits, illness, or pregnancy. As a result, women who have worked in Canada under the LCP may lose their status, be unable to qualify for permanent residency, and furthermore be subject to deportation (National Alliance of Philippine Women in Canada, 2005).

### **Section 3: Implementation of immigration policy in Canada**

After examining the structure and content of policies, it is crucial to discuss how policies are translated into concrete, daily practice. The IRPA is framework legislation so the implementation and definition of many policies are left to accompanying regulations.

To legislators, this allows for flexibility to respond to issues as they arise rather than having to overhaul the law on a regular basis. The House of Commons must approve regulations however if they are revised before coming into effect, there is no requirement for Parliament's approval<sup>3</sup>. This affords the government wide discretion over matters of immigration without being subject to parliamentary or public scrutiny (Amnesty International, 2001; CCR, 2001; Jimenez & Crépeau, 2002). Matters left to the regulations include definitions of the terms "international rights" and "terrorism," provisions on family reunification, and criteria for the selection of independent immigrants. Although the IRPA became law in June 2002, the new provisions regarding the selection of immigrants are not yet fully implemented. Furthermore, the question of jurisdiction is key in the Canadian context: for instance, the federal government is responsible for immigration policy while health and education matters are provincial jurisdiction. While the federal government determines who may enter the country, it is the provinces and indeed the cities where immigrants and refugees live, work, and settle. For this reason, the IRPA includes a provision for the Immigration Minister to come to agreements with the provinces and territories regarding shared immigration matters.

The most comprehensive federal-provincial immigration agreement is the Canada-Quebec Accord. Signed in 1991, it allowed Quebec to have input into the selection of immigrants who intend to settle in the province as well as authority over settlement services offered to them. Since that time, the federal immigration ministry (CIC) has entered into agreements with the provinces of British Columbia, Manitoba, Alberta, Saskatchewan, New Brunswick, Newfoundland, Prince Edward Island, and the

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<sup>3</sup> Section 5(3): "A proposed regulation that has been laid before each House of Parliament under subsection (2) does not need to be so laid again, whether or not it has been altered"(Government of Canada, 2001).

Yukon Territory. In November 2005, an agreement was finally reached with Ontario; given that this province consistently receives over half of all immigrants to Canada, the signing of the Canada-Ontario Immigration Agreement was long overdue (CIC, 2005b). It called for the investment of \$920 million in Ontario over the next five years and an increase in funding from \$800 to \$3400 per immigrant to help the province meet settlement needs (Government of Ontario, 2005a). Interestingly, the agreement was the first to involve municipal representatives in discussions of immigration matters, which made sense given that in 2001 Ontario had five of the top ten census metropolitan areas (CMA) in which immigrants to Canada live: Toronto, Ottawa, Hamilton, Kitchener, and London (Statistics Canada, 2005a). It remains to be seen how the Ontario agreement will be implemented particularly following the change in federal government in January 2006. In May 2006, the Conservative government introduced its first budget, which contained the following provisions related to immigration: two years of additional settlement funding (CAN\$111 million in 2006-07 and CAN\$196 million in 2007-08) for newcomers across Canada; a reduction of the immigrant landing fee from CAN\$975 to CAN\$490 per person; work to establish the Canadian Agency for Assessment and Recognition of Foreign Credentials (Department of Finance Canada, 2006). The budget also allocated CAN\$404 million for increased border security measures.

Of particular relevance in a discussion of the implementation of immigration policy are the categories under which individuals are permitted to enter a country, as these speak to the focus and priorities of a receiving country. There are currently three main categories of entry into Canada: individuals may arrive as Permanent Residents, Temporary Residents, or Refugees.

*a) Permanent Residents*

Individuals who wish to enter Canada as Permanent Residents must qualify in one of three classes: Skilled Worker, Business, or Family. Skilled workers must qualify under the Point System where education, employment qualifications and experience, and knowledge of one of Canada's official languages are used to assess an individual's application. The IRPA proposed that skilled workers would be assessed using a human capital model that would evaluate the flexibility and transferability of skills rather than current or intended occupation. This was perhaps in response to concerns in policy, academic, and community circles that the credentials of recent immigrants to Canada are not recognized and many foreign-trained professionals face barriers to employment in their field (Bambrah, 2005; Government of Canada, 2001; Policy Roundtable Mobilizing Professions and Trades, 2004).

Business immigrants are expected to make a significant financial investment in Canada or to own or manage a business. There are three classes within this category: investors, entrepreneurs, and self-employed persons. Entrants through the Immigrant Investor Program (IIP) must demonstrate a minimum of CAN\$800,000 net worth and invest CAN\$400,000, while entrepreneurs must have business experience and a minimum net worth of CAN\$300,000.

Under the family class, family members already in the country sponsor individuals who wish to join them. Current policy restricts individuals eligible to be sponsored to lineal relatives (i.e. parents, grandparents, spouses, and children), however historically lateral relatives such as aunts, uncles, and siblings were eligible for sponsorship (Isajiw, 1999). Significantly, the IRPA included both common-law and

same-sex partners under the category of individuals eligible for sponsorship, and increased the age of those considered to be dependent children to under twenty-two from under nineteen. At the same time, Canadian citizens and permanent residents could now sponsor family members at age eighteen rather than nineteen. Sponsors are now responsible for their relatives for three years, which was a change in response to critiques of the vulnerability of women in particular under the ten-year period in place previously. There are still concerns that people are left without clear legal status if they leave a sponsorship relationship, so women may be hesitant to leave an abusive situation if they are tied to a sponsor for their legal status (Schwenken, 2003).

In the last ten years, the numbers of individuals entering the country as permanent residents have risen from 212,869 in 1995 to 235,823 in 2004. During the same period, the number of permanent residents admitted to Canada ranged between 174,200 and 250,638. Individuals who enter the country as permanent residents are eligible to apply for Canadian citizenship after three years, provided they meet the residency requirement of being present in Canada for 730 days out of every five years and have no criminal record. Under the IRPA, permanent residents may be deemed inadmissible to Canada on grounds of security, human or international rights violations, “serious criminality<sup>4</sup>,” organized criminality, or misrepresentation. A permanent resident who is present in Canada and found to be inadmissible on one of these grounds may now be subject to a removal order, forced to leave the country, and lose his/her permanent resident status (Government of Canada, 2001). This policy revision lends credence to the idea that while in theory all Canadian citizens are entitled to the same rights and privileges, in

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<sup>4</sup> Serious criminality refers to being convicted of a crime “that was punished in Canada by a term of imprisonment of at least two years”(Government of Canada, 2001).

practice individuals who were not born in Canada have a differential experience of citizenship with many continuing to be perceived as immigrants for years or generations after they have become citizens (Bannerji, 1996; Thobani, 2000).

*b) Temporary Residents*

While the country publicly has a focus on permanent immigration, with annual targets for entrance through this category, several researchers indicate that in fact the number of individuals entering Canada as Temporary Residents each year is increasing (CIC, 2005b; Mueller, 2005; Sharma, 2006). Temporary residents enter the country on a limited basis as a student, a tourist, or a temporary worker. Students must show that they are registered in an approved academic program and have restrictions on their ability to work while in school. Individuals who wish to enter Canada as tourists generally require a temporary resident visa, however the citizens of some countries do not require a visa. Finally, a significant proportion of individuals entering as temporary residents are seasonal agricultural workers, mostly from Mexico or Jamaica. Since the mid-1990s, numbers of individuals entering under this program have increased substantially, from 261,983 in 1995 to 468,218 in 2004 (CIC, 2005b). As discussed earlier, there are several established temporary worker programs including the SAWP, the LCP, and provisions under the NAFTA. The IRPA suggested that the government would seek to expand temporary worker programs to meet immediate labour market needs: one such example was a 2001 agreement between CIC, HRSDC, and the Greater Toronto Home Builders' Association to address labour shortages in the construction industry in the Greater Toronto Area. The original Memorandum of Understanding was renewed on September

24, 2004, for another three-year period (Construction Recruitment External Workers Services, 2006).

*c) Refugees*

The final category under which individuals can enter Canada is as a Refugee. Individuals enter the refugee protection system in two ways: there is a distinction between sponsored refugees and asylum seekers or refugee claimants. Those who arrive as sponsored refugees come through the Refugee and Humanitarian Resettlement Program, while those who make a claim for asylum inland (i.e. at a point of entry or CIC office) enter the refugee determination process. An individual is considered to be a refugee before entering Canada if she/he falls under the Convention Refugee Abroad Class, the Country of Asylum Class, or the Source Country Class<sup>5</sup>. Non-governmental organizations like the United Nations High Commissioner for Refugees (UNHCR) pre-screen refugees and recommend those in urgent need of protection to the Canadian government, whose refugee selection process also takes into account the ability of individuals to successfully settle in the country before they are admitted as refugees. The IRPA proposed that social factors be included in this assessment along with economic ones, however Canada's refugee selection process continues to be critiqued (CCR, 2001; Hyndman, 1999; Inter-American Commission on Human Rights, 2000; UNHCR, 2000).

Sponsored refugees enter Canada with either government or private support, usually from a religious or non-profit group that agrees to assist with the costs of an individual's or family's settlement for up to a year. Once sponsored refugees arrive in Canada, they receive landed immigrant status and related entitlements, however the delay in receiving permanent resident status, which can often take several years, leaves landed

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<sup>5</sup> See CIC 2005d for a more detailed description of these classes.

refugees in limbo. Since only permanent residents and citizens are able to sponsor family members, families may be separated for years before being reunited (Bernhard, Landolt, & Goldring, 2005; Brouwer, 2005; CCR, 2004; Coates & Hayward, 2005). Since refugees are fleeing dangerous situations, for various reasons they are often unable to secure government-issued identity documents and thus enter Canada as “undocumented” refugees. The IRPA reduced from five to three years the waiting period for undocumented refugees to receive landing (Government of Canada, 2001).

For individuals who make a claim for asylum inland, the path to being granted refugee status is less certain. These individuals undergo a complex process while they await determination of their status by the Immigration and Refugee Board (IRB): the sequence of hearings, appeals, and applications may extend over a number of months or years. The significant delays in determination of refugee claims in particular leaves many people in precarious situations with uncertain legal status for an extended period of time (Brouwer, 1998; CCR, 2004; Simich, Mawani, Wu, & Noor, 2004; Yau, 1995); until their claim is decided, refugee claimants are considered to be temporary residents (CIC, 2005b). The IRPA acknowledged these concerns when it included a provision for more rapid processing of inland refugee claims, with referral to the IRB to be made within three working days and a single hearing to examine all grounds of risk (Government of Canada, 2001). Since the mid-1990s, the numbers of inland refugee claims have been increasing however the success rate of these claims remains low and in fact had decreased to 40 percent by 2004 (CCR, 2006; Schellenberg, 2001; US Committee for Refugees and Immigrants [USCRI], 2004).

*d) Undocumented immigration*

Little is known about the issue of undocumented immigration in Canada due to a lack of systematic research in the area, however there is a sense that the situation of this population in Canada differs from that in the United States where the migration regime and socio-political context are distinct. In particular, the Mexico-US border is a focal point for researchers, policy makers, and the public who see it as the source of the vast majority of so-called “illegal” migration into the US. Estimates of the size of this population in Canada vary widely, with the last official figure offered as of January 1, 1982 and set at 46,604 individuals (Canada Employment and Immigration Advisory Council, 1982). While it is difficult to discern the number of individuals living in Canada with uncertain legal status, recent estimates of the “undocumented” population range from 20,000 to 400,000 people (Keung, 2005; Robertson, 2005).

There is a growing interest in the situation of these immigrants among academic and community-based researchers and activists who claim that the term “undocumented” is inappropriate in the Canadian context since the country’s immigration policies and location make it difficult for individuals to enter the country undetected. They suggest that using a term such as non-status or less than full status would be more accurate to describe the precarious legal status of these individuals (Goldring & Berinstein, 2003; Berinstein, McDonald, Nyers, Wright, & Zerehi, 2006; Young, 2005). Although most studies to date of this population in Canada relate to lack of access to services, especially healthcare, education, and police, there is a deeper concern with issues of social citizenship (Bannerman, Hoa, & Male, 2003; Berinstein et al., 2006; Bernhard et al., 2005; Chakkalakal & Neve, 1998; Committee for Accessible AIDS Treatment, 2001;

Khandor, McDonald, Nyers, & Wright, 2004; San Martin, 2004). In Canada, different kinds of legal status afford individuals distinct bundles of rights with citizens and permanent residents guaranteed a fuller set of privileges than individuals in more temporary relationships to the state. In a sense, the structure and implementation of Canada's immigration policy create a differential system of rights with many people living in uncertain situations while they await determination of their status (Goldring & Berinstein, 2003; Omidvar & Richmond, 2003; Simich et al., 2004). Yet, because the requirements for entry as a permanent resident have become increasingly selective, it is more difficult for individuals to enter Canada with permanent status. It is possible that the rising number of inland refugee claims in the past ten years speaks to this difficulty, with more individuals entering the country on a temporary basis and perhaps seeking to remain.

#### **Section 4: Outcomes of Canada's immigration policy**

Although immigration policy is a large part of the picture of migration in Canada, in practice it is immigrants and refugees who experience the implementation of this policy. While there is much debate as to whether the changes implemented in 1967 with the Point System did in fact remove racist considerations from the immigration system<sup>6</sup>, what is clear is that ethnoracial diversity in Canada has increased substantially in the past few decades. The 1990s have been described as the decade of immigration with average annual immigration levels of more than 200,000 people, the highest numbers since the period between 1896 and 1914 when three million people immigrated to Canada, 400,000

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<sup>6</sup> See Bannerji, 1996; Das Gupta, 1994; Simmons, 1998a, b; Thobani, 2000 for discussion of the ongoing systemic racism in Canada's immigration policies.

in 1914 alone (George & Fuller-Thompson, 1997; Kelley & Trebilcock, 2000). Since 1999, the top four source countries for immigration as permanent residents have been China, India, Pakistan, and the Philippines: in 2004, individuals from these countries accounted respectively for 15, 11, 6, and 5 percent of newcomers to Canada (CIC, 2005b). If the United States, Iran, the United Kingdom, Romania, South Korea, and France are added, these top ten source countries accounted for 52.5 percent of newcomers to Canada in 2004 (CIC, 2005a, b). It is projected that by 2017, immigrants will make up 22 percent of the country's population and that 19 to 23 percent of the population will be considered "visible minorities"<sup>7</sup> (Statistics Canada, 2005b). The majority of immigrants to Canada come to its three largest cities of Toronto, Montreal, and Vancouver, with 73 percent settling in one of these Census Metropolitan Areas as of 2001 (Schellenberg, 2004). In 2001, 44 percent of Toronto's population was foreign-born (Statistics Canada, 2003a).

The annual levels and source countries of immigrants to Canada have varied with changes in immigration policies and practices, as well as with the socio-economic and political climate both within and outside the country. There are two key factors in the current socio-economic profile of Canada that have an influence on immigration. The first is declining levels of population growth, with current levels so low that Ley & Hiebert (2001) have suggested that Canada's immigration policy has become its population policy. The second factor is Canadian labour market needs with immigration supplementing insufficient labour supplies and supporting economic growth. Indeed in Canada, as in most immigrant-receiving nations, immigration has historically been the

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<sup>7</sup> In the *Employment Equity Act* (1995), the term "visible minorities" is defined as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour."

major source of labourers on projects such as the construction of the railways, and continues to be so. In Ontario, immigration currently accounts for an estimated 70 percent of the province's net population growth, and by 2011 will provide all of the net labour force growth (Government of Ontario, 2005a). Current immigration policy has responded to Canadian labour market needs in two significant ways: through temporary worker programs such as the SAWP and the LCP and through the introduction of the skilled worker and business classes of permanent residents.

*a) Differential outcomes for immigrants*

Although under Canadian law all citizens and permanent residents are entitled to the same rights, apart from being able to vote in federal and provincial elections, there is in fact growing evidence of inequality between individuals who are immigrants and those who are native-born. This inequality has been observed in both access and outcomes in areas ranging from employment and education to healthcare and housing, all of which are key components of the settlement process. Individuals who have come to Canada in the past ten to fifteen years face more barriers than did previous generations of immigrants. Recent cohorts of immigrants and refugees have experienced significant levels of unemployment and poverty; these negative outcomes have been particularly prevalent among refugees, who already face many challenges in the settlement process (Kazemipur & Halli, 2000; Omidvar & Richmond, 2003; Simich et al., 2004). Numerous studies have documented employment and income disparities between immigrants and native-born individuals, which are most pronounced for racialized immigrants (Christofides & Swidinsky, 1994; Harvey, Siu, & Reil, 1999; Kazemipur & Halli, 2000; McIsaac, 2003; Pendakur & Pendakur, 1998; Reitz, 1998, 2004). It is estimated that the differential

incomes earned by immigrants cost the economy approximately \$55 billion annually (Reitz, in Siddiqui, 2001).

Despite having on average higher education levels than native-born individuals, immigrants to Canada face barriers to finding employment (Badets & Howatson-Leo, 1999; Kazemipur & Halli, 2000; McDonald & Worswick, 1997; McIsaac, 2003; Schellenberg, 2004). In addition, people aged 25-64 with a university degree who had immigrated to Canada between 1991 and 1998 were more likely to be employed in moderate- or low-skilled jobs (Schellenberg, 2004). This discrepancy is an embarrassment for the federal government since in many ways it belies the promise of the skilled worker class in particular and of the linkages between immigration and labour market needs more generally; the lack of recognition of foreign credentials has recently received a great deal of attention from policy makers (CIC, 2005c; Department of Finance Canada, 2006; Government of Ontario, 2005b).

It is important to note that the unemployment and underemployment of immigrants goes beyond skilled worker entrants. Among people who had entered Canada in 1998 and were employed in 2000, individuals who had come through the skilled worker class earned on average CAN\$33,000 compared to an average of CAN\$15,400 for those who had entered as refugees (Schellenberg, 2004). Significantly, more recently arrived immigrants earn less than those who had immigrated earlier, even when age, education, and time spent in Canada are factored in; in most CMAs, immigrants are at least twice as likely as workers who are Canadian-born to have low income (Schellenberg, 2004). In Toronto, Lee (2000) found that 32.9 percent of immigrants and

63 percent of non-permanent residents were living below the poverty line in 1995<sup>8</sup>. According to the study *Poverty by Postal Codes* released in 2004, between 1980 and 2000 the percentage of residents in low-income neighbourhoods who were recent immigrants increased from 24.4 to 39.1 percent (United Way of Greater Toronto & Canadian Council on Social Development, 2004). A disturbing trend is that immigrants and refugees in Canada are increasingly living in situations of “absolute homelessness” meaning they use shelters and/or reside outdoors. In 1999, 24 percent of families using emergency shelters in the City of Toronto and 23 percent of single people who used a shelter more than five times that year were refugees (Ballay & Bulthuis, 2004).

Despite the focus of Canadian immigration policy on selecting individuals who will integrate with minimal cost and maximum benefit to the country (Government of Canada, 2001), the growing social inequality that has been observed between newcomers and native-born Canadians suggests that there are systemic issues at play. In other words, the experience of differential access and outcomes for immigrants and refugees points to the persistence of racial discrimination in Canadian institutions and systems (Basran & Zong, 1998; Calleja, 2000; Galabuzi, 2001; Henry & Tator, 2005; Kunz, Milan, & Schetagne, 2000; Ornstein, 2000, 2006).

## **Section 5: Mexican Migration**

In this section, we conclude with a discussion of Mexican migration to Canada. It is difficult to assess how many “Mexicans” are entering or living in Canada at a given time due to limitations in the data that often record information on the basis of country of origin or last permanent residence, rather than country of birth or self-identified

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<sup>8</sup> The figure for Canadian-born individuals was 21.5 percent.

ethnoracial background. Using data that refer to “Mexico” as country of last permanent residence as an indicator of ethnicity or place of birth would be inaccurate, since high numbers of Central Americans use Mexico as a transit country en route to the US or Canada (Alba, 2004). Moreover, statistics are often not disaggregated so Mexicans are subsumed into the large “Latin American” category. A final caution with respect to data on temporary workers, significant numbers of whom are from Mexico, is that statistics on stocks of foreign workers are enumerated each year on December 1<sup>st</sup>, when most migrant workers have returned to Mexico; thus, these figures do not accurately reflect the numbers of Mexicans living in Canada each year.

*a) Factors that mediate Mexican migration to Canada*

Another crucial consideration in any discussion of Mexican migration to Canada is the North American context. Historically and currently, Mexican migration is overwhelmingly to the US: in 2000, the US Census Bureau estimated that the Mexican-born population was more than nine million people, over half of whom were believed to be undocumented and one-fifth of whom were naturalized citizens (Alba, 2004; Meyers & O’Neil, 2004). This compares to 42,720 Mexicans living in Canada as permanent or temporary residents in 2001<sup>9</sup> (Mueller, 2005). Many factors explain the consistently high levels of Mexican migration into the US, from historical linkages to geographic proximity to established social and familial networks. In addition, this migration has a strong economic basis: income disparities have been growing not only between Mexico and the US but also within Mexico, where in the 1990s one quarter to one third of the population

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<sup>9</sup> According to Statistics Canada, Census of Canada, 2001. This figure is based on country of last permanent residence so likely is not an accurate reflection of the Mexican population.

was living in poverty (Alba, 2004). There is also an ongoing demand for low-skilled labour in agricultural, manufacturing, and service sectors in the US.

The NAFTA recognized the strong economic links among the US, Mexico, and Canada, however the 1994 agreement paid little attention to larger continental migration issues. Instead, North American migration policies have been “guided more by political circumstance than by a well-articulated vision. The lack of parity between the US-Canada relationship and Mexico’s relationship with its northern neighbours has helped frustrate attempts to develop such a vision”(Meyers & O’Neil, 2004). What limited cooperation there has been to this point has been driven by the security agenda in the form of initiatives like the Smart Border Accords between the US and its two neighbours.

It is important to consider the role of the US in the Mexico-Canada migration nexus not only as a likely factor in the historically low but more recently increasing numbers of Mexicans migrating to Canada, but also in helping to explain the nature of Mexican migration to Canada, in terms of the categories under which individuals enter the country and the socio-economic classes represented by these individuals. For instance, although students, professionals, and agricultural workers all enter as temporary residents, their socio-economic status and position in relation to Canada are very different. Interestingly, unlike the US, Canada does not have a visa requirement for Mexicans who are visiting the country as tourists (CIC, 2004).

#### *b) Nature of Mexican migration to Canada*

Whittaker (1988) suggested that Mexican migration to Canada was primarily of individuals with professional backgrounds, who were skilled, educated, and from urban backgrounds, since these people would have the resources to “choose” Canada and were

accepted as immigrants because they fulfilled a need in the Canadian economy. While this may have been the case at the time she was writing, the 1990s ushered in a new phase of Mexican migration to Canada. By 2001, there were 42,740 Mexican-born individuals living in Canada compared to 22,035 in 1991. This increase is due in part to the return migration of a Mennonite population from Northern Mexico that had left Manitoba and Saskatchewan in the 1920s due to harsh treatment by the Canadian government (Basok, 2002; Castro, 2004; Mueller, 2005). However, since many of these migrants had Canadian citizenship rights, they would not have entered the country as immigrants and would appear only in the Census data and not in statistics on immigration.

According to Statistics Canada, the 2001 figures represented 36,225 permanent residents and 6,525 temporary residents from Mexico living in Canada; within the category of Mexicans living in Canada as permanent residents, about one half entered the country after 1991 (Mueller, 2005). While this recent increase in the numbers of Mexicans entering Canada coincides with the implementation of the NAFTA, it is difficult to make a direct link between the two phenomena. The agreement did facilitate the entry of Mexicans into Canada for employment purposes, mostly in the highly skilled NAFTA worker categories. While between 1994 and 2001, there was a 122 percent increase in the number of Mexican workers entering Canada on a temporary basis, the largest increase was in the intermediate and clerical categories in which individuals entering through the SAWP are counted (Mueller, 2005). The flow of foreign workers under this program has increased annually with 18,755 farm workers arriving in Canada in 2004, including about 10,000 Mexican workers (Mueller, 2005).

Another significant increase in temporary residents has been in the student category: between 1990 and 2001, there was a 400 percent increase in the number of Mexican students in Canada from 882 to 4,475. During this same period, the flow of Mexican students into the country increased by 465 percent, from 856 entering in 1990 to 4,847 in 2001. The fact that the stock of students in the country has not risen in proportion to the flow suggests that many of them come to Canada for short-term study only (Mueller, 2005). However, this increase in both stocks and flows of Mexican students in Canada is relevant to discussions of immigration since foreign students often apply for permanent resident status after completing their studies.

Finally, in the past ten years the number of humanitarian arrivals from Mexico has steadily increased. In 1996, Mexico began to show up in the top ten list of source countries<sup>10</sup> for asylum seekers in Canada with 913 applications; by 2003, it was in third place with 2,496, and by 2004, second with 2,656 (CIC, 2005b; CCR, 2006; Mueller, 2005; USCRI, 2004). However in 2004, of the 2,684 Mexican refugee claims finalized by Canada's Immigration and Refugee Board (IRB), only 25 percent were accepted (CCR, 2006; Mueller, 2005). This may be due to the perception that Mexico is not a "refugee-producing country," and that asylum seekers from the country are primarily economic refugees. However, according to Escalante (2004) the two most common bases for claims by Mexicans in 1996 and 1997 were sexual orientation and domestic violence.

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<sup>10</sup> It is important to reiterate that because Mexico is a transit country for refugees from Central America, the numbers may include individuals who were neither born in nor long-term residents of Mexico. This point is reinforced by the fact that in 2004, the US was the top source country of the humanitarian population in Canada (CIC, 2005b).

## **Section 6: Discussion**

By providing a thorough overview of the development and current status of Canada's immigration system as well as placing it firmly in its North American context, it is now possible to proceed with a deeper examination of what this context means for Mexican migration to Canada. At this point it is crucial to highlight three key issues for consideration. First, the fact that Mexican migration within North America is overwhelmingly to the US no doubt influences Mexican migration to Canada. It may have an impact on the categories under which individuals are able to enter and also on their experiences once they are within Canada's borders. To what extent and in what ways does the North American context influence Mexican migration to Canada?

Second, the majority of Mexicans currently living in Canada entered in the 1990s, when researchers began to observe differential outcomes in employment, housing, education, and healthcare for immigrants and refugees compared to native-born Canadians. In particular, they document higher unemployment rates and lower wages for recent immigrants compared to both older cohorts of immigrants and native-born Canadians, and suggest that these observations have implications for notions of social citizenship and equity.

Finally, it is important to be mindful that the number of asylum claims from Mexicans entering or within Canada has been increasing since 2001, and to note that there is also a low acceptance rate of these claims. The increasing claims and low rate of successful determinations are important in the light of emerging research into the poverty and marginalization experienced by refugee claimants due to the uncertainty of the

outcome of their claims and in particular by individuals and families living with uncertain legal status in Canada.

The pilot qualitative research project will begin to delve into these questions and point to avenues for further research. The observation of negative experiences and differential outcomes for recent immigrants to Canada has coincided with increasing Mexican immigration, and moreover have occurred within the context of increasing border security that has dominated North America in recent years. Exploration of these questions in the interviews with Mexican migrants in Canada regarding their experiences could be a crucial contribution of the MIGSYS project.

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