

THE IMMIGRATION REFORM THAT WASN'T

by James C. Hathaway

Much of the publicity about the recently announced immigration reform focused on the government's decision to de-emphasize the admission of family members in favour of enhanced economic class immigration. In fact, no fundamental changes were proposed to family admissions in Canada's immigration mix. Some fine tuning, yes, and promises of reforms to come, but no clear vision of why Canada admits family members, or of the optimal mix of family and other classes of immigration. Beneath all of the statistical machinations there is a simple truth: roughly 73 percent of those who immigrated to Canada in 1993 entered on the basis of their family status (including members of both the family class and assisted relative class, as well as the dependants of assisted relatives, independent immigrants, and business immigrants.) In contrast, only about 10 percent were admitted because they were refugees or otherwise demonstrated humanitarian need, and about 17 percent were selected for economic reasons. The plan for 1995 projects a reduction of family-defined immigration to about 67 percent of the overall total. This is hardly the stuff of radical reform.

DEIFYING THE "FAMILY"

Why do we reserve such a mammoth proportion of our immigration quota for family members? Family immigration, unlike refugee protection, is not required to meet our responsibilities under international law. Nor is it simply a case of admitting accompanying family members to attract persons of economic or other value to this country (other immigration states employ narrower definitions of sponsorable family members). Instead, the recent policy

review's commitment to "maintaining a strong family program" is more visceral. In essence, the government suggests that we should admit family members simply because it is "natural" that families want to live together. Both current and proposed immigration policy unthinkingly deify the place of "family," causing two kinds of difficulty.

First, this reflexive and open-ended commitment to recognizing the importance of "family" has left immigration planning starkly exposed to political pressures to expand opportunities for "family

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reunification." As Daniel Stoffman has observed, "Recent arrivals are more cohesive in their political behaviour than more established residents. Ethnic voters play a pivotal role in 30 federal ridings, and even non-citizens can vote in nomination contests. The ethnic groups wanted liberal family reunification policies, and so the government gave it to them." Persons legally in Canada have lobbied for and been given a virtual trump to sponsor the resettlement in Canada of a broad range of biologically defined family members.

Under current policy, Canadian citizens have a presumptive right to sponsor their spouses, dependent children, parents, and grandparents,

although the government's recent reform suggests greater scrutiny will be given to the latter two categories. Moreover, more distant relatives may be "assisted" to immigrate, meaning that their relationship reduces the point threshold for issuance of an immigrant visa. Unless the government is prepared to expand overall immigration quotas, the pressure to keep the door open to relatives of Canadian permanent residents and citizens makes balanced immigration planning next to impossible. Does it really make sense in a world teeming with involuntary migrants that Canada admits six times more family immigrants than refugees? At a time when carefully targeted independent migration could contribute to the economic recovery, do we truly want to limit that group to less than one in five new immigrants? Because refugees and economic migrants have nothing close to the political clout of voters who wish to bring their families to Canada, however, the recent reform imposed only a symbolic reduction on family immigration.

RETHINKING THE FAMILY

Second and conversely, the facile assumption that "family" is to be validated through immigration law ignores the claims of equally meaningful relationships that serve both as functional socioeconomic units and support systems for effective integration by immigrants. An immigration law that looks only to formal status and biological bonds disfranchises the *de facto* heterosexual spouses, same-sex partners, cohabiting companions or siblings, and other modern counterparts to the nuclear family. A similar injustice is done to immigrants who come from societies in which primary re-

relationships of interdependency are with persons excluded from the family class as defined by Canadians of dominant cultures.

Both problems could be tackled by rejecting the present categorical definitions of "family" codified in immigration law, and embracing instead a contextually functional definition of family immigration. Rather than simply granting permission to immigrate based on documentary proof of a sanctioned relationship, family (whether biologically linked or not) would be admitted in recognition of ongoing emotional and material interdependency with the Canadian sponsor. This conceptual flexibility might be coupled with mechanisms such as conditional admission to ensure *de facto* viability of the relationship in Canada, an enhanced system of enforced accountability for sponsorship undertakings, and perhaps even general numerical limits for each sponsor.

By refocusing immigration law on facilitating the continuation of

relationships of demonstrable emotional and economic interdependency, we would force debate about "family" reunification away from rhetoric, and onto the ground of principle. This would both impose a self-regulating constraint on demands for ever-expanding family immigration opportunities and effectively incorporate a meaningful assessment of social viability at the outset of the sponsorship process. Such a shift would, moreover, be consistent with the emerging legal trend to recognize families as legally significant because of their social value rather than because of stereotypical assumptions; it is "the responsibility and community that family creates that is its most important social function and its social value" (per Madam Justice L'Heureux-Dubé, dissenting, in *Canada v. Mossop*, [1993] 1 S.C.R. 554, at 629).

The government's recent reform, in contrast, stuck comfortably to the modification of particular sponsorship modalities for traditionally defined families. It did not confront

the critical importance of rethinking the basic premise for validating family in immigration law, opting instead to cut family immigration just enough to generate (unwarranted) "get tough" headlines. It is high time to recognize that it is not anti-family to demand reasonable balance between opportunities for family-defined immigration and more general immigration policy objectives. Nor is it anti-family to expect enough definitional fluidity to recognize as legitimate a variety of family forms. Such principled stands do, however, require policy leadership at a level not evident in this fall's policy review.

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THE FEDERAL DEFICIT: ONE MORE TIME (WITH FEELING)

by William Robson

TEN YEARS AFTER ...

To find a period as critical for Canada's long-term economic health as the current one, you have to look back a full decade to 1985 when a newly elected government faced a comparable opportunity to turn a deteriorating situation around.

On that occasion, the chance slipped by. Fearing the wrath of recipients if federal transfers were reined-in, the Conservatives substituted the language of fiscal restraint for the real thing and never broke the vicious cycle of compound interest that drove debt and taxes up through the next eight years. In 1993, Cana-

dians saw the ludicrous spectacle of Kim Campbell running on a deficit-fighting platform even as Ottawa's borrowing — which, on average, had topped \$30 billion annually under her Conservative colleagues — headed for a new record of over \$42 billion.

The subsequent electoral debacle had many causes, but the mounting burden of taxes during the late 1980s and the virtual stagnation of Canadian incomes during those years doubtless played a major role. Unable to escape the pressure of irresponsible fiscal policy on their living standards, voters could only lash out at the government that presided

over it — leaving its successor to pick up the pieces.

... THE COSTS OF EXCESSIVE BORROWING ARE OBVIOUS ...

This time around, the new government's enthusiasm for addressing the problem appears to be weaker. Considering the current strength of the economy, the Liberal's 3 percent of GDP (\$25 billion) target for the deficit by 1996-97 amounts to little more than marginal nibbling — inadequate to prevent the deficit from ballooning again

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