

**Keynote Speech by Senator Vivienne Poy**

**Citizenship and Immigration:  
The Chinese-Canadian Experience**

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University of Wollongong  
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Honoured guests, scholars and friends:

I would like to thank Professor Karen Gould, President of the International Council for Canadian Studies for her kind words of introduction.

Thank you very much for giving me the opportunity to speak to you today. I acknowledge and thank the Association for Canadian Studies in Australia and New Zealand for organizing this forum, and in particular, I commend Dr. Gerry Turcotte for his contributions in convening the conference. I also wish to acknowledge the generosity of Nortel Networks, which has sponsored my speech today. I must, at this time, give a special thanks to the staff of the Canadian High Commission in Australia, particularly Paulette Montaigne, for her heroic efforts in arranging and rearranging my visit to Wollongong.

Your interest in Canada - its history, its peoples, and its role as a member of the Asia-Pacific community, is a testimony to the strong political, historic and cultural ties that bind Canada to Australia and New Zealand.

On the topic of historic and cultural ties, I'll begin with my personal ties to Australia. The name Poy, which is my married name, comes from the Poys of Australia. My husband's grandfather migrated to Australia at the end of the 19<sup>th</sup> century from Toisan in South China. The Poys lived in Chiltern, Victoria, where Grandfather owned a general store called *Willie Ah Poy Fruiterer and Confectioner*. The Poys have increased and prospered in Australia, the only one having left being my father-in-law. As the eldest

son, he was sent back to the village in China in his late teens. He made his way to Hong Kong, got married, started his family and the entire family moved to Canada in 1942. As for members of my own family, a few have also immigrated to Australia in recent years and have prospered.

I'm going to begin my formal remarks today by wishing everyone a "Happy Canada Day." On the 1st of July, 2000, Canadians celebrated the 133<sup>rd</sup> anniversary of Confederation. It was a day filled with barbecues, picnics and fireworks, celebrating our achievements in building a strong, tolerant, and diverse country. Like Australia and New Zealand, we have been blessed by being one of the most fortunate nations on earth.

While I am proud of my country's accomplishments, I would not be completely truthful if I told you that Canada Day doesn't bring some mixed feelings to me as a Canadian of Chinese heritage.

For Canada Day also marks the anniversary of the *Chinese Immigration Act* of 1923, also known as the "Chinese Exclusion Act," which, until its repeal in 1947, barred Chinese from entering Canada. While Chinese-Canadians have now established themselves as full and equal partners in the Canadian family, this was a dark period in my country's history, and in the Chinese-Canadian experience. I raise this point not to deride my country, but as an appropriate introduction to my talk today on the Chinese-Canadian experience in the politics of citizenship and immigration in Canada.

Many parallels can be drawn between Canada and Australia. Besides being part of the Commonwealth, both countries possess vast territories, impressive resources, and small populations. We owe our size and strength largely to immigration, and along with the United States, we form the three major receiving countries in international migration in recent times. In the years since World War II, we have doubled our respective populations through a combination of immigration and natural increases, as well as witnessed the evolution from a restrictive to non-discriminatory immigration policies.

Although it has become increasingly progressive, Canada's immigration policy has displayed an underlying current of ambivalence – a love-hate attitude towards newcomers. This has been closely linked to the prevailing social and economic conditions. Historically, the Chinese-

Canadian community has experienced the consequences of this ambivalence, and aside from our country's indigenous peoples, no racial or ethnic group has experienced such harsh treatment as the Chinese.

The history of the Chinese-Canadians is the history of Canada itself, for the Chinese presence in British North America predates Confederation. The development of the Chinese-Canadian community was tightly constrained by Canadian immigration policy and anti-Chinese laws.

Despite the general belief that the Chinese first migrated to British North America during the gold rush, the first Chinese actually arrived in 1788, brought by John Meares from the Portuguese colony of Macao, where Meares was selling fur pelts to Chinese merchants for use in mandarins' robes. The group consisted of fifty to seventy labourers, carpenters and shipwrights. They arrived in Nootka Sound, Vancouver Island. While Meares continued trading southward, the Chinese shore party set to work constructing a small schooner, the *North West America*, and building a two-story fort.

Spain disputed Meares' land grant by virtue of prior discovery, attacked the fort and seized the *North West America* and other ships. What became of the Chinese carpenters and shipwrights remains a mystery. Some accounts claimed that they were captured by Spaniards and taken to Mexico. Others indicated that they lived with the Nootka people, and then moved inland with native wives to begin their own settlement. Whatever the case, within a generation or two, their identities were lost. It was another seventy years before the Chinese appeared again in British North America.

The discovery of gold in California, and later in British Columbia and Australia, gave great impetus for Chinese men to go overseas. In 1858, with news of the discovery of gold in British Columbia's Fraser River Valley, thousands of Chinese arrived from Asia, as well as from California. Those who came for gold didn't realize that the Chinese were not allowed to work the mines until the white miners had moved on.

In British Columbia, when the individual miners left and the "rush" was over, they were replaced by mining companies, many of them Chinese. Many Chinese also went into service industries for the mining towns. Victoria, which would later become the capital of British Columbia, became the main centre for the Chinese in British North America.

At that time, Canada did not exist as a country, and the Chinese, despite discrimination from some members of society, had the same legal rights as white residents. The *Aliens Act* (1861) provided that any alien resident for three years within the colony who took the oaths of residence and allegiance would have the rights of British subjects.

An article in a Victoria newspaper in 1861 stated:

*"We have plenty of room for many thousands of Chinamen ... there can be no shadow of a doubt but their industry enables them to add very largely to our own revenues...."*

However, agitation against the Chinese began when British Columbia started to experience economic hardships. By 1866, good gold mining claims were difficult to find, and the Chinese were frequently perceived by white British Columbians as competitors who were willing to undercut workers' wages.

On the 20<sup>th</sup> of July in 1871, British Columbia became a province of Canada. In its first session after joining Confederation, the provincial legislature passed an amendment to the *Qualifications of Voters Act* to disenfranchise Chinese and Indian voters. The *British Colonist* applauded the act as sensible, referring to the Chinese as "heathen" slaves who had no right to stand side by side with other Canadians at the ballot box. In May 1873, the first anti-Chinese society was established in Victoria.

Immigration is always related to labour and other economic needs of a country. Citizenship rights are often withheld from those who filled the demands, depending on their country of origin. This was the policy of the Canadian government until the second half of the twentieth century.

At the time of the founding of Canada in 1867, the new country's primary goal of expanding rapidly to avoid a takeover of territories in western Canada by the United States required 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.

Not many newcomers arrived in the Canadian west, despite generous terms. In fact, between 1880-1891, one-fifth of Canada's population moved to the United States, resulting in a severe labour shortage.

At the same time, there was a large increase in population in South China, and in addition to increased taxes, a great number of peasants were driven off the land. The excess labour was drawn by the employment opportunities in Canada. 17,000 Chinese arrived between 1881 and 1884, mainly brought in by contractors to construct the new Canadian Pacific Railway (CPR), linking British Columbia to the rest of Canada. Mortality rates were high. Along one treacherous section, two Chinese workers died for every mile of the railway. Life was terrible and accidents were frequent; moreover, the workers were not given medical attention. The winters were particularly harsh for these men from southern China who were not prepared for the cold temperatures. There were reports of epidemics and scurvy killing hundreds along the railway. Despite the fear of competition from white labour, Canada had become dependent 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”.*

In 1885, with the CPR's completion, an act was passed “to restrict and regulate Chinese immigration”. A \$50 head tax was imposed on all Chinese immigrants entering the country, which was later increased to \$500 in 1903. This *Act* laid the foundation of a restrictive, and later exclusionist, immigration policy. The ethnic Chinese faced institutionalized racism in their new country. Although desperate for immigrants, Canada did not want them from Asia.

The CPR's completion threw thousands of Chinese out of work, and many became destitute but could not afford to return to China. A thousand went back to China, but most remained in British Columbia. In order to adapt to a hostile environment, the Chinese mobilized whatever resources were available to them, including remote kinship ties, which helped in their survival in a foreign land, as well as in building ethnic businesses. Chinese culture played an important role in the adaptation and survival of the community in Canada.

From the end of the nineteenth century to the outbreak of World War I, immigration to Canada increased dramatically because of economic recovery and accompanying socio-economic pressures in Europe. However, non-Caucasians continued to receive a cold reception.

The influx of new immigrants led to the xenophobic backlash, which catalyzed the anti-Asian riots that swept through Vancouver's Chinatown in 1907. The Asiatic Exclusion League called for a "white Canada," which led to a renewed emphasis on the ethnic and cultural origins of potential immigrants, rather than their occupation or skills.

Chinese-Canadians were increasingly subjected to state-sanctioned discrimination and excluded by law from many industries that their labour had helped build. Facing social, economic and residential segregation, many Chinese moved into the mid-West and Eastern Canada. Most became owners of ethnic businesses and market gardens, retreating into their own enclaves to avoid competition and hostility from white Canadians.

With the outbreak of the First World War, Canadian immigration levels dropped considerably, and would not rise again significantly until the end of the Second World War. The passage of the *Wartime Elections Act* in 1917 led to the denial of the federal vote to Chinese-Canadians in several provinces. Ironically, labour shortages during the First World War meant that Chinese labour was again in demand. In 1917, employers in British Columbia, Alberta and Saskatchewan proposed importing Chinese workers to relieve the labour shortage. By the end of the war, in spite of a \$500 head tax, 4,000 Chinese immigrants were arriving annually.

At the end of the war, anti-immigrant sentiment flared, and Canada remained largely closed to the homeless and dispossessed of Europe and elsewhere. Chinese-Canadians were again viewed as competition, especially because they were moving into new occupations, land ownership and farm operations. Even Chinese-owned restaurants that served western-style foods were under attack. It was in this xenophobic climate that the government passed the *Chinese Immigration Act (1923)*, also known as the "Chinese Exclusion Act," making Chinese immigration illegal. When the act went into effect on the 1<sup>st</sup> of July, 1923, Chinese-Canadians called it "Humiliation Day." Despite such adversity, the growth of ethnic businesses among the

Chinese in the 1920s and 1930s reflected their success in establishing an economic niche in a racist society.

During the Great Depression, many immigrants were summarily deported. Until the end of the Second World War, the government refused to distinguish between refugees and other immigrants, a move that was to have catastrophic consequences for Europe's Jewish population. This attitude was reflected by a government spokesman, in response to a question about how many Jewish refugees Canada would be taking in, he replied "none is too many."

At the end of World War II, Canada had emerged as a major industrial power in need of labour. A more humane and pro-immigration attitude could be discerned. In 1947, the *Chinese Immigration Act* was repealed, brought about by the lobbying efforts of Chinese-Canadian veterans in coalition with other civil rights activists. Chinese residents were given citizenship and regained the right to vote. The legal, accounting and medical professions were now open to them.

The immigration system's colour barrier, though, remained in place. The Chinese remained under the same restrictions as other Asians, which prohibited "the landing in Canada of any immigrant of any Asiatic race," with the exception of the wife or unmarried children under 18 years of age, of Canadian citizens. However, this did lead to an increasing number of Chinese women and children being 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. Never again would Canada's doors be almost closed to immigrants seeking a better life, or to refugees fleeing persecution. In 1962, the "white Canada" immigration policy was *de facto* abolished when the Diefenbaker government introduced new regulations. 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.

Canada was the first of the three large immigrant-receiving countries to dismantle its colour bar, responding to a changing international climate of opinion relating to human rights and freedoms. What prompted this

watershed in Canadian immigration policy? As is so often the case in history, enlightened opinion dovetailed with the pragmatism of practical politics. A small group of very senior officials felt that it had become an unnecessary embarrassment, preventing Canada from acting effectively at the UN, and in the increasingly multiracial Commonwealth. Further, the more progressive policies responded to the reality that the countries in Western Europe, having recovered from World War II, were enacting measures to attract immigrants.

In 1967, the new "points" system in immigration was introduced. The selection criteria for new immigrants were now based upon education, linguistic ability, and Canada's economic needs. The remaining discriminatory provisions against Asians were removed. It was the beginning of a new era of Chinese immigration to Canada. In 1973, Prime Minister Trudeau signed an agreement with the People's Republic of China on family reunification during his visit there, enabling family members living under the communist regime to join their families in Canada.

It is important to realize that, except in isolated cases, the Chinese-Canadian family as an intact unit did not emerge in Canada until after World War II. The post-war changes in policy, notably the end of legislative exclusion, had made it possible for some Chinese families to reunite, but it wasn't until the 1960s that whole families were able to immigrate to Canada. These post-war Chinese immigrants were quite different socially and occupationally from their predecessors. Together with an emergent second generation, they began to form a new ethnic Chinese middle class in Canada.

In 1971, the official national policy of multiculturalism was introduced, and Vancouver's Chinatown was designated a historic site. What had once been a testament to discrimination was transformed into one of strength and determination.

The *Immigration Act* of 1976 signaled the end of institutionalized discrimination in Canada's immigration policy. In addition to placing a greater emphasis on practical training, rather than formal education, the law expanded refugee provisions and outlined a new refugee sponsorship program. Since then, this program has been heavily used, particularly in response to the Indochinese refugee crisis of the 1970s when Canada accepted over 60,000 "boat people," many of whom were ethnic Chinese. The *Act* also established, for the first time, consultative mechanisms to



ensure a federal-provincial, as well as public dialogue, on the crafting and implementation of immigration policy.

People's attitudes, however, are much more difficult to change. The existence of a new Chinese middle class meant that the number of ethnic Chinese students in Canadian universities increased dramatically, provoking a backlash. In 1979, CTV, a Canadian television network, aired the program, "Campus Give-away," accusing Canadian universities of selling out to Chinese students. The program ignored the fact that many of these students were highly qualified. It also grouped all ethnic Chinese together as "foreign," whether they were landed immigrants, Canadian citizens, or visa students. This program sparked nationwide protests in the Chinese community and led to the formation of the Chinese Canadian National Council to represent the interests of Chinese-Canadians.

Since the *Immigration Act* of 1976 was passed, the major trend in Canadian immigration has been a large increase in non-European newcomers. In fact, by 1996, the majority of immigrants to Canada, who described themselves as being of Chinese heritage, had arrived after 1967.

In 1986, prompted by the competition with other immigrant receiving countries to attract affluent residents from Hong Kong, who feared the change of sovereignty to China, the Mulroney government introduced the "business" or "entrepreneurial" immigrant category, which led to another influx of Chinese immigrants, mostly from Hong Kong.

These new immigrants were welcomed by the government and business sector, but certain segments of Canadian society again reacted negatively. The new affluent Chinese immigrants are referred to as "yacht people" who live in "monster homes." They have been accused of driving up the value of real estate and building shopping malls with Chinese signage. This was a total reversal of the earlier image of the ethnic Chinese population, who were blamed for lowering the prices of real estate, and living in unsanitary Chinatowns. Some in Canadian society fear competition and refuse to accept the multicultural nature of our country.

Since the 1980s, Canada has faced the same two main challenges that all immigrant-receiving countries have, namely, the global refugee crisis, and the surge of undocumented migrants. A watershed moment for Canada was the *Singh* Decision of 1985. Seven claimants who had been refused

refugee status by Canada's Minister of Citizenship and Immigration and by the Immigration Appeal Board, subsequently appealed to Canada's Supreme Court. In their ruling, all six judges agreed that fundamental justice required a claimant's credibility be determined by a full oral hearing at some stage of the refugee determination process. The Supreme Court found in favour of the claimants, ruling that the *Canadian Charter of Rights and Freedoms* (1982) applied equally to refugee claimants. This decision ultimately led to the refugee determination system being overwhelmed, resulting in a huge backlog of cases. Canada now manages its immigration and refugee programs in a very litigious atmosphere.

The Canadian government has attempted to respond to the increased demands on the system, and mounting public concerns over a system perceived to be "out of control." In fact, the 1976 legislation has been amended more than thirty times since its passage.

A 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 nineteen were required to pay a fee of C\$975. This measure has proved controversial, however, with some accusing the government of a latter-day "head tax" as a means of deterring would-be immigrants from coming to Canada. While the fee was eliminated for refugees earlier this year, it remains in place for landed immigrants.

More recently, media attention and public debate have focussed on the arrival in British Columbia of boatloads of migrants (approximately 600) from Fujian province in China, who have claimed refugee status. While they only account for one percent of the people who arrive in Canada each year without proper documentation, and claim refugee status, the harsh media reaction suggests that there remains anti-immigrant sentiment in Canadian society, particularly for non-Caucasians. 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 conspicuous. These migrants are treated differently, arguably because with air arrivals, there is a lack of evidence of criminal activity, and hence, no justification for detention.

Human smuggling, in recent years, has become global in proportion. Up to four million people are smuggled across national borders each year. This global business is estimated to be worth \$10 billion per annum. Needless to say, these criminal acts must be dealt with internationally. Politically, these crimes suggest a lack of governmental control over borders, and socially, they create an “underground” society.

On reflection, the human cargoes of ethnic Chinese can be compared with the indentured labourers or the “pig trade” of the 19<sup>th</sup> century. Men sold themselves to contractors to work in hard labour abroad for a number of years, such as those who came to work on the Canadian Pacific Railway. They suffered incredibly during the journey, with a significant number dying during the voyage. After their arrival, they were no better off economically or socially than the present day illegal migrants. The main difference today is the lack of government sanction.

The most recent development in Canada’s immigration policy occurred in April, when our Minister of Citizenship and Immigration, Elinor Caplan, tabled the *Immigration and Refugee Protection Act*, which repeals and replaces the 1976 legislation. The new bill attempts to balance the government’s intentions to curb abuse and respond to deficiencies in 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 migration, highlighted by the arrival of ethnic Chinese on the British Columbia coast in 1999.

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 also makes a number of administrative changes to ensure faster and more efficient decisions on refugee claims.

It would be a mistake, however, to view the legislation as anti-immigration by any stretch of the imagination. Pragmatically, Canada needs immigrants to respond to demographic factors such as our low birthrate, and to provide stimulus to the Canadian economy. And without immigration, Canada will suffer a decline in population by no later than the year 2040. Our immigration target of 200,000 per annum could not be met last year,

mainly due to cutbacks in the funding of the Immigration department and insufficient human resources. The new bill increases the target to 300,000, and the parameters for acceptance are being changed to achieve this increase.

The bill contains provisions for a strengthened overseas refugee resettlement program. Because of Canada's efforts to build a knowledge-based economy, new selection criteria have been established to attract more highly, as well as broadly skilled independent immigrants.

Also significant in this legislation is the expanded family reunification program, in which the age of dependent children who can be sponsored will rise from under nineteen to under twenty-two years of age. 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 already established in Canada and wishing to stay.

On the whole, these reforms seek to strike a balance between strengthened enforcement measures to prevent abuse, and Canada's clear need to attract more skilled workers, speed up family reunification, and honour our post-war humanitarian tradition of offering a safe haven for those truly in need of protection.

Because of our knowledge-based economy today, Canada is in direct competition with other immigrant-receiving countries for educated applicants. In fact, China has become Canada's largest sources of skilled immigrants. According to Citizenship and Immigration Canada's statistics, we will be receiving approximately 40,000 ethnic Chinese in the year 2000.

An interesting comparison on immigration can be made between the nineteenth century and today. In the nineteenth century, Canada needed manual labour to build the Canadian Pacific Railway. This demand was filled by Chinese migration. Today, Canada again needs labour, but this time, the demand is for the highly skilled and well-educated. And again, the greatest percentage of this need is being filled by Chinese immigration. Is it not ironic?

In a speech by our Prime Minister, Jean Chrétien, delivered in Beijing in November 1998, he spoke proudly of the vital and vibrant Chinese-

Canadian community of over one million strong. He also stressed the fact that Chinese had become the third most spoken language in Canada, after our official languages of English and French. Can you imagine the expression on Sir John A. MacDonalD's face if he could have heard these remarks from a future Prime Minister of Canada?

Today, the Chinese-Canadian community, if I may use that term generally, is thriving, and it is an active member of the Canadian family. We participate scientifically, intellectually, artistically, economically and politically at every level of society.

I believe the most significant achievement of the community was the appointment in 1999 of my sister-in-law, Madame Adrienne Clarkson, as the Governor-General of Canada. Yes, she's the granddaughter of Willie Ah Poy who owned the Fruiterer and Confectioner store in Chiltern, Victoria.