

## Chapter 2

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

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

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 (Canada House of Commons 1947, pp. 2644–2546. Cited hereafter as CHC).

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 immigrants. Whereas preferred immigrants from the British Isles and northern Europe were highly sought after and aggressively recruited, nonpreferred immigrants from southern and eastern Europe were granted entry during periods of economic growth but regulated more closely during bad times. Nonwhite immigrants from outside of Europe were completely

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excluded through the Chinese Immigration Act, the “continuous journey” clause, and a host of other racially discriminatory regulations and administrative practices.<sup>1</sup>

This approach to immigration policy was ended with the introduction of the “points system” on 1 October 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 Caribbean, Latin America, and Africa comprised only a small fraction of Canada’s total immigration intake from 1946 to 1966, by 1977 they made up over 50 % of annual flows (Indra 1980; Kalbach 1987). 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 (Statistics Canada 2003, 2005).

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” (Green 1976, pp. 34–35). Peter Li (2003) views the move to a nondiscriminatory 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. Although Freda Hawkins (1988, 1991) acknowledges the (secondary) importance of noneconomic 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 policymaking. Similarly, Ninette Kelley and Michael Trebilcock (2000) 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.

This chapter breaks from the dominant economic/functional explanations noted above, arguing that the introduction of the points system capped a 20-year period of policy change driven by shifts in the normative acceptability of racial discrimination among liberal-democratic states. World-historical events and processes, including the Holocaust, decolonization, 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

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<sup>1</sup> For background see Kelley and Trebilcock (2000) and Triadafilopoulos (2004).

principles used to legitimize the 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 labor unions, churches, and ethnic associations, as well as external actors, including newly independent states in the “Third World,” 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 unraveling 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 contribution to ongoing debates on the sources of liberalization in postwar immigration policies. The approach developed in the paper offers an effective means of bridging debates between “externalists”, who emphasizes the influence of global human rights, and “internalists”, who view domestic liberal principles and institutions as the key motors of change.

## Argument and Analytical Framework

### *Normative Contexts*

The fact that migrants often possess qualities that simultaneously make them suitable as laborers but undesirable from the perspective of membership compounds what is an essential problem: how to reconcile the entry of outsiders for economic and other reasons with the prerogatives of membership in a world made up of nation-states (Zolberg 1981, pp. 5, 8, 1987; Walzer 1981, p. 2). Efforts to address this clash of distinct interests and concerns drive the politics of membership. In this respect, immigration and citizenship policies represent answers to the very basic questions provoked by the migration-membership dilemma: Who are we? Who 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 (Schuck 1985, pp. 285–286)?

Responses to these questions will vary depending on a host of factors, including particular states’ regime types, traditions of nationhood, and economic requirements (Castles 1995). Limiting our attention to these domestic variables, however, obscures broader material, political, and ideational structures that influence outcomes across states. Aristide Zolberg has noted that analyses of domestic immigration policy “must take into account the configuration of international conditions that generates changing opportunities and challenges in relation to ...immigration” (Zolberg 1978, pp. 244–251, 2002, pp. 4–5). Similarly, Alan Cairns’ work on the transformation of indigenous peoples’ politics in Canada and other settler countries has emphasized the influence of shifting normative assumptions on domestic policy paradigms

(Cairns 2000, p. 41). While scientific racism and imperialism provided important supports for racially discriminatory policies in the late nineteenth and early twentieth centuries, the postwar period was marked by the discrediting of these ideas and institutions and the emergence of an international human rights movement that stressed the equal treatment of all peoples. Indeed, the very idea of “race” was challenged by international organizations such as UNESCO, as well as in anthropology and other academic disciplines (Cairns 1999, pp. 24–25). John Skrentny’s work on the origins of the minority rights revolutions of the late 1960s and early 1970s highlights how global-level changes granted political leverage to actors critical of discriminatory policies (Skrentny 2002, p. 8).<sup>2</sup>

My understanding of “normative contexts” builds on these insights. Normative contexts embody 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 broadly encompassing conditions informing domestic policy paradigms. Put differently, normative contexts embody the core moral foundations or “metaphysical principles” which inform and grant legitimacy to the ideas constituting domestic policy paradigms (Surel 2000). When policies fit with these “wider... norms and values” they appear right and “natural” (Skogstad 1998).

I distinguish two periods with distinct normative contexts. The first spans the turn of the twentieth century until the World War II. 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 Canadian attitudes toward diversity, generally, and immigration policy, in particular. The paradigm that shaped policymaking during the early part of the twentieth century drew on and reflected prevailing attitudes toward racial and ethnic difference, nationalism, and state sovereignty, tending, on the whole, to legitimize discriminatory ideas (Joppke 2005, pp. 34–36). Conversely, the discrediting of scientific racism, integral nationalism and white supremacy, and the simultaneous emergence of human rights after the war problematized discriminatory policies and granted leverage to actors demanding reforms. Canada’s identification as a liberal-democratic country that respected the rule of law and human rights made it especially vulnerable to charges of hypocrisy. Thus, the central anomaly driving paradigm change in the postwar period was normative; prewar policies that relied on discrimination no longer fit with the prevailing normative context.

### *Stretching, Unraveling, and Shifting*

How did this lack of fit between prewar policy standards and a new postwar normative context generate paradigm change? In an effort to answer this question, I draw on Peter Hall’s work to advance an analytical framework that divides the

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<sup>2</sup> For related approaches see Borstelmann (2001), Dudziak (2002) and Clark (1998).

process into three stages, which I refer to as policy “stretching,” “unraveling,” and “shifting” (Hall 1990, 1993, pp. 277–280).

The concept of stretching speaks to the durability of policy paradigms and their propensity to channel policymaking along well worn paths (Pierson 2000). Existing 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 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 (Bradford 2003, p. 1006).

Stretching describes the ways in which “normal” policy-making processes “adjust policy without challenging the overall terms of a given policy paradigm” (Hall 1993, p. 279). With regard to immigration, changes in normative contexts did not “shock” policymakers into devising radically new solutions, as per “punctuated equilibrium” models of policy change. Rather, their initial response was to “stretch” established policies at their margins while remaining true to the fundamental premises of the prevailing policy paradigm (Hall 1990, p. 61, 1993, pp. 277–280). Changes therefore tended to be cosmetic, aiming to diffuse and co-opt criticism by acceding to some of the demands voiced by critics. In this sense, stretching has much in common with Kathleen Thelen’s (2004) conceptualization of institutional “layering,” whereby institutions are adapted to include hitherto excluded actors and interests.

These initial responses to reformers’ demands had unintended effects that accelerated the breakdown of the established policy paradigm. Attempts to answer critics of discriminatory immigration policies with tactical concessions affirmed the normative validity of their claims, enhancing their standing, and increasing pressure for more substantive reforms (Risse 1999, p. 538). Policy stretching thus precipitated unraveling, as anomalies accumulated and an expanding constellation of critics pulled more determinedly at the most vulnerable strands of the existing policy paradigms. At the same time, continuing efforts on the part of policymakers to stretch the existing paradigms weakened their internal coherence, undermining their utility as guides for policymaking. The unraveling of established policy paradigms created administrative problems which, in turn, increased demands for innovative strategies based on ideas in line with the ascendant normative context (Bradford 1998, p. 13). In time, new approaches to the migration-membership dilemma were developed. The formulation and implementation of new approaches marked the transition from paradigm unraveling to shifting.

In sum, changes in broadly encompassing normative settings created a situation in which Canada’s established immigration policy paradigm coexisted uneasily with new norms concerning racial equality and nondiscrimination. 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 (Lieberman 2002, p. 704).

## Dismantling White Canada, 1947–1967

### *Stretching: 1947–1952*

King's statement of 1 May 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" (Library and Archives Canada [cited hereafter as LAC] [n.d.1](#)).

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 immigrants and other groups that had long faced discrimination in this area (Lee 1976; McEvoy 1982). Despite these reforms, the goal of limiting the entry and incorporation of nonwhite immigrants remained a primary aim of policy. Chinese immigration fell under the terms of Order-in-Council P.C. 1930-2115, which restricted the range of admissible "Asiatics" to the wives and children less than 18 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 (CHC 1955, p. 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 and the new 1952 Immigration Act.

The 1952 Act’s provisions regarding immigrant admissions bore a striking resemblance to 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 (Hawkins 1988, p. 102).

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 nonpreferred ethnic groups and individuals deemed to be threatening as a consequence of their perceived ideological orientations (Whittaker 1987).

### *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 UN and British Commonwealth made the 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 (LAC 1957b). Their demands were channeled through 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,” (LAC 1957a) 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 (Freeman 1997, p. 19). 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 idle 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. Nonwhite 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, nonwhite 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 (Blanchette 1977, pp. 302–306; Freeman 1997, p. 25).

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. They believed Canada was courting trouble by taking a leading role against racism internationally while maintaining discriminatory controls against nonwhites in its immigration policies. 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 adherence to racially based immigration policies. 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 nonpreferred countries (Corbett 1963, p. 173).

These concessions did not appease critics of Canada's immigration policies. Far from providing solutions to the government's troubles, stretching 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 (LAC 1958b). While Canadian officials were well aware that acceding to Pakistan's demand would run the risk of encouraging similar requests 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 Commonwealth. Similarly, efforts aimed at increasing the number of Chinese immigrants through Ministerial discretion and Orders-in-Council failed to satisfy domestic advocacy groups, and potential alternatives that remained wedded to traditional principles—such as quotas—were also open to charges of discrimination, and therefore of little practical use (LAC 1958a).

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 (LAC 1960), there is little evidence to suggest that officials believed that this should entail active recruitment from "non-traditional" sources.<sup>3</sup> Rather, the two issues

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<sup>3</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.

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, it did not drive the decision.<sup>4</sup> Changes in normative contexts and related political developments did.

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” (LAC 1961c). 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” (LAC 1961a). This would be accomplished through the amendment of Regulation 20, which according to the Minister’s office constituted “the heart of Canada’s immigration policy” and main target of criticism (LAC 1961a).

The proposed changes to Regulation 20 were unique in that they eliminated “all reference to questions of nationality, geography or regions of the world”. 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 (LAC 1961a).

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” (LAC 1961a).

The amended immigration regulations were tabled in the House of Commons on 19 January 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

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<sup>4</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.” See Hawkins (1988, p. 139).

by granting the government a more effective means of countering accusations of racism and discrimination.

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 21, married children, siblings and their corresponding families, and unmarried orphaned nieces and nephews under the age of 21—citizens from non-European and nonwestern 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 granting full sponsorship rights to migrants from Africa and especially Asia would prompt a flood of non-white minorities whose presence could catalyze a negative backlash among white Canadians (Hawkins 1988, p. 131).

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 nontraditional sources but only actively recruiting immigrants from the United States, western Europe, and the British Isles.<sup>5</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 interpreted in administrative practice" (LAC 1961b). 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

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<sup>5</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.

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 (NAC 1961b).

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 purposely 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 (LAC 1963a).

The decision to employ a double standard in weighing non-white applicants' credentials reflected officials' fears that "uncontrolled" immigration from nontraditional 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. Canadian immigration officials were keen to avoid such an outcome 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" (LAC 1965a, b).

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>6</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 (LAC 1963b). Foreign governments also made a point of reminding Canadian officials that a lack of administrative capacity outside of Canada's traditional sources of immigration

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<sup>6</sup> "Questions," *The Globe and Mail*, 5 November 1963.

suggested that the much-heralded move to a universal immigration policy was at best incomplete.<sup>7</sup> Governments in the West Indies questioned whether the rules were being applied fairly regardless of applicants' skin color,<sup>8</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 noncommunist China was "disappointingly low." 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. 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 recede.

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 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>9</sup>

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<sup>7</sup> "Japan Wants Canada's Door Opened," *Toronto Telegram*, 4 December 1964. Also see related materials in LAC, RG 76, vol. 1109, File 552-1-578, "Immigration from Japan Policy."

<sup>8</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, 18 February 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% 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, 2 August 1963. On 5 November 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>9</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" (CHC 1959, p. 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 notable exceptions, see Champion (2010) and Palmer (1990).

The issue of global administrative capacity involved questions of resource allocation: so long as nonwhites were perceived as threats to social and political stability, shifting 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 nondiscriminatory 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 (LAC 1962c) and Pearson's lofty ambitions for Canada in the area of foreign policy, accusations of racism became increasingly difficult to ignore.<sup>10</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>11</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 30 November 1965, Pearson formally acknowledged the reality of a double 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" (LAC 1965). He intimated that his government was considering new means of regulating admissions and would reveal further details 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" (LAC n.d.2). While the flow of "unskilled" and "poorly educated" Greeks, Italians, and Portuguese was troubling to immigration policymakers (LAC 1964), they believed that similar flows of sponsored immigrants from

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<sup>10</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>11</sup> For a discussion of contemporaneous developments in the United States, see Tichenor (2002, pp. 207–218) and Zolberg (2006, pp. 293–336).

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” (LAC 1964, 1966a, b, c). Immigration officials were thus convinced that the sponsorship “time bomb” had to be confronted immediately lest matters spin out of control (LAC 1964).

The White Paper on Immigration Policy, tabled on 14 October 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 admissions policy, it also warned of the economic and social consequences of uncontrolled sponsored immigration. Finding themselves unable to keep up with innovations linked to technological change, unskilled and poorly educated immigrants would slip into the ranks of the unemployed, compounding labor 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 (Canada 1966, p. 15). 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 landed immigrants’ more limited sponsorship rights equal across the board (Canada 1966, pp. 41–42). 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 work-related skills in demand in Canada. While all landed immigrants would enjoy the right to sponsor the same array of dependents and “eligible relatives,” 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 5 years residence. This, in turn, would dampen the sponsored movement’s “potential for explosive growth”. 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.

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 sharply 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>12</sup>

The White Paper's recommendation to increase control over the sponsored movement was also criticized by groups that stood to lose under the proposed rules.<sup>13</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>14</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 nondiscriminatory immigration program; on the other hand, it casts immigration in threatening terms.

While the White Paper fell short of fulfilling its role as an "exercise in persuasion for a particular policy" (Hawkins 1988, p. 159), 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>15</sup> Jean Marchand, appointed an internal task force to devise admissions rules that (a) divided the sponsored stream into dependent and nondependent relatives as per the White Paper; (b) employed a standard set of selection criteria; and (c) were based on the principle of universality (Hawkins 1988, p. 162).

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<sup>12</sup> "[A] statement in a White Paper, no matter how laudable, is 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, 22 February 1967; Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, No. 9, 407.

<sup>13</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 (2000, pp. 354-358).

<sup>14</sup> Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, No. 4, 13 December 1966, 126-127.

<sup>15</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 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 (1988, pp. 139-140).

The group was led by Deputy Minister Tom Kent, a highly regarded civil servant 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>16</sup> he felt that criticisms of the White Paper—to which he was subjected during the hearings of the Special Joint Committee—were deserved: the document was vague and lacked a clear statement of principles (Kent 1988, pp. 409–410).<sup>17</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" (Kent 1988, p. 410). 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 free of racial bias.

After spending several months on the project, the task force produced a proposal that satisfied these core requirements. 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 initially" (LAC 1967b). 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 (spouses and minor age children) did not have to qualify under the assessment scheme.

Simulated "tests" of the new system were "highly encouraging" (LAC 1967c). Although broadening 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 labor

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<sup>16</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" (Kent 1988, p. 409).

<sup>17</sup> 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 the penultimate version (Kent 2006).

market conditions (LAC 1968). While this was not a perfect solution, it did offer some means of controlling sponsored flows in a nondiscriminatory and politically acceptable fashion (LAC 1967a). 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)” (LAC 1967b).

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 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” (Gillan 1967). The *Toronto Star* reported that Marchand had come closest to the elusive goal of eliminating “outright racial discrimination” and opening Canada to increased levels of immigration.<sup>18</sup> The points system also offered politicians a way of demonstrating the purity of Canada’s intentions to the rest 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 (LAC 1967d).

Marchand, Kent, and their colleagues succeeded in crafting a relatively transparent, nondiscriminatory 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

The notion that the points system was a functional response to changing economic conditions must be reconsidered. As I have endeavored to point out, its origins are more complicated 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 for making sense of the challenges confronting Canadian immigration policy today, not least of which is the rather poor job Canada has done of integrating highly skilled immigrants selected through the points system into the labor market (Reitz 2005; Li 2001; Schellenberg and Hou 2005; Triadafilopoulos 2006; also see the chapters

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<sup>18</sup> “Immigration: An end to hit-and-miss,” *The Toronto Star*, 14 September 1967.

by Bourgeault and Neiterman, Boyd, Hawthorne, and Reitz in this volume). The points system, as it was originally conceived, had as much to do with politics as with labor markets. As such, it is not surprising that little thought was paid to developing a corresponding set of measures for integrating immigrants selected via human capital criteria into Canadian labor markets. This flaw is engrained in the very DNA of the Canadian admissions regime.

The chapter also contributes to the broader literature on the sources of liberalization in industrialized states' immigration policies after World War II. I have argued that the discrediting of discrimination based on race, nationality, and ethnicity and the concomitant rise of a global human rights culture after World War II created a new normative context that helped transform Canadian immigration policy in the postwar period. The postwar normative context casts older policies in a new light, exposing a fundamental lack of fit between Canada's commitments to human rights and liberal-democratic principles and its maintenance of prewar solutions to the migration-membership dilemma.

This shift in normative contexts was an essential catalyst for policy change in the post-World War II period, distinguishing it from the first half of the twentieth century. Older solutions to the migration-membership dilemma were no longer supported by common sense notions of race and nationhood and were subject to increasing scrutiny and criticism. This challenged Canada's efforts to regulate migration and membership in the postwar period with administrative tools developed earlier in the twentieth century. While the propensity of policymakers to rely on entrenched policy paradigms and administrative routines led Canadian officials to reach back to earlier solutions, their ability to maintain them was checked by new political forces. The postwar normative context disrupted the logic of path dependency and institutional "lock-in."

Thus, the expansion of membership boundaries in Canada was driven by a *combination* of changed normative contexts and domestic liberal-democratic principles. The central mechanism linking internal and external domains is what I have referred to as "lack of fit." My argument suggests that normatively driven change is closely related not only to domestic regime type, as per internalists such as Joppke (2001), Hollifield (2000), Hansen (2002), and Freeman (1995), but also to the kinds of images and identities states are interested in projecting to domestic and external audiences (Gurowitz 1999). These images and identities are determined in part by prevailing normative contexts, which are external to states and rooted in a collective global society (Bull 1977). Thus, the standards that applied to liberal-democratic states during the first half of the twentieth century differed markedly from those in the second half of the century. Shifting normative contexts instigated changes in the behavior of Canada and other liberal-democratic states, by creating a gulf between their existing policies on immigration, on the one hand, and their interest in cohering to new normative standards, such as nondiscrimination and human rights, on the other.

This process was driven by specific actors with a vested interest in provoking change. My focus on actors and political processes more generally stands in contrast to the work of postnationalists such as Jacobson (1996) and Soysal (1994)

and suggests that if we are to truly understand why and how immigration and citizenship policies shifted in the postwar period, we must make a more concerted effort to link external and internal contexts via domestic politics. Attention to detail allows us to see how the complex interaction of global norms, entrenched practices, and political interests shaped policymaking, leading to a distinct mode of pluralization in Canada.

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