

## THE LIBERALIZATION OF CANADIAN IMMIGRATION POLICY (1945-1976)

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**Abstract:** *Immigration policy has played a key role in Canadian history since the second half of 19<sup>th</sup> century. Certainly, immigration legislation was a major element of it. Some of the most important reforms in Canadian immigration policy took place in the first decades after the Second World War. This was a time of multiple legislative reforms conducted by the Canadian government, but in general, the immigration regulations introduced during that period started the process of liberalization in this area. The Immigration Act of 1976 played a key role in building up the new liberal strategy of Canadian immigration. The pre-reform period is also important because it helps to understand the evolution process from discriminative legislation to liberal policy.*

*Therefore, the focus of this study is on the development of Canadian immigration policy from 1945 to 1976. The present research examines the main preconditions for the adoption of the 1976 Immigration Act. It analyses legislation regulations, which paved the ground for post-war Canadian immigration policy, with a particular emphasis on regulations enacted from 1945 to 1976. This article provides an overview of Canadian immigration policy in post-war period. It also identifies successive documents that proved particularly influential for Canadian immigration policy at the time. The findings of this research point to a variety of causes for the legislation changes, from foreign and domestic policy to economy policy.*

**Keywords:** *Canada, Immigration Policy, Legislative Regulations, Refugee, Immigrants, Liberalization, Discrimination*

**Rezumat:** *Liberalizarea politicii canadiene a imigrării (1945–1976).* Politica imigraționistă a jucat un rol-cheie în istoria Canadei încă din a doua jumătate a secolului al XIX-lea. Evident, legislația privind imigrația a fost un element important al acesteia. Una dintre cele mai remarcabile reforme în domeniul imigrării în Canada a avut loc în primele decenii de după al Doilea Război Mondial. A fost perioada cu numeroase reforme legislative efectuate de guvernul canadian, însă, regulamentele de imigrare adoptate în acea epocă au dat startul procesului de liberalizare în acel domeniu. Legea privind imigrația din 1976 a jucat un rol cheie în construirea noii strategii liberale de imigrare în Canada. Perioada antereformei este importantă grație faptului că ne ajută să înțelegem evoluția schimbărilor de la legislația discriminatorie la politica liberală.

*Prin urmare, obiectivul principal al acestui studiu este de a investiga dezvoltarea politicii de imigrare canadiene în perioada 1945-1976. Prezentul studiu analizează premisele importante care au stat la baza adoptării Legii de Imigrare din 1976. Articolul are la bază analiza reglementărilor legislative care au statuat imigrația din Canada în perioada post-belică, în special actele adoptate între 1945 și 1976. Totodată, s-a urmărit schițarea unei imagini de ansamblu a politicii de imigrare din Canada în perioada de după al Doilea Război Mondial. De asemenea, s-a încercat identificarea documentelor care au exercitat influență asupra politicii imigraționiste a Canadei în perioada respectivă. Concluziile arată că au existat cauze diferite pentru introducerea unor modificări legislative, de la politică externă și cea internă până la economia politică.*

**Résumé: La libéralisation de la politique canadienne d'immigration (1945-1976).** *La politique d'immigration joua un rôle important dans l'histoire canadienne depuis le XIX-ème siècle et jusqu'à nos jours. La législation sur l'immigration constituait, certainement, l'un de ses éléments majeurs. On réalisa une des plus remarquables réformes de la politique d'immigration canadienne dans les décennies qui ont suivi la Seconde Guerre Mondiale. Le long de cette période, le gouvernement canadien mit en pratique de multiples réformes législatives, mais en général, les lois d'immigration adoptées à cette époque-là déclenchèrent un processus de libéralisation en ce domaine. La loi sur l'immigration de 1976 joua un rôle clef dans l'édification d'une nouvelle stratégie libérale d'immigration au Canada. La période qui précéda la réforme est également importante, car elle permet de comprendre le processus d'évolution d'une législation discriminatoire vers une politique libérale.*

*Par conséquent, l'objectif principal de l'étude ci-jointe est d'étudier le développement de la politique d'immigration canadienne de 1945 à 1976. L'étude analyse les conditions sur lesquelles se basa l'adoption de la Loi sur l'Immigration (Immigration Act) de 1976. Cet article est fondé sur l'analyse des normes législatives qui statuèrent la politique d'immigration canadienne d'après-guerre, se concentrant principalement sur les normes législatives adoptées de 1945 à 1976. Cet article offre, aussi, une vue d'ensemble sur la politique d'immigration de Canada dans la période d'après la Seconde Guerre Mondiale. De plus, on y essaya d'identifier les documents successifs ayant influencé la politique d'immigration canadienne à cette époque-là. Enfin, on tira la conclusion qu'un grand nombre de facteurs influencèrent ces changements législatifs, de la politique étrangère et intérieure à la politique économique.*

## INTRODUCTION

Canadian policy and society had a great evolution progress during the last century. Particularly, there were many important changes on the way to democracy, multiculturalism and tolerance in this country. One of the most significant reforms in Canadian legislation were aimed at reviewing the immigration policy. The policy of discourage and discrimination in this field progressed in the first half of the 20<sup>th</sup> century. But the post-war period became the time of liberalization changes in the aforementioned area. And the middle of the

1970s was the top of the changes because of the Immigration Act of 1976. This document was one of the most significant legislation documents in Canada and its adoption started a New Era in immigration policy of this country. The pre-reform period is also important because it can help us understand the evolution of changes on the way from discriminative legislation to liberal policy. Thus, it could explain the main causes that gave impulse for the changes in immigration policy and the consequence steps during this process.

Many immigration issues have already been investigated by different researches. For instance, the Canadian authors Ninette Kelley and Michael Trebilcock released a general overview of the history of the Canadian immigration policy<sup>1</sup>. Canadian historian Valerie Knowles has studied the main steps of this policy within the period of 1540–2006 and described the realities of the newcomers' life in the new homeland<sup>2</sup>. Another Canadian researcher, Margaret Conrad, has done an overview of the Canadian history, including immigration issues of this country. She has shown different aspects of immigration movements and the liberalization processes of Canada's society<sup>3</sup>. Another Canadian researcher is Lee Blanding, who has investigated in his PhD thesis the history of Canada from 1945 to 1974, but he has focused mainly on the origins of the multiculturalism policy<sup>4</sup>. The well-known Canadian philosopher Will Kymlicka's researches discussed the connection between multicultural politics and immigration issues. His publications have focused on diverse aspects of Canadian history and policy<sup>5</sup>. Finally, some aspects of the Canadian immigration policy have been investigated by the Ukrainian researcher Taras Lupul, who has studied the ethnical aspects of immigration policy of Canada<sup>6</sup>.

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<sup>1</sup> Ninette Kelley, Michael Trebilcock, *The Making of the Mosaic: a History of Canadian Immigration Policy*, Toronto, Buffalo, London, University of Toronto Press, 2000.

<sup>2</sup> Valerie Knowles, *Forging our Legacy: Canadian Citizenship and Immigration, 1900–1977*, Ottawa, Public Works and Government Services Canada, 2000, in <http://www.cic.gc.ca/english/resources/publications/legacy/chap-4b.asp>; Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540–2006 (2 ed.)*, Toronto, High Town, Tonawanda, Dundurn Press, 2007.

<sup>3</sup> Margaret Conrad, *A Concise History of Canada*, Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo, Delhi, Cambridge University Press, 2012.

<sup>4</sup> Lee Blanding, *Re-branding Canada: The Origins of Canadian Multiculturalism Policy, 1945–1974*, Victoria, University of Victoria, 2013.

<sup>5</sup> Will Kymlicka, *Immigration, Multiculturalism, and the Welfare State*, in "Ethics and International Affairs", 2006, Vol. 20, no. 3, p. 281–304; Will Kymlicka, *Multiculturalism: Success, Failure, and the Future*, Washington, Migration Policy Institute, 2012.

<sup>6</sup> Тарас Лупул, *Імміграція як фактор етнодемографічних змін в аналізі сучасного вітчизняного та зарубіжного мігрантознавства* [Immigration as the Factor of

Thus, various aspects of Canadian immigration policy draw the attention of many researchers. But the pre-reform liberalization period in this field is still interesting for investigation because this period was full of changes that facilitated the turning point of the immigration policy in 1976.

This paper focuses specifically on the analysis of different legislation regulations that established the Canadian immigration policy from 1945 to 1976. This article has three key aims. Firstly, we will provide an overview of Canadian immigration policy during the period from 1945 to 1976. Secondly, we will analyse the main causes of the changes in immigration policy at that time. And thirdly, we will investigate the immigration regulation acts in this period. During the research, we plan to examine changes in the Canadian immigration law by using the general scientific theory and such empirical methods as critical analysis, synthesis of sources and the method of qualitative analysis of text messages. This investigation is based on various Canadian laws that influenced immigration policy. Among these legislative documents, the most important ones are the Acts passed by the Parliament of Canada, the Orders-in-Council, and the Proclamations and Regulations.

We divided the full period of 1945–1976 into three chronological periods: the post-war Canadian immigration policy from 1945 to 1957, the changes of immigration policy from 1957 to 1962, and new liberal regulations in Canadian immigration policy from 1962 to 1976. Each of these periods had special governmental immigration policy.

### **THE POST-WAR CANADIAN IMMIGRATION POLICY: FROM 1945 TO 1957**

In the first decade after the Second World War, the Canadian government provided different changes in the immigration policy, both liberal and discriminative. The main causes of the changes in Canadian immigration policy were the necessity to reform the juridical system according to the new international commitments and the interior needs, such as taking a decision for various groups of people. For example, the number of wartime laws and other discriminative regulations stayed in force after the end of the Second World War,

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Ethnic and Demography Changes in the Analysis of the Current Domestic and Foreign Migration Studies], in “Вісник Одеського національного університету: Соціологія і політичні науки”, 2007, 15 (52), с. 58–73; Тарас Лупул, *Сучасна імміграція як структурний компонент формування політичної нації в Канаді* [Modern Immigration as an Important Part of the Forming Process of the Canadian Political Nation], in “Політологічні та соціологічні студії: Зб. наук. праць”, 2010, XI, с. 494–506.

even though most of these regulations were already outdated. Moreover, there were different groups of people like displaced persons, refugees and other categories who needed urgent actions from the government. In addition, Canada became a member of international organizations that promoted international peace and security, equal opportunities without discrimination and the fundamental rights of every human being.

On the one hand, the Canadian government provided liberal moves for the immigration policy. For example, there was the policy of support for refugees and displaced persons, as the program for the immigrants and refugees from Europe, which consisted of two main parts, such as the Close Relatives Plan and the Group Movement Plan. Another important development of the Canadian immigration policy was the admission entry to Canada for displaced persons from the refugee camps in Europe in 1947. According to this policy, refugees and displaced persons were transported to Canada under the care of the International Refugee Organization<sup>7</sup>. Moreover, in 1947 the government adopted The Canadian Citizenship Act, whose main purpose was “to give a clear definition of Canadian citizenship and provide an underlying community of status for all the people in Canada”<sup>8</sup>. On the same year, King George VI proclaimed An Act to Amend the Immigration Act and to Repeal the Chinese Immigration Act which had been in force since 1923 and only in 1947 it was abolished<sup>9</sup>. In 1951 the Canadian government signed separate treaties with the governments of India, Ceylon (nowadays Sri Lanka) and Pakistan, which partly enlarged the facilities of Canadian immigration policy for a few of these non-Europeans<sup>10</sup>. In 1951, the Canadian government implemented a program to help European immigrants who were unable to pay for their transportation to Canada. The government also reclassified the “enemy aliens” persons, took decisions in case of different groups of people, and cancelled some discriminative regulations. For instance, the Italians, the Japanese and the

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<sup>7</sup> *Canada Year Book*, Ottawa, ON., 1948–1949, p. 173–174.

<sup>8</sup> *Canada Year Book*, Ottawa, ON., 1955, p. 177–181.

<sup>9</sup> *An Act to Amend the Immigration Act and to Repeal the Chinese Immigration Act*, 1947, p. 107–109, in <https://archive.org/stream/actsofparl1947v01cana#page/106/mode/2up> (Accessed in 25. 12. 2016).

<sup>10</sup> *Exchange of Letters between the Governments of India and Canada Regarding Entry to Canada for Permanent Residence of Citizens of India*, January 26, 1951, in <http://www.commonlii.org/in/other/treaties/INTSer/1951/3.html> (Accessed in 19.01.2017); *Exchange of Notes between Canada and Ceylon Constituting an Agreement Regarding the Entry to Canada for Permanent Residence of Citizens of Ceylon*, January 26 and April 24, 1951, in “Treaty Series”, 1951, no. 28; *Exchange of Notes between Canada and Pakistan Constituting an Agreement Regarding the Entry to Canada for Permanent Residence of Citizens of Pakistan*, October 23, 1951, in “Treaty Series”, 1951, no. 21.

Germans who were detained in camps during the Second World War, were removed from the list of “enemy aliens” in 1947, the Japanese Canadians – in 1949, and the Germans – in 1950<sup>11</sup>.

On the other hand, although the Canadian government adopted many quite liberal regulations, the complete equality of rights had not been attained. For instance, in 1945 the government passed discriminative Orders-in-Council P.C. 7355, P.C. 7356 and P.C. 7357 which were aimed against Japanese Canadians<sup>12</sup>. In different laws, Canadian government categorized prospecting immigrants to preferable and undesirable categories<sup>13</sup>. There were persons from European countries and US citizens who got a permission to enter to Canada. In contrast, there were a lot of prohibited persons such as non-white people, especially Asians, the ill and physically or mentally disabled persons, homosexuals, etc. Moreover, prospective immigrants could be rejected because of such subjective reasons as unsuitability to the climatic, economic, social, educational or other conditions. These regulations were adjusted by Orders-in-Council P. C. 2856<sup>14</sup> from 1950, P. C. 859 from 1953, and P. C. 785 from 1956<sup>15</sup> etc.

The main immigration law that appeared in the post-war decade was the new Immigration Act (the official title was “An Act Respecting Immigration”), which was adopted in July 1952. The new regulations had no considerable changes as compared to prior Immigration Acts (1910, 1919). Only homosexuals and alcoholics were added to the prohibited-persons group<sup>16</sup>. According to the Immigration Act of 1952, the particular role in granting or denying entry to applicants was held by the Governor in Council. This person had the right to deny entrance for newcomers for different reasons, for instance, the excuse of nationality, citizenship, ethnic group, occupation, class or geographical area of origin. Furthermore, this person reject an applicant because of peculiar customs, habits, and ways of life. Moreover, the Governor in Council could reject a candidate

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<sup>11</sup> *Canadian Immigration Timeline*. in <https://www.timetoast.com/timelines/canadian-immigration--9> (Accessed in 10.01.2017).

<sup>12</sup> *1945 Japanese Canadians*, in <http://historyofrights.ca/encyclopaedia/main-events/1940s-japanese-canadians> (Accessed in 3.02.2017).

<sup>13</sup> George Rawlyk, *Canada's Immigration Policy, 1945–1962*, in “Dalhousie Review”, 1962, 42, p. 291; *Canada Year Book*, Ottawa, ON, 1950, p. 181–182.

<sup>14</sup> *Order re landing of immigrants in Canada, P. C. 1950-2856*, 1950, in “Canada Gazette. Part II (1947–1997)”, 1950, 84 (12), p. 765–766.

<sup>15</sup> *Canada Year Book*, Ottawa, ON, 1957, p. 172.

<sup>16</sup> *Immigration Act*, 1952, S.C. 1 Elizabeth II, Chapter 42, p. 5–7, in <http://www.pier21.ca/research/immigration-history/immigration-act-1952> (Accessed in 12.02.2017).

for the reason of unsuitability regarding the climatic, economic, social, industrial, educational, labour, health or other conditions<sup>17</sup>.

As a result, Canadian immigration policy in the first post-war decade (1945–1957) was quite ambiguous because of enacting, at the same time, liberal and discriminatory legislation. In general, according to the different regulations we can characterize the activity of the Canadian government in the field of immigration as the policy of “White Canada”.

### **THE CHANGES OF IMMIGRATION POLICY FROM 1957 TO 1962**

1957 was the year of great changes in the Canadian political system because new political forces came to power. That was the Conservative government led by the Prime Minister, John Diefenbaker. The new Prime Minister announced the aim of the immigration policy of his government by these words: “We will overhaul the act’s administration [The Immigration Act 1952] to ensure that humanity will be considered and put an end to the bureaucratic interpretations which keep out from Canada many potentially good citizens”<sup>18</sup>. At the same time the first lady – Ellen Fairclough, became the new Minister of Citizenship and Immigration.

When Ellen Fairclough chaired the Department of Citizenship and Immigration, she faced the negative results of the previous policy. For instance, there were a series of discriminatory laws in force. Moreover, the number of liberal post-war regulations also had a negative impact. For example, the process of realization of the Close Relatives Plan had influence on the increase of uneducated and unqualified newcomers (mainly from Europe). Thus, primary activities for Ellen Fairclough consisted in upgrading the shortcomings of the previous legislative.

Thereto, in March 1959 the Canadian government adopted the P.C. 1959-310. The new document amended the immigration regulations that contained in the P.C. 1954-1351 (1954). Essentially, it restricted the admission of relatives to the immediate family. According to the new document, Canadian citizens or legal residents lost their right to sponsor relatives from Egypt or brothers, sisters and married sons, daughters from any country of Europe, North America, Latin America, Lebanon, Turkey, and Israel<sup>19</sup>.

As it was mentioned above, Canada became a member of a few international institutions, so they had a great impact on the Canadian policy and legislature in the field of immigration. In November 1959 UN General Assembly adopted the

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<sup>17</sup> *Ibid.*, p. 28.

<sup>18</sup> Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540–2006 (2 ed.)*, Toronto, High Town, Tonawanda, Dundurn Press, 2007, p. 179.

<sup>19</sup> *Ibid.*, p. 180–181.

Resolution 1390 (XIV), which announced the World Refugee Year from 1959 to 1960. According to the resolution, Member States of the United Nations should make additional financial contributions for international assistance to refugees and encourage in their territory increasing contributions from non-governmental organizations and the general public. Also, the UN members had to encourage additional opportunities for permanent refugee solutions through voluntary repatriation, resettlement or integration, on a purely humanitarian basis<sup>20</sup>.

As the member of UN, the Canadian government had to provide some aid programs for newly refugees, but the assistance decisions were not popular among society of Canada. For instance, during the World Refugee Year, Ellen Fairclough gave the permission to admit to Canada 325 tubercular refugees and 501 members of their families. Altogether there were accepted 6 912 persons from different refugee camps in 1959–1960. But, at the same time, Ellen Fairclough rejected other requests for aid. Valerie Knowles points out that: “Although international agencies had tried repeatedly to persuade Canada to accept more “hard-core” (i.e., unsponsored, disabled, or ill) refugees, this country had steadfastly refused to commit itself to accepting such people”<sup>21</sup>.

It probably could mean that aid programs that were provided by the Canadian government in 1959–1960, were only de jure actions. The support programs were rather sophomoric facade of Canada’s contribution to the World Refugee Year. But perhaps it was caused by the critical opinion of the society.

There were important developments of the Canadian immigration policy that were provided by the new Minister of Citizenship and Immigration, among which there was an attempt to solve the problem of large-scale illegal Chinese immigration. Thus, in July 1960 the government announced an amnesty for all illegal Chinese immigrants if they came and officially announced their presence, for one month. But this attempt had only partial success.

The most significant contribution that conservative government made to the liberalization of Canadian immigration policy was taken in January 1962, when Ellen Fairclough had presented new immigration regulations – Order-in-Council P.C. 1962-86. This document amended previous immigration regulations made by Order-in-Council 1954-1351. The mentioned document rejected discrimination due to race, colour, national origin, religion or sex<sup>22</sup>.

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<sup>20</sup> The UN Refugee Agency, *World Refugee Year, 1390 (XIV)*, 20 November 1959, in <http://www.unhcr.org/excom/bgares/3ae69ee610/world-refugee-year.html> (Accessed in 29.01.2017).

<sup>21</sup> Valerie Knowles, *op. cit.*, p. 183–185.

<sup>22</sup> *Ibid.*, p. 187–188.



According to P.C. 1962-86, the rights of immigrants were protected on board (there had to be safety, health and moral conditions) and newcomers also got the temporary accommodation after they landed. In contrast with previous immigration regulations, immigration officer lost the authority to take a decision about physical or mental conditions of a newcomer. By this document, if the officer had any doubt, he or she had to refer the immigrant for further medical examination by a medical officer. The main criteria for determining admissibility became the educational, training, skills or other special qualifications of the applying person. Other important criteria for getting permission were “sufficient means of support to maintain himself in Canada”, “arrangements for employment in Canada”, “approved by the Director, for establishment in business, trade or profession, or in agriculture”, or if the person was the relative of a Canadian citizen who had applied and was able to provide care for the person<sup>23</sup>.

However, new regulations had some hidden obstacles that were aspects of discrimination. Because people who were husband, wife, fiancée, unmarried son or daughter under 21 years of age, parents or grandparents of Canadian citizen or permanent resident, they could immigrate to their relative. But these rules were in force only for “citizens of any country of Europe, including Turkey; or of any country of North, Central or South America or islands adjacent thereto”. At the same time, for people from Egypt, Israel or Lebanon only the unmarried son, daughter, brother, sister, wife, fiancée or husband, unmarried orphan or niece under 21 could immigrate to Canada. In spite of these facts, we agree with the Valerie Knowles’ opinion, according to which the Order-in-Council P.C. 1962-86 eliminated racial discrimination policy and abolished the “White Canada” immigration policy<sup>24</sup>.

The findings of this section indicated that there were multilateral causes for the after-war immigration changes. The Canadian immigration policy needed to reform the juridical system according to the international commitments and the interior needs, as well as take a decision for various groups of people.

As a result, during the period from 1957 to 1962 Canadian government provided more consistent liberal changes than during the post-war decade. Finally, in 1962 the new immigration law abolished the large majority of prior

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<sup>23</sup> *Immigration Act, Immigration Regulations, Part I, Amended, Immigration Act, Immigration Regulations, Part II, Amended, Order-in-Council P.C. 1962-86*, 18 January 1962, p. 2, 10–11, in <http://www.pier21.ca/research/immigration-history/immigration-regulations-order-in-council-pc-1962-86-1962> (Accessed in 06.03.2017).

<sup>24</sup> Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540–2006* (2 ed.), Toronto, High Town, Tonawanda, Dundurn Press, 2007, p. 187.

discriminative legislative regulations. This document dropped the policy of “White Canada” and started a new stage of development of Canadian immigration policy.

### **NEW LIBERAL REGULATIONS IN CANADIAN IMMIGRATION POLICY FROM 1962 TO 1976**

The new Liberal government of Lester B. Pearson had provided the ideas to change immigration regulations in response to Canadian economy. On the one hand, the number of unskilled immigrants without education had increased. But on the other hand, high-skilled, well-educated and professional people were needed. To achieve such purpose, in 1966 the Department of Manpower and Immigration was established.

The first changes in Canadian immigration legislation were provided by The White Paper on Immigration (the official name was the Immigration Act and Regulations) which was enacted in October 1966. The main purpose of this document was “a general awareness among Canadians that the present Immigration Act no longer serves national needs adequately”. According to the text, one of the issues of the White Paper was to accept people who have the capability to adapt themselves successfully to the Canadian economic and social conditions. Some important economic factors for the new immigration policy were identified. Firstly, the Canadian industry needed highly qualified workers. But this aim to achieve “the level of productivity necessary to survive”<sup>25</sup> cause unskilled workers to become unemployed. Secondly, advanced technologies would give new opportunities for the qualified persons, but at the same time, some types of work for people without education and without high level of skills could become unnecessary. Finally, the Canadian economy needed educated or skilled people who would easily integrate their occupation area in Canada<sup>26</sup>. In general, the Canadian labour market was interested in highly educated people such as engineers, doctors, skilled technicians etc.

According to the Immigration Act and Regulations, there were two admissible groups of immigrants. The first one consisted of unsponsored, educated, trained, skilled and other qualified immigrants from any country. The second group consisted of sponsored immigrants who had a close relative in Canada. Application for a sponsored program was available for family members

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<sup>25</sup> Library and Archives Canada, *The White Paper of Immigration*, October 1966, in “Canadian Immigration Policy”, 1966, p. 9, in <http://www.pier21.ca/research/immigration-history/white-paper-on-immigration-1966> (Accessed in 22.02.2017).

<sup>26</sup> *Ibid.*, p. 9.

such as husband, wife, unmarried son or daughter under 21, parents, grandparents, orphan grandchildren, brother, sister, nephew and niece under 16. This law did not regulate refugees' application process, because government planned to introduce separate legislation for this category of people<sup>27</sup>.

In addition, the White Paper of 1966 provided the prohibited classes of individuals. First of all, there were persons who represented a threat for public health or safety. For instance, there were "mentally or physically defected and diseased persons", criminals, spies, saboteurs, "morally or socially undesirable persons", prostitutes, drug traffickers and drug addicts, persons giving false information about themselves, and seamen who had deserted their ships. In contrast, some categories of previously prohibited persons due to this document were excluded from the dangerous group. Thus, the homosexuals, beggars, vagrants and the chronic alcoholic now were considered as "not true dangers to the national interest by virtue simply of their personal failings"<sup>28</sup>.

The White Paper met a great criticism from different groups of people who presented workers, ethnic groups, church organizations<sup>29</sup>. So, government continued to work on legislation changes in this area.

The next significant fact for the understanding the evolution of Canadian immigration policy act of law was Immigration Regulations, Order-in-Council P.C. 1967-1616 which was enacted in August 1967. These regulations established new standards to appraise newcomers. The main innovation of this document was the Points system, according to which immigrants were assigned points in various categories, that was aimed at avoiding discrimination from the Canadian immigration policy.

Due to P. C. 1967-1616, the Points system consisted of nine categories: education and training; personal qualities; demand for the profession of the applicant; level of occupational skill; age; pre-arranged employment; knowledge of French and English languages; the presence of a relative in Canada who was prepared to assist; general employment opportunities in area of applicant's destination<sup>30</sup>.

In general, there were three admissible classes of immigrants. The first group consisted of sponsored persons who had relatives in Canada. The main

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<sup>27</sup> *Ibid.*, p. 10-23.

<sup>28</sup> *Ibid.*, p. 24-25.

<sup>29</sup> Ninette Kelley, Michael Trebilcock, *The Making of the Mosaic: a History of Canadian Immigration Policy*, Toronto, Buffalo, London, University of Toronto Press, 2000, p. 358.

<sup>30</sup> *Immigration Regulations, Part 1, Amended, Order-in-Council P.C. 1967-1616*, August 1967, p.4 and *Schedule A: Norms for Assessment of Independent Applicants*, in <http://www.pier21.ca/research/immigration-history/immigration-regulations-order-in-council-pc-1967-1616-1967> (Accessed in 9.03.2017).

conditions were the same as in the previous regulations (The White Paper, 1966), but there were some changes in this category. For example, orphan relatives earlier had to be under the age of 16, but now they had to be under the age of 18, adopted children were permitted too. Previously, grandparents and parents did not have an age limit. But they should be 60 years or more, and if they were under this age, they needed to have employment or be widowed and an accompanying immediate family of those persons<sup>31</sup>. The second group consisted of sponsored dependents. For instance, fiancé or fiancée, or a child of a sponsor if there were impediments for marriage or adoption before. The third group consisted of persons who could immigrate to their Canadian relative. But only if this relative sponsored earlier another member of the family, and that person died or was unable to comply with the requirements of new regulations.

Generally, Canada became the first country that had developed and adopted the Points System for immigration policy. This system aimed at providing an objective, fair and non-discriminatory process of selection of applicants. It also cancelled the subjective decision and judgment of the immigration officer (as it was before). And generally, the Points System was implemented successfully – it had eliminated discrimination based on nationality or race from all categories of immigrants.

The next document also continued the liberal changes in Canadian immigration policy. The Immigration Appeal Board Act was passed in November 1967 and it gave to anyone who was ordered to be deported the right to appeal the decision to the Immigration Appeal Board. The new institution had to provide independent review process of all official decisions regarding either deportation or sponsored application denials<sup>32</sup>.

In fact, the results of White Paper of 1966 and Immigration Regulations of 1967 had direct influence on the working process of the Immigration Appeal Board. Those laws combined the permission to appeal for everyone and a greater selectivity for every applicant. As a result, the numbers of appeals to the Immigration Appeal Board rapidly increased.

As it was noticed earlier, foreign policy and especially international agreements or treaties had significant influence on the Canadian immigration legislation. For instance, in 1969 Canada had signed the Protocol relating to the Status of Refugees which was enacted in October 1967 by United Nations High Commissioner for Refugees (UNHCR). This document became the main treaty for the international refugee law. Its regulations amended the Final Act of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons

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<sup>31</sup> *Ibid.*, p. 1–2.

<sup>32</sup> *Immigration Appeal Board Act (Canada)*, 1967, in <http://immigrationtous.net/156-immigration-appeal-board-act-canada-1967.html> (Accessed in 17.03.2017).

which was adopted in 1955 at Geneva, Switzerland. Previous treaty interpreted the refugees as people who had been forced to leave their countries because of events that occurred before 1951. But escalation of international crises, conflicts or wars, and also the process of decolonization led to the revision of that document. As a result, the new Protocol presented more extensively the concept idea of refugees, and promoted the policy of protection of refugees. According to the Protocol, time and geographical restrictions in relation to the term of “refugee”, were omitted.

Countries which had signed the Protocol relating to the Status of Refugees had to apply its principles. Moreover, governments had to make reports to UN organs with statistical data about the conditions of refugees, results of implementation of the Protocol in their state and with information about each legislative regulation related to refugees<sup>33</sup>.

Another international agreement signed by the Canadian government was the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly resolution 2106 in December 1965 and entered into force in January 1969. The Convention had eliminated racial discrimination and all practices of segregation in all its forms throughout the world. It had promoted respect for the dignity of every human person. Due to the Convention, Canada and other countries which had signed the document had to do all appropriate effective measures for the elimination of all forms of racial discrimination. Signers also had to promote tolerance, communication and understanding for all races<sup>34</sup>.

However, there were still many problems for those who were looking for a new home in Canada. As we noticed earlier, according to the White Paper (1966) and Immigration Regulations (1967) each applicant had either permission to appeal or greater selectivity. Thus, the numbers of appeals to the Immigration Appeal Board rapidly increased and persons waited for the decision quite a long time.

By 1973, Robert Andras, Minister of Manpower and Immigration, reported that “many persons who appealed a deportation order could count on a 20-year stay in Canada while awaiting the outcome”<sup>35</sup>. In order to solve the problem, an

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<sup>33</sup> The UN Refugee Agency, *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, 25 July 1951, in <http://www.unhcr.org/protection/travaux/40a8a7394/final-act-united-nations-conference-plenipotentiaries-status-refugees-stateless.html> (Accessed in 15.03.2017).

<sup>34</sup> UN Human Rights Office of the High Commissioner, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, in <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> (Accessed in 20.03.2017).

<sup>35</sup> Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy*,

amendment to the act was passed in July 1973, abolishing the automatic right of appeal while providing amnesty for those who registered within 60 days. More than 39 000 people from over 150 countries obtained immigrant status<sup>36</sup>.

The next official governmental documents were two amendments enacted in 1974. The first one was the Immigration Regulations, Part I, amendment – P. C. 1974-318, which was enacted in February 1974. This document amended the Immigration Regulations Part I made by Order-in-Council P. C. 1962-86 (1962). According to it, the group of sponsored immigrants with relatives in Canada became wider. For example, relatives such as half-brothers and half-sisters got a right to apply for the sponsor program. There were also other details for the sponsor program and some regulations about scoring process according to the Points system<sup>37</sup>. The second document was the Immigration Regulations, Part I, amendment – P. C. 1974-2351, which was enacted in October 1974. It amended the Immigration Regulations (Part I) made by Ellen Fairclough's provided P. C. 1962-86 (1962)<sup>38</sup>. The new document had also some additions about the Points system. For example, it consisted of several explanations for the immigration or visa officers about the scoring procedure for nominated relatives and independent applicants.

Both Immigration Regulations – P. C. 1974-318 and P. C. 1974-2351 had provided more stringent regulations for immigrants. Thus, newcomers, in spite of their appropriate general score, had to have also at least one point for occupation in Canada or arranged employment. Moreover, the final score for admissions became higher than 10 points (from 50 to 60). These conditions were regulated by economic policy of Canada and its necessities.

Among different legislative regulations, there were also some significant documents that regulate the concrete procedures of immigration policy. This kind of laws consisted of information about current operations, resolutions and decisions. For instance, Immigration Special Relief Regulations, No. 17 – P. C. 1974-1475, and Immigration Special Relief Regulations, No. 18 – P. C. 1974-1476, both were enacted in June 1974<sup>39</sup>. Another similar document was Immigration Special

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1540–2006 (2 ed.), Toronto, High Town, Tonawanda, Dundurn Press, 2007, p. 202.

<sup>36</sup> *Immigration Appeal Board Act (Canada)*, 1967, in <http://immigrationtous.net/156-immigration-appeal-board-act-canada-1967.html> (Accessed in 17.03.2017).

<sup>37</sup> *Immigration Regulations, Part I, Amendment, P.C. 1934-318*, 21 February 1974, in "Canada Gazette Part II", 1974, Vol. 108, no. 5, p. 660–663.

<sup>38</sup> *Immigration Regulations, Part I, Amendment, P.C. 1974-2351*, 22 October 1974, in "Canada Gazette Part II", 1974, Vol. 108, no. 21, p. 2840–2841.

<sup>39</sup> *Immigration Special Relief Regulations, No. 17, P. C. 1974-1475*, 27 June 1974, in "Canada Gazette Part II", 1974, Vol. 108, no. 14, p. 1972–1985; *Immigration Special Relief Regulations, No. 18, P. C. 1974-1476*, 27 June 1974, in "Canada Gazette Part II", 1974,

Relief Regulations No. 24 – P. C. 1974-2329, which was enacted in 1974<sup>40</sup>. All of these laws modified the application of certain provisions of the Immigration Regulations to certain persons. For example, these documents consisted of six schedules with a list of people. The first schedule contained a list of those who were rejected to immigrate to Canada. The second one contained a list of persons who may be granted landing in Canada. The third schedule consisted of people who were considered as sponsor for admission to Canada for permanent residence of the persons that also were noted in this schedule. The fourth contained a list of family members who should be deemed to be a member of the immediate family of the independent applicant. The fifth schedule consisted of people who could be the accompanying member of the family. And the last schedule contained a list of nominative relatives. Each of these schedules contained many people from different regions and with different citizenships. And, as we can see, Canadian legislature proposed very detailed regulations in the immigration area.

In 1974 the Department of Manpower and Immigration also adopted the “global priorities” for Canadian immigration policy, according to which selection officers had to give the first priority to all applications for sponsored immigrants. The second priority had independent and nominated persons whose occupation was needed to Canadian economy. The third priority had applicants who were going to invest their own capital to Canada and start their own business. The lowest priority had other immigrants, both independent and nominated, who were not included to the groups of higher priority. According to Anthony H. Richmond’s investigation, these selection proceedings slowed down the flow of many independent and nominated immigrants to Canada<sup>41</sup>.

At the same year Canadian government launched the Immigrant Settlement and Adaptation Program (ISAP). Because of its aims, the ISAP was the significant and useful improvement decision for immigration policy in general. The main purposes of the program were to support settlement and adaptation of newcomers. ISAP funded organizations that provided settlement services for new Canadian immigrants. Owing to the Immigrant Settlement and Adaptation Program, newcomers received the important support after arriving, such as the guidance and necessary knowledge for their basic needs, and for adaptation to life in Canada<sup>42</sup>.

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Vol. 108, no. 14, p. 1986–2008.

<sup>40</sup> *Immigration Special Relief Regulations No. 24, P. C. 1974-2329*, 22 October 1974, in “Canada Gazette Part II”, 1974, Vol. 108, no. 21, p. 2801–2822.

<sup>41</sup> Anthony H. Richmond, *Canadian Immigration: Recent developments and Future Prospects*, in “International Migration”, 1975, Vol. 13, Issue 4, p. 171–172.

<sup>42</sup> *Evaluation of the Immigrant Settlement and Adaptation Program (ISAP)*, in

In fact, despite numerous different kinds of legislative regulations that were enacted since previous Immigration Act of 1952, exactly this Act was the basis of Canadian immigration policy. Moreover, immigration legislation was irrelevant and it did not correspond with real social, economic and political conditions. Thus, the Canadian government had an important task to reform law in this area.

The significant shifts of immigration policy started in 1974, when the Minister of Manpower and Immigration, Robert Andras, had declared the public debates about the role of immigration for Canada and about the needs of the immigration policy of this country. He invited provinces and interested organizations to join this process. Robert Andras also organized the commission that had to provide a factual background to policy issues and ensure policy options<sup>43</sup>.

In February 1975 the commission, headed by Richard Tait, presented four discussion documents in the House of Commons. These documents were named as a Green Paper (the official name was *Green Paper on Immigration and Population*) and after presentation in Parliament, Green Paper was introduced to society.

Special Joint Committee of the Senate and the House of Commons consulted the general public and, as a result of "50 public hearings in 21 Canadian cities and reviewing more than 1 400 briefs submitted to it, the hard-working committee produced a report whose recommendations formed the basis of a new Immigration Act"<sup>44</sup>. This long-term but efficient working process on the Green Paper became an important contribution to liberalization of Canadian immigration policy.

As a result, most of the recommendations that Committee prepared for the Green Paper, were accepted by the government and became the basis of the reform legislation. The New Immigration Act (the official name was An Act respecting immigration to Canada) was introduced in 1976, and this document for the first time had managed the fundamental principles and goals of Canadian immigration policy. The Immigration Act was proclaimed in November 1976. But this law came into effect only in April 1978.

The new law declared that the rules, regulations and immigration policy in general had to promote the domestic and international interests of Canada, such as: demographic, cultural, social and economic goals; reunion of Canadians with their relatives abroad; to encourage and facilitate the adaptation programs for

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<http://www.cic.gc.ca/english/resources/evaluation/isap/2011/section2.asp>  
(Accessed in 23.03.2017).

<sup>43</sup> Valerie Knowles, *Forging our Legacy: Canadian Citizenship and Immigration, 1900–1977*, Ottawa, Public Works and Government Services Canada, 2000, in <http://www.cic.gc.ca/english/resources/publications/legacy/chap-4b.asp> (Accessed in 22.03.2017).

<sup>44</sup> *Ibid.*



newcomers; to invite visitors for the growth of trade, tourism, scientific activities and international understanding; prohibition discrimination on grounds of race, national or ethnic origin, colour, religion, sex; and fulfil Canada's international legal obligations with respect and help to refugees etc.<sup>45</sup>

Moreover, due to this new Immigration Act, there were four categories of people eligible for landed-immigrant status: family relatives; humanitarian class, which consisted of refugee and displaced persons; independent class; and assisted far relatives who partially met some of the selection criteria of the independent class<sup>46</sup>.

Valerie Knowles characterizes the Immigration Act of 1976 as the cornerstone of Canadian immigration policy from 1978 to 2001 that broke new ground by spelling out the fundamental principles and objectives of Canadian immigration policy<sup>47</sup>.

So, during the period from 1962 to 1976 the Canadian government provided a number of significant liberal legislation that regulated different areas of immigration policy. Important laws entered in force at this time, such as the White Paper of 1966 and Points system of 1967. These documents aimed at avoiding discrimination against applicants. Finally, the Green Paper of 1975 formed the new Immigration Act of 1976 that started a New Era in immigration policy of Canada.

## CONCLUSIONS

To sum up, the Canadian immigration policy in the first post-war decade, from 1945 to 1957 was enforcing, at the same time, liberal and discriminatory legislation. Due to the different law regulations, the Canadian government had provided the policy of "White Canada". It meant that prospective immigrants could have been rejected because of factors like race, ethnic, originality, language, or traditions.

Whereas, in the next five years, from 1957 to 1962, the government provided more consistent liberal changes. As a result, in 1962 there was enacted a new immigration law that abolished the large majority of prior discriminative legislative regulations. This document eliminated the policy of "White Canada" and started a new stage of development of Canadian immigration policy.

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<sup>45</sup> *Immigration Act, 1976, An Act respecting immigration to Canada*, 5 August 1977, p. 1197–1199, in <http://www.pier21.ca/research/immigration-history/immigration-act-1976> (Accessed in 25.03.2017).

<sup>46</sup> Valerie Knowles, *Forging our Legacy: Canadian Citizenship and Immigration, 1900–1977*, Ottawa, Public Works and Government Services Canada, 2000, in <http://www.cic.gc.ca/english/resources/publications/legacy/chap-4b.asp> (Accessed in 22.03.2017).

<sup>47</sup> Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540–2006 (2 ed.)*, Toronto, High Town, Tonawanda, Dundurn Press, 2007, p. 208.

During the next period from 1962 to 1976 the Canadian government had provided number of liberal laws which regulated different areas of immigration policy. Some evolutionary documents entered in force at this time. For instance, the White Paper of 1966 and Points system enacted in 1967 were aimed at avoiding any forms of discrimination against applicants. To top it all, in 1974 started a long-term work to define needs of the Canadian immigration policy. As a result, the Green Paper on Immigration and Population of 1975 formed the new Immigration Act of 1976 that was the first immigration act that outlined the fundamental objectives and principles of Canadian immigration policy, and started a New Era in immigration for this country.

The findings of this section indicated that there were multilateral causes for immigration changes in Canada. We could conclude that the main causes of the changes in Canadian immigration policy were the necessity to reform the juridical system according to the international commitments and the interior needs such as to take a decision for various groups of people in the first decades of post-war period. But since the 1960s the changes in immigration policy were also influenced by the conditions and needs of the Canadian economy.

Finally, during the period of 1945–1976 the Canadian immigration policy had done the turning point from discrimination to liberal principles, and laid down the foundations of the next period of open policy for newcomers.