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FAMILY REUNIFICATION? A CRITICAL ANALYSIS OF CITIZENSHIP AND
IMMIGRATION CANADA'S 2013 REFORMS TO THE FAMILY CLASS

By

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A Major Research Paper
presented to Ryerson University

in partial fulfillment of the requirements for the degree of
Master of Arts
in the Program of
Immigration and Settlement Studies

Toronto, Ontario, Canada, 2013

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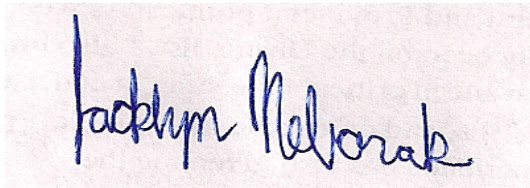
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FAMILY REUNIFICATION? A CRITICAL ANALYSIS OF CITIZENSHIP AND IMMIGRATION CANADA'S 2013 REFORMS TO THE FAMILY CLASS

Jacklyn Neborak
Master of Arts, 2013
Immigration and Settlement Studies
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ABSTRACT

In 2011, the beginning of significant reform to Canada's Family Class for immigration took place with the freezing of applications for parent and grandparent sponsorship. In May 2013, a package of reforms was proposed to the Family Class to bolster substantial change to implement more stringent conditions for sponsorship of parents, grandparents, and dependent children under the Family Class. In response, a coalition of civic stakeholders in Ontario mobilized to lobby Citizenship and Immigration Canada (CIC) to oppose the implementation of these changes through the "My Canada Includes All Families" campaign. I analyze the package of reforms and explore the implications these reforms have upon the value of the family unit in Canada. This paper aims to support the "My Canada Includes All Families" campaign by presenting practical research to illustrate the social capital benefits that parents, grandparents, and family reunification has for the Canadian social fabric.

Key words:

Policy reform; Family reunification; social capital; economic rationale; racialization

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Thank you to my supervisor Dr. Harald Bauder who introduced me to the idea of assisting with this project and has supported and guided me throughout the entire process.

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CHAPTER: 1 INTRODUCTION

1.1 Background

Historically, immigration has played an integral role for Canadian nation building. Despite the existence of immigration as part of the nation building process in other Settler nations, since the late 1960s, Canadian immigration policy has been at the advent of pioneering one of the most equal, open, and tolerant societies for all individuals with the emergence of multiculturalism policy. In 1971, Canada was the first country in the world to adopt multiculturalism as an official policy, in which Canada affirmed the value of dignity of all Canadian citizens regardless of their racial or ethnic origins, their language, or their religious affiliation.¹ Besides the politics leading up to the 1971 Canadian Multiculturalism Policy, a big catalyst for this policy was based upon family reunification as the foundation of Canadian immigration policy. After World War II when Canadian Immigration opened up to many more countries, family reunification played a big role in the changing demographic of Canada's immigration system. As a result, this created the motivation for policy that emphasized an equal, open, dignified, and respectful society for all in Canada.

However, from the early 1990s to the present day there has been a paradigmatic shift away from emphasizing the importance of family reunification as a foundational element of Canadian immigration policy. Instead, there has been an emphasis on economic migrants for maximizing labour market outcomes as part of a larger neo-liberalized narrative. This neo-liberalized narrative has incrementally framed the policy making process away from the humanitarian values enshrined in the 1971 Multiculturalism Policy. In 2001, Canadian immigration policy was overhauled with the introduction of the *Immigration and Refugee Protection Act* (IRPA), which along

¹ Citizenship and Immigration Canada. "Canadian Multiculturalism: An Inclusive Citizenship." Last Modified: 2012-10-19. Online: <http://www.cic.gc.ca/english/multiculturalism/citizenship.asp>

with family reunification as a goal, also emphasized the importance of economic outcomes for nation building. Importantly the structure of IRPA was designed to leave details to the executive to implement through legislation, in order to tailor the immigration system as needed, to avoid the previous problems of the 1976 *Immigration Act*, which was cumbersome and had quickly become dated. As a direct result, the Family Class for immigration has undergone many changes since IRPA, which has continued to make requirements more difficult for entry under this class. As an indirect result, this has bolstered a shift away from humanitarian based immigration for nation building, and rather movement towards an economic rationale for nation building. In this Major Research Paper (MRP), I focus on challenging the most recent 2013 proposed package of reforms to the Family Class, which targets dependent children, parents, grandparents and ultimately the humanitarian value of family in Canada, in order to generate a practical report.

1.2 Research Purpose

The purpose of conducting practical research on the recent 2013 proposed changes to the Family Class arose out of the expressed interest by the Metro Toronto Chinese and Southeast Asian Legal Clinic for their family reunification project. The family reunification project is part of the campaign, “My Canada Includes All Families” involving a coalition of community based organizations, including Ontario Council of Agencies Serving Immigrants (OCASI), The Ryerson Centre for Immigration and Settlement (RCIS), Metro Toronto Chinese & Southeast Asian Legal Clinic (MTCSALC), and the South Asian Legal Clinic of Ontario. The purpose of the project is to oppose the 2013 reforms proposed by Citizenship and Immigration Canada to reform the Family Class. The project argues that such changes undermine

the value of family in Canada, by redefining family reunification as being important insofar as it maximizes economic outcomes. The project also asserts that in doing so these changes disproportionately impact racialized communities, by furthering the current socio-economic divide between racialized and non-racialized communities. Thus, the objectives of the project includes:

- Collecting stories of Canadians who have come to Canada as immigrants and refugees to talk about the importance of families in their lives in Canada
- Conducting research on the contributions of parents, grandparents and other extended family members as well as the impact of the proposed changes on Canadian society
- Lobby local MPs²

As a Master's student doing a placement with the Ryerson Centre of Immigration and Settlement, RCIS Director Harald Bauder suggested that Avvy Go of the MTCSALC engage RCIS to assist with conducting research on the contributions of parents, grandparents and other extended family members for the family reunification project. As a result, I created a report, to be published as a RCIS Working Paper, in line with the objectives of the family reunification project and with direction from Avvy Go of MTCSALC and Amy Casipullai of OCASI, to serve as a practical, informative, and accessible resource for the family reunification project and other community stakeholders.

1.3 The Metro Toronto Chinese and Southeast Asian Legal Clinic

The clinic is overseen by a volunteer community-based Board of Directors comprised of two lawyers, two community legal workers, and an office manager. Its focus is on serving low income, non-English speaking clients from the Chinese, Vietnamese, Laotian and Cambodian communities in Toronto. The clinic also serves

² Ontario Council of Agencies Serving Immigrants (OCASI). "My Canada Includes All Families-Campaign Fact Sheet" OCASI. June 2013. Online <http://www.ocasi.org/my-canada-includes-all-families-campaign-fact-sheet>

to educate these communities by providing them with legal education through workshops and multi-lingual brochures on various areas of the law. The clinic has past experience with and is focused on law reform by being involved in organizing grassroots campaigns and making submissions to international human rights bodies. The clinic is not-for profit and is funded by Legal Aid Ontario.

CHAPTER 2: REPORT OVERVIEW

Immigration policy in Canada has been an integral component for nation building that has consistently felt the tension between which immigrants to include as part of the expanding Canadian social fabric, and which immigrants to exclude. This has resulted in consistently changing parameters for the “ideal immigrant”, ranging from comprising racial premises to economic motives for this prototype. This has begged the simple question of: who gets in? for federal Ministers tasked with the responsibility of managing immigration from Confederation to the present day. Historically, the response to this question has placed a strong emphasis upon family reunification as a guiding pillar for immigration. As early as 1908 the first provision for admitting immigrants with relatives appeared.³ With the foundations for family reunification established in the early 1900s, immigration to grow and develop Canada would remain a steady priority for the years to follow. By the mid-1900s, increased family immigration levels would become a priority and contribute to a vast number of newcomers to Canada. By the late 1970s the Family Class represented 40-50% of total immigration to Canada, with sustained levels.⁴

However, beginning in the mid 1990s to the early 2000s, the trend of a high volume of newcomers under the Family Class steadily declined to less than a third of

³ Rell DeShaw. “The History of Family Reunification in Canada and Current Policy.” *Canadian Issues*: Spring 2006: 10.

⁴ DeShaw, 2006: 10.

all immigrants entering Canada. Rather a paradigmatic shift within Canadian immigration has occurred, which has increasingly pushed for a stronger emphasis on the preferential entrance of economic migrants. In 2006, more than half of the Permanent Residents entering Canada, entered under the Economic Class. This is reflected through the efforts by Citizenship and Immigration Canada, which has focused on attracting and admitting economic newcomers through the Federal Skilled Worker Program, Federal Skilled Trades Program, those who are investors, entrepreneurs and self employed, expanding the Provincial Nominee Programs, the Live-in Caregiver program and creation of the Canadian Experience Class in 2007. Simultaneously, this paradigmatic shift also involves the push to inject economic goals into areas of social policy by introducing reforms that replace social values and goals with economic ones, as can be observed with the May 2013 announcement of a package of reforms to the Family Class for immigration. These proposed reforms to the Family Class for immigration raise questions about the fairness, equity, and direction of Canada's current approach to immigration for nation building.

This report will challenge these changes. The report will outline the history of Canada's emphasis on family reunification by illustrating policies at various points in history that have been targeted towards family reunification, in order to illustrate the stark nature and lack of precedent for the reforms being proposed to the Family Class. An examination of the most recent proposed reforms will outline the diminishing intrinsic value placed upon the family unit for nation building. This report will also illustrate problems associated with the consultation process, divisive outcomes such as the socioeconomic marginalization for sponsorship and the racialization of sponsorship. Then, this report will demonstrate the extensive benefits of family reunification by reviewing an array of research that outlines the benefits of extended

family and the value added by grandparents to the family unit for successful social and economic integration, followed by concluding remarks.

CHAPTER 3: HISTORY

3.1 Early 1900s-Mid 1900s

As a settler society, immigration has been a longstanding fixture to the policy making process for Canadian nation building. Despite a tumultuous history of racially exclusionary immigration policies such as the *Chinese Head Tax and Exclusion Act*, emphasis upon the value of family reunification has been a longstanding fixture of the Canadian immigration system. Formally, this value dates as far back as *The Immigration Acts* of 1906 and 1910, which outlined the foundation for immigration in the 20th century. In 1908 the first provision for admitting immigrants with relatives was outlined and in 1910 the first enumeration of specific relatives who could benefit from family immigration including wives, children, parents, brothers, and sisters was established.⁵

One of the key developments arising out of the 1906 and 1910 *Immigration Acts* was the emergence of the principle of the absolute right of the state to admit and exclude new members, which was enforced with the empowerment of cabinet to exercise significant discretion to shape immigration policy at any given time in order to fit changing economic conditions. This resulted in significant variation for the parameters for family immigration between the early 1900s up to 1967, with continuous changes ranging from tight restrictions in the 1930s to opening up family immigration to any relative in 1951.⁶

⁵ DeShaw, 2006: 10.

⁶ Ninette Kelley and Michael Trebilcock. *The Making of the Mosaic: A History of Canadian Immigration Policy*. Toronto: University of Toronto Press, Second Edition, 2010: 220-316.

In 1967 new regulations were passed which would stabilize family immigration by creating two distinct family reunification categories: the “nominated relatives” category- subject to labour-market requirements as well as sponsorship requirements and the “sponsored dependents”- which was only subject to sponsorship requirements.⁷ This development would go on to establish the foundation for codifying the categorization of a distinct and separate Family Class in the *1976 Immigration Act*.

3.2 1970s

The *1976 Immigration Act* was insured in 1978 by the Parliament of Canada and outlined more specific procedural categorical conditions for entry to Canada. In terms of family migration, the *1976 Immigration Act* clearly enshrined into the legislation the significance of family reunification for Canadian immigration by articulating the objective of family reunification: “to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives from abroad.”⁸ Although the Points System that came into effect in 1967 was a defining component for immigration, this only pertained to independent immigrants; other classes, such as the family class were not subject to the scrutiny of the points system so long as they passed basic criminal, security, and health checks. Thus, the importance of family reunification held strong intrinsic value that at this time was not subject to stringent barriers for denial. Rather, the contrary prevailed for family reunification. For example, in 1978 there was an expansion of the Family Class to include parents of any age.⁹ Under the new rules, parents of any age were eligible to be sponsored. However, the sponsorship of children was limited to those under the age of 19.

⁷ DeShaw, 2006: 10.

⁸ DeShaw, 2006: 10.

⁹ Kelley and Trebilcock, 2010: 390.

Exceptions were made for children older than 19 but “dependent on their parents for reasons of full-time study or disability.”¹⁰ At this point in time, the only exceptions and considerations for exclusion under the Family Class were morally problematic cases such as adoptions of convenience utilized to exploit entry under the Family Class. Beyond this, conditions of exclusion under the Family Class were not based on challenging the intrinsic value of family.

Along with the proliferation of different streams for immigration with designated categorizations and conditions attached to them, in 1978 the Parliament of Canada also introduced the categorization of business class immigrants. This was a transformative development, since previously in Canadian immigration history, the link between immigration and economics was solely based upon the political and economic context of the time in which immigration as a whole was either restricted during economic downturn, or expanded during economic recovery, otherwise devoid of specific categorizations.

3.3 1980s and 1990s

In the 1980s Canada experienced economic downturn, which had an impact upon immigration numbers. In 1985 annual admissions were 84, 000 persons, which was the lowest intake since 1962.¹¹ In combination of the poor economic climate and the objectives outlined in the *1976 Immigration Act*, which outlined Canada’s humanitarian international obligations with respect to refugees, one of the primary concerns of immigration was managing the increasing refugee influx during the 1980s. This led to extensive parliamentary and other public debate during the 1980s

¹⁰ Kelley and Trebilcock, 2010: 390.

¹¹ Kelley and Trebilcock, 2010: 380.

on what exactly comprised the appropriate balance between humanitarian entrance, family class, business class and independent immigrants.

In 1990, just over 50 % of new arrivals came from Asia and the Middle East, which increased to 58 % by 2006.¹² Furthermore, in the early 1990s, the nature of the immigration debate changed from not only what an appropriate balance to be struck for entry would look like, but how immigrants coming into Canada would enhance the workforce. For example, in 1990 representatives of the Canadian Chamber of Commerce wrote to Minister of Employment and Immigration Barbara McDougall that Canadian immigration policy could be employed as a major policy instrument for increasing the size of, and improving the quality of the labour force.¹³ They further argued for an expansionary immigration policy aimed at allowing for more immigrants in the business and independent workers classes. This set the context for immigration for the 1990s, which would move towards stricter criteria of annual admissions.

At the end of 1994 Citizenship and Immigration released a report based on a major consultation initiative on immigration titled *Into the 21st Century: A Strategy for Immigration and Citizenship*. The report called for an overhaul of the current admissions process and argued for greater emphasis on economic immigrants who could enhance the labour market. From this report emerged a three-member committee in 1996 to review the 1976 *Immigration Act* in order to streamline the complexities that had been added to it through the thirty amendments that had been made to it in the previous twenty years.¹⁴ From this committee another report emerged titled *Not Just Numbers: A Canadian Framework for Future Immigration*. This report further asserted the importance of those coming to Canada as being able to

¹² Kelley and Trebilcock, 2010: 381.

¹³ Kelley and Trebilcock, 2010: 383.

¹⁴ Kelley and Trebilcock, 2010: 419.

adapt, prosper, and help Canada grow.¹⁵ This would further place the family class and economic classes in tension with one another, as economic outcomes increasingly became a priority over other immigration objectives.

3.4 2000s

With increasing focus being paid to aligning the immigration system with the labour market, the 1976 *Immigration Act* was overhauled and replaced with the 2001 *Immigration and Refugee Protection Act* (IRPA). The Act itself was characterized as a “tough bill” by Elinor Caplan, the Immigration Minister at the time when IRPA was drafted. A major focus of IRPA was security as a driving influence to crackdown on keeping criminals and illegal immigrants out. To achieve this, IRPA was a significant shift away from the 1976 *Immigration Act*, by only keeping the bare bones of the previous legislation and rather leaving details to the executive to design and implement through regulation.¹⁶

This has resulted in enabling the position of the Citizenship and Immigration Minister to capitalize upon security as a justification to concentrate exercising unilateral power and discretion. This can directly been illustrated with the series of amendments and proposed changes that have emerged under Citizenship and Immigration Minister Jason Kenney such as: the new selection system for the Federal Skilled Worker Program, the *Faster Removal of Foreign Criminals Act*, and the series of recent changes to the Family Class involving freezing parent and grandparent applications in 2011, introducing the Super Visa for temporary entry, and the most recent May 2013 proposed package of reforms to the Family Class.

¹⁵ Kelley and Trebilcock, 2010: 420.

¹⁶ Kelley and Trebilcock, 2010: 425.

CHAPTER 4: THE CHANGES

Reforms to the Family Class of immigration were introduced in early May 2013. The reforms to the Family Class are designed to align entry under this category more with economic outcomes, and has largely been predicated upon an overarching narrative of emphasizing the burden to the tax payers that the unmitigated entry of parents, grandparents and dependent children 18+ years poses. These changes include¹⁷:

- **Increasing the minimum necessary income (MNI) for sponsoring parents and grandparents by 30 %.** Currently a sponsor must demonstrate a level of income that meets the minimum necessary income or low-income cutoff (LICO) for a given family size as established by Statistics Canada.
- **Lengthen the period for demonstrating the MNI from one year to three years.** This requires those interested in sponsoring parents and grandparents to demonstrate that they can meet the new income threshold for three consecutive tax years prior to submitting a sponsorship application.
- **Evidence of income confined to documents issued by the Canada Revenue Agency (CRA).** In line with the condition that those interested in sponsoring parents and grandparents will have to show income stability for three years. This income stability must now be proved using CRA notices of assessment.
- **Extend the sponsorship undertaking period to 20 years instead of 10 years.** This means that those interested in sponsoring parents and grandparents will now be committed to a lengthened sponsorship undertaking of 20 years. Sponsors and co-signers will be responsible for repaying any provincial social assistance benefits paid to the parent and grandparent for 20 years.
- **Changing the maximum age of dependents.** The maximum age for dependents will be lowered from the current age set at 22 and set at 18 years of age and under for **ALL** immigration programs.
- **Super Visa.** Making the Super Visa a permanent fixture in the immigration system.

In addition, leading up to this proposed package of changes, CIC began preliminary measures to redesign the Family Class by freezing all new and incoming applications

¹⁷ Citizenship and Immigration Canada. "Backgrounder- Action Plan for Faster Family Reunification Phase II." Last modified 2013-05-17. Online <http://www.cic.gc.ca/english/departement/media/backgrounders/2013/2013-05-10b.asp>

for parent and grandparent sponsorship in 2011. CIC has further announced that with this 2013 package of changes, starting in 2014 parent and grandparent sponsorship will reopen with a set quota of only 5,000 new applications to be set and that will continue for the immediate years to follow.

CHAPTER 5: PROBLEMS WITH THE PROPOSED CHANGES

The underlying justification for these changes is predicated upon reforming the Family Class for immigration with the main objective to maximize economic outcomes in order to proactively address the increasing amount of aging Canadians in relation to young Canadians. Statistics Canada outlines that in 2006 the average age of the Canadian population was 38.8 years with a projected median age of 46.9 years by 2056.¹⁸ Statistics Canada also outlines that the proportion of elderly could reach double that of children toward the middle of the twenty first century and that the current working age population is aging with those aged 45-64 previously comprising 28% of the working age population in the late 1980s contrasted to 38% in 2006, and expected to reach more than 42% by the mid-2010s.¹⁹

Despite the fiscal concerns of sustainability arising from an aging Canadian demographic, these reforms give no consideration of social objectives and the economic benefit of social capital. Social capital is a theoretical concept coined by the academic Pierre Bourdieu. In simple terms Bourdieu's term of social capital can be understood as the social capital, cultural capital, and symbolic capital individuals obtain through social networks that enhance an individual's ability to access privilege

¹⁸ Statistics Canada. "Some facts about the demographic and ethnocultural composition of the population." Online <http://www.statcan.gc.ca/pub/91-003-x/2007001/4129904-eng.htm>

¹⁹ Statistics Canada. "Some facts about the demographic and ethnocultural composition of the population." Online <http://www.statcan.gc.ca/pub/91-003-x/2007001/4129904-eng.htm>

for opportunity in a given social structure.²⁰ This lack of consideration of the social benefits of family can be observed numerous times in the wording of the

Backgrounders outlining these changes. Examples include but are not limited to²¹:

- “The PGP program generates costs to Canadian taxpayers, as PGPs are unlikely to engage in paid employment or to become financially independent when in Canada.”
- “Ensure an efficient PGP program by better managing the number of PGP applications received through the introduction of more rigorous financial requirements for PGP sponsors.”
- “Sponsorships are intended to minimize the impact of family reunification on social assistance and, ultimately, taxpayers. Lengthening the sponsorship undertaking period from 10 to 20 years for PGPs and their accompanying family members would extend the period during which provinces can recover from sponsors any provincial social assistance paid to PGPs and their accompanying family members. This would mitigate the draw on social assistance programs and improve the fiscal sustainability of the PGP program.”

This package of changes is the beginning of a very slippery slope that provides the rationale for moving away from viewing applications as being directly connected to a person’s life, towards a process that reduces human life to positive and negative externalities to the taxpayers. This sentiment is not restricted to the sponsorship of parents and grandparents, but is also reflected across the board with the change of lowering the age of dependents to 18 for all immigration classes.

In doing so, such a narrow focus on economic outcomes systemically devalues the place that the family unit has historically had in Canada and creates a host of systemic barriers that render family reunification as inaccessible for many. The impact of these changes will be outlined below. Ultimately, while these new changes

²⁰ Umut Erel. “Migrating Cultural Capital: Bourdieu in Migration Studies.” *Sociology* (August 2010), 44 (4), pg. 647.

²¹ Citizenship and Immigration Canada. “Regulations Amending the Immigration and Refugee Protection Regulations.” Regulatory Impact Analysis Statement. *Canada Gazette*. Vol. 147, No. 20. May 18, 2013. Online <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/html/reg2-eng.html>

may be implemented for economic purposes, overall, they are: unjust, undermine the value of family and reintroduce racially stratified immigration policies reminiscent of Canada's racist policies of the past.

CHAPTER 6: IMPACT OF THE CHANGES

6.1 Lack of Industry Support

The package of reforms to the Family Class has not been received well by immigration industry stakeholders. This is clearly indicated by the lack of support for these changes during the CIC consultation process. The Regulatory Impact Analysis Statement released by CIC on this package of changes indicated that the consultations sought feedback on two key areas: (a) how to manage the intake of applications, and (b) what a modernized PGP program could look like. All of the proposed options received mixed responses of varying degrees from all those consulted (industry stakeholders and the general public). For example, respondents were almost equally divided on increasing the MNI and lengthening the MNI demonstration period (44% of the general public agreed, 41% disagreed; while 36% of stakeholders agreed, 46% disagreed), and lengthening the current sponsorship undertaking period (45% of the general public agreed, 40% disagreed; while 36% of stakeholders agreed, 48% disagreed).²²

The lack of support from civic stakeholders also extends beyond the consultation process and into opposition to this package of changes. For example, the Ontario Council of Agencies Serving Immigrants (OCASI) has stated in a Backgrounder on the Super Visa:

We would still need to consider the broader issue of our

²² Citizenship and Immigration Canada. "Regulations Amending the Immigration and Refugee Protection Regulations." Regulatory Impact Analysis Statement. *Canada Gazette*. Vol. 147, No. 20. May 18, 2013. Online <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/html/reg2-eng.html>

inequitable immigration practices. These practices include permitting only those with a higher level of income to reunify with family members, either as permanent residents or as visitors, and making it easier for those from only some countries to reunify more easily with family because they are not subject to a visa restriction.²³

The Maytree Foundation states that immigration reform should be based on four guiding principles:

- Immigration policy should be based primarily on long-term social and economic objectives and a commitment to citizenship.
- Immigration policy should be evidence-based, comprehensive, fair and respectful of human rights.
- Immigration policy should be developed through public and stakeholder engagement, meaningful federal-provincial-territorial consultation, and democratic processes.
- Immigration policy should enhance Canada's reputation around the world.²⁴

The Canadian Counsel for Refugees (CCR) remarks that the analysis presented by the government focuses only on economic issues. Importantly CCR notes that the government analysis does not mention that:

- Immigration policy should enhance Canada's reputation around the world.²⁵
- Reuniting families is one of the objectives of the *Immigration and Refugee Protection Act*.
- Most Canadians consider that 19 or 20 year old unmarried children are still part of the family and need their parents' support.

²³ Ontario Council of Agencies Serving Immigrants (OCASI). "Sponsoring Parents and Grandparents: Is Canada failing to reunify families?" OCASI. April 2012. Online PDF <http://www.ocasi.org/media-release-launch-my-canada-includes-all-families>

²⁴ Naomi Alboim and Karen Cohl. "Shaping the future: Canada's rapidly changing immigration policies." Maytree. Online <http://maytree.com/spotlight/shaping-the-future-canadas-rapidly-changing-immigration-policies.html>

²⁵ Naomi Alboim and Karen Cohl. "Shaping the future: Canada's rapidly changing immigration policies." Maytree. Online <http://maytree.com/spotlight/shaping-the-future-canadas-rapidly-changing-immigration-policies.html>

- In many societies it is difficult and even dangerous for single young women to live alone.²⁶

Winnipeg Immigration Lawyer R. Reis Pagtakhan points out several key problems with these new changes²⁷:

- The federal government states a 12-month period is not a reliable indicator of a sponsor's financial stability but banks and credit unions do not require a person to have three years of income to obtain mortgages or loans.
- The immigration low-income cut-off number does not take into account differences in the cost of living in different areas in Canada.
- While the government has increased the minimum-income level, it has maintained the rule only one person and their spouse can be sponsors, rather than allowing co-sponsorship with other siblings.

In addition to a lack of industry support, the federal Official Opposition New Democratic Party of Canada (NDP) has launched a formal petition against these changes.²⁸ NDP Citizenship and Immigration Critic, Jinny Sims, has stated in regards to these new changes: "In this economy, it's unreasonable to expect people to have the same income level for three years in a row." "The Conservatives are always talking about families, this begs the question-whose families are they talking about?"²⁹

Despite moderate support from the general public, the feedback from civic stakeholders and the official opposition charged with holding the governing party accountable, all illustrate how these changes are too narrowly focused upon economic outcomes that disregard intrinsic values of family and human life.

²⁶ Canadian Council for Refugees. "CCR urges government to drop plans to break up families." Media Release. July 2, 2013. Online <http://ccrweb.ca/en/bulletin/13/07/02>

²⁷ Pagtakhan, R. Reis. "Immigration policy is unfair to families." *Winnipeg Free Press*- Print Edition. May 29, 2013. Online <http://www.winnipegfreepress.com/opinion/analysis/immigration-policy-is-unfair-to-families-209302381.html>

²⁸ NDP. "Petition family reunification." Online PDF http://sadiagrogue.ndp.ca/download/5172/petition_family_reunification.pdf

²⁹ The Canadian Press. "Feds hike income threshold for people seeking to sponsor parents, grandparents." *Macleans*. May 10, 2013. Online <http://www2.macleans.ca/2013/05/10/feds-hike-income-threshold-for-people-seeking-to-sponsor-parents-grandparents/>

6.2 Racialization of Family Sponsorship

In addition to a lack of support, these changes do not apply evenly across the board to all newcomers. The nature of these reforms are further problematic, as they will disproportionately affect racialized groups by creating the conditions for structural racism. Structural racism can be understood as a phenomenon that refers to a system of social structures and power relations that produce cumulative, persistent, race-based inequalities.³⁰ It is important to note that structural racism can be either explicit or implicit and provides a useful bridge to understanding the systemic outcomes of policy formation. In this case, CIC is the source of power relations and policy is the tool to create conditions of inequality by redesigning the Family Class to no longer make it accessible for all types of families, but rather only giving access to families of a certain economic standing. The information to follow will seek to illustrate the link between socioeconomic standing and race, in order to illustrate how the proposed reforms to the Family Class will have systemic racializing outcomes.

Statistics Canada indicates that on a regional basis Asia (including the Middle East) remained Canada's largest source of immigrants between 2006 and 2011, with the Philippines, China, and India comprising the top three source countries of newcomers to Canada.³¹ Statistics Canada also indicates that the 2011 *National*

³⁰ Ryerson Taskforce on Anti-Racism. "Report of the Taskforce on Anti-Racism at Ryerson University." January 2010. Online PDF

http://www.ryerson.ca/antiracismtaskforce/docs/RU_Taskforce_report.pdf Pg. 8

³¹ Citizenship and Immigration Canada. "Immigration and Ethnocultural Diversity in Canada." Date modified: 2013-07-11. Online <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm>

Household Survey (NHS) revealed an increase in the share of immigration from Africa, Caribbean, Central and South America during the past five years.³²

Interestingly, Statistics Canada estimates that racialized groups will make up a third of Canada's population by 2031.³³ As outlined in *Canada's Colour Coded Labour Market*, a report by the Canadian Centre for Policy Alternatives and Wellesley Institute, racialized Canadians earn only 81.4 cents for every dollar paid to non-racialized Canadians.³⁴ The work they are able to attain is much more likely to be insecure, temporary and low paying. Despite strong willingness to work, racialized men are 24% more likely to be unemployed than non-racialized men. Racialized women are 48% more likely to be unemployed than non-racialized men.³⁵ Furthermore, such discrepancies are not due to a lack of education. A report by RBC cites that more than 40% of incoming immigrants possess a Bachelor's degree or higher compared to 17% among the Canadian born.³⁶ In addition, economic downturn also cannot be used to explain this phenomenon. Between 2000 and 2005 during a significant economic growth period for Canada, racialized workers contributed to that growth but did not enjoy the benefits.³⁷

The alternative to bringing parents and grandparents to Canada on a temporary basis with the new Super Visa also presents a stratified solution that further reinforces financial and racial barriers. CIC cites that since the launch of the Super Visa, more

³² Citizenship and Immigration Canada. "Immigration and Ethnocultural Diversity in Canada." Date modified: 2013-07-11. Online <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm>

³³ Block, Sheila and Grace-Edward Galabuzi, *Canada's Colour Coded Labour Market*, Canadian Association for Policy Alternatives and The Wellesley Institute, March 21, 2011. <http://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2011/03/Ccolour%20Coded%20Labour%20Market.pdf> Pg. 4.

³⁴ Block and Galabuzi, 2011: 11.

³⁵ Block and Galabuzi, 2011: 4.

³⁶ RBC Economics Research, "Immigrant labour market outcomes in Canada: The benefits of addressing wage and employment gaps," December, 2011. <http://www.rbc.com/newsroom/pdf/1219-2011-immigration.pdf> Pg. 1.

³⁷ Block and Galabuzi, 2011: 4.

than 15, 000 visas have been issued to date, with at present over 1,000 visas being issued to parents and grandparents of Canadian citizens or permanent residents every month.³⁸ The Super Visa as an alternative to sponsorship to permanent residency is a costly avenue for families, which involves application fees, having to pay for \$100, 000 of insurance coverage, guaranteeing to cover all the costs associated with parents and grandparents while they are in Canada, as well as travel expenses. The numbers for Super Visas that CIC cite, only take into consideration those who can afford to take part in this option.

In addition, CIC reports that there is a high approval rate of overall 85% for parents as well as grandparents and to date almost 99 % of Super Visa applicants who met the requirements were approved.³⁹ However, these approval rates critically fail to mention the breakdown of source countries. Higher approval rates for applicants for Super Visas from the US and Europe have been reported with substantially lower approval rates for countries in Africa, Asia, and the Middle East.⁴⁰ This is problematic given the consideration that Asia and the Middle East are the top regions newcomers are arriving from.

Furthermore, the figures cited by CIC ignore the increasing demand CIC has received to sponsor parents and grandparents that have exceeded their targets for admission of the PGP category, thus resulting in a backlog of over 160, 000 applications as of 2011. This new restrictive package to overhaul the Family Class of

³⁸ Citizenship and Immigration Canada. "News Release- Super Visa keeps getting more popular- 20, 000 and counting!" July 11, 2013. Online <http://www.cic.gc.ca/english/department/media/releases/2013/2013-07-11.asp>

³⁹ Citizenship and Immigration Canada. "News Release- Super Visa keeps getting more popular- 20, 000 and counting!" July 11, 2013. Online <http://www.cic.gc.ca/english/department/media/releases/2013/2013-07-11.asp>

⁴⁰ Onatario Council of Agencies Serving Immigrants (OCASI). "Sponsoring Parents and Grandparents: Is Canada failing to reunify families?" OCASI. April 2012. Online PDF <http://www.ocasi.org/media-release-launch-my-canada-includes-all-families>

immigration fails to address administrative inefficiencies and fails to meet the demand of permanent residents and citizens to bring their parents and grandparents to Canada.

The changes to the Family Class directly affect racialized Canadians and newcomers. As mentioned above, racialized Canadians disproportionately have poorer labour market outcomes, and by raising the MNI for sponsorship of parents and grandparents, the changes deny racialized newcomers from being able to benefit from the support that extended family members can provide such as emotional support, financial support, domestic support, etc. (This will be outlined in greater detail below).

Instead, racialized Canadians are forced to conform to a Western mode of social organization, which is increasingly pushing individuals to be as self-sustaining as possible. Without a social support network of extended family this creates further challenges for racialized Canadians for getting by day to day and increases the precariousness of the quality of life of racialized Canadians. For example, having to work multiple jobs with long and irregular hours, or restricting the capacity of female spouses of principal applicants to maximize their participation in the labour market due to child care, or if both parents work, challenges for adequate, affordable and safe child care, all of which could be minimized with the social capital of having the support of parents and grandparents.

These issues point towards the emerging trend of the racialization of poverty in which poverty becomes disproportionately concentrated and reproduced along racialized lines.⁴¹ One of the most staggering implications of the racialization of poverty is the connection between type of work, socioeconomic status and health outcomes as understood by a Social Determinants of Health (SDOH) approach. A

⁴¹ Block and Galabuzi, 2011: 15.

SDOH approach considers the full range of modifiable economic and political conditions that lead to poor health outcomes and systemic health disparities.⁴²

Statistics Canada outlines that there is a difference in life expectancy between the poorest 10% and the richest 10% of Canadians of 7.4 years for men and 4.5 years for women.⁴³ When the health-related quality of life is considered, Statistics Canada found the gap became worse. The richest 10% of men enjoying 14.1 more years of healthy living than the poorest 10% of men. The richest 10% of women enjoyed 9.5 more years of healthy living than the poorest 10% of women.⁴⁴

As the statistics illustrate the implications of the racialization of poverty directly translate into negative health outcomes for racialized Canadians. This directly challenges the so called preventative cost cutting measures CIC cites of restricting entry of parents, grandparents and dependents over 18. Although CIC has been able to compile some estimates of the health costs incurred by older individuals, a growing marginalized racialized population in Canada directly challenges the cost savings associated with these restrictions. It cannot go under-acknowledged that poor socioeconomic outcomes create the structural conditions for long-term negative health outcomes that directly translate into costs to the health care system and tax payers.

6.3 Live-in Care Giver Program Case study

Barriers for racialized Canadian and newcomers are also present with the change to reduce the age of dependents from 22 to 18 and will negatively impact other streams of immigration. This can be most notably witnessed with the Live-in Care Giver stream of immigration. As noted in the Toronto Star: “The change will ultimately apply to live-in caregivers and refugees. For these groups, the process of

⁴² Block and Galabuzi, 2011: 15-16.

⁴³ Block and Galabuzi, 2011: 17.

⁴⁴ Block and Galabuzi, 2011: 17.

qualifying for permanent resident status in Canada varies and can take years, by then, their children may miss the age cut-off.”⁴⁵ The CIC response to this dilemma further reinforces an economic rationale for family reunification, by stating those over the age of 18 can apply to visit or immigrate to Canada independently through other streams such as the international student stream.⁴⁶

However, applying as an international student under the Canadian Experience Class has several restrictive stipulations. First individuals must meet the conditions of eligibility, which has high language requirements. For example those who have only earned their credentials in English or French as a second language are not eligible to apply for permanent residency.⁴⁷ If individuals meet the eligibility criteria, they then must have the financial means to pay for the costs associated with applying to become an international student i.e. international student tuition fees, student-visa application fees, and living expenses. To contextualize the costs, the average tuition and ancillary fees for domestic students enrolled in an arts and science program in Canada currently stands at \$6, 100. Compared to the staggering \$17, 200 an international student pays for the same education.⁴⁸ Furthermore, international students do not qualify for most forms of federal or provincial aid and must cover their own costs.⁴⁹ Then,

⁴⁵ Nicholas, Keung. “Ottawa to change immigration age limit of dependent children to under 19.” *Toronto Star*. May 17, 2013. Online http://www.thestar.com/news/canada/2013/05/17/ottawa_to_change_immigration_age_limit_of_dependant_children_to_under_19.html

⁴⁶ Citizenship and Immigration Canada. “Regulations Amending the Immigration and Refugee Protection Regulations.” Regulatory Impact Analysis Statement. *Canada Gazette*. Vol. 147, No. 20. May 18, 2013. Online <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/html/reg2-eng.html>

⁴⁷ Citizenship and Immigration Canada. “Citizenship and Immigration Canada. Which international students cannot apply under the Canadian Experience Class for permanent residence?” Last Modified 2013-08-16 Online <http://www.cic.gc.ca/english/helpcentre/answer.asp?q=520&t=15>

⁴⁸ Denise Hansen. “The life of international students in Canada is eye opening.” *Canadianimmigrant.ca*. August 30, 2011. Online: <http://canadianimmigrant.ca/immigrant-stories/from-culture-shock-to-tuition-pains-the-life-of-international-students-in-canada-is-eye-opening>

⁴⁹ Denise Hansen. “The life of international students in Canada is eye opening.” *Canadianimmigrant.ca*. August 30, 2011. Online: <http://canadianimmigrant.ca/immigrant-stories/from-culture-shock-to-tuition-pains-the-life-of-international-students-in-canada-is-eye-opening>

international students must gain at least one year of work experience in Canada in a managerial, professional, technical or trade occupation in order to begin the process of applying for permanent residency through the Canadian Experience Class. The application process for the CEC class further involves payment of a \$550.00 application fee.⁵⁰ Consequently, this is an extremely costly avenue and largely beyond the financial reach of Live-in Caregivers with a minimum wage of \$10.56/hour.⁵¹

Further analysis of these reforms clearly illustrates the disproportionate impact that these changes will have on Filipina women who are already extremely vulnerable as Live-in Caregivers. From 1998 to 2003, the LCP population from the Philippines grew from 88 % to 95 %.⁵² CIC cites that growth of the LCP has been significant since 2000 rising from 7,450 in 2000 to 39,000 by 2009 but has declined to roughly 25, 00 in 2011.⁵³ In addition CIC indicates that by 2010, the transitions from temporary to permanent status represented almost 25% of new permanent residents. Temporary Foreign Workers accounted for roughly 30% of all the transitions with much of that attributable to Filipina LCPs choosing to remain in Canada and entering through the Economic Class.⁵⁴ In addition, the number of spouses and dependents of

[stories/from-culture-shock-to-tuition-pains-the-life-of-international-students-in-canada-is-eye-opening](#)

⁵⁰ Citizenship and Immigration Canada. "Applying for permanent residence-Canadian Experience Class." Last Modified 2013-08-29. Online

<http://www.cic.gc.ca/english/pdf/kits/forms/IMM5620E.pdf>

⁵¹ Nicholas Keung. "Shortage of live-in caregivers leads to 'nanny poaching.'" *Toronto Star*. February 13, 2012.

http://www.thestar.com/news/gta/2012/02/13/shortage_of_livein_caregivers_leads_to_nanny_poaching.html

⁵² Leslie L. Cheung. "Living on the edge: Long employment gaps for temporary migrant workers under the Live-in Caregiver Program (LCP)." *Metropolis*. Online

<http://mbc.metropolis.net/assets/uploads/files/Cheung.pdf> pg. 12

⁵³ Citizenship and Immigration Canada. "The role of temporary foreign nationals working in Canada." Last Modified: 2012-09-18. Online:

<http://www.cic.gc.ca/english/resources/research/2012-migrant/sec06.asp>

⁵⁴ Citizenship and Immigration Canada. "The role of temporary foreign nationals working in Canada." Last Modified: 2012-09-18. Online:

<http://www.cic.gc.ca/english/resources/research/2012-migrant/sec06.asp>

Live-in Caregivers has continued to increase every year. In 2011 amount of spouses and dependents exceeded the amount of Live-in Caregiver principal applicants.

Live-in Caregiver: Permanent Residents (Drawn from Statistics Canada) ⁵⁵

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Live-in caregivers-principal applicants	1,521	2,230	2,496	3,063	3,547	3,433	6,157	6,273	7,664	5,033
Live-in caregivers-spouses and dependants	464	1,075	1,796	1,489	3,348	2,685	4,354	6,182	6,247	6,214

Interestingly, up until 2011, the Live-in Caregiver stream and Canadian Experience Class were the only streams of economic immigration in which spouses and dependents did not out number principal applicants. From 2002-2011 all other economic streams including the Skilled Workers, Entrepreneurs, Self Employed, Investors, and Provincial/Territorial nominees all had significantly higher amounts of spouses and dependents entering in relation to principal applicants.

This issue critically brings into question the underlying motives of the reforms to the Family Class to restrict the age limit of dependent children, as previously dependents of economic migrants outnumbered principal applicant numbers were widely accepted. In doing so, this illuminates a significant disadvantage to racialized

⁵⁵ Immigration and Refugee Protection Act. 2001. 3(1)(d), 3(2)(f)
Facts and figures 2010: Immigration Overview. Citizenship and Immigration Canada.
<http://www.cic.gc.ca/english/resources/statistics/facts2010/index.asp>
Ibid.

groups like Filipinas, by making reunification only accessible to those who fit the economic prototype for immigration being established by CIC.

6.4 Other Classes of Immigration

The proposed changes will also have negative effects on the overall goals for other streams of immigration such as the Canadian Experience Class, Federal Skilled Workers, and Provincial Nominee Programs. The objectives as outlined in the *Immigration and Refugee Protection Act* explicitly state:

The objectives of this Act with respect to immigration are

- (a) to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;
- (b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada;
 - (b.1) to support and assist the development of minority official languages communities in Canada;
- (c) to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada;
- (d) to see that families are reunited in Canada;
- (e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society;
- (f) to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces;
- (g) to facilitate the entry of visitors, students and temporary workers for purposes such as trade, commerce, tourism, international understanding and cultural, educational and scientific activities;
- (h) to protect public health and safety and to maintain the security of Canadian society;

(i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks; and

(j) to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.⁵⁶

The proposed reforms could undermine all of these objectives in a variety of ways. For example negative growth and retention rates could emerge for the Provincial Nominee stream for immigration, which directly runs counter to Canada's immigration goals for nation building. Thus far, the Provincial Nominee program in Manitoba has been one of the most successful of its kind for attracting newcomers to the province, and especially rural areas. In 2007 immigration to Manitoba represented 4.6% of total immigration to Canada.⁵⁷ Importantly, 45% of this immigration comprises Temporary Foreign Workers who are seeking a pathway to permanency and who have been factored into the province's annual immigration targets. Retention rates are directly linked to welcoming communities that have the capacity to successfully absorb newcomers and assist their integration. Quintessential to this integration is the fostering of social capital, as defined above. Despite settlement services being available to assist newcomer integration, the barriers to being able to bring in parents, grandparents, and dependent children could potentially hinder efforts for settlement in more rural areas where ethnic communities are not as established.

In addition, the proposed change of sponsors having to meet the MNI + 30%, could negatively affect immigration goals to settle more rural areas through the Provincial Nominee Program. This is because the MNI is based on the Low Income

⁵⁶ Canada. Immigration and Refugee Protection Act (2001, c 27) <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-1.html#h-3>

⁵⁷ Allison Moss, Jill Bucklaschuk and Robert C. Annis. "Small Places, Big Changes: Temporary migration, Immigration and Family Reunification." *Metropolis World Bulletin*. www.international.metropolis.net/publications/index_e.htm Pg. 33.

Cut Off line (LICO) established by Statistics Canada, which is designed to indicate an income threshold below which a family will likely devote a larger share of its income on the necessities of food, shelter, and clothing than the average family.⁵⁸ The LICO is not standardized for all individuals, but rather calculated based on family size and region of residence. As a result, LICOs in rural areas is higher than urban areas. Thus, migrants coming through PNP programs to rural areas who want to sponsor PGPs not only have to meet a higher LICO, but will now be required to pay an additional 30%.

A similar dilemma could also impact other streams of economic immigration, in which newcomers will be required to be more independent, rather than be able to rely on parents and grandparents for support. In contrast, from 1980 to 1994, 90 % of Indian immigrants to British Columbia were admitted to Canada under the Family Class and during this time frame 33% were age 50 or older; from 1996-2000 27% were 50 or older and from 2000-2003 24% were in that age group.⁵⁹ Importantly, the Family Class for Indian newcomers played an important role in establishing the Indian community in British Columbia.

These statistics provide a small glimpse into the shift in immigration for one of Canada's largest ethnic groups, and the emerging theme of the expectation of self-sufficiency with no extra costs associated to the taxpayers. As a report by the Vancouver Centre outlines, "dominant immigration discourse includes the connotation that the family reunification program needs to be based on the Canadian nuclear family, not the extended Asian or African family."⁶⁰ Furthermore, Abu-Laban

⁵⁸ Statistics Canada. "Low income cutoff." Online <http://www.statcan.gc.ca/pub/75f0002m/2009002/s2-eng.htm>

⁵⁹ Arlene McLaren, Tigar. "Parental Sponsorship-Whose Problematic? A Consideration of South Asian Women's Immigration Experiences in Vancouver." in Research on Immigration and Integration in the Metropolis. *Vancouver Centre of Excellence*. Working Paper Series No. 06-08. June 2006: 13.

⁶⁰ Tigar, 2006: 15.

(1998) argues, that the shift in immigration policy that gives priority to economic over family immigrants and refugees reflects an increasing emphasis on economic self-sufficiency as a measure of an immigrant's worth, reduced notions of citizenship and citizen's rights, and a corresponding "problematization of immigrant families."⁶¹

CHAPTER 7: BENEFITS OF PARENTS AND GRANDPARENTS

Despite the economic rhetoric cited as the justification and motivation behind these changes, there are many benefits that challenge the proposed reforms to the Family Class. The proliferation of the self-sustaining nuclear family is a very recent mode of organization in which family stability is first and foremost attributed to economic outcomes.⁶² However, in many other parts of the world from which newcomers to Canada emigrate, the extended family model is the predominate mode of familial organization.

Family social relationships are integral for multigenerational households and are based on interrelated factors. Bengston and Roberts state that the family solidarity model is not only based upon the relationship between parents and children, but also emphasizes the importance of the relationship between grandparents and grandchildren by outlining the importance of: (1) contact, (2) exchange of support (3) norms of obligation (4) values (5) relationship quality and (6) opportunity structure.⁶³ In this manner, grandparents are essential for the success of families by providing additional support, providing domestic support, childcare, emotional support, socialization of children and financial support.

⁶¹ Tigar, 2006: 5.

⁶² Maureen, Baker ed. *Families: changing trends in Canada*. McGraw-Hill Ryerson, Toronto: 2009: 150.

⁶³ Bengston, V. L., & Roberts, R. E. L (1991). [Intergenerational solidarity in aging families: An example of formal theory construction](#). *Journal of Marriage and the Family*, 53, 856-870.

The benefit of parents and grandparents to the family unit is also confirmed by various sources. A study by Arlene Tigar McLaren published through the Vancouver Centre of Excellence, on the experience of older South Asian Women's experiences in Vancouver, involved twenty semi-structured interviews of women who arrived in Canada between 1987 and 2002 and were 60-80 years old. The responses indicated that the women came to Canada usually to help their adult children and their spouses or partners.⁶⁴ The study also indicated that it is misleading to assume that sponsorship was unidirectional with an adult child being able to sponsor and financially support a parent. One of the women noted: "We help our children, sometimes financially, we help them. They are at initial stages, we bought a house, we helped, we gave some money, because they are not able as yet. Because they are only two years in this country."⁶⁵ As well, many of the women expressed that their childcare and domestic work was essential to their children's financial livelihoods, and particularly helpful to mothers.⁶⁶

Leung and McDonalds' research on female caregivers and receivers in three generational Chinese-Canadian households, illustrates how elderly women (who were usually sponsored by their families) helped their adult children in the home. Especially in dual career families, they took care of children. They made meals, did household chores and comforted the children. Importantly the care giving between adult children and aging parents was likely to be reciprocal unless the latter were frail and ill.⁶⁷

⁶⁴ Tigar, 2006: 16.

⁶⁵ Tigar, 2006: 16.

⁶⁶ Tigar, 2006: 16.

⁶⁷ H. Leung and L. McDonald. "Chinese Immigrant Women Who Care for Aging Parents. *CERIS in collaboration with the Chinese Canadian National Council*. 2001. Online: http://ceris.metropolis.net/virtual%20library/community/hon_mcdnld1/hon_mcdonald1.html Pg. 13

Four recent Australian studies have also explored grandparents caring for young grandchildren on a regular but not custodial basis to further explore the role and relationship between grandparents and grandchildren. The studies focused on 20 grandparents residing in the Sydney area (some grandparents born in other countries). As discussed in the summary and implications section, the findings of the study draw attention to⁶⁸:

- The significance of grandparents' relationships with their grandchildren and their role in fostering their grandchildren's development in the critical early years.
- With continuing social change, including changes in family composition and the rise in maternal employment, it is possible for grandparents to play a significant role in the lives of many young children.
- The quality of care provided by grandparents reflects the recent recognition being given to the importance of relationships during the critical early years of life. Therefore, it is desirable that, where needed, grandparents be supported in providing such care and given recognition for the significant role that they play in children's early development.
- Grandparent child care providers do have a role to play as significant attachment figures during the early years of their grandchildren's lives, they also have a role as contributors to the child care system in supporting economic growth.

Furthermore with the increasing diversity of the Canadian population, grandparents can play an important role as cultural educators, teaching and reinforcing the mother tongue language, socialization and negotiation of ethnic identity. Statistics Canada reported in 2011 that more than 200 languages were spoken in Canada with one-fifth of Canada's population or nearly 6,630,000 speaking a language other than English or French at home.⁶⁹ In addition, the use of multiple languages at home has increased. In 2011, 11.5% of the population reported using English and a language other than

⁶⁸ Australian Institute of Family Studies. "Grandparents supporting working families Satisfaction and choice in the provision of child care." *Family Matters*. No. 66 Spring/Summer 2003: 9.

⁶⁹ Statistics Canada. "2011 Census of Population: Linguistic Characteristics of Canadians." *Statistics Canada*. Date Modified: 2012-10-24. Online <http://www.statcan.gc.ca/daily-quotidien/121024/dq121024a-eng.htm>

French, up from 9.1% of the population.⁷⁰ Also eight languages have growth greater than 30%. Nearly 279,000 people reported speaking Tagalog most often in 2011, up from 170,000 five years earlier. Seven other language groups also saw their numbers increase by more than 30%. This included growth rates of: Mandarin (+50%), Arabic (+47%), Hindi (+44%), Creole languages (+42%), Bengali (+40%), Persian (+33%), and Spanish (+32%).⁷¹ Importantly, these figures provide a small glimpse into the increasing linguistic diversity of the Canadian population, which sets the context for the importance of family reunification for generating socially rich multiculturalism rather than multiculturalism defined by racialization.

To further elaborate, preschool children begin to understand perceived ethnic differences and adopt behavior based on these perceived ethnic differences.⁷² Children begin the process of developing an ethnic identity as they are socialized in “two cultures” – the Canadian and their heritage cultures. Thus, ethnic-socialization and ethnic identity are intimately linked. Ethnic socialization begins at home. Families (i.e., parents/guardians, extended family members, siblings, and fictive kin) teach their children about the social meaning and consequence of ethnicity.⁷³ Parents (and other key informants) influence their children’s ethnic identity. Through this process, children learn about their own culture and/or cultural differences, their families’ and in-group’s history and heritage, identity politics, or prejudice and

⁷⁰ Statistics Canada. “2011 Census of Population: Linguistic Characteristics of Canadians.” *Statistics Canada*. Date Modified: 2012-10-24. Online <http://www.statcan.gc.ca/daily-quotidien/121024/dq121024a-eng.htm>

⁷¹ Statistics Canada. “2011 Census of Population: Linguistic Characteristics of Canadians.” *Statistics Canada*. Date Modified: 2012-10-24. Online <http://www.statcan.gc.ca/daily-quotidien/121024/dq121024a-eng.htm>

⁷² K. Kowalski. “The emergence of ethnic and racial attitudes in preschool-aged children.” *The Journal of Social Psychology*, 143, 2003: 686.

⁷³ J. Banks-Wallace, & L. Parks. “So that our souls don’t get damaged: The impact of racism on the maternal thinking and practice related to the protection of daughters.” *Issues in Mental Health Nursing*, 22, 2001: 82.

discrimination, or both.⁷⁴ In a diverse and multicultural country like Canada, young children need to learn how to deal with racialized interactions. Even in kindergarten, children may need to respond to overt acts of racism or others asking about their ethnic identification.⁷⁵ Thus, resolving potential conflicts and discrepancies between multiple cultures are necessary for healthy psychological functioning among ethnic minority and immigrant youth.⁷⁶ Ethnic socialization and ethnic identity are both instrumental in influencing individual outcomes, including self-esteem, academic motivation and achievement, and behavioural outcomes.⁷⁷

CHAPTER 8: DISCUSSION

This section of the MRP will further explore the implications of the proposed changes to the Family Class in order to provide a comprehensive picture of the magnitude of the proposed package of changes. The content and analysis in the report provides a micro level focus into the specific shift and tensions within family reunification policy as a component to the larger Canadian immigration system. This discussion will focus on broadening the picture of the implications arising out of the proposed reforms by examining a macro level analysis by thematically analyzing the information arising out of this report. This will include examination of: the rise of marketization of policy formation, the narrative of criminality for immigration, and the shift to temporary versus permanent status. This discussion will remain practical

⁷⁴ T. C. Chesire. "Cultural transmission in urban American Indian families." *American Behavioral Scientist*, 44. 2001: 1529.

⁷⁵ Katz, P. A., & Kofkin, J. A. "Race, gender, and young children." In S. A. Luthar, J. A. Burack, D. Cicchetti, & J. R. Weisz (Eds.), *Developmental psychopathology: Perspectives on adjustment, risk, and disorder* New York, NY: Cambridge University Press, 1997: 55.

⁷⁶ Umaña-Taylor, A. J., & Fine, M. A. "Examining ethnic identity among Mexican-origin adolescents living in the United States." *Hispanic Journal of Behavioral Sciences*, 26, 2004: 43.

in nature to keep the analysis as accessible and relevant to the targeted audience of the legal community and civic stakeholders.

8.1 Marketization of Policy

In the report section of this paper, the tensions between family reunification policy and an economic line of argumentation for justifying the proposed package of reforms was outlined. To understand the full brunt of the impact that this package of reforms has, it is important to understand that this economic line of argumentation for undermining social policy is not localized to the Family Class of immigration. Rather, it is part of a larger trend of marketization of policy formation flowing from New Public Management (NPM) theory, which in its simplest form seeks to run government like a business.⁷⁸ NPM initially started as an approach in the 1980s with macro level fiscal policy in order to address increasing national debts in Western countries.⁷⁹ However, since then, NPM has permeated all areas of policy. For immigration policy, this began in the early 1990s as outlined in the report, when there was a shift to align the immigration system with the labour market. This is important to understand because the changes being proposed are not merely localized to the Family Class of immigration, but are also part of a larger trend of NPM for policy, which further institutionalizes the marketization of policy.

The marketization of policy raises the question, why does this matter? On the surface an economic rationale to policy making seems to benignly go about maximizing outcomes for society through financial means and offers quantifiable empirical evidence. In doing so, an economic rationale for policy making

⁷⁸ University of Western Ontario, *Public Administration* (Canada: Pearson Custom Publishing, 2006): 69.

⁷⁹ University of Western Ontario, *Public Administration* (Canada: Pearson Custom Publishing, 2006), Pg. 70.

simultaneously creates the justification for the erosion of social programs in order to save tax dollars. However, social services are an important component to the Canadian social fabric for providing opportunity to those who for a given reason such as: disability, racism, sexual orientation, or age cannot compete equally to maximize life outcomes. The struggle then becomes being able to justify the intrinsic benefit rather than the economic value of policy, which becomes increasingly difficult because policies that have social and intrinsic value are more difficult to empirically quantify. This can be directly observed through the proposed package of reforms to the Family Class, which cites various hypothetical health costs to empirically quantify the alleged strain that bringing in older newcomers has to the healthcare system. For Example:

The PGP program also generates costs to Canadians in terms of health care given that many PGPs enter Canada at a time at which health care costs typically increase. The average age of a PGP principal applicant at arrival is 65 years. In Canada, more than 50% of a person's lifetime health care expenses are incurred after age 65; these consume nearly 44% of all health care dollars.⁸⁰

This statement can be observed as employing an economic line of argumentation to devalue the intrinsic value of parents and grandparents. Furthermore, it is important to note that nowhere in the Backgrounders or Regulatory Impact Analysis is there any mention or attempt to quantify the value that parents and grandparents bring to families.

⁸⁰ Citizenship and Immigration Canada. "Regulations Amending the Immigration and Refugee Protection Regulations." Regulatory Impact Analysis Statement. *Canada Gazette*. Vol. 147, No. 20. May 18, 2013. Online <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/html/reg2-eng.html>

8.2 Criminalization

On a related note, another macro level trend that is also an implication of this package of changes is the further institutionalization of the ongoing criminalization of the immigration system. Since the implementation of IRPA, there has been a strong emphasis on securitizing the immigration system, by utilizing the vague nature of IRPA to create legislation that makes immigration law double as criminal law. For example, the use of security certificates which allows the Government of Canada to deport foreign nationals and non-citizens living in Canada and/or name them as inadmissible to Canada with minimal transparency, or the implementation of legislation like the *Faster Removal of Foreign Criminals Act*, which expands the powers of the Minister of Citizenship and Immigration and Minister of Public Safety to deem someone a threat to national security and inadmissible. As a result, the securitization of immigration has created a climate for policy formation that constructs immigrants and the immigration system as a threat to the stability of Canadian society. Despite the recognition that immigration is beneficial to the economy and necessary to offset the aging Canadian domestic population, this overarching narrative of securitization goes beyond concern about national security, and rather assumes that newcomers are guilty of trying to unhinge the Canadian social fabric through fraud and abuse of Canadian social services. This can be directly captured with the package of changes to the Family Class. For example previous Citizenship and Immigration Minister Jason Kenney cited that more than 25 % of parents and grandparents who have come through the Family Class receive welfare benefits, and he stated: “That's just not right. That's an abuse of Canada's generosity.

If this was about family reunification, what's going on? It seems to me that that sort of thing constitutes an abuse of Canada's generosity."⁸¹

Consequently, the package of reforms proposed to the Family Class has the macro level implication of further institutionalizing this criminal narrative, by portraying all parents and grandparents, in a criminal light. As well, CIC justifies reducing the age of dependents by arguing that those who spend longer time in the Canadian education system have better labour market outcomes and thus are less of a potential burden to the Canadian taxpayers.⁸² This criminal narrative is significant, because it re-invokes Xenophobia that was characteristic of when Canada's immigration system was very discriminatory and undermines the fundamental value of human equality as it stands in various pieces of Canadian legislation such as the *Charter of Rights and Freedoms* and the *Multiculturalism Act*. Furthermore, this criminal narrative erodes the positive understanding of immigrants coming to Canada and constructs a negative image for newcomers, which then can institutionalize other systemic patterns such as racism and discrimination.

8.3 Permanent-Temporary Status

The package of reforms to the Family Class also undermines the pathway to permanency for newcomers, by further institutionalizing the temporariness of admission to Canada over allocating permanent residency and citizenship. In Canada, there has been a shift in which there are now more temporary entries through categories such as the Temporary Foreign Worker (TFW) program and from

⁸¹ Meagan Fitzpatrick. "Don't bring parents here for welfare, Kenney says." *CBC News*. May 10, 2013, Online: <http://www.cbc.ca/news/politics/story/2013/05/10/pol-immigration-family-changes.html>

⁸² Citizenship and Immigration Canada. "Regulations Amending the Immigration and Refugee Protection Regulations." *Canada Gazette*. Vol. 147, No. 20- May 18, 2013. Online: <http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/reg1-eng.html>

international students than permanent entries. To contextualize, in 2011 248,748 permanent residents and 289,225 TFWs and international students entered Canada.⁸³ Importantly, this package of changes further institutionalizes the exclusiveness of permanent residency and Canadian citizenship, by creating the conditions to reinforce more temporary entries than permanent ones. For example the implementation of the 5, 000 application quota in tandem with making the *Supervisa* a permanent fixture to the immigration system, and by restricting the age of dependents creates both barriers and deterrents for permanent residency/taking out Canadian citizenship.

To provide an example, this package of changes serves as a deterrent for those coming in through the Live-in Caregiver program, since one of the main incentives of this stream of immigration is being able to gain permanent residency within two years. However, if those coming through this stream can no longer sponsor their dependent children over 18 and know that they will face increased barriers in being able to bring extended family to Canada, this may cause Live-in Caregivers to choose other countries as their destination. This subtly sends the message that Live-in Caregivers are good enough to come to Canada to fill a labour market need, but bringing their family here is undesirable. This then creates conditions that implicitly serve to reinforce the temporary nature of the Live-in Caregiver stream and make the pathway to permanency less appealing.

Importantly, the macro implication of reinforcing the shift of temporary versus permanent entry begs the question, why does this shift matter? The implications of temporary status and rights for citizenship have been explored within the academic community by various Academics including (Bakok 1999 and 2002, Preibisch 2004,

⁸³ Citizenship and Immigration Canada. "Managing Permanent Immigration and Temporary Migration." Last Modified: 2012-10-31. Online: <http://www.cic.gc.ca/english/resources/publications/annual-report-2012/section2.asp>

Sharma 2006, and Bauder 2007).⁸⁴ Furthermore, York university professor Leah Vosko specializes in Political Economy and specializes in understanding precarious employment in the labour market. Vosko outlines precariousness in the Canadian labour market as, “limited social benefits and statutory entitlements, job insecurity, low wages, and high risks of ill health.”⁸⁵ Professor Luin Goldring of York University has also extensively explored the link between temporary status and precariousness. Goldring outlines that him and his colleagues have defined precarious status as involving the absence of any of the following elements normally associate with permanent residence and citizenship in Canada: 1) work authorization 2) the right to remain permanently in the country (residence permit) 3) not having to depend on a third party for one’s right to be in Canada (in the case of sponsoring spouse or employer, for example); 4) public goods available to permanent residents (such as public education, public health, benefits considered as part of the social safety net, etc., most of which are normally associated with social citizenship); and 5) the right to sponsor family members within policy parameters available to citizens and permanent residents, such as family reunification.⁸⁶

Based on this definition, it is evident that the package of reforms being proposed to the Family Class contributes to increasing precariousness, by excluding dependents, parents, and grandparents from being able to access permanent residency and citizenship, which are essential categories to belong to in order to access rights in Canada. This is significant because not only can temporary status be attributed to bringing in workers to fill labour market shortages, but is also now extending to the family unit. This application of temporariness to the family unit directly challenges

⁸⁴ Luin Goldring. “Temporary Worker Program As Precarious Status: Implications for Citizenship, Inclusion and Nation Building in Canada.” *Canadian Issues*. Pg. 50.

⁸⁵ L.F. Vosko, *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montreal: McGill-Queen’s University Press, 2006: 3.

⁸⁶ Goldring: 51-52.

the place and role of the family unit within the Canadian social fabric. Not only does this destabilizing of the family unit reinforce the economic prototype for immigration, but it also draws a stark divide in rights allocation, by rendering those who cannot conform to the economic prototype as either remaining temporary or denial of entry all together. Ultimately, this package of reforms to the Family Class makes a dangerous link between economic status and rights allocation, in which those of higher economic status are able to reunite with their families, and enjoy access to the rights that flow from permanent residency and citizenship.

CHAPTER 9: CONCLUSION

This MRP has outlined why the most recent proposed changes to the Family Class of immigration should not be implemented, with the specific purpose of creating practical research for the “My Canada Includes All Families” campaign. The main point this MRP seeks to emphasize is the problematic transformation of the Canadian immigration system of mostly focusing on economic outcomes and compromising social values, thus undermining the place of the family unit in Canada. The historical analysis presented within this report clearly illuminates that family reunification has been a long-standing intrinsically valued element of the Canadian immigration system that has been slowly eroded by the pursuit of economic outcomes. Allowing this package of reforms to be implemented will further contribute to this erosion and redefine values for Canadian nation building that no longer place social capital value upon family reunification.

Beyond this troublesome shift in values, this report has also outlined the concrete problems associated with this package of reforms that demonstrate an array of discrepancies that severely call into question the legitimacy for implementing these

reforms. A lack of industry support from a variety of civic stakeholders showcased the financially restrictive nature of these reforms that create a discriminatory socio-economic divide for accessibility of family reunification. Building upon the socio-economic disadvantages that this package of reforms creates, analysis of Statistics Canada data and various reports illustrated how racialization and economic status are intimately linked, to demonstrate the racialized outcomes of reforming the Family Class. Next, research was presented that outlines the social capital benefits of the support of extended families including emotional support, domestic support, child care, cultural socialization of children, linguistic reinforcement, and in some cases financial support to make the case that accessibility for family reunification for all newcomers must remain a fixture of the Canadian immigration system.

The discussion component of this MRP then highlighted the macro level implications arising out of the proposed reforms to the Family Class, which serve to further institutionalize: the marketization of policy formation, a criminal narrative for immigration, and the erosion of permanent immigration status. This discussion was meant to situate how the micro implications outlined in the report section contribute to further enabling macro level trends that have contributed to an ongoing paradigm change within Canadian immigration policy that has systematically been eroding the value of the family unit in Canada. Consideration of both the micro and macro level implications of this package of reforms to the Family Class makes apparent that these changes are not warranted.

Briefly, it is also important to note the current course of action that has already been taken for the “My Canada Includes All Families” campaign. This action includes the media release on June 27, 2013, which formally announced the campaign and provided a fact sheet on opposing CIC’s reforms. It has also included the publication

of several editorials in the *Toronto Star* by Lawyer Avvy Go of the Metro Toronto Chinese and Southeast Asian Legal Clinic, to provide media coverage and increase attention to advocacy efforts of the campaign. These actions are important to consider because the mixed positive and negative responses to these initiatives provides insight into the difficulties that grassroots activism faces in reaching the end goal of bolstering transformative change. In this case, the objective of the campaign is to block CIC's reforms from being implemented to the Family Class. However, it is important to note that grassroots activism is not a procedural step-by-step process. Rather, grassroots activism heavily depends upon generating a positive response from the public and other key stakeholders to facilitate the necessary traction to effectively lobby the targeted audience. This is a mindful consideration to raise because the report section of this MRP is situated in this context. Despite the strength of the report section within this MRP as an isolated product, it is essential to also acknowledge the tumultuous context of the practical application that this report is privy to, as part of grassroots activism, that has thus far received a mixed response.

Moving forward, although the current proposed changes reflect real pressing concerns such as financial feasibility in a time of fiscal austerity, the current proposed changes to the Family class are unquestionably too restrictive and fail to acknowledge the beneficial contributions parents, grandparents and dependents (19-22) have to make to the Canadian social fabric. In addition to the suggestion to not implement this package of reforms, this MRP suggests that the 5,000 application quota for parents and grandparents should be removed, and that entry to this category should correspond more appropriately with the demand levels as outlined in the report section of this MRP.

However, if CIC is going to move forward with these changes, they need to do so in an equitable way. For example, offering tax breaks or subsidies associated with the costs of *SuperVisas*, or restructuring the intake process to account for the social capital benefits parents and grandparents have to offer. For example, having a section on the application to indicate if parents and grandparents will be coming to provide childcare. In such cases CIC could partner with the provinces to create a funding formula that redirects subsidized daycare dollars towards incoming parents and grandparents. In effect, this could allow for the newly proposed MNI + 30% to be a more flexible and less arbitrary figure, which would offer a more mitigated approach by CIC.

Ultimately, the package of reforms to the Family Class is a racialized set of reforms that offers an unmitigated solution to the current fiscal climate of austerity and aging Canadian demographic. Although policy must evolve to meet ever-changing needs, this package of reforms, as it stands, is not reflective of the objective to reunite families as outlined in the *Immigration and Refugee Protection Act*. My Canada includes all families, and so should yours.

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