Consultation, Conflict, and Collaborative Federalism:
Canada-Ontario Immigration Relations, 1970-2005

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy
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Abstract

The provision of immigrant settlement services has long been recognized in the social science literature as essential to the economic, social, and political integration of immigrants to Canada. The 1976 Immigration Act, enacted in 1978, was a catalyst for increased provincial involvement in immigration, a jurisdiction shared between the two governments yet largely managed by the Canadian federal government. The new Act initiated a flurry of bilateral federal-provincial cooperation accords on immigrant settlement throughout the 1980s, 1990s, and 2000s. Yet, the Canada-Ontario Immigration Agreement (COIA), signed in November 2005, was the last of ten bilateral immigration accords to be signed in Canada. While other Canadian provinces successfully leveraged their jurisdictional capacity in immigrant settlement through the successful negotiation of bilateral immigration agreements with the federal government, the finalization of a Canada-Ontario agreement on immigration and settlement remained in bureaucratic and political impasse for decades despite Ontario’s position as the province receiving the largest proportion of total immigrants to Canada.

The purpose of this dissertation is to explore the process by which Ontario’s first intergovernmental immigration agreement, decades in the making, was successfully concluded in
2005. Drawing on archival government documents, extensive interviews, and multiple interdisciplinary analyses, this dissertation traces the trajectory of Canada-Ontario-municipal intergovernmental negotiations in the shared jurisdiction of immigration and settlement from 1970-2005 to show how these intergovernmental relations evolved against a dynamic backdrop of demographic shifts, changing international norms, bureaucratic restructuring, and broader political agendas and economic interests.

The dissertation demonstrates that while the negotiation of the 2005 Canada-Ontario Immigration Agreement marked a new leaf in intergovernmental cooperation, the Canada-Ontario immigration relationship remains wrought with complexity. Ontario’s unique approach to immigration consultation, continued disputes over devolution and federal spending power, and fluid federal-provincial-municipal jurisdictional boundaries in the province continue to pose a challenge to existing theories of collaborative federalism and multilevel governance.
Acknowledgments

Completing a dissertation is a learning process in more ways than one – it is as much a personal undertaking as it is an academic pursuit. I am fortunate to have had a great number of remarkable teachers whose assistance was instrumental in carrying me through the end of this project.

Several years before I developed my thesis topic, or even entered the doctoral program, I had the pleasure of working with exceptional scholars who provided me a stimulating environment in which to explore themes of international migration and public policy. My pursuit of doctoral research was due in large part to the encouragement of these mentors at the University of Toronto and Ryerson University, especially Dr. Linda White, Dr. Donald Forbes, Dr. Myer Siemiatycki, and Dr. Monica Boyd. I am grateful to these professors for their contributions to my scholarly thinking and professional development.

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This work rests on the willingness of participants in Canada and Ontario’s policy process to share their experiences, insights and expertise. I thank those who participated in interviews for their
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Dissertation writing can be a very lonely process. Fortunately however, the most demanding moments in life are endured much better with laughter and good company. I owe much to my

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1As is the usual caveat, while I am grateful for the assistance of the many contributors to this work, any errors in fact or interpretation are mine alone.
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This dissertation, with love and immense joy, is dedicated to them.
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Statement on Terminology

The phrase “Department of Immigration” is repeatedly used in this study in reference to the Canadian federal departments responsible for immigrant selection, management, settlement, and integration.

From 1970-2005 (the period covered in this dissertation), the Department of Immigration had several manifestations. From 1966-1977, responsibility for the immigration portfolio was held by the Department of Manpower and Immigration. From 1977-1991, the Department was known as the Canada Employment and Immigration Commission (CEIC), which funded and implemented immigration and settlement programs in partnership with the federal Secretary of State for Citizenship (SOS) from 1966-1991. From 1991 to 1994, the Department of Multiculturalism and Citizenship held responsibility for immigration selection, management, and settlement.

Since 1994, the federal department responsible for immigration has been known as the Department of Citizenship and Immigration Canada (CIC).
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Chapter 1

Introduction: Federalism and Immigrant Settlement and Integration in Ontario

Immediately following the 2005 joint Canada-Ontario announcement of the signing of a bilateral immigration agreement by both the federal and provincial Ministers responsible for Citizenship and Immigration, an unmistakable wave of optimism swept swiftly across Ontario’s immigration settlement sector. The fervor sparked by this political announcement of November 21, 2005 was reinforced by the immediate release of media reports peppered with references to the bilateral immigration agreement as “ground-breaking,” a “landmark deal,” “history-making,” and “the most significant development for the integration of immigrants in [Ontario].”

Coincidentally, despite representing two different orders of government, Member of Parliament (MP) Joe Volpe, then federal Minister of Citizenship and Immigration Canada, and Ontario’s provincial Minister of Citizenship and Immigration Member of Provincial Parliament (MPP) Michael Colle, served the same voter base of north-east Toronto, historically a Liberal Party stronghold. Senior officials in their respective governments had been ironing out the details of the Canada-Ontario Immigration Agreement (COIA) for over a year. At the Toronto announcement, Volpe declared, “There are those who have seen this immigration system as

being dysfunctional…Today is one of the first steps in changing that perception.”

Enthusiasm for the agreement among frontline settlement workers, immigration researchers, and policymakers was palpable. For many, the bilateral agreement signaled a new era in Ontario immigration and settlement which had been long overdue. Among the Canada-Ontario Immigration Agreement (COIA)’s many promises was a significant increase in funding for settlement services: the new agreement was backed by a concrete $925 million-over-five-years investment in immigrant settlement services from the federal government in Ottawa. The federal government planned to spend most of these dollars directly on its own Canada-wide immigrant settlement programs, while transferring a portion of it to the Ontario provincial government to support provincially-funded immigrant integration programs. For decades, Ontario consistently received by far the most immigrants arriving in Canada. To be sure, by 2005 the province of Ontario was receiving approximately 140,500 immigrants per year - close to 54 percent of the total number of immigrants to Canada. Yet, already inadequate immigrant

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4 Federally-funded programs designed for the integration of immigrants into Canada include information and referral provided through the Immigrant Settlement and Adaptation Program (ISAP), language training through the Language Instruction for Newcomers to Canada (LINC); and assistance to refugees funded through the Settlement and Resettlement Assistance Program (RAP). With respect to settlement funding levels, the Canada-Ontario Immigration Agreement states: “Beyond the annual settlement funding allocated in Ontario, in the order of $109.6 M [million] in 2004-05, Canada agrees to invest additional resources for settlement services and language training for prospective immigrants to, and immigrants residing in Ontario. Canada commits to providing incremental funding that will grow over a five year period to reach a cumulative total of $920 M in new investments by 2009-10. Citizenship and Immigration Canada (CIC), The Canada-Ontario Immigration Agreement, Electronic Version. Original Signed November 21, 2005. http://www.cic.gc.ca/english/department/laws-policy/agreements/ontario/ont-2005-agree.asp

5 In 1960, approximately 52% of immigrants admitted to Canada gave Ontario as their intended destination. In 2005, 45 years later, Ontario received 54% of the country’s 262,236 permanent residents. See Dominion Bureau of Statistics, “Intended Destinations of Male and Female Immigrants Admitted to Canada, 1957-60” Canada Year Book 1961 (Ottawa: Dominion Book of Statistics, 1961); See also Citizenship and Immigration Canada, Annual Report to Parliament on Immigration 2006 “Table 6: Permanent Residents Admitted in 2005 by Destination and Immigration Category” (Ottawa: Citizenship and Immigration Canada, 2006).
settlement funding allocations had remained unchanged since the 1990s. The province had long complained about getting short-changed on federal funding levels for assisting newcomers with initial settlement and long-term integration into the labor market. What’s more, over the course of the previous 50 years, the composition of new immigrants had changed radically and it was increasingly clear that many of the more recent arrivals, while highly educated, were not faring as well in terms of labour market outcomes as those in previous decades.

While the Canada-Ontario Immigration Agreement was not the first federal-provincial immigration agreement in Canada, it was considered a “landmark.” One component which made the COIA truly unique among existing federal-provincial bilateral immigration agreements in Canada was its provisions for establishing a formal partnership with a third level of government: municipalities. The 2005 agreement outlined new intergovernmental cooperation structures aimed at enhancing the impact of Ontario’s immigrant settlement sector. Municipal governments, who had for years sought inclusion in immigration discussions, were to become key stakeholders in long-term settlement program planning through the new deal.6

Even more noteworthy, from the perspective of many of Ontario immigrant settlement non-governmental organizations (NGOs), were the opportunities made possible for increased funding levels. From the perspective of community organizations providing immigrant settlement services, commonly referred to by the federal Department of Citizenship and

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6 Specifically, Annex F of the 2005 Canada-Ontario Immigration Agreement outlines objectives and priorities for federal and provincial partnerships with Municipalities. CIC, 2005 Canada-Ontario Immigration Agreement. See also Nicholas Keung and Bruce Campion-Smith, “Cities could choose immigrants they get; Minister Sgro hails negotiations as ‘huge step’ Ottawa-Ontario talks expected to take rest of year” Toronto Star, May 7, 2004; and Keith Leslie, “Ontario and federal governments give municipalities say in new immigration deal” Canadian Press, May 6, 2004.
Immigration Canada as ‘Service Provider Organizations’ (SP0s), this promised that government funding would soon be enough for SPOs to recover the full amount of their administrative and operational costs for providing services, such as market rent. Newcomer language training classes could be moved from “almost free” church basements to well-appointed, non-religious school settings, bringing with each program an increased level of professionalism. Settlement workers could look forward to comparable salaries as professionals such as social workers elsewhere in the social services sector, and agencies would not be financially strained by providing settlement workers with health benefits.

The financial investment in the sector would be felt at the provincial government level as well. In Ontario, the size of the provincial Ministry of Citizenship and Immigration increased greatly following COIA, as did its planning capacity. The Ontario Ministry of Citizenship and Immigration evolved from having only one policy advisor on immigration in 2004 to approximately 10 policy advisors in 2010.

Oddly, the Canada-Ontario Immigration Agreement was the last federal-provincial immigration agreement to come into effect in Canada. Considering that Ontario’s share of immigrants was the highest among all provinces, it is somewhat surprising that Ontario lagged behind its other provincial counterparts in to signing its first immigration agreement with the federal government. By the time Canada-Ontario negotiations were concluded in autumn of 2005, all of the other Canadian provinces boasted immigration agreements with the federal government.

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7 Federal immigration operations passed through several departmental incarnations from 1976 onward. The latest of these incarnations is the Department of Citizenship and Immigration Canada, established in 1994.
8 Interview with Bill Sinclair, March 15, 2011.
9 Interview with Katherine Hewson, December 15, 2010.
government —many of these agreements more than a decade old. In fact, Québec, British Columbia, and Alberta had by then renewed and “modernized” their federal-provincial immigration agreements multiple times.

Ontario’s status as the last province to conclude an intergovernmental immigration agreement is especially surprising given Ontario’s long-term involvement in the provision of immigration services. Ontario previously pioneered several bureaucratic firsts in immigration; the province was active in recruiting immigrants to fill specific labour shortages after the Second World War, and in 1947, the Ontario government arranged to fly several thousand British immigrant workers into the province. Subsequently, the province continued to be active in immigrant recruitment, and in 1965 the Ontario Economic Council described the Ontario immigration service as “a specialized personnel service designed to meet the requirements of Ontario employers for skilled workers unavailable in the Canadian market.”

Ontario’s historical involvement in the funding and delivery of settlement programs is also extensive. The Ontario Ministry of Citizenship and Culture’s Newcomer Services Branch opened Ontario Welcome House in Toronto as a pilot project in response to the arrival of Ugandan refugees in 1973. In the beginning, the provincial government-administered agency only served Ugandan Asians, but in fiscal year 1973/74 it was decided that other immigrant groups would also be served. In 1985/86, the Ontario Ministry of Citizenship and Culture created the Ontario Settlement and Integration Program to administer and provide grants to immigrant settlement programs, and by fiscal year 1986/87, 68 percent or 23,000 of the almost 34,000 newcomers to

\[\text{10} \text{ Further, in 1965 the Ontario Minister of Economics stated that “the Ontario Immigration Branch has extended its activities….in addition to opening a new office in Scotland, it is seeking and finding in Northern Europe, the skilled help so badly needed in Ontario.” Ontario Economic Council, Human Resources Development in the Province of Ontario, education, retraining, immigration} (Toronto: Ontario Economic Council, 1966), 5.\]
Metro Toronto were serviced by the four Welcome Houses in the city.\textsuperscript{11}

The high degree of optimism and enthusiasm witnessed after the announcement of the 2005 Canada-Ontario Immigration Agreement was unseen in provinces which had previously signed bilateral immigration agreements with the Canadian federal government, and for good reason. The conclusion of Ontario’s bilateral immigration agreement was the latest installment in a series of intergovernmental debates over three decades in the making. Years of misaligned policy interests, lack of political will, and failed negotiations due to changes in government and disagreements about funding allocations had convinced many within the Ontario immigrant and settlement policy sector that the adoption of any Canada-Ontario immigration agreement, let alone a generously-funded one, was highly improbable. Yet, as is often the case with formal intergovernmental accords, more celebrated than the technical details and legalese contained in the agreement itself are the unspoken intentions behind each deal.\textsuperscript{12} And, for many observers and direct provincial stakeholders, the pledges contained in the 2005 Canada-Ontario immigration agreement lay the foundations for the federal, provincial, and municipal governments to regularly gather in the same room, build trust, and work toward common objectives that would have a positive impact on the lives of many immigrants to Canada and those who assisted in their settlement.

Drawing on multiple interdisciplinary analyses which recognize government administration as an ensemble of institutional rules, government and non-governmental interests, and macro-level economic and international forces, this dissertation examines Canadian


\textsuperscript{12} F. Leslie Seidle, 2010.
intergovernmental relations in the shared federal-provincial policy jurisdiction of immigrant settlement and integration between the years 1971-2005, with specific attention being paid to Ontario. Indeed, the evolution of Canada-Ontario immigration relations takes place within a dynamic landscape of changing governments, bureaucratic restructuring, intergovernmental negotiations, civil society advocacy, and immigrant settlement outcomes. Similarly, the story of efforts to negotiate a bilateral Canada-Ontario immigration agreement is one of many false starts. As such, rather than exploring the content of the bilateral deal in detail, this study is concerned with explaining the specific factors which hindered formal Canada-Ontario cooperation on immigration. As each period in immigration and settlement policy development is examined in this work, the following research questions are considered: What events shaped the flow of stakeholder participation, the range of issues and problems considered important, and the generation of solutions? What compromises were made in the policy or political process? In what ways did definitions of the policy challenges change as immigration policy stakeholders changed?

This study is primarily concerned with concurrent federal-provincial jurisdictions of immigrant selection, settlement and integration, rather than the exclusively federal areas of immigrant naturalization, deportation, immigration enforcement, or national security. The remainder of this chapter thus examines the origins of immigrant voluntary organizations, the evolution of early immigrant associational life into modern immigrant settlement organizations, and the interplay of these associations with government institutions to facilitate the process of immigrant integration. Next, the contemporary scholarly literature on Canadian federalism, political asymmetry, and intergovernmental cooperation are reviewed in order to provide a conceptual background for intergovernmental negotiation discussions in subsequent chapters of this dissertation. Finally, this introduction concludes with an outline of the chapters that follow.
Formal academic and practitioner interest in the joint management of immigrant settlement, selection, and integration stemmed from a convergence of several factors since the early 1970s, including urbanization, international migration trends, and shifting government attitudes towards federalism, social service investment, and state-civil society relations. The contemporary Canadian notion of mass immigration as a positive resource, along with an existing network of social services facilitating the economic, linguistic, social, and political integration of immigrants into the host society underlies much of the discourse on immigration in Canada. However, in the midst of mid-1970s legislative changes in Canadian immigration, settlement programming and service delivery were much more experimental and tentative, as members of the federal, provincial, and social service sectors disagreed about the underlying values, goals, and structures underpinning immigration and settlement service provision.

The reality of federalism, and its division of powers, is central to Canadian government administration and equally crucial to understanding the management of immigrant settlement programs in Canada. In 1867, Canada became the first country in the world to have combined the parliamentary and federal systems of government to produce a federation with 11 distinct jurisdictions of governmental authority: the national federal government, and 10 provincial governments. Responsibility for (and control of) immigration in Canada, although constitutionally defined since 1867 as an area of concurrent federal and provincial jurisdiction,

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was primarily held by the federal government until the early 1960s. Beginning in the post-Confederation era, Canada’s Minister of Agriculture held responsibility for Immigration, and the two policy domains of agriculture and immigration continued to be treated as one unit until 1892. Subsequently, the Immigration portfolio was transferred to the Department of the Interior and remained there until 1917.

The federal government’s combining of the immigration and agriculture domains was not an arbitrary pairing. Immigration policy was a part of a larger set of national policies, several of which were rooted in the notion that Canada’s economic wellbeing was tied to its agricultural output. To ensure enough agricultural labourers the government actively recruited settlers from Central and Eastern Europe. Among other nation-building projects, the completion of a transcontinental railway and maintaining an agricultural policy aimed at enticing agrarian immigrants to settle in Western Canada remained key federal preoccupations from Confederation until the Great Depression of the 1930s, when Canada closed its doors to immigration. In 1947, in the face of renewed economic prosperity, Prime Minister William Lyon Mackenzie King declared that postwar immigration policy would pursue two goals: over the long term, immigration would be used to increase the country's population. Over the short term, immigration flows would be controlled so as to ensure a consistent supply of workers for labour-intensive Canadian industries, while at the same time avoiding an excess of labour force.

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16 The 1867 Constitution Act outlines four concurrent (or shared) jurisdictions between federal and provincial orders of government: agriculture and immigration (s95), and old-age pensions and supplementary benefits (s94A). In the case of dispute, the constitutional distribution of powers holds that federal legislation will prevail for areas under s95 and provincial legislation for those under s94A. See Government of Canada, Constitution Act, 1867 <http://laws-lois.justice.gc.ca/eng/CONST/page-4.html#h-24> Accessed on July 26, 2012.

Given the historical associations between immigration, high levels of economic production, local labour supply, and providing housing for new immigrants, encouraging some form of federal-provincial communication with respect to immigration seemed logical. Although the Dominion and provincial governments of the day were not motivated by contemporary concerns such as the co-funding of immigrant social services, from the earliest days of the Canadian federation there was an acknowledgment by both the federal and provincial law-makers that it was essential to articulate the terms of interaction between the two entities so as to “define the powers and duties of the general and local governments severally interested in the subject of immigration.”

According to Section 95 of the 1867 Constitution Act:

In each Province the Legislature may take Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

Yet, the distribution of legislative powers outlined in the Constitution with regard to immigration, while clearly shared, are ill-defined. The Canadian Constitution, for example, makes no mention of formal mechanisms for intergovernmental policy-making. Historian and former senior Government of Canada official Robert A. Vineberg, in his survey of the evolution of legislative and working relationships between federal and provincial governments responsible

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20 Canada, *Constitution Act, 1867*; s95.
for immigration, examined early attempts by the two levels of government to demarcate jurisdictional boundaries in immigration. According to Vineberg, a seminal federal-provincial conference held on October 30, 1868 resulted in the decision that a joint conference on immigration would be held annually. At the first federal-provincial immigration conference delegates decided that provinces would appoint immigration recruitment agents as they saw fit, and also made provisions to form immigration agencies in Europe, the purpose of which was to promote and solicit immigration to Canada or its provinces and regions. Several more federal-provincial (or Dominion-provincial) conferences on the subject of immigration were held from 1868-1874. Then, following a thirteen-year hiatus, federal-provincial immigration conferences resumed in 1892. By and large however, the federal government assumed the lion’s share of responsibility in the immigration domain while provinces looked on.

Classical executive federalism, a hallmark of nineteenth century Canadian public administration, has traditionally envisioned clearly-defined administrative and executive governmental powers so that the federal and subnational governments are each coordinate and independent. American professor of political science Daniel Elazar, in 1962, modified the classic definition of federalism by highlighting the partnership aspect of federal systems, which combined both shared and independent jurisdictions through the concepts of ‘shared rule’ and ‘self-rule’. Elazar’s research suggested that rather than a federal system which concentrates powers in either one government or another, there was a need to distribute powers in such a way

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21 At the conference, delegates from each of the two existing government jurisdictions were appointed to represent their respective governments. The Dominion (federal government) was represented by Sir John A. MacDonald, and J.C. Chapais, the Minister of Agriculture. The provinces of Ontario, Québec and New Brunswick also sent representatives. Nova Scotia was not represented, as it was the separatist province at the time. See Robert Vineberg, “Federal-Provincial Relations,” 301.

that no one government could dominate the other.\textsuperscript{23} The Constitutional framework underpinning the shared jurisdiction of Canadian immigration policy clearly affirms the federal government’s primacy in the area of immigration. Still, Elazar’s work is suggestive about how cooperation to achieve national policy goals within federations can be conceptualized in the modern era, serving as a precursor to the widely practiced contemporary model of cooperative, or collaborative, federalism. Collaborative federalism stands in contrast to both executive federalism (in which the two orders of government carried out their respective responsibilities in relative isolation from one another) and centralized federalism (in which a federal government maintains oversight of provincial activities). And, as recent scholars examining collaborative federalism have noted, among the benefits of collaborative federalism is the fact that this model allows the national government to set broad standards and goals, while simultaneously allowing its subnational units to craft complementary policies and regulations within established boundaries.\textsuperscript{24}

For some federalism scholars, the frequency of joint federal-provincial meetings is a crucial mechanism of intergovernmental policymaking in Canada. Political scientist Rekha Saxena, who has examined the evolution of intergovernmental relations mechanisms in Canada and India, argues that while the years immediately following confederation were typically


\textsuperscript{24} While the terms “cooperative federalism” and “collaborative federalism” are often used interchangeably in federalism literature, some scholars note a temporal distinction between the two: the era of cooperative federalism describes the period from the postwar era to the late 1960s, highlighting that federalism during this period was slightly more hierarchical than contemporary collaborative federalism. For further discussion of the distinction between cooperative/collaborative federalism, see Julie M. Simmons and Peter Graefe, “Assessing the Collaboration that was ‘Collaborative Federalism’ 1996-2006” \textit{Canadian Political Science Review}, 7:1, 2013; David Cameron and Richard Simeon, “Intergovernmental Relations in Canada: The Emergence of Collaborative Federalism,” \textit{Publius: The Journal of Federalism}, 32:2 (2002); Christopher K. Bader, “A Dynamic Defense of Cooperative Federalism.” \textit{Whittier Law Review} 35 (2013): 161; David B. Walker, \textit{Toward a Functioning Federalism}. (Cambridge: Winthrop Publishing, 1981).
described in historical literature as ‘quasi-federalism’, in which the federal government assumed the majority of control over immigration, there was a greater balance of power between the two levels of government between 1896 and 1914 than has been discussed in the received historical narrative. This balance of power, Saxena suggests, was achieved through the regular meeting of federal governments and provincial Premiers (also referred to as provincial First Ministers).

Further, Saxena notes that “following the expansion of the role of government and complexities of the economy, administrative, ministerial and first ministerial conferences grew enormously in frequency and importance.”

Indeed, in the contemporary context, meetings bringing together the Prime Minister, provincial premiers and territorial leaders (as well as their senior officials) remain an integral part of the way the business of government is done in Canada. While the frequency of such intergovernmental meetings is often left up to the discretion of individual Prime Ministers and provincial leaders, federal-provincial first Ministers’ conferences are crucial to finalizing agreements and directing the nature of intergovernmental relations in Canada, including the opportunity to discuss ideas of pressing federal-provincial concern, monitoring the fiscal coordination of shared-cost programs, and the exchange of technical information so as to avoid misunderstandings, misallocations of resources, and program duplication.

A drastic transformation in Canadian collaborative federalism, and federal-provincial immigration relations in particular, began in 1976 with the adoption of a new Immigration Act. The Act specified Canadian immigration policy as an area requiring federal-provincial consultation with respect to immigrant recruitment, selection, and settlement. Additionally, the 1976 Act recommended consultation with relevant non-governmental stakeholders as

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governments deemed appropriate. As some immigration researchers have noted, the resulting federal-provincial consultative process not only provided formal opportunities for provinces to develop and express increasingly “sophisticated”26 views on immigration, but it also sparked a new interest in reaching federal-provincial executive arrangements through bilateral accords. While the nature and scope of the actual bilateral federal-provincial immigration agreements has varied from province to province, there is no doubt that the trend toward increased provincial autonomy and federal-provincial interface drastically changed Canada’s immigration policy landscape from the 1970s onward.

Scholars have also called attention to the priority immigrant groups have given to forming voluntary self-help associations upon arrival to the host society, addressing questions about the formation of immigrant associations and the degree to which they represent new practices and institutions learned and developed in the host society.27 Prior to the 1970s, North American migration historiography portrayed the creation of immigrant associations as the quickest way for newcomers to self-start along the road to Anglo-American democratic ideal of “pragmatic individualism,” an essential attribute that “arrivals from the Old World, particularly peasants and those from the southern and eastern sides of Europe” presumably lacked. In order to “make it” in North America, some scholars insisted, it was necessary to shed the remnants of Old World society, including the inherent European reliance on the family unit as the basis of


survival. Reliance on voluntary associations, in contrast to the “backwardness” of immigrant family unit reliance, was presented by historians as positivist and comparatively modern.\textsuperscript{28}

During the 1970s however, a new generation of scholars emerged. These academics critiqued traditional analyses of immigrant associations, branding them as assimilationist. From these critiques emerged a new body of literature that placed immigrant settlement organizations in a cultural retentionist context, emphasizing ways in which immigrant associational life represented a continuation of patterns existing prior to migration. These studies reflected – and celebrated – immigrant Old World social structures and traditions, rather than attempting to discard them.\textsuperscript{29} Along similar lines, sociologist Irene Bloemraad noted that the resources and traditions that migrants bring with them, coupled with migrants’ interest in establishing formal institutions, is a key factor in the growth of voluntary immigrant organizations.\textsuperscript{30}

Building on studies examining early associational life among immigrants, more recent scholarship on the evolution of modern immigration settlement organizations has explored the various restrictions and prescriptions placed on immigrant voluntary associations over time, including those restricting collective action. Early immigrant self-help associations, though varied in origins and institutional membership, were typically apolitical - and deliberately so.

\textsuperscript{28} For example, historian Edward Banfield, in his influential 1958 study of southern Italian rural society titled \textit{The Moral Basis of a Backward Society}, attributes the lack of immigrant participation in associational life to their excessive reliance on the family unit. See Edward Banfield, \textit{The Moral Basis of a Backward Society} (Glencoe: Free Press, 1958). Further, historian Jose Moya points out that the notion of a robust associational life being uniquely Anglo-American finds its origins in a popular statement by Alexis de Tocqueville, who in 1831 observed that “in no country in the world has the principle of association been more effectively used...than in America.” See Alex De Tocqueville, \textit{Democracy in America}. (New York: Vintage, 1954); Jose C. Moya, 2005.


Heavily relying on social trust, ethnic leaders feared potential divisiveness and acrimony if members of their organizations became too preoccupied with political agendas. In order to avoid such risk, association leaders limited the organization’s functions to service provision and information distribution rather than advocacy. But, over time, and as the pragmatic needs of immigrant communities grew more complex, voluntary associations increasingly sought to reflect collective goals, and eventually began to make demands on the state. This branch of immigrant integration scholarship highlights how, in contrast to early apolitical immigrant voluntary associations, contemporary immigrant associations often represent incipient social movements which — in the right circumstances and with proper resources — seek access to the levers of power in ways that facilitate immigrant economic, social, and political integration.31

Voluntary associations have thus been recognized in the recent literature as crucial to the immigrant integration process. Immigrants set up associations to create, express, and maintain a collective identity. Additionally, in acting as the representative voice of a group, voluntary associations may mobilize individuals to collective action.32 And although the evolution of the Canadian welfare state, and the benefits therein, have diminished the need for traditional mutual aid societies, support from organized groups of immigrants of the same background has typical collective response to difficulties experienced by new arrivals in host countries.

Immigrant settlement agencies also contribute to broader social change. According to social movement theory, the chance that any legitimate social movement will emerge rests on


upon the opportunities provided by the political system. Migration scholar Marc Hooghe, applying this theory to immigrant associations, argues that immigrant organizations can be said to constitute a social movement when multiple ethnic organizations employ a common strategy and articulate policy goals that the host society must respond to. In a similar vein, migration researchers Jonathan Fox and William Gois have argued that migrant organizations build coalitions and acquire powerful allies in the host society in order to create a voice that can be heard in domestic politics, and thereby gain the political power needed to become political citizens on an equivalent basis with their hosts.

Canada’s modern non-governmental immigrant settlement sector includes not only organizations providing direct services to clients, but also immigrant umbrella organizations and those, either as independent interest groups or as part of larger social movements, dedicated primarily to advocacy. In effect, contemporary immigrant settlement service agencies have a dual function and play a crucial yet complex role in Canadian civil society. As scholar Nicholas Acheson puts it, “what is unique about [immigrant] community organizations is that they are both agents in the delivery services and vehicles for the expression of collective interests.”

As outlined in Canadian federal law, non-governmental voluntary organizations may engage in non-partisan advocacy or lobbying activities that further their primary charitable purposes. The caveat under federal Canada Customs and Revenue Agency regulation, however, 

33 Hooghe, 2005.
is that these political activities must be incidental and ancillary to their charitable purposes and thus restricted to less than 10 percent of the organization’s activities. According to public policy input in the form of immigrant settlement organization lobbying is subject to broader voluntary sector rules. This restriction on advocacy, from the federal government’s perspective, is not intended to place limits on civic engagement. Rather, it is merely aimed at limiting the use of the public purse to support such activities by registered charities. Susan D. Phillips, noting that while the 10 percent restriction on advocacy has only a marginal impact on the ability of many voluntary organizations to carry out their own lobbying and public education activities, maintains that the restriction’s main impact is a negative and symbolic one, “which makes a statement about the voluntary sector’s continued subordination to government.”

Indeed, given the historical role of voluntary immigrant aid organizations, government-funded immigrant settlement service delivery is a relatively new concept. State support for settlement services – as well as the legitimacy and financial resources that flows from official state endorsement – provides yet another lens from which to assess intergovernmental relations in Canadian immigration. For some, the ability for immigrants to universally access immigrant settlement services provided by the state is an expression of prevailing societal and national values. In the Canadian context, for example, this extends from the universal mobility rights for residents to move freely within the country which are guaranteed under Section 3 of the Canadian Charter and Rights and Freedoms. Marie-Andrée Lajoie, in her discussion of the relationship between federalism and social justice, posits that in a Canada of “undifferentiated


citizenship,” immigrants should be entitled to a certain standard of service regardless of the part of the country in which they choose to settle. \(^{38}\) The opportunity, in principle, to access a universal system of settlement services has in fact been applied across the board by the federal Department of Immigration. Through national standards and common eligibility criteria outlined by the federal government, set of national principles, or “minimum levels of settlement and integration services that should be available across Canada” were developed in 1995. These principles include guarantees of immigrant service accessibility, comprehensiveness, and the upholding of the Charter rights of all clients. \(^{39}\)

Notwithstanding the national standards mandating minimum levels of settlement service provision, local and provincial approaches to the delivery of settlement services in Canada have varied. A comparative policy study by Ellen Tate and Louise Quesnel, which contrasts government responses to immigrant settlement adopted by the former City of Toronto and the City of Montreal, concluded that Toronto was much more “proactive” than Montreal in the way it has responded to immigrant settlement. The authors define a “proactive” approach as one which includes institutionalized efforts to identify and address immigrant needs before problems arise. According to Tate and Quesnel, such efforts might entail research, the collection and mapping of demographic information, and consultations with community groups and city departments. In contrast, a reactive approach entailed setting up a unit of city government (an advisory committee, a local ombudsman) to hear demands and complaints coming from the


community, and to pass these on to the appropriate municipal departments. Similarly, Wallace and Frisken, drawing on these definitions, raise the possibility of a third mode of response — inaction, or failure to respond to immigrant settlement issues at all.

Similarly, scholars have explored varied governmental approaches to the funding of immigrant settlement and integration programs. Policy practitioners, with a view to providing an empirical rationale for continued government investment in newcomer settlement, continue to draw on research highlighting the extent to which government intervention or financial support for immigrant organizations discourages or promotes stronger ties to Canada. For example, Canada, noted as having one of the highest immigration rates in the world along with Australia, also retains a very high rate of conversion of new immigrants into citizens. Sociologist Irene Bloemraad, drawing on political opportunity structure theory, has argued that funding for immigrant settlement organizations is crucial in explaining Canada’s success in immigrant naturalization rates and levels of political incorporation relative to the United States. However, Bloemraad notes, the key reason civil society organizations are able play this significant role is because of the formal recognition that is given them in Canadian immigration policies. Moreover, through her comparison of immigrant settlement experiences of similar newcomer groups of Portuguese and Vietnamese origin in both Canada and the USA, Bloemraad concluded that immigrant organizations benefitted from government intervention. Canadian multicultural

40 Ellen Tate and Louise Quesnel, “Accessibility of Municipal Services for Ethnocultural Populations in Toronto and Montreal” Canadian Public Administration, 8:3 September 1995, 325-352.


policies helped to ease immigrants into their new country due to the practical help that immigrant organizations provided, as well as the symbolic recognition that government policies gave to ethnic origin and the financial support that the state provided to ethnic and immigrant organizations. Although the federal government grants examined in Bloemraad’s study were in themselves relatively modest, they nevertheless provided legitimacy for the expression of ethnic identity and at the same time promoted a positive orientation towards citizenship and provided important symbolic resources for making claims on the state.\textsuperscript{43} In short, federal policies (including government funding for immigrant settlement) are a predictor of the extent to which newcomer groups will participate in the political and economic institutions in the country of origin, rather than the converse. Nicholas Acheson’s research, expanding on Bloemraad’s analysis, also presents compelling evidence which suggests that as the funding of Canadian immigrant settlement organizations decreases, so too do naturalization rates.\textsuperscript{44}

Recent work on state-society relations has emphasized the Canadian government’s shift away from support of community advocacy efforts both in the immigrant settlement sector and across social services more broadly. Urban planning scholar Dory Reeves, in describing the

\textsuperscript{43} Based on evidence of the experiences of Portuguese and Vietnamese immigrant communities in the USA and Canada, Bloemraad identifies three areas of policy and practice that can encourage or discourage citizenship and political involvement by immigrant communities: (1) bureaucracies that deal with naturalization; (2) government programmes addressing newcomer settlement; and (3) government-sponsored diversity policies. In each of these areas governments can provide or withhold resources that provide incentives or disincentives to mobilize and create opportunities or constraints for coalition-building among allies. Irene Bloemraad, “The Limits of de Tocqueville: How Government Facilitates Organizational Capacity in Newcomer Communities” \textit{Journal of Ethnic and Migration Studies} 31:5 (September 2005), 865-887.

\textsuperscript{44} At its height in 1996-97, Canada’s federal settlement program had a budget of almost $60m with grants to community organizations of $17m in the same year. More recently, according to OECD data, since 2006 the number of Canadian naturalizations has been falling continuously; in 2009 156,300 people were naturalized, a drop of 11% from 2008. While it is impossible to say whether this was a temporary dip or the start of a longer trend, it nevertheless raises the question about the impact of the federal government's reduction of spending on immigrant settlement and the way immigrant organizations are treated during that process. See Nicholas Acheson, “From Group Recognition to Labour Market Insertion: Civil Society and Canada’s Changing Immigrant Settlement Regime”, \textit{British Journal of Canadian Studies} 25:2 (2012).
advent of local settlement service delivery, has rightly pointed out that “while [immigrant] settlement policy arrived as a major focus later than immigration policy, it has seen a similar devolution to provinces along a similar timeline.”45 The current model for the funding of settlement services, it is argued, has limited the political advocacy of immigrant groups, relagating civil society organizations into a service-provider model. To the extent that there are increases in the federal funding of settlement services, these funding increases have been accompanied by the banning of the use of federal funds for lobbying, which have shaped immigrant organizations into a service model or condemned them to a marginal role, while making it harder for immigrant groups to advance political interests.46 The work of Nicholas Acheson has similarly demonstrated an emerging pattern whereby there is a move away from rights-based [newcomer] group demands towards something much more constrained and in concert with the policies of governments.47

Even with limited opportunities for community-based advocacy, scholars insist that a strong government, private sector, and voluntary sector are for needed for effective governance.48 As one Toronto practitioner put it, “governments need to pursue national interests, and NGOs are


experts in dealing with the needs of individuals.”  

Along similar lines, the multilevel governance body of literature tracks the increasing shift towards a “more complex policy environment in which governments are only part of policy solutions.” Multilevel governance – as distinct from collaborative federalism- eschews hierarchical models of decision-making in favour of an alternate model which emphasizes the significant and equal roles of other governments and non-governmental actors in policymaking. Among many contributions, the research in this field has highlighted the extent to which substate units (for example, regions, non-governmental organizations, and municipalities) have become increasingly active in immigrant selection, settlement, and integration. The altering of the policy narrative from ‘government’ towards that of ‘governance’ in this body of literature has re-configured the policy process to include a variety of quasi-government institutions and arrangements comprised of non-governmental as well as government actors.

In addition to the complexity of stakeholders, the makeup of the Canadian federal system also allows a certain lack of uniformity to develop in intergovernmental relations. Theories of political asymmetry describe this lack of uniformity as it relates to provincial autonomy. Asymmetric political arrangements have been utilized by governments of federalist states as a way of accommodating self-identifying communities by matching them with an appropriate and secure range of jurisdictional autonomy. Asymmetries can be of a constitutional nature (de jure),


50 Susan D. Phillips, “More than Stakeholders”, 183

emphasising the formal division of powers. There are also asymmetries of an administrative nature (de facto), which are more easily reversible and the result of negotiated mutual agreements between representatives from the two orders of government.

Contemporary debates in Canadian intergovernmental immigration cooperation have revolved around devolution - the passing of administrative responsibility of a policy portfolio from one level of government to another level of government, for example, from federal government department to a provincial ministry. Not only is the scope of responsibilities under devolution crucial, but so too is the available funding for a government to carrying out its new role. In the case of Canadian immigration accords, devolution of federal responsibility for settlement to the provinces assumes an alternative to the federal government’s complete administrative control of immigrant selection, processing, and purchase of immigrant settlement services such as work-based training, employment subsidies, or the provision of settlement counseling. Some provinces – Québec, British Columbia, and Manitoba – welcomed devolution-type immigration agreements. In these provinces, Ottawa no longer plays a direct role in these areas. Instead, the federal department responsible for immigration has placed direct control of these services into the hands of these provincial governments.

With respect to Canadian immigration policy, Québec serves as the principal example of political asymmetry. Scholarly discussions of Québec politics in general, and Québec immigration in particular since 1950, fall into one of two main streams of policy literature: those employing a culturalist perspective, and those examining aspects of asymmetric federalism. Given that prior to the mid-1960s Québécois regarded the immigration of non-Francophones as something of an alien cultural invasion, the former body of literature is primarily concerned with culturally-motivated arguments for Québec involvement in immigration. From 1965 onward,
however, the issue of immigration in Québec increasingly came to be perceived as symbolic of Francophone nationalism and Québec political sovereignty. To explain this divergence in literature, historian and former federal immigration official Robert Vineberg has suggested that in 1965 the newly-minted Immigration Service in Québec was attached to the Ministry of Cultural Affairs, underscoring Québec's initial preoccupation with immigration as traditionally cultural, and perhaps also foreshadowing the focus Québec would increasingly place on culturally-based criteria when it came to selecting immigrants based on their potential for integration into the Francophone community.

Further, culturally-based studies have underscored the ways in which Francophone language, culture, and identity emerged as important poles around which immigration debates revolved. In fact, considerable scholarly attention has been paid to what some Québécois saw as the Trudeau government's deliberate deviation from the program of English-French biculturalism to embrace multiculturalism following the Royal Commission on Bilingualism and Biculturalism in 1963. Demographic concerns and fears about the likelihood of Francophone language retention also propelled Québec's quest for a separate immigration selection policy; when Québec's fertility average fell well below the national average at the beginning of the 1980s and

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52 For further discussion on the debate surrounding the ethical basis for Québec's brand of nationalism, see Joseph Carens, *Is Québec Nationalism Just?: Perspectives from Anglophone Canada*. (Montreal: McGill-Queen's University Press, 1995).


Québec became increasingly subject to outward migration, immigration came to be seen as necessary to the revitalization of Québec's Francophone population. Accordingly, scholars have pointed to demography to explain Québec's policy evolution.55 The common thread among these approaches place Québec's immigration involvement in the context of self-actualization and self-preservation. They cite Québec cultural and linguistic concerns with its role as a “distinct society” as the basis for framing Québec-bound immigration.

In contrast, literature on asymmetric federalism is a more recent body of literature that examines the extent to which the federal government treats provinces and territories equally in legal and constitutional terms, or whether federal-provincial agreements differ from one province/territory to another. Differences in treatment can be based on “gradual, unintentional differences that have developed over history between units...[such as] differences in geographic size and features, natural resources, population, development, and economy.” In a similar vein, academic David Milne has observed that the politics of asymmetry “depend very much on the nature and scale of the claims and of the consequent differences that arise from them. The key question in Canada ... is the extent to which formal differences ... exist among the provinces or units, and the extent to which these [differences] can be justified.”56

While culturalist scholarly works emphasize real or perceived challenges to Québec culture, language, and citizenship education, studies in asymmetry have instead highlighted the ways in which the Canadian Constitutional framework continues to be challenged by legislative provisions enjoyed by one entity over another. Naturally, consequences arising from political


asymmetric relations are explored in this body of literature, as are the challenges asymmetry poses to the provision of appropriate settlement services and the maintenance of peaceful intergovernmental relationships. 57 For example, asymmetry scholars such as Chris Kostov 58 and Joseph Garcea 59 argue that each new Canada-Québec agreement signed between 1971-1991 enhanced asymmetry through Québec’s increased legal autonomy in immigration, eventually rivalling the role of the Canadian government in the immigration selection process. 60 These bilateral accords also devolved full responsibility of settlement services and language training from the federal government to the Québec government. What has emerged from the academic work on asymmetry is the sense that the concept itself implies a degree of permanency, ultimately rendering intergovernmental relations a function of how ‘outliers’ such as Québec are regarded by other members of the Canadian federation.

Despite the negotiation of a range of federal-provincial immigration accords since 1976 resulting in differing degrees of provincial immigration autonomy, the issue of devolution has remained a provincial preoccupation for decades. This is particularly true in the case of Ontario. At times, Ontario policy-makers vehemently opposed devolution of provincial immigrant

57 See Fiona Claire Barker, "Redefining the Nation: Sub-State Nationalism and the Political Challenges of Immigrant Integration" (PhD Dissertation, Harvard University, 2008); John Roberts, “Asymmetrical Federalism: Magic Wand or Bait and Switch” Working Paper: Special Series on Asymmetric Federalism, Institute of Intergovernmental Relations, Queen's University, Kingston, 2005.


60 Specifically, these Canada-Quebec agreements are the Lang-Cloutier Agreement of 1971; the Andras-Bienvenue Agreement of 1975; the Cullen-Couture Agreement of 1978, and the Canada-Québec (McDougall-Gagnon-Tremblay) Accord of 1991, which remains in effect as of this writing.
settlement services, whereas in other instances it loudly advocated for devolution. At the time of this writing, immigrant settlement funds in Ontario continue to be administered directly by the federal government, which maintains a network of offices that support the delivery of immigration services under contract by a range of civil society service provider organizations. And while the 2005 bilateral Canada-Ontario Immigration Agreement committed the federal government to investing $900 million in Ontario immigrant settlement services, the bulk of these federal funds were to be spent directly on federal settlement programs, with only a minority of funds being transferred to the Ontario government. Based on the Canada-Ontario Immigration Agreement, the average funding per landed immigrant in Ontario would have risen from under $900 prior to the agreement to more than $3400 estimated in 2009-10, a level comparable to most other provinces and approaching that of Québec. However, even as Canada-Ontario immigration negotiations concluded in 2005 with this significant increase in settlement funds, the federal devolution of settlement responsibility to Ontario was not achieved through the agreement.  

This dissertation is concerned with the evolution of relations between distinct institutions over three decades. Its focus is on the policy process rather than policy or program content; it therefore employs historical institutionalism as both a methodological and analytic tool. Historical institutionalism, developed in reaction to the behavioral perspectives popular during the 1960s and 1970s, seeks to highlight the role that institutions play in the trajectory of social and political outcomes. This approach is based on the notion that the practical realities of political and bureaucratic institutions provide obstacles to some policy choices, and incentives

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61 Had devolution in fact been achieved in Ontario as part of the 2005 agreement, settlement and integration services across the province would have been administered fully by the Ontario Ministry of Citizenship and Immigration rather than the federal Department of Citizenship and Immigration Canada.
for others, ultimately colouring the menu of choices available to policy actors.

Indeed, rules imposed by state institutions play a crucial role in structuring political behaviour. The 1976 Immigration Act, through its requirement of consultation with the provinces, served as a catalyst for subsequent devolution of responsibility for immigration to provincial governments. During the period examined, implementation of the provincial consultation requirement also served to restructure the bureaucracy in important ways, both channelling and constraining the range of options available to immigrant settlement policymakers at the provincial and municipal levels.

The actions taken by individuals are equally crucial to my analysis; these actions illustrate the ideas and norms that policymakers and practitioners bring to their roles in their respective institutions over time. After all, it is through the actions of individuals that institutions have an effect on political outcomes. Yet, while individual agency and the decision-making authority of key politicians, bureaucrats, non-governmental leaders and other officials concerned with immigration and settlement does play an important role in policy outcomes, these outcomes often happen at some distance from the specific historical moments in which policy actors make crucial choices. The dissertation’s examination of the origins of the 1976 Immigration Act, as well as the related federal-provincial cooperation arrangements emerging from it decades later, underscores the fact that there often exists a considerable time-lag between the enactment of a policy and the realization of its major implications.62

As historical institutionalist Paul Pierson suggests, policymakers are generally prone to

underestimating the permanency of the present-day decisions of political actors. Facing the pressures of the immediate, and sometimes skeptical about their capacity to engineer long-term effects, Pierson notes, some policy-makers may pay limited attention to the enduring impacts of their policy choices. Thus, the long-term effects of their institutional choices (which are frequently the most profound and interesting ones) should be seen as the by-products of the policy process, rather than the intended goals of policy actors. As the historical record presented in the following chapters will demonstrate, state-engineered policy decisions did not always produce the results envisioned by their architects. Related to this notion, this dissertation will also consider the ways in which the timing of exogenous factors, such as international refugee flows, or economic crises, influence Canadian institutional configurations and policy outcomes. Finally, the historical institutionalist approach employed in this study considers formal institutional rules as well informal norms as related to immigration policy-making. Both types of rules shape who participates in a given decision and, simultaneously, their strategic behaviour.

The of intergovernmental immigration relations in Ontario can be told from several perspectives. The majority of comprehensive historical accounts of Canadian immigration to date have been told from a federalist and state-centric perspective, emphasizing the significant role of the federal government in immigration decision-making. Indeed, a number of scholars have

63 Paul Pierson, 88.

64 For example, new institutionalists have long argued that policy fields are comprised of networks, which are self-sustaining rule-governed entities. These institutional policy fields are sustained by “a relatively enduring collection of rules and organized practices ... that prescribe appropriate behaviour for specific actors in specific situations.” Rules are followed, it is argued, because they seem appropriate, natural, expected and legitimate. For more on the concept of incrementalism, how formal and informal rules over time accumulate to result in a ‘transformation’, See James March and Johan Olsen, Democratic Governance (New York: Free Press, 2006); Wolfgang Streeck and Kathleen Thelen, Beyond Continuity: Institutional Change in Advanced Political Economies, (New York: Oxford University Press, 2005); Della Porta and Keating (eds) Approaches and Methodologies in the Social Sciences: A Pluralist Perspective, (Cambridge: Cambridge University Press, 2008).

65 In particular, See Ninette Kelley, and Michael Trebilcock. The Making of the Mosaic: A History of Canadian
noted the emergence of sub-state actors in the management of Canadian immigration policy. These studies point to a growing trend towards decentralized governance in immigration policy management in the twenty-first century, including issues arising from devolution and multi-level governance. However, while highlighting sub-state cooperation mechanisms, Canadian studies in this field have been reluctant to pay adequate historical attention to the intricacies of formal and informal bureaucratic relations, and the interplay of these relations with the ebbs and flows of federal partisan politics. This study contributes to the field by retrospectively tracing policy cycles in order to pay specific attention to long-term government institutional constraints, as well as interactions between behind-the-scenes nonpartisan bureaucrats and their more ideologically-driven politicians and NGO sector counterparts.

Research Methods

In his seminal work *Federal-Provincial Diplomacy: The Making of Recent Policy in Canada*, political scientist and Canadian federalism scholar Richard Simeon suggests that in order to examine federal-provincial negotiations and accords, one must consider a range of factors, including: legislative and consultative frameworks governing the agreements; the issues

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that are the subject of negotiations, collateral issues arising during the course of negotiations; the interests and goals of the governments involved; the approach, strategies and tactics governments deploy in their approach in light of their objectives. Accordingly, to conduct this research, a total of 24 qualitative semi-structured interviews were conducted with key stakeholders between 2011 and 2014 with federal, provincial, and municipal decision-makers in the area of immigrant settlement to gain insight into these factors. A preliminary review of grey literature on the topics of newcomer integration, integration, and settlement in Ontario was used to identify an initial list of 41 potential interview participants. This group of experts approached for interviews included senior bureaucrats, politicians, and NGO officials selected based on their involvement in intergovernmental immigration matters, integration program design, and/or formal immigration agreement negotiations during a crucial time in Ontario integration history, namely 1971-2005. Information sought from interviews by the author included anecdotes, opinions, and insights relevant to the nature of informal working relationships and formal partnerships between governments.

In addition to expert interviews, this study entailed the collection and analysis of documentary evidence from the key timeframe of 1976–2005. Collections consulted include those from Library and Archives Canada, Government of Ontario Archives, and City of Toronto Archives and the Centre of Excellence for Research in Immigration and Settlement (CERIS-Toronto) Resource Library. Primary documents including memos, meeting minutes, briefing notes, draft and official reports, drafts of speeches, manuscripts, and internal files were consulted. Given the regulations governing access to federal and provincial government

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documents, it was necessary to make official requests for access under the Freedom of Information and Protection of Privacy Act. Under the Act, “materials that would reveal the substance of deliberations of Cabinet” are exempt. As a result, files and documents requested were reviewed by government officials before they were released and approximately 20 percent files were withheld. Finally, parliamentary debates and committee proceedings were analyzed and a scan of relevant media sources was also completed, taking into consideration any sources that illuminated a rationale or justification for government/NGO action in the area of immigration and settlement.

**Dissertation Chapter Outline**

Most contemporary analysts of Canadian federal-provincial immigration relations cite Canada-Québec immigration agreements as a frame of reference, even while recognizing the province’s political asymmetry. The next chapter of this dissertation, chapter two, traces the origins of Québec’s notable immigration powers vis-a-vis the federal government, illustrating the province’s incremental advancements in administrative immigration authority. Existing federal-provincial relationships in other Canadian provinces, however, were generally ad hoc and beginning to show limited returns by the early 1970s: the number of immigrants was increasing rapidly, yet local social services had long hit maximum capacity. Chapter two thus also traces the origins of the 1976 Immigration Act and shows how, given emerging demographic and economic concerns, provincial and NGO policy across the immigrant settlement sector began to demand more extensive and predictable immigrant settlement services and management structures. Simultaneously, the federal government was beginning to open the door to increased provincial involvement in immigration, but was careful to do so tentatively.

Many of the most discernible successes in formal governmental immigration cooperation
took place at the onset of what Robert Vineberg has termed the “era of collaboration” in federalism - a period in which intergovernmental relations became more regular, interconnected, and formalized in response to policy needs and the growing capacities of government. Drawing on Constitutional frameworks, chapter three offers an explanation of how the early approach to Canadian intergovernmental relations adopted by Prime Minister Pierre Trudeau shifted over time to become more inclusive of provincial and local government perspectives, and how the formal policy environment followed suit to create a different environment for Trudeau’s successors. As the chapter will demonstrate, the shift in the broader policy environment was due in large part to the maturing and legalization of Canadian refugee policy, which prior to this period had been short-term and discretionary in nature. As well, significant strides were made by provincial immigration officials, who, in attempting to present a unified front, were able to articulate their demands for inclusion in immigration decision-making and long-term planning. While early intra-provincial efforts and Constitutional negotiations were relatively short-lived, they served as a test run for more longstanding future immigration agreement negotiations.

Of the many strategic efforts employed by federal governments - and later provincial and municipal officials - to strengthen intergovernmental immigration relations in the modern era, none have been as encompassing as that of public government consultation. Chapter four, thematic in nature, examines the politics of consultation in the context of federal-provincial immigration relations. The range of consultative mechanisms (including public, government-to-government, and informal consultation) is presented with a view to highlighting the ways in which the concept has evolved over time. In line with critiques that sees collaborative federalism as little more than a “cartel of elites,” the historical record demonstrates how, despite the

68 Albert Breton, cited in Cameron and Simeon, 67.
creation of innovative avenues for public engagement, enhancing government-to-government collaboration mechanisms, and NGO stakeholder input, the results of formal government consultations rarely delivered on the overtures promised by senior federal government officials.

Even within the bureaucratic realm, interest in ensuring the best conditions for administering national newcomer settlement and integration services was always subordinate to broader political interests and agendas. Chapter five explores how the federal Department of Citizenship and Immigration’s Settlement Renewal Initiative, a key component of Liberal Prime Minister Paul Martin's Program Review, was carried out between 1994 and 1996 as the federal government came to view its own administrative control of immigrant settlement services as a growing financial burden. Federal efforts to devolve immigrant settlement through federal-provincial immigration agreements in this period did little to dissipate provincial suspicions that officials in Ottawa merely sought to offload its own cost obligations to the provinces. While policy analysts note that immigration devolution is not an end in itself, some have argued that devolution is a way to re-focus, in a principled way, on which areas are best delivered by the federal government and which may be delivered by lower levels of government. Ultimately the goal of the federal government’s Settlement Renewal Initiative (SRI) –that of full devolution of immigrant settlement responsibility to the province of Ontario –was not achieved at this time. Reasons for the failures of devolution during the SRI are discussed, as well as the ways in which the subsequent withdrawal of government involvement from several areas of social service provision produced a drastic switch from citizen-based funding to service-based contract funding, precipitating long-lasting impacts on the government and NGO relationship.

As the evolution of Canadian immigrant and settlement policy suggests, growing recognition of the relative strengths of each level of government has shaped the development of
modern models of intergovernmental cooperation. Chapter six describes how urban leaders in Toronto, using the existing institutional mechanisms at their disposal, circumvented traditional constitutional boundaries and advocated for a louder voice in Ontario immigrant settlement. Further, the chapter explores the issues at stake, the favourable political conditions, and the obstacles that needed to be overcome in order for the federal, provincial and municipal governments to successfully negotiate the Canada-Ontario Immigration Agreement and the tripartite Memorandum of Understanding in 2005.69

Finally, chapter seven explores how prevailing federal approaches to federalism, jurisdictional ambiguity, funding configurations, the politics of immigration consultation, and the processes of decentralization and devolution resurfaced time and time again in the decades following the 1976 Immigration Act. As this chapter argues, these re-emerging themes have exerted powerful constraint on the development of immigrant services in Ontario, while simultaneously shaping the complexity of the resulting partnerships and governance arrangements.

69 The specific components of the 2005 Canada-Ontario Immigration Agreement pertinent to this dissertation’s discussion of intergovernmental settlement relations are: Annex C (Provincial Nominee Program); Annex D (Settlement Services); Annex F (Partnerships with Municipalities); and the 2004 Memorandum of Understanding with Municipalities.
Chapter 2


“Provincial governments have been and continue to be content to leave the federal government dominant in immigration except when they perceive Ottawa’s actual or proposed actions to be economically harmful, or in the case of Québec, culturally damaging.”¹

For decades after Confederation, the management of immigration, officially a joint federal-provincial jurisdiction, remained “shared” in Constitutional definition only. In practice, this meant that the federal government maintained dominance in immigration recruitment, selection, and integration while most provinces ventured into the immigration portfolio only when necessary. For rare cases –such as in Ontario and Manitoba – in which provincial governments had established their own immigrant recruitment and newcomer settlement programs, immigration programs were administered without federal direction and with minimal federal funding. But beginning in the 1960s, and with Québec leading the way, the provinces began to reverse their previously reactive approach to immigration and assert their jurisdictional prerogative in the joint policy domain. At first provinces did this though an largely informal –and sometimes aggressive – identification of social service gaps and funding needs. But by the mid-1970s, provinces were negotiating formal bilateral agreements with the federal government which outlined more prescribed roles in recruitment, selection, and settlement.

This chapter examines how Québec made incremental but significant strides in

establishing itself as an autonomous force in immigration. Drawing on theories of political asymmetry, the chapter explains how Québec’s early shift into the immigration management field served to reinforce the province’s unprecedented powers in immigrant recruitment, selection, and settlement thereby becoming the gold standard by which subsequent Canadian federal-provincial immigration relations and institutional arrangements would be assessed. The chapter first explores the development of the Canada-Québec immigration negotiations, through which the province of Québec moved towards an immigration policy agenda that more closely matched the existing legislative and constitutional realities of concurrent jurisdiction. This was a crucial first step in the formation of the complex multilevel model of governance that characterizes twenty-first century Canadian immigration policy.

The chapter also examines the 1975 Green Paper exercise, the official review of Canada's immigration program by the Canadian Immigration and Population Study (CIPS), and a crucial process which helped to usher in the 1976 Immigration Act. Alongside the Green Paper, a Special Joint Committee (SJC) of the Senate and the House of Commons prepared a Report to Parliament on immigration. Both processes called for the promotion of Canada's demographic, economic, social and cultural goals (family reunion; non-discrimination, the fulfillment of Canada's international obligations in relation to refugees, and co-operation among all levels of government as well as with the voluntary sector) in promoting the adaptation of newcomers to Canadian society. The chapter explores the process by which the report's recommendations were accepted by Trudeau’s federal Liberals and subsequently absorbed into the new 1976 Immigration Act. These legislative reforms took place against the backdrop of major demographic shifts in the country.

By the mid-1970s, social services in areas of high immigrant concentration were being
stretched in an attempt to meet the needs of newcomers. At the same time large groups of refugee claimants, starting with 6,000 Ugandan refugees in 1972, began to pose a logistical challenge local immigrant settlement networks. The rising numbers brought local concerns to the fore, ultimately forcing decision-makers to think seriously about improved on-the-ground service delivery. Despite the existence of provincial initiatives such as Ontario Welcome House\(^2\) and religious groups providing settlement services, increased demands for housing, transit facilities, community services, and “just plain space” were becoming difficult for federal, municipal, and provincial officials to ignore – let alone address. As such, the chapter concludes with an examination of the impact of these large-scale demographic changes on social service demand and immigrant settlement service delivery, including the major bureaucratic restructuring which took place in order to develop a comprehensive Settlement Branch within the federal public service.

The 1960s - and the climate of urban activism in a number of U.S and Canadian cities that the decade brought with it - created favourable conditions for the redefinition of federal-provincial relationships. Academics, civil rights proponents, environmentalists, gays and lesbians, feminists, and peace advocates opposing local developer-driven urban renewal projects sparked what some have termed the “politicization of urban life.”\(^3\) Simultaneously, this activism combined with a parallel even more radical process of political redefinition already underway in the province of Québec. Following the 1960 election of a Liberal provincial government, residents of Québec were faced with the emergence of mass media, rapid urbanization, and the

\(^2\)Ontario Welcome House, run by the former Ontario Ministry of Citizenship and Culture, was established in 1973 in response to the expulsion of Asian Ugandans by Idi Amin and provided settlement counselling, information and referral services.

prominence of French-speaking middle-class intellectuals who urged a radical re-examination of previously-existing religious and political structures and liberalization of societal mores. These new attitudes, within the context of increased immigration levels after 1967 and decreasing fertility rates in both Québec and the rest of Canada, combined to create a new brand of political fervor in the province. The new ideological force in Québec became predominant among Francophone elite, long-standing assumptions about Québec and its rightful place in Canada were no longer being confined to discussions in private homes or within ivory towers; these sentiments were part of mainstream political discourse. In response to broader trends of economic modernization and secularism, a new climate of empowerment and independence took hold in the province. The social and institutional changes of this period were termed “la révolution tranquille” - the Quiet Revolution - so as to reflect the nationalistic twist that Québécois had put on activism in their assertion of political autonomy.

To compound matters for Québec, the province’s share of immigrants had quickly declined just as there was an overall reduction in the proportion on Francophones outside of Québec. Given the relatively volatile political environment of the late 1960s in Québec, Francophone political leaders believed that gaining provincial control over immigration would strike a responsive nerve. Provincial policy analysts throughout the decade called for Québec’s increased involvement in immigration selection and recruitment in a number of detailed policy

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4 The significant increase in volume of immigrants to Canada during this period was due in large part to the adoption of new Immigration Regulations in 1967, which included a skills-based immigration Point System aimed at addressing its growing demographic and labour market needs. Rather than the previous subjective admissions criteria which was based on country of origin and thus regarded as racially biased, the new Point System assessed independent immigrants based on mostly objective criteria such as age, French/English language proficiency, occupation, and education. The Point System removed barriers to applicants from previously-restricted European countries of origin and as a result Canadian admissions increased significantly. See Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany* (Vancouver: UBC Press, 2012).
recommendations, all of which echoed a similar theme of not merely increasing the volume of immigration to Québec, but also the number of immigrants likely to integrate into the Francophone community. \(^5\) Liberal Premier Jean Lesage meanwhile urged Québec to call for its “own” share of immigrants to compensate for a growing labour market and demographic loss arising from the low Québec birthrate. A more extensive provincial role in immigration was also a popular plank in the Québec 1966 election campaign, with the provincial Union Nationale nationalist party proposing it as one of the key features of its platform.

Meanwhile, incoming Prime Minister Pierre Elliott Trudeau, a bedrock federalist, had made it one of his highest priorities to disarm those who had begun calling for Québec sovereignty. Trudeau also assumed oversight of the Royal Commission on Bilingualism and Biculturalism which had been struck by Prime Minister Lester B. Pearson in 1963 to examine “what steps should be taken to develop the Canadian confederation on the basis of an equal partnership between the two founding races [English and French], taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution.” Among the Commission’s recommendations was the key position that Canada become officially bilingual. By the time the

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\(^5\) Joseph Garcea’s research examining Quebec-Canada relations posits that there were three key political developments throughout the 1950s and 1960s that set the groundwork for Quebec’s formal involvement in immigration during the Quiet Revolution. First, the 1956 Royal Commission of Inquiry on Constitutional Problems, informally known as the Tremblay Commission led by the Duplessis government, which recommended Quebec’s increased control in areas of jurisdiction related to economic and social development; Second, the Lesage provincial government’s establishment of the 1963 bipartisan Legislative Committee on the Constitution, which looked into four main options for federal-provincial arrangements, including 1) maintaining the existing system, 2) special status, 3) sovereignty association, or 4) independence. Finally, the 1965 establishment of an Interministerial Committee under Premier Lesage’s leadership, which concluded that a Québec immigration program should revolve around two key objectives: 1) linking immigration to economic and cultural provincial objectives, and 2) facilitating the integration of immigrants in Québec society. According to the Committee, achievement of the second objective would require administrative control over immigrant settlement services. Joseph Garcea, “Federal-Provincial Relations in Immigration, 1971-1991: A Case Study of Asymmetrical Federalism” (PhD Dissertation, Carleton University, 1993), 73 - 176.
Royal Commission’s preliminary report was published in February of 1965, the growing unrest in Québec had become even more palpable. Accordingly, Trudeau wasted no time and began to implement the Commission's recommendations with unusual speed, seeking to combat what he regarded as the underrepresentation of Francophones in the ranks of Canadian federal government across the country.

For the politically-savvy in Québec, the potential economic and demographic benefits of increased immigration to the province were clear. What was less obvious however, was whether there would be enough popular support in Québec to encourage the province's foray into an area of jurisdiction that had been traditionally left to the federal government, that of immigrant recruitment and selection. As it turned out, Lesage's call to action on immigration was not difficult to sell to the public. Even from the perspective of the average citizen, as a newly modernized and secularized society, Québec could settle for no less than full equality with its federal partner on immigration. Non-Francophone immigration, long perceived by many in Québec as a threat to Québécois culture, language, and distinctiveness had previously resulted in either ambivalence toward immigrants on one hand, or alternatively what Gilles Grenier refers to as a “climate of hostile xenophobia.”6 By the late 1960s an attitudinal shift was taking place. As political scientist Joseph Garcea argues, Québec’s political elite quickly realized that the strategy of encouraging increased provincial immigration involvement “was not only good policy, but good politics.”7

While federal officials had been supportive of Québec distributing immigration brochures

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throughout the countries comprising La Francophonie during short-term recruitment tours, they were not initially on board with the idea of Québec establishing a full-fledged immigration service that could be continuing in nature. Such a program would mean establishing permanent provincial offices abroad similar to federal immigrant recruitment offices. While on one hand wanting to accommodate Québec’s recruitment interests, the federal government on the other hand, was weary of Québec encroaching on what was considered federal authority to select and admit immigrants. What impact would the permanent presence of Québec officials in federal offices abroad have on federal-provincial relations? More specifically, what would be the ramifications of such an arrangement be if other provinces perceived such an arrangement as tangible proof that Québec had been given a privilege denied other provinces?

It was not until Québec officials specified that they merely intended to partner with federal missions abroad, and not create independent offices, that federal concerns of territorial encroachment were allayed. Joseph Garcea has further noted that federal rejection of Québec’s immigration autonomy in this instance would have been difficult given the precedent set by other provinces throughout the 1950s and 1960s. For decades Ontario had been active in administering an immigrant recruitment program from provincial offices in London and Glasgow with the consent of the federal government. Even Manitoba had moved into the realm of immigration recruitment during the 1960s through its pilot program which recruited garment workers to the province. The federal government thus reluctantly acceded to Québec’s request for immigration involvement abroad, granting the province permission to promote immigration to Québec on a tentative and informal basis until 1968.

8 Garcea, 1993.

When Bill 75, Québec's Ministry of Immigration Act, received Royal Assent on December 4, 1968, the new law brought with it institutional reforms that would permanently leave Québec’s stamp in the immigration field. The previous manifestation of Québec’s Immigration Service, a branch of the Québec Ministry of Cultural Affairs, had employed only thirty-five employees in its two offices in Montreal and Québec City. By 1969, following the creation of the new Québec Ministry of Immigration, the number of provincial immigration employees had risen to one hundred. According to political scientist Freda Hawkins, the newly-minted ministry’s mandate had a two-pronged cultural emphasis: First, to “recruit as many French-speaking immigrants as possible (or immigrants with a good knowledge of French), and second, to ensure that immigrants who settle in Québec form part of the Francophone community.”

The ministry also administered an immigrant settlement program for individuals “predisposed to contribute to Québec's development and participate in its progress” and favoured “adaptation to the Québec milieu”. Finally, the new Québec Ministry of Immigration sought to welcome immigrants and help them find a job in the province.”

In 1969, sixteen years after all other provinces had agreed to it, Québec finally saw it fit to sign on to the federal-provincial Language Training and Citizenship Agreement, a bilateral cost-sharing agreement set up to facilitate language acquisition for new immigrants. The following year, the Centres d'orientation et de Formation des immigrants (COFI), previously established by the Québec Department of Education to offering language training and an optional orientation program on the Québec and


11 In addition to establishing an independent Québec department of Immigration, the Ministry of Immigration Act also produced an Interdepartmental Commission on Immigrant Affairs and ability of the province to create an Immigrant Advisory Committee. See Gladys L. Symons, “The State and Ethnic Diversity: Structural and Discursive Change in Québec's Ministere d'Immigration.” Canadian Ethnic Studies 34, no. No. 2 (2002), 30. See also Martin Pâquet, Toward a Québec ministry of Immigration, 1945 to 1968, (Ottawa: Canadian Historical Association) Volume 23, 1997.
Canadian way of life, were taken over and administered by the Québec Immigration Department.\textsuperscript{12}

More important than creating a new administrative unit responsible for immigration settlement, the new provincial legislation also redefined Québec’s bilateral negotiation strategy with the federal government. The Québec Ministry of Immigration Act empowered Québec’s Minister responsible for immigration to enter into agreements with foreign governments on immigration matters. In seeking to replace the existing informal federal-provincial arrangement on international recruitment, the Québec government threatened “that if Ottawa did not [agree to negotiate a formal immigration agreement allowing Québec recruitment abroad]… it would act unilaterally in negotiating agreements with foreign governments to open provincial immigration offices in their countries.”\textsuperscript{13}

Even in 1970 with the defeat of the nationalist Union Nationale party and the return to power of Québec’s provincial Liberals, now led by Robert Bourassa, immigration remained among the more prominent issues in the province’s political discourse. The proportion of Francophone immigrants in Québec was dwindling and Premier Bourassa was motivated by the notion that Québec had a corrective role to play in immigration. Working with the bureaucratic blueprints left by his predecessors, Bourassa initiated negotiations between provincial Minister of Immigration Marcel Cloutier and his federal counterpart, Otto Lang, to formalize Québec’s existing ad hoc immigration selection and recruitment roles in a binding bilateral immigration agreement. Both Ministers Lang and Cloutier, having previously decided that Québec orientation

\textsuperscript{12} Robert A. Vineberg, “Federal-Provincial Relations in Immigration.” \textit{Canadian Public Administration} 30, no. 2 (Summer 1987).

\textsuperscript{13} “Need Federal Agreement: Own Immigration Policy is Developed by Quebec” \textit{Edmonton Journal}, December 20, 1967.
officers would only answer the questions of would-be immigrants and have no authority to actively promote relocation to Québec, agreed that the only remaining task of Canada-Québec negotiations was to finalize the minor logistical details of partnership, such as the physical setup of the shared government offices. In the end, the Lang-Cloutier agreement obliged the Québec government to furnish its portion of the shared office space at the federal mission and specified that Québec’s “furnishings couldn’t be better or more attractive than [the federal standard.]”

The Lang-Cloutier Canada-Québec Immigration Agreement was finalized in May 1971, just thirteen months after the Bourassa government assumed power. The novelty and formality of Canada’s first modern bilateral immigration agreement were not lost on members of the press. *The Montreal Gazette* pointed out that the deal “was no simple agreement between the federal government and government of a province” noting instead that “It looks like a treaty. It reads like a treaty. It has the effect of a treaty.” The Lang-Cloutier agreement asserted the right to place, with the approval of a foreign host country, orientation officers from the Québec Ministry of Immigration in federal government offices in French-speaking cities such as Brussels and Beirut, in addition to in other cities such as Lisbon and Athens. The roles of Francophone orientation officers would presumably complement the work of federal immigration personnel by being available to answer specific questions about life and work in Québec. Mirroring the mandate of the Québec Ministry of Immigration itself, the goal of the Lang-Cloutier agreement was to “encourage an increase in the francophone content of the immigration movement, encourage Francophone applicants to choose to settle in Québec, and authorize Québec to attach orientation

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officers to Canadian missions abroad.”  

While the bilateral agreement rendered Québec a trailblazer among provinces, the Lang-Cloutier Agreement still placed several restrictions on Québec's power abroad. As noted, the role of Québec representatives vis a vis prospective immigrants to Canada was to be one of representation and information only. This meant that Québec orientation officers were not to engage in what could be considered “recruitment” activities unless the application was an immigrant-in-waiting (a prospective immigrant whom already had been formally approved by federal immigration officials and issued a visa). Additionally, the agreement permitted Québec orientation officers to offer a written opinion of individual applicants in order to assist federal visa officers in his or her assessment of the application, but made it abundantly clear that the final decision for each applicant's admissibility was to be taken by federal officers “in light of the Canadian immigration laws, regulations, and criteria.”

Committed to avoiding any semblance of special status for Québec, Trudeau’s government tread lightly in its presentation of the agreement, providing it little public profile. As if to pre-empt criticism from other provinces, the 1971 Canada-Québec Immigration Agreement stated that the bilateral agreement was

Not intended to place the Québec government in a privileged position in the field of immigration recruitment and selection, as compared to the other provinces, but to enable a Québec Orientation Officer to receive and to advise, counsel and assist an immigrant who has chosen Québec as his place of settlement…


17 According to the Canada-Québec Agreement, “The Québec Orientation officer shall not act as a recruitment officer. He may, however, receive directly and at his discretion any person who seeks him out, and if he deems it appropriate, subsequently indicated in writing his opinion regarding a candidate to the [federal government] visa officer.” s.2 Canada-Québec Immigration Agreement of 1971.

18 Canada-Québec Immigration Agreement of 1971.
At first the other provinces regarded Québec's 1971 agreement with indifference. “There was a tacit understanding”, notes Garcea, “that if other provinces wanted to follow Québec's lead to post their own orientation officers in federal offices abroad and the federal government would do its best to accommodate them, yet none of the other provinces expressed an interest in such an arrangement.” While the prospect of getting back into the foreign immigration business temporarily piqued the interest of Ontario officials, the province ultimately decided that recruiting on a permanent basis would lead to a costly duplication of services. John Yaremko, then Ontario’s Provincial Secretary and Minister of Citizenship, noted publicly that there were some potential benefits to Ontario placing immigration officers in federal missions abroad, as it had done in the past, however after a cost-benefit analysis Ontario officials decided that the money required to cover the wages of immigration officers as well as the rental fees to the federal government and various related operating costs could be better utilized on other provincial programs.19

In 1974, only three years after negotiating the Lang-Cloutier Agreement, Québec Minister of Immigration Jean Bienvenue approached Immigration Minister Robert proposing a new round of negotiations, this time raising the issue of Québec having a say in immigrant selection and a veto on federal decisions with regard to Québec-bound immigrants. One reason for this, notes historian and former federal official Robert Vineberg, is that after several years administering the immigration program abroad Québec officials began to acquire a level of expertise not available to other provinces. Seeing themselves as professionals who had built a

19 Garcea, Federal-Provincial Relations, 361. See also Tom Van Dusen, “’Orientation Officer’ idea praised”, Ottawa Citizen, May 25, 1971.
knowledge base on the intricacies of immigrant selection, they felt themselves capable of far
more than their existing job description as an informational resource, and expressed interest in
playing a “real role” in Québec immigration.\textsuperscript{20} Minister Andras, acutely aware of Prime Minister
Trudeau’s preoccupation with national unity and his related hostility to Québec nationalism,
instinctively dismissed the idea of granting the province any kind of matching authority in
federal immigrant selection criteria. The Trudeau administration’s concerns about allowing
Québec special powers “stemmed not only from a possible negative reaction from other
provinces and the attentive public, but also from its potential effect on fostering separatist
sentiments in the province of Québec.” Upon learning Québec's proposal to veto federal
immigration selection, Minister Andras opposed the suggestion outright, instead drawing
Bienvenue’s attention to the safer realms of federal-provincial consultation and information-
sharing. He wrote:

Following our meeting of last Monday...I fully appreciate Québec’s stance with respect to
the use of the Immigration Program to help protect and reinforce the specific cultural and
linguistic character of the province...With respect to the issues raised in our
comprehensive submission to the Canadian Immigration and Population Study and in
your subsequent speech to the National Assembly, I advise you of the grave doubts which
I have about one item in particular. I am most concerned both in conceptual and
operational terms of the feasibility of having provinces able to reject immigrants who
have fulfilled the Federal Government's criteria...For this reason, you will understand that
your proposal is not acceptable to the Federal Government. On the other hand, we both
saw that mutually satisfactory solutions could be found with respect to other issues. The
provision of data on a confidential basis, to assist in the settlement and adjustment of
immigrants as well as for planning purposes has worked to our mutual advantage.\textsuperscript{21}

Minister Andras carefully and cautiously sidestepped the issue of Québec attaining the
power to veto federal immigrant selection decisions while managing to proceed with Canada-

\textsuperscript{20} Vineberg, Federal-Provincial Relations, 307.

\textsuperscript{21} RG 76 B-1-c Volume 38 File 5865-8-1 Liaison with the Provinces - General. "Memo to Mr. Bienvenue from Mr. Robert Andras," May 25,1974.
Québec negotiations, and by autumn of the following year, in October 1975, a new agreement called the Andras-Bienvenue Agreement was concluded. While this new agreement affirmed Québec’s formal role in immigrant selection as a consultative one, it established Québec “immigration” rather than “information” counselors to be stationed overseas, a symbolic move that acknowledged the professional expertise of civil servants placed abroad. The 1975 Andras-Bienvenue Agreement also modified the previous 1971 Lang-Cloutier provisions by significantly expanding the previously short list of cities in which Québec could place immigration officers. More importantly, Québec officials could choose to either set up shop inside federal offices, or establish provincial “Québec Houses”, as long as the offices were located within the same city as a federal office. This arrangement was ideal for all parties involved: geographic proximity reduced administrative delays and facilitated federal-provincial coordination efforts, Québec officials were no longer confined to federal offices, and federal immigration officials felt satisfied that they were well-positioned to monitor the activities of their Québec counterparts.

Trudeau's early approach to federalism, though developed more than a decade before he became Prime Minister, can be seen in his response to policy developments throughout the 1960s and 1970s. At its core, Trudeau’s brand of federalism was rooted in cooperation and compromise amongst political entities and ideally granting special status for no one.22 Trudeau's approach to managing the federation was simple: the Canadian Constitution explicitly stated which policy areas were provincial and which were federal and any deviation from this structure would cause discord within the federation. Additionally, fueled by his fear of what he believed was Québec's attack on national unity, a crucial aspect of Trudeau’s approach was the notion that “any disturbance in the traditional lines of jurisdiction would inevitably result in conflict and

could threaten the unity of the country.”

Trudeau remained confident that, given federal paramountcy under the Constitution, the federal government, if challenged by Québec in the supreme court, would retain full authority over immigrant selection. Conversely, he did not want to intrude on provincial jurisdiction, believing that municipal affairs, for example, were strictly a provincial domain. However, by the late 1960s, pressure for the federal government to assume a role in urban affairs come from within Trudeau’s caucus and from his political rivals, who regarded his version of federalism as too theoretical, his centralist policies unfit for the realities of governing a diverse country, and his leadership style weak. In response, Trudeau appointed his then Housing Minister, Robert Andras, as federal “spokesman on urban affairs” in 1970 to address the growing chorus of discontent emerging from local leaders.

Despite Prime Minister Trudeau’s strong aversion to provincial asymmetry, Minister Andras played a key role in advancing the federal intergovernmental relations portfolio in both Québec and the rest of Canada. Upon assuming his new role as federal Immigration Minister in November 1972, Robert Andras found himself in the midst of an economic situation widely termed “stagflation,” a term used to describe an economic situation in which domestic growth rates decline but inflation levels, fed by high energy prices and interest rates, increase rapidly.

Even before Andras entered cabinet, this global economic downturn begun to spark heated domestic debate regarding, among other things, whether there ought to be reductions in the

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previously high levels of immigrant inflow to Canada, which had long been a hallmark of Canada’s post-war economic and population policy. The 1952 Immigration Act, even much revised, still framed Canadian immigration policy at the time and still harboured outdated and racially discriminatory selection categories based on country of origin. A product of the post-war period, the 1952 Act was regarded as unprogressive, particularly in the context of the official policy of Multiculturalism that had been proclaimed by Trudeau in 1971. As historian Harold Troper has noted, “the 1952 law, designed to attract a large pool of unskilled agricultural workers for extractive industries, seemed out of place in one of the most urban and technologically advanced western states.” Several attempts were made to reform the archaic legislation and update the Canadian immigration system by introducing regulatory changes, including the adoption of the 1967 point system. But this tinkering, no matter how much it was needed, only complicated an already complex and piecemeal regulatory framework and underscored the urgency of a complete system overhaul by way of a brand new Immigration Act.

Before any new Immigration Act could be framed however, Minister Andras was forced to address a host of departmental challenges. Among other management issues, there was a backlog of immigration cases at the Immigration Appeal Board (IAB) which was “spiraling out of control” and threatened to cause morale problems among bureaucratic staff. The backlog occurred when, during the late 1960s and early 1970s, a large volume of people came to Canada as visitors with the intention of remaining permanently. Upon arrival, they attempted to

27 See Alan G. Green, "Introduction." in What Is the Role of Immigration in Canada's Future?, edited by Alan G. Green, Charles M. Beach, and Jeffrey G. Reitz. (Kingston: John Deutsch Institute for the Study of Economic Policy, Queen's University, 2003).

circumvent legal immigration channels Canada by putting a case forward to the IAB on the basis of “universal appeal.” Andras lost no time in introducing reforms designed to clean up the mess caused by the backlog. First, he removed the right of universal appeal, effectively limiting the groups of persons permitted to appeal immigration rulings to the IAB. This abolition of universal appeal was intended to address the problem for the long–term, but in the meantime the IAB still faced a staggering backlog of immigration appeal cases in the queue: over 17,000 at the end of May 1973. In the interest of immediate relief, the Andras government tabled Bill C–197, which amended the Immigration Appeal Board Act and established the Adjustment of Status Program, assented to on July 27, 1973. It contained provisions designed to clear up the Board's backlog of illegal immigration cases and to prevent the recurrence of a similar administrative crisis. Under this 60-day program, persons who had lived in Canada continuously (legally or illegally) since November 30, 1972 and who registered with an immigration officer within 60 days of the after legislation could apply for permanent residence. Described by the federal government as “an amnesty in all but name,” the program resulted in approximately 39,000 people obtaining landed immigrant status.

In addition to the enormous backlog in the IAB, population growth was the other major policy area that the Trudeau government hoped to tackle after assuming office in 1968. In fact, Immigration Minister Andras stated that his personal interest in the subject of population in general - and as it related to urbanization in particular - had been piqued by his previous

29 Under the “universal appeal” regulation, all people facing deportation had a right to appeal to the IAB, and federal practice at the time was not to deport anyone who filed a notice of appeal. Aware of this loophole, after arrival to Canada, visitors immediately applied for landed immigrant status, and continued through the lengthy appeal process, creating a staggering 7 year backlog in the system. Ninette Kelley and Michael Trebilcock The Making of the Mosaic: A History of Canadian Immigration Policy. (Toronto: University of Toronto Press, 1998).
experience as Minister of State for Urban Affairs. And, the 1967 point system, while aligning the Canadian immigration system with global human rights norms, had only assisted in determining the “composition, but not the size or source of immigration.” As such, the economic slowdown of the early 1970s, combined with the IAB backlog, and growing uneasiness with non-White immigration, underscored the need to determine whether Canada needed a population policy, what role immigration might play in such a policy, and how extensive such a policy might be.

Meanwhile, beyond Canadian borders, an unprecedented global crisis was sparked by Idi Amin’s mass expulsion of Ugandan Indian Asians in August 1972. The subsequent resettlement of 6,000 Ugandan refugees in Canada focused attention on other urgent issues in the immigration portfolio, including the existing IAB backlog, the evident strain on social services in urban centres, and concerns about the nominated category. Public opinion shifted also. By 1973, notes political scientist John R. Wood, backlash against non-white immigration became increasingly evident in political speeches, newspaper editorials, and other forms of mass media. Minister Andras and Deputy Minister Alan Gotlieb that the existing Immigration Act


31 Triadafilopoulos, 107.

32 Idi Amin, then President of Uganda, claiming he had received the order from God, gave the group ninety days to leave the country. More than 27,000 of the expellees went to Great Britain and importantly, 6,000 came to Canada. The issue immediately won Prime Minister Trudeau's attention. Trudeau's office swiftly announced an immigration task force to coordinate the government's response. Announcing an initial commitment to admit 3000 expelled Ugandan Asians and the dispatch of a team to Kampala, But with an election and growing concern about high unemployment, the Finance Minister pushed Immigration Minister Bryce Mackasey to limit the number of people resettled. Makasey argued for a soft upper limit of 8000. He later compromised on 6000. Laura Madokoro, "Remembering Uganda", Interview with Mike Molloy, Immigration officer at Beirut Embassy and President, Canadian Immigration Historical Society, March 28, 2012.

needed to be revamped as quickly as possible. On September 17, 1973 Andras set the stage for a new immigration legislative process by announcing that the Government of Canada was working on a comprehensive policy review that, he hoped, would lead to a new Immigration Act. To preempt any suggestion that the public consultation process would lack transparency, Andras emphasised that the process would be “profound and public” and stated that in re-examining Canadian immigration policy, it was essential that “any change in the basic philosophy and policy [of Canadian immigration] - if there is to be a change -- reflect the broad consensus of all Canadians.”

Minister Andras assigned the task of recommending an immigration and population policy to a seven-member Task Force officially called the Task Force on Canadian Immigration and Population Study (CIPS). The group of senior government officials from several departments was headed by Richard Tait, on temporary secondment from the Department of External Affairs. The group was brought together, as Freda Hawkins explains, “to establish a forward-looking immigration policy, backed by new legislation.” The proposed Green Paper was to involve three components. The first was the preparation and publication of a discussion paper describing the current situation in Canadian immigration and present policy options. The second component was to be a public discussion of the policy options at local and regional levels, as well as at a national conference on population. The third and final component was to be the preparation of a proposed immigration legislation package that it would be passed by Parliament sometime in 1975. The character public consultations, according to Tait, would “depend to some extent on

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34 LAC RG 118 60 “Meeting Minutes- Canadian Manpower and Immigration Council, Sixth Meeting.

the Green Paper's success on enunciating the issues.”

The early days of the Canadian Immigration and Population Study involved a spirited internal debate regarding the dissemination of the Green Paper once the document was finalized, and the possible format of the second and third phases. Some Task Force members felt that, in addition to presenting policy options, the Green Paper should explicitly articulate a strong position and select among the identified policy alternatives.” Others argued that the document should take the less aggressive approach of presenting a range of ideas and inviting public debate, all the while maintaining the usual government caveat that a Green Paper "neither makes recommendations nor announces courses of action the Government believes should be pursued.” Ultimately, the CIPS Task Force decided that the completed Green Paper would mainly serve as a consultation document designed to elicit guidance from the Canadian public on immigration and population policy matters.

To support the preparatory work of the Task Force, Minister Andras also struck an Advisory Board on the Adjustment of Immigrants, heavily stacked with academic experts in economics, sociology and demography. The group embarked on the ambitious task of creating a policy on population that was mindful of the main demographic concern of the day - the rapidly decreasing national birth-rate and its impact on population size. The preference shown by


38 Vineberg, "Federal-Provincial Relations."

39 The Members of the Advisory Board were Chairman Anthony Richmond, Joseph Kage, Freda Hawkins, Frank Epp, and Nancy Adams.
immigrants for urban living was also to be considered, with a view to creating a “more sensible and productive pattern of immigrant settlement in Canada”. Although the Board was officially instructed to focus on the question of population, they also discussed broader issues of concern raised by the Minister such as proposals to bring guest workers from abroad to fill specific short-term labour needs, and how ‘hands on’ the federal government would be in the provision of immigrant integration services.40

Andras and his colleagues wanted to push forward and get the Green Paper published and circulated across the country as quickly as possible. His urgency was based in part on the widespread belief among Canadian politicians and officials that immigration is a controversial issue, subject to political pressures, and that immigrant-related policy debate should not float freely in the public arena for too long.41 When Tait, Chairman of CIPS, presented the draft study and proposed work plan to members of the Advisory Board, a few group members expressed concerns at what they regarded as too short a timeline for public discussion and declared that the existing timeframe for deliberation “would not allow for the necessary depth” required of for the Green Paper study. Others feared that there was, in general, a lack of background research and published academic work in the fields of immigration and population in Canada. The Advisory Board also highlighted the need for sufficient lead-time to plan a major national conference which was meant to reflect the wide range of views held by immigration stakeholders. Unless carefully planned and broadly representative, the Board noted, the only voices heard would be of a select group invited and able to attend the conference. To circumvent this problem, a CIPS

40 LAC RG 118 60, ”Advisory Board on the Adjustment of Immigrants” written by Freda Hawkins, January 25th, 1974.

committee member suggested that multiple conferences be held across the country to encourage a broad range of groups including youth and ethnic associations to participate.\footnote{LAC RG 118 60, Meeting Minutes of Canadian Immigration and Population Study Task Force, Meeting #16 October 24-25, 1973.}

While both the CIPS Task Force and the CIPS Advisory Board were still in the preparation stage, the federal government announced it would be issuing a Green Paper on the subject of immigration in the spring of 1974. Then, with Minister of Manpower and Immigration Andras’ support, the Liberal party caucus and opposition MPs convinced Prime Minister Trudeau that Parliament should also play a role in consulting the public to develop a new Immigration Act. Accordingly, in February 1975, Trudeau appointed a Special Joint Committee of the Senate and the House of Commons on immigration policy.

Any hope the Minister harboured that the Green Paper process would move along smoothly and expeditiously was misplaced. The task of public consultation proved especially difficult, and the proposed timetable too ambitious. It took nearly fifteen months to produce a Green Paper on immigration and population policy, instead of the six months originally envisaged.\footnote{Hawkins 1991, 50.} Once released, it proved something of a political hot potato. Rather than limit formal public involvement in the immigration debate, the federal government embraced the key message that it was happy to consult widely in developing the Green Paper. If the process was not going move as fast as the Minister originally hoped, he pledged that the consultative process would be open and thorough. The public message was clear: the federal government wanted to hear what was important to Canadians before rearranging immigration policy, and this would take time.
If the federal government hoped for a clear, controlled public debate on the Green Paper on Immigration, this was, in large part, a false hope. Some refused to believe that the consultative process was genuine. For others the stakes were high; responses of non-governmental voluntary and ethnic organizations to Green Paper recommendations often degenerated into shouting matches during Special Joint Committee hearings. Indeed, the issues raised in the Green Paper were contentious and struck a raw nerve with many Canadians. First, the Green Paper report pointed to international migration trends which suggested that Canadians need not actively recruit immigrants, as immigration numbers would remain high due to the natural attractiveness of Canada for migrants from developing countries. The Green Paper also suggested that immigration was no longer a major source of labour and, as a result, some analysts interpreted two the Green Paper’s main policy options as calling for a reduction in immigration levels by establishing an immigration ceiling or quota, which greatly concerned immigrant groups.44

The Green Paper was also issued at a time of economic downturn. As a result, public debate –already concerned with inflation, unemployment, and housing shortages, often took on an anti-immigration edge which smacked of xenophobia. Concerns about increased racial tensions due to the immigration of “cheap” labour from non-European source countries were especially troubling. One newspaper editorial even questioned Canada’s commitment to immigration inclusiveness in light of the Green Paper and asked whether the Green Paper hinted at a “return to racial origin as major factor in our immigration policy.”45 Civil discussion was too


often drawn out as pro and anti-immigration advocates challenged one another.

And if the federal government’s goal was to avoid prescribing a particular course of preferred government action in the Green Paper, this goal was missed when it came the issue of federal-provincial immigration consultation. Several sections of the Green Paper itself made suggestions of ways in which the federal government could “forge closer relationships” with the provinces.\(^46\) According to Robert Vineberg, the federal government’s decision to involve the provinces in immigration to a greater degree long preceded the Green Paper and SJC debates.\(^47\) Indeed, in the lead-up to the tabling of the new Immigration Bill, internal departmental discussion was clear there would be increased provincial engagement in the setting of immigration targets and ceilings. The only remaining uncertainty circled around if the new Act should make provisions for, but not require, federal consultation with provinces on immigration levels, or whether the provincial consultation should be mandatory. After initially submitting a proposal to keep consultation with the provinces optional, the Minister, with cabinet encouragement, decided that the proposed Immigration Act would require the federal government to consult with the provinces each year before announcing immigration levels.\(^48\) However, required consultation with provinces would not mean that the federal government was obligated to comply with provincial views. Federal immigrant selection authority would not be undermined. An internal departmental memo from the Minister’s office declared:


\(^{48}\) LAC RG 76 Vol 736 File: Secret- New Immigration Legislation, Minister’s Speaking Notes. No Date.
It is important to recognize the role of the provinces in this shared sphere of jurisdiction and to bring them more actively into the immigration process. At the same time, we must ensure that the Federal Government’s power to develop and implement policy is not hampered. 49

Minister Andras affirmed the federal government’s internal commitment to federal-provincial cooperation during a hearing held by the Special Joint Committee in autumn of 1975, where he stated that any absence of provincial perspectives from the Green Paper discussions would be a “most profound concern.” 50 The Special Joint Committee’s Final Report noted that Québec was far more advanced in comparison to other provinces, not only because it was the only province with an immigration department, but in the province’s ability to engage with the federal government regarding the Québec’s immigration needs. The Report of the SJC therefore encouraged other provinces to “following Québec's example” through collaboration in the following forms:

The Committee is aware that the federal government would welcome . . . collaboration…along the following lines:
- a permanent joint federal-provincial committee to coordinate the development and implementation of immigration policy . . . ;
- a provincial presence in immigrant selection; this could involve sending officers abroad for counseling and promotional duties . . .
- cooperation on immigrant services beginning with a joint evaluation of needs... 51

Of course, any policy lever purporting to clarify the distinction between federal and provincial jurisdictional responsibility, such as structured mechanisms for federal-provincial consultation, would have Prime Minister Trudeau's full endorsement. Trudeau’s cabinet, not yet

49 LAC RG 76 Vol 736 File: Secret- New Immigration Legislation, Minister’s Speaking Notes. No Date.


51 Canada, Report to Parliament of Special Joint Committee of the Senate and the House of Commons on Immigration Policy (Ottawa: Queen's Printer, 1975).
disillusioned with the difficulties that practical application of cooperative federalism would
entail, viewed the consultative mechanisms outlined in the Green Paper as a positive way to
achieve the cooperation and sustained federal-provincial interactions that Trudeau believed were
so crucial to the functioning of a healthy federal state. What’s more, Minister Andras, in light of
the Green Paper’s suggestion of restricting the overall volume of immigration flows, saw
provincial consultation crucial to formulating a long-term population policy. More active input
from provincial governments on national rates of immigration growth, regional distribution, or
even the setting of immigration ceilings could deflect criticism away from the federal
government in the event of public backlash by spreading the burden of criticism across two
levels of government.

And always pressing was the issue of settlement services. Provinces, and in particular
Ontario, were not new to settlement issues, nor were provincially-funded settlement workers
averse to partnering with the federal government. To be sure, by the early 1970s, access to
settlement services was informally solidified as an entitlement upon landing in Canada, quite
literally; both levels of government had established airport welcome services at Toronto’s
Pearson International Airport, Canada’s largest immigrant port of entry. Federal immigration
officers provided appropriate clothing to government assisted refugees, processed landing papers
for all new arrivals, and assisted newcomers with administrative essentials such as obtaining
Canadian social insurance numbers. New immigrants arriving in Toronto were then sent to
airport-stationed Ontario Welcome House settlement workers who provided them with a range of
initial reception services.\(^{52}\)

\(^{52}\) Michael Prue Member of Provincial Parliament to Legislative Assembly of Ontario, November 17, 2010; Interview with Irene Bader, 2011.
There was also a willingness of both orders of government to cooperate on joint settlement projects. The federal government, in 1975, praised joint Canada-Ontario refugee reception and resettlement projects throughout the early 1970s:

[The Ontario government] has been most cooperative in its dealings with the regional office. No real issues or problems have been encountered to date at the official level. A good example of the cooperative efforts is the "Reception Committee" which was set up to assist the Vietnamese Refugees. Ontario Region reports that the province was very active in this regard and took on a great deal of the reception work itself. 53

While the successes in airport reception services and refugee emergencies served as examples of seamless federal-provincial program delivery, gradual program cuts and ongoing internal federal restructuring threatened to jeopardize the long-term viability of services for immigrants. Federal officials had known this for some time. The seeds of securing a modern federal Settlement Program had been planted a few years prior to the Green Paper debates when, on March 21, 1969, the Deputy Minister of Manpower and Immigration, frustrated with disorganization he observed in the delivery of immigrant settlement services, wrote to his Assistant Deputy Minister to propose striking a small task force on immigrant settlement, an issue that should receive the department’s “urgent attention”. He lamented,

...The situation in which we now find ourselves, where a unit of the Department which was charged specifically with immigrant settlement has been disbanded and where a fair number of relatively disjointed assistance programs are being offered (beyond the strict reception and immediate settling-in stage) not to immigrants as such, but rather to the members of the labour force. There may be a need for an effort at coordination of programs which themselves might be modified or strengthened to meet the particular settlement problems of immigrants. There is also the question of liaison and coordinating our effort with provincial authorities and private groups. 54

53 LAC RG 76 File B-1-a Briefing Notes - Settlement Program Meeting with Ontario, Memo from Mr. Andras, Settlement Program- Federal Provincial Implications, August 25, 1975.

One of the reasons for the significant service gaps, Robert Vineberg notes, was the Branch’s small budget for federal settlement services, inherited from the federal Secretary of State, and the fact that this budget was devoted largely to settlement services in Montreal, Toronto, and Vancouver with little left over to provide services to other growing communities.

This was especially important in the area of settlement services. Accordingly, in its chapter on “Services to Immigrants”, the 1974 Green Paper called for the restructuring of the disjointed federal Settlement Branch. Outlining deficiencies in existing settlement program delivery, including “lack of awareness of existing services, lack of services in immigrant languages in schools, hospitals, police forces...and disparities in the range and quality of services across the country…”\(^{55}\), the document highlighted areas that needed not only sustained funding, but also coordination with provincial counterparts. Addressing settlement service gaps would require a clear differentiation of which level of government was responsible for which areas of service delivery, and when it came to immigration, this was not always an easy distinction to make.

But decades of experience meeting the immediate needs of newcomers arriving in local Ontario communities had made provincial settlement service providers self-sufficient –rather than reliant –on federal policy direction or funding. Since before the turn of the previous century, Ontario’s immigrant settlement initiatives had included publicly-funded schools and dealt with the language learning and integration needs of immigrant children and adults. Provincial

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healthcare and social assistance were also newcomer service delivery areas which had been long running in Ontario, and were unencumbered by the recent bureaucratic budget cuts and restructuring efforts experienced by the federal Settlement Branch. For its part, Ontario’s Immigration Branch believed that federal officials were comparatively inexperienced in front-line delivery of services to new immigrants.

When it came to the logistics of delivering newcomer services, federal inexperience in front-line settlement service provision, coupled with the seemingly unpredictable nature of immigrant arrivals, combined to create a sometimes awkward Canada-Ontario settlement relationship. Speaking of his former role as Ontario Provincial Refugee Coordinator in 1970, Tim Rees recalled that the plan for the resettlement of a group of 228 Tibetan refugees from Northern India caused much confusion among his federal counterparts. Fearing that the Tibetans would attempt to create a community completely isolated from the rest of Canadian society, federal officials decided to disperse the group across the country, resettling a small group in the rural Ontario towns of Belleville, Cobourg, and Lindsay where it was thought that they would adapt more easily.\textsuperscript{56} Provincial counterparts were surprised at what seemed to be a federal unfamiliarity with establishing settlement services. According to Rees, in addition to being placed in remote communities with few settlement services, federal officials arranged minimum wage employment for the Tibetans, which provincial counterparts regarded as sub-par. The group was also housed in what Rees believed to be as a “disgraceful sort of hostel”. He recalls, “So I went to the [provincial] Ministry of Labour and got them to go and inspect the facilities…It

\textsuperscript{56} Rees recalled, “[Federal officials] were really concerned. [They] were worried about what to do. They did not have a clue about Tibetans. [Federal officials] were concerned that they would be like the Hutterites out West” (The Hutterite reference is the name of a sectarian religious group who arrived in Saskatchewan and struggled with the authorities to maintain their German dialect, agrarian living separate from modern society, collective farming practices, and vestiges of Reformation dress.) Interview with Tim Rees, November 24, 2010.
really upset the Feds (sic).”

Even the federal-provincial shared-cost Citizenship and Language Training Program was administered in a laissez-faire manner up to 1974. Federal-provincial Citizenship and Language Training and Textbook Agreements, signed by provinces and the federal government in the early 1950's and early 1960's respectively, were bilateral service delivery arrangements that helped defray the costs of immigrant settlement. These funding arrangements were artifacts from the immediate post-war era in federal-provincial immigrant integration cost-sharing agreements, the intent of which was ensure that newly arrived immigrants had access to instruction that would qualify them for citizenship. In the 1960s, all provinces and territories except British Columbia signed the Federal-Provincial Textbook Agreement, under which the federal government agreed to reimburse the provinces for 100 percent of the cost of selection, purchase or production and distribution of Citizenship and Language Training Program textbooks. However, up until approximately 1974, civil servants in the Ontario Ministry of Culture and Recreation, the provincial unit responsible for immigrant settlement service delivery at the time, were often indifferent when it came to recouping the program costs under the shared cost agreements. “Because Ontario’s economy was booming,” notes Rees, “the province never even bothered to get the money back. It wasn’t an issue at that point…It wasn’t being monitored.”

Yet, despite lack of federal expertise in service delivery, the 1974 Green Paper proposed an expansion of the federal Settlement Service. In order to obtain funding from the Treasury Board Secretariat to expand the service beyond the existing hodgepodge of multiple federally-

57 Interview with Tim Rees, November 24, 2010.

58 Interview with Tim Rees, November 24, 2010.
funded projects, Cabinet was required to establish a comprehensive Settlement program. At the time, there were 51 different federal settlement projects, funded for a total of $810,000.\textsuperscript{59} Two Cabinet decisions, both on June 6th 1974, established centralized oversight of the federal settlement operations. Minister Andras requested an additional $4,190,000 for a total of $5,000,000 for federal contributions toward the new Ottawa-administered immigrant orientation program to be called the Immigrant Settlement and Adjustment (later changed to 'Adaptation') Program. He also proposed an update to the federal-provincial language cost-sharing agreement, and requested 38 additional staff members - with 15 joining the existing 6 at Headquarters, and 23 in the regions, essentially doubling the existing settlement staff.\textsuperscript{60}

Following the 1974 Cabinet decision to “enrich and widen the base of established programs” by expanding the federal settlement role, the Secretary of State’s Citizenship Branch became responsible for the longer term aspects of immigrant integration: the development of a society which understood and responded to the needs of the immigrant community. The SOS would also assist the development of voluntary organizations in carrying out integration activities. In a complementary role, the federal Department of Manpower and Immigration became responsible for the short-term aspects of integration.\textsuperscript{61}

According to Robert Vineberg, during the 1974 Cabinet discussion, Stanley Haidasz, the Minister of State for Multiculturalism,  

\textsuperscript{59} Language training took up the majority of the cost of federal settlement programs prior to the creation of the new federal settlement program. In the fiscal year 1974-75, approximately 43,800 immigrants were provided with federal language training at a cost of $5,123,000. In 1975-76, approximately 45,800 immigrants were given language training through Manpower and Immigration at a cost of $5,494,000. See Vineberg, \textit{Responding to Immigrant Settlement Needs}, 2012.

\textsuperscript{60} The requested funding was ironically delayed due to the government's anti-inflation program of the late 1970s. Vineberg, \textit{Responding to Immigrant Settlement Needs}, 29.

\textsuperscript{61} A 1975 briefing note also specified that while the Department of Manpower and Immigration purchased services from NGO sector organizations delivering settlement programs, the Secretary of State was not at all involved in the purchase of services and was limited to offering grants. LAC RG 76 File B-1-a Briefing Notes - Settlement Program Meeting with Ontario, August 25, 1975.
expressed a concern that coordination of the various immigrant settlement programs housed in two departments (Manpower and Immigration and Secretary of State) with three ministers (including the Minister of Manpower and Immigration, Minister of Citizenship, and himself, the Minister of State for Multiculturalism) and all directed at the very same client group — immigrants — might prove to be an administrative nightmare. He stated that there "should be one and not three Ministers responsible for immigrant integration." His statement rang true, but it was to be a decade before the federal immigrant settlement programs would be consolidated into one department.

Even as the federal settlement program was being revitalized, Minister Andras stressed the “importance of working in cooperation with the provincial government to ensure that the most comprehensive services possible are available to immigrants, but without overlap and duplication.” In formally expanding its role, the federal government was committing in principle to increased long-term investment in immigrant settlement programs, even hinting that it might eventually seek ownership over several other areas in the immigrant settlement portfolio with provincial and NGO partners playing only a minor role. In a 1975 briefing note, a federal official observed that it would be “impossible” for the federal Settlement Branch “to implement expansions at one fell swoop”. He recommended that a “purchase of services funding system” be temporarily set up to allow NGOs to deliver immigrant settlement programs until such time as federal settlement programs could be fully operational.


63 LAC RG 76 File B-1-a Briefing Notes - Settlement Program Meeting with Ontario, Director General to Ontario Deputy Minister of Culture and Recreation, April 1, 1975.

64 Specifically, the briefing note stated that there was an interest to expand existing federal programs to explore
While the heated Green Paper public consultations of 1974 were in progress, relations between federal and provincial immigration bureaucrats remained largely low-profile and removed from the heavy media interest that characterized ongoing Green Paper debates. This is not to say that federal-provincial administrative matters were without conflict. The provinces — and Ontario in particular – used every opportunity to express their upset at mounting social service costs associated with increased immigrant demand for provincial and municipal social services. But costs were not high profile in Green Paper debates. For their part, the drafters of the Green Paper sidestepped the funding issues. Rather than addressing the question of who would pay for what, they chose to debate broad questions of demography, population, questions surrounding nation-building, and Canada's “social and cultural future.” As a result, the Green Paper almost totally ignored the issue of immigration management. Program delivery and funding concerns were seen as matters for the immigration bureaucracy to work out once future immigration policy priorities were agreed upon.

But if the Green Paper avoided issues of cost, Ontario did not. Internal settlement discussions in Ontario throughout the 1970s centred around how the province could best make the case for increased settlement funding to the federal government. Provincial officials argued that newer immigrants, many of whom were non-white and arriving from countries in the global south, culturally and linguistically distinct from mainstream Canadians, would require more

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English training and settlement supports did previous non-English speaking European immigrant groups.\textsuperscript{66} Officials argued that most first-generation European postwar immigrants from Italy, Poland, and Portugal, for example, had integrated well even as they retained much of their cultural and linguistic traditions within the Canadian context, a reality which was acknowledged in Prime Minister Trudeau's official Multiculturalism Policy, adopted a few years prior.\textsuperscript{67}

But postwar ethno-European immigrants did not face the same level of racism as did the more recent Non-European (and non-white) arrivals. And the number of immigrants arriving from Asia, the West Indies and Africa, it was projected, would soon outnumber immigrants from European source countries 2 to 1.\textsuperscript{68} Officials anticipated that the integration of immigrants from the global south was likely to take longer and be more costly than had been the case with European immigrants. A federal-provincial Task Force Report examining immigrant settlement services in Toronto, hinting at racism and xenophobia, stated that the trend toward non-European source countries brought with it “an increased need for the education of Canadians, in addition to the effective orientation of the newcomers, in order that the conflict and the scapegoating ... be avoided.” Accordingly, Ontario officials established a new relationship with the newly-formed


\textsuperscript{67} In 1971, Prime Minister Trudeau recognized multiculturalism as a fundamental characteristic of Canadian society through the adoption of an official policy of Multiculturalism. The policy recognized the contribution to the nation of the many ethnocultural groups, besides the French and the British, who had made Canada their home, and aimed at the preservation of language and culture. Conventional historiography holds that Trudeau begrudgingly introduced multiculturalism to offset criticism of English-French bilingualism. However, Political scientist Vince Wilson observed in his 1993 inaugural address as president of the Canadian Political Science Association that the 1971 announcement of multiculturalism policy was the first and last time that Prime Minister Trudeau even mentioned the policy. See John Biles, “It's All a Matter of Priority: Multiculturalism Under Mulroney (1984-1988)” (Master's Thesis, Carleton University, Ottawa, 1997).

advocacy umbrella organization, the Ontario Council of Agencies Serving Immigrants (OCASI), created in November 1977 when following a gathering of immigrant-serving agencies at a conference, which a steering committee was organized to act upon the common concerns of immigrants, including the discriminatory treatment of refugees and immigrants- an issue that also engaged the province.69

As the cost of local and provincial immigrant settlement services grew, the question of the extent of federal financial support that would be forthcoming for these services continued to dominate internal discussions within Ontario’s public service. No longer were Ontario officials ignoring the reimbursement of federal dollars under the cost-sharing agreements as had been the case just a few years prior. Rather, Ontario officials, uncovering more and more evidence that the province was nearing its cost capacity, began to more regularly submit receipts to federal counterparts for cost recovery. What’s more, provincial funding requests began to expand beyond citizenship and language training to include health-related and other costs associated with immigrant settlement. For example, at a 1975 federal-provincial settlement meeting, Ontario noted that:

Hospitals rarely employ interpreters and as a result doctors must diagnose solely on the basis of tests rather than patient interviews. Patients not only receive less than adequate care, but in many cases do not understand the doctor’s directions. In addition, the province noted that it wanted advance warning of refugee movements so that [Ontario Health Insurance Plan] can budget for them.70


70 LAC RG 76 B-1-c Volume 38 File 5865-8-1 Liaison with the Provinces - General., Settlement Program Meeting with Ontario, 1975.
At the same meeting, provincial representative Terry Johnston made clear that Ontario regarded reception services, then referred to as “escort” services, as vital, but one for which the province was “not prepared to pay because of lack of funds.” The meeting continued with Ontario officials attempting to convince federal counterparts that immigrant families should be seen as a unit when it came to service delivery, rather than the prevailing tendency to regard all newcomers as a series of individual clients in need of unrelated services. For instance, Ontario officials argued that existing funding arrangements did not take into consideration the fact that family members, such as mothers and preschoolers not yet old enough for the school system, still required critical settlement supports, explaining that “there are a number of areas basic to settlement which falls outside of the traditional educational jurisdiction and Manpower programs.”

Federal officials were not willing to give Ontario or any other province a blank cheque with regard to settlement. Just the opposite. The federal government was hoping to cut its existing commitment to settlement costs. For example, as the number of immigration arrivals increased, so too had the dollar amount that provinces billed to the federal government under Citizenship Training and Language Program cost-sharing agreements. These old agreements, federal officials decided, were now more than two decades old and according to federal funders, needed to be reassessed.

On December 3, 1976, the federal Secretary of State (SOS) met with representatives from provinces, with the exception of Newfoundland and Prince Edward Island, to tackle the billing

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71 LAC RG 76 B-1-c Volume 38 File 5865-8-1 Liaison with the Provinces - General., Meeting Minutes June 18th, 1975, 84.

72 LAC RG 76 B-1-c Volume 38 File 5865-8-1 Liaison with the Provinces - General., Meeting Minutes, June 18th, 1975, 84.
issue. At the outset of the meeting, federal officials, determined not to yield up the dollars without a fight, complained that “in recent years some provinces have been doubling and tripling their claims.” According to the SOS, what was initially intended to be Canadian citizenship training was, over the years, becoming “exclusively pre-occupied with language training,” suggesting that the scope of these service had shifted beyond the mandate of the federal department of Manpower and Immigration and into the exclusive provincial domain of education. This was met with opposition from provincial officials who rebutted that “certain school systems have seen a substantial increase in the proportion of immigrant children enrolled, placing a considerable strain on teacher and resources not equipped to deal with the added factor of unfamiliarity with the language instruction.” In response to provincial complaints about the concentration of newcomers in urban centres, federal representatives again cited the constitutional divisions of responsibility for education and suggested that this issue would best be handled by the inter-provincial Council of Ministers of Education. Not willing to pass off the issue onto other ministries, provincial officials did not back down, accusing the federal government of “buck-passing,” and stating that provincial teams wanted a clear indication at the meeting of what the federal government was prepared to do to rectify the problem. In the end, federal and provincial representatives could only agree that a comprehensive and formal articulation of the provincial challenges would be sent to the federal Secretary of State for further review. Provincial representatives subsequently submitted data indicating the projected number of children to be registered the citizenship training program. A follow-up internal federal memo dismissed the provincial data as “rather vague” and did not advance the provincial case for

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increased federal funding.

The Québec government was not so ready to concede to federal primacy in immigration. In late 1976, as the Trudeau Liberals rushed to finalize its new immigration legislation which promised to commit the federal government’s increased immigration cooperation with the provinces, newly-elected separatist Parti Québécois leader Réne Lévesque used the Québec provincial election campaign as an opportunity to criticize the proposed federal immigration law, then Bill C-24. Lévesque declared that any new federal immigration legislation would fail to address the “economic, cultural, and demographic disparities of the provinces”, no matter how inclusive the federal government purported to be. Just three months after the Parti Québécois assumed government in December 1976, the new Québec Minister of Immigration Jacques Couture announced that Québec intended to re-negotiate the then-one year old Andras-Bienvenue Immigration Agreement of 1975, in order to expand the scope of Québec immigrant selection. Specifically, among the key Québec objectives of this new round of Canada-Québec negotiations would be a revision of the point system selection criteria in order to allow Québec to define 55 out of a possible 100 points, to secure Québec the right to place overseas officers in province-only offices, and abolish the nominated immigration class. In short, notes Joseph Garcea, Lévesque’s government “hoped to succeed where its predecessor [the Bourassa government] had failed - obtaining a [Québec] veto in the selection of immigrants.”

74 LAC RG76 B-1-c Volume 38 File 5865-8-1 Liaison with the Provinces - General. Yves Charette, Director General of Settlement Branch to R.M. Tait, ADM Immigration Branch, Re: Language Training for Immigrant Children in the School System, December 7, 1976.


76 Joseph Garcea further points out that Quebec’s interests under Premier René Lévesque leadership, and specifically during the May 1977 negotiations had distinct motivations than those of previous governments: “Whereas the
to the usual federal resistance to granting Québec special immigrant selection mechanisms that could rival if not supersede the federal government’s immigration authority, in 1977 the Lévesque government threatened to pursue sovereignty-association as its only recourse to achieve control over immigration into the province. The next day, in response, federal Immigration Minister Bud Cullen softened the previously hard-line Trudeau government stance. He explained:

Implicit in the new [federal immigration] Bill [C-24] is the assumption that provinces should perhaps be given an opportunity to make more input into the [immigration] process. The points system is not engraved in stone; the new approach is one which I believe has some merit...\(^77\)

Minister Cullen’s conciliatory response signaled the federal government’s reconsideration of the weight that Québec-specific criteria would be given in the immigrant selection process given the new threat of Québec separatism. In the negotiations that followed, Canada and Québec ultimately agreed to administer two separate sets of selection criteria, all included in the Cullen-Couture Immigration Agreement signed on February 20, 1978.

Federal immigration Bill C-24, tabled in November 1976, passed through the House of Commons with support from all political parties and received royal assent on 5 August 1977 to become the Immigration Act of 1976. The new Act, generally regarded as liberal in light of the anti-immigrant context from which it originally emerged, outlined an immigration policy with

moderate controls over the sponsored immigration class.\textsuperscript{78} And, in line with cabinet efforts to actively promote provincial engagement, the new Immigration Act entrenched mandatory consultation with provincial governments on immigration levels and the ability of provincial governments to enter into executive immigration agreements.

However, federal officials remained uneasy - and with good reason- about the possibility that if all the provinces took on Québec -level of control over immigration under the basis of equality under the Constitution, the immigration system would quickly fall into a state of chaos. And while all provinces increasingly sought to articulate their respective immigration-related preferences under this new paradigm, Québec and other provinces had very different objectives. For their part, English-speaking provinces required financial compensation for their ever-growing settlement program costs. For Québec, the persistent issue remained greater control, not just of immigrant settlement services and their funding, but of the selection of which immigrants came to Québec. Rooted in Québec fears that potential immigrants may not embrace the French language, the 1978 Cullen-Couture agreement sought to control for this variable by awarding additional points for French language.

David Milne, in his study of Canadian federal-provincial political history during the 1970s and 1980s, argues that Prime Minister Trudeau’s federalism found its basis in an underlying belief that a truly liberal state would not create conditions that could possibly allow minority factions to dismantle the ‘common good’ of Canadian federalism.\textsuperscript{79} Any Québec veto power in immigration, in Trudeau’s assessment, weakened federalism by increasing asymmetry. Prime Minister Trudeau believed that the issue of increasing provincial authority in immigration,

\textsuperscript{78} John R. Wood, 564.

\textsuperscript{79} David Milne, 21.
for example, was a matter related to the constitutionally-defined division of powers was more appropriate for constitutional debate on the patriation of the Constitution in 1982. However, by the late 1970s, under the new pressure of Lévesque’s government, Trudeau’s original version of federalism began to show cracks. When faced with the even more extreme alternatives of separatism or sovereignty-association, granting Québec increased ownership over its application of the point system seemed a comparatively small price to pay for national unity.

Québec pushed the immigration selection envelope, but the federal government was already opening the door to more intervention in immigration settlement, traditionally an area of provincial expertise. In creating the federal Settlement Branch and providing administrative mechanisms for the accompanying financial and human resources to support the expansion of established settlement and integration services, the federal government solidified its basic acknowledgment of the complexity and costs associated with immigration. The enthusiasm with which the federal government initially entered into this long-term commitment suggests that it did not fully anticipate the degree to which service demand - and therefore funding requests - would multiply. Discussions concerning jurisdiction boundaries, funding configurations, and purchase-of service-arrangements now demanded more federal attention than they had in the past. And of course, the ever present question was who would pay for what.

While the federal-provincial 1977 Citizenship and Language Training Program meeting produced more heat than light, the stalemate that resulted from it was an anomaly. By the late

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80 On November 10, 1975, just one month after the Andras-Bienvienue agreement was signed, Bourassa presented a constitutional reform package for the patriation and amendment of the Constitution. This constitutional amendment package attempted to protect bilateral immigration agreements themselves by providing a more solid constitutional basis for federal-provincial executive arrangements in various policy areas, including immigration. Although this round of constitutional negotiations ultimately did not result in any reforms to the constitution and thus was not included in the reforms that led to the 1982 Constitution Act, these specific demands initiated by Premier Bourassa would appear again during the 1987 Meech Lake and 1992 Charlottetown negotiations, discussed in Chapter 3.
1970s, most federal-provincial administrative meetings where funding or jurisdictional authority was not in question were generally productive, even described by Deputy Minister of Immigration Gotlieb as "fruitful." And in spite of ongoing disagreements about funding responsibilities, records of federal-provincial cooperation demonstrate the extent to which day-to-day program planning was shared, potential areas of collaboration were proposed, and joint meetings scheduled. If federal-provincial correspondence and consultation was often informal in the sense that meetings were not tightly scripted on either side, federal-provincial cooperation on program delivery logistics were equally relaxed. At the same time, both orders of government held tight to policy areas in which they felt they had competitive advantage and expertise: the federal government in immigrant selection and recruitment, and the provincial government in settlement program delivery.

As subsequent chapters will explain, in addition to establishing new objectives of Canada’s immigrant selection policy, the 1976 Immigration legislation was the catalyst for a range of multilateral and bilateral immigration debates that would reshape federal-provincial immigration relations for decades to come. Ironically, the policy revision allowing increased Québec engagement in immigration reflected an asymmetric reality in which Québec could be perceived as enjoying an unfair advantage over other provinces - the precise kind of relative disadvantage Québec had intended to avoid by way of its special status. Each successive Québec executive immigration arrangement since the 1970s served as a benchmark in the midst of a quickly changing immigration system. This has remained true regardless of whether or not other provinces, given an interest and capacity to do so, decided that the time was right to opt in to

81 For example, the province proposed the building of a single immigrant reception centre in Toronto which would house all federal and provincial services under one roof, including social service agencies - a suggestion that was well-received by federal counterparts. LAC RG 76 B-1-c Vol 38 File 5865-8-1, Liaison with the Provinces - Meeting Minutes, 8.
bilateral immigration arrangements with the federal government.
Chapter 3

From Ottawa-centric Governance to Increased Provincial Autonomy, 1977-1991

From the late 1960s onward, a trend of liberalization of domestic immigration policies coupled with the simultaneous strengthening of Canadian and international human rights protections,¹ ushered in what psychiatrist and migration expert Morton Beiser has described as Canada’s “forty-year transformation from an overtly racist to a pluralistic society.”² Neither an economic downturn during 1981, nor the shrill anti-immigration voices during the controversial Green Paper on Immigration debate only two years prior, blocked the entrenchment of new human rights norms into the 1976 Immigration Act.³ Through new mandates supporting short-term and long-term immigrant integration, the two federal departments responsible for immigration, Department of Secretary of State (SOS) and Canada Employment and Immigration Commission (CEIC), also supported bringing human rights to bear in the expansion of the

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¹ Global human rights norms and a liberalized approach to immigration during this era were codified in a range of formal policies at the international, national, and sub-national (provincial) levels of government. In the Canadian context, this included the formal adoption of in 1967 of regulations a new set of landed immigrant selection criteria that eliminated previously racially-discriminatory country of origin selection criteria; Canada’s signing of the UN Convention on Refugees in 1969; the Trudeau Liberal government’s policy of official Multiculturalism in 1971; the entrenchment of new immigration and refugee determination objectives in the 1976 Immigration Act; the establishment of the Canadian Human Rights Commission in 1977; the adoption of Canadian Charter of Rights and Freedoms in 1982; and the Mulroney Conservative government’s entrenchment of Multiculturalism in 1984.

² Morton Beiser, Strangers at the Gate: The "Boat People’s' First Ten Years in Canada. (Toronto: University of Toronto Press, 1999), xiii.

federal Immigrant Settlement Service, discussed in chapter two.

Ethnic and immigrant communities also found voice. By the mid-1980s, Canada’s ethnocultural communities were “decrying a catalogue of inequities” -- inequities that ought not to exist in a nation committed to official multiculturalism.\(^4\) As a consequence, federal government and NGO relations deepened over the course of the 1980s as the federal government sought increased NGO input and immigrant and settlement service providers increasingly rallied behind umbrella organizations to voice their policy concerns.

The years immediately following the 1976 Immigration Act brought an explosion in Canada’s commitment to refugees, especially with respect to the Canadian program for the resettlement of Vietnamese refugees. As the 1980s recession continued on and peaked in 1985, so too did high arrival rates of unforeseen and undocumented refugee claimants at Canadian border points. Even more significant during this period was the policy shift from the federal government’s inconsistent and ad hoc responses to international refugee movements towards a more defined, structured, and predictable national refugee determination process. The 1976 Immigration Act, which came into force in 1978, acknowledges Canada’s obligation to the internationally-recognized 1951 United Nations Geneva Convention Related to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. While Canada had signed onto the international Geneva Convention almost a decade earlier, in 1969, the use of formal Convention criteria for determination of refugee status had not been systematically adopted or enshrined into Canadian law. This changed in 1976. Canada’s accession to the UN Convention as law represented the federal government’s assertion that a transparent and structured refugee

\(^4\) Morton Beiser, 1999.
program would be implemented and that refugee protection was not only an altruistic humanitarian consideration, but a legal obligation as provided for in the 1976 Immigration Act. Provisions in the 1976 Immigration Act not only obligated Canada to admit refugees to Canada, it also allowed for groups of Canadians or voluntary organizations to sponsor refugees. The new refugee sponsorship system encouraged unprecedented grassroots efforts by everyday Canadians to come together and sponsor the resettlement of thousands of Vietnamese, Cambodians, Laotians, and ethnic Chinese from Southeast Asia throughout 1979 and 1980. But, as will be discussed, over time the federal government’s ability to manage high volumes of both sponsored refugees and incoming numbers of inland refugee claimants stretched available resources to the breaking point, complicating an already serious administrative backlog and posing new challenges for the institutional management of what was described by some as a “refugee crisis”.

Simultaneously, as the federal Liberals heralded the new 1976 Immigration Act, challenges to Prime Minister Pierre Trudeau's 1960s brand of strict executive federalism became increasingly strident, creating new challenges in federal-provincial relations. Trudeau’s criticisms of Québec’s growing political asymmetry and his attempts to further centralize decision-making power within Ottawa alienated provinces determined to voice regional and locally-based concerns. They pushed back. This chapter examines the federal-provincial give-and-take that gradually led to a shift from Trudeau’s Ottawa-centric federalism towards a more regionally-sensitive form of federal-provincial relations during the 1980s, implemented by Trudeau’s Progressive Conservative successor Prime Minister Brian Mulroney and, in particular, the Minister of Employment and Immigration, Barbara McDougall.

This chapter begins with a discussion of the joint federal-provincial efforts which were crucial to the settlement of Vietnamese refugees between 1978 and 1980, one of the first periods
of crisis that prompting federal-provincial cooperation on practical immigrant settlement matters. The chapter then explores other manifestations of intergovernmental immigration cooperation, including behind-the-scenes discussions taking place within the bureaucracy as well as more high profile constitutional debates. In looking back at the years 1976-1990, this chapter poses the following questions: In what tangible ways did the new Immigration Act bring about core changes in intergovernmental relations on matters of immigration? Certainly a reconfiguration of federal-provincial interaction was needed, if only to meet the legislative requirement of federal consultation with the provinces embedded within the new Immigration Act. While the federal Liberals had in principle made improved cooperation with the provinces a priority, the new Act, beyond mandating consultation, was virtually silent regarding how this ought to be achieved. And if the federal government had to reach out to the provinces on matters of immigration, what were the mechanics of that consultation? Was the federal government able to consult individually on a province-by-province basis, or did it negotiate with the provinces collectively?

One attempt, and a failed attempt, of provincial immigration representatives to negotiate with their federal counterparts was through the vehicle of a multi-provincial Immigrant Settlement and Integration Committee. Active from 1983-1985, this Committee brought together all provinces in hope of making common cause on matters of immigration in response to federal requests for consultation. Yet another attempt at ironing out formal relations between the two levels of government on immigration swirled around the popular Meech Lake Accord debates of 1987. Both instances of federal-provincial wrangling underscored the growing appetite on the

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5 S.109 of the 1976 Immigration Act states that “The Minister shall consult with the provinces respecting the measures to be undertaken to facilitate the adaptation of permanent residents to Canadian society and the pattern of immigrant settlement in Canada in relation to regional demographic requirements” Government of Canada, Immigration Act of 1976 c. 52.
part of some provinces to modify –and codify –existing federal-provincial immigration relationships and to assert and reinforce provincial autonomy.

By tracing both the management of refugee movements and federal-provincial conflict throughout the 1980s, this chapter makes the case that the post-1976 era marks a period in which federal political parties began to systematically (and formally) embed immigration issues into their respective long-term political strategies. Federal leaders of all political stripes, recognizing the fading appetite for Ottawa-dominated governance and the growing influence of ethno-cultural voting blocs in key political ridings, sought to solidify enduring relationships with specific immigrant communities through long-term immigration planning.\(^6\) Additionally, the intergovernmental immigration deliberations of the 1980s provide an early blueprint for the multiple formal federal-provincial immigration agreements that would be successfully negotiated from 1991 onward.

Indeed, managing the refugee program proved a major challenge of the decade. Prior to the 1980s, Canada’s legislative framework was virtually silent on refugees. Commenting on the ad-hoc nature of refugee policy prior to the new Immigration Act, professor of philosophy Howard Adelman described earlier Canadian refugee practices as a “mixture of altruism and self-interest.” While Canada had participated in refugee resettlement programs – Displaced Persons, Hungarian, Czech, Ugandan, Chilean and other smaller movements of Vietnamese refugees\(^7\) – these were exceptions to the regular immigration process. But the new legal framework provided

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\(^6\) As discussion in subsequent chapters will illustrate, the Progressive Conservative political strategy was achieved via the progressive importance placed on establishing the public consultation process as a key component of immigration policy development from 1983 onward as well as the Mulroney PC government’s introduction of the first Five-Year Immigration Plan in 1990.

by the 1976 Immigration Act obliged the Canadian government to annually accept and resettle a minimum target number of refugees. Whereas previous policy decisions were made subjectively and on humanitarian grounds, a direct result of the 1976 reforms (enacted on April 10, 1978) was, as Adelman notes, the process for receiving earlier cohorts of Vietnamese refugees from 1975-1976 was distinctly different from the policy involving refugees from 1978 onward.⁸

The 1976 Immigration Act also allowed the federal government discretion in selecting among refugees for entry into Canada: a special “Humanitarian Designated Class” was created in order to allow for the intake of humanitarian refugees through citizen-initiated programs. Churches, corporations or groups of five or more adult Canadian citizens were eligible to sponsor refugees directly, provided that they signed a written commitment to provide the refugee newcomers with lodging, financial support, and assistance in adapting to life in Canada for up to one year. In the spring of 1979, as the “Vietnamese Boat People” crisis exploded, a pro-refugee media outcry and pressure from within elite circles encouraged the federal government to increase its refugee target from 8,000 to 30,000. In light of the outcry, the federal government decided that the number of refugee claimants brought to Canada should be linked to public support. So in July 1979, the federal government introduced a matching formula: the government agreed to sponsor one refugee for each refugee sponsored privately. Ottawa's mayor, Marion Dewar, committed the city in 1979 to accepting up to 4,000 refugees, a pledge that was taken up by the media, the voluntary sector, and ordinary citizens who agreed to sponsor many of the families. The rush to organize sponsorship groups was unprecedented. Canadian altruism reached new heights as private citizens from all over the country partnered across sectors to boost intake

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numbers and streamline resettlement program delivery efforts.\textsuperscript{9} Notable was Ontario’s Operation Lifeline campaign, which rapidly spread through 58 ridings and towns across Ontario and ultimately provided for the private sponsorship thousands of Vietnamese refugees.\textsuperscript{10} Rosanna Scotti, then a staffer in the newly-formed federal Multiculturalism Department in the Secretary of State recalls that the collaborative efforts between government, groups of private citizens, and voluntary organizations:

The Southeast Asian movement was very interesting…in terms of the community stepping up to the plate. [The staff working in the federal Multiculturalism program] maybe had 6 months under our belt and suddenly we had “Boat people”. And there was a big panic about all the kids, because this was the first time [the federal Department of Immigration] had actually gone to the voluntary sector, churches, and private individuals to sponsor the refugees. And because of the numbers, people were nervous about our capacity in terms of being able to settle all of the refugee families. A good portion – probably 100 percent of the activity that we were engaged in – was coordinating the efforts…and trying to keep the panic down to a dull roar.\textsuperscript{11}

If private sponsorship was the refugee success story of the decade, the governance problem in dealing with undocumented inland refugees was far more problematic. For those individuals who were not UN Convention refugees the inland refugee determination system was an alternative point of entry into Canada. Inland refugee claimants, in contrast to Convention


\textsuperscript{10}The commitment of private individuals to responding to the “Boat People” crisis of 1979 is well-documented. Significant financial and in-kind donations played a crucial role in resettlement efforts. In July 1979, a Toronto newspaper reported that “When [Howard] Adelman [of Operation Lifeline] learned that Ontario's health insurance plan wouldn't cover refugees' medical expenses during their first month in Canada, he called his brother, Dr. Allan Adelman, head of cardiology at Mount Sinai Hospital. Within an hour, the doctor organized all hospital departments to provide voluntary medical care to uninsured refugees.” Subsequently, another major hospital, Toronto’s Hospital for Sick Children volunteered pediatric care for refugees. See Margaret Daly, “Vietnamese being brought to Canada Boat people campaign running full steam” \textit{The Globe and Mail}, July 4, 1979, 5.

\textsuperscript{11}Interview with Rosanna Scotti, June 7, 2011.
refugees, were individuals who arrived on Canadian soil seeking asylum. Simply stated, Canadian immigration officials set aside an annual target for the number of refugees that would be admitted to Canada and, in an ideal world, they would meet their goal by selecting refugees for Canadian admission from among those already judged to be legitimate refugees – those who met the requirements of the UN Convention on Refugees. However, this is far from an ideal world. Many individuals, their refugee status still undocumented, arrived in Canada and declared themselves to be refugees, leaving it to Canadian authorities to determine whether or not they were entitled to refugee status, and therefore entitled to remain in Canada. As the number of refugee claimants grew the Canadian government mechanism for refugee determination was strained and federal authorities sought ways to both streamline the determination process and slow the inland refugee stream.

Arguably one of the most important policy issues federal officials were forced to tackle related to inland refugee claimants was the 1985 landmark decision of the Supreme Court of Canada in the case of Singh v. Minister of Employment and Immigration. The “Singh decision” reached by the Supreme Court specified that inland refugee claimants were entitled to protection under the Canadian Charter of Rights and Freedoms. This meant that judgment about whether or not a particular claimant was a legitimate refugee couldn't simply be made by an immigration official in the Immigration Appeal Board (IAB) as had been the previous determination procedure. Rather, procedural fairness needed to be upheld. Denying claimants access to an oral hearing was a violation of rights and did not meet the standard of the “right to a fair hearing” as outlined in the Charter.\(^\text{12}\) According to André Juneau, former federal Department of Immigration

\(^\text{12}\) The Singh ruling ultimately led to the establishment, in 1989, of the Immigration and Refugee Board, a body at arms-length from the Immigration Department that would be responsible for hearing and adjudicating refugee claims.
official, “As a result of the [Singh] decision, the number of inland refugee claimants increased significantly, which [was] of great concern for the Minister and Deputy Minister... and while not yet a part of the public consciousness, was slowly seeping into it.”\(^{13}\)

Affirming inland refugee claimants rights under the Charter immediately brought with it new administrative complexity. The legal implications of the Singh ruling, combined with a sudden increase in the number of inland refugee claims in light of the ruling, led to a backlog in the processing of claimants. In turn, the growing backlog compelled federal decision-makers to seek limits on the entry of inland claimants in favour of Convention refugees so as to uphold its international humanitarian obligations. Referring the difficulty in managing the refugee crisis, historians Ninette Kelley and Michael Trebilcock note that:

> The Immigration Department's inability to handle the inland backlog is the dominant theme in Canada's immigration history throughout the 1980s, when increasing numbers of migrants learned that claiming refugee status increased the chance of admission to a more affluent country. It was a crisis that seemed largely unanticipated by immigration officials. In the late 1970s, between 200 and 400 people arrived in Canada each year and claimed refugee status...between 1982 and 1984, 3,400 to 5,200 claimants arrived annually, with the numbers increasing dramatically thereafter.\(^{14}\)

In August of 1986, as the bureaucracy struggled to smooth the glitches in the Canadian refugee determination system, a group of Sri Lankan Tamil asylum seekers arrived by. As if to mirror what was believed to be the prevailing public sentiment, the Mulroney government immediately provided the group with one-year minister’s work permits as Prime Minister Mulroney declared:

> Canada was built by immigrants and refugees, and those who arrive on lifeboats off our

\(^{13}\) Interview with André Juneau, March 8, 2012.

\(^{14}\) Kelley and Trebilcock, 412.
shores are not going to be turned away…And it’s not the presence of 155 frightened human beings searching for freedom and opportunity that’s going to undermine Canada of our immigration policies.  

The Mulroney government’s granting of one-year permits to the group of Tamils sparked harsh criticism from MPs of all political stripes. Even some Conservative MPs, citing complaints from their constituents that the Tamil asylum-seekers were being given preferential treatment over immigrants seeking to enter Canada legally, warned that the decision would encourage a flood of refugees arriving in Canada by boat. 

The veracity of Mulroney’s passionate vow to never turn away individuals arriving on Canadian soil in boats – as well as his subsequent and seemingly contradictory pledge that Canada would not allow refugees arrivals to undermine Canadian immigration policies – was put the test the following year. In July of 1987 a group of 174 East Indian Sikhs were set ashore in Nova Scotia and claimed refugee status. While the Tamils had received a comparatively warm welcome from Mulroney’s government only one year prior, the Sikh claimants touched a deep nerve. In stark contrast to his response to the Tamils, Prime Minister Mulroney stated immediately that the Sikhs would be granted “no special privileges”. Then-federal Minister responsible for immigration, Benoit Bouchard, refused to call the newcomers “refugees”. He instead referred to the group of arrivals as individuals seeking admission to Canada. 

At the time, the Canadian government had a policy of not deporting individuals to certain countries, called the B1 list, which included Sri Lanka. Instead of deportation, the Mulroney government granted one-year minister's permits to the Sri Lankan Tamil asylum seekers, which entitled them to live and work in Canada. Joe O'Donnell, “Show compassion for Tamil refugees, Mulroney urges”, *Toronto Star*, August 18, 1986; Alexandra Mann, “Refugees who arrive by boat and Canada’s commitment to the refugee convention: a discursive analysis.” *Refuge* Fall 2009: 191.


Under the direction of federal Immigration Minister Benoit Bouchard, the Sikhs were detained for several months pending refugee hearings. Additionally, the ship’s captain was immediately arrested and some members of the boat
he meant business, Prime Minister Mulroney issued an emergency recall of Parliament for the tabling of Bill C-84, *The Refugee Deterrents and Detention Bill*. Hinting that Canada was threatened with a fleet of refugee-packed ships unless a dramatic action was taken, Bill C-84, introduced in an emergency session of Parliament permitted the federal detention of refugees for 7 days and conferred broader powers for the removal of refugee arrivals if they were perceived as a security threat. Presumably, the Bill would “deter bogus refugees from coming to Canada and punish those who help[ed] them enter the country”.  

The terse federal response to the arrival of the Sikhs is not surprising when placed in the context of federal reforms already in progress. Federal officials were gravely concerned about the burgeoning backlog of refugee claimants which was becoming increasingly unmanageable and costly in addition to being a threat to routine planning of refugee targets required by immigration legislation. The backlog had caused many within the federal Immigration Department, including the Minister and Deputy Minister, to become “anxious about the state of immigration”. In anticipation of even worse challenges, the DM launched a plan to “strengthen capacity on the immigration side” by reassigning several senior federal officials from the Labour Market Branch to the Immigration and Refugee Branch. Then, on May 5, 1987, 3 months before the Sikh boat arrival, Immigration Minister Bouchard introduced Bill C-55, *Refugee Reform Bill*, intended to “streamline the cumbersome refugee determination system and quickly  


18 Joan Bryden. "Tories offer Senate refugee bill trade-off" *The Ottawa Citizen*. July 13, 1988. Interestingly, despite the Progressive Conservative’s recalling of the House due to its ‘emergency’ nature, Bill C-84 and would not be passed for a full year after its tabling in the House of Commons.

19 Interview with André Juneau, March 8, 2012.
weed out bogus refugees.\textsuperscript{20}

Although both Bills C-84 and C-55 eventually received Royal assent and took effect in January of 1989, the concurrent tabling of the two federal “companion” Bills resulted in an acrimonious debate in Parliament and throughout the media as the Bills passed first and second readings in the House of Commons, and passed through Senate hearings into the following year. Bill C-84, which many had perceived as a reactive and punitive rather than a well thought out piece of legislation, was especially controversial. MP Sergio Marchi, then Liberal immigration critic, argued that the overly-restrictive immigration and refugee policies of the Conservative government were what had created the refugee backlog in the first place.\textsuperscript{21} Pro-refugee groups attempted to make the case that the proposed legislation violated several sections of the Charter of Rights as well as Canada's obligations under the UN Geneva Convention on Refugees, resulting in legitimate refugees being prevented from finding life-saving protection in Canada. And NGO representatives characterized the actions of federal bureaucrats during the Senate hearings as “insincere, aggressive and oppressive.”\textsuperscript{22}

The following year, when incoming Immigration Minister Barbara McDougall accepted a Senate amendment to Bill C-84 which specified that federal authorities would only turn back

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\textsuperscript{21} Bills C-55 and C-84 took effect in January 1989. Bill C-55 amended that 1976 Immigration Act and created the Immigration and Refugee Board of Canada (previously the Immigration Appeal Board) and restructured the refugee determination process to one which would determine unfounded refugee claims after an oral hearing. Minister McDougall subsequently established a special Backlog Program, which promised to clear up the refugee backlog by either setting up a parallel fast-track system to quickly process approximately 115,000 backlogged claimants that had not been determined prior to January 1989. See “New refugee bill, 'a stinker,' says coalition of support groups” \textit{The Ottawa Citizen}, May 21 1987; Joan Bryden, “Tories offer Senate refugee bill trade-off” \textit{The Ottawa Citizen}, July 13, 1988. “Long-delayed refugee bills finally gain royal assent” \textit{The Ottawa Citizen}, July 22, 1988, A1.
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ships at sea if the Immigration Minister was satisfied the passengers would be safe, public opposition to the Bills persisted. One pro-refugee advocate even declared that the fact that Immigration Minister McDougall agreed to amend the Bill and drop the “ships at sea” provision, the cornerstone of Bill C-84, proved that the federal government had manufactured the previous year’s emergency session of Parliament in response to the arrival of the Sikh freighter in a crude attempt to create support for Bill C-55. He subsequently accused the federal government of “political opportunism of the worst type.”23

In contrast, government officials argued that resources to properly clear the backlog were inadequate and that, under government fiscal restraint, public servants responsible for slogging through the backlog were overwhelmed and demoralized. The existing determination system, they argued, was designed to handle 500 to 1,000 refugee claims per year, a far cry from the many thousands of inland claims received per year and countless others already waiting in the queue. Not only was the system for refugee determination in a state of chaos, but many bureaucrats feared what would happen in the already-stressed Settlement and Integration Branches once the large volume of accepted refugees made their way through the system. This was equally true at the provincial level. While Ontario remained largely silent from formal refugee determination debates, provincial policy analysts monitored federal immigration developments closely. A briefing note drafted by an Ontario staff member discussing implications of the refugee backlog for the province reported that:

Between January 1, 1989 and June 30, 1990 22,512 new claims for refugee status were made in Ontario (approximately 1,250 per month). During this period, 12,685 of these 22,512 claims received an initial hearing in Ontario. The remaining 9,827 claims had still

not been dealt with as of June 30, 1990…

The federal refugee determination system continues to be very slow…Consequently, the number of claimants on social assistance has escalated, and costs will likely continue to increase from the $100 million level reached in 1989…the inability of the federal process to resolve the claimant issue will result in an increased, unplanned for, burden on provincial expenditures such as education, and a significant sector of the public whose initial experience of Canada is one of protracted dependence on social assistance.24

And while Ontario internally acknowledged its “obligation to Convention refugees” through the provision of accessible settlement services, the province remained sensitive to its capacity to settle immigrants, all the while avoiding any official involvement in the refugee crisis.25

As the federal government struggled to contain what it saw as a refugee crisis, it also wrestled with the new legislative requisite of consulting with the provinces built into the 1976 Immigration Act. Federal officials were optimistic about the possibility of constructive consultations. Provincial officials, particularly those in western provinces, hoped that in light of Section 109 of the new Immigration Act which encouraged the negotiation of immigration agreements, they would finally have the undivided attention of their federal counterparts on settlement related issues. Provincial staffers also believed that given common concerns regarding local urbanization, social services, and the mechanics of federal consultation, a collective provincial voice would be useful in advancing provincial interests. Joint federal-provincial Manpower Needs Committees were struck to link provincial labour concerns to federal immigration policy by identifying occupations in high demand in each province as well as required provincial funding levels.

24 AO RG74-13 Box 13, Deputy Briefing (PSB Immigration), November 1991.

25 AO RG74-13 Box 13, Deputy Briefing (PSB Immigration), November 1991.
But visions of federal-provincial accord, and even inter-provincial cooperation, were easier to hope for than to achieve. Between 1978 and 1979, six provinces signed minor federal-provincial Memoranda of Understanding on immigration, but these deals were rarely maintained.\textsuperscript{26} What’s more, between 1980 and 1991, with the exception of Québec’s, there were no bilateral immigration deals finalized between federal and provincial governments. This decade-long gap in which no substantive federal-provincial immigration agreements were reached was due in part to the provinces’ preoccupation with debating settlement priorities amongst themselves. For instance, in 1981, a group of provincial ministers responsible for manpower and immigration hailing from northern and western provinces/territories outlined recommendations for improved federal immigrant settlement services in an Advisory Team report.\textsuperscript{27}

Provinces Canada-wide also convened an ad-hoc inter-provincial committee on immigration and settlement. Established independent of the federal government in March 1983, the Immigrant Settlement and Integration Committee (ISIC) was a multi-province group chaired by Elizabeth Carriere, Director of Immigration and Settlement Branch in Manitoba’s Department of Labour and Employment Services. The Committee was composed of senior immigration officials representing each province and territory. Its aim was to bring regional and provincial settlement priorities to the fore, while simultaneously developing a formal policy position that could be endorsed by all provinces in response to the federal government’s settlement related


\textsuperscript{27} See Western and Northern Manpower Minister’s Advisory Team on Immigration, \textit{Meeting the Challenges of Changing Circumstances: A Western Perspective on Immigration}. (Edmonton: Alberta Advanced Education and Manpower, 1981.)
policy proposals.\textsuperscript{28}

The ISIC first met in Winnipeg in March of 1983 to review and provide recommendations in response to the federal Department of Employment and Immigration’s request for provincial input into a new set of proposed federal immigrant settlement reforms. As it happened, that spring, the federal Cabinet planned to review fiscal adjustments to existing settlement programs and saw this review as an opportune time to seek provincial input on the draft document. Federal officials initially announced their intent to conduct a series of federal-provincial “consultative” meetings to discuss the proposals in April and May of 1983. ISIC members hoped they could cobble together a joint provincial/territorial response which incorporated all 12 governmental perspectives, but the timeline was too short. As a result, the provinces decided that they would each respond directly to the federal Employment and Immigration Deputy Minister, explaining that “due to the short time they had to review the documents, and the general and largely philosophical nature of the documents, provincial consultations [in April and May] would be premature.”\textsuperscript{29} Federal counterparts obliged, extending the response deadline to later in the year.

On May 11, 1983, The Committee met again, this time in Ottawa. Federal representatives were not invited, but provincial Committee members were happy to report that all 10 provincial and 2 territorial Deputy Ministers had approved a preliminary working proposal of the ISIC and

\textsuperscript{28} The Immigrant Settlement and Integration Committee’s (ISIC) official terms of reference were: 1) To provide a forum for provinces and territories to prepare a common position regarding changes to federal settlement and integration procedures; and 2. To prepare recommendations for Deputies on the provincial/territorial response to announced changes in federal policy and programs; AO RG74-13, Box 31, File LT-1a, Report of the Immigrant Settlement and Integration Committee to the Meeting of Senior Manpower Officials, Sept 7-8, 1983.

\textsuperscript{29} AO RG74-13 Box 31 File LT-1a, Report of the Immigrant Settlement and Integration Committee to the Meeting of Senior Manpower Officials, September 7-8, 1983.
that completion of the final response to the federal government was on schedule for completion in November 1983. While the Committee finalized its position paper, provincial Deputies requested a commitment from the federal Deputy Minister of Immigration that “in the meantime, current policy and programming not be changed or adjusted through unilateral federal action.”

Initially, the province's request that the federal government delay any unilateral decisions on settlement funding proposals was denied. The federal DM of Employment and Immigration stated in a reply to the Interprovincial Committee that his government could not wait any longer; the federal Cabinet's proposed fiscal adjustments to the existing settlement programs would move ahead. ISIC promptly replied in a telex penned by Mr. Mombourquette, New Brunswick Minister of Labour and Human Resources, on June 28, 1983. It expressed the Committee’s collective objection to the federal government’s intent to proceed without allowance for provincial timetables or adequate consultation lead-time. Eventually, the federal Cabinet agreed to postpone changes to the existing settlement policy until the ISIC could prepare its recommendations. Reflecting the satisfaction of Committee members of their ability to impact the federal policy process, an ISIC interim report stated that cross-provincial “collective action was a determinant factor in changing the nature of the federal Cabinet paper.”

The ISIC convened yet again in August of 1983 at a three-day-long meeting in Montreal. Following the successful collective response to the federal government’s funding proposals a few months prior, the ISIC decided that it was time to formally solidify internal ISIC relations. The Committee would develop a common policy framework in Montreal during an intensive

30 AO RG74-13 Box 31 File LT-1a, Report of the Immigrant Settlement and Integration Committee to the Meeting of Senior Manpower Officials, September 7-8, 1983.

31 AO RG74-13 Box 31 File LT-1a, Report of the Immigrant Settlement and Integration Committee to the Meeting of Senior Manpower Officials, September 7-8, 1983.
planning session. Indeed, the ISIC regarded its ability to build consensus and advocate as a unified political unit as one of its a key strengths. An interim report optimistically noted that:

Commitment and cooperation has made the concept of interprovincial/territorial discussions on immigration issues realizable. Despite the variety in levels of immigration and in arrangements for handling settlement issues, there is a significant degree of consensus on general principles needed to guide provincial/territorial-federal relationships in this area.32

And while the task of building consensus across provinces with a broad range of priorities at the Montreal meeting proved time-consuming, officials stated that “due to a number of concessions from Québec, the working group was able to agree to an overall objective for immigrant settlement and 8 guiding principles and a list of common concerns.”33 The fact that even Québec, with its unique immigrant selection provisions and its decades of experience negotiating on bilateral immigration matters with the federal government, was willing to compromise in the name of provincial solidarity inspired confidence among the other provinces that drafting a mutually-agreed provincial policy framework was indeed a realistic goal. The Interprovincial Framework for Immigrant Settlement, as the pivotal document would be named, would look to the future and attempt to broadly define the involvement of all of the provinces in settlement.

Following the positive progress made at the Ottawa and Montreal ISIC meetings in the spring and summer of 1983, federal and provincial officials agreed to schedule a meeting between the two levels of government for September of that year. The main agenda item of the proposed September federal-provincial meeting was clearly set: the final version of the Interprovincial Framework was to be presented by the ISIC to representatives from the federal

32 AO RG74-13, Box 31, File LT-1a, Report of the Immigrant Settlement and Integration Committee to the meeting of Senior Manpower Officials, September 7-8, 1983.

33 AO RG74-13, Box 31, File LT-1a, Montreal Meeting: Highlights, August 17-19, 1983.
Department of Manpower and Immigration. However, by mid-June of that year, the Interprovincial Framework document remained in draft form. With the September meeting date quickly approaching, ISIC once more begged time to convene provinces in order to finalize the document. But federal officials immediately denied provincial request to reschedule the meeting. There had already been too much delay and the federal government was committed to pushing forward in the area of immigrant settlement. If the provinces wanted their say, the meeting had to proceed on the originally scheduled date. An internal memo summarizing the correspondence between the two orders of government documents that Manitoba, still the chair of ISIC, “sent a telex to [federal Immigration Minister] Axworthy…to express disappointment at the decision to go ahead [with the September meeting].”

The federal refusal to accommodate the inter-provincial Committee's logistical constraints nearly led to a prickly exchange between ISIC Chairperson Elizabeth Carriere and the office of Lloyd Axworthy, then-federal Minister of Employment and Immigration. The original version of the provincial ISIC telex, drafted by an official from Manitoba earlier that summer, berated the federal government for its lack of flexibility and even questioned the federal commitment to receiving a well-prepared response from the provinces. Ontario senior official Kalman Green, presumably to minimize tensions between the two orders of government, advised that the memo be toned down before being sent to federal officials on behalf of the provinces. An internal provincial memo confirms that “Kalman's suggestion for less harsh wording was accepted and telex was altered accordingly.” Since the federal government would not

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34 AO RG74-13 Box 13, File G-9 Meeting to Develop Ontario's Input to the Provincial Framework on Settlement (Meeting Minutes), June 29, 1983.

35 AO RG74-13 Box 13 Folder G-9: Meeting to Develop Ontario's input to the Provincial Framework on Settlement (meeting minutes), June 29, 1983.
reschedule the meeting, the inter-provincial Committee hurriedly resumed preparations for the original September federal-provincial consultation meeting date.

Province-to-province discussions within the interprovincial ISIC, if well-intended, were not without dissent. A typical Committee meeting involved each province outlining its individual position on the point under discussion in a brief prepared prior to the meeting. Subsequently the Committee would proceed to discuss which elements could be endorsed universally. A few days prior to the August Montreal meeting, a sub-committee composed of Committee members from Saskatchewan, Manitoba, Québec, and New Brunswick circulated the first draft of the framework document to all provinces. This draft was a consolidation of all the provinces’ contributions and concerned itself with principles, problem statements, and proposed solutions. Most of the 1983 Montreal meeting was devoted to revising the draft framework, which, not surprisingly, proved time-consuming. Some of the proposals, rather than reflecting consensus, underscored ongoing philosophical and practical differences among provincial approaches. A meeting summary prepared by the ISIC observed:

Certain provinces, particularly Québec and Manitoba, wanted a more pro-active approach in settlement. Other provinces, notably Ontario and New Brunswick, preferred a reactive posture. The task at hand was really how could the framework, and more specifically, the principles be constructed in such a way so that they would reflect statements that all provinces could adhere to, yet at the same time, also allow for sufficient latitude so that no province would feel crimped in pursuing its own desired course of action.  

Acknowledging that distinctly different approaches to settlement service provision continued to divide provinces and the Committee’s resolve to keep working together despite these varied priorities, Ontario’s Kalman Green was hopeful. He remarked:

Although there were many divergent views presented, there was a general willingness among provinces to compromise on key points. This was particularly true of Québec which, although espousing a very pro-activist stance in immigration matters, was very accommodating regarding the final draft copy. 37

ISIC Chairperson Elizabeth Carriere agreed. If provinces, each with its own settlement interest, could agree on a unified approach to settlement, it would be difficult for the federal government to ignore a collective provincial voice on regional and urban settlement concerns. More importantly, the Interprovincial Framework had the potential to provide a powerful tool in winning larger federal fiscal transfers to the provinces. Carriere reiterated the ISICs utility as a vehicle of change, hinting at the group’s cohesiveness as essential to federal-provincial negotiation efforts:

I think we all see the benefit of examining together as provinces the fundamental aspects of provincial involvement in immigration…Maintaining the strong momentum of the March and May meetings is paramount. There can be no doubt of the importance that our combined efforts will have in influencing the federal government to deal with provincial positions as viable and significant elements in the development of settlement policy and programs. We can all agree that the process now underway represents an advancement in interprovincial and provincial-federal relations in this area and that it has already had some effect on federal attitudes toward this relationship. 38

Of all the differing written provincial contributions to the crafting of the Interprovincial Settlement Framework, Manitoba’s was by far the most clearly articulated and, at the same time, the most critical of existing federal settlement programs. Manitoba’s position painted a picture of the federal organization of immigrant settlement as haphazard and its impact on provincial counterparts as negative. According to Manitoba representatives, the federal government’s “ad hoc communication style” had left provinces in an “untenable position.” Without clear and

37 AO RG74-13, Box 13, Folder G-9, Montreal Meeting: Highlights, August 17-19, 1983.

38 AO Box 13 Folder G-9: Elizabeth Cariere to Kalman Green, August-September 1983.
ongoing communication, planning was problematic. Further, Manitoba's position highlighted what it believed to be some persistent challenges to effective federal immigrant settlement management: “inefficient programs with little or no direction or accountability, gaps and overlaps resulting from non-communication and jurisdictional sensitivity, program non-complementarity, and program non-compatibility.” In addition to pointing out the deficiencies of the existing federal funding model, Manitoba demanded formal consideration of provincial priorities:

It is time that provinces impose their right to manage their provincial services, and insist that while the federal government has an obligation to provide support in this area, this support must be subject to provincially-established criteria related to provincial objectives in the services most effected: education, health, labour relations, social and legal services.39

But in early February 1984, with the clock still ticking, the Interprovincial Framework was still in draft form. While all ISIC members had signed off on the draft document, it was still being vetted by senior staffers in their respective provincial ministries. Federal immigration officials, wanting clarity in any negotiation with the provinces, demanded that the Framework be officially endorsed by both each province’s respective Deputy Minister and the Minister responsible for immigration before the federal government issued a response. Still, the ISIC sent the draft document to the federal Department of Immigration, hoping for preliminary feedback. A federal official, acknowledging receipt of the Framework responded:

It is... my understanding that the interprovincially-prepared Framework for Immigrant Establishment/Insertion Sociale...position paper is still considered to be a draft and has not been officially approved by the appropriate provincial Ministers. Because of this, it is

39 AO RG74-13 Box 31, File LT-1a, Manitoba Draft of Inter/Intra-governmental Relationships - Rationale for Provincial Involvement, July 6, 1983.
difficult for us to comment on the paper until it is an official document approved by [all provincial] Ministers. In the interim, we are analyzing the draft and, once it has been approved by the provinces, we will be in a position to respond.\(^{40}\)

By late February, Ontario was the only province that had yet to officially endorse the Interprovincial Framework. The Ontario holdup appeared to be at the Deputy Minister level, with senior ministry officials stopping just short of signing on to the document. Ontario had concerns that it wished to append to the Interprovincial Framework – concerns that did not necessarily resonate with the other provinces. Although Ontario acknowledged the gaps in settlement services and duplication highlighted by other provinces, and understood that its sister provinces were concerned to retain their fair share of immigrants, Ontario's particular concerns were funding-related. Given that almost half of all immigrants entering Canada each year since the end of the Second World War ended up in Ontario, Ontario had developed a significant network of immigrant settlement infrastructure. The province was confident that it knew what services immigrants to Ontario needed and had the delivery structure to provide these services. But service demand continued to grow. So too did costs. An internal Ontario position paper titled “Our Problems” highlighted Ontario's concerns related to sponsorship breakdown, welfare provision, and funding for support services. In short, where Ontario differed from the other provinces was in the degree to which it could reasonably balance its projected income and expenditures. Since the federal government approved and organized the number of immigrants admitted to the province, Ontario was insistent that the federal government should also pay for the immigrant services Ontario delivered.\(^{41}\)

\(^{40}\) AO RG 74-13 Box 13 Folder G-9, Lynne Swanick, Dept of Labour and Human Resource, to Immigrant Settlement and Integration Committee, February 3, 1984.

At first Ontario believed that it could stand slightly outside the circle of ISIC agreement while the Committee presented its position to the federal government. The immediate goal for the ISIC was to push the position paper forward to ensure that in principle, improved provincial settlement services would become a federal priority. Surely, technicalities and province-specific arrangements could be worked out at a later date. Accordingly, an ISIC member forwarded the document to federal counterparts, attempting to minimize Ontario’s continuing absence from the consensus:

Representation of this document as a framework for future multilateral and bilateral consultation was endorsed by all provincial and territorial Deputy Ministers represented at the November meeting, except Ontario’s, who was required to withhold endorsement pending further review. Ontario has since completed this review, and although that province does not endorse the framework paper exactly as presented in November, their position varies little. Therefore, the document can now be considered as an approved Deputy Ministers consultation paper, with Ontario indicating its position separately.42

Even when not corresponding directly with federal counterparts, the ISIC attempted to internally gloss over the issue of Ontario’s continuing absence from the accord and framing it instead as tacit, forthcoming agreement. In a report to a meeting of provincial and territorial Deputy Ministers, the Committee wrote:

…The document can now be considered as an approved Deputy Ministers consultation paper, with Ontario indicating its own, but similar position separately. The Ontario position, to quote the Honourable Susan Fish [Ontario Minister responsible for immigration], ‘remains in harmony with the Spirit of the November document and the general stand of the other provinces/territories’43


43 AO RG 74-13 Box 13 File G-9: Telex of February 21, 1984 from Ontario, cited in Report of the ISIC to the
But an accord without Ontario was not accord. Provincial efforts to submit the Interprovincial Framework to the federal government without Ontario’s formal stamp of approval proved ultimately futile. And Ontario indicated that it did not intend to sign on. Just the opposite. Incoming Ontario Deputy Minister of Citizenship and Culture Bernard Ostry insisted that neither the Intergovernmental Framework document, nor the ISIC itself, were the appropriate avenues for the formal clarification of federal-provincial settlement roles. Rather than work within the ISIC, Ontario had enough clout to engage in direct bilateral consultations with the federal government, and Ostry intended to pursue that avenue. In June 1984, Ontario DM Ostry, wrote to Gaetan Lussier, federal DM of Immigration, declaring “...I have serious doubts as to whether the Sub-Committee on Settlement can be expected to represent the interests of all the provinces and territories adequately during such consultations.”

Senior officials from other Ontario ministries agreed. They advised Ontario senior immigration officials to draft an Ontario-specific position paper based on the province’s individual settlement needs. Meanwhile, MJ Diakowsky, Executive Director of Ontario’s Multiculturalism and Citizenship Division, in a letter to ISIC Chair Elizabeth Carriere wrote:

It appears that the provincial position is not understood correctly. The Framework Paper does not represent ‘a single viewpoint of the provinces and territories’. There is, after all, an Ontario paper and [federal Deputy Minister Lussier] surely cannot be ignorant of the fact that Québec (as stated to us in St. John) intends to produce a separate one of its own.

He must also realize that it is unrealistic to expect that the subcommittee on settlement

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can ‘represent the interests of all provinces’ given the differences between them in terms of their individual policies, special arrangements with the federal level, etc...The reason for this is that in Ontario a discussion of settlement issues would involve at least five ministries plus a policy development secretariat...

You will appreciate (and this has been Ontario’s stand all along) that although we are willing together with other provinces/territories to meet with federal staff to receive information or clarification regarding federal initiatives, negotiations can take place only on a bilateral basis...\(^{(45)}\)

With Ontario backing out of the formal multilateral federal-provincial consultation meetings, inter-provincial hopes of negotiating collectively with the federal government was coming unstuck. In a last-ditch effort to revive the inter-provincial Committee, in June of 1984, Elizabeth Carriere telexed all ISIC provinces and territories to gauge their willingness to proceed with multilateral discussions with the federal government. Nine provinces/territories indicated interest in such a forum: BC, Saskatchewan, Alberta, Manitoba, New Brunswick, PEI, Nova Scotia, Newfoundland, and the Yukon. Ontario’s DM Ostry responded that, while Ontario was not averse to a meeting with the federal government, it preferred a bilateral forum. Québec and Northwest Territories did not reply.\(^{(46)}\) Six months later, the Interprovincial Framework policy document – along with the pan-Canadian interprovincial Committee that had spent countless hours carefully crafting it – were both defunct. Federal and provincial officials ultimately agreed that “multilateral negotiations could not be held since the two provinces receiving the most immigrants [Ontario and Québec] preferred that such discussion be bilateral.”\(^{(47)}\)

As the provinces now sorted consultation issues with the federal government independent of one another, the federal Liberals, led by John Turner, prepared for a national

\(^{(45)}\) AO RG 74-13 Box 13 File G-9, MJ Diakowsky to Elizabeth Carriere, June 20, 1984.

\(^{(46)}\) AO Box 13 File G09, Telex from Elizabeth Carriere to Clive Joakim, January 7, 1985.

\(^{(47)}\) AO Box 13 File G09, Moe Diakowsky to Randy Norberg, January 7, 1985.
election scheduled for September of 1984. By this time, Prime Minister Trudeau had resigned as Prime Minister as the Liberal party’s popularity among Québec voters declined drastically to reach its lowest point in almost a century. Québec voters, historically a federal Liberal stronghold, had grown tired of what many perceived as Trudeau’s excessively Ottawa-centric rhetoric and “endless battles over putting the provinces in their place.” To make matters worse, the province of Québec had opposed the 1982 repatriation of the Constitution and it went ahead anyway. So on September 4, 1984, an angry Québec electorate responded by helping remove the Liberal party from office in favour of Progressive Conservative Brian Mulroney, the fluently bilingual federal party leader from rural Québec.

That Mulroney’s 1984 election as Prime Minister was the largest majority government in Canadian history was no surprise given the voter appetite for change both in Québec and the rest of Canada. A follow-up poll gauging voter sentiment immediately after the election also indicated a “strong desire” among most Canadians to reduce intergovernmental bickering. Mulroney’s majority win heralded what many hoped would be an era of collaborative federalism and intergovernmental reconciliation. If former Prime Minister Trudeau had made a point of holding tight to a strong central government keeping provincial and municipal influence at bay, “Mulroney explicitly welcomed the premiers as national decision-makers and acknowledged their decentralist vision of Canada as a union of 10 distinctive economies.” After taking office, the new Prime Minister vocalized his optimism about his ability to improve relations with the

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48 An early election poll indicated that Mulroney’s Tories ranked first in national public preference with 51%, to 36% for Trudeau’s Liberals, 12% for the New Democratic Party and 1% for other federal parties. See Michael Adams, Donna Dasko and Yvan Corbeil, “Tories soaring in Ontario and Québec, Poll Shows: Opposition up 22 points since losing 1980 vote”. The Globe and Mail, January 20, 1984; 10.

49 Quoted by Giles Gherson, Financial Post February 23, 1986

50 Bryden, 2007, 55.
Mulroney’s efforts to smooth over federal-provincial relations in the early stages of his first term in office paralleled his party’s efforts to strengthen relations with Canada’s ethnic communities. As part of its 1984 election strategy, the Progressive Conservatives tasked former Metro Mayor David Crombie and Toronto businessman George Eaton with “cultivating ethnic votes” in previously Liberal Toronto ridings. Additionally, as federal immigration official John Biles argues, the Progressive Conservative Party had been formulating its views on Multiculturalism long before the party’s 1984 election win. While serving as the official Opposition in early 1984, MP Jack Murta, Conservative Multiculturalism critic, attacked the Trudeau government’s management of the Multiculturalism program in Parliament, stating:

What appears to have happened, Mr. Speaker, under successive Governments, mainly Liberal Governments, since 1971, is that the whole thrust of multiculturalism has been relegated to tokenism, mainly because it has not been a priority of Government, although it has been given lip service. More important, Mr. Speaker, it has not been given an adequate budget.

MP Murta further criticized Trudeau’s approach to Multiculturalism as one preoccupied with cultural festivals and “wooing” ethno-cultural communities in the lead up to elections for political gains. The Progressive Conservative solution, he argued, was to rebuild the federal

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53 As John Biles notes, in the early 1980s Gus Mitges, Mulroney’s multiculturalism coordinator, prepared a draft for a new Multiculturalism policy in the in order to counter Trudeau’s policy. A few years later, the Conservative party released a Multiculturalism Policy. Among other reforms, it stated as one of its goals convening a federal-provincial conference “in order to achieve a national understanding and agreement for the implementation of a Multiculturalism policy”. See John Biles, “It’s All a Matter of Priority: Multiculturalism Under Mulroney 1984-1988” (M.A. Thesis: Carleton University, Ottawa, 1997). See also The Progressive Conservative Party of Canada, *Policy on Multiculturalism 1984*.

bureaucracy so that it “deals with multicultural issues in a committed and meaningful way.”
Murta vowed that under a Conservative federal government, input from ethnic minorities would have a meaningful role in forming Canada’s agencies, Departments, and Crown corporations — and not just a political tool.55 Murta’s accusation of Liberal ethnic pandering, just six months before an upcoming federal election, effectively solidified the notion of the PC’s commitment to meaningful political representation and established Multiculturalism as a key 1984 election issue. Mulroney was rewarded with a shift of ethno-cultural community voting patterns away from the Liberals.

That recent ethnic groups had an interest in a more welcoming immigration policy did not go unnoticed by the Mulroney Conservatives. On matters of immigrant selection, Mulroney’s approach was one of long-term population expansion. It also advocated a decoupling of immigration levels from the national employment rate. This was a dramatic reversal from typical post-war federal immigrant selection policy which had been determined by tap-on, tap-off one-year cycles closely linked to national unemployment trends. A federal immigration Task Force struck by Mulroney in 1984 declared in its final report that “the most qualified immigrants [were] effectively barred while large numbers who are potentially less adaptable continue to arrive.” The solution, the Task Force proposed, was to raise immigration levels “somewhat higher,” select immigrants who were better adaptable, and expand the economic class so that pre-employment was not required, along with restricting designated classes.56

Both Mulroney and then-federal Minister of Employment and Immigration Barbara McDougall saw weaknesses in the existing selection model based on the ebbs and flows of the

It was time to consider a new approach to immigration planning. McDougall, reflecting on the federal decision to consider the merits of adopting an immigration plan which took into consideration the lag-time between current market conditions and future immigrant arrivals stated:

To the extent that [the federal government is] attracting immigrants who have certain skills, you know that the skill categories that are in demand will change, but those are always way behind the wave. [The government is] always dealing with the skills people wanted last year, and not the skills they're going to want next year. So it's better to have a basic plan, and then you can tweak it as you need to…You can't play the economic cycle too precisely.\(^{57}\)

Accordingly, in 1987, McDougall, with Mulroney’s backing, increased the immigration levels from its previous 10-year average of 122,000 immigrants per year to a target of 250,000 immigrants per year for the next five years. What’s more, during this period the proportion of immigrants accepted under the economic class spiked, as did sponsored family categories, to the pleasure of more recent immigration groups. Refugee numbers, on the other hand, were reduced. In addition to spiking numbers in the economic and family reunification class, the federal government also introduced the first ever Five-Year Immigration Plan, which committed the federal government to setting immigration levels over a multi-year period rather than the previous one-year increments.\(^{58}\) As sociologist John Veugelers has pointed out, though a significant increase, the spike in federal immigration levels was masked from the general public until 1990, when an emerging nation-wide recession made it impossible to ignore the fact that the rising unemployment rate did not trigger the federal government to implement its traditional

\(^{57}\) Interview with Barbara McDougall.

\(^{58}\) Admissions under the economic class represented 39% of total immigration between 1981-1985, and nearly doubled over the next 5 years under Mulroney reaching 48% in 1990, as outlined in the Canadian government’s First Five-Year Immigration Plan, discussed at length in Chapter 4.
closed-door immigration policy.\textsuperscript{59} In the face of growing employment numbers, Immigration Minister McDougall continued to allow immigration levels to rise with each subsequent year at the government’s original projected levels. But so strong a commitment to increased immigration in a time of rising unemployment was unprecedented. Even with the backing of a recently released report by the Economic Council of Canada’s finding that immigration had a negligible effect on unemployment, the public remained skeptical. And while some saw the expansion of the family reunification category as a positive attempt to ensure the integrity of immigrant family units and smooth over the fallout from the embittered 1989 refugee crisis debate, most critics regarded the government’s decision as a deliberate political strategy of pandering to the ethnic vote in key urban ridings.\textsuperscript{60}

Unlike immigration levels, budgets for immigrant settlement services under the Mulroney regime did not grow or grow proportionately, much to the disappointment of the federal bureaucrats and provincial governments involved in delivering the programs. As far as Mulroney was concerned, federal bureaucrats could do with less. There was a longstanding hostility; even before assuming office, Mulroney had hinted that he would target political appointments made by Trudeau when he became Prime Minister. In his view, the federal bureaucracy was too big, too Liberal, too centralized, and too eager to interfere in the free market.\textsuperscript{61} Accordingly, the day after he came to office in 1984, Mulroney’s new government established a Task Force to review government programs. The Task Force on Immigrant settlement, in addition to criticizing the


\textsuperscript{61} Mulroney has list of top civil servants he could fire” \textit{Toronto Star}, August 3, 1984.
previous government’s refugee determination system, made the argument that Canada as spending too much per capita on immigrant settlement. By 1990, immigration levels had increased and Ottawa was spending approximately $170 million annually on language and settlement services. Even with McDougall promising to spend another $200 million on language courses over four fiscal years, an advocate from umbrella organization Ontario Council of Agencies Serving Immigrants (OCASI) warned that increased immigration levels could push the overburdened settlement services sector to its breaking point. Those working to provide settlement services insisted that the projected five-year increase in immigration rates called for expanded budgets for language training, immigrant settlement, and other related social services. McDougall, however, shrugged off the shortfall in language classes for immigrant and refugee children as a provincial problem that affects only specific schools.\textsuperscript{62}

As the Mulroney Conservative government managed its fractious relationship with the federal civil service, it also attempted to make good on the 1984 election promise to improve federal-provincial relations. A key feature of Mulroney’s approach to was to encourage an increase in the frequency of high-level interactions between the two levels of government. For instance, there were 3 federal-provincial First Ministers meetings in 1985 alone - in previous regimes there was generally only one federal-provincial conference per year. Mulroney’s professional background as a labour negotiator also fostered a sense of fairness among the provinces and he promised that his government “would be guided by the principle of respect for provincial authority.” As a result, the first meeting which was held in Regina was widely considered a success, “firmly embedding the perception that this [federal] government was

Mulroney’s efforts to build rapport with the provinces appeared to pay off. Mulroney commenced Meech Lake Accord Constitutional discussions from 1987-1990, and the provinces were enticed back to the Constitutional bargaining table for the first time since the 1982 Constitutional repatriation discussions. Many Canadians had long felt uneasy about Québec’s exclusion from the 1982 Constitution Agreement, and with Québec’s election of the federalist Liberal government of Robert Bourassa in 1985, Prime Minister Mulroney decided that it was an opportune moment to re-open the issue and he hoped, heal the wound inflicted on Québec by the 1982 repatriation.

Immigration was on the agenda. Immigration-related propositions presented by the federal government on May 15, 1985, were divided into two components. One included a proposal granting constitutional protection for federal-provincial agreements such as the Canada-Québec Immigration Agreement. The other held out the possibility of an increased role for the provinces in immigration proposing that “The Constitution should enlarge upon the Cullen-Couture Agreement of 1978 by confirming the paramountcy of Québec's powers in the matter of [immigration] selection, and by extending that paramountcy to the integration and settlement of immigrants.” The proposals discussed at Meech Lake were not new ideas; they had been inspired by key ideas brainstormed over a decade earlier by Québec Premier Robert Bourassa.65


65 Québec’s Bourassa government identified 5 conditions to be met before Québec’s National Assembly would ratify the constitution. They were: 1) Veto over constitutional amendments 2) Role in the appointment of supreme court
Yet, despite the Meech Lake Accord’s failure to be endorsed by all provinces, four years after the Accord's initial introduction in 1987, the federal government signed an immigration agreement with Québec in 1991 – the Canada-Québec Accord – based almost entirely on the Meech Lake immigration proposals.

Prime Minister Mulroney's decision to not only pursue Meech Lake discussions in the spring of 1987, but also to include increased provincial power over immigration as one of the areas open to negotiation demonstrated his commitment to bridging the federal-provincial divide on immigration and settlement. Further emphasizing the upcoming Meech Lake meeting as representing a potential breakthrough in productive federal-provincial discussions, Mulroney stated to the Commons:

Mr. Speaker, this agreement represents the best features of a vital Federal system, one which I believe responds to the aspirations of Canadians in every corner of the country. It reflects a spirit of partnership – and not one of endless federal-provincial power struggles.  

Federal-provincial debates surrounding Meech Lake were contentious. Not everyone, including former Prime Minister Pierre Trudeau, welcomed the increased role of the provinces. In line with his federalist stance, former Prime Minister Pierre Trudeau ardently opposed the proposal related to power-sharing in immigration, regarding it as offensive to Canada and an aberration of federal responsibility. Trudeau was certainly not one to mince words. On May 27, 1987, even before the Meech Lake text was finalized, Trudeau wrote an article for the Toronto 

judges 3) Increased power over immigration 4) Limitations of federal spending power in areas of provincial jurisdiction 5) Constitutional recognition of Québec as a distinct society.

Star, calling the proposed deal “the death of Canada...a plan to undermine the Charter.” And what the federal government ceded to Québec, he warned, it might also cede to other provinces. Trudeau further argued that by allowing if not encouraging provinces to opt out of programs under federal jurisdiction and accept devolution instead, the federal government would be complicit in the “balkanization” of social services. Trudeau later appeared before a Senate subcommittee considering the Meech Lake Accord proposals, as well as the Joint Committee of the House of Commons and the Senate. On March 30, 1988, in a speech to the Senate group regarding the immigration-related proposal, he declared that “if immigrants are going to be taught the theory of provincial sovereignty, it will not make for a strong Canada. An immigrant to a province is an immigrant to Canada, and Canada has a moral right not to give up its jurisdiction in that area.”

The requirement that all provinces be unanimous in order to pass the Meech Lake Accord was a legacy of Trudeau’s 1982 constitutional pact, and with all-party support in the House of Commons, the success of the Meech Lake Accord appeared to be a ‘fait accompli’. To be sure,

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67 Pierre Elliot Trudeau, “Say goodbye to the dream of one Canada” *Toronto Star*, May 27, 1987. At first glance, Trudeau’s opposition to granting Québec additional powers under the Meech Lake proposals seem to contradict his public endorsement of the protection of rights for other minority groups. Admittedly, the concept of minority group rights was not new to Trudeau; he supported such group protections for Aboriginal peoples, women, and multicultural communities. Additionally, Trudeau had agreed to the 1979 Cullen-Couture agreement, which gave Québec the ability to select immigrants with a long-term goal of preserving Québec minority language and culture. However, while Trudeau did not deny the reality that Québec was a ‘distinct society’, he believed that the clause was better placed in a preamble rather than the body of the Constitution so as to not endorse the view that Québec’s special provisions superseded those of other groups. As policy consultant and revisionist author Bob Plamondon writes, “Trudeau detested the notion that any group, such as Québec’s French speaking majority, would have rights and power that could work to the possible detriment of the rights of the individual and the minority.” Further, Pierre Trudeau’s strong opposition to Meech Lake in 1987 was also rooted in his belief, as he stated in his memoir, that the Québec constitutional issue had been put to bed in 1982 and that Mulroney should not have raised it again. See Bob Plamondon, *The Truth About Trudeau*. (Ottawa: Great River Media, 2013); See also Pierre Elliot Trudeau, *Memoirs*. (Toronto: McClelland & Stewart, 1995).


all were optimistic given that the agreement made at Meech Lake on April 30, 1987 was the first time since Confederation that the federal government and provinces unanimously agreed on a major constitutional agreement since Confederation. But on April 21, 1990, Premier Clyde Wells from Newfoundland rescinded his province’s endorsement of Meech Lake. Subsequently, Manitoba failed to ratify before the June ratification deadline. The Meech Lake Accord collapsed.

How Canada-Québec negotiations under Mulroney’s government survived the collapse of the Meech Lake Accord is important to understand. Multiple federal attempts had been made in the late 1970s to engage provinces other than Québec in immigration selection. They were unfruitful. The thinking among senior federal immigration officials at the time was that immigration was an exemplary portfolio that could be pointed to as a promising model of efficient bilateral federal-provincial cooperation. Federal government representatives believed that the existence of Québec immigration counselors overseas tasked with advising and enticing ‘would-be’ immigrants to the province could inspire other provinces to consider similar recruitment arrangements. T.B. Sheehan, Immigration and Social Affairs Director General in the Department of Immigration, even went so far as to advise the Director-General for Federal-Provincial relations to “uphold Québec as a positive example” during discussions with other provinces. 70 Apparently, the strategy worked. Internal Ontario Ministry of Citizenship and Culture documents summarizing federal-provincial issues, acknowledge that Québec is a model that can be replicated. 71 And, just a year after the failure of the Meech Lake Accord in 1990, the

71 AO RG74-13, Box 34, File A.5: Briefing Notes/Planning and Resources, 1986/87.
71 Interview with Barbara McDougall, October 11, 2011.
federal Progressive Conservative government renegotiated a new immigration agreement with Québec, signed by Immigration Ministers McDougall and Gagnon-Tremblay in 1991.

The backstory of the 1991 Canada-Québec Accord is also complicated and politically charged. It is no coincidence that the same year of the failure of Meech Lake, Bouchard convinced several other Tories to break with the federal Conservative party and join him to form the Bloc Québécois, a pro-sovereignist party. Former senior immigration official André Juneau, in describing the Prime Minister's concern to show that Québec and Canada were not at odds, was eager to follow up on the momentum of the Meech discussions with a federal-Québec immigration deal and do so immediately:

[Mulroney] was personally interested in [an immigration deal as a follow up to Meech Lake discussions]. Sometimes we say ‘the Prime Minister did this, and this…but in this case it really was literally a decision of Prime Minister Mulroney. He wanted us to make a deal with Québec that would expand the significance of the 1978 Québec deal. And so we [negotiated the deal].

So, as was previously the case, the threat of Québec separation continued to exert a powerful influence on Canada-Québec relations. Yet, upon reflection the Canada-Québec negotiations of 1991, former Employment and Immigration Minister Barbara McDougall noted that the positive working relationship between herself and Québec Minister Gagnon-Tremblay were crucial to its success, despite the more adversarial political pressure coming from Québec MPs:

We both wanted to come to the agreement. We felt it was a good thing to do. There were arguments about the details--they wanted higher numbers, and they wanted more funding, and…all those things that you would anticipate. At the time, of course, all these things seemed difficult and you don't want to jeopardize a good relationship. So you're trying to be accommodating but hold your end and they were pushing pretty hard for what they

72 Interview with André Juneau, March 8, 2012.
wanted. But…they were things that were imminently resolvable; there was nothing that was going to make somebody walk away from the table.73

Not surprisingly, the final 1991 Canada-Québec Immigration Accord remained true to the spirit of Québec’s proposals under Meech Lake. The new Canada-Québec Accord revised the Meech Lake Accord’s language to remove the problematic word “guarantee” which would have ensured that Québec receive a specific annual number of immigrants within the annual total established by the federal government, and proportionate to Québec’s share of the population. Orest Kruhlak, former federal Director of the SOS Multiculturalism Program, has pointed out that there were obvious logistical difficulties in ensuring that Québec always received exactly 25 percent of the total number of immigrants to Canada in any given year. Instead, the Canada-Québec Accord incorporates the Meech Lake Accord commitment that Québec should receive the same percentage of the total number of immigrants admitted to Canada as is its percentage of the Canadian population, with the right to exceed this figure by 5 percent to augment its lower birthrate. And, both governments committed to pursuing policies that would help Québec achieve its immigration levels goals.74 With the signing of the Canada-Québec Agreement in 1991, the policy environment changed again. This new agreement significantly increased the level of federal compensation to Québec for immigrant settlement services significantly.

The fruitful bilateral Canada-Québec negotiations of 1991 stand in contrast the attempts at reaching multilateral inter-provincial consensus, both at Meech Lake and during cross-

73 Interview with Barbara McDougall, October 11, 2011.

provincial ISIC discussions. Inter-provincial discord displayed in these forums underscored the complexities of conducting multilateral negotiations on immigration and settlement matters. As political scientists David Cameron and Richard Simeon note, one advantage of the Canadian federal system is that provincial interests can be articulated as intergovernmental accords, declarations and framework agreements, rather than being expressed in the uncompromising language of constitutional clauses and enforced by the courts.\textsuperscript{75} And fortunately for Québec, many of the issues unresolved in the failed Meech Lake discussions immediately moved from the Constitutional realm and re-emerged in the intergovernmental arena through the successful negotiation of the 1991 Canada-Québec Accord.

Prime Minister Mulroney’s conciliatory approach to working with the provinces also stands in stark contrast to his battles with the federal bureaucracy. That the inter-provincial Immigrant Settlement and Integration Committee ultimately could not deliver on its Terms of Reference was not surprising given the imperative to address wide ranging immigrant settlement priorities across the country. Yet, the attempt by the ISIC to get its Draft of the Interprovincial Framework off the ground demonstrated that the provinces regarded themselves as viable, legitimate political entities in the arena of immigration. And even if the provinces failed to reach a unanimous accord, the attempt to do so underscored the extent to which the expansion of settlement services in Canada became increasingly important as total immigration levels increased beginning in the late 1980s.

\textsuperscript{75} David, Cameron and Richard Simeon. “Intergovernmental Relations in Canada: The Emergence of Collaborative Federalism.” \textit{The Journal of Federalism} 32:2 (Spring 2002). Further, the next round of negotiations, the Charlottetown Accord, brought more issues to the table: Section 27 of the Charlottetown Accord included a proposed constitutional amendment obliging the “federal government to negotiate and conclude within a reasonable time an immigration agreement at the request of any province. A government negotiating an agreement should be accorded equality of treatment in relation to any government which has already concluded an agreement, taking into account different needs and circumstances.
During the 1980s the Canadian refugee system, and particularly provincial capacity to facilitate the settlement of immigrants to the province, was put to the test by the Vietnamese refugee resettlement efforts as refugee numbers in Canada quickly. In total, Canada accepted 150,000 refugees from 1977-1986. This was more per capita than any other country. In 1986 the United Nations awarded Canada the Nansen Refugee Award in recognition of its commitment to protecting refugees. However, despite the successes of intergovernmental cooperation to facilitate refugee sponsorship settlement, the Progressive Conservative response to inland refugee arrivals during the latter part of the decade was far from generous. Simmons and Keohane note that “all parties, NGO leaders, parliamentarians, and state officials speak of this as a dark moment in policy-making.” As will be discussed in the next chapter, the federal government’s announced Five Year Immigration plan, which required formal provincial and public consultation, offered the possibility for provincial and local governments to become more meaningfully involved in the settlement of refugees. In the process the Mulroney government would have an opportunity to begin a re-rebuilding of its reputation amongst sector stakeholders.

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76 Alexandra Mann, 191.
77 Simmons and Keohane, 449.
Chapter 4
The Politics of Immigration Consultation

“Ottawa will give away as little as possible, and the concessions it does make will do more for the supplicants’ pride than their pocketbooks…”

If the intergovernmental immigration debates throughout the 1970s and 1980s were any indication of the trajectory of future federal-provincial relations, then the years following the rejection of Meech Lake would be no doubt characterized by louder provincial voices demanding a greater influence over immigration. As federal immigration officials gradually began to realize, cooperation with provincial counterparts sometimes involved a good deal more than simply covering some of the immigrant settlement costs. At times it also included a provincial say in immigrant selection as well as the content of federal settlement programs. And, as Canadian political scientist Gerald Dirks noted, the demise of the Meech Lake Accord “added fuel to the already noticeable [provincial] efforts …to gain greater influence over immigration”.

The door to bilateral federal-provincial immigration accords was opened by Québec. In hopes of avoiding accusations of Québec preferential treatment, Mulroney’s officials advocated for increased provincial engagement on immigration matters during these intergovernmental debates. Members of the political class, including the Prime Minister’s Office, Privy Council, the Employment and Immigration Minister and other members of Cabinet, urged senior bureaucrats to consult more extensively with provinces and test the waters of provincial willingness to sign

1 Carol Goar, “Mulroney finally said No, Whereby Canada entered the Decade of Restraint” Toronto Star, December 3, 1985, A:15.

bilateral immigration agreements. Yet, these calls at the political level were met with skepticism from within the bureaucracy. Senior federal officials held enough immigration program management expertise to understand the administrative complexity and logistical challenges that could no doubt arise if each province was provided Québec-style immigration arrangements. Would immigration administration turn into a ten-ring circus?

Nevertheless, the mid-1970s through the late 1980s has been described by former federal official and researcher Robert Vineberg as the “era of consultation”, a period in which Canada’s legislative environment actively encouraged provincial engagement in immigration. Pursuant to the 1976 Immigration Act, which came into effect in 1978, it became a requirement for the federal government to consult with provinces and other stakeholders prior to deciding annual immigration levels. Yet, as discussed in the preceding chapter, the term ‘consultation’ remained vague –while the 1976 Immigration Act was clear in requiring consultation, it was less clear regarding what was meant by the term and what would satisfy the consultation requirement.

Public policy consultation in Canada has long since grown to encompass both external (government-to-public) and internal (government-to-government) communication. In recent decades, ‘consultation’ has also been employed to describe interactions arising from both formal agreements/arrangements as well as informal working relationships. This chapter will survey the

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4 According to the 1976 Immigration Act: “The Minister, after consultation with the provinces concerning regional demographic needs and labour market considerations and after consultations with such other persons, organizations or institutions as he deems appropriate, shall cause to be laid before Parliament...a report specifying: a) the number of immigrants that the Government of Canada deem it appropriate to admit during any specified period of time; and b) the manner in which the demographic considerations have been taken into account in determining that number.
evolution of consultation activities related to policy-making, exploring the most prevalent modes of consultation operation in the Canadian immigration policy context: public consultation and government-to-government consultation (including both formally-structured mechanisms and informal intergovernmental working relationships).

Similar to the 1976 Green Paper Consultations described at length in Chapter Two, the 1991 Five-year Immigration Plan Consultations involved cross-Canada meetings. This chapter discusses the key features of the 1991 Five-year Plan Consultations and how they differed from traditional public consultation proceedings. Also, the various modes of government-to-government (federal-provincial) immigration consultation will be explored, including consultation on immigration levels, mechanisms embedded within bilateral agreements, and informal consultation – an essential strategy when engaging with the province of Ontario.

Political scientist Gerald Dirks argues that the first formal consultation process involving organizations outside government circles on immigration matters was in the mid-1970s when the Special Joint Committee of the Senate and the House of Commons toured Canada gathering written and oral submissions from organizations and individuals on the forthcoming 1976 Immigration Act. The subsequent series of nationwide public hearings held from 1973-1974 in preparation for the Immigration and Population Study (CIPS) Green Paper (discussed in Chapter 2) were unprecedented in scale – and, while the process was much supported by the Minister of Immigration, casting so wide a consultative net also meant that the government would also hear

\[5\] Gerald Dirks, 41.
from some with racist and other unsavory views of immigration.⁶

But, if broad public consultations could be unpredictable, federal officials had improved consultation with informed stakeholders, including the provinces, on top of mind even before the new Immigration Bill passed. In a memorandum to the federal Immigration Minister regarding consultation with the provinces that would be obligatory after the new Act came into effect, federal immigration official Director-General Yves Charette informed the Minister:

In order to establish an effective [provincial] consultation mechanism ... a letter is now being drafted for your signature to the designated provincial ministers giving them general advance information on the Bill and laying the ground work for later consultation....we mention to the provinces that in the intervening months, before the meeting takes place, the Regional Directors General will be available to discuss the Bill and the possible methods of consultation. We suggest that following the multilateral meeting, bilateral discussions take place at the regional level...we reiterate the invitation be extended to all provinces in your letter of November 1975 regarding your willingness to enter into closer consultation with the provinces and we suggest that the Joint Committee established with Québec serve as an example of the mechanisms...the rationale for extending the invitation at such an early date is twofold: it will reassure the provinces of our intention to consult them and it will do this at a time when the new Act will likely be receiving a great deal of publicity.⁷

While uncertain of future logistics for federal-provincial consultation, federal officials were carefully setting the stage for increased interaction with the provinces. In the midst of the Québec Cullen-Couture negotiations, the federal government also hoped to send a message to the other provinces that it would be open to engaging with all of them equally.

⁷ LAC RG76 File 5865-8-1 Vol 2, Liaison with the Provinces-General, Memo from Yves Charette to the Minister Re: Consultation with the Province – Immigration Program, July 1976.
Following the Green Paper recommendations and passage of the 1976 Immigration Act a Canada Employment and Immigration Advisory Council was established to act as a forum for innovation and to provide an avenue for policy evaluation from outside of Parliament or the bureaucracy. While the Canada Employment and Immigration Advisory Council was ultimately disbanded in 1992 in a wave of government cost-cutting measures, the Immigration Advisory Council’s pattern of gathering advice and input from immigration stakeholders including NGOs and members of the business community became an established and, in the view of stakeholders, expected practice.\(^8\)

Some policy experts have argued that public consultation initiated by government and inclusive of a wide range of external stakeholders has tended to be little more than an exercise in public relations - that is, more to placate the public than to gather advice. For example, governments employed public consultation to soften the public to changes in policy, present intended outcomes of policy decisions which have already been made, or promote the merits of a particular policy direction,\(^9\) all the while positioning government policy directions in a favourable light. More positively, political scientists Simmons and Keohane suggest that during the consultation process, the federal government “is not only directing the flow of communication, but is somewhat uncertain on its own agenda and is actively exploring other

\(^8\) Gerald Dirks, 40.
viewpoints, both to protect itself against future challenges and to develop ideas for the future.”
In this way, government decision-makers utilized the structure of consultations to explore policy options while simultaneously conducting an unofficial public opinion poll. Gerald Dirks argued that that “Since the late 1980s, the whole [consultation] process has become more structured, rather closed, and some observers have suggested, a little too orchestrated.” As a result, suspicion with which NGO representatives approach the consultation process persists. In a similar vein, Susan D. Phillips notes that:

The problem with most existing mechanisms of government ‘consultation’ with the voluntary sector is that it is lopsided: government usually determines who is invited; opportunities for real exchange of views and dialogue seldom exist; and there is limited feedback to participants about the use of results.

Not everyone sees public consultations as largely an exercise in public relations. Emphasizing the evaluative aspects of consultation, Canadian public policy experts Michael Howlett and M. Ramesh define consultation as “a process undertaken by an empowered institution (or agent) to inform itself on one or more as-yet unmade decisions, or to review previous or existing decisions, policies, or programs.” Former federal Communications Director Peter O’Malley has similarly argued that public consultations can serve as early ‘impact assessments.” Governments in Canada, realizing the many benefits of public consultation,

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11 Gerald Dirks, 42.


developed an institutional "culture of consultation” in order to make accurate impact assessments of their initiatives. He further argues that government policy directions which have already been decided on, when put into the public sphere via public consultations, can provide senior decision-makers with a preview of program outcomes. Accordingly, “by talking directly to potential ‘regulatees’ or other interested parties, officials could propose actions to Ministerial and Cabinet decision makers with more confidence that the results would be as intended.” Governments invite a broad range of stakeholders to public consultation meetings with a view to explore and identify possible impacts - in particular unforeseen impacts - of various policy options on effected parties, and to allow potentially impacted parties, also called stakeholders, to express their views before decisions are made.

The planning and design of public consultations is also a function of the amount of available time and the level of detail that the decision-making body hopes to receive from those being consulted. Depending on the particular goals, consultations “can range from small meetings of less than a dozen participants and lasting only several minutes, to multi-million dollar inquiries which hear thousands of individual briefs and take years to complete.”14 A less obvious benefit for governments, argues O’Malley, is the fact that in planning public discussions that can last months and sometimes years at a time, the governments can appear to make substantive changes while posing no challenge to the existing processes of Cabinet decision-making taking place behind closed doors. In O’Malley’s words, given that the public consultation exercises take place “outside the formal decision-making process, they [represent]
no challenge to the hierarchical and narrowly-cast, and by law secretive, decision-making structures associated with our form of Parliamentary government.”

The 1974 Green Paper consultations marked the first time that the federal Department of Employment and Immigration consulted so widely in the public arena. In a sharp contrast with the minimal public consultation involved in immigration policy development in the immediate post-war years, from the mid-1970s onward the federal government made a deliberate effort to consult widely with the public and other levels of government before announcing major new policy directions. The federal government was demonstrating that it had reinvented itself and now placed a high priority on extensive consultation processes, which in the early stages of consultation served to quell the perception that interest groups and others with local service delivery expertise were being deliberately excluded or their interests dismissed. In his announcement of the Canadian Immigration and Population Study (CIPS) and the appointment of the Task Force that would be responsible for drafting the CIPS Green Paper, Immigration Minister Andras declared to staff in the Department, “It is essential that any change in the basic philosophy and policy [of Canadian immigration] - if there is to be a change - reflect the broad consensus of all Canadians.”

Retrospective evaluations of the Immigration Green Paper public consultation process

15 Peter O’Malley, n.d.

16 In 1966, the government of Canada tabled a White Paper on Immigration, a policy document which recognized the need to end immigration selection discrimination based on ethnic origin. While the White Paper represented a more progressive approach to immigration than had been pursued in previous years, it cast immigration in threatening terms and recommended increased control over family sponsorship to restrict the numbers of immigrants accepted in category. The White paper was met with harsh public criticism from the public and ethno-cultural associations, and in particular for not reflecting consensus among these groups.

17 LAC RG 118 60 “Meeting Minutes- Canadian Manpower and Immigration Council, Sixth Meeting”, No Date.
have echoed critiques of the Green Paper document itself. That is, while appearing to present a neutral position regarding the state of Canadian population policy, on further review it was argued by some that the federal government was promoting a negative assessment of existing immigration policy during consultation. In the words of social policy analysts Martin Loney and Allan Moscovitch, “while the Green Paper reads like some verbal tennis game, it is still possible to hazard a guess at the score.”18 Similarly, political scientist Freda Hawkins described the Green Paper as a superficial study that merely played lip-service to the consultation process in policymaking – the government of the day knew what it was going to do and used consultation as a cover for doing so.19 Whether or not these criticisms are warranted, the wide-ranging Green Paper consultations and Joint Committee hearings both had the effect of making immigration policy an issue of public (and often hostile) debate and allowing the federal government an opportunity to selectively choose from the responses of stakeholders in various domains.

Following the 1976 Immigration Act’s legislative requirement that the federal government seek direction on immigration numbers from relevant stakeholders, the provinces in particular, the first round of annual consultations on Immigration Levels (also known as ‘Levels Consultations’) took place with provincial governments in the spring and summer of 1978. Two years later, in 1980, a similar annual process, this time seeking public and NGO input into the federal government’s yearly immigration numbers began. While the federal government remained outwardly committed to consultation with local and regional stakeholders, in the end it


reserved its legislative prerogative to set future immigration levels in the national interest.

It was not until 1989 that the federal government’s efforts to reach out to the public and immigrant settlement community took on an entirely new character. The consultations on the 1989 Five-Year Plan, carried out under the personal direction of Minister Barbara McDougall in advance of formally announcing a five-year immigration plan which greatly increased immigration levels, broke new ground and aimed to address critiques that the established consultation structure did not seek input from all stakeholders. As Immigration Minister Barbara McDougall noted in the Annual Report to Parliament, “to prepare the five-year plan, [the Immigration Department] held a series of discussions and consultations across the country - consultations far more comprehensive than in the past...”20

Prior to 1989, federal immigration consultations focused on a short-term time frame (1 to 3 year planning targets) and gathering public and provincial input was internally regarded as pro forma and superficial. More importantly, public consultations tended to focus on groups and individuals directly involved with immigrants; for example, organizations facilitating the settlement of newcomers, refugee advocacy and aid groups, and ethno-cultural associations. Critics condemned this model, arguing that these groups were often too closely tied to, if not dependent on, government funding to offer critical views. To be sure, new stakeholders - especially business and labour - were not previously ignored. However, they were not central to the routing planning process.

The new Five-year Plan consultations promised to be different. This process involved “more preparation, more meetings, and the specific targeting of those interest groups which the Department felt had been ignored in the recent past”\(^\text{21}\), including representatives from business, labour, education, the social service and health care fields, the media, lawyers, economists, environmentalists, those concerned with human rights, and academics. In addition to the “regional meetings” taking place in 5 federally-defined regions (which had been the customary consultation format for almost a decade), the federal government also organized meetings in eight cities across Canada: Edmonton, Halifax, Ottawa, Regina, Montreal, Vancouver, and Toronto, all in the neutral setting of a downtown hotel. To facilitate in-depth discussions, the federal government limited attendance at each session to approximately 100 people. Even more notable, the Minister herself (or in her place, the Associate Deputy Minister or the Executive Director of Immigration Policy) was present at each meeting.\(^\text{22}\)

The Five-Year Plan public consultations had three stated objectives. In addition to the typical public consultation goals of providing information to the public about proposed immigration policy changes and getting a survey of stakeholder opinions, a key objective, as outlined in the annual Report to Parliament, was to “counter prevalent but mistaken beliefs about immigration.” Among the litany of misconceptions were the notions that immigrants take jobs from Canadians, and that increased immigration can offset the effects of a declining national

\(^{21}\) Simmons and Keohane, 438.

Senior officials hoped to temper both the pro-and anti-immigration extremes of participants. Accordingly, organizers took great care in planning the Five-year Plan Consultations. First, they gathered up-to-date national and provincial immigration statistics and synthesized a collection of background research and sent to each consultation participant prior to the meetings. These preparatory research summaries spanned an array of issues including economic effects of immigration, a review of recent Canadian public opinion research on immigration, and a copy of the 1989 *Report of the Demographic Review* issued by Health and Welfare Canada. The findings of the Demographic Review’s report suggested that Canada’s demography would only be marginally impacted by increased immigration rates, and that as a result immigration should not be used and the sole or primary strategy for population growth. Further, empirical research commissioned by the federal government quite clearly demonstrated that immigration did not have a negative impact on either the growth of the economy, or the ability of native Canadians to remain competitive in the economy. Most participants claimed in retrospect that the consultation materials were “excellent” for enhancing a layperson’s understanding of relevant immigration issues.

Minister McDougall or her assignee began each morning session’s proceedings with an opening statement. The authors of the research reports, including researchers from the National

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24 Interview with Barbara McDougall, October 6, 2011; See also Canada, Employment and Immigration, *Immigration to Canada: Economic Aspects* (1989)
Demographic Review, then presented the results of their studies and outlined implications for the future of Canadian immigration. During the two-hour afternoon sessions, the consultation participants were separated into 10-12 person working groups, and group leaders - all officials of Employment and Immigration Canada or External Affairs and International Trade - were given a prepared list of questions for participants to address. The questions raised during the afternoon sessions dealt with four themes: 1) the number of immigrants Canada should accept in the future; 2) the balance among the categories of migrants; 3) the settlement and integration of immigrants; 4) the factors affecting the distribution of immigrants across Canada. Finally, the meeting in each city concluded with a plenary session with rapporteurs’ reports from the working group and brief responses from the Minister.

The first Five-Year Plan consultation meeting took place on November 27, 1989 in Edmonton. As expected, some in attendance expressed impatience with the jurisdictional underpinnings of immigration policy. Stakeholders interested in obtaining more funding for language training, for example, urged both levels of government to work together to improve outcomes for newcomers. These participants expressed concern about the financial viability of integration services in general and language training in particular, especially in view of the recent cancellation of the joint federal-provincial Citizenship and Integration Language Training Agreement (CILT). But federal representatives responsible for facilitating small group


26 The Citizenship and Integration Language Training (CILT) Agreement was a federal-provincial cost-sharing arrangement covering the cost of language instruction textbooks and citizenship classes. The agreement was terminated in 1988 following recommendations from a federal report. See Chapter 2 for a detailed discussion of issues arising from this federal-provincial settlement cost-sharing agreement.
discussions were clear on matters of education: they reiterated the underlying federal assumption that, since the provinces benefit from immigration, and education was a provincial jurisdiction, the province should be prepared to invest in the education and integration of immigrant children and, by extension, the education of their parents. At consultations in most cities –most loudly in Halifax and Edmonton –consultation participants dismissed this basic premise. From their perspective, the federal government processed immigrants for admission into Canada. Therefore the federal government should shoulder the cost of their settlement in Canada, including language training.

What is more, representatives from the regions and cities maintained that the federal government should make a more permanent commitment to funding settlement and integration before increasing immigration numbers. This did not mean that regional and local authorities were advocating that the federal government should not increase immigration. Rather, it was argued that the government should first put in place adequate funding for whatever immigrant settlement services are necessary to support the increase in immigrant population.

Not surprisingly, participants - mainly from the business community - favoured increasing arrivals from the independent economic immigrant category and emphasized the need for clear criteria to assess immigrant suitability for the labour force. They argued that a greater effort should be made to match immigration to labour market needs, and that this was best accomplished through the selection of independent immigrants as this group in particular would bring needed skills and “initiative” with them to Canada. Participants also felt that there should be more timely processing of immigrants with job offers, and better coordination with employers requiring skilled labour if the economic benefits of immigration were to be maximized.
Representatives from organized labour, however, were less enthusiastic about this approach. If the numbers brought in were too large, they argued, Canadian wages and working conditions could be affected adversely. Employers should be required to prove there were no Canadians ready to meet job requirements before immigrants were admitted.27

Five-Year Plan public and stakeholder consultations also displayed some regional differences. While all 1989-90 immigration consultation meetings were well-attended, participation was highest in Montreal, and Québec’s special interest in immigration was reflected very strongly at the Montreal meeting. Immigration Minister McDougall invited her provincial counterpart, Madame Monique Gagnon-Tremblay, to join her in addressing the Québec stakeholders. In general, Québec consultation participants favoured increased immigration to Québec - in some cases a substantial increase.

Toronto’s Five-Year Plan Consultation meeting took place on February 15, 1990. A severe snowstorm made travel to the meeting venue very difficult but it did not prevent most stakeholders from attending or participating in a very lively discussion. Interestingly, municipal government representatives at the Toronto meeting were more actively engaged than their municipal counterparts in other cities. In particular, City of Toronto delegates raised issues related to meeting immigrant health care and social service needs, particularly if the government decided to increase immigrant intake levels. Regarding local civil service and service providers, the Report on Consultations noted that “workers in these fields expressed an interest in obtaining more information about the groups of immigrants now entering Canada, to better serve their

27 Employment and Immigration Canada, Report on Consultations, 22
specific needs and to help them adapt.” According to the official Department of Employment and Immigration report on the Toronto Consultation, federal leadership was sought in several areas:

- business and labour representatives indicated a willingness to work with governments to achieve shared goals;

- health and social service agencies and educational institutions feel overburdened, and are looking for direction as well as resources;

- and a coordinated approach to the recognition of foreign credentials is sought, to facilitate the integration of immigrants into the labour market and to avoid the current waste of human resources.  

However, despite the praise received for the inclusive consultation process and concrete suggestions coming out of the Five-Year Plan Consultations, some participants remained unsatisfied with the consultation exercise. In particular, participants expressed disappointment with a general lack of specificity involved in consultation discussions that initially held much promise. Some participants believed that the federal government was so vague in articulation of its future policy directions that it was difficult for consultation participants to gauge where the government was heading, let alone raise any specific criticisms at all. In the absence of any solid government proposal to discuss, most of what was heard from delegates amounted to wish lists and pie-in-the sky hopes for increased federal funding support. Simmons and Keohane, in their analysis of meeting accounts given by Five-Year Plan consultation participants, report that during the consultations,

As subsequent events unfolded, it became equally clear that new ideas were not to be
developed in open debate, nor was any opportunity given to groups who might want to lobby in the plenary meeting around a particular issue, with the result that again it was difficult for anyone to raise major criticisms. Furthermore, the morning sessions left little room for questions or serious dialogue and when individuals did attempt to pursue an open debate, they were discouraged. In one instance, a member of the audience began a vigorous critique of the National Demographic Review’s methods and findings, but the chair of the session (an EIC official) quickly cut off discussion, saying that it was out of order, as the period was for brief questions only.29

If these Five-Year Plan public consultations might be faulted for being overly stage-managed, the federal government could not so easily stage-manage consultations with the provinces. Government-to-government consultations are typically initiated by the level of government holding the greater authority in decision-making on the issue in question—which in the case of Canadian immigration policy happens to be the federal government. But, much to the dismay of federal officials, the extent to which provinces welcomed or actively participated in consultations on immigration matters could be neither steered nor predicted. Nevertheless, federal officials believed that consultation with provinces could provide them with sense of each province’s immigration absorptive capacity and help to better clarify federal-provincial division of responsibilities.

Since annual immigration levels in Canada are set on a national basis (rather than being based on an aggregation of the numerical targets of each individual province), provincial advice concerning immigration flows was traditionally sought only after the nation-wide immigration target was set by the federal Minister of Immigration. By common practice, prior to the 1970s, the federal government would announce the annual immigration levels in the House of Commons
each November. Provincial governments wishing to participate in the process, seeing the annual numbers for the first time in November, would respond in writing, sparking a process of written intergovernmental correspondence. Most provinces typically responded to the federal invitation for input into immigration levels in general terms, most often replying that the proposed immigration and refugee numbers appeared to be appropriate, and including in their written response a summary of considerations particular to their respective province and as related to areas of provincial responsibility - housing, education, policing, social services, and health care. And, according to Robert Vineberg, former federal Director of Federal-Provincial Relations, there were no written responses received from the Ontario government.\textsuperscript{30}

The 1976 Immigration Act sparked a change in the federal government’s approach to acquiring provincial input on immigration targets and modified the Levels Consultation process in an important way: rather than only exchanging written correspondence in response to a letter from the Minister to his or her provincial counterpart, provincial officials were given the option to meet face-on with the appropriate federal decision-makers to discuss immigration levels. The specific content of these face-to-face Levels Consultation meetings remain confidential. However, the general views of the provinces would subsequently be documented an Annual Report to Parliament.

According to the Annual Report for 1978, the first year in which the federal and provincial governments engaged in a face-to-face Levels Consultations, the federal government received only marginally more input from the provinces that it had from the written

\textsuperscript{30} Interview with Robert Vineberg, January 29, 2011.
correspondence of previous years. In fact, the views of the provinces regarding levels that year, in Robert Vineberg’s words, were of a “preliminary and tentative nature.”\(^{31}\) Almost all provinces indicated that they were inclined to leave the determination of that year’s immigration numbers to the federal government. Québec indicated that it was in the midst of studies to determine levels of immigration deemed appropriate by the province, given its particular demographic and linguistic priorities. Interestingly, Nova Scotia recommended that levels should be planned over a rolling three-year period, rather than on an annual basis. As in previous years, Ontario refused to express an opinion about immigration levels determination as a federal prerogative.\(^{32}\)

The next year, in 1979, the federal Conservative government, perhaps influenced by Nova Scotia’s suggestion the year prior, proposed an administrative innovation: rather than engaging in the Levels Consultation process each year, the federal government would create an Immigration Plan which spanned three to five years, with the proviso that small modifications could be made annually. However, debates during the 1979 Levels Consultations exercise over the advantages and limitations of more long-term immigration planning were cut short by the Southeast Asian refugee crisis. As if overnight, federal and provincial immigration priority shifted from establishing future immigration numbers to taking in and settling refugees. And, in July of 1979, the federal government announced that it would accept 50,000 Southeast Asian


refugees in 1979 and 1980.\textsuperscript{33}

Ironically, the burgeoning refugee crisis highlighted a key drawback to developing a longer-term immigration plan: flexibility. The need to respond to and resettle emergency refugee arrivals reinforced the view that that a flexible and responsive refugee resettlement policy was a priority component of any workable immigration policy. And for almost a decade, immigration was plagued by uncertainty over refugee-related issues. The idea of a longer-term immigration plan was not raised again until Barbara McDougall became Minister of Employment and Immigration a decade later in 1989 when the uncertainty brought on by the early 1980s intake of Southeast Asian refugees, followed by several other unexpected refugee movements and the tackling of a major refugee determination backlog, were thought to be under control.

Even if under control, the settlement of refugees, and immigrations more generally, had not been without associated costs, much of it shouldered by the provinces. The federal government was acutely aware that increased funding imperatives would accompany any decision to increase the number of immigrants and refugees admitted to Canada. What’s more, federal officials remained cognizant of the fact that further development of a formal consultation process for engaging stakeholders on immigration levels would almost certainly open the door to demands from provincial and local governments and other immigration stakeholders for increased federal assistance in covering costs associated with settlement service delivery. Alluding to the importance of consultations with provinces and other “concerned groups” responsible for settlement services, the 1983-1984 Federal Planning Considerations Document

\textsuperscript{33} Vineberg, 1987.
Linking downstream settlement costs to future immigrant intake planning is a relatively recent policy development in a formal sense, although an informal awareness of the relationship between intake levels and integration costs has been present for some time, and particularly since the special [Southeast Asian] refugee movement. Further development in this area will depend in part on the outcome of current settlement policy reviews and special consultations with provincial governments and concerned groups in the private and voluntary sectors.  

Yet, just two years into the first Five-Year Immigration plan, federal officials discovered that consultation with provincial governments concerning refugee intake targets would need to be re-examined on an annual basis. Long-term planning for refugees was not working as well as hoped. A 1992 letter from Employment and Immigration Minister Bernard Valcourt affirms that given “the unpredictable nature of refugee movements,” it would be impossible for any level of government to accurately predict either the number refugee claims that would be made, or the extent of resources that would be needed to support particular refugee movements. As a result, he noted, the federal-provincial consultative process must provide for “decisions regarding [private refugee sponsorships and government assisted refugees] to be taken annually”. Several provincial officials expressed their support for the plan to annually adjust the Five-Year Plan to reflect the most up-to-date status of each immigration category, including the number of refugee cases that were still being held up in backlogs.

Five-year planning was one thing. Day-to-day management was quite another, and when it came to refugees, it was paramount to ensure capacity for on the ground program management.

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\text{\scriptsize 34 Canada, Department of Employment and Immigration, \textit{Recruitment and Selection Branch, Immigration Levels, 1984-86 Federal Planning Considerations} (April 1983), 27.}
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Besides, immigrant and refugee settlement fell as much onto areas of provincial jurisdiction as federal. Federal immigration officials had an interest in ensuring the ongoing provincial commitment to providing settlement services – health, education, housing, social services – and possibly expanding this provincial role, before committing the federal government to increased immigration intake levels.

Of course, government-to-government consultative relationships were not limited to an annual Levels Consultation exercise or Five-Year Planning. Internal government consultation often includes federal-provincial discussions so as to get provincial input on designated occupations in which there were labour shortages, the priority of processing various classes/categories of immigrants, establishing requirements to be met by sponsors, and evaluating employer requests for foreign workers. And, as provincial voices demanding in the Québec-like arrangements grew louder in the late 1970s, federal officials increasingly responded by offering to entrench matters of traditional provincial interest (including consultation on business immigrants, labour planning, and arrangements for a range of settlement services) into formal agreements with individual provinces.

While very modest in overall scope, the early federal-provincial immigration agreements of the 1970s served their key federal purposes: quieting provincial grumbling about successive special immigration powers granted to Québec, at least for a time. To increase the possibility of striking bilateral immigration agreements across the country, the Trudeau government implemented a strategy of scheduling negotiations with provinces on both the east coast and prairies simultaneously. This strategy, implemented alongside concurrent Canada-Québec negotiations, revealed itself to be a fruitful one. In responding to criticism from the Official
Opposition in the House of Commons three weeks prior to signing the agreement with Québec in 1978, the federal Minister of Immigration was able announce publicly that immigration negotiations with Nova Scotia, Prince Edward Island, Newfoundland, Saskatchewan, and Alberta were underway. Later that year, and to the Trudeau government’s relief, federal officials subsequently concluded agreements with Saskatchewan and Nova Scotia—one Western and one Maritime province. The press as invited to attend the formal signing of the agreements. As political scientist Joseph Garcea notes, “it was not a coincidence that the federal Minister of Immigration planned to sign bilateral agreements with Nova Scotia and Saskatchewan on the same day that he signed the agreement with Québec.” Within a year, the federal government managed to conclude immigration agreements with the rest of the Atlantic provinces: Prince Edward Island on July 14, 1978, New Brunswick on August 4, 1978, and Newfoundland on January 18, 1979.

The strength of immigrant selection and consultative mechanism embedded within the different bilateral immigration agreements is important to note. For instance, while at first glance the 1978 Saskatchewan and Nova Scotia agreements resembled Québec’s 1979 Cullen-Couture Agreement, the latter agreements were significantly more limited in scope. Neither of these agreements authorized the recruitment or selection of independent immigrants, as Québec’s did. Instead, the agreements with Saskatchewan and Nova Scotia only established a framework for engaging in bilateral federal-provincial consultations for facilitating federal immigration


37 The Minister’s original plan was that the Nova Scotia Agreement would be signed at a breakfast meeting, the Quebec Agreement at a luncheon meeting, and the Saskatchewan Agreement at a dinner meeting. In the end, “The first two agreements were signed as planned, but an emergency in Ottawa forced Minister Couture to postpone signing the Saskatchewan Agreement for three days”. See Garcea, 1993, 435.
planning. Delineating between mechanisms for provincial consultation, Joseph Garcea, notes that “agreements signed in Saskatchewan (1978) and some of the other provinces in the mid-1970s merely provided them with limited consultative roles, and, at most, some determinative roles in relatively minor facets of planning and managing immigration...the federal government was reluctant to devolve any significant authority for planning and managing immigration on a national basis to any of the provinces other than Québec. In short, there is a qualitative difference between bilateral consultative mechanisms which afford provinces a seat at the discussion table versus those that confer substantial authority to make hard decisions, either jointly with the federal government, or on their own.

Alberta was a special case. In the spring of 1985, federal and Alberta officials entered into negotiations to secure an immigration agreement. The negotiations focused on both in the selection and in the settlement of immigrants destined to that province. Only seven months after beginning negotiations, on November 5, 1985, the Canada-Alberta immigration agreement was concluded. Until it signed its1985 agreement, Alberta, like all the other provinces (with the exception of Québec), only had a consultative role in the selection of entrepreneurs or self-employed Alberta-bound immigrants. The 1985 round of the negotiations concluded quickly and successfully after Alberta accepted the majority of the federal government’s basic terms of agreement in exchange for Alberta assuming a key role in the selection of business-class


39 The ability of the federal and Alberta governments to conclude this agreement in a relatively short period of time had much to do with the Alberta government’s decision to drop demands which it had made in previous rounds of federal-provincial immigration negotiations. Specifically, in the earlier and unsuccessful 1981 and 1983 rounds of Canada-Alberta negotiations, Alberta demanded significant authority in designating occupations, selecting skilled workers, and other financial supports related to unemployment insurance coverage for immigrants.
immigrants. In other provincial agreements, the federal government simply promised to give weight to the province’s assessment of the viability of business proposals submitted by entrepreneurial applicants before proceeding with issuance of a visa. However, the federal government was neither obliged to admit nor reject applicants simply because any province endorsed a particular application. Under the 1985 agreement however, Alberta, like Québec, was granted the authority to approve or reject applications by entrepreneurs and self-employed immigrants.

In 1989, the election of the Mulroney government initiated a brand new round of negotiations between the federal government and Québec on a new immigration agreement. Predictably, that same year Immigration Minister Barbara McDougall directed her senior officials to consult face-to-face with provincial officials in the rest of Canada to gauge their potential interest in entering into immigration agreements with the federal government or expand the powers of existing immigration agreements.

Like the previous Trudeau regime, the Mulroney federal government executed a strategy of working out bilateral agreements with other provinces in order to quiet Québec-related discontent. However, in contrast to Trudeau, who was cautious with regard to the regionalism that accompanied province-by-province bilateral negotiations, Mulroney welcomed and actively pursued it. Expanding the terms of the bilateral immigration agreements already existing with several provinces served to enhance their legitimacy in the eyes of western Canadians who were disenchanted — and in some cases angered — by what they perceived as the heavy-handed federalism of the former Trudeau Liberal government. Securing more robust immigration agreements, which included formal consultative mechanisms, would demonstrate to the west that
Ottawa (and more specifically, the Progressive Conservative Party), was just as sensitive and responsive to western regional immigration concerns, including those to do with immigration, as it was to those of Québec. Accordingly, Mulroney directed Immigration Officials to assess which of the other provinces might be open to negotiating a robust federal-provincial immigration agreement.  

Officials in the Department of Immigration wasted no time in pressing forward in bilateral discussions with provinces which they felt had expressed even a small interest in negotiating an immigration agreement. Even in cases where provincial representatives entered the negotiations tentatively, federal officials attempted to convince them that more clear and predictable avenues for federal-provincial consultation would be of great benefit to their respective provinces. Meanwhile, teams from Québec and from Minister McDougall’s office were in negotiations for what would become the Canada-Québec Accord of 1991. By this parallel strategy, the federal government pushed ahead with its Québec negotiations while reassuring the other Canadian provinces that the federal government regarded them as equal negotiating partners.  

While the federal government might have been genuine in its hope of negotiating immigration agreements with provinces other than Québec, it still intended that any immigration agreements negotiated in provinces other than Québec would be comparatively more limited in scope. The 1991 Canada-Québec Accord allowed Québec the exclusive responsibility of choosing immigrants and refugees destined directly to that province. The federal government,

40 Interview with André Juneau, March 8, 2012.
unwilling to make similar allowances to other provinces by copying the terms of the 1991 Canada-Québec accord, instead developed a Provincial Nominee Program (PNP). The PNP would allow each province or territory to identify a limited number of economic immigrants specific to their province’s regional needs, or to receive priority attention in immigration processing. The new program was intended to be modest: the 1996 target was set at 1,000 nominees.  

The federal government was correct in its estimation that the PNP provision would incentivize provinces to sign agreements to further enhance federal-provincial immigration cooperation without conceding the selection powers granted Québec. A flurry of new immigration agreements concluded from 1991 onward. Manitoba was the first province to jump on board and secure a PNP. Other provinces witnessed Manitoba’s success recruiting sewing machine operators to revive the province’s floundering garment industry, and subsequently met with federal officials to negotiate similar province-specific arrangements. These initial federal-meetings served as preliminary consultative meetings that paved the way for more formal bilateral immigration agreement negotiations which typically commenced a few months later. And, as a sign of respect for the provinces, federal representatives typically traveled to each region for these meetings, rather than ask provincial officials to travel to Ottawa.

For some provinces negotiating agreements during the 1990s, nominee recruitment programs were not enough. Alberta, in particular, sought to extend its consultative authority beyond business immigration or recruitment. A January 1992 internal Immigration Department

document entitled *Alberta’s Position on Immigration*, outlined a new set of powers requested by that province, specifically with respect to formal consultation mechanisms:

Alberta requires formal mechanisms which provide direct input into Canadian immigration policy development and management. Two committees are envisaged: a Joint Immigration Committee with overall policy formulation and planning authority; and an Operations Committee to effectively implement the agreement and carry out on an ongoing basis the shared federal/provincial responsibilities for programs and services…through these committees, Alberta will formally communicate its position on levels and composition of immigration and its concerns and suggestions around Canada’s responsibilities such as selection criteria and processing priorities. They will also provide a mechanism to communicate Alberta’s own selection criteria, program policies, administrative criteria, and information necessary to conduct foreign recruitment activities.  

This structure for providing Alberta input into federal immigration levels, as proposed by Alberta officials, would represent devolution of administrative power from the federal government to the province. Federal immigration officials would become deferential to Alberta-determined priorities. Of course, Alberta also wanted an adequate level of settlement service funding from the federal government. According to Alberta officials negotiating with the federal government, the province insisted that “[a new Canada-Alberta Immigration Agreement] must provide for effective and efficient management of service resources. Accordingly, this will require federal withdrawal from services which Alberta agrees to provide and appropriate federal compensation to Alberta for assuming these services.”  

But this request was not an easy one for federal officials to contemplate. Fortunately for the negotiators, the process for negotiations in Alberta took place on an issue-by-issue basis, allowing for discussions in one area, such as formal

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consultation mechanisms, to move forward regardless of slower movement in another area, such as skilled immigrant selection.

Comparatively speaking, negotiations between the federal government and the government of British Columbia on a bilateral agreement - which began in March 1989 and continued until an immigration agreement was finally signed in 1992- did not go as smoothly as the 1992 Canada-Alberta negotiations. Both the length and content of the discussions proved a challenge for both levels of government, a fact which Minister McDougall herself conceded in a 1991 letter to the BC Minister of International Business and Immigration, Elwood Veitchher. In her letter, McDougall expressed her eagerness to conclude the two-year long federal-British Columbia discussions as soon as possible. However, a year later, the Canada-British Columbia agreement had yet to be concluded. A 1992 Cabinet Submission by the British Columbia Ministry of Education and Ministry Responsible for Multiculturalism and Human Rights cites the following three reasons for the negotiations reaching an “impasse”:

- The federal assertion that B.C. is negotiating solely for economic benefit and is unconcerned about meeting its social responsibilities. Specifically it cites lack of a provincial settlement program and the province’s unwillingness to accept “special needs” refugees;

- Ottawa’s unwillingness to distribute funds equitably across provinces; and

- Strained relations between federal and provincial officials and an apparent disinclination on the part of Employment and Immigration Canada (CEIC) to come to an agreement with B.C.

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In truth, at the start of negotiations in 1989 British Columbia’s demands did include elements that were difficult for federal officials to accept. The most obvious was authority to select skilled immigrants in partnership with the federal government, an arrangement that was reminiscent of the Cullen-Couture Agreement’s provision of joint application of the federal point system. In an internal memo in response to this request, an official from the Department of External Affairs was candid in arguing that what had been granted Québec for political reasons would impair federal immigration operations if offered to other provinces:

There is reason for concern...with some of the issues raised in writing by British Columbia and the [federal Department of Immigration] suggested position on those issues. The Cullen-Couture agreement may have been expedient, or even necessary, for political reasons. But, in our view, its implementation has resulted in a cumbersome, inefficient, and costly selection process for persons going to Québec. Such a system should not be replicated, even in part, if at all possible.  

British Columbia officials wanted federal funding levels to the province increased in line with the national average. More specifically, “In 1989/90, the federal government spent $17 million on settlement programs in B.C. If the federal government provided the same level of funding per immigrant across the country, B.C. would have received $21.0 million.” In effect, this ensured that federal dollars allotted to the province would be proportionately linked to the number of immigrants entering the province. Further, British Columbia noted that compounding the issue of unequal levels of funding was a high demand for language training created by the disproportionate non-English speaking ethnic composition of immigrants to B.C. Finally, the province highlighted the inadequacy of consultation practices in the early 1990s as a key

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concern. According to one B.C. negotiator, “under the Immigration Act, each year the federal government is required to consult with the provinces prior to specifying the number of immigrants Canada will admit. In reality this has not occurred.” In effect, BC officials hoped to set an informal expectation that any federal creation of (or change to) policies and programs affecting the province would require prior provincial consultation, and not just pro-forma.

If government-to-government consultation meetings with B.C. were tough, those between senior Ontario and federal immigration officials during the late 1980s and early 1990s were even more challenging. Ontario communicated to the federal government that it was willing to negotiate a federal-provincial immigration agreement, but only if it would address certain issues. According to a 1991 set of guidelines adopted by Ontario cabinet, any Canada-Ontario immigration agreement would need to specifically address “joint planning, consultation and information exchange, increased funding of settlement services and adult language training, funding of children’s language training and settlement services, and measure to achieve provincial economic objectives.” Heavily focused on settlement costs, provisions for the recruitment of Ontario provincial nominees were not raised as a major component of a Canada-Ontario bilateral immigration agreement.

While there tended to be positive discussion of general areas of mutual interest at Canada-Ontario consultation meetings of the early 1990s, from the federal perspective it was


48 An internal Ontario briefing document further recommended that in preparing for federal-provincial negotiations, the Ontario Ministry of Citizenship include consideration of provincial and municipal immigration and Settlement costs. AO RG74-13, Box 34, File Deputy Briefing, Recommendations Adopted by Cabinet Regarding Immigration, Settlement, and Refugee Claimants, May 15, 1991.
almost impossible to reach cumulative discussion of issues raised at previous meetings because meeting participants changed from meeting-to-meeting. As one senior federal official recalls:

[Ontario] had a large group in the room…We had this impression they couldn’t get their acts together, because they hadn’t assigned any responsibility to anybody yet so [responsibility] was dispersed across the team…To begin negotiations and do some heavy lifting you couldn’t have that many people in the room, which is what they did. And the people changed all the time because, again, nobody had been assigned [federal-provincial relations] as a central part of their job. So [Ontario] had different people at successive meetings.  

The provincial perspective of these consultative meetings was drastically different from that of federal officials. In particular, Ontario officials felt that the federal governments had not made the purpose of each consultation meeting sufficiently clear. With the agenda unclear, there was uncertainty as to whether the federal government was seeking provincial expertise and input in order to make key immigration and settlement-related decisions unilaterally at a later date, or whether the federal government viewed both orders of government as equal decision-making partners. Over time this confusion led to a stalemate in which federal officials insisted that they had consulted Ontario on a particular issue, and provincial officials responded that they had not in fact been consulted, rather they had only had a ‘discussion’. And, just two months after the Ontario Cabinet had initially given provincial officials the go-ahead to negotiate a Canada-Ontario agreement, the authorization was retracted. The Ontario government produced a new internal communications strategy advising staffers to scale back on agreement negotiations with the federal government. The revised communications plan advised that “since immigration is likely to be one of the issues on the agenda in upcoming federal-provincial consultation

49 Interview with senior federal immigration official, 2010.

50 Ibid.
discussions, it has been recommended that the province not commence formal negotiations on an immigration agreement until such time as the broader constitutional framework has been clarified.”

Indeed, the muddled process of federal-Ontario consultation meetings is consistent with a lack of clarity that other provinces had long experienced in similar meetings. For decades, provincial officials were uncertain as to exactly what provincial input was being sought by the federal government, and for what purpose. As early as 1983, in a document drafted by the multi-provincial Integration and Settlement Committee outlining issues of immigrant settlement, the Committee highlighted several “problems” related to government-to-government consultation as identified by provincial governments. The litany of complaints included: “lack of cooperation…complicated by undefined responsibilities and inter-jurisdictional friction… no pre-notification of [refugee] movements, and “federal government bypassing provinces by consulting directly with NGOs on services/activities which have a bearing on provincial interests.” The document further outlined the Committee’s expectations related to consultation, stating that “the process of consultation and coordination implies close working relationships, accountability, and appropriate implementation system. Such a system must be developed and operate at the provincial level…the absence of consultation precludes real cooperation and partnership necessary for the management of a system of complementary programs.” This attempt by provincial governments to have the purpose and processes of federal-provincial


52 AO RG74-13, Box 31, File LT-1a, Report of the Immigrant Settlement and Integration Committee to the meeting of senior manpower Officials, September 7-8, 1983.

53 Ibid.
consultative meetings explicit is further made explicit in a memorandum written by Ontario officials. They requested clarification from their federal counterparts from the Canada Employment and Immigration Commission (CEIC) and Secretary of State (SOS) regarding how intergovernmental consultation and cooperation were to be structured:

It would be beneficial if the federal departments of CEIC and SOS were to clarify their position regarding consultations. This could be effected in one of two ways: Indicate clearly their agreement with the positions put forewarned in the April 1983 CEIC and SOS documents, including the framework in which they intend to conduct consultations with the provinces and territories; Or state the manner in which their positions have changed, including the framework for consultations with the provinces and territories.54

As opposed to formal structured negotiations, informal working relationships long been a crucial component of the federal-Ontario immigration discussion; indeed, these informal relationships were a crucial component of public policy-making in general. In the early 1970s, Immigration Minister Andras stated that the pattern of open communication represented at both the ministerial and senior bureaucratic levels was an affirmation of “mutual desire to maintain an ongoing consultative process.” Further, he stated, “our officials should continue to meet to support the dialog [sic] we as ministers will be maintaining.”55 And, as illustrated in Chapter Two, during the course of several specific joint projects such as Canada’s Southeast Asian refugee response, officials from different levels of government reached out to one another and exchanged information on an ad hoc basis.

Given the tense nature of documented Canada-Ontario large-group consultative meetings, it is not surprising that officials often fared better communicating informally one-on-


55 LAC RG76 File 5865-8-1 Vol 2, Liaison with the provinces-General, Memo from Mr. Andras to Mr. Bienvenue, May 25, 1974.
one with their federal or provincial counterparts. Unlike the other provinces which entered into formal negotiations with the federal government on immigration agreements, Ontario — the province receiving the highest immigration numbers — sidestepped federal invitations to negotiate an agreement. Instead, Ontario relied almost exclusively on these ad hoc, non-formal contacts and preferred informal intergovernmental conversation and one-on-one consultation over formal consultative mechanisms, meetings, and a federal-provincial agreement. In voluntarily forfeiting any formal role in the determination of immigration selection numbers, Ontario instead developed a pattern of unstructured cooperation with the federal government.

Ontario’s preference for more casual consultation with the federal government is well-documented. In 1980, the Ontario Minister of Labour allowed that “Notwithstanding the lack of a formal role, Ontario does provide extensive informal input to the federal government and engages in informal consultation and meetings”. 56 Further, migration scholar Howard Adelman has noted that:

Although openly inviting informal consultation, Ontario continued to avoid any involvement in a formal consultation process on selection. Previously, the province had been silent with regard to any federal initiatives determining settlement patterns…Ontario continued to hold that the federal government was exclusively responsible for setting quotas. Although the province shifted towards more informal involvement in consultation and the planning of settlement, it continued to defer to federal authority. 57

Why did Ontario prefer this informal approach to federal-provincial relations, and, in particular, in consultations regarding immigration levels and immigrant settlement issues? First, 


the province’s interest in immigration diverged from many of the other provinces, even provinces such as British Columbia and Québec which received a relatively high number of immigrants. Unlike the other provinces, Ontario’s central concerns were primarily funding-related rather than selection driven. If Ontario had gone on record giving any input into increased immigration levels, it feared it might be perceived by other provinces to be promoting Ontario as a destination province, while, in many ways, provincial decision-makers felt Ontario had reached its capacity to provide settlement and social supports for existing numbers. Second, Ontario had political interests in remaining silent on the setting of future immigration levels. While the province generally supported the federal government’s move to a longer-term immigration cycle because of the advantages of such a policy would have for provincial program planning, Ontario did not want to be seen as publicly endorsing maximum immigration levels, which could be mistakenly perceived as the endorsement of an immigration “quota.” And, by not taking a formal position on immigration levels, the Ontario government made it difficult for immigrant lobby groups to publicly criticize the government for either working to promote or restrict immigration numbers. All this made Ontario the outlier when it came to federal-provincial negotiations of immigration agreements from the 1970s -1990s. Other provinces saw the embedding of a longer-term culture of formal consultative mechanisms to their benefit. Not so with Ontario.

Public consultations with affected public stakeholders and partners have become an accepted part of the Canadian policy-making process; when any policy, regulatory or legislative initiative of any significance is contemplated, it is expected that consultations with stakeholders will occur. Ideally, the government seeks to build consensus, or least attempts to develop a common definition among stakeholders and decision-makers of the issue (or opportunity) being
addressed. Simmons and Keohane suggest that, while building consensus among a multitude of political interests can often be a difficult balancing act, in the case of the 1989 Levels Consultations the federal Immigration Department persuaded participants to build consensus by identifying clients and “developing a language of immigrant classes (workers, entrepreneurs, sponsored kin, and refugees)…which makes clear to each client that policies reflecting their interests are part of a package which can only be sold if other clients also have their interests met.”

The federal public consultation process continued to be an important part of immigration and settlement policy development in Canada long after the “era of consultation.” By 1992, Canada’s immigration system had become so complex that Sergio Marchi, then-federal Minister of Immigration, decided that a revamped style of public consultation was needed to support the development of a 10-year Strategic Framework. Marchi, after introducing immigration levels in 1994, made a commitment to improving consultation and immediately struck a 20-person team to “get the consultative process right.” Still, with all its promises of inclusivity, public consultation has remained a process strongly driven by government. Little was left to chance. Federal officials, wary of allowing too much flexibility to meeting participants, designed these meetings in such a way that they could engage with stakeholders while tempering possible anti-government or pro/anti-immigration backlash from the public.

Federal officials also looked to consultations to give them entre into the minds of

58 Simmons and Keohane. 444.

provincial governments. It was not just enough to know what the provinces said they wanted, but to figure out what they really wanted – their bottom line. The range of immigration agreements drawn up in Canada demonstrates the different interests and scopes of consultative authority sought by provinces. Both Manitoba and British Columbia, for example, through bilateral agreements, eventually negotiated accords that gave them significant voice in immigrant selection.60 Other provinces that typically receive a smaller proportion of immigrants simply continued to work as advisors to or collaborators with the federal government in immigrant selection and integration. In provinces in which the main challenge was attracting immigrants, such as in Saskatchewan and several of the Atlantic provinces, concerns over the financial costs of performing key roles in immigrant selection, management, and settlement services serve to temper provincial bilateral agreement ambitions, keeping their demands modest. The several rounds of bilateral immigration negotiations initiated from the late 1980s onward in Alberta, British Columbia, and Saskatchewan suggest that there was a growing sentiment amongst provincial governments that some of the systems that were already in place, including those dealing with consultation and funding, did not adequately reflect provincial interests. Not surprisingly, provinces sought to address this gap by speaking up for their particular interests in their formal agreement negotiations, and were, for the most part, successful in negotiating predictable consultative mechanisms: Saskatchewan’s 1992 immigration agreement includes a Federal-Provincial Committee created to oversee the annual Levels Consultation process, providing direction on joint delivery issues rather than simply broad policy development. British Columbia’s Agreement included a similar Joint Committee.

60 In addition to the consultative powers, both of these provinces were the first to conclude agreements that devolved federal settlement funds directly to provincial government authorities.
Finally, however undocumented, the ability of officials to communicate early and informally with their counterparts in different levels of government should not be ignored. Of all the forms of consultation at its disposal, Ontario's strength lay in its ability to garner support for its immigration agenda through casual and one-on-one consultative relationships with the federal government, while systematically avoiding more formal avenues such as Levels Consultations, contacts, and formal agreement negotiations. But whether formal or informal, casual or structured, Ontario remained the most reluctant province when it came to negotiating a formal federal-provincial immigration agreement until a path was found to a formal tri-partite intergovernmental cooperation arrangement on issues of immigration emerged in the early 2000s. In the meantime, Ontario cooperated informally and as a co-funder of immigrant settlement with the federal government and was officially hands-off on matters of immigration, including immigrant selection. How well this strategy of informal intergovernmental relations served the province is open to debate, but that it served to delay the negotiation of a bilateral immigration agreement for decades is beyond question.
Chapter 5

“Managing Canada's fragmented federation on a shoe-string budget is definitely an uphill chore.”

As soon as Jean Chrétien’s Liberal government was elected in October of 1993, it was confronted with two political crises demanding immediate and decisive action. The first was the national debt, inherited from the Mulroney Conservative government. Part one of the new federal government’s budget, presented on February 22 1994, promised to systematically attack the national debt with a deficit reduction program – beginning with deep cuts made to unemployment insurance benefits. By February of the following year, Chrétien’s Liberals produced the second and final part of its plan – a budget that contained some of the most far-reaching program and spending cuts in the history of Canada. The promised budget cuts would reduce federal program costs to their lowest levels since 1951. These fiscal reforms were so drastic that Ontario New Democratic Party Premier Bob Rae responded to the 1995 Liberal


2 By the 1995 federal budget, federal program spending was reduced to 13 % of GDP, the lowest since World War II. Additionally, over 3 fiscal years the proposed reductions to program expenditures totaled $20 billion. Spending in transport, industry, and regional support were to be cut by 50%. 73 boards, commissions, and advisory bodies were to be wound up and a further 47 restructured and the public service was to be reduced significantly. Sweeping bureaucratic reforms and major reductions to federal expenditure were similarly implemented throughout the late 1980s and 1990s in Australia, New Zealand, and the UK. For a detailed discussion of the economic and political factors leading to this wave of reforms domestically and globally, see Amelita Armit and Jacques Bourgault, Hard Choices or No Choices: Assessing Program Review (Toronto: Institute of Public Administration of Canada, 1996.)
budget with the statement that “it marks the end of Canada as we know it.”

The second political crisis was that of governance in several policy domains, including immigration and immigration-related areas. Politicians and senior bureaucrats across all federal departments noted unprecedented and unnecessary administrative complexity and dysfunction embedded in social service delivery and governance practices. Accordingly, the 1994 federal Throne Speech underscored a need for change in the structure and functioning of the Canadian federation and announced a major review of social policies which would “clarify the federal government's responsibilities in relation to those of other orders of government, eliminate overlap and duplication, and find better ways to provide services.”

Pressure to cut budget lines and the costly complexity of immigration program delivery forced federal immigration ADM George Tsai to declare that a “new way of reinventing government” was needed. This reinvention, fueled by the federal deficit reduction plan, meant that cuts to the immigration program would be deep. The subsequent disinvestment in federal social spending in general – and immigrant settlement spending in particular – hit Ontario hard. Federal budget and program cuts also led many in Ontario’s immigrant settlement sector to become concerned that the federal government was purposefully downloading the cost of immigrant services onto the province, with minimal consultation or regard for the impact it would have on settlement service providers or the immigrants they served. Ontario’s settlement sector was not alone in this view. Public policy researcher Cathi Wilson-Loescher also argued

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that, due to the deliberate strategies and manipulation tactics employed by the federal government, consultation on the SRI represented a fundamental change in the underlying culture and thinking about national settlement service delivery, setting the stage for a major shift in the “policy paradigm” of Canada’s immigrant settlement sector.⁶

This chapter is concerned with the implementation of the federal government Program Review mandated by the Chrétien Liberal government in 1994, and the simultaneous Settlement Renewal Initiative (SRI) implemented by the Department of Citizenship and Immigration from 1994-1998. The chapter examines the federal rationale, goals, and intended outcomes of the Settlement Renewal Initiative, explores the SRI in the context of Ontario intergovernmental relations, and considers the long-term impact of the SRI on Ontario relations with the federal governments and NGO sector.

The federal Program Review ultimately resulted in a slashing of the Department of Immigration’s operating budget by $54 million—almost 20 percent – between 1996 and 1998. Neither were immigration budgets overseas immune as Program Review forced a major reorganization of the Department’s service delivery network abroad. According to a House of Commons report, the 1994-95 federal restructuring of overseas immigrant settlement services were made within the context of global immigration patterns, which themselves were subject to major change. These changes included the emergence of new sources of immigration and growing risks of immigration fraud and false statements.⁷

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While implemented under the Chrétien Liberals, the origins of the 1994 federal Program Review can be traced back to Prime Minister Jean Chrétien's immediate predecessors. Progressive Conservative Prime Minister Brian Mulroney harboured a longstanding mistrust – if not hostility – toward the federal bureaucracy, which he long regarded as the wasteful, lazy handmaiden of the Liberal Party. In the mid-1980s, even before being elected as Prime Minister, Mulroney promised to cut the deficit by 1990, “eliminate program duplication” and “spend smarter.” The day after he came to office in 1984, Mulroney announced the establishment of the Neilson Task Force to review government programs and point the way to better and presumably slimmer government. He also announced that an advisory committee, representative of the private sector, would be assigned to review government programs because, in his words, he “did not trust the bureaucrats to do anything right on their own.”\(^8\) In 1991 Mulroney commissioned another special study with an eye toward a fundamental governance transformation that would make the public service more in keeping with what he originally called for in the mid-1980s. The scope of these changes were felt when Kim Campbell, who briefly replaced Prime Minister Mulroney as party leader and Prime Minister in 1993, took up the Tory strategy of clipping away at social programs, reducing the number of federal ministries from 32 to 23. Signalling more cuts to come, during the June 1993 election campaign, Campbell declared: “Our government does not view Canadians as victims and does not see it as the role of government to perpetuate weakness and dependency.”\(^9\)

In the end, Mulroney’s talk of reducing public spending was more ideologically driven


than based on pragmatic concerns; even as spending on social programs suffered, actual government spending under the Mulroney regime increased. Not so under the Liberal government that took power in 1993. The Chrétien Liberal government's decision to implement a major program of expenditure reduction was not a move that would have been easily predicted from an ideological perspective. As former Treasury Board official Arthur Kroeger remarked, “the ambivalence of the newly-elected Liberal government to the problems of the deficit and debt they inherited in late 1993 was evident even to the most casual observer.” However, in the autumn of 1994 when unexpected economic turbulence shook up international financial markets and caused interest rates to increase drastically, the federal Liberal government's task of meeting its own declared fiscal targets became daunting. It was apparent to politicians of all political stripes that nothing less than a “critical rethinking of the state's role” and a retrenchment of the budget would yield the kind of solutions necessary for addressing the deficit. And, in its landmark 1995 budget, the Chrétien Liberal government announced deep cuts to government spending over 3 fiscal years. This government meant business. There would be cuts, not just talk of them.

The implementation of social program review by the Chrétien Liberals differed from Mulroney’s mid-1980s cuts in key ways. First, rather than a frantic across-the-board

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10 It is worth noting that in spite of the extensive program reviews and major cuts to social programs during the Mulroney years, federal public spending by the Mulroney regime continued to grow significantly. Some analysts have attributed this increase in expenditures to the fact that many of Mulroney’s Ministers had little government experience, resulting in poor public finance management, conflicts of interest, embarrassing scandals and accusations of corruption (including bid-rigging on government contracts, misappropriation of parliamentary budgets, and patronage appointments). See William Kaplan, The Secret Trial: Brian Mulroney, Steve Cameron, and the Public Trust (Montreal: McGill-Queen’s University Press, 2004) and Stevie Cameron, Crime, Corruption, and Greed in the Mulroney Years (Toronto: McClelland-Bantam, 1995).

Conservative-style budget slashing exercise, the cuts were portrayed as a change in social philosophy, reducing the role of the federal government by devolving responsibilities to other sectors and applying private sector management techniques to these domains.

In effect, the new Liberal government’s strategy promised to reduce the deficit without the fiscal ruthlessness of its Tory counterparts. The new government would seek to restore responsible social programs while producing savings through efficiency and productivity gains. The new philosophy of Program Review and guidelines for its implementation were clearly spelled out in specific criteria developed to guide federal departments and agencies in the review of their activities. The Minister responsible for Program Review, Minister of Public Service Renewal Marcel Massé, outlined well-defined and seemingly objective criteria that were the basis for rational decision-making. The criteria were six questions that were to be answered sequentially in order to serve as ‘filters’ for determining the ‘value added’ of each federal program. The ‘Massé’s Six Tests’\(^\text{12}\) along with targets for expenditure reduction, were communicated to all federal departments during the winter of 1994.

What’s more, this Program Review was not to be conducted by outsiders, as was Mulroney’s ill-fated Neilson Task Force review. Instead, in June 1994 the Privy Council Office created the Program Review Secretariat, staffed by seconded federal officials, to monitor follow-up of the six tests of program review. The strong role played by central agencies such as the newly-established Program Review Secretariat, it was argued, made spending reduction targets less susceptible to bureaucratic and political negotiation.\(^\text{13}\)

\(^{12}\) For a summary of the specific questions considered as part of Marcel Massé’s Six Tests of Program Review, See Appendix A.

One of the key features of the 1994 Program Review was the reliance on Ministers and Deputy Ministers within each department as the key architects of the program reforms. Officials within the Department of Immigration were tasked, along with Treasury Board personnel, with reviewing all immigration spending – including that of funded settlement support agencies outside of the Department. After assessing the federal government’s immigrant settlement program under Massé’s six “added value” tests, senior immigration officials determined that the program clearly met the criterion of public interest. There was, indeed, a role for the federal government in the area of immigrant settlement. However, the looming question was whether or not the federal government was the most appropriate entity to directly deliver programs in the area of integration and settlement. As far as federal immigration officials were concerned, the answer was no.14

Notwithstanding the increase in the proportion of settlement dollars allotted to Québec following the conclusion of the Canada-Québec Accord in 1991, spending within the immigration portfolio was among the highest in the federal government. André Juneau, then a senior immigration official, recalled his participation in the review of immigration expenses and his surprise in discovering that immigration-related costs housed in departments outside of the Department of Immigration were higher than expected:

Immigration was expensive….when compared with the spending in other agencies. [For example,] the Federal Court of Canada spends a huge amount of its resources on hearing appeals from the Immigration and Refugee Board for appeals from the [refugee] adjudication branch.15

14 David Neuman to the Standing Committee on Citizenship and Immigration, Study on Settlement Renewal—Concerning Standing Order 108(2), Parliament of Canada, April 30, 1996. See also Appendix A.
15 Interview with André Juneau, March 8, 2012.
The Department of Immigration’s expenditures stuck out on the budget line like a sore thumb.

And within the Department of Immigration, immigrant settlement funding was by far the largest budget item. Accordingly, senior officials conceded that the question was no longer whether to cut immigration costs, but rather which specific immigrant settlement programs could potentially be transferred — some might say downloaded — to the provinces.

The six Program Review criteria forced officials to think carefully about program realignment, sorting out what was a rock-solid federal responsibility and what could legitimately be said to fall more appropriately into the provincial or voluntary sectors. Not surprisingly, based on this line of logic the federal settlement program—rather than the primarily federal areas of immigrant selection or refugee resettlement—was identified as the key program area to be relegated to the provinces by the Department of Immigration as part of Program Review. Rob Vineberg was among those senior bureaucrats tasked with program realignment within the department. Outlining the federal rationale used to justify the shedding of its settlement programs, he notes:

The theory of managing immigration at that time in the department and the planning documents...talked about immigration being a continuum from application abroad through processing abroad, to reception in Canada, to integration in Canada and eventual citizenship. And this was all [located] within one [federal] department, plus the enforcement role, should someone need to be removed from Canada.

If the department had to surrender some aspect of the Immigration Program, where would

there be the least impact on this continuum was the question being asked, and the conclusion was Settlement...Also, out of that continuum, what could logically be aligned with provincial programs best? The only thing that stood out was Settlement, because it involved language training which was related to education, the provincial area of responsibility and presumed expertise. And basic settlement services which were aligned with Social Services and Welfare to a certain extent...So it was felt that these were programs that the provinces would be capable of taking over and it wouldn't disturb that continuum.\footnote{Interview with Robert Vineberg, January 2011.}

Not only was settlement the immigration program most closely aligned with service areas under provincial jurisdiction, but it was also the newest program in the federal immigration program. Having been developed in the late 1970s, the federal settlement program was less embedded within the Department of Immigration’s essential operations, and therefore the most expendable.\footnote{Robert Vineberg, 44.}

Recognizing that the costs of immigrant settlement far exceeded available federal funding and, with no hope on the horizon that there would be more funding available, the federal Liberal government launched the Settlement Renewal Initiative. Minister of Immigration Sergio Marchi directed the bureaucratic arm of the Department of Immigration (officially renamed Citizenship and Immigration Canada, or CIC in 1994) and his parliamentary arm (the Standing Committee on Citizenship and Immigration, then dominated by Marchi’s Liberal caucus colleagues), to begin a two year process of renewal consultation. Each of these two entities entered into two distinct processes. From a federal bureaucratic perspective, the intent of the Settlement Renewal process was to alter the status quo that saw the federal government as the dominant actor in the funding and delivery of immigration services. The goal was also to reduce the role of the federal government in settlement services while negotiating with voluntary organizations and other
levels of government to pick up the settlement slack. In the case of Citizenship and Immigration, Program Review translated into finding which ‘existing partners’ could be persuaded to take on a larger role in the administration of immigrant settlement services.

George Tsai, Assistant Deputy Minister at the Department of Citizenship and Immigration, framed the Settlement Renewal Initiative as a project which would see the federal government eventually drawing back from the direct delivery and administration of settlement programs in favour of the provinces. When introducing the initiative to the Standing Committee on Citizenship and Immigration, Tsai took special care to emphasize that the federal government intended the devolution process to be collaborative, rather than prescriptive and adversarial. He stated:

What is Settlement Renewal? Let me start by saying that settlement renewal is not a top-down exercise based on a policy developed in an ivory tower, for which you go out and pretend to have some consultations just to confirm what has been developed through the policy development process. This is an exercise that will allow our partners - other levels of government - to be part of the definition of the renewal process itself. It's a new way of reinventing government. To a large degree, we are maybe in unchartered waters, but it is quite an exciting perspective. The results we hope will be extremely positive. \(^{19}\)

The notion of partnership was intended to be key theme guiding the direction taken in Settlement Renewal. But for the federal government, partnership came down to passing off key components, such as program management, to provincial and local partners. Assistant Deputy Minister Tsai went on to explain that the national Program Review process forced CIC officials to rethink the rationale behind the federal government’s provision of settlement services. He stated:

[Program Review] forced us, as it forced other departments, to answer some very specific questions about whether or not this program is in the public interest; whether or not it should be delivered by the government, and if so what level of government; and whether or not it is a program that could be delivered on a partnership basis with other levels, other governments, the private sector and NGOs. So I think it was the marriage of these two events that really prompted the government to announce a fundamental renewal of the program, in the context of the last budget...Of course the program met the partnership test. This is the kind of program that lends itself very well to partnerships and to team effort between various levels of government.  

The Settlement Renewal Initiative, federal bureaucrats maintained, was consistent with the federal government's broader objective of establishing partnerships with other governments and “moving the decision-making process as far down the line as possible to the most appropriate delivery mechanism, whether it's federal, provincial, municipal, or something else.” For the federal government, this was not simply a cost-cutting measure, but an exercise in rational and responsible governance.

The Consultation phase of the SRI was led by federal immigration minister Marchi, who exercised a great deal of influence within Chrétien’s cabinet. In terms of logistics, the Department of Immigration led one part of the process, known as the public consultations, with the support of independent consultants, who provided facilitation services during the consultation process. The Department commissioned a series of regional stakeholder workshops, focus group discussions, and interviews in each provincial jurisdiction. Regional CIC offices for contracted with third party consultants to conduct these consultations. However, researcher Cathi Wilson-Loescher notes that “symbolically, the use of independent researchers rather than state actors


[gave] the impression of impartiality and sincerity of openness to input. The federal government was trying to create the perception that it was giving some policy strength to the social sector and thereby encouraged their participation in the process.”

In short, according Wilson-Loescher, the objective of the consultation exercise was not so much to gather information as to forewarn provincial and voluntary sector partners that the federal government was shedding responsibility for settlement service delivery.

In June of 1995, ADM Tsai presented key findings gathered from 1994 consultations to a meeting of the Citizenship and Immigration Standing Committee. According to Tsai, there were two key concerns coming from the grassroots NGO stakeholders with respect to the allocation of settlement funds to NGO stakeholders:

The message we got from the various groups and individuals who were consulted was that, generally speaking, the settlement program was functioning well, but there were some specific problems, such as too much duplication. Just to give you an example, we were told that in Ontario there are more than twenty possible sources of funds for immigrant integration activities. The second comment we heard was that there was not enough room for local flexibility.

CIC officials argued the Settlement Renewal process could be used to address both of these key complaints. A transfer of services to lower levels of government would place decision-making closer to the community level, and could help to eliminate overlap and duplication. As it stood, service providers were faced with a complex and multi-level funding system in which several governments and organizations were providing similar or complementary services.


Devolution could fix this: “federal programs that currently exist would disappear, and…new [government] partners would have the flexibility to direct those funds to a range of programs and settlement activities for essentially the same clientele and essentially the same types of activities to help immigrants get oriented.”

The federal government also took great care in framing the new administrative system in terms that allayed fears of job cuts and layoffs. Settlement Renewal Initiative consultation transcripts reveal that a recurring concern was the likelihood that restructuring and systemic budget cuts meant reductions in numbers of staff and a compounding reduction in immigrant settlement services. But CIC officials at National Headquarters in Ottawa were reassured that they would retain their roles. After all, the new administrative system proposed by the SRI emphasized accountability mechanisms and national standards that would need to be managed. Settlement Renewal “did not advocate a replacement for the Ottawa level of the department…the funds would still have to be allocated and accounted for through a central office...The Minister responsible would still have to respond to Parliament and would thus need a bureaucracy to track how the money was being spent and monitor department programs.” As such, the consultation documents suggested that Ottawa jobs [at CIC’s National Headquarters] were not at stake.

But CIC officials employed in regional offices were not so easily reassured. It became apparent to anyone participating in the consultation process that a large part of Department of

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Immigration savings would come from downloading federal responsibilities onto local groups, provinces, and community organizations. Ottawa CIC staffers were traditionally responsible for monitoring, administration, and management, while regional CIC officials had a mandate to work directly with service providers and newcomers. If the federal government was intent on transferring service delivery to provincial governments, regional CIC staffers would have a limited role to play and fewer of them would be needed in the proposed arrangements. Wilson-Loescher's analysis of shifting stakeholder dynamics during the SRI process is especially appropriate in this regard. She argues that “as the policy strength of other actors grew during the consultations, the policy strength of the CIC [regional] offices weakened.” Yet, the overriding view from SRI consultation participants was that it would be a shame to lose federal government personnel with years of immigration and settlement experience. There was a general consensus reached that in the event of devolution, a deal should be made that these federal employees, like programs, should be transferred directly to the provinces — from the federal payroll to the provincial payroll.

The second phase of the Settlement Renewal Initiative consultation process involved the Parliamentary Standing Committee on Citizenship and Immigration conducting its own cross-Canada hearings between June and November of 1995. Minister Marchi asked the Standing Committee to examine three issues: accountability, local advisory committees, and the ongoing role of the federal government in immigrant settlement service provision. The Committee, in turn, invited interested individuals and stakeholder organizations to make submissions to its hearings across Canada. Some of the submissions were formal and written. Others were oral. Still others were offered during round-table discussions. At the first meeting of the Standing Committee in June of 1995, the issue of cuts to CIC in regional offices was raised once more.
This time, the federal position was vague regarding job security within the Department, as ADM Tsai responded:

Given the current fiscal context, it is obvious that this government and other governments are trying to deliver programs as cost effectively as possible...Given this new climate of controlling government spending...we no longer have the reserves that we had before. Accordingly, every time that there is a new initiative or that there are new needs, we have to meet these needs through internal reallocation. Renewal programs...will enable us to achieve greater flexibility so that we can obtain these reallocations.27

Following the hearings, the Standing Committee reported on its findings and observations. The Standing Committee, in its report, recommended the creation of tri-level committees composed of representatives from federal, provincial, and municipal governments to oversee a smooth process of transfer of settlement delivery responsibilities from federal to other levels of government.28 The Government drafted a formal response to the Standing Committee's report. With respect to the tri-level local committee structure recommendation, the government's formal response was that Ottawa would not impose such a structure, as the process should be regionally, not federally driven. After all, municipalities remained creatures of the province, and therefore it would be up to provinces like Ontario to make room at the negotiating table for municipal government stakeholders.

Rather than completely close the door on the idea of tri-level committees, the federal government requested that the Standing Committee explore the tri-level local advisory committee structure further. The Standing Committee, shifting focus away from including

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municipal governments, presented CIC officials with detailed ideas on potential local NGO advisory committees and the variety of tasks that these committees could perform, including identifying local priorities, overseeing research, fostering cooperation, and advising on policy. This time, the government's response to the Standing Committee's recommendations was that the government “is not inclined to impose a system of formal advisory committees. This could be counterproductive to existing local and regional planning processes and may be unnecessarily costly.”

The Standing Committee also recommended that national principles and standards be established through ongoing consultations with stakeholders, a notion that had long been advocated for by many NGOs doing the hands-on delivery of settlement services. The federal government conceded this and stated: “The objective of these consultations and discussions is to arrive at a set of shared principles, acceptable to all involved, that would guide the administration and delivery of settlement.” It appeared that the federal government intended to offload settlement service administration and delivery to the provinces, yet was going to demand that provinces and NGOs hold to nationally-set service delivery standards.

As the federal government anticipated reassigning settlement service administration and delivery to the provinces, it already had one working model in hand. The reinforcement of Canada-Québec relations through Québec’s push to sign bilateral immigration accords continued to make a crucial and long-lasting impact on federalism. In addition to being the first immigration accord to give Québec selection powers in Canada, the 1991 Canada-Québec Accord included a number of important changes related to settlement, including the intention of

29 Cathi Wilson-Loescher, 59.

federal government to withdraw from “services for the reception and the linguistic and cultural integration of permanent residents in Québec,” in addition to withdrawing from “specialized economic integration services,” which instead would be devolved to the Québec government and accompanied by federal settlement funding transfers.

But while prepared to begin negotiations to encourage Ontario officials to agree to a similar model of federal service withdrawal, CIC officials had little hope that federal and provincial immigration officials would see eye-to-eye on the matter. Covering the costs of Québec’s specialized linguistic and cultural retention programs were one thing; footing the bill for Ontario’s extensive network of settlement services were quite another. Yet, such an arrangement is precisely what Ontario hoped for. Outgoing Ontario New Democratic Party Premier Bob Rae, who held a majority provincial government from 1990-1994, had supported greater social spending and overall investments in provincial social services during his tenure despite the context of late 1980s-early 1990s economic downturn. Ontario social policy under the Rae government stood in direct contradiction to the federal cost-cutting agenda of the early 1990s. In 1991, NDP Immigration Minister Elaine Ziemba, committed to maintaining, if not expanding, government immigration settlement programs, served notice that she intended to “discuss funding for integration programs with [federal] Immigration Minister Barbara

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31 Canada, Canada-Quebec Accord Relating to Immigration and Temporary Admission of Aliens, 1991, s2.

32 Under the Canada-Quebec Accord, the federal government was not only committing to withdrawing from administrative responsibility for settlement, but also committing to transferring settlement dollars to Quebec each year as well. As former federal official Robert Vineberg notes, the formula for federal-Quebec settlement transfers under the 1991 Canada-Quebec Accord is controversial because it provides for a continual increase (but not decrease) in payments to Quebec in line with the number of permanent residents destined to Quebec. In other words, unlike other provinces, federal settlement transfers to Quebec under the 1991 Accord increased incrementally each year even if immigration to Quebec did not. See Robert Vineberg, Responding to Immigrants’ Settlement Service Needs: The Canadian Experience, (Dordrecht: Springer, 2012).
McDougall and make the federal government understand [Ontario's] needs."\(^{33}\) But it was all for not. The federal government did not come to Ontario’s economic rescue, and as Wilson-Loescher notes, no agreements arose from Canada-Ontario discussions between the years 1992-1994 because the spending priorities of Ontario were highly incompatible with those of the federal government during this period.\(^{34}\)

By the time the federal government launched its Settlement Renewal Initiative consultations in 1994, Ontario's political climate had changed drastically. The New Democrats were gone. Ontario was now led by a newly-elected Conservative government with Mike Harris as Premier, and Harris’ cost-cutting free-market Common Sense Revolution proved not particularly sympathetic to the concerns of the immigrant settlement community or any other social services that would cost the province money. Even more so than under the previous NDP regime, Ontario politicians were especially wary of any federally-led consultation process that intended to push federal programs onto the provinces. As a result, Wilson-Loescher, noted, the participation of provincial governments in early rounds of Settlement Renewal Initiative consultations was “negligible.”\(^{35}\) If the federal government wanted to offload program responsibility, Ontario was not interested in assuming it.

Yet, there was no shortage of talk. Between November 1995 and February 1996, about 1200 stakeholders from 40 different communities in Ontario participated in Settlement Renewal Initiative consultations. Public consultations were split into two parts: Round I, which took place

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34 Cathi Wilson-Loescher, 29.

35 Cathi Wilson-Loescher, 29.
in February of 1996 and Round II, which was held in June 1996, in which the CIC prepared a report in that attempted to assuage concerns about settlement program closures raised during the first round of consultations.

Both consultation phases took place with the federal government pressing ahead with its agenda for Settlement Renewal, that is, the transfer of federal immigrant settlement responsibility provincially. Federal officials devoted a great deal of time to promoting the merits of devolution of settlement service delivery to the provinces. The rationale, according to federal bureaucrats, was that the day-to-day realities of settlement service provision were best served if integration services and social supports were delivered at the local and provincial levels:

One of the main advantages of [devolution of immigrant settlement administration], I think, is that many of the provinces have come to realize that it is in their interest to take a greater interest in immigrants who come here. Whether they admit it or not, immigrants are using provincial programs for settlement. They are using provincial services, agencies, hospitals, and there are probably advantages to eliminating the two bureaucracies that are involved. The chances of people getting their act together might be better if there were just one bureaucracy…

If you could get this decision-making and priority-setting process to establish priorities that are based on local needs, that have more flexibility, instead of having people in Ottawa say: ‘This is how much we put into language training and this is how much and this is how much we put into counselling services’, and if in one area you don’t get as many people [who need language training] it would make it easier to switch the money into areas where the need exists…

Additionally, federal officials pointed out that settlement services was already an area in which the provinces had ample working experience. Given provincial involvement in funding a number of ongoing settlement programs and projects, provinces already had the basic administrative mechanisms with which to provide a means of auditing, controlling, monitoring and evaluating

projects. The transition to complete provincial control over the administration and day-to-day management of the settlement program, it was argued by the federal government, would be relatively inexpensive and uncomplicated.

Provincial representatives across Canada were not nearly as enthusiastic. They were more concerned with holding the line against any creeping costs than expanding immigrant settlement services and remained reluctant participants in the SRI consultation process. Even as consultation discussions began, the issue of devolution remained an area of contention. During a Standing Committee meeting on Settlement Renewal, Conservative MP for Calgary Northeast, Art Hanger, pressed federal officials to address the question of whether the federal government could afford to fund settlement services administered by the provinces at a cost of $3,000 per immigrant (the amount that the federal government was transferring to Québec for settlement). Federal Citizenship and Immigration ADM George Tsai skirted the question of matching the financial terms of the Québec agreement. Instead, he responded:

We are not going to have a 'one size fits all' approach. [Funding] will depend on the needs, the wishes of the provincial or local governments, and there is going to be an interactive process...If the Canada-Québec accord works in one area, this doesn't mean it would have to be applied to all other areas...We're going to have a series of bilateral processes, and in each case the final outcome, for sure, will be that the federal government will withdraw from the direct delivery of the contribution programs.37

Federal Citizenship and Immigration Director of Federal-Provincial Relations, Agnès Jaouich, further explained that Québec’s per-immigrant funding level of approximately $3,000 was based on the cost of infrastructure that had been built up progressively over the years to enable that

37 Statement by George Tsai to the Standing Committee on Citizenship and Immigration, June 13, 1995, 1010.
province to carry out both the overseas immigrant selection process and the delivery of settlement services. As a result, she explained, other province’s share of funding could not be compared to Québec’s. While this might have been the answer other provinces expected, it was not the one that they wanted.

In the position of receiving the vast majority of all immigrants to Canada, Ontario’s opposition to the SRI process was the strongest of all the provinces. Government officials and politicians in Ontario remained unconvinced that if and when the province assumed the immigrant service delivery function, the federal government would provide what Ontario regarded as a sufficient level of funding per immigrant. Until 1995, Ontario, which accepted approximately 60 percent of all immigrants to Canada, received approximately $1,000 per immigrant as settlement recovery, a far cry from the $3,000 amount it argued was its “fair share” of federal funding, the level of immigrant settlement services funding made available to Québec. Ontario made clear its position that any new immigrant service delivery model should recognize the additional demands created by secondary migration (that is, the phenomenon of individuals immigrating to Canada after first arriving in another province, and eventually relocating and settled long-term in Ontario). Ontario further stressed that the highest amounts of federal settlement support should go to the regions in which the highest proportion of newcomers reside. Noting the persistence of Ontario’s concerns about “fair share” raised throughout SRI

38 Statement by Agnès Jaouich to the Standing Committee on Citizenship and Immigration, June 13, 1995, 1010. It is important to note the Canada-Quebec Accord provides the Government of Quebec with an annual grant. The amount of the grant was calculated using a funding formula set out in the Accord for the periods 1991-1992 to 1994-1995, beginning with a baseline amount of approximately $3,000 per immigrant. In subsequent years, the amount was to be determined using a specific formula described in an annex to the Accord. This formula guarantees that the Quebec funding amount will increase each year. For further discussion of Quebec funding allocations, see Citizenship and Immigration Canada, Evaluation of the Grant to Quebec, Ottawa Evaluation Division, July 2012. http://www.cic.gc.ca/english/pdf/research-stats/grant-quebec.pdf > Accessed on September 7, 2015.
Consultations, David Neuman, National Director of Settlement Renewal, warned the federal Standing Committee on Immigration that Ontario’s staunch “fair share” stance would likely impact upcoming federal negotiations with Ontario.\(^{39}\)

Provincial officials taking part in the Ontario consultations also disagreed with the federal government about federal rules of eligibility for immigrant settlement services. Provincial government funders challenged the federal prerequisite specifying that “settlement services will be aimed at those most recently arrived.” For example, Ontario protested that, depending on individual circumstances, the most recently-arrived immigrants may not be those most in need of settlement services. Ideally, settlement services would available to all immigrants who require such supports, regardless of length of time already living in the country. At the same time, Ontario participants acknowledged that, given the limited funding available for newcomer settlement services, there must be some objective eligibility criteria in place. NGO consultation participants suggested that the federal government develop eligibility criteria that would provide a consistent way to determine “need” and still allow for flexibility in determining local needs and priorities. NGOs also noted that those communities experiencing rapid growth in immigrant populations but did not have an existing settlement infrastructure in place might need a larger allotment of funds to develop service capacity. They argued that smaller and previously-underserved communities should also be funded to establish a minimum level of service, despite the higher costs resulting from the absence of economies of scale in such communities.\(^{40}\)

Ironically, federal officials used these critiques of existing funding structures to

\(^{39}\) David Neuman to Standing Committee on Citizenship and Immigration, June 13, 1995. 0935.

strengthen the case for devolution to the provinces, reiterating that the devolution of federal settlement service delivery and administration to provincial governments would circumvent the problems arising from federal program rigidity. After all, many of the eligibility restrictions placed on federal settlement programs were rooted in firmly-set terms and conditions set by the Treasury Board of Canada, and were not applicable to the provincial level of government. Provinces could offer program flexibility that the federal government could not.

As SRI consultations continued across the regions, federal officials, determined to withdraw from settlement service delivery and administration, were quietly working to make devolution as seamless a process as possible. Ideally, the SRI would conclude with provincial entities taking over the administration of settlement by April of 1998, bolstered by the signing of bilateral agreements confirming the transfer of a cost formula. From the perspective of the federal government, such agreements were a foregone conclusion; the process of devolution had begun even before Settlement Renewal consultations commenced. In the federally-drafted discussion documents that were made available to participant stakeholders prior to consultation workshops, provincial governments were identified as the new administrators of the immigrant settlement program. Consultations were less about deciding on devolution than about softening stakeholders to accepting devolution as a fait accompli. Accordingly, the CIC Ontario Regional Office centralized its administration in order to facilitate devolution that was regarded as inevitable. Local CIC offices were informed that they were losing thirty percent of staff, and were to begin consolidating settlement services throughout the province. Service delivery was subsequently transferred out of local offices and centralized to regional offices in order to
facilitate an easier transfer in the province when that inevitably occurred.  

While Regional and Local CIC staffers commenced the internal reshuffling and centralization, a team from CIC’s Ottawa National Headquarters sought to make headway with the SRI process of devolving settlement service responsibility to provincial governments. In tandem with wider SRI consultation discussions (which both NGOs and provinces attended), federal officials began to meet periodically with small provincial teams. Federal officials hoped that by fostering informal relationships, bilateral negotiations would be made that much easier. David Neuman, Director of the Settlement Renewal Initiative, recalls almost daily phone calls with provincial officials from across Canada discussing potential devolution agreements. But as the SRI process progressed, federal officials received subtle signals from their provincial counterparts that some provinces interpreted the Settlement Renewal processes as little more than a scheme to cut federal costs by downloading immigrant settlement onto the provinces. In other words, it was widely believed at the provincial level that settlement, already underfunded by the federal government, was being pushed onto the provinces, ill-equipped to on settlement service responsibilities at existing funding levels. What’s more, under the austerity measures imposed under the federal Program Review umbrella, provincial stakeholders feared that existing funding levels certainly would not keep pace with rising service demand and might even be reduced. All of this was compounded by the fact that provincial governments were already saddled with rising social service costs and some provinces, especially Ontario, were projected to face steadily increasing immigration and refugee numbers.

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41 Interview with former federal official, 2011.
42 Interview with David Neuman, June 10, 2014.
Like the Canada-Ontario consultative meetings of the late 1980s, bilateral meetings between federal and Ontario bureaucrats during the period of Settlement Renewal were infrequent and informal, and relations between the two groups generally positive. To those involved in these discussions, beyond getting to know one another and exchanging information, the most that can be said about these meetings is that bilateral discussions remained open, polite, and those federal and provincial officials who might be called upon at some time in the future to negotiate a formal immigration agreement on a first-name basis. However, any concrete progress on a Canada-Ontario immigration agreement still remained out of reach. Unbeknownst to federal officials, Ontario’s small team of bureaucrats, while available to discuss immigrant settlement-related issues with federal counterparts, had no ministerial authorization engage in formal immigration agreement negotiations.

Believing that Ontario and other provincial immigration officials were unlikely to entertain formal discussion of immigrant settlement devolution without a guaranteed increase in per-immigrant funding levels, CIC changed its strategy. CIC officials began to search for a source of revenue that would cover settlement costs. The provinces wanted more money for settlement, and since the Department of Immigration was determined to shed its settlement responsibility over the long-term, it would have to make compromises. In a last-ditch effort to increase the amount of federal dollars offered up to provinces, Citizenship and Immigration Canada staffers met with Department of Finance and Treasury Board officials. CIC officials hoped that their federal finance colleagues could help find a solution for increasing existing settlement allocations to appear more in line with Québec funding levels. However, meetings

43 Interview with David Neuman, June 10, 2014.
with Treasury Board staff were futile; the Treasury Board was determined to cut costs, not open the door to more spending. Ultimately, the answer to CIC’s budget problem came in the form of the adoption of the federal Right of Landing Fee, effective February 1995. The new fee of $975 was charged to each new immigrant entering Canada, increasing CIC’s settlement budget from its baseline of $118 million to a total of $180 million. The new funds were offered up to provinces, in hopes of convincing reluctant provincial authorities that they would not be left holding the bag for any increase in immigrant settlement delivery costs. Thus, in an effort to save the department a projected $62 million through Program Review budget cuts, the federal government transferred another $63.3 million into the immigrant settlement allocation pot for “contributions to provinces” as an incentive for provinces to take on settlement responsibilities. Ironically, it seemed that ‘cutting costs’ would cost money.

Yet, the incentive presented by CIC was not enough. Even after Ontario’s settlement services funding allocation level increased from $70 million to $105 million following the Settlement Renewal discussions, Ontario policy-makers remained disinterested in accepting any federal transfer of settlement responsibility to the province. One reason for this, as Robert Vineberg, former Director of Intergovernmental Relations has argued, was ideological. According to Vineberg, the Harris provincial government was not at all interested in devolution due to the “traditional right-wing Conservative approach of ‘small-government-is-good-government’…to take on something with the aura of being a welfare program was the furthest

thing from their minds.”

Regardless of its underlying partisan ideology however, the official message from the Ontario government was that the province wanted no part in taking over administration of the federal immigrant settlement program because it was underfunded. Moreover, in keeping with the position of preceding Ontario governments of all political stripes, the province did not wish to be saddled with something as potentially contentious or divisive as the immigration portfolio or the matter of refugees. The province was content to remain as co-funder of settlement and integration programs without the need to respond to public scrutiny or assume responsibility for potential controversy or blunders in immigration program administration.

Like provincial officials in the mid-1990s, immigrant settlement NGOs also found themselves drawn into policy re-alignment discussions that were initiated, designed, and administered by the federal Liberal government under the SRI. However, while most provinces had financial and administrative reservations about participating in SRI consultations, there was very little NGO resistance to participating in the exercise. Elizabeth Huff, a member of the federal senior policy team that designed and led the Settlement Renewal consultation process noted that “at that time, it was leading-edge for a department to consult as thoroughly as [CIC officials] did,” recalling that SRI consultation meetings with immigrant settlement NGOs typically provided interpreters and diversity in food in an attempt to intertwine federal process with the local landscape in an effort to fully engage with ethno-specific organizations.

Similarly, representatives of immigrant settlement and refugee advocacy agencies saw their participation in the consultation exercise as validation of their professional roles. What’s

46 Interview with Robert Vineberg, January 29, 2011.

47 Interview with Elizabeth Huff, May 9, 2014.
more, the consultations on Settlement Renewal were framed as an opportunity for organizations providing services to immigrants to share their expertise with federal immigration officials, who, it was hoped, would subsequently take their recommendations back to their Ottawa offices and use the information to improve program delivery across the country. In fact, most immigrant and refugee settlement NGOs were initially enthusiastic about the prospect of participating in this process; their ability to operate effectively as an organization – and thereby meet the needs of the newcomers they served – was about to be redefined, and NGOs thought it crucial help shape that redefinition and do so with one voice. Volunteer organizations, for the most part, had small budgets. With their futures at stake with federal funding cuts in the offing, they hoped that by joining with like-minded organizations to form a united settlement front, their concerns would help create a new service delivery model. Executive directors regarded the invitation as an opportunity for NGOs to maintain good relations with their government funders and encouraged their staff to attend.

However, these goals did not match with reality. Even before the second round of Settlement Renewal consultation exercise began, several NGO participants expressed frustration with the very short timeframe allowed for consultations and even the time of year in which these consultations were held: just before the December holidays or immediately after the new year break. NGOs grumbled that there was not enough time to permit good preliminary discussion with their agencies or the communities they served. Additionally, the timing did not give immigrant and refugee advocacy groups, which were more suspicious of federal government intentions, much time to prepare organized rebuttals to federal planning documents. Following

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48 Cathi Wilson-Loescher, 34.
the conclusion of consultation sessions, some participants expressed skepticism as to whether their attendance and participation had mattered at all. Some correctly concluded that they were merely used as window-dressing to cover changes the federal government had previously decided upon. An action research project Commissioned by the City of Toronto Public Health Department, describing the local community’s perception of Settlement Renewal, stated that:

An issue of major concern was the process of “Settlement Renewal”, which includes both the process of federal withdrawal from responsibility for delivery of settlement services and the structured negotiations with various partners to develop new mechanisms for service delivery. The agencies views Settlement Renewal as a major element in the restructuring of immigrant social services, with many of the key outcomes already determined.⁴⁹

While they welcomed the opportunity to contribute their expertise to the consultation process, most organizations continued to call for an enduring and strong federal role in defining common immigrant integration principals and goals. Prior to the Settlement Renewal consultations, the majority of immigrant and refugee NGOs served as program and service delivery agents, but not formal participants in immigration policy decision-making. NGOs questioned the necessity of such a massive restructuring of the existing policy environment, particularly if it diminished federal oversight. In short, members of umbrella organization Ontario Council of Agencies Serving Immigrants (OCASI), together representing the broader immigrant settlement NGO community, believed very strongly that the Harris provincial government could not be trusted to protect the integrity of immigrant settlement services. More importantly, devolution raised the question of what safeguards there would be to ensure that devolved funds transferred from the federal Department of Immigration to each province would

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⁴⁹ Ted Richmond, “Effects of Cutbacks on Immigrant Service Agencies”, Results of an Action Research Project Commissioned by City of Toronto Public Health Department, September 1996.
continue to be used exclusively for immigrant settlement services. In response to NGO concerns regarding funding transparency and consistency in service delivery across provinces, the federal government stated its intention to stay in the settlement business, at least as far as ensuring a universal level of service provision. According to the federal consultation document, common principles agreed upon during the SRI meetings could form the basis of a set of national standards that would ensure “minimum levels of settlement and integration services that should be available across Canada.”

Meanwhile, as the federal government attempted to reconfigure the nation-wide settlement sector, provincial and local social service landscapes shifted with little warning under the new leadership of Conservative Mike Harris in 1995. Harris’ deep social service funding cuts, as the Ontario government put it, was an effort to create “a smaller, more affordable, effective, efficient and client-centred social service system…where families and community have a primary responsibility to themselves.” Two years later, in early 1997, the Government of Ontario passed legislation forcing the amalgamation of six local governments along with the Municipality of Metropolitan Toronto into a single City of Toronto.

With the Ontario Conservative government’s new mandate, NGOs had even more reason to fear the prospect of federal immigrant settlement devolution. If responsibility for immigrant settlement service administration and delivery was transferred to the provinces, not only could

50 Ontario Council of Agencies Serving Immigrants, 2.
52 For an in-depth discussion of the impact of City of Toronto amalgamation on intergovernmental immigration relations, see Chapter 6.
there be a decline in service standards, but with the Harris Conservatives busy dismantling social service supports under the Common Sense philosophy, there would most definitely be cuts, and they would be worse than those of the federal government. Fears that municipal social services accessed by immigrants—including child care, public health, and social assistance would either be merged into struggling provincial budgets, or eliminated altogether—ran wild. Agencies outside of the Greater Toronto Area were especially concerned, even more so than Toronto. These agencies were more threatened by the process of decentralization since they had less tax revenue, and therefore weaker public support at the municipal level. And could the province be trusted with sole responsibility for delivery of an entire system of settlement programs? OCASI, which represented the interests of more than 40 NGO immigrant settlement service providing organizations in Ontario, expressed fears that the new Harris government seemed “more concerned with getting fair-share funding and was not interested in taking on the administration of federally-funded settlement programs.”

While the Ontario social service delivery agencies feared for the future, the federal government pressed ahead with its agenda. Federal officials hoped consultations would make both provincial and NGO stakeholders comfortable with federal proposals. As David Neuman, National Director of CIC’s Settlement Renewal Initiative stated during a 1996 meeting of the Standing Committee on Settlement Renewal:

We [led consultations] partly as an education, because as the committee heard when it held its hearings, there was a lot of anxiety about [the Settlement Renewal process]. We felt it would be useful at least to do some education as to what was involved. I think a lot of the anxiety was misplaced. So we ….held discussions with provinces to clarify our

intentions and what we were really talking about.\textsuperscript{54}

Public policy researcher Wilson-Loescher's analysis regards the federal agenda somewhat differently. Wilson-Loescher contends that the process of Settlement Renewal was much more than an exercise in information gathering or public awareness. According to Wilson-Loescher, the process was designed to “facilitate social learning in order that there could be a change in social paradigms underlying settlement services policy in Canada.” Consultation planning logistics were “tools” deliberately designed to redesign existing funding configurations. For example, the federal decision to have both government and public consultation organized along provincial geographic boundaries rather than in local communities, caused members of the settlement service delivery community to be geographically segmented making harder the coalescence of national opposition. Further, Wilson-Loescher argues, this design feature deliberately helped groups to get comfortable with functioning as a provincial policy community subunit rather than nationally, and softening them to the renewed system of provincial administration.\textsuperscript{55}

However, when evaluated in terms of its formally-stated objective of withdrawal from direct administration of settlement services in all provinces, it is clear the Settlement Renewal Initiative did not succeed as a process of “social learning.” While the SRI consultation process introduced the notion of a reduced federal role in immigrant settlement service delivery, presented alternative administrative structures, and offered an alternative financial and administrative basis for supporting the new structures, the initiative’s outcomes were mixed: by

\textsuperscript{54} David Neuman to the Standing Committee on Settlement Renewal, April 30, 1996.

\textsuperscript{55} Cathi Wilson-Loescher, 35.
the end of 1996, only British Columbia and Manitoba officially agreed to the federal
government’s devolution proposal.⁵⁶

Ontario is a case in point. The Department of Citizenship and Immigration Canada’s
Settlement Renewal Initiative collided with the Harris ideological shift away from state support
of social services toward a notion of small government, volunteerism, and individual
responsibility. What would become of immigrant settlement service downloaded to the
provinces? There was wide recognition that the costs for settlement services for immigrants far
exceeded the available CIC budget for these services, As far as senior federal and provincial
officials were concerned, there was “no hope on the horizon that there would be more funding.”⁵⁷

Both the Settlement Renewal consultations and the Standing Committee meetings confirmed the
federal government’s commitment to solving its own fiscal challenges through a broader process
of decentralization. As resources within the federal bureaucracy were scaled back, devolution to
local decision-making structures was touted by federal officials as the most logical, efficient, and
effective method of delivering immigrant settlement services. Whether that was true or not was

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⁵⁶ The 1997-1998 federal offer to increase settlement funds persuaded British Columbia and Manitoba to begin
delivering their own provincial settlement services under “Settlement Realignment” agreements. In BC, there was
both strong enthusiasm and direction at the political level from the NDP government for the province to attain a
Quebec-like immigration agreement comprised of a “made-in-BC” network of settlement services. In the case of
Manitoba, the province had a longstanding history of seeking proactive measures to control immigrant intake for
labour market reasons, including the pursuit of Provincial Nominee Programs. Manitoba’s rapid immigration
increase from a very low level to a very high level proportionate to the provincial population also contributed to
Manitoba’s interest in assuming provincial control over immigrant settlement programs when offered during the
Heather Dickson, Evert Lindquist, Ben Pollard, and Miu Chung Yan, *Devolving Settlement Funding from the
Consortium on Integration, Citizenship, and Cohesion, July 13, 2013; Citizenship and Immigration Canada,
*Settlement Renewal: Lessons from the Past, Directions for the Future,* Welcoming Communities Initiative

⁵⁷ Interview with Robert Vineberg, January 29, 2011.
not the issue. For the federal government, the prospect of downloading immigrant service delivery onto provinces promised long-term savings for the federal budget. Federal officials also promised standards of service would remain high and sufficient resources would be assured; NGOs could only hope that this would be the case. And when it came to Ontario, many had grave reservations.

It also should be noted that a key question underlying all discussion around “renewal” of immigration settlement services in the mid-1990s was the extent to which stakeholders believed that the federal government's active role in the provision of settlement services was an appropriate one. Federal officials pointed to excessive and costly duplication of services and the inability of Ottawa to anticipate a budget for local needs. From the perspective of provincial governments, which were then also undergoing major cost-cutting measures, assuming responsibility for downloaded federal programs was an unappetizing prospect. Some, including the Harris government in Ontario, wanted to provide less, not more services. The NGOs, then suffering major funding cuts, particularly in Ontario, did not trust provincial governments to maintain the quality of immigrant services or level of funding that Ottawa had provided in previous decades.

Simultaneously, the SRI process underscored the strength of existing federal-NGO relationships. Citizenship and Immigration Canada was both funded, and relied heavily on, NGOs to deliver its settlement services. Unlike provincial governments federally-funded NGOs could not afford to be indifferent to the Settlement Renewal process, nor did they want to. From the of the federal settlement program’s inception, federal officials and settlement delivery NGOs had well-established relations. NGO-provincial relationships, by contrast, were thinner and less certain. As a result, frontline settlement workers were not just concerned about cutbacks in
funding, but also that the proposed downloading that would significantly change funder-agency relationships. In fact, a key way in which the perspective of the settlement NGO community and provincial officials differed from one another was in their respective views of devolution. NGOs preferred to establish a national policy and program with national objectives and standards there were set and enforced by the federal government. They were steadfast in their position that the devolution of settlement services from CIC to the provinces, even if there was enough per-immigrant funding, would compromise both the quality and future level of investment in settlement services. Unlike provincial officials, most NGOs did not consider devolution in Québec as an exemplary model for leveraging additional settlement resources. And, as political scientist Joseph Garcea notes, “Not even the 1991 Canada-Québec Agreement had a significant effect on [NGO] interests.”58 Rather, settlement NGOs saw the Canada-Québec arrangement as lacking “transparency and accountability with respect to the allocation of [settlement] funds.”59

Ultimately, the impact of the federal Program Review process and the Settlement Renewal Initiatives on immigrant serving organizations proved far-reaching, creating a climate of uncertainty in regards to future funding, a lowering of morale and productivity for the agencies, and a limiting of capacity for strategic planning. Members of the NGO community had difficulty meeting the objective of “partnership”, including all of the additional paperwork it entailed, while suffering reduced staff and reduced programming. Social scientist Nicholas Acheson points out that even more disturbing than program funding cuts, from the perspective of NGOs, was the removal of both of funding for lobbying (and the subsequent rapid decline in


funds available for other activities) and a severing of the lines of communication into federal government structures.  

Settlement Renewal discussions in 1994-1995 were driven by the federal objective of encouraging provinces to take on settlement in order to achieve synergy with other social programs. As a direct result of the SRI discussions, Ontario ultimately received an annual increase of $35 million (an increase from $70 million to $105 million per year) for settlement and language training as an incentive for the province to take over program administration, and to address Ontario’s demand for a more equal per capita share. In effect, this adjustment increased Ontario’s per-immigrant allocation to approximately $800. Still, at more than $3000, Québec continued to receive substantially more dollars per immigrant than other provinces for the delivery of comparable settlement services.

The prospect of approaching greater parity with Québec funding levels had been a crucial precondition for persuasion provinces to enter negotiations with the federal government on settlement renewal and realignment. Still, throughout the processes of Program Review and Settlement Renewal discussions, and despite amicable federal-provincial bureaucratic relations and a history of bilateral cooperation in areas such as the Vietnamese resettlement initiative, the Québec funding issue presented “more of an obstacle than imagined” and remained the primary factor that prevented the federal government from fully shedding its settlement service delivery responsibility through the SRI process. 61 This was much to the relief of most immigrant settlement NGOs, who feared federal withdrawal from settlement. Most provincial governments

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60 Nicholas Acheson, “From Group Recognition to Labour Market Insertion: Civil Society and Canada’s changing immigrant settlement regime,” British Journal of Canadian Studies 25.2 (2012)

61 Interview with David Neuman, June 10, 2014.
were also not yet ready to take on settlement and were concerned that they would be abandoned by the federal government. Even as several provinces concluded bilateral immigration agreements on issues of federal-provincial immigration cooperation and co-management through the mid-1990s, only British Columbia and Manitoba agreed to full devolution (or realignment) agreements. As part of settlement devolution in these two provinces, BC and Manitoba committed to delivering immigrant settlement services roughly comparable to CIC settlement services and CIC committed to providing an ‘enduring federal role’ in upholding broad national standards. The remaining provinces would continue to be dissatisfied with their lack of “fair share” of settlement dollars allocated to the province, and federal officials would continue futile attempts to convince these provinces, including Ontario, that the Québec’s settlement service delivery allotment was not to be seen as an achievable goal, let alone a baseline point of comparison.  

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62 According to CIC’s funding formula, settlement funding allocations to each province are made on a 3 year rolling average. Ontario’s per-immigrant calculation, like all other provinces, is based on the average number of permanent residents landing in the province in the preceding 3 years.
As discussed in chapter five, federal efforts to devolve immigrant settlement services to the provinces through Citizenship and Immigration Canada’s Settlement Renewal Initiative (SRI) met mixed success. While the proposed new arrangements – which included a full federal transfer of both administrative responsibility for program delivery and cost for settlement services – were offered to all provinces, only Manitoba and British Columbia concluded realignment agreements with the federal government during the 1994-1996 SRI process. CIC’s ability to successfully negotiate full devolution agreements with both Manitoba and BC fueled federal hopes that a full takeover of settlement services in Ontario would soon follow. However, Ontario balked. Ontario made clear that it would only accept such a transfer of responsibility if accompanied by what the province regarded as an adequate level of sustained funding. Anything short of this constituted federal downloading rather than devolution. To be sure, devolution typically assumes that sufficient financial resources will be part of the transfer of administrative

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responsibility. Downloading does not.\(^2\) As Ontario officials saw it, a lack of adequate funding most certainly would not result in a “renewal” of immigrant settlement programs. And if the federal government was committed to the continuity of quality immigrant settlement services, the federal government should cover the financial costs of transferring responsibility to the provincial level. Ontario’s reluctance to take over the full costs of what it saw as a growing financial liability (that is, the provision of immigrant settlement and related social services) without adequate funding from the federal government – highlights the difficulties faced by any level of government attempting to negotiate new administrative relationships in an environment of fiscal restraint.

Tenuous intergovernmental fiscal relationships during the 1990s were not limited to the federal and provincial orders of government. Municipal governments also played a crucial role in the intergovernmental immigration arena. As municipal governments of rapidly growing cities sought to accomplish more with less, they also challenged their federal and provincial partners to engage with them as equal counterparts. Through first exploring the City of Toronto’s involvement in intergovernmental immigrant settlement beginning in the late 1970s, this chapter explores the historical role of urban issues in the evolution of Canadian immigration federalism. Next, it traces the process of federal and provincial downloading of social service responsibility – the federal government onto the provinces, and in the case of Ontario, increasingly by the

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\(^2\) The term “downloading” refers to government withdrawal from responsibility without ensuring that sufficient financial resources will be transferred to a lower level of government. According to Kristen Good, there are three types of downloading: “First, upper levels of government can give municipal governments new responsibilities without transferring commensurate resources (what in the US is commonly referred to as ‘unfunded mandates’). A second form occurs when upper levels of government withdraw unilaterally from a policy field and local governments are left to decide whether to fill the gap in services. A third form occurs when upper levels of government fail to consider the place-specific consequences of their public policy decisions.” See Kristen Good, *Municipalities and Multiculturalism: The Politics of Immigration in Toronto and Vancouver*, (Toronto: UTP, 2009), 238.
province onto the municipalities and the voluntary sector. In particular, this chapter outlines how, in response to downloading from higher levels of government in the mid-1990s, local Toronto leaders increased their efforts to strengthen their negotiation position as they built capacity in immigrant settlement and integration.

In addition to exploring the growing role of cities in immigrant settlement, this chapter examines the various processes leading to the negotiation of the 2005 Canada-Ontario Immigration Agreement. The striking of a bilateral immigration agreement in Ontario – an unlikely aspiration given the prickly intergovernmental relationships of the 1980s and 1990s – took a drastic turn at the beginning of the new millennium. The 2002 election of Dalton McGuinty’s Ontario Liberals signaled an end to the Harris years. And now the provincial Liberals working alongside a federal Liberal government in office since 1994 meant that intergovernmental relations in Ontario were suddenly unencumbered by ideological discord for the first time in more than a decade. This chapter, through exploring the negotiations of the City of Toronto Memorandum of Understanding on Immigration and Settlement and the 2005 Canada-Ontario Immigration Agreement, outlines how this new environment provided favourable political conditions for the seeds of Ontario’s first formal bilateral immigration agreement to blossom. Yet, as this chapter will illustrate, while the political stars finally aligned to facilitate the successful conclusion of the Canada-Ontario Immigration Agreement in 2005, conflicting political and administrative interests continued to restrain federal-provincial cooperation in important ways.

Testy federal-provincial relations often marked the Constitutional debates of the 1970s and 1980s and the Program Review of the mid-1990s, sometimes leaving the impression that there was little time for cooperation or interaction between other levels of government in Canada,
including municipalities. However, federal governments in Canada have hand longstanding engagement in urban affairs. This has been the case despite the lack of a Constitutionally-mandated role for municipalities in urban governance; legally, Canadian cities remain subordinate to federal governments and under the direct authority of provincial governments. Yet, urban scholars Tindal and Tindal note that federal-level urban activism became a staple in most large Canadian cities as special interest groups went beyond traditional local-level political engagement and began to protest national development policies in the post-war period. Immediately following the war, in an effort to address the needs of returning soldiers, provinces became increasingly involved with areas traditionally assigned to municipal policy. Cities as a consequence were left with significantly fewer sources of income and fewer policy areas in which they had sole responsibility or influence. Municipal governments subsequently retreated into the background and were forced to rely primarily on provincial government for policy direction, funding, and assistance. In response to this scarcity, local urban activists responded – and not always positively. However, social scientists Christopher Stoney and Katherine Graham argue that this postwar urban activism had an enduring impact on the municipal policy landscape, manifested in four decades of federal-municipal political and administrative cooperation.

3 Section 92 of the Constitution Act sets out the exclusive powers of provincial legislatures in 16 areas, giving the leach province exclusive responsibility for making laws relating to that province’s municipal institutions. Section 92(2) also grants the provinces authority to impose direct taxes to carry out provincial responsibilities. Because local governments are legally subordinate to provincial governments, the only sources of authority and revenue available to municipalities are those that are specifically granted by provincial legislation. Michael Dewing, William R. Young, and Erin Tolley, Municipalities, The Constitution, and the Canadian Federal System (Ottawa: Library of Parliament Parliamentary Information and Research Service, May 2006).

4 Stoney and Graham point to three distinct periods of federal-municipal cooperation over forty years. The first period is the late 1960s-1978, in which several policy mechanisms of federal-municipal cooperation were institutionalized; The second period is 1979-1993 in which federal-municipal agreements shifted from a centralized
Admittedly, despite this history of federal-municipal postwar cooperation, federal engagement with municipalities has tended to be ad hoc and opportunistic rather than stable and predictable. From the federal government’s perspective, there are many good reasons to avoid formal involvement in municipal affairs. The most obvious is that the federal government in Ottawa has no formal sustained relationship with municipalities since it is the provincial level of government that is constitutionally responsible for local governments. Pierre Trudeau’s 1960s preoccupation with what he regarded as mutually-exclusive areas of federal, provincial, and municipal jurisdiction signalled that he had little interest in stepping in to deal with municipal concerns. Initially, Trudeau held that the Constitution prevented him from becoming involved. But, as the voices of urban activists, often supported by members of Trudeau’s cabinet, grew louder throughout the late 1960s, the restrictions on fiscal autonomy imposed on municipal governments after the war combined with the legislative limitations imposed by the Constitution combined to call the existing exclusivity of provincial-municipal relationships into question. Along with the lobbying assistance of the long-established Federation of Canadian Municipalities, urban activists won the attention of senior levels of municipal governments and eventually federal MPs, successfully pressing their case on a wide range of urban policy issues including the lack of sufficient and affordable housing and the need for increased infrastructure model to take on a more place-based and regional character. The third period is 1994-2006, the era in which major investments were made in tri-level infrastructure projects. For a detailed discussion of programs and initiatives that have been used to structure federal-municipal relations and influence urban policy, see Christopher Stoney and A.H. Graham, “Federal-municipal relations in Canada: The Changing Organizational Landscape” Canadian Public Administration 52:3, September 2009.

Getting Prime Minister Trudeau fully on board with increased involvement with urban affairs took a few years of convincing. According to urban scholar Zachary Spicer, it was not until other federal Liberals within Trudeau’s cabinet and prominent members of the official Opposition began to question the Prime Minister’s disregard for urban-based issues that Trudeau reluctantly admitted that federal actions impact urban life, and that his government could seek to play a constructive and supporting role in cooperation with municipalities. In July 1968 Trudeau appointed Robert Andras minister responsible for housing, and in practice, the Cabinet spokesperson on urban affairs. Taking quick action, Andras established a commission led by Carleton University professor N. H. Lithwick to determine what role, if any, the federal government could play in urban affairs, and the likely consequences of such a role. Lithwick’s final report called Trudeau’s reluctance on urban matters into question, stating that “the federal government has used the constitution as an excuse to abstain from playing a responsible urban role despite overwhelming evidence that it is the principle actor in the urban political reality.”

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6 For example, in Vancouver, the Strathcona Property Owners’ and Tenants’ Association (SPOTA) was created to oppose the City of Vancouver’s development plans. In Montreal, residents’ associations and protest groups formed to oppose the development projects of Mayor Jean Drapeau, decrying him for not providing enough affordable housing and for not halting construction on high-rise developments. Additionally, the sheer amount of urban activist groups that sprung up in Toronto led to the creation of the Confederation of Residents and Ratepayers Associations (CORRA) in 1968 to help coordinate the large number of groups in the city agitating for change. See Tindal and Tindal, 2001.

7 As Spicer notes, the retreat of key political players was crucial to Trudeau’s decision to begin serious engagement with municipalities. During the late 1960s, Paul Hellyer, a key member of Trudeau's cabinet, stepped down because of the opposition he encountered to the recommendations of the Housing Task Force. Perry Ryan, the Liberal Member of Parliament for Spadina, defected to the Progressive Conservative caucus citing the Trudeau government’s handling of urban issues as one of his main reasons for abandoning his party. Ryan accused Trudeau of “shameful neglect of Toronto and its problems” and continued by saying “I hope ...that Toronto will have somebody to speak up for it in Parliament.” Robert Stanfield, member of the official Opposition, took up Trudeau’s main policy position regarding constitutional limitations, arguing that creating an Urban Affairs unit was the solution to responding to municipal policy issues without changing the Constitution. See Zachary Spicer, “The Reluctant Urbanist: Pierre Trudeau and the Creation of the Ministry of State for Urban Affairs” *International Journal of Canadian Studies*, 44 (2011).
Lithwick’s data also suggested that development in urban centres was hampered by innate problems faced by municipalities such as transportation and immigration problems, environmental degradation, and housing shortages, all areas in which the federal government had a constitutional interest. In October 1970, Trudeau announced the creation of the National Urban Affairs Council with the goal of bringing municipalities, provincial governments and the federal government together to help coordinate urban policy. Then, in 1971, in a seemingly out-of-character move, Trudeau approved the establishment of the Ministry of State for Urban Affairs and appointed Toronto MP Robert Andras Federal Housing Minister.

It did not take long for the new federal focus on local and regional issues to take on a more formal and immigration-specific tone. As early as 1966 a total of five provincial governments - including Québec, Ontario, and the three prairie provinces - had already created bureaucratic units dealing exclusively with immigration and settlement matters, signalling the growing importance of the immigration policy field. Large numbers of urban-bound immigrant arrivals were a hallmark of the early 1970s in Canada. Toronto, for example, emerged as one of the world’s major immigrant receiving centres. Between 1970 and 1976, approximately 360,000 immigrants arrived in Toronto. This meant that Toronto received 31 percent of all immigrants arriving to Canada during this period, in comparison to Montreal, and Vancouver, which during

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8 Among Lithwick’s main conclusions was the assertion that immigration has a strong urban focus, and while this provided many advantages for the local labour market, problems of low quality housing, residential segregation, and lower incomes resulted in limited opportunities and dissatisfaction among urban immigrants. See N. H. Lithwick, *Urban Canada: Problems and Prospects, A Report Prepared for the Honourable R.K. Andras Minister Responsible for Housing*, (Ottawa: Central Mortgage and Housing Corporation, 1970).

the same period received 15 percent and 8 percent respectively.\textsuperscript{10} Debates in provincial legislatures across the country also accentuated the disconnect between local immigrant settlement capacity and federal decision-making on immigration intake. In 1975, one member of the Ontario Legislature protested that a shortfall in housing was the result of the federal government’s refusal to contribute toward the cost of immigrant housing, even though immigration was a federal responsibility. As he put it:

One of the major reasons, Mr. Speaker, that this province requires so much new housing is because of immigration....the federal government controls immigration, and yet it does not see fit to provide this province with the necessary funds to house these new citizens...\textsuperscript{11}

To be sure, Trudeau’s early tendency to maintain a formal compartmentalization of policy areas ran counter to the realities of local social service provision on the ground. Municipal policymakers had long known that jurisdictional boundaries – particularly in the area of immigration and settlement – were at best blurry to local service providers. The City of Toronto, in particular, was not new to the business of immigration or the delivery of local social services to newcomers. In fact, the city was a post-war pioneer in several immigrant integration services. The creation of a two-tiered municipal government system in Canada – starting with Toronto in 1954 – allowed the city to venture into strategic policy areas not previously tackled by municipalities.\textsuperscript{12} The newly-enlarged Municipality of Metropolitan Toronto, then called “Metro”

\textsuperscript{10} AO 74-9 Box 15 File: “Policy” A Model for Intergovernmental Cooperation in Immigrant Settlement Services Delivery,” Final report of the Federal-Provincial Task Force on Immigrant Settlement Services in Metropolitan Toronto, Ontario Ministry of Culture and Recreation and Department of Manpower and Immigration Canada, 1977.

\textsuperscript{11} Mr. Carruthers to Legislative Assembly of Ontario, 29th Legislature, 5th Session, March 20, 1975.

\textsuperscript{12} On February 25, 1953, the Province of Ontario introduced a Bill to create the Municipality of Metropolitan Toronto. The new municipality would have the power to tax real estate and borrow funds on its own, and would be responsible for arterial roads, major sewage and water facilities, regional planning, public transportation, the
in order to avoid confusion with the original City of Toronto, funded a broad range of community-based multiservice organizations. These agencies, while not exclusively designed for newcomers, were regarded as integral to settlement, including long-term care, child care, welfare, education, recreational services, policing, and housing to both newcomers and long-time city residents. Urban studies researchers Frances Frisken and Maria Wallace, in their research on municipal roles in immigrant settlement, point out that the municipalities of Toronto and Metropolitan Toronto were the only Ontario municipal governments with an immigrant settlement focus, and often pioneered immigrant settlement programs in advance of the provincial government. Boards of Education in the city, for example, were engaged in cutting-edge English language training and provided programs on multicultural issues designed to serve immigrant families. Yet, these programs remained largely ad hoc.

If federal-municipal relationships lacked predictability, provincial-municipal ties were wrought with even more complexity. The paternalistic treatment that provincial governments have traditionally imposed upon municipalities has been entrenched both formally (within Canada’s Constitution) and informally (through spontaneous takeover/downloading of locally-delivered community and social services). And while municipal officials in Metro Toronto did

administration of justice, metropolitan parks, and housing issues as needed. Existing municipalities retained all other services such as individual fire and police departments, business licensing, public health, and libraries.

13 With respect to the City of Toronto’s target populations, Rosanna Scotti, former municipal senior manager in the 1980s, explained that “It became very obvious, very quickly that the minute you land in our jurisdiction, you are using municipal services in one way or the other, whether you are driving on the roads, or you’re going to a library, or going to a community centre...So Metro’s perspective, and...the City’s perspective, has always been [not to] distinguish between the people we serve by when they arrived. Our aim is to be accessible to everybody in the community, without taking on the formal role of immigrant settlement.”

not appreciate being subject to provincial whims and jurisdictional encroachment in the immediate postwar period, they were all too pleased to allow immigrant integration responsibilities, such as language education, to move up to - and remain with - the provincial government, particularly if this meant the Ontario Ministry of Education or Ministry of Community and Social Services would cover all associated costs. Of importance, social scientist Christian Poirier has argued that during most of the twentieth century, relations between provincial and municipal governments centralized in such a way as to increase provincial power, a “centralization that was, for the most part, not only accepted, but sought out by the municipalities.”

But demographic changes and political developments in subsequent decades added a new dimension and complexity to local immigrant settlement service delivery. Following the shift toward a greater concentration of immigrants in Toronto during the 1980s and early 1990s, issues of local settlement service delivery shifted to the forefront of the municipal social service agenda. By the 1990s, over 78 percent of immigrants arriving in Ontario were choosing to reside in Toronto. In comparison, of Ontario’s immigrants who landed before 1961, only 44 percent of the province’s immigrants had lived in Toronto. As it stood, existing legislative and financial mechanisms available to municipalities were originally designed in the 19th century, an era in which the scope of policy issues was much narrower. And although newcomer settlement service provision was not a novel policy area for Metro, the new period brought with it a widening of

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16 For further illustration of the concentration of immigrants in Toronto and the city’s growth as an immigrant-receiving centre since the 1960s, See Appendix D.
responsibilities that landed on the municipal doorstep—responsibilities which appeared with little warning and no funding. It became increasingly clear to cash-strapped municipal governments that many policy areas were ever more interconnected—a realization that would necessitate tapping administrative and financial resources from the federal government. As the complexity of issues deepened, the fact that municipal policy-makers were not part of the decision-making process in these areas, even though they were involved in the frontline delivery of services, became increasingly problematic. One municipal official recalled:

Our concern was that the federal and provincial governments were making decisions that had a very profound effect on all sorts of things [at the municipal level]…For example, there might be a big spike in the number of people coming here, and while they are waiting for their [refugee] determination they were put onto social assistance—[municipalities] pay a portion of Social Assistance—or they would come into our shelter system. So these were direct services that [municipalities] were providing. And we were impacted—both in terms of demand for service, and in terms of costs to the municipality—by decisions that other governments were making. And we weren’t in the room when the decisions were being made.\(^\text{17}\)

Demand for local immigrant settlement services increased; cross jurisdictional complexity deepened. One component of this complexity was the growing importance of inter-ethnic relations. Responding to the concerns of frontline immigrant settlement service providers, Metro Toronto’s Multicultural and Race Relations division released a major report identifying problems of access and racism faced by refugee claimants, as well as non-white Torontonians more broadly. Recognizing the need to better clarify city-wide immigrant settlement efforts, in May 1991, Metro Toronto’s Commissioner of Community services recommended that the municipality “develop a comprehensive policy framework for immigrant settlement…in

\(^{17}\) Interview with Phillip Abrahams, March 28, 2011.
recognition of the substantial role of [the Metro Toronto Community Services] Department in service provision.\textsuperscript{18} While the recommendation never came to fruition, it acknowledged the fact that there was no formal municipal mechanism for immigrant settlement service coordination.

To complicate matters further, Canada’s fiscal and administrative landscape was changing drastically. Provincial and municipal governments, after witnessing the gradual retreat of the Mulroney federal government from social spending in the late 1980s, were acutely aware that it was only a matter of time before the impact of federal cuts tricked down to lower levels of government. Long dissatisfied with existing governance structures, provincial and municipal governments streamlined management practices within their respective jurisdictions in attempt to enhance service delivery and connection to grassroots community needs. In addition to streamlining within their own units, both levels of government also pressed for major reforms that would better reflect provincial-municipal divisions of responsibility and minimize the financial burden on their respective tax bases, a process that met limited success.\textsuperscript{19}

But regardless of attempts to change governance structures at the provincial and municipal levels, federal austerity measures meant that funding would be increasingly tight. As Mulroney began his second term, his 1995 federal budget forewarned that beginning in fiscal

\textsuperscript{18} Municipality of Metropolitan Toronto, Letter from Commissioner of Community Services to Community Services and Housing Committee, Re: Immigration and Settlement Issues Affecting Metropolitan Toronto, May 10, 1991.

\textsuperscript{19} Throughout 1993, intense negotiations were undertaken between the provincial regime of Bob Rae’s New Democratic Party (in power from 1990-1995) and the Association of Municipalities of Ontario (AMO), an organization which sought to disentangle provincial-municipal responsibilities. These negotiations fell apart over the municipalities’ bitterness over Ontario’s unilateral imposition of a ‘Social Contract’ which, among other drastic public sector austerity measures, significantly reduced the amount of provincial transfers to municipalities in an effort to tackle a whopping $17 billion provincial deficit. See Katherine A. Graham and Susan D. Phillips, “Emerging Solitudes: The New Era in Provincial-Municipal Relations” in Martin W. Westmacott and Hugh P. Mellon (eds.) \textit{Public Administration and Policy: Governing in Challenging Times} (Scarborough: Prentice-Hall Canada, 1999). See also Derek Ferguson, “Municipalities blast social contract talks” \textit{Toronto Star}, May 1, 1993: A10.
year 1996/1997 the previously multi-layered mechanism for transferring major grants to provincial governments – cost-sharing agreements to pay for health, post-secondary education and welfare – would be rolled into one block grant called the Canada Health and Social Transfer (CHST) and would also include caps on federal support of provincial spending. The old fiscal transfer model, the Canada Assistance Plan (CAP), was originally introduced in 1966 and was based on 50/50 federal-provincial cost-sharing that covered eligible expenditures that provincial, territorial, and municipal governments incurred in providing social assistance and welfare services. CAP arrangements had been effectively open-ended in terms of allowable spending limits. If provinces increased spending, the federal government was in for half the increase. And, since CAP was based on the willingness of each province to spend in eligible areas, the level of federal financial contributions during the pre-CHST era reflected each province’s spending decisions as well as the specific labour market circumstances of each province and territory. But under the federal government’s proposed new granting model, CHST legislation would eliminate cost-sharing and by extension the provincial government’s ability to make decisions on how, and to whom, social services would be provided.\textsuperscript{20} Even more concerning, from the perspective of provincial governments, was that the CHST reduced transfer dollars to provinces by $2.5 billion in 1996-1997, a hefty funding reduction of almost 10 percent.\textsuperscript{21}

\begin{itemize}
  \item \textsuperscript{20} Interview with Naomi Alboim, April 28, 2009.
  \item \textsuperscript{21} Federal legislation governing CHST, the Budget Implementation Act (Bill C-76), was enacted in 1995. A common criticism of the CHST was that it allowed the federal government to interfere in areas of provincial jurisdiction by giving the federal government significant leverage and enhancing federal spending power. More specifically, Ottawa could withdraw transfers to any province that displeased the federal government. Subsequently Bill C-28, enacted in 2003, put an end to the CHST by dividing it into two distinct transfers – the Canada Health Transfer (CHT) and the Canada Social Transfer (CST). For further discussion of the structure and impact of CHST reforms on provincial and municipal social services, see James Gauthier, \textit{The Canada Social Transfer: Past, Present, and Future Considerations}, Library of Parliament Background Paper No. 2012-48-E (Ottawa: Social Affairs Division - Parliamentary Information and Research Service, September 13, 2012.); See also Kristen Good, \textit{Municipalities and Multiculturalism}, 237.
\end{itemize}
Incoming Liberal Prime Minister Jean Chretien’s 1996 implementation of CHST legislation coincided with the voters of Ontario’s ousting of Bob Rae’s New Democrats by a Progressive Conservative government led by Premier Mike Harris. Ontario’s new leaders were determined not to sit passively by and allow themselves to be squeezed out of the federal government’s new fiscal arrangements. As a result, under its ideological credo of the Common Sense Revolution Harris’ majority government laid out its unprecedented deficit reduction program (outlined in chapter five) which included swift withdrawal from social service delivery. Katherine Graham and Susan D. Phillips note that the Harris government was also unprecedented in its willingness to simultaneously impose what it regarded as cost-cutting reforms on local communities, all the while “letting the fallout associated with implementing its bold policies rain down to the municipalities.” Notably, the Premier’s Office announced a process whereby it planned to appoint a commissioner tasked to reduce the number of municipalities in the province, and introduced legislation, modeled after a then-pending Alberta Municipal Government Act, to reduce the number and powers of school boards in Ontario. Some scholars more broadly suggest that all these moves were intended to ready municipalities to assume the delivery of services that would soon be devolved from the provincial government.22

Ontario had 815 municipalities in 1996; by 2002, this number was reduced to just 447 municipalities. A number of political scientists have provided in-depth analyses of how amalgamation altered the policy landscapes of Ontario and Toronto. For example, in his assessment of amalgamation, Christian Poirier argues that “the impact of amalgamation on the management of ethno-cultural diversity is ambiguous. On one hand it creates a larger municipal administration that must deal with the full range of diversity present across its territory but, on the other, the politics of the amalgamated areas may be more dominated by suburban interests, less likely to be committed to the active recognition of diversity.” In another vein, political scientist Kristin Good has argued that in contrast to Ontario, British Columbia enjoyed several benefits from the absence of forced municipal amalgamations, including better provincial-municipal relations and consistent provincial support of immigration and multiculturalism. For further analysis on municipal amalgamation in Ontario, see Katherine A. Graham and Susan D. Phillips, “Emerging Solitudes: The New Era in Provincial-Municipal Relations in Martin W. Westmacott and Hugh P. Mellon (eds.) Public Administration and Policy: Governing in Challenging Times (Scarborough: Prentice-Hall Canada); Christian Poirier, “Federal-Provincial-Municipal Relations in Immigrant Settlement” Conference on Federal-Provincial-
The proposed municipal alignment was met with especially loud opposition from Toronto voters. New Voices of the New City, a coalition of 63 immigrant serving organizations led by the Council of Agencies Serving South Asians (CASSA), sprang up in protest of the amalgamation. The coalition formed after CASSA made a submission to the province outlining how amalgamation would impact newcomers. The group argued that ethno-cultural groups would be better off dealing with seven local governments, more attuned to neighborhood needs, than with one large an remote centralized municipality. Long-established Toronto residents also voiced opposition to the merger. The Citizens for Local Democracy (C4LD) anti-megacity movement drew heavily from downtown, white, middle-class discontent around fiscal downloading. Even Ontario Supreme Court Justice Borins, reviewing the legality of the Harris government’s proposals to merge the former Municipality of Metropolitan Toronto and its six area municipalities, commented that the Harris Government exhibited “mega-chutzpah,” both in the scope of the proposed reforms, and in the government’s capacity to ignore popular opposition to the amalgamation. On January 1, 1998, the merger became a fait accompli and amalgamated Toronto became the largest municipal merger in Canadian history. And while the arguments presented by New Voices of the New City ultimately failed to undermine Harris’ municipal reforms, as municipal politics experts Myer Siemiatycki and Engin Isin subsequently argued, the


23 Katherine A. Graham and Susan D. Phillips, 82.
group’s anti-megacity campaign represented “unprecedented civic mobilization among immigrant and visible minority communities” in Toronto.²⁴

If federal and provincial governments were already committed to downloading settlement services to the municipal level, the new megacity of Toronto would at the very least make it clear that as Canada’s largest immigrant-receiving city it expected to have a voice in federal-provincial immigration planning discussions. In a 1998 report prepared by Toronto City Council, then-Councillor David Miller presented the newly-amalgamated city’s position on the Immigration Legislative Review on proposed changes to the federal immigration system. The report clearly pointed to a less than effective relationship between the federal and provincial governments, which contributed to inconsistency in settlement service delivery. Further, the report highlighted the City’s frustration that “there is no structured means for providing input [on immigration and refugee issues]” and advocated for a “place for municipalities to contribute their views, data, and trend analysis.”²⁵ A few months later, addressing a forum of municipal organizations working in the area of newcomer settlement, Councillor Miller again highlighted the lack of federal engagement with municipalities. He declared:

At the present time, the federal government will not even speak to the Municipality of Metropolitan Toronto directly about immigration issues. It won’t speak to us because it says constitutionally we’re a creature of the province – and everyone knows the current provincial government’s opinion of cities, but that’s an aside. If the federal government won’t speak to us directly except sort of low level civil service contacts about immigration and refugee


issues, how are we to get the message, on a daily basis, of what needs to be done, to them? And that’s the biggest question.  

By June 2000, much of the political upheaval and intergovernmental tension caused by forced municipal amalgamations from 1998 onward began to subside. However, while intergovernmental politics were less volatile, budget cuts to social services were still being felt. Provincial funding levels for Ontario immigrant settlement services, cut by a total of 20 percent in 1995, had increased again by the late 1990s. In 1997, an additional $35 million federal Citizenship and Immigration Canada dollars were added to Ontario’s settlement allocation as a result of SRI discussions. However, Ontario’s new settlement allocation, at a total of $860 per immigrant arrival, still fell short in light of demand and paled in comparison to Québec’s total of $3,250 per immigrant. As well, many of the immigrant settlement funding cuts imposed by the federal government, though reinstated by 2000, left many NGOs concerned about federal funding stability because any new federal immigrant settlement funding allocations was now provided on a project rather than a core program basis. The gaps in federal and provincial funding were made all the more glaring as local requests for expanded municipal immigrant and refugee settlement services showed no signs of abating. The costs for federal and provincial program areas had been effectively downloaded to the cities. The City of Toronto, for instance, was forced to spend $30 million annually to support non-status refugees, and $20 million per year to provide social assistance to refugees as a result of refugee sponsorship breakdown and federal and provincial funding cutbacks.  


Senior City of Toronto staffers, no longer content to make the best of federal and provincial immigration policy agendas, decided that a new framework to guide the administration of city-level immigrant services was needed. If the City of Toronto was to be effective in supporting successful settlement, from the perspective of senior staffers, the City’s input in formal discussions was essential when immigration policy and programs developed by other orders of government were on the table. Although municipalities held no constitutional jurisdiction in immigration and settlement, the City of Toronto’s role as the country’s most popular destination for immigrants rendered city-funded services crucial to the immigrant settlement process. As a result, they argued, these services should be formally recognized as such.

In June of 2000 Toronto City Council adopted a Terms of Reference for the development of a City of Toronto Immigration and Settlement Policy Framework. A team of senior bureaucrats was assigned to draft a framework document for approval in Council. In a departure from typical practice, the Immigration and Settlement Policy Framework did not, in the first instance, focus on costs. Instead, the Framework was a strategic foundational document making the case that the municipality carry additional heft in the administration of immigration and settlement both internally within City of Toronto government, and in relations with other orders of government. The Terms of Reference served to “provide a strategic platform for proactive intergovernmental relations regarding immigrants and refugees.” One senior official involved in the development of the Framework document recalled: “[City officials] wanted this to be a framework for a government- to government –to government relationship. So we said: ‘It’s not about funding. It is a recognition that our interests intersect in this geographic place called
Toronto.”  

Julie Mathien, the municipal official who led the Immigration and Settlement Framework Team, similarly underscored the negotiation-focused strategy adopted by the Toronto team: sidestepping issues of municipal funding in order to get the intergovernmental collaboration started: “The first order of business” Mathien recalled, “was to have both [federal and provincial] orders of government formally agree that Toronto was a legitimate player, and that they were going to talk to us.”  

Convincing both governments to come to the table would take some strategizing, but Toronto officials remained optimistic that they could craft a document that would do just that.

Since the municipal Framework posited an agreement on process rather than content, if accepted, it would force federal and provincial stakeholders to focus on areas of mutual interest at any tripartite table on immigrant settlement services. Underscoring how crucial Canada’s largest city was to both Ontario and Canada’s economic prosperity, City of Toronto officials made the case in the Framework document that senior levels of government could simply not afford to leave local Toronto immigration settlement service providers out in the cold. The Immigrant and Settlement Framework also emphasized that formal mechanisms enabling collaborative tri-partite government input at different stages of policymaking made for good policy. As Mathien explained, “These types of agreements, while not binding to anybody, essentially recommend that if either party is going to do anything that we think will have an impact on the other, it’s a really good idea to talk to each other first— and early in the process -- partly as a courtesy, but partly to …make public policy better.”

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29 Interview with Julie Mathien, February 16, 2011.
30 Interview with Julie Mathien, February 16, 2011.
Satisfied at having successfully developed a workable Framework document, the City began to plan for the Framework’s adoption by Council. The draft *Immigration and Settlement Policy Framework* recommended that:

Because of its pre-eminence as the primary destination for immigrants, and refugees to Canada, the City of Toronto continue to meet with senior representatives from the federal and provincial governments to address a) The City’s formal representation in discussions of immigration and settlement policy; b) appropriate levels of program funding to ensure adequate provision of settlement services located in Toronto, particularly in the area of supports to employment; c) federal and provincial transfer payments that recognize Toronto’s expenditure for social services, emergency shelter, and health as essential to successful settlement; d) the role that Toronto plays in providing the above services; and e) the types of training and education required for newcomer settlement.\(^{31}\)

But the issue of funding could not be ignored. Bills had to be paid. For all the document’s efforts to avoid making reference to immigration funding, the City was eventually compelled to acknowledge the need for adequate funding from federal and provincial levels of government. And in spring 2001, the Toronto Community Services Committee recommended the following addition to the original framework document:

The Community Services Committee recommends…That the City of Toronto encourage the Provincial and Federal governments to reach a new immigration settlement agreement, and that it include a fair share of funding to adequately support immigration settlement in Toronto.\(^{32}\)

Fortunately for City of Toronto officials, efforts to facilitate joint planning through the municipality’s tri-partite Immigration and Settlement Policy Framework dovetailed with Jean

\(^{31}\) City of Toronto, “Immigration and Settlement Policy Framework” *Clause embodied in Report No. 4 of the Community Services Committee, as adopted by the Council of the City of Toronto at its meeting held on May 30, 31 and June 1, 2001.*

\(^{32}\) Ibid.
Chretien’s federal Liberal government’s expanding interest in urban affairs. In 2001, Chrétien appointed Judy Sgro, a long-time Toronto city councillor-turned-MP, Chairperson of the Prime Minister’s Caucus Task Force on Urban Issues. Among the Task Force’s many broad objectives was the development of “effective approaches to settlement and integration services for newcomers to Canada, bearing in mind existing agreements with provinces.” The final report of the Caucus Task Force, released in 2002, stopped short of proposing a national urban strategy, but recommended more autonomy for municipalities and more collaboration among and between all levels of government.33 And, given the priority the Prime Minister’s Office had placed on cities, representatives from the federal government were the first to accept the City of Toronto’s invitation to participate in a Toronto-led Framework discussion.

The province was more reluctant. As an early municipal meeting participant recalls, “especially at the provincial level, [Ontario officials] hadn’t been used to dealing with [municipalities] on settlement. They weren’t quite sure what to do with us. Neither government was quite sure what to do with [municipal partners]…”34 The Ontario government had been delivering grants and contributions to various agencies through its own relatively small immigrant settlement program since the mid-1980s. As a result, Ontario’s relationship with the City of Toronto prior to the early 2000s was limited to co-funding municipal services. While the Toronto-Ontario working relationship related to program delivery was positive and generally in the hands of individual staffers who were working together, it was not enshrined. However, confronting the federal government’s readiness to allow the City a place at the planning table, provincial officials were persuaded to participate in the municipality-led immigrant and

34 Confidential interview with municipal official, 2010.
settlement discussions.

After agreeing in principle to work under the terms of the draft tripartite Framework, bureaucrats from all three levels of government were finally seated together at one immigrant settlement policy planning table. But, just as the City of Toronto Immigration and Settlement Policy Framework was finalized for political-level endorsement, the Framework agreement was put on hold. An imminent municipal election campaign, scheduled for November 2003, disrupted the Immigration and Settlement Policy Framework’s formal adoption at City Council. The issue of tripartite immigration and settlement cooperation would not arise again for another year.

Fortunately, the previous efforts of Toronto officials in drafting the tri-partite Immigration and Settlement Framework were not to be in vain. On May 7, 2004, Judy Sgro, just appointed by Paul Martin as federal Minister of Citizenship and Immigration, and Marie Bountrogianni, Ontario Minister of Citizenship and Immigration, announced that they had signed a Letter of Intent that would give municipalities a voice on immigration issues during negotiation of a proposed Canada-Ontario agreement on immigration. Through a tri-partite Memorandum of Understanding (MOU), the three levels of government, once again, agreed in principle to place immigrant settlement a vital concern, front and centre, in tripartite deliberations. Anticipating some of the elements of the Canada-Ontario Immigration Agreement, a press release stated that the forthcoming Memorandum of Understanding “pave[d] the way for municipalities to have a voice in immigration issues in [the forthcoming] negotiations” through a municipal committee.35

35 The municipal committee was to be chaired by federal and Ontario deputy minister and a representative of the Association of Municipalities of Ontario (AMO). This move represented the priority that the Paul Martin Liberal government attached to enhanced federal engagement with cities, as articulated in its “New Deal for Cities and Communities” plan. The New Deal for Cities movement emerged, in part, as a response to the forced municipal amalgamations of 1997-98. Urban scholar John Lorinc argues that “the triple whammy of amalgamation, downloading, and laissez-faire planning” led Toronto city activists such as philanthropist Alan Broadbent and
It seemed logical for the intergovernmental team to embed principles from the earlier City of Toronto Immigration and Settlement Policy Framework into the 2004 draft Memorandum of Understanding related to Canada-Ontario Immigration Agreement, and indeed many of the previous Framework’s elements were included in the new MOU. And fortunately, negotiations to develop the new tripartite Memorandum of Understanding were not bogged down by discussions about funding. The ‘fair share’ principle invoked by Ontario and the other provinces, which called for increased per-immigrant settlement funding levels in line with Québec, never found its way onto Toronto’s intergovernmental strategy. This was in part because municipalities did not have any legal jurisdiction over immigration and settlement policy. Toronto also wanted to be careful not to give the other levels of government license to download additional responsibility, generally without adequate funding guarantees, to the city. The provision of local multicultural social services was already a part of the City’s mandate; delivery of these programs was something that Toronto officials believed that the city handled quite effectively. In fact, the tendency of Toronto officials to not assign a cost to serving immigrants was rooted in the longstanding service delivery principle of universal access to resources in the community, regardless of how or when individuals arrived. But more crucially, Toronto officials were convinced that, had they attempted to raise the issue of increased funding for settlement

urbanist Jane Jacobs to push for a municipal ‘seat at the table’ on a range of urban policy issues. See Joahn Lorinc, *The New City: How the Crisis in Canada’s Urban Centres is Reshaping the Nation*, (Toronto: Penguin Canada, 2006.)

36 Rosanna Scotti, senior municipal official, recalls her response during successive immigrant movements when questions were raised internally concerning what the financial cost of new immigrants would be for the municipality: “I said: It’s not about the cost. If we don’t invest now, you’re going to pay for it may more downstream. So we never entered the agreement as a means to derive funding, and I never wanted funding to be the goal.” Interview with Rosanna Scotti. June 7, 2011.
programs, the earlier City of Toronto Immigration and Settlement Policy Framework, might not have been reached at all. The same, they believed, was true for the 2004 MOU. Outlining the municipal negotiation strategy employed for the Memorandum of Understanding, one municipal participant explained: “This [wasn’t] a funding request. That was the key. The minute that they think we’re after money, the barriers go up.”

As the 2004 MOU Letter of Intent specified, the three governments agreed to meet periodically to discuss a way forward in immigrant settlement in a process separate from, but complementary to, bilateral Canada-Ontario immigration negotiations. The early months of the tri-partite table witnessed some awkwardness in municipal-federal relations. Unlike the earlier Framework table, the benefits of having the City of Toronto as a signatory in an area that was designated a federal-provincial jurisdiction were not immediately apparent, particularly for participants representing the federal government. The table’s first task was to develop a joint work plan. One municipal participant recalled that early meetings were “quite frustrating” because the first six months “was spent trying to explain to the federal representatives why they were participating in a tripartite table.” However, by the next meeting City of Toronto officials were able to convince federal authorities that the municipality possessed useful information which could help make provincial and federal settlement decision-making both more cost-effective and efficient. Subsequently, the tone of the meetings, first cautious, became increasingly productive. And by the third meeting, according to Phillip Abrahams, federal engagement with the city at the intergovernmental table improved drastically. As Abrahams recalls, “It was like a light went on: ‘Oh yeah, [municipal staffers] actually do have some on the

37 Interview with Philip Abrahams, March 28, 2011.
ground experience of how things work, and you’re not trying to stray into [federal] territory’. We made tremendous progress after that.”

The tripartite table’s first work plan was “incredibly modest,” and deliberately so. The table at first sidestepped financial issues. Instead, they affirmed the value of face-to-face discussion and early government-to-government consultation. City of Toronto officials were accurate in their estimation that once an intergovernmental forum was established, the merits of all parties being present at the table would become evident to everybody, and structured meetings inevitably become more natural. While it took time and much relationship-building, eventually trust was built and a new set of working federal-provincial-municipal relationships were formed. For instance, on some occasions federal representatives from Statistics Canada travelled from Ottawa to meet with municipal and provincial officials regarding how best to exchange to each government’s best advantage. In turn, Toronto provided the province and federal governments with up-to-date municipal level statistics and analysis as needed. And although Toronto held no formal approval authority in the way of immigrant-selection related decisions, city officials were finally being consulted regularly by federal and provincial governments and advised of immigration related issues emerging at the federal or provincial level. This allowed city officials lead time to anticipate local-level policy and program changes.

Clearly, City of Toronto involvement in tri-partite intergovernmental immigration

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38 During that meeting, Abrahams offered the example of the 2002 Toronto SARS outbreak, in which dysfunctional communication between the international World Health Organization, the Ontario government, and the federal government resulted in the Government of Canada authorizing a travel restriction that ultimately cost the Canadian economy of billions of dollars. As it turned out, the federal government made the decision based on out-of-date information, yet Toronto public health authorities had been privy to up-to-date information that would have made the travel restriction unnecessary. It was acknowledged by all parties that the episode could have been avoided had all levels of government been ‘at the table’ earlier on. Interview with Philip Abrahams, March 28, 2011.

39 Interview with Julie Mathien, February 16, 2011.
planning did not occur by chance. Toronto officials, for years, had been making the case that a municipal seat at the intergovernmental table was crucial. In her comparative study of the politics of immigration in Toronto and Vancouver, Kristen Good argues that although City of Toronto representatives had traditionally dealt with broader issues of “diversity” in their provision of community and social services, municipal officials strategically employed the term “immigration” in order to assert its role in a constitutionally-defined area of responsibility and to forge new relationships among the other two levels of government.40 Additionally, growing recognition of the need for more specialized settlement services to support vulnerable refugee populations may have added weight to Toronto’s claim to a seat at a tripartite immigration and settlement planning table. To be sure, the introduction of new federal legislation, the Immigration and Refugee Protection Act (IRPA) in 2002 which removed “ability to establish” as a selection criteria for Government Assisted Refugees, resulted in an increase in the number of high-needs refugees settling in cities. This, in turn, cost the city of approximately $24 million to provide social assistance to refugees and immigrants whose sponsorships had broken down, and an additional 1.9 million to house refugees in emergency shelter in 2002.41 So, although municipalities lacked formal immigration decision-making power and were sometimes frustrated with their limited consultative roles at intergovernmental tables, this was a small price to pay for forewarning of changes in immigration allowing municipal settlement strategic planning officials time to adjust accordingly.

Meanwhile, as the tripartite table was meeting throughout 2003-2004 to develop the

40 Kristen Good, 238.
MOU and its related work plan, informal Canada-Ontario immigration negotiations had also commenced. At first, Ontario officials remained skeptical during bilateral “pre-negotiation” meetings with the federal government. Federal officials, who had long made clear their desire to enter into bilateral immigration negotiations with Ontario, at first seemed more interested in politics than policy. As policy analyst Leslie Seidle argues, the primary reason Paul Martin’s federal Liberal government was eager to sign a bilateral immigration agreement was in order to reverse growing disengagement among some of his Liberal MPs. Sensing that the federal government’s haste to sign a bilateral agreement was politically-driven, Ontario officials proceeded with caution during early discussions.  

What’s more, notes Pamela Bryant, former Ontario Deputy Minister, Ontario officials had not forgotten similar federal invitations to negotiate bilateral immigration agreements during the 1980s and 1990s. Ontario had assessed Ottawa’s previous intent as little more than an effort to download responsibility for immigration settlement without sufficient funding to meet growing need. Ontario was not interested in revisiting such a discussion.

Additionally, while previous Canada-Ontario bureaucratic relations had been generally smooth, the early 2000s saw a shift and Ontario officials began to sense increased tension with their federal counterparts as both orders of government explicitly criticized the other’s policy decisions. For example, as Pamela Bryant recalls: “our provincial [Immigration] Minister and our Deputy were quite openly critical of federal policies… [federal government officials] were


43 Interview with Pamela Bryant, March 24, 2011.

44 Interview with Interview with Katherine Hewson, December 15, 2010.
always telling Ontario: ‘Well, why don’t you develop a provincial nominee program like this other province?’” In response, Ontario immigration officials pointed out that Ontario’s immigration priorities were not the same as those of other provinces. More specifically, Ontario had no interest in enacting mechanisms that might increase immigration numbers; it already had enough immigrants choosing Ontario as a place to settle and work, whether by direct entry or through secondary migration. For Ontario, the issue was securing the resources needed to expand its limited settlement program. In Bryant’s words,

Manitoba was trying to get meat packers and nurses and doctors into remote communities. We [in Ontario] weren’t trying to do that. We were trying to get doctors into remote communities, but we weren’t using immigration tools to do that. We didn’t have a dearth of meat packers, since we already have meat packing plants in remote communities.45

But as is typical in the ebb and flow of government-to-government relations, tensions relaxed over time. Eventually, federal and provincial feelings of distrust were assuaged enough for the two governments to begin formal immigration negotiations. “We got a good conversation going at the bureaucratic level” explains Bryant, “…but that’s what bureaucrats do. Usually bureaucrats get along pretty well.” Ongoing discussions at the federal-provincial-municipal MOU table also likely contributed to smoothing over Canada-Ontario tensions. To be sure, the language framing a Memorandum of Understanding is distinct from a formal agreement; it is significantly less threatening than a formal agreement, and by its nature fosters common understanding without binding participants to any obligations. Cooperation stemming from a MOU is voluntary and “based on goodwill.”46

45 Interview with Pamela Bryant, March 24, 2011.
46 Interview with Phillip Abrahams, March 28, 2011.
Uneasy about the potential obstacles involved with the highly-charged issue of immigration with all its stakeholders, Canada-Ontario negotiators instead agreed in advance to hold discussions at the senior official level. Formal bilateral negotiations commenced in 2014 with informed Assistant Deputy Ministers from both the federal and provincial levels serving as the chief negotiators: Ontario ADM Katherine Hewson headed the provincial team, and Malcolm Brown from CIC’s National Headquarters oversaw the federal negotiation teams. Toronto municipal government representatives were invited to express their views on the content of the forthcoming Canada-Ontario agreement at meetings of the tripartite MOU table. However, they were not invited to take part in the formal bilateral agreement negotiations. The federal Director General for Ontario region maintained regular, albeit private, bilateral conversations with her Ontario counterparts. A letter of intent, signed in early 2004 by both governments, called for the establishment of several committees to oversee and make recommendations on specific issues to be included in any Canada-Ontario Immigration Agreement. The letter, for example, allowed the committees to conduct technical research into the admission of specified types of economic immigrants needed in various parts of the province, in addition to examining the appropriate level of federal levels needed to support the integration of immigrants into Ontario communities.47

Notwithstanding committee discussion regarding whether there was an objective basis for determining how, if at all, federal settlement dollars should be allocated after the signing of an agreement, Ontario’s position on the federal settlement funding issue was clear: how funds were allocated went hand in glove with how much funds were allocated. And, as far as Ontario was

concerned, existing allocation levels were inadequate. A report entitled *Enough Talk*, the Toronto City Summit Alliance’s manifesto, highlighted the fact that in 2003 Ontario was receiving 53 percent of Canada’s immigrants, but only 38 percent of federal funding for immigrant settlement. In contrast, Québec received only 15 percent of Canada’s immigrants but 33 percent of federal funding for immigrant settlement. Federal funding transferred to provinces for settlement services each Canadian province was significantly less than Québec’s funding allocation, which continued to increase annually as specified by the Canada-Québec Accord, and by 2004 had reached $3,806 per-immigrant. What made matters worse, in the eyes of the provincial governments, was that settlement funding levels in all other provinces except Québec had been frozen since 1997.

With Ontario leading the chorus of complaint, provinces decried the unfairness of the existing funding allocation model. Ontario’s Liberal Premier Dalton McGuinty, elected only one year prior to the beginning of formal Canada-Ontario immigration negotiations, had expressed concern during his 2003 election campaign that federal spending on immigrant settlement services had not increased in line with need. Vowing to pursue a Canada-Ontario immigration agreement if elected, he further declared that he would not hesitate to “stand up for the interests of Ontarians by getting [Ontario’s] fair share from the federal government.” As promised, after

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48 Toronto City Summit Alliance, *Enough Talk: An Action Plan for the Toronto Region*, (Toronto:TCSA, 2003). Additionally, one critic pointed out that “the lack of agreement between the federal and provincial governments on devolution of settlement services has resulted in significant addition to federal settlement monies for Ontario over the past few years, in the range of $35 million annually. But because these latter dollars are not permanent, most of the money has been allotted to information and education initiatives, and special/pilot projects.” See Mwarigha M.S., “Towards a Framework for Local Responsibility: Taking Action to End the Current Limbo in Immigrant Settlement – Toronto” Report Commissioned by the Maytree Foundation, January 2002.

49 Robert Vineberg, “Responding to Immigrants’ Settlement Needs,” 49.

becoming Premier, McGuinty authorized senior immigration officials to move forward with bilateral negotiations, being sure to couple increased per-capita settlement funding with devolution to the Ontario Ministry of Immigration.

Formal Canada-Ontario immigration negotiations dragged on from mid-2004 until the summer of the following year. As discussions proceeded, the two provincial themes of devolution and inadequate funding levels remained as sticking points. And while not presented as a firm ‘bottom line’ by the provincial negotiating team, Ontario’s commitment to persuading the federal government to devolve immigration settlement to the provincial jurisdiction was clear. But provincial preoccupation with the devolution of immigration to the Ontario government had not emerged mysteriously. To be sure, in addition to administering its modest provincial settlement granting program, for quite some time the Ontario government had been building a name for itself in the business of immigrant settlement and increasing its investments and capacity to support newcomers. As if to underscore the provincial commitment to immigrant settlement and integration, beginning in 2003 the McGuinty Liberal government changed the name of the Ontario Ministry of Citizenship to the Ministry of Citizenship and Immigration. Additionally, the Labour Market Integration Unit was moved from the Ontario Ministry of Training, Colleges, and Universities to the new Ministry of Citizenship and Immigration to reflect the provincial government’s specific focus on better outcomes on for immigrant’s integration into the labour market. In May 2004, a Memorandum of Agreement on Collaboration and the Delivery of Public Services, signed by Tony Dean, then Ontario Secretary of Cabinet and the federal Clerk of the Privy Council, included immigrant settlement and labour market development on the list of key policy areas that needed to be modernized and harmonized across both governments. By all accounts, Ontario had set the institutional stage for taking over the
administration and delivery of immigrant settlement services as the federal government withdrew and devolved its responsibility to the province.\textsuperscript{51}

But provincial requests for the full devolution of settlement administration, including guaranteed funding to support it, fell on deaf federal ears. At first, federal negotiators refused Ontario’s request for a much larger allocation of settlement dollars. Instead, the federal government attempted to persuade Ontario officials to launch a Provincial Nominee Program (PNP) not unlike that of other provinces. By allowing provinces to directly sponsor skilled immigrants, PNPs benefitted the federal immigration system by dispersing newcomers to remote areas across the province, easing the pressure on settlement and social services in large cities. The federal government hoped that prospect of provincial immigration recruitment and authority to steer the kinds of immigrants it wanted into the communities that would benefit from these immigration flows would be an appealing proposition for provincial officials. However, Ontario officials saw such a program as an unnecessary distraction that might drain much-needed resources away from what the province saw as priority areas, such as language training. While federal and provincial negotiators made significant progress on several other issues, it was clear

\textsuperscript{51} Following the negotiation of the Canada-Ontario Immigration Agreement, the Ontario Liberal government introduced the Fair Access to Regulated Professions and Compulsory Trades Act (FARPA). The legislation, which came into force in March 2007, ensures that recognition of professional qualifications, including those obtained internationally, are transparent, objective, and impartial and serve to enhance immigrant labour market integration. FARPA covers Ontario’s 14 non-health professions directly, and 21 health professions indirectly through amendments to the Regulated Health Professions Act of 1991. As Adnan Turegun argues, from a public policy perspective, the legislation represents a significant political gain for internationally-trained professionals and an unprecedented accountability mechanism for professional regulatory bodies in Ontario. From a legal perspective, it includes instruments geared towards fair registration practices and professional association accountability: a) a Fair registration practices code; b) a Fairness Commissioner and an Office of the Fairness Commissioner c) an Access Centre for Internationally Trained Individuals d) reporting and auditing requirements for regulated professions; and e) sanctions for non-compliance. See Adnan Turegun,”The Politics of Access to Professions: Making Ontario’s Fair Access to Regulated Professions Act”, \textit{CERIS Working Paper}, 2006.
that with respect to fiscal matters they were at an impasse.

But two key factors led Canada-Ontario immigration negotiations to conclude successfully in November of 2005. First, there were rumours that Paul Martin’s minority government would collapse on a vote of non-confidence and an election would be called by the end of the year. Prospects of a Liberal election victory were remote. Negotiators believed that the partisan stars had temporarily aligned two Liberal governments at the federal and provincial levels and it was prudent to forge ahead and conclude an agreement before the upcoming election. The political reality was such that if there was desire to have an agreement, this was the best time to finalize it.

Second, Canada-Ontario immigration negotiations made quick and significant progress when both levels of government eventually conceded that the devolution issue, and the full control of settlement responsibility by Ontario, would likely never be resolved. Shifting focus to the issue of settlement funding levels, Ontario indicated that it would agree to the federal request to launch a PNP, but only if the amount of federal settlement dollars allotted to Ontario was significantly increased.52 Consequently, with a federal election looming, the Paul Martin federal government decided to make an offer of increased level of funding which the province could not refuse. Ontario negotiators realized that the new levels of funding proposed by the federal government, while not exactly on par with Québec’s allotment, worked out to close to $3,000 per immigrant and would represent a significant investment in the immigrant settlement sector.53

Thus, the deal was done and the Liberal federal and provincial governments signed off on the

52 Interview with Katherine Hewson, December 15, 2010.
53 Confidential interview with federal official.
Canada-Ontario Immigration Agreement on November 21, 2005, with the guarantee of $920 million of federal settlement funding invested in Ontario over 5 years.\(^\text{54}\) In effect, this represented an increase of four times the existing level of settlement funding in Ontario – a total increase from $110 million to 430 million.

The public accolades that greeted the new agreement’s significant infusion of new funds into the Ontario immigration sector were only slightly dampened by critics who alleged that the COIA lacked depth. Conservative MPP Frank Klees stated that the five-year deal would take “too long to help immigrants that are waiting for training now” and accused incoming Ontario Immigration Minister Mike Colle of being a “campaign tool” for the federal Liberals given that COIA was signed as talk of an imminent federal election was growing louder. Klees declared, “This announcement ... is couched with waffle words that mean nothing to the fathers and to the mothers who are desperate today for an opportunity to earn an income and to work in their professions.”\(^\text{55}\)

Others were disappointed that Ontario’s new bilateral immigration agreement did include a complementary labour market component. At the time, the Canada-Ontario Labour Market Development Agreement (LMDA) was being negotiated between federal Human Resources Minister Belinda Stronach and her Ontario government counterpart Steve Peters. This Canada-Ontario labour market agreement was a devolution of both administrative responsibility and funding from federal to provincial authorities. The LMDA would provide funding to train Ontario's unemployed to work in fields where there were labour shortages –such as welders and...

\(^\text{54}\) For a detailed structure of yearly funding allotments specified under the Canada-Ontario Immigration Agreement, see Appendix C.

tool-and-die makers. Since immigrants were being counted on to help make up for shortfalls in areas where there weren’t enough qualified workers, some critics wanted both Canada-Ontario agreements (COIA and LMDA) to be seamless.56

But these criticisms seemed minor in light of the projected positive outcomes of the bilateral funding agreement, in which Ontario was now promised settlement funding levels comparable with those of Québec. The new settlement dollars to be invested in Ontario did not take long to bring about discernable change in immigrant settlement sector; service delivery improved almost instantaneously. A major improvement noted by settlement NGOs was that of cost-recovery.57 Full cost-recovery suddenly made providing immigrant settlement services more attractive, not only to small grassroots settlement organizations, but also to larger service providers. Word spread within the immigrant and refugee NGO services community that the federal government hoped to spend the COIA fund quickly, and as a result, the average agency providing services changed. New partners such as community colleges, libraries, hospitals, and school boards entered the immigrant settlement scene. But cost recovery also meant that most of the NGO money that COIA was replacing was previously fundraised dollars. Federal officials processing settlement service grant and contribution agreements were quite shocked to learn that

56 Federal-provincial Labour Market Development Agreements (LMDAs) were introduced in 1996 when the federal government withdrew from labour market training. Like the COIA, all provinces and territories had LMDAs, with Ontario being the last province to sign an agreement in November 2005. The LMDAs were designed as partnership agreements through which the federal government could transfer funds to the provinces to achieve labour market objectives, reduce duplication of programs, and meet the needs of regional and local labour markets more effectively. The COIA and LMDA are intended to be complimentary; Section 3.3 of the COIA states that “implementation of this Agreement will, to the extent possible, be coordinated in conjunction with the implementation of a proposed Canada-Ontario Labour Market Development Agreement.” Citizenship and Immigration Canada, Canada-Ontario Immigration Agreement, 2005.

57 “Cost recovery” refers to the reimbursement of the total costs of an organization’s or service provider’s project or activity, including the relevant proportion of all overhead costs.
most organizations were not serving any additional clients with the new settlement dollars.\textsuperscript{58}

However, with the growing number of stakeholder partnerships came increased accountability mechanisms which organizations were required to observe. More money begot more paperwork. In many ways, the new robust, friendly, cross-sectoral partnerships stood in contrast with what some saw as harsh, even punitive administrative reporting mechanisms. Not surprisingly, many organizations criticized the new settlement funding environment as unnecessarily burdensome. Mario Calla, Executive Director of COSTI immigrant services noted that over time, the organization’s relationship with the federal government become increasingly formal as reporting on inputs took precedence over the content of settlement programs, capacity-building, and innovation:

In the early ‘90s, we were able to persuade the federal government. [Our settlement agency] persuaded CIC to test out a model that we had designed in the early ‘90s …The agency-federal government relationship has become much more distant in recent years and almost distressful, from the point of view that the kind of measures that they have put into managing their programs have become really burdensome to the point of micro-management. As if the service providers can’t manage their own affairs, so they are managing them for us.\textsuperscript{59}

Disparities between federal-provincial eligibility criteria also presented administrative hurdles for settlement agencies. Since federal-provincial arrangements cover the costs of settlement services for Permanent Residents (PRs), but exclude refugee resettlement (which remains under federal jurisdiction as defined by the UN Refugee Convention), NGOs, who serve the client

\textsuperscript{58} As Bill Sinclair, Executive Director of St. Stephen’s Community House, a multi-service agency explained, immigrant settlement organizations were serving the same number of newcomer clients at the same cost. The difference was that in the post-COIA era, they had additional time to put aside for capacity-building. Sinclair noted that pre-COIA funding allotments were ‘capacity-draining’: “if for every dollar you receive from the government, you also have to fund raise a dollar, then all of your fundraising dollars are going to support government programs and you can’t use them for innovative programming”. Interview with Bill Sinclair, March 15, 2011.

\textsuperscript{59} Interview with Mario Calla, December 6, 2011.
bases of both PRs and refugees, were still obligated to apply to different funders for similar services. 60

Despite these omnipresent administrative challenges, the increased dollar amount embedded within COIA made it possible to improve settlement worker compensation, sparking significant growth and professionalization across Ontario’s settlement sector. The deal’s consultative mechanisms also made the delivery of settlement services increasingly decentralized and in-tune with local needs, underscoring the important role municipal stakeholders play in immigrant settlement. Municipal officials and social scientists alike have noted the benefits of provincial and local governments being closer to the people requiring social services, thus rendering these local governments effective in service delivery than their federal government counterparts. Christian Poirier argues that while federal governments work in formal funding partnerships with grassroots immigrant-serving organizations, city governments have considerable autonomy in the field of immigration and settlement, as their administrations are linked to the local immigrant networks and community organizations that deliver settlement and integration services. 61 In particular, the City of Toronto Memorandum of Understanding built on a growing desire for cities to be more deeply and formally engaged in matters of immigrant settlement in the context of rapid urbanization and immigration to cities prevalent since the Second World War. Given the constitutional limitations of municipalities, the ability of the City


of Toronto bring the full range of previously-reluctant stakeholders to the joint planning table stands out as one of the key immigrant settlement successes of the period.

The 2005 Canada-Ontario Immigration Agreement represented a “landmark” in multi-sector and intergovernmental tri-partite cooperation. It was, however, less novel in other ways. Just as was the case in previous decades, the lion’s share of settlement dollars to be spent in Ontario remained under federal control regardless of how many new stakeholders were invited to the discussion table. And despite two Liberal governments holding political power at the federal and provincial levels, the federal government maintained control over the disbursements and terms of these funds. Ironically, the scope and immediacy of changes, both positive and negative, seen across the Ontario immigration sector as a direct result of the 2005 infusion of federal COIA funds further underscored to provincial officials that, in the absence of a full devolution agreement, Ontario remained limited in its capacity to shape key aspects of the immigrant settlement program.
Chapter 7

Conclusion

By the time the 2005 Canada-Ontario Immigration Agreement neared its five-year expiration deadline of March 2010, the fanfare and optimism accompanying the signing of the original November 2005 Agreement had waned considerably. Among the deal’s plainest shortcomings was the failure of Citizenship and Immigration Canada to release sufficient funds to the province from the pot of $920 million federal settlement dollars originally pledged under the accord. By the fourth year of the COIA, Conservative government, led by Stephen Harper, had under-spent in Ontario by approximately $200 million. And five years after the initial agreement, in the wake of discussions of the possible re-negotiation of a new Canada-Ontario deal, Liberal MPP Monique Smith reported to the Ontario Legislative Assembly that despite the per-immigrant allocation promised in the Canada-Ontario Immigration Agreement, “federal spending per immigrant in Ontario was in fact less than in some provinces.”

CIC’s explanation for the under spending was, in part, rooted in new federal legislation in the form of an Accountability Act and Action Plan which had taken effect in December 2006. The new Act, introduced by the previous minority federal Liberal government led by Prime Minister Paul Martin, reinforced the already tight approval, evaluation, audit, and reporting regime, but also created major roadblocks for new federal funding initiatives.

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1 Statement by Honourable Monique M. Smith, Member of Provincial Parliament, Legislative Assembly of Ontario, February 22, 2010, 1040.

program managers noted that in the pursuit of experimentation or innovation, some new settlement programs developed by Ontario immigrant-serving organizations fell outside of the terms and conditions of the immigration agreement. Nevertheless, Smith’s statement on under spending confirmed, quite simply, that even with the COIA’s attempts at increasing settlement allocations to the province, the main objective of providing Ontario with a “fair share” of settlement funding had fallen short.

Of course, the outcomes of Ontario’s first bilateral immigration agreement were not all negative. As I have already noted, among the successes was improved inter-sector partnerships as well as an expansion of stakeholders and institutions among those already engaged in newcomer settlement. However, even with the increased opportunities for collaboration engendered by the new tripartite agreement, provincial and municipal government officials soon discovered that continued federal financial control under the agreement limited flexibility in making immigrant settlement programs responsive to local contexts and circumstances. New Democratic Party MPP Michael Prue decried the lack of Québec-like autonomy for Ontario in immigration management largely due to the province’s longstanding reliance on federal purse strings:

[Ontario does] virtually nothing when it comes to the immigration process in Canada, virtually nothing, but we always have one thing that we do, and that is to ask the federal government for more and more and more money for our immigration program, which we will not fund ourselves. Virtually everything that is done immigration-wise in this province is done with federal dollars, virtually absolutely everything. The province of Ontario spends no money on immigration itself. It simply takes the transfer of federal dollars and spends it on federal programs or doesn’t spend it on federal programs.

I ask the members opposite, if you’re going to ask the federal government to do a better job in terms of immigration, please be prepared to do it yourself. I have stood in this House

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3 Interview with federal immigration official.
now for some eight years, and I have asked successive governments, first the Conservative one and then, for the last six years, the Liberal one, why don’t we do something that we are entitled to do under the British North America Act? Why don’t we get seriously into the immigration business? Why don’t we do what the province of Québec did all those many years ago back in 1978? We have done absolutely nothing when it comes to helping people who choose to immigrate to this country and particularly those who choose to immigrate to Ontario.  

Admittedly, in most instances of bilateral shared-cost initiatives, the federal government assumes the lion’s share of financial responsibility. And dollars transferred from the federal government, even if earmarked for provincial programs, typically come with strings attached. Scholars of federalism have long called attention to the fact that federal-provincial accords exist within the shadow of the federal spending power, the long-embedded yet informal ability of the federal government -- if it so chooses -- to circumvent provincial authority. The federal government does this by leapfrogging provincial jurisdiction by spending money outside of federal areas of jurisdiction. Conversely, the federal government also assumes the authority to not spend money -- or refuse the disbursement of a grant -- if it deems that its funding conditions have not been met.  

In short, since the federal government is paying the piper, it has the power to call the tune.

If CIC’s under spending under the COIA exposed the touchy issue of the federal spending power, it also provided an apt opportunity for Ontario policymakers to once again push for the full devolution of administrative immigrant settlement responsibility to the province, a policy agenda that had been pursued by Ontario officials since the early days of the McGuinty Liberal


government. In the post-2010 COIA era, Ontario stood poised to manage its own provincially administered immigrant settlement program. However, it wished to fund these programs using federal dollars. MPP Smith explained the province’s rationale in the following way:

We need to renegotiate the Canada-Ontario immigration agreement, and we want the federal government to devolve settlement and language training services to Ontario to ensure better services for the newcomers. Again, we feel that there isn’t a need for duplication of services or for different organizations to be working at cross-purposes. Because as we all know, going to a new place is challenging, and we want to make sure that they feel as welcome as possible in Ontario and certainly as welcome as they would in any other part of the country, which is why we want to make sure that Ontario gets its fair share through the Canada-Ontario Immigration Agreement.  

Ontario’s calls for a new bilateral immigration arrangement advocated for full devolution of funding and responsibility, alluding to the perceived federal inability to manage a funding system that was sensitive to local contexts. Federal devolution of responsibility for immigrant settlement to Ontario, it was argued by the province, would be considerably more efficient and cost-effective if administration was one level of government closer to the locales of the newcomers being served. Additionally, tasking Ontario relevant ministries with the management of immigration settlement would ease the burden of excessive administrative reporting to separate levels of government faced by many NGOs. And while immigrant settlement NGOs remained at the margins of these intergovernmental discussions, when it came to the issue of devolution, they were neither silent nor inactive. Wary of a federal funding environment which many in the sector perceived as paternalistic and prone to excessive micromanagement, NGOs also pushed for new funding configurations led by the province which they believed would place fewer limitations on their advocacy efforts and ability to innovate.

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That the Canada-Ontario Immigration Agreement ultimately did not live up to the high expectations contained in the political announcement of November 2005 should come as no surprise. Partisan political strategists often make concerted efforts to publicize the willingness of politicians to put aside their differences and cooperate through intergovernmental accords. Hyped up press conferences featuring Minister-to-Minister photo-ops have long been a feature of federal-provincial good-news announcements. And the signing of a political-level cooperation and funding accord between the federal and provincial ministers responsible for immigration -- a clear signal that the federation was finally functioning well -- was hailed as a good-news story. Even more politically advantageous for each minister’s respective immigration portfolio was the fact that in 2005 Canada and Ontario Ministers of Immigration Michael Colle and Joe Volpe both represented the densely populated and ethnically diverse electoral riding of Eglinton-Lawrence, where immigrants made up 40 percent of the area’s population. And of course, bilateral political-level agreements are more likely to be reached when both orders of government share similar political ideologies as was the case in the Canada-Ontario Immigration Agreement, with two Liberal governments in power at the federal and provincial levels in 2005. However, this was no longer the case in 2010. As of this writing, senior federal and Ontario immigration officials remain unable to renegotiate a substantial follow-up bilateral agreement to replace the original 2005 COIA and no such agreement is on the horizon.

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9 This study analyzes data leading up to the signing of the Canada-Ontario Immigration Agreement of 2005. While the federal government and Ontario were successful in negotiating a one-year extension to the original COIA,
Longer-term federal-provincial bureaucratic relations often prove just as complex, if not more so, than intergovernmental political-level relationships. As policy developments in the decades following the 1976 Immigration Act have demonstrated, the administration of immigration and immigrant settlement takes place against a backdrop of partisan changes in government, fluctuating economic cycles, and legislative reform. Yet, for all the uncertainties inherent in immigration and settlement and policy management, Ontario and the federal government managed to sign a Canada-Ontario Immigration Agreement and tripartite Memorandum of Understanding in 2005. The process that made this possible provides a lens with which to explore broader intergovernmental issues: normative notions of Canadian federalism, inter-jurisdictional ambiguity and the encroachment of constitutionally-defined boundaries, the politics of consultation, continued concern with the control of expenditures, and multilevel funding and governance configurations. As is demonstrated in this study, these are all themes in Canadian public administration and immigration federalism which stretch back decades.

The period under consideration in this study is characterized by federal and provincial politicians and officials eschewing the constitutional approaches which dominated intergovernmental discourse from the 1960s through the 1980s in favour of an increased reliance on intergovernmental agreements and bilateral accords to address matters of Canadian immigration policy development. While bilateral federal-provincial agreements and accords have existed since the earliest periods of executive federalism, these executive arrangements took on a effective from 2010 to the end of 2011, political relations between Canada and Ontario governments have continued to be tense following the 2006 election of Stephen Harper’s federal Conservative government.
new importance in the immigrant settlement domain following the 1976 Immigration Act. The new Act fostered a culture of regular government-to-government consultation and interaction into the 1980s which was a welcome change from the existing practice of engaging in high profile constitutional debates. To be sure, federalism scholars have noted that the unsuccessful Meech Lake Accord and subsequent national unity debates, followed by the 1995 Québec referendum on sovereignty, effectively shook public confidence in Canada’s constitutional framework, leaving a bitter taste for federal and provincial politicians and officials.\footnote{Cameron and Simeon 2002, 56.}

Notwithstanding the failure of high-stakes constitutional debates, governments were forced to address issues of who does what, who pays for what, and how to make the federation function effectively. The ongoing threat of Québec separation and demands of some western provinces for increased autonomy also complicated matters. These questions might seem intractable if posted in constitutional terms, but if structured as formal political and administrative agreements, memorandums of understanding, or partnerships, federal politicians and officials were more likely to make headway in engaging with provincial counterparts. As federal officials searched for ways to make federalism appear more palatable to Québec in light of that province’s growing demands for autonomy in immigration, bilateral agreements, first with Québec and then with other provinces, came to be seen as a way to level the asymmetrical provincial playing field. And as Cameron and Simeon have noted, if defining the rules in purely constitutional terms appeared to be impossible, “intergovernmental [agreements] became the only way to make progress.”\footnote{Cameron and Simeon, “Intergovernmental Relations in Canada: The Emergence of Collaborative Federalism” \textit{Publius: The Journal of Federalism} 32:2 (Spring 2002); Gregory J. Inwood, Carolyn M. Johns, and Patricia L. O’Reilly, \textit{Intergovernmental Capacity in Canada: Inside the Worlds of Finance, Environment, Trade, and Health}, (Montreal and Kingston: McGill-Queen’s University Press, 2011).}
As with most intergovernmental policy domains, normative visions of federalism held by political leaders have a profound impact on the context for intergovernmental relations. In particular, a Prime Minister’s approach to federalism influences a range of intergovernmental matters, such as the relative roles played by provincial and federal governments, the application of federal spending power, the behaviour of political leaders and officials, and the frequency of federal-provincial-territorial First Ministers conferences. The realm of immigration and settlement is no exception. Each successive Prime Minister’s approach to immigration federalism had an impact on the intensity with which bilateral accords were pursued, as well as the way in which the requirement of federal consultation with provincial governments and other stakeholders was to be applied. Trudeau’s early vision of federalism emphasized curtailing provincial particularism through increased Ottawa-centric governance, and only moved in the direction of increased decentralization when he believed that Québec secession posed a substantial threat to the wellbeing of the federation. Presumably, if the federal government’s central leadership was seen to be strong and unifying, the federal government could counter-balance those promoting the regional and cultural “alienation and anger on which separatism or regionalism fed.” Even as ad hoc Ottawa-Québec immigration cooperation evolved into formalized bilateral immigration agreements throughout the 1970s, Trudeau’s approach to intergovernmental relations maintained that the federal government would stand ready to negotiate similar bilateral immigration arrangements with other provinces so as to uphold equality among provinces. Then, to reinforce his vision of a strong, just, and unifying centralized

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12 Gregory J. Inwood, Carolyn M. Johns, and Patricia L. O’Reilly, 33.
Canadian authority, Trudeau enshrined several collective rights within the Charter of Rights in 1982.

But national unity is not uniformity. Growing regional interests and provincial asymmetry caused Prime Minister Pierre Trudeau’s strict brand of federalism to eventually run its course and become virtually obsolete by the late 1970s, as Trudeau’s relationship with the provinces deteriorated significantly. The 1984 election of Progressive Conservative Prime Minister Brian Mulroney confirmed the shift away from the Trudeau era, characterized by high levels of federal-provincial confrontation, to what promised to be a new era in federal-provincial cooperation and consultation. And, as David Milne argues, rather than the previous practice of seeking to circumvent the power of the provinces and treating provinces as adversaries that needed to be suppressed, the Mulroney government’s initial approach to federalism, in line with the less hierarchical orientation of collaborative federalism, “took the opposite tack of welcoming the provinces as legitimate players - indeed ‘partners’ in the economic life of the country.”

However, by the end of Mulroney’s tenure, the federal government made a series of decisions that many believed contradicted the government’s stated emphasis on intergovernmental collaboration – the most striking of which was the federal decision to place a limit on federal payments to provinces under the Canada Assistance Plan, a move which further destabilized federal-provincial harmony.

Whether favouring a centralized or decentralized approach to Canadian federalism, in retrospect, both Trudeau and Mulroney’s promotion of enhanced federal consultation with provincial governments during the 1980s was less an attempt to address provincial grievances

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14 David Milne, 137.
and more a strategy to retain some semblance of political symmetry in the federation following the special policy consideration given to Québec. Milne has rightly noted that Prime Minister Mulroney was keenly aware of this fact by the beginning of his second term in office in 1986. Mulroney’s “rhetoric of consultation and cooperation with provincial governments could only be sustained in the long run with tangible actions by the federal government to remove outstanding regional irritants.”¹⁵ In the aftermath of constitutional failures and the 1995 referendum, Ottawa was keen to reassert its presence in the lives of Canadians and to demonstrate its commitment to intergovernmental cooperation. And as far as the federal government was concerned, if there were to be any significant strides made in federal-provincial relations, progress would most likely come by way of the immigration portfolio given Québec’s deep preoccupation with the declining proportion of Francophones in Canada during the period. Still, the federal budget deficit forced Mulroney and his cabinet to recognize that while they were open to moderately shifting the balance of federal-provincial immigration power through bilateral immigration agreements might be hailed as proof of federal-provincial accord, increased provincial powers in immigration could not be allowed to further burden the federal pocketbook.

The legacy of Québec’s immigration policy trajectory on the bilateral immigration negotiations with other provinces has been unparalleled. Scholars have rightly noted the symbolic importance of Québec bilateral immigration agreements: the federal government conceded to making incremental enhancements to Québec immigration powers through successive immigration accords. But the asymmetry, even if accepted by other provinces, was difficult for them to ignore. For each instance in which Québec initiated a round of Canada-

¹⁵ David Milne, 138.
Québec negotiations proposing an increase in Québec immigration autonomy more advantageous than the last, other provinces were reminded that under the constitutional principle of equality of the provinces, they too could potentially pursue the same exclusivity of immigration responsibility.¹⁶

Even more impactful than the question of Québec’s autonomy in immigration selection was the precedent set by Québec’s settlement funding levels. At an amount of roughly $3,800 per immigrant by 2004, Québec’s federal settlement rate was almost three times that of Ontario’s per-immigrant allotment. Ontario's immigration stakeholders decried the disparity. In 2005, to deflect public scrutiny questioning why Ontario funding allotments under the COIA fell short of Québec per capita funding levels, federal Minister of Immigration Joe Volpe declared that any comparison of Ontario settlement funding levels to the generous Québec-Canada agreement was an “apples-to-oranges comparison,” given that the Québec deal was struck during a period of national unity tensions.¹⁷ While Volpe’s observation is now clear with the benefit of historical distance, it was not so apparent for Ontario negotiators attempting to convince their federal counterparts that Ontario required the same per immigrant settlement funding, if not more, than Québec’s. Federal and provincial officials met periodically, each hoping to make headway in carrying out their respective policy agendas. However, regardless of how productive and congenial one-on-one negotiation relationships were, federal unwillingness to match Québec

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settlement allocations would remain the large pink elephant in the federal-Ontario negotiation room, and, to a lesser degree, in discussions with other provinces.

That federal and provincial immigration officials increasingly avoided acrimonious constitutional debates in favour of pursuing modern bilateral accords negotiated behind closed doors did not mean that federal-provincial immigration agreements were easily reached. In many cases, federal-provincial immigration agreements took months or years of negotiation before parties were satisfied with the terms. What is more, recent scholarly work argues that in analyzing the evolution of political institutions and processes, attention must be paid to the timing and sequence of events. More specifically, the role that policy windows -- or windows of political opportunity -- play in the ability of policy actors to complete an event, are crucial. In fact, political scientist John W. Kingdon has argued that policymakers and politicians have only a short window of opportunity (such as the arrival of a new political coalition in power, an external crisis, and/or a shift in national mood) to advance their policy agendas. If policymakers fail to grab the occasion granted by these small policy windows, they may end up waiting a long time before having another opportunity to move forward with the policy.

In no province was the importance of timing and the concept of small policy windows more apparent than in Ontario. For decades, federal-provincial immigration negotiations in Ontario were inhibited by mismatched political ideologies, incompatible immigrant settlement objectives, and restrictions placed on negotiating powers by directives from bureaucratic superiors. These

fits and starts, combined with mismatched timing, proved to be a key factor explaining Ontario’s position as the last province to sign a bilateral immigration agreement with the federal government. It was not until the COIA negotiations in 2004 that the stars of federal and provincial partisan ideologies aligned long enough for an immigration agreement to be successfully negotiated. Prior to the opening of this advantageous policy window, the political leadership and fiscal pressures of the mid-1990s resulted in a broad political and public consensus that “public sector debt was too high, that deficits had to be eliminated, and that the pain associated with bringing federal and provincial finances under control would have to be borne.” Consequently, federal offers to transfer more fiscal responsibility for immigrant settlement to Ontario during a climate of austerity were resisted by Ontario officials whose prime objective was to ensure the continued flow of federal settlement dollars to the province.

Another immediate consequence of the mid-1990s deficit era was that the number and range of stakeholders involved in immigrant settlement delivery expanded significantly. With the major reduction in federal funds available to support national social programs and immigrant settlement supports, the federal government committed itself to promoting enhanced government efficiency, searched for opportunities for greater collaboration across three levels of government and with NGO stakeholders, and pushed to disentangle social services in the name of reducing duplication. From the perspective of federal officials, this represented an exercise in cost-cutting, role-clarification, and improved bureaucratic efficiency. For other levels of government, however, these public sector reforms fostered a crisis as federal budget cuts translated into social services being downloaded to lower levels of government. And in the wake of this restructuring,

20 Cameron and Simeon, 2002.
21 Gregory J. Inwood, Carolyn M. Johns, and Patricia L. O’Reilly, 36.
previously siloed federal and provincial immigration and settlement policy areas became increasingly interconnected, government-to-government consultation became more entrenched, and informal settlement partnerships deepened due to the frequency of interaction between the multitude of stakeholders.

Among the stakeholders were Canada's cities. The seemingly irreversible trend towards a greater role for cities in immigration policy, despite their lack of constitutional jurisdiction, has been evident in social science literature since the 1970s. Indeed, many of the issues that impact the immediate day-to-day lives of Canadians take place at the local level. More recently, social scientists have re-examined federal-provincial-municipal immigration relations, pointing to highlight additional advantages of municipal-level social service delivery. Political scientist Christian Poirier, for example, demonstrates that while the federal government works in a direct formal funding partnerships with grassroots immigrant serving organizations, city governments hold considerable autonomy and influence because their administrations are linked to the local immigrant networks and community organizations that deliver settlement and integration services. What’s more, early and continued federal and provincial consultation with municipal governments, it was learned, is crucial to managing programs that are appropriate to the needs of local communities. In other words, whether spurred by the need for fiscal restraint, the pragmatism of interconnected program delivery -- or both -- municipal governments have

22 N. Harvey Lithwick, Urban Canada: Problems and Prospects, (Ottawa: Central Mortgage and Housing Corp, 1970).


24 The efforts of the City of Toronto’s municipal leaders to influence the federal-provincial immigration illustrates this point. See also Christopher Leo and Martine August, “The Multilevel Governance of Immigration and Settlement: Making Deep Federalism Work.” Canadian Journal of Political Science 42: 2 (June 2009): 491–510.
recently found ways to explore, innovate, join forces, anticipate changes, and position
themselves strategically within the increasingly complex intergovernmental environment so as to
provide necessary services to newcomers living within their local communities.25

Recent scholarship in multilevel governance, or “marble cake federalism,” suggests that
this busy multi-stakeholder environment helps to define and clarify intergovernmental roles and
jurisdictional responsibility. Scholars argue that a large number of intersecting, task-specific
roles produce a governance environment that introduces market mechanisms, which in turn
encourages more efficient program delivery.26 However, the historical record with respect to
Canada-Ontario immigration federalism tells a slightly different story. Federal government
efforts to clarify programs and reduce duplication while simultaneously promoting
intergovernmental partnerships has proven to be a messy, chaotic endeavour. This is particularly
true in the case of Ontario. During the federal government’s Settlement Renewal Initiative of the
mid-1990s, federal efforts to disentangle intergovernmental roles and withdraw from settlement
program delivery were unsuccessful in Ontario, and ironically led to more, not less, jurisdictional
ambiguity: immediately after the federal withdrawal, for the area of settlement, many NGO
stakeholders were left scrambling in a context of project-based funding, uncertain about their
organizational futures.

25 For example, in 2003 the Toronto Region Immigrant Employment Council (TRIEC), a multi-sector partnership of
over 70 organizations, was developed. The Council matches skilled-immigrants with mentors in their professions in
with a goal to facilitate immigrant cultural and labour market integration. During the first 10 years of the program,
more than 10,000 skilled immigrants were matched with leaders in their professions, and more than 75% of them
found employment in their field within 12 months.

26 Joseph Garcea and Ken Pontikes, “Federal-Provincial-Municipal Relations in Saskatchewan: Provincial Roles,
Approaches, and Mechanisms” in Municipal-Federal-Provincial Relations in Canada, ed. Robert Young and
And while it is unknown whether recent attempts, post COIA, to enhance formal multilevel partnerships have a positive or negative impact on leaky jurisdictional boundaries, a fact that remains true is that governments continue to claim policy jurisdiction in areas beyond their original areas of competency. As the federal under spending under the Canada-Ontario Immigration Agreement demonstrates, regardless of the frequency of tripartite meetings, or the quality of policy input from the multiplicity of stakeholders at the decision-making table, the ever-present issue of federal spending power remains. The power of provincial, municipal, and NGO authorities to make decisions about program delivery is, to a large extent, at the mercy of the federal government.

This is not to say that sub-national units have not collectively attempted to alter the balance of power within the federation. Throughout the 1980s, attempts to address shared provincial pressures and seek increased federal investments took place during Meech Lake discussions and the work of the Immigrant Settlement and Integration Committee. More recently, in a collective attempt to redress the overarching weight of federal spending power, provinces initiated negotiations for the Social Union Framework Agreement (SUFA). The SUFA, signed by Ottawa and all of the provinces except Québec in February 1999, called for joint federal-provincial planning in social policy. While there is no consensus on the successfulness of the SUFA framework itself, the provincially driven policy development process leading up the SUFA emphasized increased provincial autonomy, federal accountability, transparency, and the need to report back to Canadians about the performance of federally funded social programs.27

Jurisdictional issues of ‘who does what?’ and ‘who pays for what?’ are not the only factors contributing to the muddled and unpredictable nature of the multilevel immigrant settlement governance. Regional disparities also contribute to this complexity. In Québec and Manitoba for instance, the primary concern was not the delivery of immigrant settlement services, but attracting immigrants to the province. In British Columbia and Ontario, however, the chief immigrant settlement concern was to accommodate large numbers of immigrants who choose these provinces of their own accord, most often destined for Vancouver and Toronto. Not only must settlement funding levels in these large metropolitan areas keep up with high service demand based on immigrant arrival numbers, but partners involved in program delivery must also respond to shifting immigrant settlement patterns which have increasingly seen newcomers choosing to settle in the city’s outer suburbs where settlement infrastructure is less well-established.28 In short, for all the conceptual efforts to predict and structure outcomes, when it comes to multilevel governance, the pattern is that there is no discernable pattern.29

If federal-provincial-municipal government cooperation is wrought with complexity, what are we to make of relations between governments and the public? An increasing number of intergovernmental agreements explicitly acknowledge the need to “engage stakeholders” and “build linkages” in the broad social and economic environment.30 And if we are to believe the assertions of federal and provincial government officials responsible for designing public

29 Christopher Leo and Martine August, 507.
immigration consultations from the mid-1970s to the late 1990s, each immigration consultation exercise sought to be more in-depth, consult more widely, and build stronger consensus on immigration matters than the consultation process preceding it. With each successive federal regime, politicians and policy-makers alike asserted that they had enhanced the public consultation process, effectively ensuring meaningful NGO and public engagement and ultimately enhancing immigration and settlement outcomes.

If achieving consensus at a tripartite planning table among government stakeholders with similar immigration and settlement mandates is problematic and time-consuming, engagement with the public is even more so. Unfortunately, the construct of intergovernmental relations, by its very nature, does not lend itself well to open and ongoing public participation. Scholars have highlighted the absence of public participation and engagement as a long-standing problem for federalism. In particular, the “lack of inclusiveness, responsiveness, and participation in the institutions of executive federalism” are enduring concerns. In effect, the institutional activities of intergovernmental relations, including negotiations, remains largely invisible to the public, and even when the public has been invited to participate through consultations it is not clear how politicians and officials view their input or what significance it has for policy development and implementation. Social scientists Alan Simmons and Kieran Keohane further argue that the domain of immigration relations is especially contentious and as a result “the state is very

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mindful of widespread anti-immigration sentiment and the incipient ethnocentrism, even racism, in large segments of the Canadian public, and wishes to minimize public backlash."

Herein lies the paradox of the consulting non-government stakeholders on intergovernmental immigration matters: policy-makers recognize the political and social benefits of consulting in order to avoid alienating a significant parts of the electorate, yet there has traditionally been a tendency for federal officials to be overzealous in their attempts to suppress controversy and search for consensus during structured public consultation processes. How will the public consultation process evolve into the future? Given the advent of technological innovation in the twenty-first century the growing popularity of online interactions, it stands to reason that going forward, there will be increased reliance on newly-developed online government consultations in order for governments to circumvent excessive public scrutiny. Additionally, rather than directing bureaucratic resources towards crafting large, costly, face-to-face public consultation exercises, politicians and government officials may opt to interact more directly with ethno-cultural communities in key electoral ridings. The political payoff of investing in this type of citizen engagement may very well outweigh the costs of responding to partisan driven or anti-immigration public opinion in public forums, particularly in Ontario. While difficult to predict future governmental strategy, it is safe to say that both Ottawa and the provinces will continue to guard their turf in a way that seeks to win the public’s credit and avoid blame.

______________________________

The process of finalizing a bilateral immigration agreement in Ontario was a long road wrought with several bumps, false starts, and moving targets. The dynamics of provincial asymmetry, collaborative federalism, multilevel governance, and partisan politics never ceased to exert their ever-present influence over Canada-Ontario immigration relations. These formal and informal institutional dynamics ultimately shaped the policy windows, constraints, or options available to federal and provincial politicians and policy-makers. In fact, these factors played a role in obstructing devolution efforts in Ontario for four decades, and continue to do so as of this writing. At the same time, this study provides an example of how immigrant settlement interests -- even if dissimilar and on occasion antagonistic -- were capable of converging in specific circumstances to achieve the common objective of improving service delivery in Ontario’s immigrant settlement sector.
Bibliography

Primary Sources

Library and Archives Canada

RG 25 Records of the Department of Foreign Affairs (Volumes 12439, 12440)

RG 76 Records of the Immigration Branch (Volumes 736, 1316, 1318, 1709, 1758, 1952, 1986-87/ 334)

RG 118 Records of the Department of Employment and Immigration (Volumes 60, 1984-85/1206)

Archives of Ontario

RG 74-13 Newcomer Services Branch Policy Development and Planning Records (Boxes 13, 15, 31, 34)

City of Toronto Archives


Fonds 200, Former City of Toronto Fonds 1834-1997. (Series 1248, City of Toronto Neighbourhoods Committee Minutes 1981-1997)

Fonds 40 Urban Alliance on Race Relations Fonds 1975-1992. (Series 39, Correspondence and subject records of the Board of Directors and Committees of the Urban Alliance on Race Relations 1975-1992.)

Centre of Excellence for Research in Immigration and Settlement-Toronto (CERIS) Resource Library


George, Usha and Joseph H. Michalski. A Snapshot of Service Delivery in Organizations Serving Immigrants – Final Report. CIC funded project. Faculty of Social Work,
University of Toronto. 1996.


Newspapers

Edmonton Journal
Financial Post
Globe and Mail
Montreal Gazette
Nanaimo Daily News
Orillia Packet and Times
Ottawa Citizen
Toronto Star
Waterloo Region Record
Winnipeg Herald
List of Interviews

Phillip Abrahams, March 28, 2011
Naomi Alboim, April 28, 2009
Joan Andrew, October 20, 2014
Irene Bader, August 2011
Malcolm Brown, Feb 15, 2012
Pam Bryant, March 24, 2011
Mario Calla, December 6, 2011
Elizabeth Huff, May 9, 2014
Katherine Hewson, December 15, 2010
André Juneau, March 8, 2012
Les Linklater, April 11, 2012
Julie Mathien, February 16, 2011
Barbara McDougall, October 6, 2011
Elizabeth MacIsaac, December 15, 2011
David Neuman, June 10, 2014
Peter Notaro, September 1, 2011
Ratna Omidvar, June 7, 2011
Tim Rees, November 24, 2010
Rosanna Scotti, June 7, 2011
Bill Sinclair, March 15, 2011
Robert Vineberg, January 29, 2011
Confidential interview with private refugee sponsorship professional, March 3, 2011
Confidential interview with former municipal official, May 14, 2014


Beiser, Morton. 1999. Strangers at the Gate: The “Boat People”s First Ten Years in Canada. Toronto: University of Toronto Press.


Dobrowolsky, Alexandra. 2013. “Nuancing Neoliberalism: Lessons Learned from a Failed


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Bibliography

Government Documents

Canada. Constitution Act, 1867.


## List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AO</td>
<td>Archives of Ontario</td>
</tr>
<tr>
<td>AMO</td>
<td>Association of Municipalities of Ontario</td>
</tr>
<tr>
<td>BC</td>
<td>British Columbia</td>
</tr>
<tr>
<td>CASSA</td>
<td>Council of Agencies Serving South Asians</td>
</tr>
<tr>
<td>CAP</td>
<td>Canada Assistance Plan</td>
</tr>
<tr>
<td>CCRA</td>
<td>Canada Customs and Revenue Agency</td>
</tr>
<tr>
<td>CEIC</td>
<td>Canada Employment and Immigration Commission</td>
</tr>
<tr>
<td>CERIS</td>
<td>Center of Excellence for Research on Immigration and Settlement</td>
</tr>
<tr>
<td>CHST</td>
<td>Canada Health and Social Transfer</td>
</tr>
<tr>
<td>CIC</td>
<td>Citizenship and Immigration Canada</td>
</tr>
<tr>
<td>COIA</td>
<td>Canada-Ontario Immigration Agreement</td>
</tr>
<tr>
<td>FARPA</td>
<td>Fair Access to Regulated Professions Act</td>
</tr>
<tr>
<td>IRPA</td>
<td>Immigration and Refugee Protection Act</td>
</tr>
<tr>
<td>ISIC</td>
<td>Immigrant Settlement and Integration Committee</td>
</tr>
<tr>
<td>JC</td>
<td>Joint Committee of the Senate and House of Commons</td>
</tr>
<tr>
<td>LAC</td>
<td>Library and Archives Canada</td>
</tr>
<tr>
<td>LIP</td>
<td>Local Immigration Partnerships</td>
</tr>
<tr>
<td>LINC</td>
<td>Language Instruction for Newcomers to Canada</td>
</tr>
<tr>
<td>MCI</td>
<td>Ministry of Citizenship and Immigration</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>MPP</td>
<td>Member of Provincial Parliament</td>
</tr>
<tr>
<td>MSUA</td>
<td>Ministry of State for Urban Affairs</td>
</tr>
<tr>
<td>NDP</td>
<td>New Democratic Party</td>
</tr>
<tr>
<td>OCASI</td>
<td>Ontario Council of Agencies Serving Immigrants</td>
</tr>
<tr>
<td>OSIP</td>
<td>Ontario Settlement and Integration Program</td>
</tr>
<tr>
<td>PNP</td>
<td>Provincial Nominee Program</td>
</tr>
<tr>
<td>PC</td>
<td>Progressive Conservative (Political Party)</td>
</tr>
<tr>
<td>SOS</td>
<td>Secretary of State</td>
</tr>
<tr>
<td>SPO</td>
<td>Service Provider Organization</td>
</tr>
<tr>
<td>SRI</td>
<td>Settlement Renewal Initiative</td>
</tr>
<tr>
<td>SUFA</td>
<td>Social Union Framework Agreement</td>
</tr>
<tr>
<td>TRIEC</td>
<td>Toronto Region Immigrant Employment Council</td>
</tr>
</tbody>
</table>
Appendix B

Marcel Massé’s Six Tests of Program Review

In order to defend a social program from budget cuts, officials knowledgeable about the program were asked to demonstrate that the program met all 6 tests in the 4 following sequential “stages”:

<table>
<thead>
<tr>
<th>Stage</th>
<th>Test</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage A</td>
<td>Public Interest Test</td>
<td>Does the program area or activity continue to serve the public interest?</td>
</tr>
<tr>
<td>Stage B</td>
<td>Role of Government Test</td>
<td>Is there a legitimate and necessary role for government in this program area or activity?</td>
</tr>
<tr>
<td>Stage B</td>
<td>Federalism Test</td>
<td>Is the current role of the federal government appropriate, or is the program a candidate for realignment with the provinces?</td>
</tr>
<tr>
<td>Stage B</td>
<td>Partnership Test</td>
<td>What activities or programs could or should be transferred in whole or in part to the private or voluntary sector?</td>
</tr>
<tr>
<td>Stage C</td>
<td>Efficiency Test</td>
<td>If the program activity continues, how could its efficiency be improved?</td>
</tr>
<tr>
<td>Stage D</td>
<td>Affordability Test</td>
<td>Is the resultant package of programs and activities affordable within the fiscal restraint? If not, what programs or activities should be abandoned?</td>
</tr>
</tbody>
</table>

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Appendix C

Canada-Ontario Immigration Agreement Funding Allocations and Spending, 2005-2010

The 2005 Canada-Ontario Immigration Agreement specifies that “beyond the annual settlement funding allocated in Ontario, in the order of $109.6 M [million] in 2004-05...Canada commits to providing incremental funding that will grow over a five-year period to reach a cumulative total of $920 M in new investments by 2009-10. For planning purposes, this incremental funding is projected to be disbursed [as follows]”:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Planned Disbursement under COIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-06</td>
<td>$50 M</td>
</tr>
<tr>
<td>2006-07</td>
<td>$115 M</td>
</tr>
<tr>
<td>2007-08</td>
<td>$185 M</td>
</tr>
<tr>
<td>2008-09</td>
<td>$250 M</td>
</tr>
<tr>
<td>2009-10</td>
<td>$320 M</td>
</tr>
<tr>
<td>Total (Projected Spending )</td>
<td>$920 M</td>
</tr>
<tr>
<td>Total (Actual Spending )</td>
<td>$700 M*</td>
</tr>
</tbody>
</table>

* Citizenship and Immigration Canada underspent relative to its commitment under this 2005 Canada-Ontario Immigration Agreement by more than $220 million. When the COIA expired in 2010, the federal government informed Ontario that funding for Ontario settlement agencies would be further reduced by $44 million in FY 2011-12 and be combined with that of other provinces.
Appendix D

Toronto’s Growth as an Immigrant-Receiving Centre

As the following chart illustrates, the more recent the arrival of immigrants to Ontario, the more likely these immigrants are to be living in Toronto.¹

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Number of immigrants to Toronto</th>
<th>Number of immigrants to Ontario</th>
<th>Share of Ontario’s immigrants living in Toronto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1961</td>
<td>223,520</td>
<td>502,740</td>
<td>44%</td>
</tr>
<tr>
<td>1961-1970</td>
<td>251,390</td>
<td>427,790</td>
<td>59%</td>
</tr>
<tr>
<td>1971-1980</td>
<td>343,130</td>
<td>496,680</td>
<td>69%</td>
</tr>
<tr>
<td>1981-1985</td>
<td>136,380</td>
<td>194,400</td>
<td>70%</td>
</tr>
<tr>
<td>1986-1990</td>
<td>286,510</td>
<td>386,100</td>
<td>74%</td>
</tr>
<tr>
<td>1991-1995</td>
<td>376,530</td>
<td>483,640</td>
<td>78%</td>
</tr>
<tr>
<td>1996-2001</td>
<td>415,510</td>
<td>538,740</td>
<td>77%</td>
</tr>
</tbody>
</table>

¹ Statistics Canada, Facts and Figures: “Immigrants residing in Toronto Census Metropolitan Area as a percentage of Canada’s and Ontario’s immigrant population, by period of immigration, 2001”