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FEDERAL-PROVINCIAL IMMIGRATION AGREEMENTS:
AN ANALYSIS OF QUÉBEC, ONTARIO AND MANITOBA
by

Andrea Zammit, BA Hons., York University, 2005

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

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Master of Arts
Immigration and Settlement Studies
Ryerson University

ABSTRACT

The goal of this paper is to uncover the underlying factors that have lead to the different federal-provincial immigration agreements. This is the crux of my research question: What accounts for the differences between the federal-provincial agreements on immigration? From my research it has become very clear that historical institutionalism or institutional relations, as well as institutional capacity, politics and political relations and to an extent the economic differences between the provinces are all factors that account for the variations in the bi-lateral agreements between the government of Canada and the different provinces. These factors help to explain why Québec has been able to negotiate the most complete policy and why the other provinces, with particular emphasis on Manitoba and Ontario, have not been able to negotiate similar bi-lateral agreements.

Key words:

bi-lateral immigration agreements, federal-provincial relations, politics, institutional capacity and historical institutionalism

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INTRODUCTION

Under Section 95 of the Constitution Act, 1867 Agriculture and Immigration are shared jurisdictions between the federal and provincial governments, according to this section:

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

Shared jurisdictions allow for both levels of government to legislate and implement policies and negotiate federal-provincial bi-lateral immigration agreements between the different levels of government. For a long period of time throughout Canadian history the federal government was in control of all legislation and implementation of immigration closely related to citizenship.

Québec was the only province that had a particular interest in immigration which started during the early 1960's and it was not until the 1990's that some of the other provinces wanted to exercise their right to gain control over immigration. Thus, provinces became mobilized and negotiated bi-lateral agreements with the federal government. To an extent the reason for this increased interest in immigration can be attributed to the fact that the economy changed significantly, from a labour-based economy to a knowledge-based economy. Provinces wanted to ensure that newcomers who settled there had the right set of skills that met their economic demands. Other possible explanations include the province-building mandate that has since become a political priority for many of the provinces. The increased interest in this mandate can be due to the expansion of provincial economies which has given provinces the opportunity and leverage to further expand their control. Due to the fact that immigration is a shared jurisdiction it is one of the areas where some provinces have put much of their efforts. Furthermore, the

increase in numbers of immigrants might have also played a factor, as provincial governments may have felt that the federal government was not responding to their particular needs and thus more control over immigration would ensure that their needs are met. In addition, during the last twenty years decentralization has become very common in intergovernmental relations and provinces have been expanding their area of responsibility in most areas. To date all of the provinces and the Yukon Territory have signed some sort of agreement with the federal government regarding immigration, which have granted them different levels of control (CIC - F.T.P.A).

The immigration agreements that will be addressed in this paper vary on many different levels across the different provinces, some have a long history and others are much more recent, some grant a lot of power to the provinces and others much less. The bi-lateral agreements made between the federal and provincial governments of Québec, Manitoba and Ontario are of particular interest and are the focal point in this research paper. These three provinces have successfully established agreements with the federal government; however have been granted different degrees of control over the selection of immigrants and the immigration process. In order to provide an in-depth comparative analysis on such complex negotiations each of the agreements will be contextualized in an historical framework.

The goal of this paper is to uncover the underlying factors that have led to the different federal-provincial immigration agreements. This is the crux of my research question: What accounts for the differences between the federal-provincial agreements on immigration? From my research it has become very clear that several factors account for such differences these include: historical institutionalism or institutional relations, as well as institutional capacity, political interests and politics and to an extent the economic differences amongst the provinces. These

factors help to explain why Québec has been able to negotiate the most complete policy and why the other provinces, with particular emphasis on Manitoba and Ontario, have not been able to negotiate similar bi-lateral agreements.

Québec is the province with the longest standing bi-lateral agreement; and is of particular interest as it was the first province to take interest in immigration. Since the late 1960's Québec realized the importance of immigration and how it can be utilized to maintain the distinct cultural and linguistic aspects of the province. The first bi-lateral immigration agreement made between the federal government and the provincial government of Québec was the Lang-Coultier Agreement which was signed in 1971. This was followed by another bi-lateral agreement called the Andras-Bienvenue Agreement which was signed in 1975. However, this paper will only focus on the Cullen-Couture Agreement which was enacted in 1979 and the current agreement the Canada-Québec Agreement enacted in 1991. The reason for this is that the current agreement is closely based on the Cullen-Couture Agreement and it was through this agreement that Québec gained a lot of control over immigration. The first three agreements are named after the ministers of Immigration who held that position at the time, the federal Minister's and the provincial Minister's names respectively. Although this will be discussed in further detail later on in the paper, it is important to note that the Cullen-Couture Agreement was signed before the enactment of the Constitution Act, 1982. This explains the firm position that Québec maintained throughout the negotiations of the patriation of the Constitution. Amongst the broader political and economical reasons Québec was also not willing to sign the patriation of the Constitution unless it was guaranteed that doing so will not jeopardize the agreements that it had already made with the federal government. To date Québec remains the province with the most control over immigration and the only province which has not signed the Constitution Act in Canada.

Ontario on the other hand has only recently signed a bi-lateral immigration agreement with the federal government. In the past, Ontario deferred to federal policy and implementation and dealt with settlement issues on an individual basis by collaborating with the federal settlement authorities based at the Canada Employment and Immigration Commission. Although Ontario was not granted as much power and control as was granted to Québec, Ontario does have some influence on the policies implemented by the federal government (Dirks G.1995).

On the other hand Manitoba is a bit different from both Québec and Ontario as it is not considered one of the major immigrant-receiving provinces. However, Manitoba has been making significant efforts to attract and retain immigrants. Since the first bi-lateral agreement signed in 1996, Manitoba has signed several other more aggressive agreements with the federal government which have yielded very positive results (CIC, 1996).

I have chosen these provinces as all three have negotiated unique bi-lateral agreements with the federal government and yet while all of them want to maintain a steady flow of immigrants to their province each have their own different reasons. The literature that I have found on the topic does not delve into the reasons behind such stark differences, nor does it entertain, to any large extent, the implications that would come about had other provinces followed in Québec's footsteps. Furthermore the literature seems one-dimensional and although there is a fair amount of information about the specific provinces vis-à-vis the federal government there is very little information about how the different provinces view the bi-lateral agreements made between other provinces and the federal government. My main goal is to reveal the underlying factors of intergovernmental relations and explain the reasons for the variations within the different intergovernmental agreements. Québec and Ontario are both economically sound provinces, and in some cases it is evident that the policies that are implemented and their

success in influencing the federal government are very much dependent on this factor. Although this is more evident in areas other than immigration in the case of Ontario, it is important to keep in mind, particularly when looking ahead, that the same reasons why these provinces have been able to gain such leverage over the federal government may soon be counterbalanced by the prevalent trends of economic boosts from Western provinces. Such changes may affect the dynamics of previous negotiations particularly vis-à-vis the declining economic trend from the hub of Montreal (Brooks S.; 2004). It would be interesting to see how the government will react to the increasing demands from the western provinces when previous economical, political or personal reasons for favoritism of both Québec and Ontario may no longer be applicable. Finally I will provide possible negotiation recommendations for other provinces; articulate whether or not this is a viable path for other provinces to take and make some observations regarding gradual decentralization of federal-provincial relations in this policy area.

METHODOLOGY

This project is a combination of both primary research gathered through interviewsⁱ with key informants and secondary research data. Interviews were chosen as the research method for this project, as no other research method would yield the same detailed responses that were necessary to compensate for the lack of available data in government documents and scholarly work on intergovernmental agreements. The interviews were conducted on a one on one basis to prevent external factors, such as peers, that could influence the informants' responses. Some of the key informants included government officials who work in the immigration ministry of their respective province, and are heavily involved in bi-lateral immigration agreement process. In the case where government officials were unwilling to be interviewed, substitute informants included

ⁱ See Appendix A for a sample of interview questions

individuals from non-profit organizations, who consult with government officials and bureaucrats on immigration issues and negotiations. I made several attempts, while conducting my research, to interview government officials from Citizenship and Immigration Canada as well as government officials from the Ministry of Immigration and Cultural Communities in Québec; however both departments declined the extended invitation for an interview. In addition the government official from the Ontario Ministry of Citizenship and Immigration held back a lot of information in fear of jeopardizing future bi-lateral agreements with the federal government and most of the informant's responses lacked details. Furthermore, a former government official from this department refused to proceed with the interview after having received the consent form, approved by the Ethics Review Board at Ryerson University. The reason put forward was that research of this magnitude required clearance from upper management, something the potential informant was not willing to acquire. Consequently, a total of 3 participants have taken part in this research study.

The respondents were contacted directly through email and their contact information was retrieved from telephone directory of the different government websites, other informants were contacted through the snowball sampling method. The questions used in the interviews were open-ended, and thus informants were able to provide as much information as they deemed relevant and important. The same questions were used for all interviews; and some modifications were made for the interview conducted with the informant from the non-profit sector. Due to time limitations for this project as well as financial restrictions only the informants from Ontario were interviewed face to face. The other interviews were conducted over the telephone. An informed consent form was obtained for all interviews.

The study is qualitative and explanatory in nature, and is significant because it can help scholars and policy makers gain a better understanding of intergovernmental relations in this policy area and in turn realize the potential and limitations within which such agreements are negotiated. This project will also provide insights on the reasons why certain agreements have been made and policy makers will be able to decipher whether or not they can make similar claims. In addition scholars will also be able to gain insights, provide clarification and raise more awareness in the academic world about the factors provinces must deal with whilst negotiating bi-lateral immigration agreements. Furthermore, such comparative analysis on this topic is underdeveloped in the academic literature and this scholarly piece of work can serve as a basis for further comparative analysis, either between other provinces or a comparison between the two shared jurisdictions agriculture and immigration. This research focuses on past, current and future intergovernmental agreements as well as the process that takes place during the negotiations. This aspect compiled within a historical framework will provide the context for an in-depth explanatory analysis.

My goal for this research project is to provide a different approach through which intergovernmental agreements are analyzed. Although some comparative research has been conducted it usually focuses on a specific province in detail and with minimal references to other provinces. My research project will be an in-depth analysis that sheds light on the reasons behind the bi-lateral agreements and thus explains the differences between them. I hope to compile a more comprehensive piece of literature that compliments the abundance of one-dimensional literature that already exists.

THEORETICAL FRAMEWORK

In order to have a clear understanding of my research it is also important to understand the theoretical framework of this paper. One of the variables that will be addressed in this paper is the role that politics plays in the negotiation process and affects the extensiveness of the agreements. Although this is very clear in the case of Québec it is an important factor in all intergovernmental relations research, and it will also become evident for the other provinces. Another variable is the economic status of the provinces in question. It is clear that both Québec and Ontario are two economically powerful provinces, and whether it is a matter of these provinces using their position to negotiate agreements or whether to a certain degree the federal government tries to keep both provinces satisfied; it is clear that there is a prevalent trend of decentralization in this area, where provinces are gaining more control and the federal government is gradually losing control. As the details of the bi-lateral agreements and the history of the relationship between the two levels of government are fully explained, it will become clear that the federal government is aware of the consequences that may follow if there are irreconcilable disagreements with these provinces. However, at the same time Ontario has not been able to negotiate bi-lateral agreements that are on the same plane as Québec and thus this has led my research to delve into other explanations that help provide a more encompassing explanation.

Historical institutionalism is another factor that will be incorporated in the analysis. This concept suggests that the policy choices made when institutions are formed have a significant influence on the policy choices that institutions make in the future. This is not to say that institutions do not change; in fact historical institutionalism does account for changes that occur within institutions, theorists refer to this as 'punctuated equilibria'. This concept assumes that a

particular institution has been in equilibrium from the beginning or at least to a point prior to the punctuation and thus small changes may still retain the equilibrium but at a different point. The same way that economists argue that there are multiple equilibria in markets, political theorists argue that there are multiple equilibria in political institutions (Peters G.; 1999).

Some scholars who have used historical institutionalism for their research have also emphasized the importance of ideas that contribute to such changes. Ideas play a significant factor in my research as a change in the political party in power, whether federal or provincial, although not always the case may also result in a change in ideas, this could lead to a new approach to similar issues (Peters G.; 1999). It is important to note that such changes may in turn have an impact on institution's capacity in agreement negotiations. Although from this research there has been no evidence of a major shift in ideas as a result of a change in government, it is an important factor that needs to be considered as it can change the nature of the bi-lateral negotiations and the capacity of an institution to reach its new objectives. Depending on the type of relationship between the two parties, in this case the relations between the federal and provincial governments will also play a significant role in the negotiation process. The longer institutions have been established the more time they would have had to increase their institutional capacity, get organized, become more efficient and effective, and focus on building a strong relationship between the two parties. Such factors may change with a change in ideology and agenda.

In essence, I will attempt to make a convincing argument to the reader that the differences between the bi-lateral agreements are due to historical institutionalism; political relations and political factors; to certain extent due to the economic differences between the

provinces and the ways in which provinces exercise their institutional capacity to get the federal government to meet their demands and help them achieve their goals.

IMMIGRATION POLICY IMPLEMENTATION

In order to understand intergovernmental relations and intergovernmental agreements it is important to understand institutionalism at the broader level. Canada's political system is based on the Westminster-style Parliamentary democracy, which is also known as a political system run through executive federalism. Typical in such political systems, Canada has a strong executive branch and a weak legislative branch. The implementation of immigration policy often requires legislation and thus needs to pass through parliament; and since policy initiatives come from the Executive level, party discipline, typically allows for these initiatives to pass through parliament with very few objections (Handcastle L., Parkin A, Simmons A. and Suyama N.; 1994). The Standing Committee on Citizenship and Immigration is one of the ways the Federal government maintains its relationship with the provinces. Although standing committees are open to the public, most often those who attend are people, from across Canada, who play a vital role in immigration in their respective province; including members of the provincial parliament and other government officials. Although the Minister of Citizenship and Immigration does not attend all of the meetings, the Committee's main responsibility is to oversee the activities of Citizenship and Immigration Canada and the Immigration and Refugee Board. During these meetings much debate takes place about the pressing issues in immigration. It also offers both levels of government the opportunity to discuss federal legislation and make recommendations for future amendments or policy implementation. (CIMM – Mandate). In the case of a minority government the standing committee can present a challenge to the minister and

influence decisions that may affect all of the provinces. It is important to note the standing committee does not play a role in the federal-provincial agreements, as these negotiations take place at the executive level and it ultimately depends on the capacity of the particular province to negotiate a better agreement.

All immigration agreements whether federal-provincial bi-lateral agreements or international agreements that pertain to immigration have to be in congruence with The Immigration and Refugee Protection Act. According to this act the federal government has the sole responsibility to determine the national standards and objectives of immigration; it prescribes the class for each newcomer and the number of immigrants that are to be admitted to Canada each year. The federal government is also solely responsible for processing all criminal, health and security checks and all matters around citizenship. Thus, even in the case when a province nominates a particular person to settle their province, this person must be evaluated by the federal government's standards who in turn makes the final decision as to whether or not that individual is eligible to enter the country (CIC – F.T.P.A. and Department of Justice Canada). According to the Constitution, the Parliament of Canada is able to make laws that are to come in effect in all provinces. Since the federal government is ultimately responsible for the safety of all Canadians only by having the sole responsibility over such criteria can it ensure standardized processing and protocol is followed for all immigrants destined to Canada.

In addition to the bi-lateral agreements between the federal and provincial governments, the Ministers of Immigration meet at a minimum of once a year to discuss Canada's immigration objectives. Although there are no multi-lateral agreements that exist between the provinces and the federal government, every province and Yukon has negotiated a bi-lateral agreement with the federal government to date. These agreements are signed by the federal and provincial Ministers

of immigration; in some cases the respective deputy ministers sign the agreements as well (CIC-F.T.P.A. – Québec /Ontario/Manitoba).

The federal government also provides the funds for several settlement programs which provide services to newcomers in all of the provinces with the exception of Québec. These programs are a result of collaborative efforts between Canada Employment and Immigration Commission (CEIC) as well as the Department of the Secretary of State and the immigrant-serving agencies in the provinces. The Immigration Program within CEIC funds and operates immigration settlement services through three major programs: Immigrant Settlement Adaptation Program (ISAP); Language Instruction for Newcomers to Canada (LINC); and the Host Program. The LINC Program, established in 1992, is a key element of the federal immigrant integration strategy. These programs are mainly run through non-governmental organizations across the provinces and amongst others their objective is to help newcomers integrate into Canadian society with as few hurdles as possible. Through these programs the government is able to ensure a degree of consistency and ensure that all services provided meet certain standards. According to the bi-lateral agreements negotiated by Québec and Manitoba, both provinces administer their own services and the federal government transfers money to these provinces to ensure that they have the appropriate resources to deliver equivalent services offered in other provinces (CIC – Audits and Evaluations).

I was able to gain some insight on the bi-lateral negotiation process from an interview conducted with a government official from the Manitoba Labour and Immigration Department. The contact indicated that, in the case of Manitoba, these agreements were negotiated in a round table discussion, the Assistant Deputy Minister of Manitoba Labour and Immigration was at the discussion as well as the contact and a few other assistant deputy ministers who also had vested

interests in this area. And several government officials from Citizenship and Immigration Canada were also present. The contact stated that after having consulted with the respective stakeholders, those who attended the negotiation process took briefing notes to ensure that the most important points were included in the agreement. The contact described the negotiation process as successful and the debates that took place resulted in a better immigration agreement for all parties. Although this is not the case for each province, it is close to an ideal situation. The negotiation process is very complex and the smaller the number and the closer the people are to the issue at hand the better it is for both parties.

After the negotiations have been signed the federal and provincial Ministers of Immigration, their respective governments set up various working groups and committees that not only help maintain their relationship but also ensure that the objectives of the agreement are being met. The names for such bi-lateral groups vary; however, their objectives are very similar; in some provinces one of these groups is called a Joint Coordinating Committee while in others it is known as a Joint Steering Committee. The objective of these committees is to resolve any disputes that may arise regarding the agreement as well as identify new immigration issues that have not been addressed in the latest agreement. The Joint Working Group is another group that is established, the working groups meet as often as required or at a minimum they meet bi-annually, they are responsible for facilitating implementation initiatives under the direction of the co-chairs of the Joint Coordinating Committee (CIC - F.T.P.A – Manitoba/Ontario). Despite the intended reasons behind these committees and working groups, it seems that they do not play an important role in the negotiation process, not even in subsequent negotiations. In addition from the research conducted on this topic thus far it appears that much of the negotiation process takes place at an executive level and thus such committees are not taken into consideration. In fact as it

will be further elaborated below, despite the fact that these committees include representatives from both the federal government and the provincial government, in the case of Québec it is very selective on the type of information it shares with the federal government. Consequently, such committees are even further paralyzed and at times are unable to even fulfill their general duties.

QUÉBEC IMMIGRATION POLICY AND INTERGOVERNMENTAL RELATIONS 1960-1979

By the mid-1960's, the era of the Quiet Revolution, Québec was on the fast track to modernization and the fertility rate was starting to slow down. The depletion of the population size has been a serious issue for many provinces; however, it was even more serious for a province that has distinct cultural characteristics that it wants to maintain. Despite the fact that many immigrants, with similar cultural characteristics, settled in Québec they did not speak French nor did they learn the language; and many opted to learn English instead. The government of Québec felt that it was important to recognize and maintain Canada's binational culture and bilingualism across Canada and even more so in Québec; however, it felt that the federal government was not giving this enough consideration. Immigration was deemed an important tool that would help maintain the French-speaking population, thus in 1968 the Québec government established The Québec Department of Immigration. And even before that in 1961, Québec had established a Ministry of Intergovernmental Affairs; it was the first province to do so, Manitoba and Ontario did not do so until the 1970's. Not only does this show the political priority that Québec put on federal-provincial relations but it also granted Québec the institutional capacity to pursue its agenda even further. Québec negotiated two other agreements prior to the Cullen-Couture Agreement with the government of Canada; however neither of them were as aggressive as the Cullen-Couture Agreement. The Cullen-Couture Agreement was signed by the

federal government and the government of Québec on March 30, 1979 (Library of Parliament; 2000).

According to the Cullen-Couture Agreement the federal government remained responsible for the admission of all immigrants and the admission and control of visitors. The federal government was also responsible for processing all criminal, health and security checks, regardless of where the immigrant was destined. However, Québec was granted the authority to establish its own point system that determined whether or not immigrants from the independent class were eligible to settle in the province. The point system in Québec, which is still in place today, puts an emphasis on language and those who are able to speak French are the ones who are most likely to gain entry (Library of Parliament; 2000). In 1979, the same year the Cullen Couture Agreement came into effect Bill 101 was also passed, according to this bill immigrant children were required to go to French school. This had a significant impact on the language adopted by immigrants (Grenier G.; 2003). In fact this Agreement was very important and it was one of the reasons why Québec refused to sign the Canada Constitution Act in 1982.

CONSTITUTION REFORM, MEECH LAKE AND IMMIGRATION POLICY IN QUÉBEC 1980-1991

As the paper unfolds, the importance of the patriation from the British North America Act, 1867 (BNA) and the enactment of the Canada Constitution Act, 1982 will become very evident. This section is a brief outline of the events that happened from the patriation of the BNA up to the Meech Lake Accord and the Charlottetown Accord.

Despite the fact that Canada has been a country for 140 years, it was only in the late twentieth century that it has gained the power to amend its own constitution. This means that until the enactment of the Constitution Act, 1982 and including this Act all amendments to the

constitution had to be passed by the British Parliament. On 6 October 1980, the Government of Canada put forward a "Proposed Resolution for *Joint Address to Her Majesty the Queen Respecting the Constitution of Canada*" to the House of Commons." (Government of Canada; BP-406E) This proposal for unilateral patriation included a charter of rights and freedoms, a commitment to the principles of equalization, an interim amending formula, which anticipated a referendum, and a final amending formula. With the exception of Ontario and New Brunswick, the other six provinces were not on board with the federal government and the patriation process. Despite Prime Minister Trudeau's efforts to reach a quick consensus, things escalated quickly and there was lobbying on various fronts. Finally on April 16 1981, the provinces that were against the patriation proposal, one of which was Québec, issued a press release and put forward an alternative proposal to the federal government.

After a series of meetings and discussions between the federal government and the provinces, Ottawa and the other nine provinces finally came to a resolution and signed the Canada Constitution Act on November 5, 1981. Québec was the only province not consulted about these negotiations nor was it one of the provinces that signed the constitution. It is not surprising that the Québec National assembly condemned the amendments to the constitution. One of the reasons Québec did not sign the constitution was related to immigration. There was a consensus amongst the other provinces that the constitution was to ensure that all provinces were treated equally and thus by signing the constitution Québec would void the privileges it gained through the Cullen-Couture agreement. For this reason Québec wanted to have these privileges included in the Constitution Act. However, this was not the case, the new Constitution Act actually denied Québec their veto power, something that had always been recognized in practice. Furthermore the Charter of Rights limited the power of the provincial legislators as well of the

power of the Québec National assembly to be able to implement French-language policy. It is not surprising that Québec refused to agree with the patriation and has not yet signed the enactment of the Constitution Act, 1982 (Hogg P.; 1992). In essence, the heart of the constitution debate for Québec revolved around the following five conditions:

- *a "distinct society" clause, apparently as an interpretive provision for the Constitution as a whole;*
- *a unique degree of control over the selection and settling of immigrants;*
- *either a veto over constitutional amendments, or full compensation for opting out of any amendments that affect provincial powers;*
- *limitations on the federal spending power; and*
- *the entrenchment of the convention whereby three Supreme Court justices are from Québec, which should have a say in their selection*

(Government of Canada; BP-406E)

Despite the fact that the amendments to the Constitution Act, 1982 passed and Québec was legally bound to them, it was clear that it did not hold much political legitimacy in the province. Québec refused to take part in any further amendments to the constitution and “opted out” of the Charter of Rights by using the not-withstanding clause in Section 33, for each statute and for every newly-enacted statute that came into effect thereafter (Hogg P.; 1992). In order to accommodate Québec’s requests and have them sign on to the Constitution Act of 1982, various discussions took place. One of the more prominent deliberations that took place was in 1987 in Meech Lake near Ottawa, which resulted in the Meech Lake Accord.

The key factors of the Meech Lake Accord, related to immigration policy included:

- *incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives;*

- *guarantee that Québec would receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons; and*
- *provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Québec where services were to be provided by Québec, with such withdrawal to be accompanied by reasonable compensation; the Government of Canada and the Government of Québec were to take the necessary steps to give the agreement the force of law under the proposed amendment in relation to such agreements*

(Government of Canada; BP-406E)

This was an important attempt to include Québec into the constitution family; however, in order to become law the Accord had to be ratified by resolutions of the Senate and the House of Commons and of the legislative assembly of every province. The Accord was ratified by both the Senate and the House of commons, but only by eight of the ten provinces ratified the Accord by the deadline which was on June 23, 1990. Thus the Accord was defeated which brought the death of the Meech Lake Accord.

Despite failure to incorporate Québec into the Meech Lake Accord on February 5, 1991 yet another important agreement was made between the federal government and the government of Québec called the Canada-Québec Accord. This agreement was heavily based on the Cullen-Couture Agreement, and it is also important to note that Canada committed itself to much of the stipulations that lead to the rejection of the Meech Lake Accord (Library of Parliament; 2000). Thus this agreement provides clear evidence that constitutional change is not necessarily the result of formal amendments to the written constitution but can occur through agreements made between the federal government and the provinces. In the end Québec has gained more autonomy over the province, as were its intentions during the Meech Lake negotiations based on the claim of being a ‘distinct society’ (Brooks S.; 2004). There are some important points to note about the

Canada-Québec; first and foremost as indicated in Appendix B, Québec has successfully institutionalized the formula for funding. As a result Québec has been able to guarantee that it will receive a base amount of \$90million dollars per year and Québec is guaranteed an additional amount per immigrant that exceeds the agreed upon quota. As will be indicated later on in this paper, unlike other provinces Québec is able to make long-term plans for immigration projects as it will always have a fairly accurate estimate of the amount of money it will receive from the federal government. Another point worth noting is that the Accord contains a mechanism to make amendments but not to terminate the accord, something that is common in bi-lateral agreements. Section 33 of the Accord, merely states: "This Accord may be re-opened at the request of either party with prior notice of six months. Failing agreement on amendment, the Accord continues in force." (Library of Parliament; 2000). Due to the fact that there is no means to terminate this agreement it may be presumed that when the accord was being drafted it was with the intention for it to be inserted in the constitution and thus it would not have been terminated easily anyways. However, with the death of the Meech Lake Accord it remains to be seen what will happen if one party is dissatisfied with the Accord and they fail to come to a consensus.

THE CHARLOTTETOWN ACCORD

During the years between the Meech Lake Accord and the Charlottetown Accord there had been several negotiations between Premier Bourassa, the premier of Québec and the federal government. The Canada-Québec Accord negotiated in 1991 was short of constitutional change, and the debates that came up during the Meech Lake remained unsettled. The First Ministers were engaged in several informal discussions regarding the constitution and reached an agreement on July 7 1992. The Premier of Québec realized that the "essence" of the Meech Lake Accord was covered, and decided to join the other First Ministers on August 4. After further

negotiations in both Ottawa and Charlottetown, a unanimous agreement was reached on the text of the Consensus Report of the Constitution on August 28 1992. Due to the fact that the general public was aware of what happened during the Meech Lake negotiations, it was imperative that they would be consulted about the Charlottetown Accord. Thus the First Ministers agreed to hold two referendums on October 26 1992: one in Québec, under Québec legislation, to comply with the provisions of Bill 150; and the other in the rest of Canada under the provisions of the new federal *Referendum Act*. All governments agreed that the question should be: "*Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?*" On October 26 1992, the Charlottetown Accord was rejected by a majority of Canadians in a majority of provinces, including a majority of Québeckers and a majority of Indians living on reserves. The most intensive and extensive consultations ever undertaken had resulted in an Accord that was overwhelmingly rejected by the Canadian people (Government of Canada; BP406E). This is of particular interest because much of the Canada-Québec Accord is exactly what the Canadian population at large rejected when they rejected the Charlottetown Accord. Canadians wanted all of the provinces to be treated equally and that no province would be given special treatment; however since all bi-lateral immigration agreements are non-binding and are not legally binding or enshrined in the constitution, the federal government has negotiated bi-lateral agreements that go against what the general population wants and is able to do so without any repercussions. The significance of the political context related to Québec's agreement becomes all the more evident.

CURRENT IMMIGRATION POLICY AND FEDERAL-PROVINCIAL RELATIONS SINCE 1992

Since 1991 the Canada-Québec Accord remained in place and as the details of this accord unfold the success of the government of Québec and its ability to negotiate such a complete immigration agreement will become even more evident. Despite the fact that Canada controls the criteria selection to admit immigrants into the country; the federal government has agreed not to admit anyone into Québec unless they meet Québec's selection criteria. Furthermore, Canada has to admit any immigrant destined to Québec who meets Québec's criteria, as long as they are also admissible under the law of Canada. The only exception where Canada takes precedence is for adjudicating refugee claims from within the country (Government of Québec; 2000). Canada also has the sole responsibility in determining the total number of annual immigrants for the country as a whole; however, it does take into account the amount of immigrants Québec wishes to receive. Although the Immigration and Refugee Protection Act requires the Minister of Citizenship and Immigration of Canada to table an annual report to the House of Commons by November 1 of each year with the details of immigration levels for the following year, that are broken down into various immigration classes, there are separate negotiations that take place with Québec at a much earlier date. Canada is required to inform Québec by April 30 of each year about its anticipated immigration levels, according to each immigration class. In turn Québec is required to inform Canada before June 30 about the number of immigrants, according to each immigration class, it wishes to receive in the following year or years (Library of Parliament; 2000). Although these numbers do vary over the years a document released by the Ministry of Immigration and Cultural Communities in Québec estimated that in 2007 it will receive approximately 45,000 to 48,000 immigrants (Québec's Immigration Plan for 2007 – 2006). While

Citizenship and Immigration Canada estimates a total of 220,000 to 245,000 immigrants arrive in Canada every year. Thus Québec receives approximately 20% of the immigrants. In addition has the right to exceed this figure by five percent of the total number of immigrants entering Canada, for demographic purposes (Library of Parliament; 2000).

On the other hand, family class immigrants are not chosen in the same way as economic immigrants, all federal-provincial agreements grant Canada the sole responsibility to determine admissibility of immigrants from the family class and the assisted relative class. Canada also has the sole responsibility to determine which class immigrants belong in. Although Québec may establish its own criteria for selection of immigrants in the assisted relative class, those who fall under this category are admissible to Québec when they meet either the selection criteria established by Québec or Canada (Library of Parliament; March 2000). During an interview, the interviewee a prominent individual from the non-profit sector stated that in reality due to such stipulations Québec only selects half of the immigrants that settle there; however, the informant stated that the right to select immigrants to maintain the distinct culture in Québec is symbolically very important for the province. Furthermore according to the Accord, Québec must receive 24% of the total number of refugees that come to Canada, 24% is the percentage of the population in Québec compared to the population in Canada. Canada has the sole responsibility to process all refugee claims for those who are already in Canada, some of which must also be accepted by Québec. However, Québec does have the right to select, from those Canada has deemed as legitimate refugees in foreign countries, those of whom it feels are more likely to settle easily in Québec. The informant stated that Québec accepts approximately 1800 refugees annually based on humanitarian and compassionate grounds. Needless to say, due to this quota requirement the number of refugees who have settled in Québec since 1991 has increased

significantly (Library of Parliament; 2000). However, the informant from Québec indicated that Québec vigorously keeps track of the number of refugees it receives. In fact, despite its responsibilities during the summer of 2006, a bill of approximately \$5 million dollars was sent to the federal government to cover the costs incurred by Québec to shelter to those who fled Lebanon due to the turmoil in their country. The reason that Québec provided for its actions was because this was not part of the Canada-Québec Accord.

Québec has almost total control over the selection of immigrants who settle in Québec and total control over settlement and integration services, via its own bureaucracy rather than through Citizenship and Immigration Canada. However, immigration is a shared jurisdiction and therefore the federal government gives Québec financial compensation in order to provide integration services to newcomers that are comparable to those services offered in the rest of Canada. The Canada-Québec Accord has been negotiated in such a way whereby the funds are calculated based on the statistics from the previous year, thus the amount of immigrants Québec received as well as the amount of money that was transferred the previous year. The formulas provided in Appendix B and Appendix C are examples of the formula that Québec has institutionalized in the Accord. (Canada-Québec Accord: Annex B). One aspect of the formula that is worth noting is the fact that regardless of the flow of immigrants to Québec, whether there is an increase or a decrease, the funds will never decrease, but will either remain the same as the previous year or even more likely will increase (Canada-Québec Accord: Annex B). In essence, Québec receives equal or more funding even in the case when it has received fewer immigrants than the previous year. In part this may be the case to compensate for language training, the most expensive aspect of integration (Library of Parliament; 2000). On the other hand in the case when the number of immigrants granted landing in Québec is equal or greater than its proportion of the

population of Canada there is an increase in the amount of money that is transferred to Québec. Thus even in the case where Québec receives very few immigrants one year and there is a significant increase the following year, Québec will receive the same amount as the previous year and will be compensated a certain amount per immigrant that make up the difference. Québec will receive the basic amount from the previous year plus the escalation factor.ⁱⁱ The final aspect of compensation that was negotiated in the Accord is in the case of a sudden increase in immigrants to Canada, which may result in new budgets to offset the costs of integration services; even if the number of immigrants destined to Québec does not increase, Québec is to get a portion of these funds just the sameⁱⁱⁱ (Canada-Québec Accord: Annex B).

It will become even more evident later on in this paper, when the agreements for the two other provinces are discussed in further detail, that not only is this agreement unique but the amount of money that is transferred to Québec is much greater than any other province. Thus one would assume that the integration services in Québec not only meet national standards but also surpass them. However, this is not the case, in fact despite the increase in the amount of funds transferred to Québec, the amount of money that was allocated to the Ministry of Immigration and Cultural Communities in the last budget decreased. According to budget forecast for 2007-2008 for Québec, which can be found in Appendix D, only \$111 million dollars were allocated to the ministry while Québec has received a total of \$224 million dollars from the federal government^{iv} (TRCI; 2007). As suggested in one of the interviews, the minimum of \$90 million dollars that is transferred to the province of Québec for integration services, is being used to cover other costs in the department than just integration services as it was intended. This is a problem for the non-profit sector and community based organizations as they lack the necessary

ⁱⁱ See Appendix B for equation calculations

ⁱⁱⁱ See Appendix C for calculations

^{iv} See Appendix D for budget details (please note they are in French)

funding to provide the proper services to help newcomers integrate into society. A press release published in October 2006 by Table de concertation des organismes au service des personnes réfugiées et immigrantes, a non-profit organization located in Montreal, indicated that despite the increase in number of immigrants that arrived in Québec, and the revenues of \$202.7 million posted by the Ministry of Immigration and Cultural Communities in the 2005-2006 financial report, there was only a total of \$116.5 million in expenditures. This generated a total net profit of \$86.2 million dollars for the government of Québec, which was allocated to other government departments not related to immigration. Thus, despite the excess in revenue within the ministry, the increase in the number of immigrants settling in Québec and the lack of financial resources available to the immigrant-serving community agencies, there has been no increase in funds allocated for integration services and programs (TCRI press release; 2006). The contact indicated that he has tried on several occasions to bring this to the attention of the media; however, it has never been a story that they were willing to pick up. The money that is transferred to Québec is benefiting Québec and thus the media do not find it an important issue. It is also possible that they do not want to raise public attention at the risk that this might jeopardize the agreement and Québec will no longer receive the same amount of money from the federal government. In essence, the informant indicated that the province as a whole is benefiting and it is the newcomers who are bearing the consequences they are experiencing difficulties accessing these services and as a result are also experiencing difficulty finding jobs and have higher unemployment rates.

It is a clear that there is an issue with transparency and accountability in this area in Québec. From the interview conducted with a prominent person from the non-profit sector, it became very clear that the Ministry of Immigration and Cultural Communities does not want to

disclose any information about the allocation of money to any organization, be it non-profit or the federal government. The contact noted that although he has made several attempts to further expose this issue by accessing information through the Treasury Board of Québec, these attempts have been in vain. The contact noted that there are huge inconsistencies in the money allocated to different areas of immigration settlement services and many questions are left unanswered. On a more positive note, other provinces have learned from the Québec experience and have put mechanisms, within the bi-lateral agreements, that give the non-profit sector the right to put pressure on the provincial governments to hold them more accountable. An example of such clauses can be found in the bi-lateral agreements for British Columbia and Manitoba, both of which dictate transparency and hold the provincial governments accountable for their spending and their actions. From the interviews it was revealed that federal representatives have approached the contact in efforts to gain more information about money allocation, as the Ministry in Québec is not willing to share this information. Despite the fact that according to the Canada-Québec Accord there is a Joint Committee in place to discuss the success of the accord, Québec is very careful on the information it provides to the federal government. The committee is run by the Deputy Minister of Québec and the Deputy Minister for Citizenship and Immigration of Canada.

The dynamics of this type of relationship seem to be unfavorable to the federal government and one would assume that they would take a stand against such actions. In fact the informant indicated that under the Liberal government, when Paul Martin was the Prime Minister, the tensions between the federal government and the province of Québec came to a point where “a few high level bureaucrats” were weighing different options on how to amend the Accord. Québec was getting more than its fair share of federal money and it seemed to be that in

every scenario Québec “had the upper hand”. The task force that was set up contacted the informant for some input on how to address the issue in a diplomatic way. However, once there was a change of government and Prime Minister Stephen Harper was elected everything came to a halt. The contact noted that since the Prime Minister currently in power is a minority government it is not in a position to make any waves with Québec, particularly with regards to something as important as immigration in Québec. In Québec immigration is synonymous to its distinctiveness as a society and its cultural identity. In order to increase the chances for the current Prime Minister to win the next election, he needs the support of Québec and can only ensure this by allowing the Accord to run smoothly. With that being said it then becomes obvious that in order to maintain the Accord the federal government and the provincial governments need to be on good terms, furthermore it would follow that in order to have negotiated this type of agreement the Premier of Québec at the time must have been on good terms with the Minister of Citizenship and Immigration Canada. Québec must have also had the institutional capacity to mobilize itself and negotiate the agreements and have the institutional framework in place to support such arrangements. From the interviews conducted for this project, and particularly the interview regarding Québec it has become very obvious that these bi-lateral agreements are very political and personal relations of Ministers and officials may play a role in the negotiation process and the maintenance of these bi-lateral agreements. (Johns et al.; 2007) This is not to diminish the impact the threat of sovereignty had on these negotiations in the 1990’s.

THE PROVINCE OF ONTARIO

Ontario as a province receives 60% of immigrants who come to Canada and approximately 40% of the number of immigrants who come to Canada come to Toronto

(Government of Ontario). Ontario takes a different approach to immigration than both Québec and Manitoba, and one of the reasons for the different approach may be due to the sheer number of immigrants the province receives. One of the main differences is an institutional difference, Ontario wants to maintain a certain relationship with the immigrant-serving community in the province, not only does it want to be well liked by these agencies but they also want to be seen as part of this community; an organization that also delivers services. Whereas, from the interviews conducted with the other provinces it seems that Manitoba has worked collaboratively with them, and gives these agencies the opportunity to provide input for the negotiations. On the other hand in Québec there seems to be a more strenuous relationship between the province and the immigrant serving agencies. In this particular case there is neither a flow of information nor a flow of resources between the two parties.

Ontario also differs from Québec, another one of the main-immigrant receiving provinces in Canada, as it does not have a distinct culture or language that it needs to strive to preserve. Thus immigrant-selection has not necessarily been a political priority for Ontario. And unlike Manitoba, a province which has only recently become more interested in immigration Ontario does not have a depleting population. However, the large influx of immigrants, and to a certain extent the very little control over immigration, can create other tensions and strains on the province and on Toronto that need to be taken into consideration.

Until the recent bi-lateral agreement negotiated between the federal and provincial government, Ontario like all of the other provinces who took interest in immigration, with the exception of Québec, seemed to focus more on the integration aspect of immigration. Provinces focused on helping newcomers integrate into society and settle in the province rather than the immigration process and immigrant selection. Due to the fact that there was no bi-lateral

agreement the federal government played an important role in the immigration and settlement process for Ontario. However, as indicated from an interview conducted with a government official in the Ontario Ministry of Citizenship and Immigration, the provincial government has struggled to get the federal government to address its real needs. The federal government is a large bureaucratic institution and when such an institution has control over something so large, it tends to deal with issues in a general manner. Thus, in this case the amount of money that is allocated for immigration and settlement services as well as the extent to which the federal government decides to collaborate with the provinces and satisfy their needs, amongst other factors depends on the type of political agenda they have decided to put forward. The contact indicated that considering the fact that more than half the immigrants that come to Canada settle in Ontario, the provincial government thought that they should have a bigger voice in Federal-Provincial-Territorial negotiations regarding immigration, which was not always the case. As a result, Ontario decided that it needed to have more control over immigration and negotiated an agreement with the federal government that was signed in the summer of 2005. Some factors that have played a role in the negotiation process include: the institutional capacity that Ontario has in this area, and whether or not they were able to utilize their capacity to push forward their interests. It is also important to note that before the summer of 2005 Ontario had never negotiated a bi-lateral immigration agreement with the federal government and thus it may not have been as obvious to the federal government that the government of Ontario was serious or even interested in immigration. The contact also stated that these types of negotiations are very complex and politics plays an integral part of this process. Although the contact was aware of that both Québec and Manitoba had negotiated agreements with the federal government I did not get the impression that Ontario had looked at the bi-lateral agreements in any depth before starting the

negotiations with the federal government; this could have helped negotiate a more favorable agreement.

Before delving into the Canada-Ontario Agreement that was signed in 2005, it is worth pondering on an important point. It may come as a surprise that Ontario, one of the main immigrant-receiving provinces in Canada has only recently negotiated a bi-lateral immigration agreement with the federal government. As indicated earlier, the process is a political negotiation, and it is worth looking at the history of the federal-provincial relations between Canada and Ontario throughout the years. According to Courchene and Telmer (1998) for many years Ontario was the heartland of Canada, which as they claim that this was politically translated as the interests of Ontario are the interests of Canada. Throughout Canadian history Ontario has been an economically sound province and yields a substantial portion of Canada's Gross Domestic Product. However, during the late 1980's to the mid-1990's, Canada went through a recession and in order to deal with the strains of the recession the government of Ontario under Premier Peterson followed by Premier Rae, decided to promote a very strong social agenda. The social agenda that was put forward differed drastically from the agenda that Ottawa was trying to pursue. Both governments were determined to put forward their agenda and inevitably the dynamics of the relationship changed. It became clear that the federal government did not agree with Ontario's social agenda and made several policies that were not only unfavorable for Ontario but seemed to purposely target Ontario. In 1995, a new government was elected, the Conservative government lead by Premier Harris. The agenda put forward by Premier Harris were very different from the previous government; however, the intergovernmental relations between Ontario and the federal government were still not good, it seemed to be the case that Ontario was no longer one of the federal government's main priorities and such times were never

to come again (Courchene, T.; and Telmer, C.; 1998). It is important to note that the social agenda put forward during this period was not about immigration however, as mentioned earlier the relationship between the ministers determines how well the negotiation process goes and whether or not negotiations take place. Thus even if Ontario wanted to negotiate a bi-lateral agreement, the relationship between the federal and provincial governments was not conducive. Furthermore, unlike Québec, Ontario was unable make the same claim and demand to be recognized as a “distinct society”, nor was Ontario a threat to sovereignty and thirdly the institutional capacity that would have been necessary to make such a favorable agreement was not in place in Ontario at the time.

As a result Ontario was one of the last three provinces, the other two are Alberta and Nova Scotia, that did not have a written agreement with the federal government by the end of the 1990's,. Instead Ontario deferred all immigration matters to the federal government. Attracting immigrants was not an issue for Ontario and it seems that the province did not see immigration as a priority instead it would communicate with the federal settlement authorities based at Canada Employment and Immigration Commission (CEIC) to deal with one specific issue at a time (Dirks, G.; 1995). Although Ontario has always participated in intergovernmental affairs and attended the annual Ministerial meetings regarding immigration, the current government saw it necessary to take this relationship to the next level. As the province that receives the majority of immigrants, Ontario felt the government should be more responsive to its needs; however that was not the case. As a result it took initiative to negotiate an immigration agreement with the federal government that was signed and finalized on November 21, 2005 by the Ministers of Citizenship and Immigration Canada and Ontario Citizenship and Immigration. As indicated from the interview conducted with the government official from the Ontario Ministry of

Citizenship and Immigration from the provincial side the agreement was a collaborative inter-ministerial effort. The agreement was finalized by a team of four public service officials from the following provincial ministries: Ministry of Economy, Development and Trade, one from the Ministry of Training Colleges and Universities, an official from the Ministry of Intergovernmental Affairs and a representative from Community and Social Services. The informant indicated that this negotiation was part of a bigger agreement called the Canada-Ontario Agreement which encompassed several sub-sections one of which was on immigration. The fact that there were several ministries involved in this agreement may have restricted the ability for each department to push forward their specific agenda. In such situations there may have been several predicaments where each of the departments may have had to sacrifice their objectives not to hinder the negotiation process.

The sub-agreement of the Canada-Ontario Agreement that will be discussed in this paper is called the Canada-Ontario Immigration Agreement and as was indicated from the interviews conducted with government officials from Ontario, the five main components of this agreement include:

- Attraction initiatives and pre-arrival services
- Labour market recruitment and job growth
- Labour market integration
- Social integration (Coordinating settlement services and language training)
- Municipal and employer engagement

Like every other federal-provincial agreement on immigration, the Canadian government determines the national standards and objectives of immigration, prescribes the classes of persons and the criteria by which they are admitted. However, Ontario will be consulted and have the

opportunity to make recommendations that pertain to its specific needs and the federal government will be able to assess these recommendations in the context of Canada as a whole (CIC, 2005).

The details available on this agreement seem to be very general and very little power seems to have been passed down to the government of Ontario. Furthermore much of the agreement focuses on shared and collaborative efforts from both parties as opposed to granting the province sole responsibility over some sections. However, one of the biggest differences between the bi-lateral agreements made between the federal government, Québec, and Manitoba in contrast to Ontario is that the other provinces negotiated unconditional transfers, thus the federal government transfers the money to them and they in turn decide how and where the money should be spent. In the case for Ontario, the federal government has promised Ontario \$920 million dollars (CIC – F.T.P.A – Ontario) over a span of five years however, these are not federal transfers but rather the federal government decides how and where the money should be spent. This is approximately \$184 million dollars per year when Ontario receives approximately 60% of all immigrants destined to Canada which is approximately 150,989 immigrants (CIC-Facts and Figures - 2006). Although this may seem like a lot of money when compared to the figures released from the Ministry of Immigration and Cultural Communities in Québec it is clear that Ontario falls short. In 2007 Québec is expected to receive approximately 45,000 to 48,000 immigrants and for which it will be compensated \$224 million dollars from the federal government (Québec's Immigration Plan 2007 and T.R.C.I 2007). This translates to Québec receiving approximately \$4600 per immigrant, while the federal government spends approximately \$1220 per immigrant in Ontario. In addition during the interview the contact stated that the federal government has already under-spent \$100 million dollars and it has only

been two years into the agreement. Thus the federal government spends even less than \$1220 on settlement services for every immigrant in Ontario. Part of this may be due to lack of precise planning or it may also be due to the fact that since intergovernmental agreements are non-binding they are subject to change either when there is a change in government or when government priorities change. Due to the fact that Ontario was not able to negotiate specific federal transfers based on formula in the agreement this does not go against the agreement per se and is something that should be expected to continue to happen. However, it provides clear evidence that Québec has negotiated a more favorable agreement than Ontario.

Despite the fact that there is a Working Group and Management Committee in place, whose job is to oversee the planning and evaluate the settlement service delivery in Ontario, there seems to be very little room for the province to make any substantial changes to improve the settlement services (CIC - F.T.P.A - Ontario). Ontario is not the only province that has such stipulations in their agreement with the federal government; however, it seems rather odd that in an era where the federal government seems to be downloading much of its responsibilities to the provinces, the federal government has decided to keep control over the allocation of funds for the province that receives the largest amount of immigrants. The interviews have shed some light on this, and it seems like institutionalism best explains the reasons behind this agreement. As revealed from all of the interviews it was clear that no other province will ever be able to negotiate an agreement that is as extensive as the Canada-Québec Immigration Agreement. However, it is also important to keep in mind that since the 1960's Québec was organized and established different institutions to gain as much control on immigration as possible. Throughout the years Québec has developed full parallel institutions to the federal ministry and has incrementally decentralized the immigration process in the province. Thus Québec has the most

capacity dealing with immigration selection and immigration services, which also gives them more experience and “know how” to negotiate the best possible agreements with the federal government. In addition, Québec’s negotiations were very political and were negotiated at a time where there was a lot of uncertainty about Québec becoming a sovereign nation. The comprehensive agreements between Québec and Canada have been contingent on such factors.

Another factor, that may have lead to such an agreement for Ontario may be due to the wide scope of the Canada-Ontario Agreement. The government official from Ontario indicated that the public servants who negotiated the agreement with the federal government’s representatives were not the same public servants who drafted and researched the sub-agreement related to immigration. Thus, although they knew the details of the drafted agreement and the process, they knew very little about immigration and Ontario’s needs in this sector. Another variable that needs to be considered is the turnover of government officials during the negotiation process which may have changed the dynamics of the intergovernmental relations and affected the final agreements (Johns, O’Reilly and Inwood; 2007). After comparing the different bi-lateral immigration agreements for this project it seems that Ontario’s immigration agreement is the least extensive and the federal government has retained a lot of the decision making power. The Canada-Ontario Immigration Agreement also includes a pilot provincial nominee program (PNP). According to the PNP prospective immigrants apply to their province of preference and it is the province that decides whether or not the applicant meets the province’s specific needs. The Pilot PNP binds Ontario to nominate a certain amount of applicants each year, despite the fact that Ontario receives a lot of immigrants already this program, although still rather small, allows the province to select people who best suit its labour market needs, with the benefit of doing so in

a much shorter turn around time. Thus, Ontario is able to ensure that the more immediate demands are addressed in a timely manner.

On the other hand something that is unique to the Canada-Ontario Agreement is the Memorandum of Understanding (MOU) that was signed by the three levels of government: the federal, the provincial and the municipal governments. The objective of this memorandum is to involve the City of Toronto where over 40% of the immigrants destined to Canada settle (CIC-F.T.P.A – Ontario). By no means is this collaboration easy to achieve in fact, despite that all three levels of government want to ensure newcomers settle down as quickly and as smoothly as possible there are many issues within this agreement that remain unresolved. For instance, in Toronto there is still no agreement on the administration and funding of settlement services between the federal, provincial or municipal governments. Thus it is not clear who is responsible for which services, there is lack of accountability and the funding that is available is usually used to satisfy short-term programs rather than establish long-term initiatives. This is due to the fact that funds are allocated on a yearly basis and there are no guarantees on the amount of federal funds that will be received. Consequently there is a lack of long-term planning which leads to lower quality services (Papillon, M., 2002). In addition to this, as mentioned above, the funds come from the federal government and thus, Ontario is unable to work autonomously with Toronto to implement programs that best suit its needs, because it is the federal government who decides where the money for immigration is to be allocated. The roles of each of the parties are not clear and both the provincial and municipal governments seem to be financially paralyzed and cannot move without the financial support from the federal government.

THE PROVINCE OF MANITOBA

Manitoba has become one of the provinces that have been negotiating and frequently amending its bi-lateral immigration agreements with the federal government, and as a result its Ministry of Immigration has significantly expanded. Part of the reason for a more aggressive approach which is not the case for either Québec or Ontario is the fact that Manitoba's population is depleting, the population in Manitoba is aging and the younger generations are either not reproducing as many children or are moving elsewhere. Furthermore, similar to the other provinces Manitoba wants to further develop its economy and in order to do so it needs to have a substantial work force which can only be guaranteed through immigration. To put this in perspective, as of 2004 Manitoba received approximately 3.25% of the immigrants destined to Canada. This amounts to approximately 7,427 immigrants in total (Manitoba Labour and Immigration; Annual Report 2005 - 2006). Today the immigration division is part of the Manitoba Labour and Immigration which despite its small size; it is responsible for one of the largest legislative bases in government. This Department has four core business areas; the area responsible for immigration is called Multiculturalism and Citizenship (Manitoba Labour and Immigration). Manitoba has turned immigration into the solution to address labour demands, which in turn leads to economic growth. Whether this was intentional or not this was a very good strategic move. Regardless of which party is in power, each government wants to maintain a healthy economy and thus combining these two areas has helped Manitoba gain more control over immigration than it would have had immigration been a separate department.

Manitoba signed its first agreement in 1986, it was a relatively modest bilateral agreement and the objective of this agreement was to ensure the implementation of programs that addressed the specific needs of refugees and that helped facilitate their entry into Canada. By 1990

Manitoba realized that the program had positive effects and increased the retention rates for refugees, therefore it sought to gain control over other areas of immigration as well. In order to do so this Province saw it necessary to get organized internally, during the 1990's Manitoba merged all immigrant-serving agencies under one department. Although this might seem like a rather simple step, it had very important and positive implications for Manitoba. Finally in 1996 the first framework agreement was established between the federal and provincial government. Manitoba was the second province to enter into a bi-lateral agreement with the federal government after Québec (Clément, G., 2003). Although it was a fairly modest agreement it created a framework which could be expanded upon. This agreement mainly outlined the various roles of both the federal government and the provincial government and created a collaborative effort to increase immigration to Manitoba. It also created mutually agreed upon objectives that both parties should strive to reach, most of which focused on ways they can collaboratively reach the intended number of immigrants. The Provincial Nominee Program (PNP) was also part of this first agreement; however, it was not a main component of the agreement. The objective of the PNP is to allow provinces to select and recruit newcomers who have the skills that meet the demands of the labour market or those who will directly or indirectly have a positive impact on the economy. Due to the nature of this agreement and the fact that it was one of the initial agreements, Manitoba was only allowed to nominate a small number of provincial nominees per year (CIC - F.T.P.A - Manitoba).

Since Manitoba is not one of the major immigrant receiving provinces, it had to make significant attempts to try to get recognized by prospective immigrants and become a destination familiar to immigrants and a place where they would want to live on a long term basis. (Clément, G., 2003) In order to do so, Manitoba negotiated a full-blown agreement with the federal

government, in 1998. This agreement included a full devolution of settlement services to Manitoba, and a significant increase in the role the provincial government was to have in immigration and settlement services. The fact that Manitoba has re-negotiated its agreements every couple of years also provides evidence that it is determined to negotiate the best possible agreement and indicates a trend of incremental decentralization. Manitoba is one of three provinces that have been able to incorporate a Settlement Service Agreement in their bi-lateral agreement; the other two provinces are British Columbia and Québec. The purpose of this Agreement is to realign the roles and responsibilities of Canada and Manitoba in order to:

- *enable Manitoba to assume primary responsibility for the design, administration and delivery of settlement and integration services with respect to immigrants and refugees in the province of Manitoba;*
- *eliminate administrative overlap between federal and provincial settlement and integration services;*
- *simplify the administration of settlement and integration services;*
- *encourage community involvement in identifying local settlement and integration priorities; and*
- *promote results based accountability to ensure settlement and integration services are efficient and effective.*

(CIC - F.T.P.A - Manitoba)

According to the Annual Report 2005-2006 Manitoba received \$8.1 million dollars in federal transfers for immigration purposes (Annual Report 2005-2006). The agreement and the federal transfers grant the provincial government the flexibility to implement the services that it deems necessary. The fact that the provincial government is closer to the ground helps create a more positive and fruitful relationship with the immigrant-community serving agencies. As indicated in the interview with a government official from the Manitoba Labour and Immigration department, which is echoed in much of the literature on Manitoba, it appears that this province has been very successful in collaborating with community agencies which provide the necessary input to make substantial changes in this area.

Manitoba has been able to gain more credibility and the results it has yielded show that the province is determined to reach its goals, as a result the latest agreement signed by Manitoba and the federal government in 2003, Manitoba has gained more responsibility and control over the settlement process for recent immigrants in Manitoba. An important aspect included in the agreement that was amended in 2003 was to increase the number of nominees for the Provincial Nominee Program (CIC - F.T.P.A - Manitoba). Today the PNP in Manitoba is a vital part of their success in reaching their immigration goals. The PNP program works in the following manner, prospective applicants apply directly to the province, instead of going through the federal point system. Prospective applicants can apply under one of the following criteria: Employer Direct, Family Support, Community Support, International Student, or the Strategic Recruitment Initiative Priority Streams, the General Stream, or the PNP for Business (Manitoba Labour and Immigration). The specific criteria for eligibility is not the point of this paper and the titles are self-explanatory; however it is worth noting the resemblance of these classes to the immigration classes set out in the Federal Immigration Act. This may be another reason for the progressive agreements that Manitoba has been able to negotiate with the federal government, both parties have similar objectives and seem to address these objectives in a similar manner.

During an interview conducted with a government official who works in the department of Labour and Immigration, the contact stated that the PNP is very important for Manitoba and it has been very successful. Manitoba was also one of the first provinces to negotiate a PNP of that magnitude and thus it was able to create a program that caters to its needs and its economic goals. Manitoba has the sole and non-transferable responsibility to assess and nominate candidates who, in Manitoba's determination:

- *will be of benefit to the economic development of Manitoba; and*
- *have a strong likelihood of becoming economically established in Manitoba.*

Although Canada will have the authority to make the final decision whether or not a potential nominee is granted entry into the country, Canada must advise Manitoba beforehand should it decide not to grant a visa and provide detailed information to justify any denied applications. According to the Canada-Manitoba Immigration Agreement signed in 2003, both parties should work together to ensure that the number of immigrants admitted to Manitoba is at least proportional to its percentage of Canada's total population. In addition, the federal government also committed to provide opportunities for training and employment to provincial staff, at Canadian Visa offices (CIC - F.T.P.A – Manitoba). This will further allow the province to put forward its agenda and ensure that the selection of immigrants fits the needs of the province. This clause is very similar to Québec's agreement, although in the case of Québec there are co-locations for both provincial and federal government officials.

The contact stated that Manitoba has become a model for the other provinces that have recently become more interested in immigration, such as New Brunswick and Alberta. Although it is important to note that both of these provinces particularly the latter have unique issues, Manitoba is still an exemplary model. The contact from Manitoba indicated that the various stakeholders, particularly at the community level, play a significant part in the immigration process, whether it is for recruiting purposes, settlement services or at roundtable meetings. To show the extent to which these various stakeholders are involved in the process, the contact indicated that in efforts to recruit people to come to Manitoba, the immigration division and the various universities within the province joined forces. The universities, particularly francophone universities, advertised and marketed the fact that international students who study in Manitoba may be eligible to stay in the province and be nominated through the Provincial Nominee

Program. Such collaborative efforts continue and are supplemented by additional bi-lateral agreements such as the latest agreement signed in November 2005 the Off-Campus Work Permit Program for International Students (CIC - F.T.P.A – Manitoba). This agreement has granted Manitoba the authority to allow international students to work off campus as long as they meet the agreed upon stipulations. This may increase the likelihood that these students remain in the province upon graduation and thus contribute to the economy, possibly at a quicker rate as they will have several years of Canadian work experience.

The objectives of the Off-Campus Work Permit Program are as follows:

- *to enable international students attending the Institution to work off-campus without the requirement for a Human Resource and Skills Development Canada ("HRSDC") labour market opinion provided they meet the conditions set out in the Memorandum of Understanding on Off-Campus Work Permits Program for International Students Between the Government of Canada and the Government of Manitoba; [emphasis in original]*
- *to allow international students to deepen their understanding and appreciation of Canadian society through accessing the Canadian labour market; and to ensure that participating international students fulfill the conditions of the off-campus work permit program in such a way that their studies remain their main activity.*

(CIC - F.T.P.A – Manitoba)

The immigration section of the Department of Labour and Immigration in Manitoba also works with Francophone immigrant-serving agencies. Manitoba has a minority Francophone population thus it is important to ensure that a significant number of immigrants are Francophone and at the same time ensure that there are adequate services available to help newcomers settle in their communities. In addition they collaborate with the Department of Agriculture, Culture and Food. Immigration is a way to help satisfy the labour demand within the agricultural industry and thus the collaboration of the various departments takes these factors into consideration when making and negotiating policies (CIC - F.T.P.A – Manitoba).

ANALYSIS

This comparative research has shed light on the reasons that account for the variations between the different provincial intergovernmental agreements. The provinces selected provide enough variables for certain generalizations to be made. As indicated earlier, Ontario is the main immigrant receiving province and has one of the most vibrant economies in Canada and yet from the three provinces analyzed in this paper it is the one that has the least control over immigration. On the other hand, Manitoba, a province that does not have a vibrant economy nor is it one of the main immigrant receiving provinces, has been able to negotiate a full devolution of immigration services and is in more control of the immigration selection process. The two key factors, in addition to its political and economical priorities, that differentiate Manitoba from Ontario are the length of time that Manitoba has been negotiating agreements with the federal government as well as its institutional capacity. Manitoba's first agreement was very modest, even when factors such as its immigration history and its economic status are considered. However, through the years immigration in Manitoba has become an economical and thus political priority, it has restructured its immigration department and has been able to build its institutional capacity, and implement more complete agreements. Similarly Québec restructured its immigration department to make it more focused, and made several agreements before it negotiated the Canada-Québec Agreement. Thus a clear pattern becomes evident, in order for provinces to negotiate agreements that best suit their needs they need to have the institutional capacity and to a degree prove their capability through their experience. This is not to say that Ontario's Ministry of Citizenship and Immigration is not focused however, it may not have used its institutional capacity to its fullest. As indicated above the intergovernmental agreement made between Ontario and Canada encompassed several sub-divisions none of which was the major focus. In the case for both

Québec and Manitoba, the negotiations specifically pertained to immigration and those who took part in the negotiations were only concerned about issues that pertained to immigration.

Another factor at work is that both Québec and Manitoba seem to have a clear agenda that they have been pursuing for several years and both consider immigration to be a political priority. In the case of Québec, throughout the years and across the provincial political party lines, there seems like there was a similar agenda with regards to immigration. This kept the momentum going in Québec which has resulted in the current agreement. From the 1960's Québec saw immigration as an opportunity to pursue, and has since strived to gain further control over all aspects of immigration to the province, this is a clear example of historical institutionalism. Furthermore, despite the fact that Québec selects its own immigrants depending on their ability to speak French and integrate into society, they do so according to Canada's non-discriminatory policies. Thus they do not discriminate on the basis of race, color, religion or any other attributes; in fact Montreal is one of the more diverse cities in Canada (Carens, J.; 1995). Furthermore, despite the different degrees to which the different provincial governments of Québec desire its residents to form allegiances to the province, they have not been successful in eradicating allegiance to the Canadian nation. It is the same case for the federal government, despite their efforts to promote a pan-Canadian identity they have been unsuccessful in eradicating a Québécois identity. In fact other than the Parti Québécois, the different Québec parties have accepted that Québeckers, particularly immigrants have a dual identity – one Québécois and one Canadian (Garcea, J.; 1998). Thus Québec's role in immigration does not threaten Canada's sovereignty and is very much in congruence with the federal government's policy.

On the other hand, despite the fact that Ontario has always received a large amount of immigrants it seems that it has yet to set a clear objective for itself. Despite the fact that the

informant from Ontario stated that the objective of this agreement was to “optimize the benefits for Ontario” I did not get the impression that there was a clear idea of what this really meant. In addition when asked about future negotiations, the contact indicated that they may request fund transfers from the federal government. However, again there was no indication where these funds would be spent. Thus, although Ontario’s goals may not be as obvious as the other provinces whereas Québec’s goal is to maintain its “distinct society” and Manitoba’s goal is to increase its population size and economic growth, Ontario still needs to have certain objectives from which it can negotiate future agreements. The passive approach which was Ontario way of addressing immigration issues in the past indicates that such objectives are either fairly recent or have yet to be made. On the other hand, this may mean that Ontario does not consider immigration to be a political or intergovernmental priority and thus has no intention of creating such objectives or pursuing further bi-lateral agreements. Only time will tell.

CONCLUSION

In essence, province-building has fundamentally changed federal-provincial relations and it seems that this has led to incremental decentralization in immigration policy. However it is important to note, as this research indicates, that the federal government will only grant a full devolution of immigration services to those provinces that showed their willingness and ability to handle it. Thus, those provinces that want to improve their current bi-lateral immigration agreements need to ensure that they have the institutional capacity in place and clear objectives in mind. Both Manitoba and Québec, the provinces that seem to be closer to their objectives than Ontario, have either deemed immigration to be an important political priority and have linked the benefits of immigration to economic policy in the case of Manitoba or have linked it to cultural

policy and intergovernmental relations more generally in the case of Québec. This is not to say that other factors such as the relationship between the two levels of governments as well as the issue of sovereignty in Québec have not played a role in the negotiations; yet notwithstanding such factors, provinces have the opportunity to negotiate more complete agreements if they are strategic in their approach and well prepared in all other areas.

The goal for this research project is to explain the variations in the federal-provincial agreements. The comparative aspect has provided insights as to why such variations exist and highlights the similarities and differences between the three provinces. Despite the differences amongst the various provinces there seems to be a clear trend in all three cases: intergovernmental agreements on immigration are leading to higher levels of decentralization in this area. All the provinces have signed bi-lateral agreements and are gaining more control over immigration. Although this paper does not provide much insight from the federal government's perspective, it is clear that many provinces want to gain even more control and customize the agreements to meet their specific needs. As indicated in this paper, much of the scholarly work in this area focuses on a particular province, and thus there is room for a lot more analysis. Since most of the provinces have only recently negotiated their bi-lateral agreements it will be interesting to see the trends and explanations that future research yields; whether they are similar or different from this project remains to be seen. However, if the past is any indication of what is to come in the future, and historical institutionalism is a significant factor, the incremental changes that have occurred allude to the possibility of even further devolution at all levels of government.

APPENDIX A

Interview Questions

Interviewees: Government Officials from Manitoba, Ontario and a representative from the non-profit sector in Québec

Professional/Organizational Background – Questions for the Provinces

1. What is the name of this department? How long has this department existed?
2. What is your job title? What responsibilities does this entail?
3. What role does this department have in the federal-provincial negotiation process?

Immigration Policy & Intergovernmental Relations – Questions for the Provinces

4. Can you provide a brief history of immigration policies in your jurisdiction?
5. What are the policy goals/immigration needs of the province? How are they identified?
6. How would you characterize intergovernmental relations (federal-provincial; inter-provincial) in this policy area?
7. To what extent is there information sharing between the provinces?

Intergovernmental Agreements

8. What intergovernmental agreements currently exist related to immigration policy in your jurisdiction? How have they evolved?
9. What were some of the main reasons that your jurisdiction entered into bi-lateral agreements with the Federal government?
10. What is the negotiation process? How long does it take on average?
11. What are the common objectives of these different agreements?
12. Do you have internal assessment mechanisms in place, to measure the success or shortcomings for each agreement? If yes, how are these assessments carried out and which agreement has been the most successful thus far?

13. Can you recall any major hurdles that you have encountered during the negotiation process with the federal government?
14. Is there anything that you wanted to be part of the negotiations and was denied, yet the same demand was part of another federal-provincial agreement?
15. What are some of the major differences between the federal-provincial agreements, specifically in reference to Québec/Manitoba/Ontario?
16. What accounts for the differences between these agreements?
17. Do you think the federal government is able to make the same agreements with all the provinces?
18. What are some of the agreements that you can foresee Québec/Manitoba/Ontario making with the federal government in the future?

APPENDIX B

When the proportion of immigrants granted landing in Québec in relation to the rest of Canada during the previous complete calendar year is lower than its proportion of the population of Canada, annual financial compensation shall be equivalent to the basic amount multiplied by the escalation factor where:

- The basic amount for 1995-96 shall be equivalent to \$90 Million
- The basic amount for the other years shall be the basic amount of the previous year, indexed.
- Escalation factor =

$$1 + \frac{\left[\begin{array}{c} \text{Total federal expenditures} \\ \text{less debt service (k)} \\ \\ \text{less} \\ \\ \text{total federal expenditures} \\ \text{less debt service (k-1)} \\ \hline \text{total federal expenditures} \\ \text{less debt service (k-1)} \end{array} \right] + \left[\begin{array}{c} \text{Non-Francophone immigrants} \\ \text{in Québec (t)} \\ \\ \text{less} \\ \\ \text{Non-Francophone immigrants} \\ \text{in Québec (t-1)} \\ \hline \text{Non-Francophone immigrants} \\ \text{in Québec (t-1)} \end{array} \right]}{1}$$

where:

- t* refers to the calendar year preceding the complete calendar year corresponding to the fiscal year for which annual compensation is calculated and *t-1* corresponds to the preceding calendar year.
- k* corresponds to the fiscal year preceding that for which annual compensation is calculated and *k-1* corresponds to the preceding fiscal year.

Non-Francophone immigrants in Québec = number of non-Francophone immigrants in Québec as established by Québec on the Québec Selection Certificates either by Québec counsellors or by federal visa officers, on the basis of candidates statements.

Total federal expenditures less the debt service is established according to the federal government's public accounts.

APPENDIX C

When the proportion of immigrants granted landing in Québec in relation to the rest of Canada during the previous complete calendar year is equal to or greater than its proportion of the population of Canada, annual financial compensation shall be equivalent to the basic amount multiplied by the escalation factor where:

- The basic amount for 1995-96 shall be equivalent to \$90 M.
- The basic amount for the other years shall be the basic amount of the previous year, indexed.
- Escalation factor =

$$1 + \left[\frac{\begin{array}{c} \text{Total federal} \\ \text{expenditures} \\ \text{less debt service (k)} \\ \text{less} \\ \text{total federal} \\ \text{expenditures} \\ \text{less debt service (k-1)} \end{array}}{\begin{array}{c} \text{Total federal} \\ \text{expenditures} \\ \text{less debt service (k-1)} \end{array}} \right] + \left[\frac{\begin{array}{c} \frac{\text{immigrants in Québec (t)}}{\text{immigrants in Canada (t)}} \text{ less } \frac{\text{immigrants in Québec (t-1)}}{\text{immigrants in Canada (t-1)}} \\ \frac{\text{immigrants in Québec (t-1)}}{\text{immigrants in Canada (t-1)}} \end{array}}{\frac{\text{immigrants in Québec (t-1)}}{\text{immigrants in Canada (t-1)}}} \right]$$

where:

- t* refers to the calendar year preceding the calendar year corresponding to the fiscal year for which annual compensation is calculated.
- k* corresponds to the fiscal year preceding that for which annual compensation is calculated and *k-1* corresponds to the preceding fiscal year.

Immigrants in Québec = number of immigrants in Québec

Immigrants in Canada = number of immigrants in Canada

Total federal expenditures less the debt service is established according to the federal government's public accounts.

APPENDIX D

DOCUMENT DE TRAVAIL TCRI (24 mai 2007)

APERÇU DE L'ÉVOLUTION DES REVENUS ET DÉPENSES GLOBALES DU MICC EN MATIÈRE D'IMMIGRATION, D'INTÉGRATION, DE FRANCISATION ET DE RÉGIONALISATION SELON LES ÉTATS FINANCIERS VÉRIFIÉS DU GOUVERNEMENT DU QUÉBEC ET AUTRES RAPPORTS GOUVERNEMENTAUX

Année financière	Niveaux d'immigration	Revenus du transfert ¹ Fédérale pour l'intégration des nouveaux arrivants	Dépenses ² totales du MICC pour la mission immigration et communautés culturelles (ref. Conseil du trésor : Budget de dépenses 07-08 p. 110)	Soutien financier global du MICC à l'action communautaire (inclus dans les dépenses totales)
1998-1999	1998 : 26 509 pers.	101 452 000\$	102 000 000 \$	10 138 755 \$ ³
1999-2000	1999 : 29 214 pers.	102 910 000 \$	100 000 000\$	9 787 012 \$ ³
2000-2001	2000 : 32 502 pers.	104 140 000\$	102 000 000\$	9 382 358 \$ ³
2001-2002	2001 : 37 498 pers.	111 723 000\$	125 000 000\$	9 972 760 \$ ³
2002-2003	2002 : 37 618 pers.	135 734 000\$	129 000 000\$	9 292 187 \$ ³
2003-2004	2003 : 39 500 pers.	164 100 000\$	127 000 000\$	10 370 366 \$ ³
2004-2005	2004 : 44 226 pers.	156 430 000\$	120 000 000\$	10 948 000 \$ ³
2005-2006	2005 : 43 373 pers.	172 622 000\$	116 000 000\$	10 504 000\$ ³
2006-2007	2006 : 44 686 pers.	197 600 000\$ ⁴	125 000 000\$ (probable)	12 000 000\$ ³
2007-2008	2007 : cible 45 500/ 48 000 pers.	224 000 000\$ ⁶	111 000 000\$ ³	12 000 000\$ ³
2008-2009	2008 : non disponible	237 500 000\$ ⁶	Non disponible	Non disponible

Notes explicatives du tableau:

¹En vertu de l'Accord Canada-Québec (art. 25), le gouvernement du Québec est tenu, avec la compensation financière du Fédéral :

1. *d'assurer l'accueil de tous les résidents permanents et de leur assurer un service de référence aux services compétents susceptibles de répondre à leurs besoins;*
2. *de conseiller les résidents permanents afin de faciliter et d'accélérer leur adaptation et leur intégration à la société québécoise;*
3. *d'aider les résidents permanents pour leur première installation sur le territoire québécois;*
4. *d'aider les résidents permanents à intégrer le marché du travail québécois;*
5. *de fournir aux résidents permanents les moyens d'apprendre la langue française et de connaître les principales caractéristiques de la société québécoise;*
6. *de fournir aux résidents permanents dans le besoin une assistance financière temporaire.*

² Inclues également la mission 'Immigration' (sélection et activités à l'étranger), l'administration centrale du MICC et les relations interculturelles qui ne sont pas admissibles à la compensation financière du Fédéral selon l'Accord. Le budget de dépenses du MICC prévu pour 2007-2008 pour les mesures d'intégration des nouveaux arrivants couvert par l'Accord Canada-Québec est de **75,7 millions \$** (70,5 millions \$ 2006-2007) Les dépenses totales en francisation représentent pour 2007-2008 **51,1 millions \$** (dépenses en 2006-2007 : 45,8 millions) les autres mesures d'accueil et d'intégration des nouveaux arrivants sont de **24,6 millions \$** pour 2007-2008 (dépenses en 2006-2007 24,7 millions). De plus le MICC compte reconduire le **5,3 millions \$** pour le rapprochement interculturel et la lutte contre la discrimination et ainsi que le **5,3 millions \$** pour le financement des instances locales et régionales en matière d'immigration, d'intégration et de relations interculturelles. Les crédits autorisés pour les dépenses rattachées à l'infrastructure de l'ensemble du MICC et des services administratifs centralisés représentent pour 2007-2008 **20,5 millions \$** (dépenses en 2006-2007 19,4 millions\$).

³ Voir : *État de situation de l'intervention gouvernementale en matière d'action communautaire*, Édition 2005, SACA (le budget comprend les programmes PANAP/PR/PRSOCA); pour 2005-2006 selon les états financiers vérifiés du MICC.

⁴ Prévisions du ministère des Finances du Québec en date du 6 mai 2006.

⁵ Budget de dépenses autorisé par le gouvernement du Québec pour 2007-2008. NB. Un réajustement des crédits est fait en cours d'année pour le budget 'immigration' en fonction des revenus générés par le MICC.

⁶ Prévisions du Fédéral : Rapports sur les plans et priorités 2007-2008 de CIC.

Selon l'information fournie par le Conseil du trésor, les dépenses admissibles à l'Accord Canada-Québec pour 2004-2005 par ministère relatives à l'intégration des nouveaux arrivants sont les suivantes : MICC : 90,1 M\$, MELs : 57,5 M\$, MSSS : 10,1M\$, MESS : 19 M\$, Conseil du trésor : 0,2 M\$, Conseil exécutif : 0,5 M\$.

(N.B. les activités immigration, relations interculturelles et lutte contre la discrimination du MICC ne sont pas admissibles à la compensation financière du Fédérale. Notez également que le MICC génère annuellement environ 30 millions \$ de revenus autonomes en taxes, frais, permis, certificats et autres en grande partie de la poche des immigrants et des réfugiés.)

BIBLIOGRAPHY

Brooks, S. (2004) Canadian Democracy an Introduction. *Federalism* (pp. 183-216 Fourth Edition) Canada: Oxford University Press

Carens, J.H. (Ed.) (1995). Immigration, Political Community, and the Transformation of Identity: Québec's Immigration Policies in Critical Perspective. In *Is Québec Nationalism Just? Perspectives from Anglophone Canada*. Chapter 2. McGill-Queen's University Press.

Clement, G. L. (2003) The Manitoba Experience. In C. Beach, A. Green & J. Reitz (Eds.), *Canadian immigration policy for the 21st century* (pp. 197-200). Canada: McGill-Queen's University Press.

Courchene, T.; and Telmer, C. (1998) *From Heartland to North American Region State. The Social, Fiscal and Federal Evolution in Ontario*. Canada: University of Toronto.

Dirks, G. E. (1995) Federal-Provincial Relations in Immigration. *Controversy and complexity Canadian immigration policy during the 1980s* (pp. 97-111). Canada: McGill-Queen's University Press

Dunsmuir, M. (1995) Constitutional Activity From Patriation To Charlottetown (1980-1992) Law and Government Division - Government of Canada; Paper BP406E

Garcea, J. (1998). Bicomunalism and the Bifurcation of the Immigration System. *Canadian Ethnic Studies*, 30(3).

Grenier, G. (2003) Immigration Policy in Canada: A Québec Perspective. In C. Beach, A. Green & J. Reitz (Eds.), *Canadian immigration policy for the 21st century* (pp. 201-207). Canada: McGill-Queen's University Press.

Hardcastle, L.; Parkin, A.; Simmons, A. and Suyama N. (1994) The Making of Immigration and Refugee Policy: Politicians, Bureaucrats and Citizens. In Adelman H., Borowsk A., Burstein M. and Foster L. (Eds.) *Immigration and Refugee Policy: Austrailia and Canada Compared*. Vol.1. Canada: University of Toronto Press.

Hogg, P. W. (1992) Formal Amendment of the Constitution of Canada. *Law and Contemporary Problems*, Vol. 55, No. 1. Comparative United States/Canadian Constitutional Law.

Johns, C. M.; O'Reilly P. L. and Inwood G. J. (2007) Formal and informal dimensions of intergovernmental administrative relations in Canada. *Canadian Public Administration*. Vol. 50, No.1

Papillon, M. (2002) Immigration, Diversity and Social Inclusion in Canada's Cities. Canadian Policy Research Networks. Discussion Paper F|27 – Family Network

Peters, G. (1999) The Legacy of the Past: Historical Institutionalism. In *Institutional Theory in Political Science. The 'New Institutionalism'* (pp. 63-77). London: Continuum.

Young, M. (2004) BP- 252E Library of Parliament March 2000 Immigration: The Canada-Québec Accord

Immigration is profitable for Québec: a \$86.2 million net profit in 2005-2006. Press release (2006) by Table de concertation des organismes au service des personnes *réfugiés* et immigrantes. www.tri.qc.ca

GOVERNMENT DOCUMENTS

Canada-Québec Accord Relating to Immigration and Temporary Admission of Aliens (2000) Gouvernement du Québec Ministère des Relations avec les citoyens et de l'Immigration

CIC Audits and Evaluations: <http://www.cic.gc.ca/english/resources/menu-audit-eval.asp>

CIC Facts and Figures 2006: <http://www.cic.gc.ca/english/resources/statistics/menu-fact.asp>

CIC Federal-Provincial/Territorial Agreements – General Information (CIC-F.T.P.A) <http://www.cic.gc.ca/english/about/laws-policy/agreements/index.asp>

CIC Federal-Provincial/Territorial Agreements – Manitoba (CIC-F.T.P.A – Manitoba) <http://www.cic.gc.ca/english/about/laws-policy/agreements/manitoba/index-man.asp>

CIC Federal-Provincial/Territorial Agreements – Ontario (CIC-F.T.P.A – Ontario) <http://www.cic.gc.ca/english/about/laws-policy/agreements/ontario/index-ont.asp>

CIC Federal-Provincial/Territorial Agreements – Québec (CIC-F.T.P.A – Québec) <http://www.cic.gc.ca/english/about/laws-policy/agreements/Québec/index-que.asp>

Department of Justice Canada - Immigration and Refugee Protection Act (2001, c. 27) <http://laws.justice.gc.ca/en/showdoc/cs/I-2.5>

Manitoba Labour and Immigration Department : <http://www.gov.mb.ca/labour/labmgt/legrespo.html>

Manitoba Labour and Immigration Department: Annual Report 2005-2006 <http://www.gov.mb.ca/labour/annualreports/annualreport.html>

Government of Québec Ministry of Citizenship Relations and Immigration. *Ministère des Relations avec les citoyens et de l'Immigration*. Budget info <http://www.finances.gouv.qc.ca/en/index.asp>

Government of Québec Ministry of Citizenship Relations and Immigration.
Québec's Immigration Plan for 2007.
<http://www.immigration-Québec.gouv.qc.ca/en/informations/news/news-2006/index.html>

Standing Committee on Citizenship and Immigration. Mandate: www.parl.gc.ca/cimm-e

Standing Committee on Citizenship and Immigration. (2003a). The Provincial Nominee Program: A partnership to attract immigrants to all parts of Canada. Ottawa: Communication Canada – Publishing. from:
<http://www.parl.gc.ca/InfoComDoc/37/2/CIMM/Studies/Reports/cimmrp03/cimmrp03-e.pdf>

INTERVIEWS

Province of Québec – Interview conducted with a representative from the non-profit sector

Province of Ontario – Interview conducted with a Government Official from the Ontario Ministry of Citizenship and Immigration

Province of Manitoba – Interview conducted with a Government Official from the Department of Labour and Immigration