



## **CURRENT IMMIGRATION POLICY AND THE CRISIS IN REFUGEE ASYLUM**

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Immigration has been and continues to be a neglected area of public policy in Canada. Despite its evident importance in determining what kind of country we are and will be, the policy aspects of immigration are seldom debated or discussed in public fora. Even our universities and think tanks have done little research on the subject. It is true that the media almost every day have an immigration story about some poor individual who is about to be removed from the country. And when a boat load of illegal migrants arrives on our shores, there are headlines.

But serious debate about the major immigration policy issues is sadly lacking. There are a number of reasons for this. The primary one is that immigration has always been controversial and any discussion about it can quickly become a platform for racist views or arouse emotions about the relative merits of different ethnic groups. Fear of offending racial sensibilities and of showing preferences for one group over another tends, I think, to inhibit open debate about the policy.

Perhaps there is some merit in this but it does have the effect of leaving the policy field almost entirely in the hands of special interest groups who are not hesitant to be vocal and to push hard for their own particular agenda.

This of course is very much part of our political process but nonetheless immigration is too important to allow it to be decided only by immigration consultants, lawyers and others with often narrow and special interests.

Another reason why immigration and refugee policy is seldom debated is because immigration has become part of our national heritage.

### **Good for Canada???**

Most Canadians assume that immigration is good for Canada. We take it for granted that we need immigrants; that immigrants are necessary to enhance our labour force; that

immigration is essential to fill our empty spaces; that we must rely on immigration to redress the balance of our aging population; that we must meet our international obligations toward the resettlement of refugees - and so on.

The government has suggested that Canada should be accepting 300,000 newcomers each year. This is in keeping with a policy first announced in the Liberal party's Red Book of 1993 which stated: "We should continue to target immigration levels of approximately one per cent of the population each year, as has been the case for more than a decade." The problem with that statement is that it is not accurate. We have seldom ever taken one per cent of our population as immigrants. From 1960 to 1993, our average intake was .63 percent. From 1995 to 1998, years of relatively-high immigration, the average intake was 215,000 or .73 percent.

To my knowledge, there has never been a rational explanation as to why it is believed that Canada should accept immigrants at the rate of one percent of our population. No other country, with the possible exception of Israel, accepts that many. The United States takes .40 percent and Australia .46 percent.

In reality, almost all our immigrants are going to Toronto, Montreal and Vancouver (because that's where the jobs and relatives are). These three cities together have a population base of about eight or nine million. One cannot help but question the wisdom of requiring these three cities together to absorb one quarter of a million newcomers annually.

On the other hand, there are some who argue that the city has become the most important economic unit in the age of globalization and that larger and larger cities are going to be essential for economic viability. Whatever may be the valid point of view, it is an issue that needs serious debate and consideration.

### **No rational, coherent policy**

My major theme today is this - Canada does not have a rational or coherent immigration/refugee policy. Many of the underlying assumptions upon which current policies are based may no longer be valid. They are assumptions that have not been tested or openly debated. Moreover, some of the policies we are currently carrying out may not be in the best interests of Canada.

Finally, we are not addressing aggressively enough some of the major international issues relating to refugees such as human smuggling and the global movement of people. Immigration policy has not changed since the Immigration Act of 1976. The policy objectives were in fact set out in the act itself. They were aimed at enhancing economic growth; contributing to our demographic goals; facilitating family reunion; fulfilling our humanitarian objectives; and protecting the health and security of Canadians.

Ironically, looking back and with the benefit of hind sight, the new act became law at the very same time when outside forces and the global environment were undergoing fundamental changes that were to call into question some of those basic policy objectives.

In addition, internal changes were occurring, primarily because of political pressure on ministers, which would transform the traditional characteristics of the immigration movement. There was a gradual shifting away from the previous emphasis on selecting a majority of immigrants on the basis of their education and skills. Increasingly, immigrants were admitted because of family or humanitarian reasons. In the 1950s and 1960s, economic reasons governed selection of 60 per cent of immigrants. By 1971, only 32 per cent of immigrants were selected under the points system and by 1992 only 15 per cent.

### **Fewer skilled**

This expansion of family and humanitarian immigration meant that increasing numbers of arrivals lacked the educational and skill levels possessed by previous migrants. This shift took place at a time when the Canadian labour force in response to globalization and the information age was demanding higher worker standards in terms of flexibility and education.

A further change was the determination of successive governments to commit to higher immigration levels. The increasing conviction that the country needed a larger population, regardless of short-term economic downturns, meant that immigration should be sustained at a fairly constant level.

As I said earlier, there have been few recent studies about the economic value of immigration and fewer still about the demographic impact. Perhaps the last serious effort to examine these issues was in 1989 when the department of Health and Welfare conducted a three-year demographic review designed to assist in demographic policy development.

In 1991, the Economic Council of Canada (now deceased) conducted two studies - *New Faces in the Crowd* and *Social Impacts of Immigration*. The demographic review concluded that Canada was still a young country but that with a declining birthrate it could expect older people to form a larger share of the population. It did not express alarm about this trend and believed that with adequate planning and more careful use of our resources we need not be concerned. The report also underlined that size of the population is not a factor in economic prosperity.

Finally, the report indicated that as long as the composition of the immigrant movement had essentially the same age structure as the current population, then migration did not help to lower the age of the Canadian population. The study in effect challenged one of the basic assumptions of immigration in the 1976 act.

The Economic Council's report also challenged the prevailing view that Canada needed immigration for economic reasons and pointed out that the fastest growth in per capita real income occurred at times when net immigration was zero or negative. The report concluded that the economic benefits of immigration were probably in balance in terms of economic costs or benefits.

### **Canada more exciting**

The council was also neutral on the social benefits of migration. It concluded that the impact on social benefits remained unproven but favoured the diversity immigration provided by creating a Canada "more interesting and exciting." Since the council's report, there have been disquieting signs that recent immigrants are not as well equipped to become established here. They are taking longer to catch up.

There also are preliminary signs that there is a connection between poverty in our large metropolitan cities and immigration. Since the 1976 act, there have been amendments each year but mostly for house-keeping purposes.

Changes in 1989 to refugee legislation did not alter the policy objectives to the 1976 act. And it would appear that the legislation now before Parliament is based on the same assumptions of 1976, basically unaltered. It also seems that the new bill proposes to expand the family component of the immigration flow despite growing evidence that the educational and skill levels of this group is of concern.

So doubts exist about the basic economic and demographic objectives of immigration policy and the same can certainly be said about the humanitarian objectives-how we deal with asylum seekers and refugees.

There is no adequate explanation why there was a sudden and dramatic emergence in the mid-1980s of thousands of people arriving in the western industrialized countries claiming to be persecuted and asking for political asylum. The western European countries received the largest numbers. Approximately five million asylum applications were registered between 1983 and 1998 and during this same period Canada received 400,000 claims.

All the receiving nations, as signatories to the United Nations convention on refugees, were obliged to give these applicants a fair hearing. The asylum hearing process varies among nations but it takes time. As word spread that claiming asylum could guarantee entry and prolonged if not permanent stay in developed countries, the migration movement expanded rapidly.

It soon attracted, not unexpectedly, organized crime. The criminal syndicates discovered that by exploiting the asylum systems of the West they could make enormous profits and with little risk of being caught. The United Nations estimates that at least four million people annually are smuggled and the illicit earnings from this human trade are thought to range from five billion dollars U.S. annually to nine billion dollars.

The European countries have managed to reduce the numbers of asylum seekers by adopting tougher controls. From a high point of 833,000 claimants in 1992, volume has been almost halved by 1998 to 435,000. But the problem remains one of the most intractable facing the European Union. Indeed, there are alarming signs that the influx is once again on the increase.

### **Canada soft target**

Canada is a favourite target for asylum seekers. We are considered a soft target. We have one of the most generous asylum systems in the world and a highly-developed "refugee infrastructure" designed to offer protection and due process to people claiming to be refugees. Last year, 30,613 claimed refugee status in Canada and this compares with 25,387 in 1998. This figure is likely to grow. Canada has not kept pace with the Europeans in enacting tougher controls designed to prevent asylum abuse.

In fact, it would seem that the new legislation would make it easier to gain Canadian entry by claiming refugee status. This new legislation proposes to go beyond the United Nations refugee definition and offer protection to all those "who are in need of protection." Moreover, it seems the new bill will offer charter protection to everyone who applies to migrate to Canada.

Should this be the case, it is entirely possible that it will be difficult to keep anyone out of Canada without the enormous costs in time and money that is involved in contesting refused cases in the courts. In 1998, more than half - 56.7 percent - of litigation cases before the trial division of the Federal Court were refugee cases.

One of the worst features of the current asylum system is that a majority of those claiming protection from persecution are being smuggled here by professional traffickers. Since 1993, more than 60 per cent of asylum seekers did not have travel or identity documents. The percentage is higher at 65 per cent for those claimants arriving from the United States.

And even more alarming is that approximately 20 per cent of those who arrive without documents never do appear for their asylum hearing. They have gone underground or more likely have entered the United States illegally. The rate for Chinese claimants not appearing for their asylum hearing is 35 per cent and for Mexicans it is even higher at almost 50 per cent.

The linkage between our asylum system and human smuggling has been further reinforced by the ability of the traffickers to give clients an unqualified guarantee that once having set foot in Canada, that claimant will not be removed for at least a year or two. During this time, claimants will be allowed to seek work or welfare. Should their asylum claim eventually be refused, there is a higher than average chance that removal will never happen.

This is a powerful tool in the hands of the criminal syndicates who control the smuggling traffic. Moreover, the ring leaders are never caught so while increasing penalties for traffickers appears useful, in fact it does little to discourage the criminal activity.

### **Enormous costs**

I could go on about this insidious connection between smuggling and the asylum system but just let me add that perhaps the worst feature of asylum systems is the enormous costs of their maintenance and operation. For Canada last year, the operating costs alone of that system was 145 million dollars. This does not include the costs of caring for these people as they wait settlement of their claims. Those costs are borne primarily by the provinces and are not available but estimates could certainly run into the billion-dollar range annually.

When one considers that Canada contributes annually only between 20 to 25 million dollars to the United Nations to help it care for and protect about 22 million real refugees in camps around the world, one cannot but question the essential injustice of the asylum system.

On a global basis, the picture is equally depressing. In 1991, the costs of processing and caring for asylum seekers have been calculated at seven billion U.S. dollars. From 1990 to 1998 the costs to the asylum-receiving countries was estimated at between 50 to 55 billion dollars U.S.. During this eight-year period, the United Nations refugee agency had less than eight billion dollars to look after more than 20 million people.

What may be surprising to you is that very few asylum seekers are sent home, even though their claims are refused. In Europe, 90 per cent of asylum claims are refused but only about eight percent are sent home.

One might well ask what the point is of putting claimants through such a costly and lengthy procedure if at the end they are allowed to stay anyway. It is interesting to compare the top source countries of asylum seekers with the source countries for immigrants. Last year, these countries ranked in the top ten for both immigrants and asylum seekers: China, Sri Lanka, India, Pakistan, Iran.

I think it is time for a thorough review of our immigration policy and major reform of the asylum system. Canada has an excellent reputation internationally for sensible immigration policies and for its tradition of accepting refugees. Our country would be well placed to lead such reforms but first we must put our own house in order.

James Bissett answers questions:

- Canada, like Australia, should send all boat people back, passengers and crew. You can't keep some. China will take back all but not some and if illegals aren't returned in 48 hours, they can settle into the lengthy judgment period.

- The United States takes more refugees but is tougher than Canada. Swift interviews weed out the illegals who are returned and those accepted get no welfare.
- The United Nations Commissioner for Refugees should have far more authority and resources in selecting genuine claimants, who would then be allocated to the responsible accepting countries.