

## **Dismantling White Canada: Race, Rights and the Origins of the Points System**

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On May 1, 1947, in a speech before parliament, Prime Minister Mackenzie King outlined his government's position on Canada's immigration policy. King noted that:

The policy of the government is to foster the growth of the population of Canada by the encouragement of immigration. The government will seek by legislation, regulation and vigorous administration, to ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our national economy.... With regard to the selection of immigrants, much has been said about discrimination. I wish to make quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not a "fundamental human right" of any alien to enter Canada. It is a privilege. It is a matter of domestic policy.... There will, I am sure, be general agreement with the view that the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population. Large-scale immigration from the Orient would change the fundamental composition of the Canadian population. Any considerable Oriental immigration would, moreover, be certain to give rise to social and economic problems of a character that might lead to serious difficulties in the field of international relations.<sup>1</sup>

King's statement affirmed Canada's longstanding policy of regulating immigration for purposes of nation-building. This entailed distinguishing among "preferred," "non-preferred," and "excluded classes" of people. Whereas preferred immigrants from the British Isles and northern Europe were highly sought after and aggressively recruited, non-preferred immigrants from southern and eastern Europe were granted entry during periods of economic growth but regulated more closely during bad times. Non-white immigrants from outside of Europe were completely excluded through the Chinese Immigration Act, the "continuous journey" clause, and a host of other racially discriminatory regulations and administrative practices.<sup>2</sup>

This approach to immigration policy was definitively ended with the introduction of the "points system" on October 1, 1967. Through the points system, Canada would select immigrants according to a set of universal criteria, including educational credentials, language competency in English and/or French, and labor market potential. Applicants' ethnic and racial backgrounds were no longer to be considered in determining their eligibility for admission into Canada. The result of this change in immigration policy was precisely what King had endeavored to avoid: the diversification of immigration and consequent transformation of Canada's demographic structure. Whereas immigrants from "non-traditional" source regions including Asia, the

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<sup>1</sup> House of Commons *Debates*, May 1, 1947, 2644-2546.

<sup>2</sup> For background see Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2000); Triadafilos Triadafilopoulos, "Building Walls, Bounding Nations: Migration and Exclusion in Canada and Germany, 1870-1939," *Journal of Historical Sociology* VOL. 17, No. 4 (2004): 385-427.

Caribbean, Latin America, and Africa comprised only a small fraction of Canada's total immigration intake from 1946-1966, by 1977 they made up over 50 per cent of annual flows.<sup>3</sup> Changes in immigration policy shattered the foundations of "white Canada" and created the conditions for Canada's development into one of the most culturally diverse countries in the world.<sup>4</sup>

Despite its importance, this fundamental shift in Canadian immigration policy has received surprisingly little scholarly attention. The explanations that have been advanced typically see the shift to a universal admissions policy in functional terms, with scholars assuming that the turn to a "skills-based" immigrant admissions system was driven by Canada's changing economic needs. Alan Green nicely captures this view, noting that "the major changes in immigration control ... were economic in nature.... [C]hanges in the state of the economy were decisive, while political influences were marginal."<sup>5</sup> Peter Li views the move to a non-discriminatory policy in the 1960s as a result of Canada's growing need for skilled immigrants that traditional western European source countries could no longer supply in sufficient quantities.<sup>6</sup> Although Freda Hawkins acknowledges the (secondary) importance of non-economic factors in the liberalization of Canadian immigration policy in the 1960s, she devotes little attention to exploring them in either of her two important works on Canadian immigration policy-making.<sup>7</sup> Similarly, Ninette Kelley and Michael Trebilcock recognize the importance that changing ideas had on Canadian immigration policy but do not develop this insight sufficiently in their discussion of the origins of the points system.<sup>8</sup>

This paper breaks from the dominant economic/functional explanations noted above, arguing that the introduction of the points system capped a twenty year period of policy change driven by changes in the normative acceptability of racial discrimination among liberal-democratic states. World-historical events and processes, including the

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<sup>3</sup> Warren E. Kalbach, "Growth and Distribution of Canada's Ethnic Populations, 1871-1981," in *Ethnic Canada: Identities and Inequalities*, ed. Leo Driedger (Toronto: Copp Clark Pitman, 1987): 82-110. Also see See Doreen M. Indra, "Changes in Canadian Immigration Patterns Over the Past Decade with a Special Reference to Asia," in *Visible Minorities and Multiculturalism: Asians in Canada*, ed. K. Victor Ujimoto and Gordon Hirabayashi (Toronto: Butterworths, 1980).

<sup>4</sup> Statistics Canada, *2001 Census Analysis Series: Canada's Ethnocultural Mosaic* (Ottawa: Ministry of Industry, 2003); Statistics Canada, *Study: Canada's Visible Minority Population in 2017* (Ottawa: Ministry of Industry, 2005).

<sup>5</sup> Alan G. Green, *Immigration and the Postwar Canadian Economy* (Toronto: Macmillan-Hunter Press, 1976): 34-35

<sup>6</sup> Peter Li, *Destination Canada: Immigration Debates and Issues* (Toronto: Oxford University Press, 2003): 23.

<sup>7</sup> Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern*, Second Edition (Montreal and Kingston: McGill-Queen's University Press, 1988); *Critical Years in Immigration: Canada and Australia Compared*, second edition (Montreal and Kingston: McGill-Queen's University Press, 1991).

<sup>8</sup> Kelley and Trebilcock, *The Making of the Mosaic*.

Holocaust, decolonisation, and the emergence of a global human rights culture, created a markedly different normative context in the postwar period that checked Canada's ability to maintain discriminatory immigration policies in line with King's 1947 statement. The postwar shift in normative context discredited principles used to legitimize existing exclusions, creating a "lack of fit" between Canada's commitment to domestic liberal democratic principles and international human rights, on the one hand, and its established immigration policies, on the other. Domestic critics such as labour unions, churches, and ethnic associations, as well as external actors highlighted this lack of fit, compelling policymakers to adjust extant policies to conceal incongruities produced by changes in normative context. However, these symbolic reforms failed to mollify critics and further undermined the coherence of the exclusionary paradigm, hastening its unravelling and opening space for the formulation of new approaches in line with prevailing normative standards.

I begin by elaborating my argument and analytical framework and then apply it to trace the development of Canadian immigration policy from 1947 to 1967. I conclude with a brief discussion of the paper's relevance for the theme of policy failure. I suggest that failure does not necessarily signal the ineffectiveness of a policy; it can also be based on a policy's inappropriateness from a normative point of view. Scholars interested in better understanding the sources of policy change, particularly with regard to immigration, citizenship and the politics of difference broadly construed, would do well to pay closer attention to how normative contexts shape actors' identities, interests and practices.

## **Argument and Analytical Framework**

### *The Migration-Membership Dilemma*

In a world of territorially distinct nation-states international migration is a subversive process. Whereas migrants may be used to meet labor market requirements, keep production costs low, and serve related economic purposes, the satisfaction of these economic interests can, and often does, provoke negative reactions not only among actors with conflicting material interests, but also among those who view immigration as a threat to communal stability and societal integration. The fact that migrants often possess qualities which simultaneously make them suitable as laborers but undesirable from the perspective of membership compounds what is an essential problem: deciding how to reconcile the entry of outsiders for economic and other reasons (such as the acceptance of refugees on humanitarian and/or political grounds) with the prerogatives of membership in nation-states.<sup>9</sup> Efforts to address this clash of distinct interests and concerns drive the

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<sup>9</sup> Aristide R. Zolberg, "International Migrations in Political Perspective," in *Global Trends in Migration: Theory and Research on International Population Movements*, ed. Mary M. Kritz, Charles B. Keely and Silvano M. Tomasi (New York: Center for Migration Studies, 1981): 5, 8; Aristide R. Zolberg, "Wanted but Not Welcome: Alien Labor in Western Development," in *Population in an Interacting World*, ed. William Alonso (Cambridge: Harvard University Press, 1987): 37-73; Elizabeth Petras, "The Role of National Boundaries in a Cross-National Labour Market," *International Journal of Urban and Regional Research* VOL. 4, No. 2 (1980): 157-194; Michael Walzer, "The Distribution of Membership," in *Boundaries: National Autonomy and its Limits*, ed. Peter G. Brown and Henry Shue (Totowa, New

politics of membership. In this respect, immigration and citizenship policies represent answers to the very basic questions provoked by the migration-membership dilemma: “What are we? What do we wish to become? Which individuals can help us reach that goal? And most fundamentally: Which individuals constitute the ‘we’ who shall decide these questions?”<sup>10</sup>

### *Normative Contexts*

How polities respond to these questions depends on a host of factors, including regime type, traditions of nationhood, and economic requirements. Limiting our attention to these domestic variables, however, obscures more encompassing material, political, and ideational structures that influence outcomes across states. As Aristide Zolberg has noted, domestic policymaking “takes place within the context provided by changing conditions in the world at large. Hence...analysis must take into account the configuration of international conditions that generates changing opportunities and challenges in relation to ...immigration.”<sup>11</sup> Zolberg’s efforts to explain the development of immigration policies in relation to changing “world systems” represents one effort along these lines.<sup>12</sup>

Alan Cairns’ work on the transformation of indigenous peoples’ politics in Canada and other settler countries proceeds in a similar direction. In *Citizens Plus*, Cairns argues that the dramatic contrast in historic assumptions governing Aboriginal/non-Aboriginal relations in Canada cannot be understood without recognizing the impact of changing international norms, and in particular the demise of European colonialism.<sup>13</sup> Cairns develops this insight by making a useful distinction between the global culture of the late nineteenth and early twentieth century (“Globalization I”) and that of the period after World War II (“Globalization II”). Both periods were marked by globalization and “diversity,” but they differed significantly in their prevailing attitudes toward diversity:

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Jersey: Rowman and Littlefield, 1981): 2.

<sup>10</sup> Peter Schuck, “Immigration Law and the Problem of Community,” in *Clamor at the Gates: The New American Immigration*, ed. Nathan Glazer (San Francisco: ICS Press, 1985): 285-286.

<sup>11</sup> Aristide R. Zolberg, “A Nation by Design: Immigration Policy in the Fashioning of America,” (paper presented at the 2002 meeting of the American Political Science Association): 4-5.

<sup>12</sup> Aristide R. Zolberg, “International Migration Policies in a Changing World System,” in *Human Migration: Patterns and Policies*, ed. William H. McNeill and Ruth S. Adams (Bloomington: Indiana University Press, 1978): 244-251; “Bounded States in a Global Market: The Uses of International Labor Migrations,” in *Social Theory for a Changing Society*, ed. Pierre Bourdieu and James S. Coleman (New York: Russell Sage Foundations and Boulder: Colorado: Westview Press, 1991): 311-312.

<sup>13</sup> Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: University of British Columbia Press, 2000): 41.

Globalization I, the age of empire, encompassed not only an international system dominated by Europe but also the “colonial” treatment of indigenous minorities in the West, restrictive immigration policies, and a hierarchical view of cultures, religions, and races. Globalization II, the post-imperial era, supported the independence of colonies (leading to a multicultural and multiracial international state system), reinforced the aspirations of minority indigenous peoples in the West for enhanced self-governance, led to a relaxation of immigration criteria, fostered respect for cultural differences at home, and was normatively underpinned by an international human rights movement that stressed equality as the norm of social and political relationships. Globalization II was clearly a reaction to Globalization I. *Empire and its demise were, respectively, the motor of change for the cluster of policies and assumptions linked to each globalization era* (emphasis added).<sup>14</sup>

My understanding of “normative contexts” builds on these insights. Normative contexts are complex configurations of global structures (e.g. the international state system), processes (e.g. colonialism), and beliefs (e.g. scientific racism versus human rights) that serve as background conditions informing domestic policymaking. Shifts in normative contexts throw policies enacted under older conditions into doubt, as the grounds of legitimacy underpinning them are challenged.<sup>15</sup> Policies in line with the “common sense” of one era may be rendered highly problematic in another as a result of changes in what constitutes appropriate conduct.

Like Cairns, I distinguish between two periods with distinct normative contexts. The first spans the turn of the twentieth century until the Second World War. The second emerges as a consequence of the war and related developments, including the Holocaust, decolonization, and the emergence of a global human rights culture. Both contexts had a profound effect on immigration policies in Canada. Solutions to the migration-membership dilemma devised during the early part of the twentieth century were influenced by prevailing attitudes toward racial and ethnic difference, nationalism, and state sovereignty, tending, on the whole, to legitimize discriminatory exclusions.

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<sup>14</sup> Alan C. Cairns, “Empire, Globalization, and the Fall and Rise of Diversity,” in *Citizenship, Diversity, and Pluralism: Canadian and Comparative Perspectives*, ed. Alan C. Cairns et al (Montreal and Kingston: McGill-Queen’s University Press, 1999): 24-25. For similar approaches see John D. Skrentny, *The Minority Rights Revolution* (Cambridge: Harvard University Press, 2002): 8; Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, Massachusetts: Harvard University Press, 2001); Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, New Jersey: Princeton University Press, 2000); Jennifer Clark, “‘The Wind of Change’ in Australia: Aborigines and the International Politics of Race, 1960-1972,” *The International History Review* VOL. 20, No. 1 (March 1998): 89-117.

<sup>15</sup> Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* VOL. 52, No. 4 (Autumn 1998): 909; Peter J. Katzenstein, “Introduction: Alternative Perspectives on National Security,” in *Cultural Norms and National Security*, ed. Peter J. Katzenstein (Ithaca and London: Cornell University Press, 1996): 5; James Mahoney, “Path Dependence in Historical Sociology,” *Theory and Society* VOL. 28, No. 4 (2000): 525; Antje Wiener, “Contested Compliance: Interventions in the Normative Structure of World Politics,” *European Journal of International Relations* VOL. 10, No. 2 (2004): 189-234.

Conversely, the discrediting of scientific racism, integral nationalism and white supremacy, and the simultaneous emergence of human rights after the war problematized efforts to structure policies along familiar lines and granted leverage to actors pressing for reforms. Canada's self-identification as a progressive liberal-democratic country that respected the rule of law and human rights made it especially vulnerable to charges of hypocrisy. This is not to say that racial discrimination disappeared after World War II; rather, the discrediting of racism and integral nationalism as legitimizing principles for immigration policy made race-based categories much harder to defend in the face of normatively sanctioned criticism.

### *Stretching, Unraveling, and Shifting*

How did this broadly encompassing change in normative structure influence Canadian immigration policy-making? In an effort to answer this question, I advance an analytical framework that breaks the process down into three stages, which I refer to as "stretching," "unraveling," and "shifting."<sup>16</sup>

The concept of stretching speaks to the durability of entrenched policy paradigms and their propensity to channel policymaking along well worn paths.<sup>17</sup> Existing policy paradigms

define the broad goals behind policy, the problems to be tackled, and the instruments to be deployed, as well as mapping the respective responsibilities of the state, market and citizens in meeting societal challenges. Once institutionalized, a governance paradigm channels the thoughts and actions of a range of state and societal actors, reflecting shared policy knowledge and habitual decision-making routines. The result is broad continuity in both content and process of public policy.<sup>18</sup>

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<sup>16</sup> My approach draws on insights from historical institutionalism, generally, and Peter Hall's theory of "paradigm shift," in particular. See Kathleen Thelen and Sven Steinmo, "Historical Institutionalism in Comparative Politics," in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, ed. Sven Steinmo, Kathleen Thelen, and Frank Longstreth (Cambridge: Cambridge University Press, 1992): 2; Evan S. Lieberman, "Casual Inference in Historical Institutional Analysis: A Specification of Periodization Strategies," *Comparative Political Studies* VOL. 34, No. 9 (November 2001): 1013; Paul Pierson, "Not Just What, but *When*: Timing and Sequence in Political Processes," *Studies in American Political Development* VOL. 14 (Spring 2000): 72-92; Peter A. Hall, "Policy Paradigms, Social Learning and the State: The Case of Economic Policymaking in Britain," *Comparative Politics* VOL. 25, No. 3 (April 1993): 277-280; Peter Hall, "Policy Paradigms, Experts, and the State: The Case of Macroeconomic Policy-Making in Britain," in *Social Scientists, Policy, and the State*, ed. Stephen Brooks and Alain-G. Gagnon (Westport: Connecticut: Praeger, 1990).

<sup>17</sup> David Wilsford, "Path Dependency, or Why History Makes it Difficult but Not Impossible to Reform Health Care Systems in a Big Way," *Journal of Public Policy* VOL. 14, No. 3 (1994): 251; Mahoney, "Path Dependence in Historical Sociology," 507-548; Hall, "Policy Paradigms, Experts, and the State," 61.

<sup>18</sup> Neil Bradford, "Public-Private Partnership? Shifting Paradigms of Economic Governance in Ontario," *Canadian Journal of Political Science* VOL. 36, No. 5 (December 2003): 1006.

Changes in normative contexts did not compel policymakers to immediately begin searching for radically new solutions. Rather, their initial response was to “stretch” established policies to conceal anomalies generated by lack of fit without abandoning the fundamental premises of extant policy frameworks.<sup>19</sup> Changes therefore tended to be cosmetic; their aim is to diffuse and co-opt criticism while avoiding fundamental transformation.

Nevertheless, these initial responses had unintended effects that accelerated the breakdown of the established framework. Attempts to answer critics with “tactical concessions” and symbolic half measures affirmed the normative validity of their claims, increasing pressure for more substantive reforms.<sup>20</sup> Policy stretching thus gave rise to unraveling, as anomalies accumulated and an expanding constellation of critics pulled more determinedly at the most vulnerable strands of the existing policy regime.

The unraveling of the established policy framework increased demands for innovative strategies, encouraging experimentation and opening space for the introduction of policies in line with the ascendant normative context.<sup>21</sup> In time, new approaches to the migration-membership dilemma were developed by senior decision makers keen on aligning policy with the prevailing logic of appropriateness.<sup>22</sup> The formulation and implementation of new approaches marked the transition from policy unraveling to shifting. The new paradigm’s eventual entrenchment in the 1977 Immigration Act concluded this thirty-year process of policy change.

In sum, changes in broadly encompassing normative settings created a situation in which Canada’s established immigration policy regime coexisted uneasily with new ideas concerning racial equality and non-discrimination. Critics highlighted this tension, disrupting path-dependent processes and creating space for contestation and innovation. Policy change – capped by the introduction of the points system – emerged out of this period of stress and experimentation.<sup>23</sup>

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<sup>19</sup> Hall, “Policy Paradigms, Experts, and the State,” 61; Hall, “Policy Paradigms, Social Learning and the State,” 277-280.

<sup>20</sup> Thomas Risse, “International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Arena,” *Politics and Society* VOL. 27, No. 4 (December 1999): 538.

<sup>21</sup> Neil Bradford, *Commissioning Ideas: Canadian National Policy Innovation in Comparative Perspective* (Toronto: Oxford University Press, 1998): 13; Judith Goldstein, “The Impact of Ideas on Trade Policy: The Origins of U.S. Agricultural and Manufacturing Policies,” *International Organization* VOL. 43, No. 1 (Winter 1989): 32.

<sup>22</sup> Grace Skogstad, “The Dynamics of Institutional Transformation: The Case of the Canadian Wheat Board,” *Canadian Journal of Political Science* VOL. 38, No. 3 (2005): 533-534.

<sup>23</sup> Robert C. Lieberman, “Ideas, Institutions, and Political Order: Explaining Political Change,” *American Political Science Review* VOL. 96, No. 4 (December 2002): 704.



## Dismantling White Canada, 1947-1967

### *Stretching: 1947-1952*

King's statement of May 1, 1947 made clear that Canada was intent on structuring its immigrant admissions policies as it had in the past: "Asiatic" and other non-white immigration would be avoided so as to preserve Canada's white-European "character."

Yet, state officials understood that changed normative conditions made such an approach difficult to carry out in the postwar period. A candid working paper bluntly laid out the dilemma confronting Canadian policymakers: "The problem of Asiatic immigration into Canada is twofold: an international problem of avoiding the charge of racial discrimination and a domestic sociological and political problem of assimilation." Canada's membership in the UN carried with it an "unqualified obligation to eliminate racial discrimination in its legislation." This effectively meant supporting the UN's goal of "promoting and encouraging human rights and...fundamental freedoms for all without distinction as to race, sex, language or religion." Further, Canada's statements in the General Assembly regarding the competency of the UN to intervene in the domestic affairs of member states indicated that Canada favored a "wide interpretation" of the provisions of the Charter. Claims to sovereign jurisdiction in domestic matters would therefore be open to challenge. Given the risks to Canadian international prestige, the brief recommended that something be done in advance to avoid or at least minimize the likelihood of such an outcome. The answer lay in "revising our immigration legislation so as to avoid the charge of racial discrimination and yet so effectively limiting Asiatic immigration as to prevent aggravation of the Asiatic minority problem."<sup>24</sup>

This strategy of stretching established policies to co-opt and counter charges of hypocrisy would define Canadian immigration policymaking in the early postwar period. For instance, pressure from the Committee for the Repeal of the Chinese Immigration Act moved the government to strike the Act in 1947. The repeal of discriminatory naturalization regulations soon followed, lifting bars to citizenship for Chinese and other groups that had long faced discrimination in this area.<sup>25</sup> Despite these reforms, the goal of limiting the entry and incorporation of immigrants to whites remained a primary aim of policy. Chinese immigration fell under the terms of P.C. 1930-2115, which restricted the range of admissible "Asiatics" to the wives and children less than eighteen years of age of Canadian citizens; other immigrant groups could sponsor a much broader range of relatives after they secured legal residency.

Similarly, efforts to staunch charges of discrimination against nationals from Canada's Commonwealth partners in south Asia led to the establishment of a symbolic quota system allowing for limited migration from India, Pakistan, and Ceylon.<sup>26</sup>

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<sup>24</sup> "Asiatic Immigration into Canada." Canadian National Archives, RG 76, VOL. 854, File 554-5 pt.1.

<sup>25</sup> Carol Lee, "The Road to Enfranchisement: Chinese and Japanese in British Columbia," *B.C. Studies* VOL. 30 (1976): 44-76; F. J. McEvoy, "'A Symbol of Racial Discrimination': The Chinese Immigration Act and Canada's Relation with China, 1942-1947," *Canadian Ethnic Studies* VOL. 14, No. 3 (1982): 24-42.

<sup>26</sup> Canada, House of Commons, Special Committee on Estimates, *Minutes of Proceedings and Evidence*, No. 11, March 14, 1955, 301.

According to the terms of the quotas, 150 Indians, 100 Pakistanis, and 50 Ceylonese were to be granted access to Canada on a yearly basis.

The regulation of other “restricted classes” came under the terms of Orders-in-Council P.C. 2115 and 2856<sup>27</sup> and the new 1952 Immigration Act. The 1952 Act’s provisions regarding immigrant admissions bore a striking resemblance those of the past. The Governor-in-Council was empowered to prohibit or limit the admission of persons by reason of their

1. Nationality, citizenship, occupation, class, or geographical area of origin
2. Peculiar customs, habits, modes of life, or methods of holding property
3. Unsuitability vis-à-vis climatic, social, industrial, educational, labor, health, or other conditions or requirements existing temporarily or otherwise, in Canada or in the area or country from or through which such persons came to Canada
4. Probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship, within a reasonable time after admission<sup>28</sup>

The intent of the list was clear: immigration was to be closely regulated to ensure that Canada’s “national character” remained essentially “white-European.” While appeals to the judgments of immigration officers could be made, the final arbiter of such disputes was the Minister, since the 1952 Immigration Act explicitly forbade the interference of courts. This extraordinary discretionary power facilitated the state’s policing of boundaries, both with regard to non-preferred ethnic groups and individuals deemed to be threatening as a consequence of their perceived ideological orientations.<sup>29</sup>

### *Unraveling: 1952-1962*

The lack of fit between immigration policy and Canada’s postwar efforts to craft a progressive image on the world stage was immediately registered by Canada’s diplomatic corps. Canada’s championing of progressive positions in the United Nations and British Commonwealth made maintenance of discriminatory migration policies increasingly difficult. Canada’s Caribbean partners in the British Commonwealth (Jamaica, Barbados, Trinidad, and the other island states of the “British West Indies”) were among the most vocal critics of Canadian immigration policy.<sup>30</sup> Their demands were channeled through

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<sup>27</sup> “Memorandum to Cabinet: Admission of Restricted Classes of Immigrants, June 10, 1952.” RG 26 VOL. 125, File 3-33-7, Vol. 2.

<sup>28</sup> Hawkins, *Canada and Immigration*, 102.

<sup>29</sup> Reg Whittaker, *Double Standard: The Secret History of Canadian Immigration* (Toronto: Lester & Orpen Dennys, 1987).

<sup>30</sup> Immigration from the British West Indies, June 30, 1957, National Archives of Canada RG 76 VOL. 830, File 552-1-644, pt. 2.

Canadian diplomatic representatives in the Caribbean who forwarded complaints to their superiors at the Department of External Affairs in Ottawa. In turn, External Affairs regularly queried the Department of Citizenship and Immigration as to what might be done to counter complaints of discrimination and increase the scope of immigration from the West Indies.

While officials in the Department of Citizenship and Immigration continued to insist that “immigration must not have the effect of altering the fundamental character of the population,”<sup>31</sup> invocations of official policy became increasingly difficult to maintain in light of developments in Canadian foreign policy. Changes in international politics were pushing Canada to take increasingly liberal positions in the UN and the British Commonwealth. Decolonization in Africa and Asia had transformed power relations in both organizations and placed racial discrimination at the top of their agendas. By 1961, African, Asian, and Latin American members constituted two-thirds of the UN General Assembly and anti-racist resolutions were becoming sharper and more frequent.<sup>32</sup> As Canada’s ability to play an independent role in world affairs depended on the preservation and functioning of both organizations, it could not afford to sit back when crises arose over the international community’s handling of matters pertaining to racial justice.

Among the most important challenges confronting the Commonwealth during this period was the debate over South Africa’s membership. Non-white member states argued that there was no place in the organization for racist regimes and demanded that their partners come out strongly against apartheid. During the 1960 Commonwealth Conference, non-white members made it clear that the future of the organization would depend on how the apartheid issue was resolved. In an effort to avoid a split that could imperil the Commonwealth’s future, Canada’s Prime Minister John Diefenbaker came out strongly against the principle of racial discrimination during the Commonwealth’s 1961 Conference in London.<sup>33</sup>

Diefenbaker’s crusading anti-racism was a source of concern among diplomatic personnel charged with administering Canadian immigration policy. Canadian consular officials understood that their country’s public stand against race discrimination could be turned against it if and when immigration matters were raised. Canada was inviting trouble by taking a leading role against racism internationally while maintaining

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<sup>31</sup> Confidential Letter from Director of Immigration, C.E.S. Smith, to Under-Secretary of State for External Affairs, G. McInnes, January 17, 1957. National Archives of Canada RG 76 VOL. 830, File 552-1-644, pt. 2.

<sup>32</sup> Linda Freeman, *The Ambiguous Champion: Canada and South Africa in the Trudeau and Mulroney Years* (Toronto: University of Toronto Press, 1997): 19.

<sup>33</sup> See “Meeting of Prime Ministers of the Commonwealth: Report by Prime Minister John G. Diefenbaker on the Commonwealth Prime Ministers’ Conference, House of Commons, May 16, 1960,” in *Canadian Foreign Policy 1955-1965: Selected Speeches and Documents*, ed. Arthur E. Blanchette (Toronto: McClelland and Stewart, 1977): 302-306; Freeman, *The Ambiguous Champion*, 25.

discriminatory controls against non-whites in its immigration policies.<sup>34</sup> Their opinion was born out, as foreign critics of Canadian immigration policy made a point of highlighting Canada's continuing reluctance to implement the principles it espoused abroad in its own legislation.

Domestic critics, such as the Canadian Council of Churches, the Canadian Jewish Congress, the Negro Citizenship Association, and the Canadian Congress of Labor, also challenged the government's continuing use of racial categories. The arguments advanced by these groups highlighted the discrepancy between the government's progressive rhetoric and the reality of ongoing discrimination against "Asiatics," "Negroes," and individuals of "mixed-race." Advocacy groups challenged the government's commitment to anti-discrimination, civil rights, and liberal democratic principles by exposing its maintenance of discriminatory immigration policies and administrative practices. Virtually all of these appeals included arguments pertaining to Canada's obligation to live up to its commitment to international human rights and the elimination of discrimination based on race, color or creed.

The Canadian government's reaction to charges of discrimination during this period was to adjust regulations to pre-empt or at least limit the force of criticisms while endeavoring to meet the objectives set out in King's 1947 statement. In an effort to respond to critics, the Diefenbaker government introduced a number of changes, including doubling India's annual quota from 150 to 300 persons, raising the annual quota of female domestic workers from the British West Indies, and reconsidering previously rejected applications for sponsorship to increase the number of entries from China and other non-preferred countries.<sup>35</sup>

Critics of Canadian immigration policy were not impressed by the Department's efforts. Far from providing solutions to the government's problems, the stretching of the system to accommodate advocacy groups' demands was compounding problems. For example, the government's effort to assuage the concerns of Canada's East Indian community by doubling India's annual immigration quota prompted Pakistan to demand that its quota also be doubled.<sup>36</sup> While Canadian officials were well aware that acceding to Pakistan's demand would run the risk of encouraging requests for similar programs from other Commonwealth countries they believed they had little choice but to comply, given that rejecting Pakistan's demand would likely lead to further accusations of discrimination and perhaps even a public airing of Canadian policies in the

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<sup>34</sup> Telegraph from Canadian Trade Commissioner in Port-of Spain to Department of External Affairs, Ottawa, March 20, 1961.

<sup>35</sup> David Corbett, "Canada's Immigration Policy, 1957-1962," *International Journal* VOL. 18, No. 2 (Spring 1963): 173.

<sup>36</sup> Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

Commonwealth.<sup>37</sup> Similarly, while efforts aimed at increasing the number of Chinese immigrants through Ministerial discretion and Orders-in-Council failed to satisfy domestic advocacy groups, potential alternatives that remained wedded to traditional principles – such as quotas – were also open to charges of discrimination and therefore of little practical use.<sup>38</sup>

In short, Canadian immigration officials found that their ability to meet the challenges raised by lack of fit by tinkering at the margins of the prevailing policy regime was running into increasingly difficult political obstacles. Cosmetic solutions aimed at mollifying international and domestic opinion while preserving the essential features of the prevailing system could not paper over the fact that policies no longer fit a changed normative context.

### *Excursus: The 1962 Immigration Regulations*

The first attempt to move toward a universal admissions policy was undertaken by the Diefenbaker Conservatives in 1962. As noted above, scholars have assumed that the turn to a “skills-based” immigrant admissions system at this time was driven by Canada’s changing economic needs. This position needs to be reconsidered. While there certainly was growing consensus within the Department of Citizenship and Immigration on the need to revamp the immigration program and focus recruitment on skilled workers, professionals, and entrepreneurs,<sup>39</sup> there is little evidence to suggest that officials believed that this should entail active recruitment from “non-traditional” sources.<sup>40</sup> Rather, the two issues developed along parallel but quite distinct lines. The subsequent linking of the two objectives in 1962 was driven by *political* rather than economic reasons. That is, the shift to universal skills-based selection criteria in 1962 was primarily aimed at mollifying domestic and international critics of racial discrimination, rather than opening up new sources of skilled migrants. While the goal of attracting skilled immigrants to Canada reflected a contemporaneous view emerging from within the bureaucracy,<sup>41</sup> it did not drive the decision. Changes in normative contexts and related political developments did.

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<sup>37</sup> Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

<sup>38</sup> Memorandum to Cabinet: Immigration Policies and Procedures (Immigration from China and Japan), August 8, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

<sup>39</sup> See Memorandum from Director of Immigration to Deputy Minister of Department of Citizenship and Immigration: Immigration Policy and Programming as Related to economic and employment factors in Canada, December 9, 1960. National Archives of Canada, RG 26, VOL. 75, File 1-1-1, pt. 2.

<sup>40</sup> In fact, efforts were stepped up to generate increased immigration from traditional European sources through advertising and other means. See materials in RG 26, VOL. 75, File 1-1-8, pt. 3; RG 76, VOL. 909, File 572-15, pt. 2; and RG 76, VOL. 778, File 537-7, Pt. 14.

<sup>41</sup> Freda Hawkins notes that the 1961 Report of the Special Committee of the Senate on Manpower and Employment “reinforced the ideas of those who were preparing the new immigration regulations in the summer of 1961, in which the emphasis in admission was on skill.” *Canada and Immigration*, 139.

This is clear when one considers the way that officials characterized the 1962 reforms. According to the Director of Immigration, W. R. Baskerville, the purpose of the change was to “abolish racial discrimination from [Canada’s] policy,” while making it clear that “we shall still give preference in our selection of immigrants to those countries which have traditionally supplied our immigrants.”<sup>42</sup> Similarly, in a memorandum to Cabinet outlining the Department’s proposed measures, the Minister of Citizenship and Immigration, Ellen Fairclough, noted that the “principal criticisms of Canada’s...immigration legislation” was that “it is based on racial or colour discrimination.” As such, the foremost objective of the revised regulations was “the elimination of any valid grounds for arguing that they contain any restrictions or controls based on racial, ethnic or colour discrimination.”<sup>43</sup> This would be accomplished through the amendment of Regulation 20, which according to the Minister’s constituted “the heart of Canada’s immigration policy” and main target of criticism.<sup>44</sup>

The proposed changes to Regulation 20 were unique in that they eliminated “all reference to questions of nationality, geography or regions of the world.”<sup>45</sup> In place of such criteria

[t]he new Regulation 20 (a) lays primary stress on selectivity based skills and qualifications as the main conditions for admissibility, without regard for any other factor. If an applicant can qualify on these grounds and has sufficient means to establish himself in Canada until he finds employment, or alternatively has a firm employment opportunity or plan for self-establishment in Canada, he comes within the admissible classes.<sup>46</sup>

The chief effect of the new regulations would be the elimination of “all grounds for charges of discrimination” and placement of “emphasis henceforth on the skills, ability and training of the prospective immigrant himself, and on his ability to establish himself successfully in Canada.”<sup>47</sup>

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<sup>42</sup> Memorandum from the Director of Immigration to the Deputy Minister, November 10, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

<sup>43</sup> Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

<sup>44</sup> Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

<sup>45</sup> Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

<sup>46</sup> Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

<sup>47</sup> Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

The amended immigration regulations were tabled in the House of Commons on January 19, 1962. In her address to the House, Fairclough noted that the intended beneficiaries of the reforms were the previously inadmissible classes and their advocates, in Canada and abroad. Far from being the product of economic forces, the new immigration regulations served a distinctly political end by granting the government a more effective means of countering accusations of racism and discrimination.<sup>48</sup>

The government's decision to limit the sponsorship rights of non-Europeans and the official but unpublicized policy of maintaining a preference for immigrants from Canada's traditional sources also speak to the political nature of the 1962 reforms. Whereas Canadian citizens hailing from European and Western Hemisphere countries were able to sponsor a full range of family members and relatives, including children over the age of twenty-one, married children, siblings and their corresponding families, and unmarried orphaned nieces and nephews under the age of twenty-one, citizens from non-European and non-Western Hemisphere countries were limited to sponsoring members of their immediate family and a narrower range of relatives. The decision to restrict the sponsorship rights of citizens from Asia, Africa, and most of the Middle East was meant to limit the impact of the policy changes on immigration flows. Officials feared that the granting of full sponsorship rights to migrants from Africa and especially Asia would prompt a flood of visible minorities whose presence could catalyze a negative backlash among white Canadians.<sup>49</sup>

Similar anxieties stood behind the decision to interpret the 1962 reforms passively, leaving the door open to spontaneous applications from extremely well qualified migrants from non-traditional sources but only actively recruiting immigrants from the United States, western Europe, and the British Isles.<sup>50</sup> The failure to establish immigration offices in the Caribbean and the persistence of limited administrative capacity in Asia and other parts of the "Third World" was indicative of this strategy. Hence, the question remained as to whether such a "political" approach would be enough to convince domestic and international critics of Canadian immigration policy. In a memorandum written before the tabling of the revised Immigration Regulations, the Director of Immigration correctly noted that while the changes succeeded in establishing a broad legal standard, they did not "define the means by which it is going to be

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<sup>48</sup> See National Archives of Canada, RG 26, VOL. 100, File 3-15-1, "Canadian Immigration act and Regulations – Amendments To."

<sup>49</sup> Hawkins, *Canada and Immigration*, 131.

<sup>50</sup> "We prefer our immigrants from our traditional sources. Otherwise we must recognize that there is an almost limitless supply of immigrants in Hong Kong and the West Indies, etc., who can be attracted to Canada without the expenditure of much money or effort. However, while we are bound by the provisions of the new Immigration Regulations to *service* applications anywhere in the world there is nothing to prevent us from concentrating our promotion of immigration from our traditional sources." Aide Memoire, Increasing Immigration to Canada, n.d. National Archives of Canada, RG 76, VOL. 816, File 551-10-1963, pt. 2. Also see Draft Immigration Program – 1963-1964, National Archives of Canada, RG 76, VOL. 816, File 551-10-1963, pt. 1.

interpreted in administrative practice.”<sup>51</sup> In essence, the government had reformed the immigration policy “superstructure” while leaving its administrative “base” in place, exposing it to scrutiny:

[A]s long as the critics could see a concrete geographical basis for our selective policy, they never suspected that our major tool of control was the number and size of immigration offices in various parts of the world. This was so little apparent that it escaped, not only outside observers, but a good many departmental officials, even Ministers. Now, with the ‘blind’ gone, it would be reasonable to expect that more searching questions will be asked, as soon as the Department starts reporting on its achievements under the new deal. Will the new policy result in changes in the composition of the flow? Whether it does or not, critics, on both sides, are going to ask for explanations.<sup>52</sup>

The 1962 reforms generated a generally positive, if guarded response. On the one hand, the media, advocacy groups, and foreign governments welcomed the government’s decision to formally repeal racial and ethnic criteria in its admissions policies. Conversely, the overall impact of the changes was subject to speculation. The headline on the front page of the *Toronto Globe and Mail* the day after the regulations were tabled nicely captured this ambiguous response: “Canada Unlocks Its Doors to All Who Possess Skills: Bias Ends – On Paper at Least.”

Such scepticism was warranted. The new regulations purposefully maintained immigration officers’ ability to monitor and limit the admission of non-white migrants. In a Memorandum to the Minister written in response to criticism by an opposition Member of Parliament, Deputy Minister George Davidson noted that:

There may still be some tendency towards discrimination in the *administrative* application of the Regulations...through the fact that we recognize, for example, the greater difficulties that are faced by a West Indian who tries to find employment in Canada, as compared to a Western European. This may justify and even require a somewhat more exacting interpretation of adequacy in terms of skills and settlement arrangements in the case of the West Indian, since we know for a fact that the cards will be stacked against him to some extent in Canada, and that therefore he needs more skills or more resources if he is to have an even chance with the others. This kind of discrimination, in my opinion, can be justified and defended.<sup>53</sup>

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<sup>51</sup> “Memorandum to: The Deputy Minister. Subject: Revision of Immigration Regulations,” October 27, 1961. National Archives of Canada, RG 26, VOL. 1000, File 3-15-1, pt. 8.

<sup>52</sup> “Memorandum to: The Deputy Minister. Subject: Revision of Immigration Regulations,” October 27, 1961. National Archives of Canada, RG 26, VOL. 1000, File 3-15-1, pt. 8.

<sup>53</sup> Memorandum to the Minister from the Deputy Minister, January 21, 1963. National Archives of Canada, RG 76, VOL. 778, File 537-7, pt. 14.



The decision to employ a double standard in weighing non-white applicants' credentials reflected officials' fears that "uncontrolled" immigration from non-traditional sources would lead to social problems and an anti-immigration backlash. The fear of instigating such a backlash was heightened by events in Great Britain, where rioting in opposition to immigration from the West Indies and other New Commonwealth countries was generating media attention.<sup>54</sup> Canadian immigration officials were not interested in courting a similar fate and continued to believe that notwithstanding the 1962 Immigration Regulations, Canada maintained "the right...to decide its own social and racial composition and refuse to accept immigrants whose presence would cause severe disruptions or drastic change."<sup>55</sup>

These built-in limits to Canada's 1962 reforms did not go unchallenged, either at home or abroad. By November 1963, the *Globe and Mail* was drawing attention to the lack of any substantive change in the number of non-whites being admitted into Canada and asking whether the new regulations were "being applied equally to coloured and white immigrants."<sup>56</sup> Domestic advocacy groups whose constituents were subject to sponsorship limits criticized the perpetuation of double standards and demanded that equality be granted to all groups.<sup>57</sup> Foreign governments also made a point of reminding Canadian officials that a lack of administrative capacity outside of Canada's traditional sources of immigration suggested that the much-heralded move to a universal immigration policy was as yet incomplete.<sup>58</sup> Governments in the West Indies questioned

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<sup>54</sup> "If we agree to relax our selection criteria, I am afraid areas of Montreal and Toronto would become inhabited by these people, mainly gaining entrance through the sponsored route, eventually producing a situation similar to that existing in London, England." Reviewing of Applicants for Immigration to Canada in Jamaica from January 10, 1963 to March 15, 1963. National Archives of Canada, RG 76, VOL. 824, Box 200, File 552-1-577, Immigration from Jamaica: Policy and Instructions.

<sup>55</sup> Confidential Information for the Prime Minister: Canada and Commonwealth Immigration. National Archives of Canada, RG 26, VOL. 145, File 3-33-6, Canada – West Indies Conference [1965].

<sup>56</sup> "Questions," *The Globe and Mail*, November 5, 1963.

<sup>57</sup> Brief from the Chinese Benevolent Association to Minister of Citizenship and Immigration Guy Favreau, December 1963, National Archives of Canada, RG 76, VOL. 819, File 552-1-526, pt. 4.

<sup>58</sup> "Japan Wants Canada's Door Opened," *Toronto Telegram*, December 4, 1964. The article noted that "Kazuo Wachi, the Japanese Embassy's immigration expert, thinks 5000 Japanese people would be interested in coming to Canada. He indicated politely that the slowness of the talks [regarding the opening of an immigration office in Tokyo] were the result of an unwritten Canadian bar on Japanese immigrants. 'We have proved to be good citizens', he said. 'The door should be thrown wide open'.... Japan's new Ambassador to Canada, Hisanaga Shimadzu says he would like to see more Japanese in Canada. 'While your government has set no impediment, and says any number could come, I would like to see some positive action by the Canadian Government'." Also see related materials in National Archives of Canada, RG 76, VOL. 1109, File 552-1-578, "Immigration from Japan Policy."

whether the rules were being applied fairly regardless of applicants' skin colour,<sup>59</sup> and the Under-Secretary of State for External Affairs noted that the response to the new regulations among countries in South and Central America, Africa, and non-communist China was "disappointingly low."<sup>60</sup> Canadian diplomatic personnel in the West Indies and Pakistan complained of not having enough resources to process long overdue applications or answer requests for information from local residents.<sup>61</sup> Canadian immigration officials were keenly aware that the 1962 amendments had not solved their problems and duly registered continuing criticism. Contrary to expectations, the issue of race refused to disappear.

Yet, resolving the two outstanding issues pertaining to racial equality – sponsorship rights and global administrative capacity – would require the surmounting of major obstacles. With regard to sponsorship, policymakers were alarmed by the phenomenon of "chain migration," a process which left them very little leeway in selecting immigrants. They believed that uncontrolled chain migration was leading to a surfeit of undereducated and unskilled immigrants, especially from southern Europe. The Diefenbaker government's preferred solution to this quandary would have been to limit sponsorship rights across the board by instituting stricter controls on sponsorship for all Canadian citizens and permanent residents regardless of background. This was in fact attempted in 1959, through Order-in Council P.C. 1959-310. However, the storm of

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<sup>59</sup> Letter from Roy W. Blake, Canadian Government Trade Commissioner in Jamaica, to D. A. Reid, Chief of Operations, Immigration Branch, Department of Citizenship and Immigration, February 18, 1962, Subject: Revised Canadian Immigration Laws. National Archives of Canada, RG 76, VOL.830, File 552-1-644, pt. 4. Blake noted that the response to the new regulations was overwhelming, but that close to 90 percent of the applicants were likely to be rejected because they did not meet the government's skills requirement. The lack of any clear standard for determining decisions heightened suspicions of racial discrimination. Blake requested some further clarification of what was meant by "skills" and "training." Also see letter from G. C. McInnes, Office of the High Commissioner for Canada in Kingston Jamaica, to Under-Secretary of State for the Department of External Affairs, August 2, 1963. On November 5, 1963, the *Globe and Mail* asked whether Canada was seeking "immigrants as actively in places such as the West Indies as in Western Europe."

<sup>60</sup> Circular Document from Under-Secretary of State for External Affairs to the Heads of Posts Abroad: Effect of New Canadian Immigration Regulations, August 2, 1962. RG 25, VOL. 5005, File 232-40, pt. 16.

<sup>61</sup> Memo to Under Secretary of State for External Affairs from Office of High Commissioner for Canada, Port-of-Spain, October 1, 1962, National Archives of Canada, RG 25, VOL. 5005, File 232-40, pts.15, 16; Telegram from the Immigration Attaché in Dehli, India to External Affairs regarding Canadian Immigration Procedures, March 19, 1963, National Archives of Canada, RG 25, VOL. 5006, Box 232-40, File: Immigration to Canada (Regulations, Policy, Procedures). Similar complaints came in from throughout the "Third World." See letter from Canadian Consul General in the Philippines, T. G. Major to Director of Immigration, Department of Citizenship and Immigration, W. R. Baskerville, September 21, 1962. National Archives of Canada, RG 25, VOL. 5005, File 232-40, pts.15, 16. Also consult materials in RG 19 ACC. 87-88/011, VOL. 29, File 5945-00, pt. 2.

protest that erupted in the wake of the government's decision forced the Conservatives to back down to avoid alienating an increasingly important segment of urban voters.<sup>62</sup>

The issue of global administrative capacity involved questions of resource allocation: so long as non-whites were perceived as threats to social and political stability, the shifting of resources to pay for expansion would be resisted and the preference for opaque decision-making procedures that allowed for the maintenance of double standards would endure. What was needed was a politically acceptable non-discriminatory solution to the sponsorship dilemma and the resolve to reform the administrative component of Canadian immigration policy. The Diefenbaker government was unable to surmount these challenges, allowing the issue of racial discrimination in Canadian immigration policy to linger.

### *Shifting: 1964-1967*

Lester B. Pearson inherited the problems associated with the 1962 reforms and, like his predecessor, was forced to defend Canada against continuing accusations of racism. Given the Liberal Party's promises to liberalize immigration policy both prior to and during the 1963 election campaign<sup>63</sup> and Pearson's lofty ambitions for Canada in the area of foreign policy, accusations of racism became increasingly difficult to ignore.<sup>64</sup> Presidents Kennedy and Johnson's much publicized efforts to reform the United States' immigration policies also increased pressure on Pearson to follow suit.<sup>65</sup>

Given the growing political costs of inaction, Canadian officials resolved to take more decisive measures and plans were made to revise the immigration regulations with an eye to eliminating remaining racial discrimination. During a press conference in Jamaica on November 30, 1965, Pearson formally acknowledged the reality of a double

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<sup>62</sup> Former Minister of Citizenship and Immigration, Jack Pickersgill, accused the Tories of implementing the policy because they "realized that more people of Italian origin than people from the United Kingdom came in last year.... They were afraid of many of their political supporters, and they felt they had to do something about it. Then they did this stupid, silly and inhumane thing." Canada, *House of Commons Debates. Official Report*, Second Session – Twenty-Fourth Parliament, VOL. III, 1959, 2711. The Diefenbaker Conservative's sensitivity to such claims and interest in improving the standing among "new ethnics" – including southern Europeans and Chinese, among others – has not drawn the attention it deserves among historians of Canadian immigration policy. For a notable, if brief, exception see Howard Palmer, "Ethnicity and Politics in Canada: 1867-Present," in *From 'Melting Pot' to Multiculturalism: The Evolution of Ethnic Relations in the United States and Canada*, ed. Valeria Gennaro Lerda (Rome: Bulzoni Editore, 1990): 195-196.

<sup>63</sup> Comments on Liberal Party Resolution, September 20, 1962. National Archives of Canada, RG 76, VOL. 778, File 537-7, pt. 14.

<sup>64</sup> In an effort to follow through on his predecessor's positions on South Africa, Pearson had signed the Declaration of Racial Equality at the Commonwealth Prime Ministers conference in 1964.

<sup>65</sup> For a discussion of contemporaneous developments in the United States Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002): 207-218; and Aristide R. Zolberg, *A Nation by Design: Immigration Policy and the Fashioning of America* (Cambridge, Massachusetts: Harvard University Press, 2006): 293-336.

standard in admissions procedures and sponsorship rights and pledged to make good on Canada's promise to remove racial discrimination "in fact as well as in theory."<sup>66</sup> He intimated that his government was considering new means of regulating admissions and would reveal the details of its consideration shortly.

Despite Pearson's more resolute position on issues of race and discrimination, immigration policymakers continued to be troubled by the prospects of greater levels of sponsored migration from "non-traditional sources." Pearson's pledge to repeal the discriminatory provisions of the 1962 Immigration Regulations meant that some other means had to be found to maintain control over sponsored flows, lest Canada face the prospect of admitting "massive waves of newcomers unprepared for Canadian life."<sup>67</sup> While the flow of "unskilled" and "poorly educated" Greeks, Italians, and Portuguese was troubling to immigration policymakers,<sup>68</sup> they believed that similar flows of sponsored immigrants from the West Indies, Asia and other "non-traditional sources" would create a "double disability" as a result of the immigrants' "racial variance from the Canadian majority and lack of occupational qualification."<sup>69</sup> Immigration officials were thus convinced that the sponsorship "time bomb" had to be confronted immediately, lest matters spin out of control.<sup>70</sup>

The White Paper on Immigration Policy, tabled on October 14, 1966, voiced these concerns and offered a series of proposals as to how they might be addressed. While the White Paper made clear that there could no longer be any room for discrimination on the grounds of race, ethnicity, or religion and committed Canada to establishing a universal

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<sup>66</sup> Prime Minister Lester B. Pearson's Press Conference, Jamaica, November 30, 1965. National Archives of Canada, RG 76, VOL. 824, File 552-1-577. A year later, Pearson called for the extension of the Assisted Passenger and Loans Scheme to the West Indies. Memorandum to the Cabinet Committee on the Canada-West Indies Conference from the Prime Minister, May 30, 1966. National Archives of Canada, RG 76, VOL. 948, File SF-C-1.1, pt. 1.

<sup>67</sup> "Immigration to Canada from the Commonwealth Caribbean (Background Paper Prepared by Canada)," National Archives of Canada, RG 26, VOL. 125, File 3-33-6.

<sup>68</sup> Memorandum to the Cabinet Committee on Immigration, October 15, 1964. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 3.

<sup>69</sup> Memorandum from Assistant Deputy Minister, E. P. Beasley to Deputy Minister Tom Kent regarding Conference of Commonwealth Caribbean Countries in Canada, May 26, 1966. National Archives of Canada, RG 26, VOL. 125, File 3-33-6. Also see Memorandum to the Cabinet Committee on Immigration, October 15, 1964. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 3: "In short, if sponsored immigration is to be more than a humanitarian program a become a real asset to our expanding economy in terms both of consumption and production, it must be placed on a more selective basis, especially considering that without a change of this sort there is serious danger of a substantial and largely uncontrollable sponsored movement in the future from many of the underdeveloped countries which are beginning to make a small but significant contribution to our total immigration."

<sup>70</sup> Memorandum to the Cabinet on Immigration Policy, October 15, 1964. National Archives of Canada, RG 76, VOL. 777, File 536-52, pt. 1.

admissions policy, it also warned of the economic and social consequences of uncontrolled sponsored immigration. Unskilled and poorly educated immigrants would necessarily become burdens. Finding themselves unable to keep up with innovations linked to technological change, they would slip into the ranks of the unemployed, compounding labour market deficiencies and adding to the costs of Canada's social welfare system. Moreover, the tendency of immigrants to concentrate in large cities – principally Montreal and Toronto – threatened the emergence of “ghetto-like slums” that would offset the advantages of increased cosmopolitanism.<sup>71</sup> For the authors of the White Paper, sponsored migration was not simply an economic problem – it was also a potential threat to social stability.

The White Paper's policy recommendations flowed from its analysis. First, Canada would accentuate its effort to recruit well-educated and highly skilled immigrants capable of quickly settling in the country and contributing to its economic development. Second, remaining discrimination in the realm of sponsorship rights would be ended. Rather than discriminating according to national background, the White Paper proposed making more limited sponsorship rights for landed immigrants equal across the board.<sup>72</sup> This would entail splitting the sponsored stream into immediate dependents, to be admitted as a matter of course, and a second category of more distant relatives subject to some qualifications, namely, the possession of primary education and some work related skill in demand in Canada.<sup>73</sup> While all landed immigrants would enjoy the right to sponsor the same array of dependents and “eligible relatives,” after a six-year adjustment period only Canadian *citizens* would enjoy the right to sponsor the full range of relatives stipulated under the proposed system. Policymakers hoped that tying sponsorship rights to the acquisition of citizenship would introduce a “delaying effect,” as naturalization required five years residence. This, in turn, would dampen the sponsored movement's “potential for explosive growth.”<sup>74</sup> It was hoped that the proposals would offset potential criticism from “ethnic groups” wary of the government's efforts to curtail – or perhaps even eliminate – the sponsorship program.

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<sup>71</sup> *White Paper on Immigration*, 15.

<sup>72</sup> *White Paper on Immigration*, 41-42. Although they did not voice the point publicly, officials also believed that the requirement that more non-dependant sponsored relatives possess “minimal education requirements” would limit sponsored flows from non-traditional sources such as China. Memorandum to Cabinet, Admissible Classes and Security Screening of Immigrants, June 22, 1966. National Archives of Canada, RG 76, VOL.823, File 552-1-567, pt. 2.

<sup>73</sup> The division of the sponsored stream represented a novel response to the political challenge of limiting sponsorship rights. In earlier iterations, the authors' of the White Paper had suggested ending discrimination in sponsorship rights, but also narrowing the range of relatives to immediate dependents and “eliminating broader sponsorship.” This was because they feared that the “extension of [sponsorship] privileges would not only aggravate economic difficulties but would also open up massive new problems in respect to Asiatic immigration.” See Memorandum to Cabinet, Immigration White Paper – Sponsored Immigration to Canada, November 24, 1965. RG 76, VOL. 948, File SF-C-1-1, pt. 3.

<sup>74</sup> Canada, House of Commons, *Debates*, “Tabling of White Paper on Government Policy,” October 14, 1966, 8652.

The Department of Manpower and Immigration underestimated the degree of displeasure the White Paper would provoke among “ethnic groups.” Opinions expressed by such groups to the Special Joint Committee of the Senate and House of Commons on Immigration – appointed by the government to examine and report on the White Paper – were often quite negative. While there was support for the elimination of remaining discrimination in the Immigration Regulations, many questioned how criteria relating to education and skills would be applied in the absence of clearly defined standards. Without transparency, pronouncements regarding the government’s intention to seek out the best and brightest immigrants, regardless of their race, ethnicity, and religion would continue to ring hollow.<sup>75</sup>

The White Paper’s recipe for increasing control over the sponsored movement was also criticized by groups that stood to lose under the proposed rules.<sup>76</sup> Senior civil servants charged with defending the White Paper were subjected to particularly fierce questioning by several Committee members who correctly saw the citizenship requirement as a mechanism for slowing the flow of sponsored immigrants.<sup>77</sup> Many commentators were confused by what they felt was a mixed message: on the one hand, the White Paper called for a more active and non-discriminatory immigration program; on the other, it cast immigration in threatening terms.

While the White Paper fell short of fulfilling its role as an “exercise in persuasion for a particular policy,”<sup>78</sup> it did compel further reflection and innovation on the part of the senior civil servants. While policymakers remained convinced that its analysis and recommendations were basically sound, they understood that more would be needed to gain the support of the Special Joint Committee, the media, and interest groups.

To this end, the Minister of the newly established Department of Manpower and Immigration,<sup>79</sup> Jean Marchand, appointed an internal taskforce to devise admissions rules

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<sup>75</sup> “[A] statement in a White Paper, no matter how laudable, are no substitute for law and there is nowhere in the White Paper any suggestion that this policy of no discrimination, which is the mood of our times, should be incorporated into the substance of law rather than remain merely a statement. The White Paper will be lost but a blue paper, being an immigration act, will take this place and that either will say something about it or will not say anything about it. If it says nothing about it, then it is left in a vague situation where some pious declarations were made.” Statement of Saul Hayes, Vice-President, Canadian Jewish Congress, February 22, 1967; Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, No. 9, 407.

<sup>76</sup> Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, 535-7; 565-6. For a useful summary of several of the briefs submitted by groups appearing before the Committee see Kelley and Trebilcock, *The Making of the Mosaic*, 354-358.

<sup>77</sup> Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, No. 4, December 13, 1966, 126-127.

<sup>78</sup> Hawkins, *Canada and Immigration*, 159.

<sup>79</sup> In 1966, the Department of Citizenship and Immigration was merged with the Department of Labour under the terms of the Government Organization Act. As a consequence of this move, immigration

that (a) divided the sponsored stream into dependent and non-dependent relatives as per the White Paper; (b) employed a standard set of selection criteria; and (c) were based on the principle of universality.<sup>80</sup> The group was led by Deputy Minister Tom Kent, a highly regarded civil servant and friend and confidante of Prime Minister Pearson. Kent had replaced the principal architect of the White Paper, C. M. Isbister, just before its release. While Kent agreed that sponsored flows needed to be brought under control,<sup>81</sup> he felt that criticisms of the White Paper – which he was subjected to during the hearings of the Special Joint Committee – were deserved: the document was vague and lacked a clear statement of principles.<sup>82</sup> What was needed, in Kent’s view, was some means of identifying, defining, and attaching relative weight to “the various factors affecting a person’s ability to settle successfully in Canada.”<sup>83</sup> This would grant immigration officers a consistent means of assessing the potential of immigrants and remove any lingering suspicions concerning the criteria used to judge a person’s suitability for admission into Canada. Both Kent and Marchand insisted that whatever solution was arrived at, it had to be universal in terms of its application and completely free of racial bias.

After spending several months on the project, the taskforce produced a proposal that satisfied these core requirements. According to the scheme, prospective immigrants would be assigned a score of one to ten “assessment points” in nine categories. The first five categories: age; education; training; occupational skill in demand; and personal qualities, related to “the immigrant’s prospects of successful establishment in Canada.” The other four categories: knowledge of English or French; presence of relatives in Canada; arranged employment; and employment opportunities in area of destination, were intended to determine “the speed and ease with which he is likely to get settled

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policy came under the jurisdiction of the newly formed Department of Manpower and Immigration, while the Citizenship Branch was moved to the Secretary of State. See Hawkins, *Canada and Immigration*, 139-140; Canada, House of Commons, *Debates*, May 9, 1966, 4872.

<sup>80</sup> Hawkins, *Canada and Immigration*, 162.

<sup>81</sup> In his memoirs Kent notes that, “[The sponsorship] system had the potential for explosive growth in the unskilled labour force. One immigrant who quickly established himself could soon sponsor his brothers and sisters. They in turn could sponsor the brothers and sisters of their wives or husbands. And so on. Immigration officials did not like this... [N]o one who observed the process closely could fail to see that it produced only a very crude relation between the avowed main purpose – immigration according to the country’s absorptive capacity – and the actual extent and composition of the flow.” Tom Kent, *A Public Purpose: An Experience of Liberal Opposition and Canadian Government* (Kingston and Montreal: McGill-Queen’s University Press, 1988): 409.

<sup>82</sup> Kent, *A Public Purpose*, 409-410. In an interview with the author, Kent also noted that the version of the White Paper which he inherited after taking up the position of Deputy Minister amounted to little more than a defense of the status quo. While efforts were made to improve the text, some of the earlier draft’s defensive tone remained in penultimate version. Interview with Tom Kent, Kingston, Ontario, August 3, 2006.

<sup>83</sup> Kent, *A Public Purpose*, 410.

initially.”<sup>84</sup> Individuals scoring 50 assessment points or higher would be admitted as “independent immigrants” and would enjoy the right to sponsor dependents as well as “nominated relatives.” Nominated relatives were also subject to the proposed assessment system but would be evaluated on a narrower set of criteria. The fact that a relative was sponsoring them was deemed an automatic advantage that would facilitate their settlement in Canada. Sponsored dependents did not have to qualify under the assessment scheme.

Tests of the new system were “highly encouraging.”<sup>85</sup> Although the broadening of sponsorship rights would lead to increases in sponsored flows, officials believed the points system could be used to control this movement by regulating the number of nominated relatives granted entry according to labour market conditions.<sup>86</sup> While this was not a perfect solution, it did offer some means of controlling sponsored flows in a non-discriminatory and politically acceptable fashion.<sup>87</sup> More generally, officials believed that they had crafted a system which satisfied both political and policy requirements. In the words of the Minister, “[b]oth the efficiency and the humanity of the selection process will be increased *and be seen to be increased* (emphasis added).”<sup>88</sup>

Marchand’s prediction proved accurate. In contrast to the White Paper, reaction to the “points system” was positive. The Special Joint Committee approved of the new regulations in April 1967; the Cabinet followed suit shortly thereafter and they were quickly implemented and came into effect in October 1967. The press and public were also receptive. The *Globe and Mail* noted that the new policy removed “discrimination against would-be immigrants...and...aimed at making procedures more flexible.”<sup>89</sup> The *Toronto Star* reported that Minister of Manpower and Immigration Jean Marchand had come closest to the elusive goal of eliminating “outright racial discrimination” and opening Canada to increased levels of immigration.<sup>90</sup> The points system also offered Canadian politicians a way of demonstrating the purity of Canada’s intentions to the rest

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<sup>84</sup> Remarks to the Parliamentary Committee on Immigration by the Honourable Jean Marchand, Minister of Manpower and Immigration, April 18, 1967. National Archives of Canada, RG 76, VOL. 965, File 5000-14-2, part 13.

<sup>85</sup> Memorandum to Cabinet Re: A New Immigration Selection System: Amendments to the Immigration Regulations, Part 1, July 31, 1967. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 3.

<sup>86</sup> Memorandum from the Assistant Deputy Minister (Immigration) to the Deputy Minister on the Parliamentary Committee on Immigration, February 19, 1968, 6. National Archives of Canada, RG 76 VOL. 966, File 5000-14-2, part 14.

<sup>87</sup> Remarks for Parliamentary Committee on Immigration, Minister of Manpower and Immigration, April 11, 1967. National Archives of Canada, RG 76 VOL. 823, File 552-1-567, pt. 2.

<sup>88</sup> Memorandum to Cabinet, Re: A New Immigration Selection System: Amendments to the Immigration Regulations, Part I, National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 3.

<sup>89</sup> Michael Gillan, “Point Count Will Assess Immigrants,” *The Globe and Mail*, September 14, 1967.

<sup>90</sup> “Immigration: An end to hit-and-miss,” *The Toronto Star*, September 14, 1967.



of the world. Immigration had been placed on a progressive footing, in line with the image Canadian officials wished to project both domestically and internationally.<sup>91</sup>

Marchand, Kent and their colleagues succeeded in crafting a relatively transparent, non-discriminatory immigration policy that opened Canada up to large-scale immigration from Asia, Africa, the Middle East and other “non-traditional” sources for the first time in the country’s history. Other reforms implemented during this time, including the expansion of the Assisted Passenger Loans Scheme, the opening of immigration processing facilities outside of Europe, and the establishment of an independent Immigration Appeals Board, secured the institutional prerequisites for an immigration regime open to all qualified applicants regardless of their “race.”

### Conclusion

In what sense did the introduction of the points system signal the “failure” of the policy approach outlined in King’s 1947 speech? By any objective standard, the discriminatory approach had been highly effective: for much of the twentieth century, it allowed Canadian officials to regulate immigration in such a way that groups deemed inferior because of their putative racial and ethnicity characteristics were excluded. The shift to a universal admissions policy was therefore not due to the established paradigm’s *ineffectiveness*. Rather, its failure lay in the *inappropriateness* of its provisions.<sup>92</sup> The principles upon which the established paradigm drew support were discredited by events and process catalyzed by WWII. Canada’s role in the war and subsequent efforts to craft an identity as a progressive, liberal-democratic state in the postwar period amplified this tension. Domestic and international critics of racial discrimination made sure that initial efforts to reconcile this lack of fit through symbolic reforms failed. Their persistent advocacy on behalf of a non-discriminatory solution to the migration-membership dilemma drove the reform process forward to the point where the benefits of policy stretching were outweighed by its practical and political costs. The realization that immigration policy had to be brought into line with Canada’s postwar identity created the space needed to experiment with new ideas. Policymakers’ dawning recognition of the limits of policy stretching and the extent to which maintenance of the exiting paradigm was proving untenable promoted the move from tactical concessions to substantive policy change.

This is not to say that policymakers’ positions on the migration-membership dilemma were completely transformed. Recall that one of the aims of both the 1966

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<sup>91</sup> Department of Manpower and Immigration Information Service Project Instruction, no. 10/67 (Draft), July 1967. National Archives of Canada, RG 76, VOL. 965, File 5000-14-2, pt 13.

<sup>92</sup> James G. March and Johan P. Olsen, *Rediscovering Institutions* (New York: The Free Press, 1989); James G. March and Johan P. Olsen, *Democratic Governance* (New York: The Free Press, 1995); Ole Jacob Sending, “Constitution, Choice and Change: Problems with the ‘Logic of Appropriateness’ and its Use in Constructivist Theory,” *European Journal of International Relations* VOL. 8, No. 4 (2002): 443-470.

White Paper and the points system was to rein in sponsored immigration. This concern did not simply reflect concerns over the qualifications of sponsored immigrants, though this was important. Rather, policymakers' also feared that once the move to a truly universal admissions system had been made, uncontrolled sponsored immigration from "non-traditional" source countries could lead to the sort of social instability that was wracking Britain at the time. Hence, the spectre of race was never completely exorcised; it continued to influence policymakers' understanding of the migration-membership dilemma up to and arguably after the introduction of the points system. The points system's appeal lay in its ability to satisfy the political demands generated by changes in normative context, while addressing a different set of concerns rooted in older understandings of the migration-membership dilemma.

The notion that the points system was a functional response to changing economic conditions must be reconsidered. As I have endeavoured to point out, its origins are more complicated and, to my mind, interesting than the extant literature on Canadian immigration policy would suggest. A better understanding of the points system's origins is not only important for correcting the historical record. It is also essential for any serious consideration of its applicability for other countries and making sense of the challenges confronting Canadian immigration policy today, not least of which is the rather poor job Canada has done in integrating highly skilled immigrants selected through the points system into the Canadian labour market.<sup>93</sup>

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<sup>93</sup> Jeffrey Reitz, "Tapping Immigrants' Skills: New Directions for Canadian Immigration Policy in the Knowledge Economy," *IRPP Choices* VOL. 11, No. 1 (2005): pp. 1-18; Peter Li, "The Market Worth of Immigrants' Educational Credentials," *Canadian Public Policy* VOL. 27, No. 1 (2001): pp. 23-58; Grant Schellenberg and Feng Hou, "The Economic Well-Being of Recent Immigrants to Canada," *Canadian Issues/Thèmes Canadien* (Spring 2005): 49-52; Triadafilos Triadafilopoulos, "A Model for Europe? A Critical Appraisal of Canadian Integration Policies," in *Politische Steuerung von Integrationsprozessen: Intentionen und Wirkungen*, ed. Karen Schönwälder, Sigrid Baringhorst and Uwe Hunger (Wiesbaden: Verlag für Sozialwissenschaften, 2006): 79-94.