# THE VIEW FROM ONTARIO: IMMIGRATION, DIVERSITY & MULTI-LEVEL GOVERNMENT RESPONSE

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ABSTRACT

Ontario is experiencing a re-scaling of government roles in the immigration field. This article explores the devolutionary trajectory of federal-provincial-municipal relations regarding immigration. The province of Ontario and the City of Toronto in particular are now exercising unprecedented influence over immigrant integration.

## INTRODUCTION

The Province of Ontario was a surprise hit the last time it publicly promoted itself in Quebec. Readers of a certain age and place will recall the popularity of the Ontario Pavilion at Expo 67 in Montreal. The secret of its success was a catchy song featured in the super-sized, multi-screen film that portrayed Ontario as a dynamic next-door neighbor to the Province of Quebec. The lyrics of the song described Ontario as: *"A Place to Stand, A Place to Grow, Ontari-ari-ari-o".*

These words proved to be prophetic. Over the past four decades, Ontario and especially its capital city Toronto have experienced the most sustained population growth of any part of Canada. And the great driver of this population surge has been global immigration, ushered in by the point system also adopted in 1967.

According to the 2006 Census, immigrants comprised 19.8% of Canada's population, 28.3% of Ontario's population, and 45.7% of the Toronto Census Metropolitan Area's (CMA) population. The Census further revealed that over half (52.3%) of all recent immigrants to Canada between 2001 and 2006 settled in Ontario, and 40.4% of the Canadian total settled in the Toronto CMA.

This massive immigrant settlement in Ontario has transformed much of the province's human and institutional landscape. This article explores how immigration has promoted a re-scaling of multi-level governance in Ontario. Addressing issues arising from immigrant settlement has occasioned new roles and relations between the Federal, Provincial and municipal governments in the province.

## DEVOLUTION OF GOVERNMENT AUTHORITY

There is a growing academic literature suggesting that de-centralization of governance is occurring the world over. Reflecting on shifting patterns of power in countries across the world, American legal scholar Peter Schuck contends that "the movement toward devolution is extraordinarily powerful" (Schuck 2002, 387). Related to our specific interest in the immigration field, Peter Spiro declares that "globalization is allowing the possibility of greatly expanded subnational participation in immigration decision-making" (Spiro 2001, 67). Reflecting on the American experience, Michael Wishnie writes that recent trends amount to a "contemporary revolution in state-Federal relations", characterized by "the general devolution

of decision-making authority from Federal to state and local governments" (Wishnie 2002, 284, 283).

In Canada, immigration has always been a shared inter-governmental jurisdiction. Section 95 of the Canadian constitution states that provinces "may make Laws" in relation to immigration "as long and as far as it is not repugnant to any Act of the Parliament of Canada". From 1867, then, immigration has constitutionally been an ambiguous field of asymmetrical Federalism in which the national government is 'first among equals'. While immigration is a field of shared Federal-Provincial jurisdiction, the Federal government clearly has a pre-eminent authority under Canada's constitution.

Until the past two decades, the practice of Canadian Federalism clearly reflected Ottawa's supremacy—indeed its virtual monopoly—over immigration policy. For over a century following Confederation in 1867, all the significant immigration-related government measures enacted in Canada came from Ottawa. Immigrant selection, citizenship, multiculturalism and newcomer programs were all Federal initiatives.

Quebec was the first province to assert a stronger role for itself—by gaining responsibility for both the selection of independent class immigrants and the provision of newcomer services with guaranteed Federal funding. Enshrined in the 1990 Quebec Accord, this was devolution inspired by Quebecois nationalist and autonomist aspirations for greater authority over the selection and integration of newcomers to la *belle province*. Additionally framed by its distinct policy of *interculturalisme*, (as distinct from multiculturalism), Quebec has achieved by far the greatest devolution of powers over immigration of any province in Canada.

## TOWARDS MULTI-LEVEL GOVERNANCE IN ONTARIO

Ontario has only recently experienced a recalibration of intergovernmental responsibilities in the immigration field. But the 'Ontario model' has not followed the same pattern of clear devolution from Federal to Provincial authority as evidenced in Quebec. Instead, developments in Ontario reflect an emerging multi-level governance based on the jockeying of three orders of government (Federal, Provincial and Municipal) to advance their own values and interests in the immigration field. Let us look then at recent initiatives by all levels of government.

### RE-DEFINING THE FEDERAL APPROACH TO IMMIGRANT SELECTION

Outside Quebec, immigrant selection remains under Federal government control. While a Provincial Nominee Program allows provinces to prioritize some admissions, their overall numbers are limited. We can therefore generalize that Ottawa regulates the entry of migrants into Ontario. In recent years, radically new approaches to migrant selection have been adopted by the Federal government. They reflect a more instrumental, market-driven approach to newcomer admission.

In June 2008, Bill C-50 gave the Federal Minister of Immigration considerably more discretion in determining which applicants would be admitted as permanent residents under Canada's independent class. Previously, selection had been based on the point system with applications reviewed on a 'first come, first served' basis. Now, the permanent resident applications are assessed based on occupational priorities established by the Minister. The authority of the Federal government to 'micro-manage' immigrant selection has therefore been enhanced. Supporters of this new approach claim it will expedite entry and meet labour market needs. Critics have raised a host of concerns: that many applications (beyond the target occupations) will never be reviewed; that government ability to accurately forecast occupational needs is problematic; and that prioritizing occupations may erode family class admissions. In the specific case of Ontario, one wonders also whether the Federal Minister and government may use their enhanced discretion to select immigrants who will settle elsewhere than Ontario. Ottawa has expressed interest in greater diffusion of immigrant settlement, so it will be interesting to see whether the new system results in fewer Ontario-bound newcomers.

The second recent change in immigrant entry has been the dramatic increase in temporary foreign workers (TFWs) admitted to Canada. TFWs are admitted to Canada for limited periods to work for a designated employer in a defined occupation. This is a departure from Canada's tradition of linking immigration to nation-building, with immigrants eligible for Canadian citizenship after three years. Canada is increasingly relying on TFWs—akin to Europe's 'guestworkers'—to fill labour market needs.

In 2008 there were 252,196 TFWs in Canada—double the total of 2004. Ontario had by far the greatest number of any province, with 91,733 compared to 58,456 in British Columbia, 57,843 in Alberta and 26,085 in Quebec (Alberta Federation of Labour 2009). From 2003 to 2007, temporary foreign worker admissions across the country increased by 59.8%. In the same period, the number of permanent resident admissions increased by only 7% (Citizenship and Immigration Canada 2008). And in 2007, a new record was set as the number of TFW admissions (165,198) for the first time ever exceeded independent class entries (131,248) (Citizenship and Immigration Canada 2008).

Supporters claim the TFW Program provides a fast, flexible fix for Canadian labour market shortages. Critics contend it entrenches a marginalized, vulnerable workforce in the Canadian economy. Moreover given the adverse conditions in their homeland, it is widely recognized that many TFWs will stay beyond their visa period, swelling the ranks of Canada's non-status, underground population.

An assessment of multi-level governance of immigration in Ontario must therefore begin by recognizing that it is the Federal government that determines which migrants will enter Ontario, and on what terms.

## ONTARIO: PROVINCIAL IMMIGRATION INITIATIVES

In recent years, Ontario has become increasingly assertive in claiming greater authority and resources related to immigration and newcomer integration in the province. Two key initiatives have been the signing of a Federal-Provincial immigration agreement, and the passage of new legislation designed to facilitate immigrant professional accreditation. Each initiative is discussed in turn.

The Canada-Ontario Immigration agreement (COIA) was signed in November 2005. Ontario was among the last provinces to sign an immigration agreement with Ottawa. As the most popular destination of newcomers, Ontario did not need an agreement to attract immigrants. Rather, it needed greater funding and better coordination of newcomer services. Ontario had long complained of receiving far less per capita funding for immigrant integration than Quebec.

COIA was enacted as a five year agreement to "establish the framework for a long-term partnership between Canada and Ontario with respect to immigration [and] define the respective roles and responsibilities of Canada and Ontario relating to immigrants and temporary residents" (Citizenship and Immigration Canada 2005). Specifically, COIA contained the following key elements:

- $920 million in new Federal funding over five years to support newcomer integration in Ontario;
- Expanded and better coordinated settlement and language training programs;
- A commitment to include municipalities and local stakeholders in settlement planning;
- A new web portal for newcomers and prospective immigrants;
- Establishing a pilot Provincial Nominee Program for Ontario, and;
- A role for Ontario in managing the Temporary Foreign Worker Program.

To date, the most tangible achievements of COIA have been improvements in program delivery and stakeholder outreach. The most intriguing unknown is what form the Canada-Ontario agreement will take in its upcoming round of re-negotiation.

While the full $920 million has yet to be transferred to Ontario, the province does now receive considerably more funding for newcomer services than in 2005. This has permitted expanded programming, particularly the delivery of more advanced occupationally specific language training. Another priority has been improving access to newcomer services in Ontario in French. Increased settlement funding has brought welcome stability, even growth, to the immigrant services sector after many years of government cut-backs.

Newcomer information is now far more accessible thanks to a variety of web portals supported by COIA. Both the Federal and Ontario governments now have enhanced websites providing settlement information to both newcomers and prospective immigrants abroad. Consistent with COIA's commitment to partner with municipalities, Ontario has also supported the development of over a dozen municipal web portals promoting immigration to such localities as Windsor, London, Waterloo, Hamilton, Sudbury, Sault Ste. Marie, and Timmins. In the final section below, more will be said about Toronto's distinct stature under COIA.

Another significant example of COIA's emphasis on getting settlement right at the urban scale is the Local Immigration Partnerships (LIP) initiative. A joint Federal-Ontario undertaking, "LIPs seek to help communities put immigration on their overall planning agenda in order for communities to benefit from the successful social and economic integration of new immigrants" (Citizenship and Immigration Canada 2008). LIPs have now been established in over a dozen Ontario urban communities, where they bring together representatives of local government, immigrant service agencies, newcomer communities and local employers to develop and implement strategies for immigrant integration.

As noted, COIA is set to expire at the end of 2010. The Ontario government has signaled its desire to secure greater devolution and authority in the next version of COIA about to be re-negotiated. In particular, Ontario would like to join Quebec, British Columbia and Manitoba in having full control over managing and dispersing funding for immigrant services. Ottawa would thus transfer funding and program management to the exclusive control of Ontario. Interestingly, this is a proposition ambivalently regarded by Ontario's immigrant service agency sector. Its umbrella organization The Ontario Council of Agencies Serving Immigrants identifies both opportunities and risks in greater devolution of Provincial authority. Foremost is a concern that as in other 'autonomous' provinces, Federal funds transferred for immigration settlement purposes

may be transferred on arrival to Provincial general revenues for spending unrelated to immigration (Ontario Council of Agencies Serving Immigrants 2009).

Beyond COIA, Ontario's most significant recent intervention in the immigration field relates to professional accreditation. Through the Fair Access to Regulated Professions Act (FARPA) of 2007, Ontario became the first jurisdiction in Canada to set rules for how self-governing professional associations handle accreditation applications from immigrants. FARPA requires Ontario's 34 regulated professions to conduct fair, timely and transparent assessment of professional accreditation applications. Compliance is overseen by the Office of the Fairness Commissioner, currently led by former Member of Parliament and House Speaker Jean Augustine. FARPA represents a Provincial initiative to overcome credential and professional recognition barriers faced by newcomers.

### TORONTO: MUNICIPAL IMMIGRATION INITIATIVES

The City of Toronto is the urban core of the Toronto Census Metropolitan Area. It is also Canada's largest municipality with a population of 2.5 million residents. The 2006 Census revealed that Toronto (all subsequent discussions of Toronto or the City refer to the Municipality of Toronto) was now literally at the tipping point of becoming a 'majority immigrant city'. In 2006, immigrants comprised 49.98% of the City's population.

Long regarded as a rather parochial city, Toronto has re-branded itself as cosmopolitan. "Toronto's official doctrine is diversity", a recent book on the City aptly declares (Boudreau et al 2009, 85). In 1998, Toronto adopted as its official slogan the declaration "Diversity Our Strength". More than anything, Toronto has come to stake its claim to global city status on its demographic profile as 'The World in a City' (Anisef and Lanphier 2003).

Beyond rhetoric and slogans, Toronto has long championed policies of equitable civic inclusion and greater municipal authority in immigration matters. Space permits only a brief discussion of Toronto's record on both fronts.

Over the past decade the City of Toronto has passed such policies as an Action Plan for the Elimination of Racism and Discrimination, an Immigration and Settlement Policy Framework, a Multilingual Policy and a Policy on Access to City of Toronto Services For Residents Without Immigration Status. The spirit underlying these and other City initiatives is reflected in its Action Plan for the Elimination of Racism and Discrimination declaring: "The City", declares Toronto's Anti-Racism Action Plan, "has an inclusive vision of society, which is equitable and built on the strength of its diversity" (City of Toronto 2003).

Toronto's immigration and Settlement Policy Framework was passed in 2001, and commits the City to an ambitious goal: "Toronto's task is to do what we can as a municipality to remove barriers to and provide support for the full economic and social engagement of immigrants" (City of Toronto 2001). The Framework identifies six priority goals the City will advance: economic integration, intergovernmental consultation and collaboration, service access and equity, planning and co-ordination, advocacy and public education, building community capacity and civic participation. And interestingly, the City's commitment extends to residents without official immigrant status. In 2007, City Council reiterated its position that municipal services were equally available to all residents regardless of their immigration status. Effectively, this means Toronto is upholding a principle of urban citizenship whereby all residents of the City have 'rights to the city'.

Finally, we must note that in 2006, Toronto achieved unique intergovernmental recognition in immigration matters. The City had long complained that despite its stature as Canada's leading immigrant gateway city, it had no voice in shaping immigrant policies and programs. Flowing from COIA's commitment to strengthening the municipal role in immigration integration, a Canada-Ontario-Toronto Memorandum of Understanding (MOU) on Immigration and Settlement was signed to give Toronto 'a seat at the table' with the Federal and Provincial government in immigration discussions that have an impact on Toronto.

The agreement identifies four priority areas of mutual interest to the three governments: access to employment, access to services, access to education and training, and promotion of citizenship and engagement. Based on its initial experience to date, the City of Toronto is optimistic that its equal standing with the Federal and Provincial governments under the MOU "should contribute to more informed, better policy development by all three governments" (City of Toronto 2008, 5). Clearly, Toronto is leveraging its stature as an immigrant city to re-brand itself as a global city, to champion immigrant rights and to claim greater authority as an order of government.

## CONCLUSION

Ontario's experience demonstrates that immigration is prompting reconsideration and rescaling of government roles in Canada. Federally, immigration policy has become more market than state driven. Provincially, there is a greater push for devolution of program management. And municipally there is an unprecedented upsurge in immigrant advocacy and calls for cities to be recognized

as full partners in immigration policy. Inter-governmental relations are among the aspects of Ontario life being transformed by global migration.

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