

**Keynote Speech by Senator Vivienne Poy**

**Canadian Immigration: A Chinese Perspective**

**Association of Asian-American Studies Annual Meeting**

**Scottsdale, Arizona, United States of America**

**May 24-28 2000**

I would like to thank the Association of Asian-American Studies for giving me the opportunity to speak today.

I'm in the presence of many academics who, I'm sure, know a great deal more about Chinese immigration to North America than I do. However, I hope to be able to shed some light on Chinese immigration to Canada, as a member of the Canadian Senate.

I will begin with a broad historic survey, before discussing some of the contemporary issues in Canadian immigration policy, including new legislation tabled last month in our federal Parliament.

An examination of Canadian history reveals that aside from our country's indigenous peoples, no racial or ethnic group has experienced as harsh treatment as the Chinese. The development of the Chinese-Canadian community has been bound inextricably to Canadian immigration policy and past anti-Chinese laws.

For a historical review, I have divided Chinese immigration to Canada into four waves.

Although the first Chinese arrived in Canada in 1788, it wasn't until the Fraser Valley Gold Rush of 1858 that thousands arrived from Asia, as well as from California.

After Confederation (1867), Canada's primary goal was to expand westward rapidly, an objective requiring large-scale immigration. Envisioning a "white country," a network of emigration agents targeted

farmers, agricultural labourers, and female domestics from the United Kingdom, the United States and northern Europe.

Despite generous terms, however, not many newcomers arrived. In fact, between 1880-1891, 1/5 of Canada's population moved to the United States, resulting in a severe labour shortage.

Meanwhile, the great increase in population and the increase in taxes in South China drove peasants off the land, and the superfluous labour was willing to go overseas to seek economic opportunities. Seventeen thousand Chinese arrived in Canada between 1881 and 1884, mainly brought in by contractors for the construction of the new Canadian Pacific Railway to link British Columbia to the rest of Canada. Canada depended on the Chinese as a cheap source of labour to complete the CPR.

Our first Prime Minister Sir John A. Macdonald put the issue bluntly: “It will be all very well to exclude Chinese labour when we can replace it with white labour, but until that is done, it is better to have Chinese labour than no labour at all.”.

With the CPR's completion in 1885, an act was passed “to restrict and regulate Chinese immigration.” A \$50 head tax was imposed on Chinese immigrants that was subsequently increased. The Chinese increasingly faced institutionalized discrimination in their new country.

During this period, Chinese-Canadians were increasingly excluded from many industries that their labour had helped build. Facing social, economic and residential segregation, Chinese-Canadians responded by retreating into their own ethnic enclaves to avoid competition and hostility from white Canadians. Well-educated Chinese were barred from the professions. Those born in Canada were denied the rights of citizenship. Many went into ethnic businesses and market gardening. Some became disillusioned and returned to China.

However, labour shortages during the First World War meant that Chinese labour was again in demand. By the end of the war, in spite of a \$500 head tax, 4,000 Chinese immigrants were arriving annually. With the return of the veterans at the end of the war, however, Chinese labour was again viewed as competition to white labour.

The *Chinese Immigration Act (1923)*, also known as the “Chinese Exclusion Act,” made Chinese immigration illegal. The 1920 *Dominion Elections Act* effectively stripped all Chinese-Canadians of the federal franchise.

Canada emerged from the war as a major industrial power in need of labour. A new attitude towards immigration could be discerned somewhat by the 1947 repeal of the *Chinese Immigration Act (1923)*, brought about in large measure by the lobbying efforts of Chinese-Canadian veterans. Professions were also opened up to ethnic Chinese at this time.

While the Exclusion Act’s repeal signified real progress, the colour barrier remained in place. The Chinese were now under the same restrictions as other Asians, which prohibited “the landing in Canada of any immigrant of any Asiatic race,” with the exceptions of wives and unmarried children under 18 years of age of Canadian citizens. This did lead to an increasing number of Chinese women and children who were able to come to Canada to join their husbands and fathers.

The post-war economic boom and ongoing labour shortages led to a gradual lowering of immigration barriers. In 1962, the “white Canada” immigration policy was *de facto* abolished. Canada was the first of the three large immigrant-receiving countries to dismantle its colour bar. New regulations were enacted, providing that any unsponsored immigrant who could prove they had the requisite education, skill or other qualifications would be considered. Only one discriminatory regulation remained – Europeans and Americans were permitted to sponsor a wider range of relatives.

The new “points” system was introduced in 1967, removing the remaining discriminatory provisions against Asians. Selection criteria for new immigrants were now based upon education, linguistic ability, and Canada’s economic needs.

The number of ethnic Chinese students in Canadian universities increased dramatically, which caused a backlash because it was viewed again as competition. This culminated in a television program called “Campus Giveaway” in 1979, accusing Canadian universities of selling out to “Chinese students,” despite the fact that, not only were they highly

qualified, but the majority of them were either landed immigrants or Canadian citizens.

The *Immigration Act* of 1978 outlined a new refugee sponsorship program in response to the Indochinese refugee crisis of the 1970s, some of whom were ethnic Chinese. Although Canada was letting in refugees throughout the post-war period and was a signatory to various international agreements, the “refugee class” didn’t appear until then. Of the 500,000 Chinese who had immigrated to Canada by 1994, 92% of them had arrived after 1967.

The economic downturn in the 1980s in Hong Kong and the fear of its future uncertainty under Chinese rule were the causes of mass migration from the colony to Canada. In 1986, the Mulroney government introduced the “business” or “entrepreneurial” immigrant category to attract the affluent to Canada.

The government and business sector welcomed this influx, but certain segments of Canadian society again reacted negatively. The new affluent Chinese immigrants were referred to as “yacht people,” who live in “monster homes.” They have been accused of increasing the value of real estate and building shopping malls with Chinese signage. Instead of welcoming the enrichment of the Canadian cultural family, those who fear competition in Canada refuse to accept the multicultural characteristic of our country.

The flow of Hong Kong immigrants slowed by the beginning of the 1990s, and since then, there has been a continuous return migration back to Asia, partly due to the sluggish Canadian economy, opportunities in Asia, as well as other sociological reasons. However, since the opening up of mainland China, it has now become the greatest source of ethnic Chinese immigration to Canada.

Canadian immigration policy in recent years has faced two main challenges, as have all immigrant-receiving countries since the 1980s – namely, the global refugee crisis, and the surge in “illegal,” or “undocumented” migrants.

A watershed moment for Canada was the *Singh Decision* of 1985. The Canadian Supreme Court found in favour of a refugee claimant, ruling

that the *Canadian Charter of Rights and Freedoms (1982)* applied to refugee claimants as well. This decision meant claimants were entitled to a full judicial oral hearing at some stage of the refugee determination system, resulting in the system being overwhelmed. Canada now manages its refugee program in a very litigious atmosphere.

The Canadian government has attempted to respond to the increased demands on the system, and to mounting public concerns over a system perceived to be “out of control.” In fact, the 1978 legislation has been amended more than thirty times since its original passage.

The Right of Landing Fee was introduced in 1995, ostensibly to help cover the costs of administering Canada’s immigration program. All immigrants and refugees over the age of 19 were required to pay a fee of C\$975. This measure has proved controversial, with some accusing the government of using it as a latter-day head tax to deter would-be immigrants from coming to Canada. While the fee was eliminated for refugees earlier this year, it remains in place for other landed immigrants.

Since last summer, there has been extensive media attention and public outcry, following the arrival in British Columbia of boatloads of migrants from Fujian. While they only account for 1 per cent of people who arrive in Canada each year without proper documentation and claim refugee status, the harsh media reactions to the migrants suggest that there remains anti-non-white sentiment towards newcomers in Canadian society. There is no doubt that human smuggling must be stopped. I would like, at this time, to point out that the majority of undocumented migrants who arrive in Canada come by plane, often indirectly from Europe or other countries. Those on leaky boats just happen to be poor and come in groups that are noticeable.

The most recent development in Canada’s immigration policy occurred last month, when our Minister of Citizenship and Immigration tabled the *Immigration and Refugee Protection Act*, which repeals and replaces the 1978 immigration legislation. The new bill attempts to balance the government’s intentions to curb abuse and respond to deficiencies of the immigration and refugee systems, while expanding policies to attract more immigrants.

Although in development since 1997, many of the legislation's provisions respond directly to the issue of illegal migrants highlighted by last year's arrival of the Chinese on the British Columbia coast. The bill will create severe penalties – fines of up to \$1 million and life imprisonment – for those caught trafficking in humans. Other provisions are meant to respond to fears that there is rampant criminal abuse of the refugee system. The new legislation makes a number of administrative changes to ensure a faster decision on refugee claims, containing provisions to strengthen the overseas refugee resettlement program.

Because of Canada's new knowledge-based economy, new selection criteria have been established to attract more highly skilled, as well as those with a broader range of skills as independent immigrants. In this respect, however, we are in even greater competition with countries (e.g the U.S.) for intellectual capital worldwide. Also significant in this legislation is the expanded family reunification program, in which the age of dependent children who can be sponsored rises from under 19 to under 22. Canadians will also have the opportunity, on a once-in-a-lifetime basis, to sponsor an extended family member. Further, a new "in-Canada" landing class will be created for temporary workers, foreign students and spouses of those already established in Canada and wishing to stay.

Pragmatically, Canada needs immigrants, to respond to demographic factors such as our low birthrate, but also to provide stimulus to the Canadian economy. In twenty years time, there will be three retired persons for every young, working person. Our immigration target of 200,000 per annum could not be met last year. In the recent bill, the goal has been increased to 300,000, and the parameters for acceptance have been changed in order to meet this increase.

In conclusion, I would like to draw your attention to the following points:

During her recent visit to China, the Minister of Citizenship and Immigration, Elinor Caplan, told the Beijing government that the Charter of Rights and Canada's refugee determination process were not on the table for discussion (*National Post*, 27 April 2000). The Chinese government blames Canada for granting refugee hearings to migrants who claim persecution in China. Canada is anxious to repatriate those whose refugee claim failed, but the Chinese government is very slow in giving travel papers for their return.

According to the United Nations, four million people are smuggled across national borders worldwide each year, at an estimated price tag of \$10 billion. It has been proven by Prof. Peter Kwong that local officials in Fujian are directly involved in people smuggling; and it is believed, but difficult to prove, that the problem reaches much higher up.

Since global migration is based on supply and demand, I wonder whether China's economic revolution will produce so many jobs that there will be less need for migration? This has been proven in the case of Hong Kong since the establishment of special economic zones in China.

The Canadian government's goal for immigration is approximately 1% of the population each year, and Chinese immigrants account for approximately 15% of that total. Recognizing that China is our top source country of highly skilled immigrants, will their numbers again create too much competition for the labour market in Canada and cause hostility towards these immigrants?