Abstract

Despite being an area of constitutionally concurrent responsibility, immigration policy was almost completely dominated by the federal government for much of Canada's history. This changed initially in Quebec, where after the Quiet Revolution a series of bilateral agreements granted the provincial government incrementally increasing responsibility over immigration, culminating in almost full devolution in 1991. However, soon after Quebec's journey toward devolution concluded, the journey of other provinces began. By the turn of the 21st century, every province was active — though to drastically varying degrees — in selection policy, many provinces were active in settlement policy, and two additional provinces had negotiated agreements giving them predominance control over the planning and funding of settlement policies, subject only to quite general federal guidelines. However, in an unusual move, the federal government announces in 2012 that it would terminate the devolution of settlement programming to the two provinces, and hinted at recentralization in selection policy as well.

This dissertation investigates this unusual episode in Canada's federal history. The chapters are guided by attempts to answer three principal analytical questions. First, why, after a century-long period of federal dominance in all areas of immigration policy did Canada move towards a system of asymmetrical devolution? Second, did this devolution have a substantive impact on the nature of selection and settlement policies; have the provincial approaches proved significantly different than the federal? Finally, third, why did this system change, leading to a recentralization of settlement policy, and potential for similar changes in selection policy? On top of these three questions, the dissertation also addresses, in the concluding chapter, a normative question which draws on answers to the other three questions. Namely, what level of centralization or decentralization will lead to the best immigrant selection and settlement policies in the Canadian context?
Acknowledgements

For assisting me in making it to the end of this project I want to thank my supervisor Keith Banting for his inumerable contributions, comments, and conversations. To have such a great supervisor is a necessary — though not always sufficient — condition for successful PhD work. I also thank the other members of my dissertation committee, particularly Will Kymlicka, Leslie Seidle, and Janet Hiebert, who have been involved, giving advice at various stages of the project. Similarly, I want to thank the many conference co-presenters, discussants, and peers who gave feedback and criticism to different parts of this dissertation during the lengthy writing process.

It is also essential for me to thank the interviewees who took time out of their busy schedules to help me better understand this amazingly complex topic. Their generosity, aptitude, and willingness to frankly discuss contentious matters made this dissertation what it is.

Without my peers in graduate studies at Queen's over the last five years, this whole process would have been hopeless. In particular, my officemate, roommate, and fellow sufferer Charan Rainford always made sure that graduate school was as tolerable and laugh-filled as possible, and my long-time friend Jennifer Hardwick has been my most consistent sounding-board for all matters academic, intellectual, and personal. I'd be nowhere near who I am without the both of you. Also, everyone I worked with at the SGPS and other Queen's admin rounded my life here.

I must thank my parents, Debra and William Reeve, who have waited with patience and encouragement as I sought an education no one in our family had previously dreamed of. Their support and lessons prepared me for this journey, but I'm sure they'll be glad to see me move on and start to make my mark outside of school.

Lastly, I thank my partner Cassandra Sclauzero. You have only joined me for the last part of this particular journey, but I can't wait for us to start the next one together.
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List of Abbreviations

1) Canada Job Grant - CJG
2) Canada-Ontario Immigration Agreement, 2005 - COIA
3) Canada-Quebec Immigration Accord, 1991 - CQIA
4) Department of Citizenship and Immigration Canada - CIC
5) Federal Skilled Worker Program - FSW
6) Immigrant Service Agency - ISA
7) Labour Market Development Agreement - LMDA
8) New Public Management - NPM
9) Provincial Nominee Program - PNP
10) Canada Experience Class - CEC
Chapter 1: Introduction

Canada is a country deeply shaped by immigration. After the initial explorers who arrived in a land previously unknown to Europeans and made first contact with the indigenous peoples of the region, wave after wave of immigration shaped the country that would come. First came the gradual outnumbering, displacement, and devastation of the indigenous population, then the creation of Canada's two "founding" Anglophone and Francophone nations, then the subsequent waves of immigration that created the culturally and regionally diverse country that is Canada today. The significant and increasing diversity of the cultures that immigrate to Canada and the challenges inherent in this mean that the importance of understanding immigration is as present now as ever.

Many scholars have spent the last several decades creating a more well-rounded body of immigration scholarship. This body of work is more rounded in how it depicts the contributions and experiences of all the groups that have immigrated to Canada. It also portrays a more nuanced and robust perspective on the possibilities and challenges of a society based so deeply on immigration, diversity, and multiculturalism. Amongst the work in this latter category is research aimed at determining how best to design immigration policies that allow potential immigrants and Canada as receiving country to achieve their interests. These include both policies of selection as well as policies of settlement and integration — services designed and/or funded by government to assist immigrants in the cultural, economic, political, and practical adjustment to their new home. Considered together, these policies represent the primary direct tools the state has to promote successful immigration for the country and individual immigrants alike.

Federalism has made the study of immigration policies in Canada more complicated, especially in the last 20 years. Immigration is one of only areas of concurrent jurisdiction in the constitution, along with agricultural policy and the newer additions of pension management and certain elements
of natural resource management. In spite of this, it was almost completely dominated by the federal government for much of Canada's history. This changed initially in Quebec, where after the Quiet Revolution a series of bilateral agreements granted the provincial government incrementally increasing responsibility for immigration, culminating in almost full devolution in 1991. However, soon after Quebec's journey toward devolution concluded, the journey of other provinces began. By the turn of the century, every province was active — though to drastically varying degrees — in selection policy, many provinces were active in settlement policy, and two additional provinces had negotiated agreements giving them predominately control over the planning and funding of settlement policies, subject only to quite general federal guidelines.

These changes resulted in an incredibly complex policy system, one that oscillated between periods of relative stability and periods of instability. Indeed, this precariousness was confirmed in 2012 when the federal government announced its intention to recentralize settlement responsibility for two provinces, and mused openly about similar action in the area of selection. This move is unusual for Canadian federalism as, typically, once a power has been devolved to the provinces, it has proved nearly impossible to reverse the arrangement. In spite of this, the provincial governments — having had a taste of the potential benefits of control over immigration policy — are unlikely to give up on immigration easily. Thus, while it is unclear exactly where the system will move next, it is clear that this episode in federal and immigration policy history has changed the game for both levels of government.

The changes during this period of new provincial involvement may have created an unusually complex and asymmetrical system, but they also created a unique opportunity to study the factors shaping Canadian federalism and the policy consequences of devolution and centralization.

What can explain the sudden surge in provincial involvement in immigration after decades of near-total federal dominance? Similarly, how do we explain the relative persistence of the complex
and asymmetrical system that arose in this period of devolution? Third, and ultimately, why did the system of asymmetrical devolution break down, and why did it do so in the incredibly atypical fashion that it did? Given both the sudden and dramatic change of provincial involvement in immigration, the oddly persistent asymmetrical arrangement that followed, and the dramatic and atypical recentralization that ended it, this clearly represents an important episode in the study of Canadian federalism.

In addition, what was the impact on public policy? These changes create a unique opportunity to analyze the impact of changes in the federal-provincial division of responsibility on the substance of public policy and the quality of services provided to the public. Because the extent of devolution was so asymmetrical across provinces, we can compare selection policies and integration services in provinces exercising devolved powers with those prevailing in provinces where the federal government has remained predominant.

This dissertation investigates this unusual episode in Canada's federal history. The chapters are guided by attempts to answer three principal analytical questions. First, why, after a century-long period of federal dominance in all areas of immigration policy did Canada move towards a system of asymmetrical devolution? Second, did this devolution have a substantive impact on the nature of selection and settlement policies; have the provincial approaches proved significantly different than the federal? Finally, third, why did this system breakdown, leading to a recentralization of settlement policy, and potential for similar changes in selection policy? On top of these three analytical questions, the dissertation also addresses, in the concluding chapter, a normative question which draws on the observations of the other three questions. Namely, what level of centralization or decentralization will lead to the best immigrant selection and settlement policies in the Canadian context?

Chapter One introduces the concepts and framework that guides the pursuit of answers to all
three questions. To help explain the answer to the first question, Chapter One presents a theoretical framework based around the literature of historical institutionalism and the literature around change in Canadian federalism. Chapter Two then presents a two-part answer to the first research question. The first part describes how change occurred slowly and incrementally in Quebec, followed by the second outlining the more rapid change in the other provinces. It is argued that the Quiet Revolution was the primary motivation for change in Quebec, both for the increased bargaining power it gave the province vis-à-vis the federal government, but also for the significant impact it had on the province's conception of immigration. This era saw Quebec move from a province that was fearful and hostile towards immigration, thinking of it as a tool of cultural and linguistic dilution, to a province that saw immigration as a tool of cultural and linguistic promotion as well as economic growth. The second part looks at how Quebec's move to devolution, along with other factors — especially the program review and budget cutting exercises by the federal government in the mid-90s — created an opportunity window for the other provinces to seek devolution. The chapter goes on to analyze why certain provinces had the capacity and desire to take advantage of this opportunity window while others did not.

The answer to the second question about the consequences of devolution is spread out over two subsequent chapters. The third chapter directly assesses the selection and settlement policies of the federal and provincial governments. By looking at four in-depth case studies — British Columbia, Alberta, Manitoba, and Ontario — the chapter assesses what types of policies and policy system circumstances arise under the different forms of provincial involvement. It then evaluates the findings in terms of the goals of Canadian immigration policy, arguing that neither approach is clearly superior. Rather, any assessment comes down to the particular goals of immigration, and their level of relative importance.

Chapter Four provides another perspective on the impacts of devolution on immigration
policy, focusing on a distinctive element of this system: the role of immigrant service organizations. All of Canada's immigrant settlement services outside of Quebec, and a significant percentage within Quebec, are contracted out by government to immigrant service organizations. After first looking at how the relationship between governments and non-profit organizations has evolved in recent decades, the chapter presents findings from an original survey of immigrant service agencies relationships with the different levels of government. On this basis, the chapter concludes that, while devolution did not have a significant impact on the negative elements of the current contracting out relationship between governments and non-profits, it did provide enhanced results within the system, and would provide further superior results were the system to be reformed.

The third question is discussed in Chapter Five. By drawing on the framework used to explain the original reasons for devolution and by looking at the ways in with devolution, recentralization, and asymmetry have historically operated in Canadian federalism, this chapter discusses the reasons for the decision by the federal government to recentralize immigration settlement responsibility, while contemplating similar action in selection. It is importantly noted that it is highly unusual for a significant area of responsibility to be recentralized after being devolved by the federal government. The change is explained by analyzing the pressures that different forms of asymmetry place on Canada's federal system, and by the new approach to federalism that was being taken by the Harper Conservative government.

While these questions are addressed individually, an effort is made throughout to show how they link to one another. The nature of devolution affects the system that emerged and, thus, informs the potential impacts of different forms of devolution on policy. Similarly, both of these areas have an impact on the relationship between governments and the non-profit organizations that actually deliver immigration services. All the observations and theoretical tools presented in these chapters help explain the context, pressures, constraints, and actions that have led to the recent
centrality. Again, the dissertation makes efforts to show how these somewhat distinct areas of analysis link up, creating an integrated depiction of this interesting episode in Canadian federal and immigration politics.

In addition to advancing our understanding of immigration policy development in Canada — and perhaps in other contexts — this case study contributes to a variety of literatures and areas. The observations in the dissertation speak to the role of endogenous and exogenous pressures in change to Canadian federalism or federations generally, the impacts of different levels of centralization or devolution on public policy, the stability of asymmetry and other intergovernmental arrangements in federations, and more generally to the modern politics of Canadian federalism.

In looking at endogenous and exogenous forms of change, the dissertation makes a key theoretical contribution. While most literature on institutional change focuses on how shocks or other processes create opportunity windows for change, there is comparatively little focus on the attributes that determine the capacity or willingness of actors to take advantage of these opportunity windows. Indeed, existing theories often smuggle in these attributes with explanations of the factors leading to an opportunity window. This dissertation demonstrates the importance of distinguishing between the factors that lead to the creation of an opportunity window, and the factors that impact the capacity or desire of actors to utilize them. The case study is made more interesting, in that the actors — in this case provinces — reacted very differently to the opening of the window, making the analysis of capacity and desire to take the opportunity an interesting one.

The dissertation also adds to our understanding of the impacts of federal structures and different levels of devolution on the formation of public policy. Broadly, this case study confirms long-held assumptions that social policies designed at the federal level tend to be general in scope, focused on uniform standards, and national in their goal-setting and focus. Meanwhile, provincially designed policies are more sensitive and reactive to local context and input, more dynamic and
context specific, and, generally, more innovative. The dissertation also speaks to the presence of federal structures on the policy system as a whole, addressing concerns such as replication of programs, lack of clear accountability, and lack of efficiency, as well as benefits such as drawing of competencies of both levels of government, balancing system standards and local needs, and making the most of experimentation and emulation.

The dissertation represents a particularly informative case study in the study of devolution and asymmetry in federalism. While informing our understanding of the Canadian case in particular, the case study has implications for the understanding of the nature of asymmetry in the broader study of federalism. The case study confirms, as has been argued in other literature on Canadian federalism, that asymmetry among the Anglophone provinces — and often between any provinces, including Quebec — cannot persist unless there are compelling reasons to treat some provinces differently than others, or unless the provinces lacking the devolved power are indifferent to this fact. As soon as provinces without a power express an interest in attaining it, the system comes under stress. This certainly became the case, the dissertation argues, in the realm of selection and settlement policy. Once provinces without devolved settlement responsibility — most notably Ontario — started to push for further devolution, the system came under considerable stress. Beyond this the dissertation makes a valuable contribution to theory around asymmetry, by making further distinctions within the standard category of *de jure* asymmetry to give more depth and explanatory power to the theory.

Lastly, the dissertation makes comments on the general study of Canadian federalism, particularly as relates to the future direction of federalism under the current Conservative government. The argument is advanced that the current Conservative government is pursuing a new and innovative approach to federalism. Many argued when the new Conservative Party was created, and further argued once they came to government, that they would pursue a devolved federation,
one in line with the locally focussed ideological preferences of the Reform Party. However, this has not been the case, as their approach to federalism and intergovernmental relations has been much more nuanced, clever, and politically useful than simple devolved, classic federalism.
Chapter 2: Theoretical Foundations

Existing research gives us many fruitful starting points and concepts for the analysis contained within this dissertation. Significant amounts of research have informed the theoretical traditions that investigate institutional change and stability, federalism, and the goals of immigration. This dissertation draws on these theoretical perspectives in order to inform its analysis of the dramatic transformations in the Canadian immigration policy sector. In addition, based on the empirical analysis of this policy sector, the thesis proposes a number of refinements to the concepts widely employed in this field. These various themes will be summarized in the conclusion of the dissertation.

This chapter details the theoretical perspectives and tools that shall be employed throughout the dissertation. The first part of the chapter surveys the historical institutionalist literature, particularly the literature on institutional change, and then outlines how this theory is applied. Next, the chapter investigates a more specific discussion of a particular type of institutional analysis — that of Canadian federalism. This includes a detailed discussion of the stability of asymmetry in the federal system, an element that is particularly important to this analysis. Third, literature looking at federalism as an institutional determinant of policy outcomes, is investigated. Fourth, a theoretical treatment of the potential goals for an immigration system shall be outlined. Fifth, the chapter will integrate the key theoretical observations and forecast the parts of the dissertation that will utilize them. Finally, a brief discussion of methodology will be given.

Historical Institutionalism

Historical institutionalism is an approach that focuses on how institutions constrain, guide, and influence political decisions, with a particular emphasis on time comparison, sequence, and process. Arising as a reaction to the behavioural focus of political science in the 1950s and 60s,
institutionalism attempted to reintroduce institutions as more than merely thinly conceived, static constraints on the behaviour of rational political actors. The idea was to demonstrate that institutions are dynamic, ever changing, and have ideational value — inspiring behaviour, ideas, and political action rather than merely constraining these things. The ‘rational actors’ in behavioural theories need to develop their preferences, and institutions were seen to have a significant influence on such preference formation (Steinmo, Thelen, and Longstreth, 1992). As Pierson and Skocpol (2002) note, in historical institutionalism “the focus is on explaining variations in important or surprising patterns, events, or arrangements — rather than on accounting for human behaviour without regard to context or modelling very general processes presumed to apply at all times and places” (696-697). Another way of looking at this distinction is as one between behavioural perspectives focusing on the coordinating functions of institutions (creating or maintaining equilibrium) versus institutionalism’s focus on how institutions form and are embedded in concrete temporal processes (Thelen, 1999). The state, as one of the primary areas of focus for institutionalists, is seen not as a neutral broker of interests, a rulebook for a competitive game, or a set of constraining factors, but as a set of institutions that structure and influence the form and outcome of conflicts between groups and individuals (Hall and Taylor, 1996). Institutions are key not just to the resolution of conflicts over scarce resources, but also to the formation of preferences around those resources. Smith (2005) identifies four dimensions of historical institutional analysis: 1) describing institutions in formal/legal terms, 2) normatively assessing how well institutions work by some defined standard, 3) treating institutions as an independent variable that shapes policy and politics, and 4) a sociological dimension, which looks at how institutions affect society and vice versa.

The ‘new institutionalism’ also sought to distinguish itself from the old institutionalism of early political science, which sought merely to describe and catalogue the institutions of government
and other political actors (Smith, 2005). While explaining the structure and intricacies of an institution at hand is key for modern institutionalists — as we shall see below — this is merely a first step.

My institutionalist approach will focus on how Canadian constitutional, federal, legal, and policy institutions framed, directed, and restrained change in the realm of immigrant settlement and selection policy throughout recent Canadian history. This approach should provide a clear set of explanations for the slow, incremental devolution of selection and settlement policy to Quebec, the sudden and uneven devolution of the same programs in parts of the rest of Canada, and the equally sudden recentralization of settlement programs in the rest of Canada. My exposition of institutionalist theory starts with the basic understanding of the nature of institutions, and then turns to the critical question of the sources of institutional change.

The Nature of Institutions

There are many divergent conceptions of what counts as an institution within the approach, with one of the most significant divisions existing between historical and sociological approaches. The former prefers a somewhat more formal approach that includes “formal and informal procedures, routines, norms, and conventions embedded in the organizational structure of the policy or political economy. They can range from the rules of a constitutional order or the standard operating procedures of a bureaucracy to the conventions governing trade union behaviour” (Hall and Taylor, 1996: 938).

Meanwhile, the newer sociological strain of institutionalism takes a considerably less formal approach to institutions, including norms, broad social pressures, and shared understandings (Thelen, 1999). The approach of sociological institutionalism has three notable features: 1) The view that institutions are defined much more broadly than political science has tended to define them, including symbol systems, cognitive scripts, and moral templates that provide “frames of meaning”
to action. 2) A distinct view of the relationship between individuals and institutions, namely that institutions lead to the internalization of certain norms and behaviours by individuals. This adds a ‘normative dimension.’ Institutions and individuals are highly interactive and mutually-constitutive. 3) The view that institutions develop and change not to advance a needs-ends calculation, but to attempt to enhance and enshrine the legitimacy of the organization or its participants (Hall and Taylor, 1996).

While most institutionalist study initially seemed to focus almost exclusively on formal institutions, there now seems to be a more common adoption of the sociological institutionalism approach that institutions are not just formal things, but shared understandings (Thelen, 1999). Ikenberry (1994) provides a three-stage definition of institutions that seems to meet the two perspectives halfway. Institutions are: 1) specific characteristics of government institutions, 2) overarching structures of the state, 3) the nation's normative order.

My own analysis will focus primarily on institutions of the more formal variety: federal rules and agreements, governments, executives, and laws. Much of the focus will be on what Montpetit (2005) refers to as “meso” level institutions that exist between major entrenched institutions like a constitutional order and small-scale interactions between actors. The most important example of a meso-level institution is a policy network, a cohesive set of institutions and beliefs around a particular policy area. However, in spite of this more formal focus, there is also a good chance that less formal elements — such as conceptions around the nature of Canadian federalism and about immigrants, immigration, and the goals and purposes of settlement — will have explanatory value and I will incorporate them into my explanations.

**Path Dependency and Institutional Change**

Recent institutionalist theory has made important contributions to our understanding of path dependency and institutional change. By path dependency, I mean here — in the most basic sense
— the theory that once an institutional direction has been set after a period of innovation and openness (Pierson and Skocpol, 2002), it is very difficult to deviate from this direction without a significant exogenous or endogenous shock to the institutional order.

Ikenberry (1994) focuses on two essential concepts in the realm of path dependency: critical junctures and developmental pathways. The former refers to significant and specific opportunity windows when major or minor institutional change is possible. This concept is useful for integrating timing, sequence, and political conflict into analyses. On its own, however, it cannot explain which mechanisms translate critical junctures into lasting political trends. The latter concept refers to the very paths of inspired and constrained ideas and behaviour that certain institutional contexts put actors in. The literature focusing on developmental pathways has been useful for explaining continuity but not for explaining political and institutional change. Thus, when the two are taken together, they can provide a relatively rich explanation of institutional stability and change.

The concept of institutional change is critical to this thesis. Institutional change is worth understanding because — at least from the broadest perspective — it is fairly rare and deviates from the general logic of institutions, characterized by stability and permanence. Hall and Taylor (1996) note that institutions are resistant to change because people tend to adhere to their rules, as not adhering is usually more costly. Indeed, institutions frame and influence the very terms under which reform and change are to be considered. Thus, explaining institutional change involves explaining the circumstances and sequence of events that either causes the institution to lose its sway on actors, or enables certain actors to counter the power of institutions and push their reform agenda.

In earlier formulations, explanations of institutional change revolved around the idea of significant exogenous shocks that forced institutions out of equilibrium with social and political circumstances, thus necessitating reform. Such shocks could include a major change in economic conditions, a political regime change, or other changes in practical, social, or political circumstances.
It is worth drawing a firm distinction between these two forms of shocks: exogenous and endogenous. The exact delineation between exogenous and endogenous shocks varies from study to study, but generally exogenous shocks include a major change in political, social, or economic conditions that are external to the institutional system being studied, while endogenous shocks could include significant changes of personnel, structure, or direction driven by mechanisms, processes, or actions within an institution. In this study, all significant changes that occur within the apparatus of Canadian government are considered endogenous, while changes driven by factors outside of government are considered exogenous. I will touch on this in greater detail below.

I begin by looking at the literature of path dependency before discussing the theoretical approaches to institutional change.

While the emphasis on shocks in explanations of institutional change is insightful in some circumstances, it does not explain all institutional change. In line with the modern critiques of overt simplicity in path dependency theory, some analysts argue that institutions change to varying degrees and for reasons besides major exogenous or endogenous shocks and that institutions are not either stable or in flux. The principal problem is assuming that institutions and institutional regimes remain entirely static during periods of path dependence. Indeed, it is the ability of institutions to evolve and change on the margins and in the details that allows them to persist and continue to dictate in their requisite areas. Thelen (2003) points out the institutions tend to outlive the factors that resulted in their creation. An example is the Canadian constitution which, despite having been crafted in a context that has disappeared, has evolved through interpretation and amendment to fit more modern contexts. Thus, more subtly showing how institutions have evolved — while not completely changing or reversing course — is essential to powerful path dependency arguments.

Further, Harty (2005) looks at institutional change in terms of costs, motivations and capabilities. Clearly changing course will come with significant costs, but the question is whether
actors have sufficient motivation and capability to weather such costs and their repercussions. Thus, Harty lays out three elements of a theory of institutional change: 1) an explanation of why actors would choose to change despite incentives to stay the course, 2) some idea of when actors are most able to initiate institutional change, and 3) some explanation of how actors can change institutions. Further, she argues that institutional change requires an opportunity window and resources that represent the means of change. This helps highlight how institutions function to limit the possible actions of actors, but are still vulnerable to changes driven by actors themselves.

Thelen's (1999) work demonstrates a much more gradualist pattern where institutions “exhibit a pattern of incremental change through periodic political realignment and renegotiation” (30). Thelen argues against an overtly deterministic conception of path-dependency that paints institutions as locked-in and essentially irreversible, noting incremental minor change, resulting in larger long-term changes, is very common and maybe even more desirable for many actors. For Thelen, institutional change can be exogenous, radical, abrupt, and influenced by massive and clear-cut opportunity windows, but need not necessarily be any of these things.

Tuohy (1999), in her comparative study of institutional change in health care policy, asks us to consider more than just the logic and choices of individuals, but to consider, in a very detailed fashion, how particular policy systems affect, constrain, or allow for different kinds of change or evolution. Thus she insists that institutional change is best understood within the specific context in which it is occurring, stating that, “the logics created by different structural balances and institutional mixes cannot be understood in isolation from the particular characteristics of the policy arenas in which they operate” (8).

Mahoney and Rusechemeyer (2003) attempt to overcome the simplistic dichotomy between institutional change and institutional reproduction, by introducing the concepts of layering and conversion. They insist that:
“Arguments about institutional change through layering and through conversion incorporate elements of increasing returns arguments from the path dependence literature, but they embed these elements in an analysis of ongoing political contestation over institutional outcomes. In doing so, they highlight the processes through which institutional arrangements are renegotiated periodically in ways that alter their form and functions” (225-26).

Layering is the process of adding new policies or programs on top of existing ones; and conversion — a similar idea to Thelen's incremental view of change — occurs when institutions maintain their formal program structures but redirect their purposes, driving changes in their role or functions. These concepts point to processes where elements of institutions are contested, revised, and discarded while the core of the institution persists. Hacker (2004) also comments on these more subtle types of change, arguing that opponents of major institutions are increasingly favouring more subtle changes, or changes that affect outcomes rather than structure, a sort of “subterranean” form of institutional change. In addition to conversion and layering, he adds the idea of drift — oft-unintentional changes in the operation or effect of policies without major changes to policy structure. For Hacker, “...our explanations must take seriously the prospect that policy reformers will seek to change policies without formal revision, employing instead less visible means of change” (249).

This discussion leads to a typology of institutional change, featuring five distinct types. The first is the traditional form of change, where an institution either fundamentally changes in its purpose or method or is eliminated completely. Second is the incremental form of change advanced by Thelen, where small changes occur within institutions, often leading them to take on significantly different forms in the long run. Third is the process of layering, where institutions take on new functions while not supplanting existing ones. Fourth, conversion represents a specific type of change in which some of the purposes of the institution change, but the overall structure remains similar. Last is drift, where incremental changes occur without any clear direction or desire of any particular individual, driven more by subtle, unforeseen, incremental decisions and processes.
The Motivation to Change

A critical question facing institutionalist theory is the motivation for change. An opportunity window is not of any particular use without a matching desire and capacity to move through it. Many of the explanations I shall put forward below will speak in this two-pronged fashion: laying out, on the one hand, the circumstances that created an opportunity window for institutional reform and, on the other hand, the factors that created the desire and efficacy of actors to make use of such an opportunity window.

At this stage, we simply note the need to develop concepts that help to explain the motivations to change, the motivation to take advantage of windows of opportunity when they open. We return to the issue below, drawing on the literature on Canadian federalism to help fill this gap.

To summarize, this section has advanced a particular theory of institutional change and stability. It has argued that, once created, institutions tend to operate in path dependent fashions, where the terms of the institution constrain the behaviour of actors, incentivizing stability and disincentivizing change, thus creating stability. Two types of shocks — endogenous and exogenous — arriving in a number of different intensities, can disrupt the path dependency, changing the incentive structures for actors and leading to a variety of different forms of institutional change. From this, five types of change can exhibit themselves: 1) fundamental or wholesale change or elimination, 2) small scale change, 3) layering, 4) conversion, or 5) drift. Temporally, fundamental change happens abruptly and sees a significant change in an institution happen in a short period of time. However, many small changes, proceeding incrementally, can culminate in a fundamental change. The final three forms are necessarily incremental processes, as they merely describe sub-categories of small scale incremental change.

This theoretical framework will be used in Chapters 2 and 5, dealing with institutional change,
in the form of the initial devolution and subsequent recentralization in immigration settlement and selection policy. The next section moves to discuss a more specific branch of institutionalist study: the study of federalism and its effects on public policy.

**Federalism as Institutional Context**

The purpose of this section is to draw on scholarly work in a particular area of institutional analysis that has been well developed in Canada: the study of Canadian federalism. This will allow for a further refinement of the dissertation's framework, by looking specifically at the institutional features of Canadian federalism, potential exogenous and endogenous shocks, and the ways in which the different forms of institutional change can manifest in this particular context. Specifically, this section shall first outline the nature of federations, before discussing how the literature explains changes in federal/provincial power balance within two broad categories: society-based explanations and state-driven explanations.

**Nature of Federations**

Caron and Laforest's (2009) definition of six ideal structural characteristics of federations is helpful. They include: 1) the existence of at least two levels of government acting with full legitimacy, 2) a constitutional description of the powers and funding arrangements of different levels of the different governments, 3) substantial and meaningful representation of the federal units in central institutions, 4) a constitution which cannot be amended unilaterally, 5) an institutional mediator for conflicts between the levels of government, 6) institutions for processes facilitating intergovernmental cooperation and coordination. Canada has always had the first two elements, could be argued to lack the third element, and has developed the fourth element. The Supreme Court mediates conflict as mandated in (5) and the various networks of intergovernmental negotiation characterized by executive federalism fulfil (6) and are essential to my analysis.
Drivers of Federal Change

In the broadest sense, there are two sets of explanations that explain change in federations. The first set can be referred to as society-based explanations. These look at changes that occur in broader society and then either explain how these changes cause restructuring in the federal order, or show how the existing federal order channels and directs these external changes and pressures into other forms of change. In the nomenclature of the previous theoretical section, these drivers of change can be seen as entirely exogenous. The second set of drivers can be referred to as state-driven explanations. These explanations look at how changes within the state apparatus, largely causally divorced from any particular external pressure, can lead to either changes within the federal system, or changes to other areas. These drivers are always endogenous, coming from within the state, usually in the form of the perceptions and priorities of political and bureaucratic elites. While these two sets of explanations are not fully mutually exclusive, an attempt shall be made here to explain their key divisions and acknowledge the areas where they overlap or impact one another.

These two approaches run through the literature on federalism. There are some who argue that it is the character of a society that shapes federal institutions and their specific structure, an approach labeled sociological federalism. Livingston (1956) first argued that federal societies, those that possess several distinct collectives of people living under a single state, necessitate federal institutions. For Livingston, a federal state is the tool a diverse society uses to articulate and protect its federal qualities. Continuing and expanding upon this idea in the modern realm, Erk’s (2008) study of five federal states concludes that, “in the long run, the political institutions of federalism adapt to achieve congruence with the underlying social structure. This change could be in the centralist direction reflecting ethno-linguistic homogeneity, or in decentralist terms corresponding to ethno-linguistic heterogeneity” (1). In his attempts to fill the gaps present in the institutionalist literature on change, Erk suggests that much change in federal states is motivated by a need for
institutions to remain in equilibrium with the characteristics of a federal society. Erk speaks of the federal society in much the same way that institutionalists talk about institutions, as a set of factors that guide preference formation, and limit and direct political action. He states that, “the assumption here is that choices available to political actors in the field of public policy are influenced and delimited by the demarcations of the societal composition” (10). So — while it seems likely that federal institutions reinforce federal characteristics in society — it is important for a researcher of federalism to consider not just the federal institutions that may influence policy, but the characteristics of the society itself.

A key example of this within the Canadian context is Quebec's unique position as a sub-state nation. This not only had a formative influence on the existence and structure of Canadian federalism, but also continues to have an impact on modern federal processes. In particular, and especially since the Quiet Revolution of the 1960s, Quebec has had a unique place in discussions of federal devolution and asymmetry. Their claim to the protection of French/Quebecois language and culture within their borders is a strong tool when arguing for decentralization, particularly in matters that could have a direct impact on cultural and demographic makeup, such as immigration. Other instances of such devolution have been common.

Regionalism could also have a substantive impact on federal institutions or the way that particular policy issues are addressed via the federal system. Different regional political cultures could both lead to calls for alternative federal arrangements, as well as different ways of utilizing different opportunity windows or institutional pathways in order to achieve political goals. However, as shall be discussed below, making a firm distinction between regionalism that arises socially, and regionalism that is utilized by government elites or institutions for their own political ends can be challenging.

In contrast, many analysts argue that federations are not driven solely by external pressures.
Many institutionalist analysts insist that federal institutions themselves have independent impacts, shaping the development of Canadian society itself and the evolution of public policy. The leading exponent of this interpretation has been Alan Cairns, who has argued that salience of distinctive regional communities and identities in Canada is not purely the result of social factors, but has also been enhanced by the existence of federal institutions with strong provincial governments dedicated to building supportive publics (Cairns, 1977). We return to his arguments shortly.

More critically for this dissertation, much research looks at the impact that federal institutions themselves have on the formation of public policy. The division of powers, the availability of local veto points in particular negotiations, and the institutions that are created to allow interaction or negotiation between the levels of government can all have an impact on how policy is developed. Put another way, federal structures create particular rule structures and institutional developmental pathways that will make certain types of opportunity windows more or less likely, providing unique blockages and opportunities that would not exist in a unitary system (Braun, 2000). For instance, Smiley (1987) argued that federalism has always represented a clear and persistent block to clear lines of accountability. Thus, the first place that is important to look is at the nature and structure of the federal processes themselves, to understand what type of opportunities and blockages they tend to create in particular policy realms.

Two institutional drivers of change have attracted considerable attention in the federalism literature: money and politics. The concept of fiscal federalism refers to the distribution of financial resources within a federation and its impact on the ability of the central and provincial governments to act. In the history of Canadian federalism, the federal government has used fiscal tools to drive priorities in areas of provincial jurisdiction by offering funding, often tied to particular priorities. This behaviour can be seen as a federal counterbalance to province building, with the federal government using their financial capacity to drive greater uniformity and combating provincial
particularities. It also gives rise to an entirely unique set of pressures and politics based on the provinces’ differing needs, capacities, and views on this redistributive mechanism. However, fiscal federalism is not always driven by federal attempts to expand its influence. During the mid-1990s the Chrétien/Martin Liberal government took aim at the significant deficit which had built up over the preceding decades. Among the approaches used to cut government expenditures and bring the country back into the black was the offloading of certain services to the provincial governments. This form of decentralization runs counter to the usual logic of each level of government wanting to hold onto their existing powers, and can only be found in particular opportunity windows such as this one.

Not surprisingly, the political calculations of federal and provincial governments also shape intergovernmental relations, with clear policy consequences. Related to the concept of offloading are political strategies of credit taking and blame avoidance (Weaver, 1986). It is possible that provincial support for decentralization reflects the desire of provincial leaders to take credit for new initiatives — and to gain more resources from the federal government to fund such initiatives. Similarly, as we shall see, immigration and settlement programs generate opportunities for governments to attempt to gain favour amongst immigrant voters, a voting block seen as increasingly important for long-term electoral success, by appearing to be the “party of immigration.” As we shall see, this has been a common interpretation of the federal government’s decision to recentralize delivery of settlement programs outside Quebec. Likewise, once a power becomes located in multiple levels of government, blame avoidance — where levels of government try to shift responsibility to others to avoid negative consequences of unpopular policies or circumstances — becomes a possibility. This could be a motivation for the federal government to decentralize some policy power (Obinger, Liebfried, and Castles, 2005).

Taking Advantage of Opportunity Windows
As we saw earlier, much of the institutionalism literature fails to draw a firm distinction between the features that create opportunity windows and the features that determine whether individual or institutional actors are able or willing to take advantage of the opportunity windows. Much of the time, such features are merely lumped into the factors that explain the presence of the window. I want to advance an argument here that it is worth considering the features that create an opportunity window and the features that determine if actors are willing or able to take advantage of such a window separately.

The first reason to consider this distinction is purely for the sake of conceptual clarity and etymological meaning. An opportunity window is precisely that: an opportunity. A clear explanation sees this as substantively distinct from whether or not this opportunity is actually taken.

Secondly, however, such a distinction adds to the explanatory richness of institutional theorizing. In the analysis of immigration policy that will follow, the opportunity window that allowed for devolution of immigration responsibility arose simultaneously and for the same reasons for all provinces, save Quebec. The interesting question is why the different provinces did or did not take advantage of the opportunities. This involves looking at a combination of capacity and desire. In this example, provinces did, indeed, make different decisions about whether or to what degree they took advantage of the opportunity windows; treating the opportunity windows as a common context and explaining the variation in why the provinces did or did not take advantage is the most descriptively rich approach. It would make no sense to say that opportunity windows only arise when they are taken advantage of.

The literature on Canadian federalism offers two sets of theories which might help explain differences in the extent to which provinces took advantage of windows of opportunity: province-building, policy learning and emulation on the one hand and dynamics of cooperation/competition on the other.
It will be argued in later chapters that the decision to take advantage of opportunity windows is related to the concept of province building. In his classic treatment, Alan Cairns (1977) advanced a strongly institutionalist view of the power of provinces. He argued that the growth in provincial independence is the result of the system itself: by creating provincial elites, setting up policy systems, and creating jurisdictions, the system necessitates and incentivizes attempts by the provinces to expand. In the language of more recent institutionalist theory, Cairns’ interpretation of the motivations of provincial leaders represents an endogenous source of change in the federal-provincial balance.

This concept was later challenged by Young, Faucher, and Blais (1984), who broke the concept down to six constituent parts, and argued that each, individually, lack sufficient evidence to build toward a coherent overall conception of province building. More recently, Cutler and Mendelsohn (2004), took up the concept, asking what citizens know about the federal process and distribution of powers, whether they align themselves along provincial lines, what their views on cooperation/competition between the levels of government are. In other words, they asked whether province building is alive in the minds of citizens. The results were somewhat contradictory. They found that citizens often support strong provincial jurisdiction on particular issues, but, outside Quebec, prefer the idea of a strong federal government. They also prefer cooperation to competition between levels of government, but also want both levels of government to be involved in as many policy areas as possible. These puzzling contradictions underline the final point: namely that Canadians do not have much knowledge of how federalism is structured or functions. This increases the probability that change in the federal-provincial division of jurisdiction reflect processes that are endogenous to the institutions themselves — that is, driven more by political and bureaucratic perceptions and concerns than by strong external public pressure.

As we shall see in more detail below, it seems clear that province building, or the deliberate
attempt by provinces to craft their own approaches, priorities, or identities, was a factor in
decentralization of immigrant selection and settlement policy. In particular, this has been the case
when the federal government is perceived to have failed to provide the provinces with a sufficient or
fair level of service, funding, or attention. As we shall see, Manitoba’s immigration policy
development was driven by a conviction that they were not getting their “fair share” of immigrants
compared to other provinces through the 80s and early 90s (Clement, 2003).

A second relevant theoretical approach concerns processes of policy learning and emulation in
federal systems. McRoberts and Atkinson (1993) note the importance of provincial experimentation
and emulation that characterizes a federal system. Thus, as soon as one province experiments
successfully with a policy approach — alone or in collaboration with the federal government, as is
common in immigration — others may seek to emulate it to attain similar success. In addition, if a
single province can negotiate even a modest change in federal responsibilities in order to try a new
initiative, others may follow. However, the authors caution against an unqualified adoption of this
explanation as its effects are limited by regionalism, economic competition, and ideology, all of
which can have a slowing effect on the spread of idea from one province to the other.

Experimentation does not always spread across provinces, and many major social policies in Canada
spread because of centralization or federal initiative, not provincial innovation. Also, this model does
not help explain how or why the first province deviates from the norm, which is an essential part of
any explanation around decentralization (McRoberts and Atkinson, 1993).

The above issue is closely tied to issues of asymmetry pressures. Once one province bilaterally
negotiates an agreement with the federal government, other provinces may fall under pressure from
any number of sources within the province to do the same. More generally, there seems to be a
good number of cases where the ability of one province — often Quebec — to negotiate for more
responsibility in some particular area allows space for other provinces to do the same. This is
particularly true in the context of increased antagonism towards centralization that has characterized Canadian federalism since the 1960s (Banting, 2005). I will argue below that one province negotiating an agreement in a particular area can create both an internal pressure and an opportunity window for other provinces should they be able to show ability, interest, and reasons for taking on similar responsibility.

To summarize, the degree of previous province building can impact the ability of provinces to take on opportunity windows in a federal system. What’s more, the act of taking advantage of an opportunity window can, itself, be an act of province building, by giving the province a chance to reach for increased power, influence, competency, resources, and expertise. This theme will arise in chapter 2 in the discussion of why some provinces elected to sign devolved agreements with the federal government while other did not.

Asymmetry in Federations

Since the system that arose in the realm of immigrant selection and settlement policy was so atypically asymmetrical, the literature on the nature and stability of asymmetry in federal systems is clearly relevant. However, as we shall see, this literature has limitations, and I propose several conceptual refinements.

The literature on asymmetry is marked by a large number of categories and distinctions, a great many of which do not coalesce comfortably. In addition, there is a tendency to use the term to refer to importantly distinct phenomena, greatly complicating analysis. Everything from constitutionally entrenched devolved competencies to one province having better weather than another has been labeled asymmetry. Depending on the author, asymmetry has been used to refer to the variation in geography and demography between units, variations in the policies and programs of units, different treatment of federal units through law or bilateral agreements, instances where only certain units opt-in or out of a program, or, at its most extreme, constitutional entrenchment
of differential treatment. For this reason some, such as John Roberts (2005), argue that asymmetry is too vague and amorphous a term to be utilized effectively as an analytic tool for understanding federal arrangements. It is for this reason that I think clarification of what I mean by asymmetry, along with a new and nuanced division of one of the key categories — *de jure* federalism — to be important.

The first scholar to articulate the concept of asymmetrical federalism in depth was Tarlton (1965). For Tarlton, “the federal relationship, in any realistic sense, means something very much different to nearly every participant unit in the system. Among the several states in a federal union, cultural, economic, social, and political factors combine to produce variations in the symbiotic connection between those states and the system” (861). He articulated asymmetry as a continuum between the ideal types of a fully symmetrical system — where all powers, demographics, resources, and attributes are identical — and a fully asymmetrical system — where all states are fundamentally disparate in these same categories.

Tarlton’s asymmetry, while an essential step forward in our understanding of federalism at the time, clearly lacks nuance. To place things that states have little to no control over, such as the value and distribution of natural resources, with the things they cannot forecast the long-term impacts of, such as migration patterns and economic development projects, and with things they have clear and consistent control over, such as their constitutional and statutory powers, obscures important differences. Clearly, a stronger theory of asymmetry needs to make further distinctions between different forms.

Ronald Watts (1999, 2008) makes one such attempt, referring to two different forms of asymmetry. The first, “social/political asymmetry,” is similar to the form of asymmetry that Tarlton describes, consisting of demographic, socioeconomic, and political differences that exist between units. These asymmetries exist in all federations, but to varying degrees, and always cause some
tension. The second form of asymmetry for Watts is “constitutional asymmetry,” which makes a distinction between the above forms, and the asymmetrical differential division of powers and responsibilities that are entrenched in the constitution of a federation. While the distinction that Watts makes between constitutionally entrenched forms of asymmetry and others is valuable — as I shall discuss further below — there is still insufficient nuance in the latter category, which still lumps together non-constitutional, but deliberate forms of asymmetry, and features which occur more ‘naturally’ and are not the result of conscious decisions by federal and unit governments. Thus, further distinction is clearly necessary.

Probably the most common binary separation of forms of asymmetry is the distinction between de facto and de jure asymmetry (Agranoff 1999, 2005, Burgess and Gress 1999, Graefe 2005, Rao and Singh, 2004, Swendon 2002, Tillin 2006, Watts 2000, 2005, Zuber, 2011). This distinction is similar to Watts’ distinction and also arises under different names, such as the division Milne (2005) and Pelletier (2005) make between “natural” and “legal/formal” asymmetry. My theory expands on this distinction, so defining each term first is essential.

Here I define de jure asymmetrical federalism as the explicit and deliberate creation of differential divisions of powers and responsibilities between federal units. This is to be contrasted with the definition of de jure symmetrical federalism as the explicit and deliberate creation of an identical division of powers and responsibilities between federal units. On the other hand, de facto asymmetry is a form of difference or diversity between federal units that arises informally, “naturally,” or as a result of incremental, accidental, or unintentional acts. This can be contrasted with de facto symmetry, where these same informal or unintentional acts result in a symmetrical relationship between federal units.

This provides a sense of the basic categories of asymmetry. However, as noted above, my analysis requires a more detailed exploration of the concept of de jure asymmetry. Here I will make a
distinction between three different forms of *de jure* asymmetry: constitutional asymmetry, formal asymmetry, and selection asymmetry.

Constitutional Asymmetry: The first form of asymmetry is the creation or entrenchment of explicitly asymmetrical relations via the state’s constitution. Such asymmetry is also more symbolically powerful, often projecting to citizens and other states a principled expression of the state’s particular federal principles. As a result of the permanence and prominence of constitutional asymmetry, such arrangements typically must carry even more compelling and explicit justifications than is the case for other forms of asymmetry. There are some exceptions. Many constitutions contain forms of asymmetry whose terms or justifications are anachronistic, but remain entrenched due to the difficulties associated with constitutional reform, or because the asymmetries are not offensive enough to warrant the effort needed to alter them. Indeed, as Benz (2008) has noted, creating a federal constitution is much easier than changing one. In these same states — where the process of constitutional reform is particularly onerous — there is a greater likelihood of utilizing formal asymmetry to address grievances.

Formal Asymmetry: This second form of asymmetry is the most common, at least in Canadian federalism. It refers to formal but non-constitutional measures that entrench asymmetry in a federal system. These measures can come in the form of bilateral or multilateral agreements, statutes, or regulations. There are three key distinctions between these forms of asymmetry and the others. First, they are deliberate acts that knowingly create asymmetry by endowing some but not all units with additional responsibility. There is no option, within the existing legal order, for individual federal units to opt in and trigger symmetrical relations. Creating symmetry would require new negotiations with the central government and/or fellow federal units. Second, while these forms of asymmetry are legally binding and stable, they are not as strong as those found in the first category: constitutional asymmetry. Lastly, these forms of asymmetry typically carry with them strong,
principled justifications that create the necessary political circumstances for asymmetry to form and persist. Without such justifications, it would be difficult to gain the support from the public, political parties, federal units, and other necessary actors necessary to negotiate and maintain them, and these forms of asymmetry would likely not persist for long.

Selection Asymmetry: The final form of asymmetry is similar to formal asymmetry in that it is put into force by bi or multilateral agreements, statutes, or regulations. However, selection asymmetry arises when particular powers or responsibilities are available to all federal units but they are not required to opt in. Thus, since units may choose to opt in/out of the programs — or may choose to opt in to varying degrees — asymmetrical relations arise. The key element that differentiates this form of asymmetry from others is that there are no rules prohibiting symmetry; asymmetry arises though federal unit decisions around whether or not to opt-in. Individual units could, if they desire, follow the lead of others by opting in/out of a new central government initiative. Such opportunities to opt-in could come from an understanding between the levels of government that future bi or multilateral negotiations are possible. Alternatively, as Brock points out, asymmetrical agreements that are agreed to by all units could also carry clear terms that allow them to opt-in/out in the future (2008).

An instance of asymmetry remains an instance of selection asymmetry as long as the offer of symmetry is still on the table and some units have decided to remain out. If the offer of symmetrical treatment for other units comes off the table, the instance of asymmetry changes to an instance of formal asymmetry. Likewise, if all units ultimately opt-in to the new arrangement, the system becomes a symmetrical one for as long as this remains the case. The need for a strong, compelling justification is weaker for these forms of asymmetry, as special powers available to some can be claimed by others if they so desire.
The Impacts of Federalism on Policy

While part of the analysis below looks at federal structures as the dependent variable — as the institution that is or is not affected by various pressures and shocks — other parts of the analysis examine federal systems as the independent variable, shaping the policies and programs that governments adopt, in this case immigration policy. As Braun (2000) notes, “federal structures may have significantly different effects on policy-making depending on their interaction with other institutional features” (10). Lowi (1972) looked at three different types of government policies: 1) redistributive, 2) regulatory, and 3) distributive or developmental. Drawing on the Lowi typology, subsequent research has looked at how federal institutions tend to impact each of these three types of policies. Sproule-Jones (1993) looks at institutional arguments that use federal structures as an independent variable leading to institutional or policy change. Further, other authors such as Mahon and Brennan (2012) argue that it is important not to overstate the impact of federalism, and to look at how other features such as social movements, party strategies, and partisan movements within governments impact institutional change. Indeed, there can be a tendency to overstate the impact of the primary cause for change that is being studied. However, a blended approach that carefully explains and delineates all the factors at play provides strong explanations.

Of primary interest for this study is the impact that the level of devolution — the degree to which responsibility over a particular area has moved from federal to provincial governments — has on public policy. Chapters 3 and 4 will look at the impact of different levels of devolution on the types of policies, relationships, and patterns that emerge in immigrant selection and settlement policy. A variety of clear factors will be utilized. Among these factors will be 1) the impact on the level of funding in the immigration policy system, 2) the degree of coordination between government departments, 3) the amount of experimentation, emulation, and competition, 4) the responsiveness of policies to key stakeholders, 5) the stability of the fiscal relationships within the policy sector, and 6) the impact on the ability of voters to hold government accountable for its
Assessing Immigration

This thesis also assesses the effectiveness of the different phases of federal-provincial arrangements in the immigration sector in recent decades. Such an evaluation can only be carried out with a clear understanding of the goals of immigration policy. It is interesting how rarely the literature on immigration policy stops to consider, in a systematic fashion, the normative motivations for immigration. It is essentially impossible to assess the effectiveness of immigrant selection and settlement policies without first assessing the normative values of the system in question. Similarly, it is interesting how rarely the normative literature on the ethics and purposes of immigration considers the policy that would follow from the various principles invoked. This theoretical literature lays out the motivations for immigration that are typically invoked in Canada to assess the impact of different levels of devolution on policy. Further, a discussion of goals sets up the conclusion that will make normative recommendations about the future path of immigration responsibility in Canada.

In referencing normative factors here, the dissertation is not attempting to discuss theoretical or moral maxims — though many of them have such characteristics. Rather, the attempt is to speak to what factors an immigration system should be about. States have reasons for allowing immigration and the factors below cover most of these motivations in the broadest sense. The chapters that follow will attempt to show the relationship between levels of devolution and these different explanations for what an immigration system should be attempting to accomplish.

Goals of Immigration Policy in Canada

There is a diverse universe of possible goals that impact both the decision to pursue an immigration policy and the exact nature of said policy. I shall examine six categories of features that
are relevant to my analysis below. The six categories are 1) humanitarian duty or choice, 2) large-scale/long-term economic goals, 3) regional and sectoral economic goals, 4) nation building, 5) demographic and cultural-linguistic needs, 6) politics and electability.

1) Humanitarian Duty or Choice: This motivation comes in two forms: duty and choice. A humanitarian duty to allow immigration is based on the idea that states are morally required to allow immigrants who meet particular criteria — flight from oppression, war, or similar factors, for instance — to settle in that country. A humanitarian choice is different. It posits that there is no specific humanitarian duty to allow immigrants into one’s country, but that this is merely a morally positive choice that would improve people’s lives. This motivation has mostly been put into action through the introduction of refugee and/or asylum programs. These allow immigrants to be admitted based upon criteria tied to humanitarian motivations, rather than criteria tied to the other goals listed below.

2) Large-Scale/Long-Term Economic Goals: Inexorably tied to demographic challenges facing modern industrialized countries due to decreasing birth rates, are economic challenges. In this environment, one of the only ways to encourage the population growth, increased investment, growth of skilled labour, and diversity to ensure economic growth in a modern globalized economy is to turn to immigration. Immigration can be used to rebalance an aging population pyramid, attract investment, grow underpopulated work forces from a national perspective, and diversify the ideas and creativity within a country’s economy. This item speaks specifically to the health of the economy as viewed from a broad, national perspective, focusing on trends in employment, investment, and economic growth.

3) Regional and Sectoral Economic Goals: Balancing against — if not coming into direct conflict with (Green and Green 2004) — the broader economic picture, is the impact that immigration can have on regional economies, particular businesses or sectors, or certain discrete
labour markets. While there has long been an interest in the impact that immigration can have on a national economy, there is emerging attention being paid to how smaller scale, provincially or locally targeted immigration — of the kind Canada has seen through the Provincial Nominee Program (PNP) — can have more discrete, but also more locally effective economic impacts. While both macro and sectorial economic goals would have a similar impact on the decision to pursue immigration, the decision to focus on one or the other could have a clear impact on the form of immigration and settlement services a state pursues.

4) Nation Building: The state will always, foreseeably, control the criteria by which immigrants are admitted into its borders. This includes both the road they must traverse to become citizens, and the definition of any benefits that they may be entitled to in the area of settlement and integration. As a result, the government has an opportunity — albeit an imperfect one — to attempt to craft citizens with particular characteristics in a way that cannot be achieved with the native population. Since almost all states subscribe to the idea that those born in the state are entitled, by birth, to full citizenship rights, other criteria cannot be placed on them. However, since immigrants, by definition, do not qualify for this particular path to citizenship, the state is able to vet, compel, and coerce them to meet more onerous and specific requirements, thus providing government with some capacity to customize the citizenship attributes of new arrivals. Some, such as Miller (2008), insist, indeed, that this must be done in order to maintain the sense of a shared community and identity that Miller sees as essential for the pursuit of social justice. Others, such as Norman (2006), would caution against a nation building process that is either ignorant or neglectful of immigrants’ cultures or their inherent right to take part in the nation building process. In any event, the degree to which this process is successful is disputed.

5) Demographic and Cultural-Linguistic Needs: While related to the goals concerning economic and labour market issues, demographic needs can also provide other powerful motivations
for immigration. Shrinking communities in smaller provinces and in rural areas of all provinces are increasingly looking to immigration as a way to combat the population shrink caused by domestic migration to cities or larger and more prosperous provinces (Young and Tolley, 2011). While partly motivated by economic concerns, there is also just a clear desire on the part of residents to preserve these communities for their inherent value and way of life.

Another demographic concern, one that has clear currency in Canada, is the preservation of culture and language. This has been a central concern in the context of Quebec. But the concern goes beyond this particular instance. In the Canadian context, official language minorities across the country see immigration as important to their survival. When a state has a language that is perceived to be under threat — whether it be a national language, an antiquated language, or the language of a national minority — encouraging immigration by those who speak the language is one of the only ways to bolster numbers and keep the language alive.

Such concerns emerge at the municipal level as well. One could also argue that due to the processes of globalization — where advances in communication and travel technology have made the world smaller and more connected — and modern global capitalism — where capital, corporations, and organizations increasingly operate beyond national borders — that our modern conceptions of national citizenship, immigration, and borders are being challenged, or for some even invalidated. Much of the immigration literature alludes to this phenomenon, particularly when discussing the competition between major cities for investment, innovation, and the attraction of skilled labour (Young and Tolley, 2011). Thus, states, provinces, and cities must to some degree accept immigration or lose out on clear benefits in a modernizing, shrinking world.

6) Politics and Electability: Lastly, choosing to endorse an immigration and integration policy, particularly one that seems open and just to immigrants, can be politically beneficial. This argument may seem foreign to many European states where the parties that have benefitted from their stance
on immigration have tended to be those whose positions have favoured tighter borders, more onerous naturalization laws, and a harder stance on cultural accommodation. However, the experience in Canada has demonstrated that there is a strong case to be made for undertaking policies that are favourable to the fastest growing part of the electorate. Thus, immigration can also be undertaken for simple, good, old fashioned political gain and expediency.

The Theoretical Approaches of This Research

A plethora of relevant theory has been surveyed above, but it is time to consolidate a set of concepts into a more integrated set of clear theoretical tools that will be used in the chapters to come. The most effective way to draw these strings together is to show how the different tools and theories outlined above cluster around the three core questions of the dissertation and, within these, how the answers to the three questions are broken up amongst the five chapters. As a refresher, the three questions are: 1) Why, after a century-long period of federal dominance in all areas of immigration policy did Canada move towards a system of asymmetrical devolution? 2) Did this devolution have a substantive impact on the nature of selection and settlement policies; have the provincial approaches proved significantly different than the federal? 3) Why did this system break down, leading to a recentralization of settlement policy, and potential for similar changes in selection policy? The relevant theories and tools relevant to these questions shall be discussed in each of the sub-sections below.

Why Devolution?

As alluded to above, answering the question of why devolution to the provinces occurred after so many years of centralized decision-making involves essentially a two-step process. First, it is necessary to determine why the previous path-dependent trajectory of this policy realm was disrupted. What factors led to an opportunity window for change, and what were the characteristics
of this window? Second, it is important to understand whether, why, and to what degree the different actors — in this case the provinces — were able and willing to take advantage of the opportunity window that opened.

The theoretical model of institutional change and stability advanced in this dissertation sees institutions as fundamentally stable, path dependent sets of rules, norms, and structures that constrain, forbid, or make more difficult certain behaviours while permitting, promoting, or simplifying others. By their nature institutions tend to persist, along pre-established developmental pathways. However, clearly, all institutions do change at some point. Thus, the goal of an effective theory of institutional change must look at the factors that can go against the trend and promote change in institutions. Harty’s (2005) three elements that are necessary for an institutional theory are key here.

As we have seen, the institutionalist literature tends to lean towards the concept of “shocks,” whether exogenous or endogenous, to explain change. However, exclusive reliance on the idea of “shocks” — by its very nature — seems to privilege sources of change that are sudden and intense compared to sources of change that are persistent but less intense. For the purposes of this analysis, therefore, we rely on two types of factors that can contribute to institutional change: pressures and shocks. These exist in both endogenous — from within the government system — and exogenous — from outside the government system — forms. Pressures are factors that are persistent, continuing and have low levels of intensity. They are the constants of institutional life. These can arise in the form actors who challenge the logic of an institution, slowly changing social circumstances that go against the logic of an institution, or the presence or creation of another institution that hampers the ability of the institution to function in its previous form. Because pressures are relatively modest in their intensity, they are unlikely to cause significant institutional change — particularly swift fundamental change — on their own. They push back against the path
dependent outcomes and logics of the institution as it currently exists; the institutions may bend, but do not break. However, when multiple pressures combine, or when they are paired with shocks, change is more likely. Pressures could be things like electoral politics, financial restraints, the existence of different policy cultures between elected governments and the civil service, or social tensions existing in society. Shocks, in contrast, are more significant and impactful. Shocks represent a major shift in the internal or external context that causes an institution to become unstable or untenable in its existing form. Shocks can be enough to cause an institution to change fundamentally and quickly, although they can also lead to more modest, or incremental forms of change, as shall be discussed below. An institution's reaction to any particular combination of pressures or shocks is contingent upon the nature of those factors, as well as the characteristics of the institution itself.

Of special note are the unique pressures or shocks that emerge in federal systems. I have separated them into two categories: society-based explanations and state-driven explanations — two categories that map relatively seamlessly onto the broader distinction between endogenous and exogenous factors of change.

When a particular combination of shocks or pressures come together they create critical junctures or opportunity windows that allow for change in an institution that was previously in a stable, path dependent state. If actors choose to take advantage of opportunity windows that arise in this fashion, change is possible. Drawing on the literature above, the dissertation will make reference to five different kinds of institutional change: 1) fundamental, wholesale change or elimination, 2) incremental change, 3) layering, 4) conversion, and 5) drift. In addition, as mentioned above, the theory of institutional change advanced here also looks at the capacity and willingness of actors to take advantage of opportunity windows, treating this as a separate layer of analysis, rather than an element that is embedded in studying the creation of opportunity widows.

The mere existence of an opportunity window does not mean it will inherently be acted upon.
As noted above, this dissertation attempts to take into account both capacity and desire to take advantage of opportunity windows, as both of these need to be present for the window to be acted upon. While many of the explanations below about the capacity and desire of provinces to act on opportunity windows are very contextual, two clear theoretical themes emerge prominently. First is the concept of province building, and whether Canada’s federal structures create circumstances under which provinces are encouraged or permitted to pursue differentiated, distinct, or competitive policy approaches. Also related, is the concept of experimentation and emulation. This asks whether provinces — due to the responsibility allotted them in federal structures — pursue a wide variety of distinct policy approaches and then actively observe and emulate practices undertaken in other jurisdictions.

In sum, this set of theories looks at how pressures and shocks arise and culminate in opportunity windows that disrupt previously path dependent institutions. From here, it investigates the capacity and willingness of actors to take advantage of such windows, leading to various different possible forms of institutional change. Once a case is observed through these two theoretical lenses, a clear picture of the reasons for institutional change should arise. This set of theories will be utilized in Chapter 2 that looks in detail at the processes of devolution.

What are the Impacts of Devolution?

This question looks at the impacts that different levels of devolution and other elements of the federal system have on immigrant selection and settlement policy. It then makes an attempt to assess what degree of devolution — if any — leads to the best policy. Thus, there are two broad areas of theory that are necessary: the first which looks at the potential impacts of federal structures on policy, and the other that looks at the goals of immigration and key principles that guide immigration policies. When these are combined we gain both a strong understanding of some of the federal factors that could have an impact on policy development, as well as an idea of how these
policy outcomes align with the goals of immigration, allowing us some capacity to assess the effectiveness of different arrangements.

As noted above, the key change in this policy sector is the level of devolution vs. centralization. Once the level of devolution is assessed, its impact on a specific set of policy dimensions will be analyzed. As noted above, these dimensions are 1) the level of funding in the immigration policy system, 2) the degree of coordination between government departments, 3) the amount of experimentation, emulation, and competition, 4) the responsiveness of policies to key stakeholders, 5) the stability of the fiscal relationships within the policy sector, and 6) the ability of voters to hold government accountable for its decisions and policies. Comparing these policy dimensions across provinces with different levels of devolution is a useful strategy for determining the impact of devolution. The third chapter will utilize these tools to investigate how devolution impacted the policies and services created by the federal and provincial governments, while the fourth chapter will utilize similar tools to look at how varying levels of devolution impact the delivery of services by immigrant service organizations.

For more normative purposes the dissertation advances a theoretical framework around the possible goals of an immigration system. Two categories of goals are utilized: the general goals of an immigration policy and more specific administrative goals within an immigration policy, which are outlined more fully in Chapter 3. This assessment will be important to the discussion in the third chapter of the impact of devolution and centralization on policies, but also in the conclusion to the dissertation that discusses the future direction of immigration policy in Canada.

**Why Recentralization?**

The third question utilizes principally the same theoretical tools as the first. Similar to the process of investigating and explaining the opportunity windows that resulted in the changes outlined in Chapter 2, Chapter 5 utilizes similar tools to examine the move back to a more
centralized system. However, one major additional theoretical tool is added here: theory around asymmetrical federalism. The analysis within the dissertation treats asymmetry in a federal system — at least in the Canadian system — as a potential source of pressure in a path-dependent system that could lead to the creation of an opportunity window. Since no significant asymmetry existed before the period of devolution, it is not introduced for this analysis, but is instead integrated into Chapter 5’s analysis where it is a major factor.

As noted above, the literature outlines two broad types of asymmetry: *de jure* — asymmetry outlined in formal rules — and *de facto* — asymmetry that arises from practice without formal rules. Within the former category are three forms of asymmetry — constitutional, formal, and selection — each of which has different implications for the level of stability in the federation. Selection asymmetry is the most stable as it is asymmetry that only persists as long as all parties consent to it through their decisions to opt in or out. Formal asymmetry is stable as long as it carries with it a principled explanation that justifies the differential treatment of otherwise similar provinces. Constitutional asymmetry tends to be stable because constitutions are, by design, difficult to change, but also tend to have very well entrenched, understood, or at least tolerated explanations for the asymmetry that exists.

When added to the tools already outlined in the first section, a strong theoretical understanding of asymmetry gives us the necessary tools to answer the dissertation’s third question.

**Methodology**

This dissertation attempts to answer the aforementioned research questions utilizing multi-method research to support the points and arguments throughout. Along with the standard utilization of existing literature, studies, government reports, and other key documents, the dissertation contains two different forms of primary research: qualitative interviews with selected
elites and a survey of immigrant service agencies (ISAs). This section will outline the details of these studies, along with a broader discussion of the methodology employed throughout the dissertation and a discussion of the rationale for case selection.

**Qualitative Analysis of Documents**

Answering the research questions above demands a significant command of key documents, policies, service plans, budgets, and policy assessments. These include assessments of settlement and selection programs by federal and provincial governments, similar documents completed by independent academics, and other key government documents such as service plans, budgets, Auditor General reports, and other similar documents. The first key element in this research was to canvass relevant documents to provide a basic context, determine gaps in information, and provide guidance for the original research described below.

Using evidence from these documents, other academic research, and the original research outlined below, the study engages in a form of process tracing in answering the first and third questions. A theory of why devolution occurred is advanced and the observable implications of the different independent variables at play are demonstrated using evidence. In addition, an effort is often made to demonstrate the microprocesses at play, including specific negotiations and minute decisions made by individual actors.

**Selection of Cases**

In analyzing the impact of devolution on policies and programs in the immigration sector, the thesis relies on the comparison of four provincial cases. The reasons for their selection are important. The first point concerns the exclusion of Quebec. The story of Quebec’s achievement of devolved immigrant selection and settlement responsibility is not only essential because it is
important to Quebec itself, but also because it is inexorably linked to the devolution of similar responsibility to other provinces. As such, Quebec is deeply referenced in answering the first research question. However, it was decided that in answering the second question — about the impacts of devolution on immigration policies — the Quebec case was singular in ways that hampered comparability and complicated the analysis. The form of devolution and financing is quite different; devolution did not emerge through the same process; and Quebec remains the only province with devolved immigrant settlement responsibility. Throughout this process, it has been considered very much apart from the other provinces. While the Quebec case certainly warrants future research, its inclusion is beyond the scope of the discussions of the second two research questions here.

Chapter 3, which details the impacts of devolution or centralization on policy development by governments, looks in detail at the provinces of Alberta, British Columbia, Manitoba, and Ontario. These four provinces were selected because they represent the key cases in English Canada. This is easier to explain by working backwards from the provinces that were excluded. Essentially, the Atlantic Provinces were excluded as their immigration levels are so small, and the level of settlement development so minor that any comparability — either through analysis of similarities or differences — would be greatly hampered. Saskatchewan is similar, as their level of immigration and level of immigrant settlement policy sophistication have only very recently begun to grow. This development is too recent to be useful for broad comparison. What we are left with is four provinces with key differences and similarities. Over the period studied, they are the provinces outside of Quebec that receive the most immigrants. The provinces represent three different forms of settlement policy devolution, with B.C. and Manitoba representing the devolved system, Alberta the co-management system, and Ontario the principally centralized system. The provinces also have four distinct uses of the Provincial Nominee Program — which shall be explained in full detail below — with unique
classes, goals, and levels of use. The provinces also represent four immigration profiles with key similarities and differences, and a variety of regional and political differences and similarities. This proves to be a rich canvas for comparative analysis.

**Elite Interviews**

Qualitative interviews are an essential tool in determining the detailed causal processes and validating the observable implications that are necessary in the use of historical institutionalist analysis. For this analysis 31 qualitative interviews were undertaken with past and current civil servants and politicians at all three levels of government as well as immigrant service agency workers. These interviews were conducted in Alberta, British Columbia, Manitoba, and Ontario to provide evidence for all three research questions, and in Quebec to provide evidence for the first. The number of interviews was constrained principally by three factors: 1) successful gathering of the information required for each topic, 2) availability of respondents, and 3) the time and financial resources of the researcher. Thus, the number was not decided upon beforehand, but was rather a confluence of these three factors across the different case studies.

These particular elites were chosen because of their familiarity with both immigration policy generally, but also the exact processes of devolution and recentralization. An initial list was drawn up via a survey of key governments and organizations, from here the snowball method was utilized to find other key participants. A select number of candidates were interviewed a second time in order to gauge reactions to evolutions in the topic — particularly the decision to recentralize immigrant settlement responsibility, which was made in the middle of the research. Basic questions were prepared beforehand and were determined on the basis of the case being tested and the category of informant being interviewed. Every interview was, however, by its nature, organic and questions varied significantly. Three key benefits were sought from these interviews: 1) to test the validity of
theories and observable implications necessary to prove hypotheses relevant to questions one and three, 2) to test the validity of some of the observations about the impacts of devolution on immigration policies, 3) to assist with hypothesis formation and basic information gathering in the early stages of the research.

Three categories of basic interview questions were developed ahead of time. These were based upon the type of respondent being interviewed. They were: 1) immigration civil servant, 2) politician, 3) immigrant service agency employee. From here question lists were augmented and modified depending on the exact context of the interview, the nature of the respondent, and new areas of inquiry that arose as the research progressed. Interviews were mostly conducted in the workplaces of the respondents or in a neutral public location. The conversations, in the majority of cases where permission was granted, were digitally recorded. From here, the responses were listened to again, and key sections were transcribed and organized by topic. Most respondents requested a degree of anonymity, and this is reflected in the way the interviews are listed in the references section of the dissertation.

In analyzing the data from the interviews it was essential to consider that the positioning of individual respondents — within particular government and organizations that take pride in their work and would carry a particular self-interested perspective — could lead them to biased responses. This was countered by preparing in advance, through other research, to counter potentially biased perspectives and demand that they be backed up by evidence. It was also key to attain balance by seeking counter-perspectives from subsequent interviewees. The place where this was most apparent was in the differing perspectives of federal vs. provincial civil servants. This, along with the relatively low response rate of immigrant service agency workers, also led me to expand my modes of inquiry by undertaking a survey that is explained in more detail below.
Immigrant Service Agency Survey

Along with the qualitative data, a survey of immigrant service agencies was conducted for this dissertation. The details of the survey are canvassed in the relevant chapter, but suffice to say here that a list of organizations was compiled from federal and provincial government lists of funded organizations as well as lists maintained by umbrella organizations in each province. Some were manually removed as investigation showed they engaged only indirectly or marginally in immigrant settlement activities. The survey was sent to organizations in all nine provinces outside Quebec. Quebec was excluded from the survey for the reasons discussed above, while data from all the other provinces was deemed valuable so as to increase the response rate as much as possible. Perhaps predictably, the response rates from the five provinces not present in the previous chapter’s case studies were very low. Thus, while these provinces are represented in the national data and the data discussing devolved and centralized provinces, they are never discussed individually.

The survey included some quantitative questions while others were more qualitative and open in nature. The questions attempted to capture: 1) the basic activities, staffs, and budgets of the organizations, 2) the impressions of the ISAs towards governments and other partners, 3) their views on settlement activities and budgeting processes. This source of more quantitative survey data allows for more generalized observations about the relationships between governments and service agencies to accompany the richer, more detailed observations from the qualitative interviews.

Validity and Causality

Qualitative study provides great value in determining the causal relationships between variables. The combination of secondary analysis and qualitative interviews contained within provides strong evidence of the causal relationships outlined in answering questions one and three. While there is always the possibility that some outside, unforeseen, intervening variable has had an
impact, I am confidant that the explanations capture the necessary if not sufficient factors that explain the devolution and recentralization of immigrant settlement responsibility and possible future recentralization of immigrant selection responsibility. The approach to the second question is a bit more variable in its predictive capacity. I am confident that the explanations of ties between devolution and the development of the different policies and relationships that are observed in the provincial case studies are strongly justified and capture the key causal variables at play. The section discussing the links between levels of devolution, the goals of immigration, and thus, the effectiveness of different approaches also contains some more theoretical observations, drawing on existing research and logical deduction. Thus, these sections are certainly more open to criticisms around causality. Indeed, until comparable, time-elapsed data on the outcomes of settlement and immigration policies is available, any attempt to comment on the effectiveness of one approach or another will be inherently limited. The analysis in Chapter 3 takes some first steps by relying on theoretical and logical connections as well as limited empirical ones. This is hopefully a step that can inform future discussions that can also draw on such empirical evidence.

**Conclusions**

This chapter has laid out theoretical frameworks that will be utilized over the remainder of the dissertation. The tools here will allow for a significant depth of analysis as well as some understanding of how the different elements of the dissertation fit together. The focus now shifts to answering the dissertation's first question, namely why devolution of immigrant settlement and selection responsibility occurred in the first place.
Chapter 3: Why Devolution?

Introduction

Immigration occupies an unusual place in Canadian federalism. Along with agricultural, pension, and some environmental policies, immigration is one of the sparse few areas of concurrent authority in the Canadian constitution, albeit with federal paramountcy. This creates an opportunity for a unique discussion around whether and why the different levels of government are active in such areas of competence. However, for immigration in Canada, the story was, for some time, quite uneventful. For the vast majority of Canadian history — with some minor exceptions in the early years — provincial participation in this realm was piecemeal, uncoordinated, and sporadic.

This all changed in the 1970s. Perhaps unsurprisingly, it was Quebec that first pressed for provincial participation in immigration. This movement occurred incrementally, with Quebec negotiating a series of bilateral agreements with the federal government that saw the province’s responsibility grow with each step. This culminated — between the failure of the Meech Lake Accord and the failure of the Charlottetown Accord — with the 1991 Canada-Quebec Immigration Agreement (CQIA), which saw sweeping devolution of immigrant selection and settlement responsibility to the province.

Over these two decades, Quebec was the only province that expressed a deep interest in responsibility for immigration, and was certainly the only province that made any headway in this regard. However, after the CQIA, and the arrival of a new Liberal government in Ottawa, this all changed. Suddenly, all provinces were offered the opportunity to take over more responsibility in immigrant settlement and then selection. Provinces bought into these schemes in an uneven fashion, leading to an incredibly complex asymmetric system which still persists in selection policy and persisted for nearly 20 years in settlement policy.

This chapter is occupied with two matters. First, why did the provinces — starting with Quebec
— become active in immigrant selection and settlement responsibility after being so inactive for the vast majority of Canadian history? What institutional pressures and opportunities allowed the change to occur? Which factors inhibited change at earlier junctures? Is the story the same for all provinces, or is there a more complex story to be told? Second, why, when devolution finally arrived, did it take on such an unusually and persistently asymmetric character, one that is highly unusual in the history of Canadian federalism? What explains the choice by certain provinces to take opportunities allotted to them by the federal government? Why was there not a stronger push for symmetry, as has been observed in other instances?

Ultimately, this chapter will argue that the Quiet Revolution and the rise of modern Quebec nationalism represented an exogenous shock to the stability of immigration responsibility. This shock allowed for the incremental changes seen with Quebec’s bilateral agreements with the federal government, culminating in calls for constitutionally entrenched immigration responsibility in Meech Lake and Charlottetown Accords. The failure of these efforts generated a second exogenous shock which led to the long-living and generous CQIA.

Building on this argument, the chapter will then argue that the desire to mute Quebec exceptionalism combined with other factors to trigger further devolution, both through bilateral agreements on settlement, and Provincial Nominee Program (PNP) agreements allowing for provincial selection of immigrants. These other factors included pressure from some provincial governments, the suggestions of a major immigration program review, and the desire to offload costs during the deficit-slashing days of the mid-1990s. Thus, while Quebec’s devolution was caused by major shocks that reoriented the system incrementally, devolution to the other provinces was more of a confluence of many smaller pressures, largely internal to governments themselves, leading to an opportunity window for major institutional change.

Lastly, it shall be argued that the timing of the windows, the capabilities of the provinces, and
their differential perceptions of the benefits of control over immigration led to the asymmetrical nature of immigration policy. The chapter shall discuss how these factors started and evolved, leading to the various forms of asymmetry that have manifested in the areas of immigrant selection and settlement.

In order to make these arguments, this chapter shall proceed as follows. First, I shall provide a broad overview of the history of Canadian immigration policy, focusing on federal-provincial relations in the sector. By starting with the constitution, speaking to the marginal interventions by the provinces in early Canadian history, and moving through to the end of the Quiet Revolution, a context of stability and limited provincial intervention will be set. The history will then continue with a focus on Quebec in the post-Quiet Revolution era, particularly, the incremental gains of their bilateral agreements, the impact of the Meech Lake and Charlottetown accords, and the subsequent major devolution accomplished through the signing of the CQIA. Next, the history will be completed by examining developments in the other provinces, including the bilateral agreements which devolved settlement responsibility to British Columbia and Manitoba, and the diverse Provincial Nominee Program agreements signed by all provinces.

Having described the historical arc of immigration policy, the chapter will then utilize the theory and concepts introduced in the previous chapter to provide an explanation of the changes. First it will explain why and how change occurred in Quebec, then, using this change as one of the building blocks, it will explain why change occurred in the other provinces.

**The Historical Trajectory**

This section will aim to describe the historical context in the realm of Canadian immigration policy in three sections: 1) early history, 2) Quebec devolution, and 3) further devolution.
Early History: 1867-1960s

When examining this history through a lens of federal-provincial relations, three eras can be distinguished in this early period: the pre-war years of 1867-1914, the war and depression years of 1914-1945, and the post-war years of 1945-the 1960s.

The oft-repeated refrain is that Canada has always been a country of immigration. Indeed, it was clear from the start of confederation that to survive and prosper as a new state in the shadow of the expansionary United States, Canada would require a significant influx of immigrants — a fact that became only further apparent after the addition of the western provinces and, with them, the need to settle the vast landscapes they brought. While the constitution struck a balance between a central plan for immigration and a regionalized (provincial) perspective, the actual drive for making immigration one of only two concurrent powers in the constitution came from Quebec. The concern was that immigration would be utilized to inundate the province with Anglophone immigrants, a concern that stuck with Quebec for almost a century, as shall be seen below.

At Confederation, s.95 of the Constitution Act, 1867 outlined immigration as one of two
concurrent powers, along with agriculture. The section states that both governments may make policy in these areas and that, “any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada” (Constitution Act, s.95). The key term in determining the exact nature of this limitation on provincial policy is “repugnant.” Hogg (2011) notes that repugnancy comes into play in areas of concurrent jurisdiction when laws from both levels of government are valid but also inconsistent. Between a broad definition of inconsistent that would favour federal jurisdiction and a restrained one that would give more flexibility to provinces, the courts have favoured a more restrained definition. This definition has had two principal forms. The first definition of inconsistency is where it would be impossible for a citizen to comply with both laws simultaneously. The other possibility is if the provincial legislation frustrates or is incompatible with the purpose of the federal legislation. In this instance a citizen could comply with both laws, but the provincial legislation could still be challenged successfully in the courts if it directly contradicts the direction of the federal law in the same realm. While this places some restrictions on provincial policy making, the courts have also clearly ruled that provinces may enact laws in the same areas, or on the same topics as the federal government without concern, so long as the laws are not inconsistent. Thus, provinces may augment, add to, or parallel federal laws in the same area.

In early Canadian history, provinces were active in the realm of immigrant recruitment and selection. Provinces were participants in conferences on the topic of immigration and had their own foreign recruitment agents in desirable source countries across Europe (Vineberg, 2011). Such replication was tolerated for a lengthy period due to the massive amount of immigration that was necessary to settle the country, particularly after the addition of the western provinces. In addition, provincial lobbying even had a significant impact on federal selection policy at times, as in the case of B.C.’s successful lobbying for the Chinese Head Tax in 1885. Eventually, however, recruitment
and selection became more centralized in order to avoid competition. This was further exacerbated by the end of open immigration with the onset of World War One, the event that essentially ended provincial participation in immigration for some 50 years (Vineberg, 2011).

During Canada's early history, provinces were also active, though to a lesser degree than now, in the realm of settlement. Part of the reason is that settlement and orientation were exceptionally meagre enterprises, particularly when compared to modern programs. Despite a general lack of political desire to utilize government resources to help immigrants integrate, some programs did exist. Canada’s immigration effort was directed towards the settlement of the west, both to grow the economy and guard against American expansionism (Kelley and Trebilcock, 2010). Integration into existing cultures and communities was less the focus. Rather, the focus was on more basic elements of settlement, such as orienting immigrants to the land on which they would make a living and practical conditions of the regions in which they settled.

To the degree that government-driven settlement and orientation services existed, provinces much more effectively delivered them, since the local circumstances played an even greater role in the immigrant's chances of settlement, and were even more foreign to the federal government than they are today. The federal government dealt in basic programs of protection and transportation to assist immigrants in making their way west, and the provinces supplemented these (Kelley and Trebilcock, 2010). To receive and orient immigrants to their new surroundings and duties as settlers, provinces operated and maintained "immigration houses," the precursors to modern, considerably more comprehensive settlement services (Vineberg, 2012). Indeed, there was considerable follow-up — especially for agricultural immigrants. These local efforts were combined — as early as the Laurier administration — with federal government grants to early immigrant settlement and orientation agencies. There was an understanding, even in these early days, that promotion of immigration came with it some level of responsibility on the part of government to assist in the
integrative process.

The period between the turn of the century and the First World War saw the largest single influx of immigrants in Canada’s history, particularly when considered in relation to the total population of the country at the time. The Canadian population increased by 30% between 1901 and 1911, with more immigrants than ever settling in cities despite government insistence that the purpose of the policy was still to attract agricultural immigrants (Kelley and Trebilcock, 2010). Settlement measures continued to be relatively modest, particularly since the significant increase in the number and diversity of immigrants, their strong tendency to settle in cities, and the perception that they were taking jobs from native-born Canadians created a newfound hostility towards immigration in much of the population. This was matched by open discrimination based on ethnicity, race, national origin, and religion — reflecting the belief that states could actively exclude whomever the wanted from the right to immigration — and the creation of the first specifically exclusive policies of immigration (Kelley and Trebilcock, 2010).

As mentioned above, the onset of the First World War essentially ended provincial participation in immigration. Two different factors contributed to this shift. First of all, immigration itself was greatly stymied during the war and then again during depression of the 1930s, becoming more limited overall, nationally selective, racist, and centrally controlled (Caccia, 2010). Secondly, the Second World War introduced a more intense centralization across the Canadian federation, a centralization that was strongly entrenched for years to come. With the end of the Second World War, the federal government made use of its centralized responsibility over immigration in two major ways. First, as the borders reopened, there was a new recognition of the utility of crafting a coherent immigrant selection program. The federal government set about doing this (Vineberg, 2012). Secondly, as the world became more critical of colonialism and open discrimination based on race and ethnicity, Canada started to recognize the need to provide settlement services regardless of
the ethnic or national origin of immigrants. Further, the first steps were taken to distinguish Canada's identity from both Britain — by crafting a less ethnically English national identity (Breton, 1988, Igartua, 2006) — and the United States — by favouring an integrative rather than assimilative approach to immigration (Caccia, 2010).

Throughout this period, the provinces were consulted, but in a relatively unsystematic and superficial fashion. This was both due to the belief by the federal government — and indeed the provinces, for the most part — that immigration was a federal concern, but also because the provinces lacked the expertise or motivation to substantively engage the federal government on the topic (Hawkins, 1988). Even in this period of centralization, however, provinces remained active to a limited degree in settlement, even if the array of services and programs on offer was modest (Vineberg, 2011).

**Quebec's Shift: 1960s-1991**

This period of federal-provincial relations in immigration saw two distinct tracts develop. The first saw Quebec develop a keen interest in immigration and pursue incremental gains in responsibility in the area, culminating in a comprehensive agreement that essentially vested full control over immigrant settlement and significant responsibility in selection to the province. Other provinces remained on a second tract which was much more stable, reflecting their continuing ambivalence towards immigration — with a few notable exceptions.

Quebec occupies a unique position in Canada's immigration landscape due to the minority linguistic and cultural status of the Quebecois people. This has led to a history and politics attached to immigration in the province, but also a distinct system to go along with it. The Quebecois are simultaneously an ethnocultural and linguistic majority to the immigrants who settle in Quebec, and a minority within Canada and North America as a whole. This threat from above and below has always created an obvious tension between the Quebecois and immigration, and has long led to the
concerted efforts to preserve their culture, language, and distinctiveness. Initially these efforts occurred through the policy of *survivance*, or basic cultural survival. These realities led to a historically ambivalent or even hostile xenophobic reaction toward immigration in Quebec, a sense that persisted as the dominant and elite perspective until at least the late 1960s (Symons, 2002). There was also a suspicion — one that was clearly well founded at various points in Canadian history (Blad and Couton, 2009) — that immigration was being used as a tool by the federal government to dilute Quebecois culture and the French language.

The Quiet Revolution represented massive changes in thinking and action in culture, society, economy, and public policy in Quebec. With the abandonment of the Church, *survivance*, and traditionalism as guiding principles for Quebecois society, the new Quebec was modern, progressive, and confident in its ability to stake a clear place in the world. Immigration was far from immune to this change. Instead, immigration came to be seen as a potential tool to both enhance the province’s economic clout, and — if sufficient control over immigrant selection could be attained — to preserve, if not amplify French language and culture. Also, while Quebec remained sensitive to ethnic diversity, norms around equal rights and the general progressive bent of the province’s politics, compared to the rest of the country in particular, meant that there was some increased openness to immigration.

To this end Quebec set about lobbying the federal government for more responsibility in the realms of immigrant recruitment, selection, and settlement. The initial results were three agreements over the course of seven years, each providing Quebec with an incremental increase in their immigration responsibility. The agreements are summarized here:

1. The Lang-Cloutier Agreement, 1971: allowed Quebec immigration counsellours to be placed in federal offices abroad. However, they were present only in certain locations, in a limited capacity, and their advice or decisions could be overruled by the federal government.
2. The Andreas-Bienvenue Agreement, 1975: allowed Quebec to send immigration officers as well as information agents to foreign offices, including ones they created independently to focus on representing Quebec. It also allowed them to comment on the applications of immigrants likely to settle in Quebec, and opened the door to formal consultation on selection and levels.

3. The Cullen-Couture Agreement, 1978: granted Quebec both a positive and negative veto on economic immigration candidates. The former allowed Quebec to admit candidates who passed their criteria even if they failed Canada’s, while the latter allowed them to reject those who did not meet Quebec's standards. This left only reception and settlement services and duties, and all elements of the refugee and family reunifications programs under exclusive federal control (Kostov, 2008).

Each of these agreements gave Quebec a progressively more significant role in immigration, helping them address the cultural and economic dilemmas they faced. These initiatives in the field of immigration were part of a broader response to diversity, which included policies in the fields of language and education as well. The road to a diverse Francophone society was not a simple one. Quebec’s integration approach has long espoused a two-way integration process, in which immigrants must adapt to Quebec society, but where Quebec society must also be open and accommodating of diversity. However, Quebec's policies are premised on the fundamental importance of the Francophone nature of Quebec society, placing a significant onus on immigrants to integrate and learn and utilize French as the language of public life in work, education, politics, and other forms of public life. This is further amplified by an environment where strict laws govern language of education and commercial signage, among other places. This is yet further entrenched by the republican-inspired belief in the need for a collective public culture in which all members of society may participate. This common culture is French in language and principally Quebecois in
culture (Allen, 2006, Leroux, 2010).

The failure of the first sovereignty referendum in 1980—with the vast majority of immigrants voting for the federal option—and the continued increase in immigration from non-traditional countries, led to further concern about what role immigration could play in Quebec. Quebec attempted to reach out to its so-called “cultural communities” to bring them into mainstream Quebec society. This emerging political culture demonstrated a clear republican character and attempted to establish a coherent and inclusive public sphere based around French as a common language (Symons, 2002). This included efforts to fight racism, enshrine minority rights, and encourage cultural interchange, further efforts to establish an "intercultural nation" (Blad and Couton, 2009).

Spurred by this perceived need for more control, Quebec continued to press the federal government for greater devolution, and succeeded in gaining constitutionally protected powers over immigration in the proposed Meech Lake Accord on constitutional reform. While the negotiations had begun in 1987, when Meech was rejected the two parties quickly adopted the 1991 Canada-Quebec Immigration Accord which gave Quebec a significant role in determining immigrant levels, the ability to admit economic applicants, control over the selection of compassionate or humanitarian immigrants, and responsibility for reception and settlement services. The only remaining gaps were any significant control over refugee settlement services and the selection of family class immigrants. The federal government also committed to a very generous financial agreement, sowing the seeds of future unhappiness in other provinces. It agreed to an initial $332 million in the first five years to pay for integration services (Kostov, 2008). The agreement initially increased funding for settlement services from $75 to $90 million. After this, the agreement set the amount to increase annually based upon the number of new immigrants to Quebec as a percentage of all immigration to Canada, and in relation to the federal government’s spending. Most important,
however, was the clause that dictated that each increase would become the new base level of funding, meaning that the amount of compensation can only increase and never decrease. This has led to a situation where Quebec's funding from the federal government has increased by 279% between 1991 and 2012, while their immigrant intake has only increased by 4% (O'Neil, 2013). The agreement has been exceptionally financially beneficial for Quebec, and has no terms under which the federal government can renew or renegotiate the agreement unless they cancel it outright — a politically difficult maneuver. For these reasons, the agreement has had significant longevity.

While it is certainly the case that Quebec was the most active and ambitious province during this period, other provinces largely stayed on the pre-existing track. It would be inaccurate to state that no other province took an interest in expanding their role in the realm of immigration. In the late 1960s, Ontario greatly expanded their independent promotion activities, in an attempt to consolidate their position as Canada's main immigration destination (Hawkins, 1988). Even more notable in this period was Manitoba. As early as the NDP government of 1969, Manitoba started to protest its meagre immigration numbers, as the province received an even smaller ratio of immigrants than their percentage of the overall Canadian population would justify (Clement, 2003). This protest would continue well into the 1990s until Manitoba signed its immigration agreement with the federal government. However, these frustrations were not enough to change the status quo. Throughout this period, the provinces generally remained of the opinion that immigration was essentially a federal responsibility.

**Further Devolution: 1993-2008**

While it took longer for the other provinces to become engaged in immigration, once it started the process moved faster than in the case of Quebec. Twenty years passed between the first and final Quebec immigration agreements. In contrast, between the launch of the Provincial Nominee Program (PNP) in 1995, which gave provinces a role in immigrant selection, and the
Canada-Ontario Immigration Agreement (COIA) signed in 2005, every province had signed a PNP agreement and two provinces — British Columbia and Manitoba — had agreed to take nearly exclusive control of immigrant settlement services in their jurisdiction. Within a couple more years, even the Yukon and Northwest Territories had created PNPs. This section details this rapid devolution in two parts. The first explains the devolution of settlement responsibility, while the second explains the parallel but distinct devolution of selection responsibility.

The Chrétien Liberal government that took office after the 1993 federal election made the balancing of the federal budget its raison d'être. An element of this process involved seeking areas where the federal government could offload responsibilities and requisite costs to lower levels of government. The then newly founded Department of Citizenship and Immigration (CIC) was asked to shed $62 million from its budget (Vineberg, 2011). Around the same time, a 1995 report on Settlement Renewal commissioned by the federal government sought to reinvigorate and coordinate the disparate and unfocussed settlement activities going on around the country, with a further focus on devolving immigration responsibility. As a result, the federal government offered the nine English-speaking provinces the opportunity to assume control of settlement services.

There is a unique bit of subtlety to Canadian immigration agreements. As noted above, immigration is an area of concurrent responsibility in the Canadian Constitution. As a result, both levels of government are well within their rights to create any programs or practices in the realm of immigration; the only constraint, as noted above, is that provincial legislation must not be repugnant to federal legislation. As a result, intergovernmental agreements on immigration are different from shared-cost agreements in other sectors, where the federal government uses fiscal transfers to shape provincial programs in exclusively provincial areas of jurisdiction. In contrast, immigration agreements are essentially agreements between the two levels of government that determine the division of labour in shared jurisdiction, defining the areas of immigration in which the two orders
of government will act. This alleviates the provinces of any concern around the paramountcy limitation, assuring them that they can legislate in particular areas without fear of conflict with federal legislation. It is unclear what would come of a major conflict between the two orders of government over immigration jurisdiction, as this has never occurred, though the above-noted history of judicial decisions in the area is potentially illustrative.

Of the nine provinces who were offered increased responsibility over settlement services, only two — British Columbia and Manitoba — accepted, signing agreements with the federal government in 1998, after several years of negotiation. The major sticking point in the negotiations was the meagre levels of settlement funding offered to them compared to that received by Quebec. In the end, the federal government had to increase the grant to provinces outside Quebec from $118 million to $180 million, ironically increasing funding by almost the exact amount they sought to cut it by (Vineberg, 2011). All three agreements lent the provinces responsibility in settlement — in Quebec, B.C., and Manitoba — came with significant promises of funding. While the Quebec agreement promises significantly more funding than the other two, all three allow these provinces to accomplish significantly more, as it is unlikely that the provinces could devote the same level of resources to this area if they were drawing exclusively from their own coffers.

There is a need at this juncture to clarify the exact nature of the devolved agreements. The agreements in British Columbia and Manitoba granted complete responsibility to develop and fund settlement services, but with two seemingly significant constraints. First, the provinces needed to ensure that programs comparable to the ones that the federal government provided — as detailed just below — were provided. This is a key constraint, but one which wasn’t felt too deeply by the provinces as the core federal services were ones they were seeking to provide regardless. The constraint was particularly weak in that the provinces were given significant latitude to determine the details of the programs and assessment mechanisms were lax at best. Secondly, the federal
government defined the settlement window as the first three years after arrival. Federal funds could not be utilized for programs outside of this three-year window or for longer term "integration" programming. This served as a more significant constraint, as provinces often saw value in providing services beyond this. Even though the Standing Committee on Citizenship and Immigration (2010) report recommended extending this window, the federal government has shown little interest in doing so.

While B.C. and Manitoba were the only provinces that agreed to take on full responsibility for settlement services, the federal government proceeded to sign immigration agreements with all the provinces. While many of these agreements pertained more specifically to matters of selection, as shall be discussed below, several of them also outlined and formalized areas of cooperation on settlement services — allowing provinces to target their resources to areas that supplemented core federal services, whilst avoiding replication. The following agreements were signed during the period examined:

1. **The Canada-British Columbia Immigration Agreement, 1998:** Renewed in 2004 and 2010: gave B.C. initial responsibility to control settlement policy planning and administration and outlined the level of federal funding that would accompany this. Later expanded to include a greater number and more specific areas of cooperation and information sharing. Also created B.C. PNP.

2. **Canada-Manitoba Immigration Agreement, 2003:** gave Manitoba initial responsibility to control settlement policy planning and administration and outlined the level of federal funding that would accompany this. Also renewed the Manitoba PNP.

3. **Canada-Saskatchewan Immigration Agreement 2005:** set out terms of consultation, information sharing, cooperation, and innovation between the two orders of government. Also renewed the Saskatchewan PNP.
4. Canada-Ontario Immigration Agreement, 2005, Lapsed in 2011: set out terms of consultation, information sharing, cooperation, and innovation between the two orders of government, as well as a limited role for the city of Toronto in particular, but also municipalities generally. In particular, there is a focus on language training, which is Ontario's principle settlement policy focus. Unlike other agreements, it created a clear new set of governance mechanisms that would be used to coordinate immigrant settlement policies. Also created the pilot project Ontario PNP.

5. Agreement for Canada-Alberta Cooperation on Immigration, 2007: set out terms of consultation, information sharing, cooperation, and innovation between the two orders of government. Also renewed the Alberta PNP.

6. Canada-Nova Scotia Cooperation on Immigration Agreement, 2008: set out terms of consultation, information sharing, cooperation, and innovation between the two orders of government. Also renewed the Nova Scotia PNP.

7. Canada-Prince Edward Island Cooperation on Immigration Agreement, 2008: set out terms of consultation, information sharing, cooperation, and innovation between the two orders of government. Also renewed the Prince Edward Island PNP.

The expansive agreements of B.C. and Manitoba, and the more modest agreements of other provinces led to five levels of decentralization within the Canadian scheme of settlement policy: 1) Quebec’s near-comprehensive control of settlement policy, 2) B.C. and Manitoba’s ability to craft, administer, and maintain almost all of their own settlement policy while leaving passport, citizenship, and basic reception services to Canada, 3) a co-management model as in Alberta, 4) a tri-level consultation and co-management model present only in Ontario/Toronto, and 5) a model based on consultation, information sharing, but with planning and delivery undertaken exclusively by the federal government as in the Atlantic provinces (Banting, 2012). These different types are
summarized below in Figure 2. Interestingly, each of the major immigrant-receiving provinces — Ontario, B.C. and Quebec — have very different relationships with the federal government, as do each of the Prairie Provinces.

This asymmetrical system remained stable for at least a decade. However, when the Liberal government of Ontario formally declared its wish to negotiate a devolved agreement in a similar vein to those of B.C. and Manitoba, it was clear that the opportunity window for devolution had slammed shut. The reasons for this, and the subsequent retreat from devolution shall be explored in greater detail in Chapter 5.

![Figure 2: Typology of Levels of Settlement Responsibility Asymmetry](image)

<table>
<thead>
<tr>
<th>Types of Intergovernmental Relationships</th>
<th>Provinces</th>
<th>Traits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Control</td>
<td>Quebec</td>
<td>Full control for planning and delivering services.</td>
</tr>
<tr>
<td>Devolved Model</td>
<td>British Columbia and Manitoba</td>
<td>Provincial responsibility for delivering services and planning them within broad federal goals.</td>
</tr>
<tr>
<td>Co-Management Model</td>
<td>Alberta</td>
<td>Federal and provincial officials divide and administer areas of responsibility and funding.</td>
</tr>
<tr>
<td>Tri-Level Model</td>
<td>Ontario</td>
<td>Formalized consultation body that includes the City of Toronto, but with federal government control.</td>
</tr>
<tr>
<td>Consultative Model</td>
<td>Saskatchewan, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador</td>
<td>Varying, and less involved consultation and information sharing processes assist federal government in decision making and program administration</td>
</tr>
</tbody>
</table>

(Banting, 2012)

At almost the same time that the state of settlement policy was being renegotiated, selection policy also came into question. To respond to the various pressures that shall be discussed further below, the federal government proposed the Provincial Nominee Program. This program would allow provinces to have some flexibility to select immigrants based on their own criteria — meeting more localized goals and providing assistance to provinces that were not meeting their immigration
goals through the national program. Technically, the provinces *nominate* individuals for selection by the federal government, which retains responsibility for security screening and final admission. However, for the vast majority of provincial nominees, the provincial decision is the operative one.

The federal government proposed the PNP in 1995 and the first provinces to sign on were Saskatchewan and Manitoba in 1998. By 2004 every other province except Ontario had signed onto the project, with Ontario finally following in their 2005 immigration agreement. The program in Ontario started modestly in 1999 with only 477 admissions. However, with the addition of other provinces and an increased enthusiasm for the use of the program by provinces, the number increased to 22,411 by 2008 (Alboim, 2009, Government of Canada, 2011). The program moves provinces decisively past the role as immigration consultants into the realm of actual immigrant selection. While the federal government maintains responsibility for basic immigrant classes, immigration levels, and citizenship rules, the provinces have become major players in immigrant selection.

While it is true that all provinces have signed PNP agreements, the degree to which the provinces make use of this responsibility has varied wildly. Figure 3 summarizes both the timeline of the PNP agreements, as well as the range to which provinces have made use of the power. Thus, while the PNP agreements are very similar in their basic construction, the degree to which provinces have made use of them has led to asymmetry in selection. This asymmetry has been further cemented by recent decisions by the federal government to halt the growth of the PNP, effectively locking in very uneven allocation of PNP positions across provinces. While the PNP is, again, now being allowed to grow modestly (Seidle, 2014), it is unclear what the future holds, as shall be investigated below. Ontario in particular found itself stuck with a very small allocation. This means that both selection and settlement policy are devolved asymmetrically, but along different lines, creating a very diverse and complex policy system.
Figure 3: Use of the Provincial Nominee Program

<table>
<thead>
<tr>
<th>Province</th>
<th>Year of Agreement</th>
<th>Number of PNP Immigrants 2012</th>
<th>PNP as Percentage of Immigrants 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberta</td>
<td>2002</td>
<td>10,287</td>
<td>28.5%</td>
</tr>
<tr>
<td>British Columbia</td>
<td>1998</td>
<td>5,943</td>
<td>16.4%</td>
</tr>
<tr>
<td>Manitoba</td>
<td>1996</td>
<td>9,531</td>
<td>71.6%</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>1999</td>
<td>1,580</td>
<td>71.5%</td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>1999</td>
<td>365</td>
<td>50.0%</td>
</tr>
<tr>
<td>Northwest Territories</td>
<td>2009</td>
<td>46</td>
<td>27.7%</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>2002</td>
<td>957</td>
<td>40.9%</td>
</tr>
<tr>
<td>Ontario</td>
<td>2005</td>
<td>1,957</td>
<td>2.0%</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>2001</td>
<td>896</td>
<td>82.3%</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>1998</td>
<td>9,019</td>
<td>80.7%</td>
</tr>
<tr>
<td>Yukon</td>
<td>2001</td>
<td>225</td>
<td>82.4%</td>
</tr>
</tbody>
</table>

(Citizenship and Immigration Canada, 2013)

Summary

Let me attempt to draw these elements together. Stated in the simplest way possible, federal-provincial relations in the realm of immigration began in a collaborative vein in Canada's early, settler-oriented history. The closing of borders during two world wars and the depression and general centralization of responsibility that occurred during the Second World War took provinces out of the immigration sector — largely because immigration was essentially dormant. In the post-war years, immigration returned, but provincial participation in immigration did not, as the federal government largely maintained its hold on immigration, with most provinces taking little interest in
On the heels of the Quiet Revolution, Quebec broke with this trend and pushed for greater responsibility in the realm of immigration, achieving it incrementally through four intergovernmental agreements between 1971 and 1991. The result was a Quebec that selects most of its own immigrants, save for refugees and family class immigrants, and is responsible for all settlement service planning and administration. Soon after this, further devolution followed as B.C. and Manitoba signed agreements giving them control over settlement service planning and administration — along with federal funds — and each province and two territories signed PNP agreements, giving them the ability to select some of their own immigrants. However, the degree to which provinces have made use of this possibility has varied widely, leading to a spectacularly asymmetrical system, particularly in the context of a Canadian federalism which tends to be much more symmetrical. The levels of federal and provincial participation at different junctures of history, along with the amount of immigration and levels of settlement activity are summarized in Figure 4.

Lastly, it recently became clear that the period of devolution had ended in June 2012, with the federal government resisting both new agreements on devolved settlement, as well as requests by provinces to expand the PNP. This final shift shall be explored in chapter 4.
Institutional Explanations for Devolution

It is time to combine the theoretical tools outlined in the first chapter and the historical context of federal-provincial relations in the realm of immigration to produce a coherent explanation for this unusual chapter in Canada's federal history. This section shall advance in three sub-sections — one matching each phase of change: the early years, Quebec’s breakthrough, and devolution to other provinces. Finally, I shall outline the institutional explanation for the halt of devolution, setting the stage for the dissertation's final chapter, which shall use similar tools to examine the reasons for the full on retreat from devolution that is currently being seen in the system.

Early History: 1867-1960s

The founding of a new state under a new constitution meant that this area of policy was a blank slate, with the exception of the constitution's direction that immigration be treated as a concurrent power. In the earliest period, Canada's immigration policy institutions matched the structure of the constitution, ensuring a role for both levels of government. The first such period lasted from 1867-1914 and was characterized by a reasonable amount of provincial activity in immigrant recruitment but also in the limited settlement activities typical of the time.

Were it not for the earth-shaking events of 1914-1945 the Canadian immigration system would likely have continued in a path dependent fashion along this model with, perhaps, incremental pressures leading to gradual alterations. However, the exogenous shocks of two world wars and the Great Depression fundamentally changed the immigration landscape in two key ways. First, in immigration, as in a variety of other areas, the federal government seized responsibility in order to coordinate the country's resources and policy towards the national war effort, a further centralization. Secondly, immigration all but ceased during the 1930s and 1940s this period, as states shut their doors during the depression and attempted to avoid any influx of enemy influence during
war (Caccia, 2010). Thus, a previously stable system was disrupted by massive exogenous shocks, which both greatly restricted the size and importance of immigration as a policy sector, as well as centralizing its responsibility. This is a fundamental form of change.

After the wars, levels of immigration increased but the federal government control of immigration persisted in a standard path dependent fashion. After 30 years of federal management, the provinces lacked both the capacity, infrastructure, and desire to return to immigration (Hawkins, 1988). The view was that immigration was a national concern, best handled by the federal government — in spite of what the constitution had to say about the matter. What's more, since the system of immigrant selection was in a state of flux — with reforms that diversified the flow significantly, increasing refugee admittance and altering the racial/national mix of newcomers — adding further complication through provincial participation would only have further complicated things for no particular gain.

Thus, immigration settled into a stable, path dependent direction by the 60s. Immigration levels were stable, source countries were diversifying, settlement activities were present though still minor in scope, and the federal government dominated with little to no provincial interest or participation.

Quebec's Shift: 1960s-1991

Quebec’s role in immigration was expanded as a result of two separate exogenous shocks, the Quiet Revolution and the constitutional crisis that followed until the 1990s. The two reflected the underlying strengthening of Quebec nationalism, and in many ways the second shock represented an intensification of the first. But they are analytically separable here. During the early postwar years, Quebec did not engage in immigration as the societal culture of the time was relatively introverted, and unambitious in public policy realms such as immigration. Immigration in particular was viewed as a potential threat that, like many others, was imposed by an all-powerful federal government, and
tolerated and quietly resisted as opposed to harnessed. The broad impacts of the Quiet Revolution on this particular societal consciousness are well known. Modern progressive principles and ideas were embraced in the realms of language, culture, religion, economy, and public policy. This influx of new ideas led to the sudden and powerful realignment of the very cultural and policy assumptions of the province. This realignment of ideas and assumptions was an exogenous shock to the immigration sector, which created an opportunity window for change in balance of power between the two levels of government. Further, in the parlance of drivers of federal change discussed in chapter one, the Quiet Revolution represents a clear case of society-based change. While the shock was significant, however, the opportunity window only led to incremental, rather than fundamental change.

Let us take a closer look at the details of this shock. There are two principal factors that changed, creating both a desire for change and an opportunity window with which to achieve it. First, the rapid change in Quebec's values and self-perception as a society moved immigration from a threat to an opportunity. With control over immigration policy, Quebec could bolster its culture and language rather than see it eroded, while simultaneously addressing economic and demographic needs (Symons, 2002). These pressures — cultural security, demographics, and economic growth — continue to play a significant role in the politics of immigration in Quebec to this day. Also, there was a persisting sense that federal control of immigration would at best be indifferent to Quebec's cultural needs, or was, at worst, actively hostile towards it (Grenier, 2003). Control was also seen as essential in starting Quebec down a road to a less ethnically based form of national identity (Breton, 1988), and to the “intercultural” society many claim has been developing since the Quiet Revolution (Blad and Couton, 2009, Gagnon and Iacovino, 2007). These changes in thinking led to the establishment in 1968 of Quebec’s first immigration ministry, with a clear mandate to seek a fair share of immigrants in order to address labour market and demographic issues (Symons, 2002).
However, in order to achieve any new responsibility in immigration Quebec needed a willing negotiating partner. The desire to seek immigration responsibility was not, in-and-of-itself, enough, given the federal government's position of constitutional paramountcy.

The Quiet Revolution created a new context in relations between Quebec and the federal government. An empowered, modernizing Quebec, seeking cultural protection and economic growth, bolstered by the threat of secessionist ambitions, was a very different bargaining partner than the previously conservative, inward-focused, economically and bureaucratically underdeveloped society dominated by the idea of *survivance*. Failing to address Quebec's concerns became increasingly difficult for both the long-term health of the federation, and the political health of the Liberal and Progressive Conservative parties seeking voter support in the second largest province — a province that had almost always backed the eventual winner of federal elections. Beyond the practical political motivations, however, there were also powerful normative movements occurring. Quebec's emergence was tied to broader changes in a world where national self-determination was becoming entrenched as a defining idea and norm in the international system (Gellner, 1983, Kymlicka, 2007). This change, wherein Quebec — on a mass level — began to frame itself as a distinct nation, was an important change since this belief and mobilization is a key element of what makes such claims credible and powerful (Anderson, 2006). Thus, if Quebec needed distinctive treatment, and they ranked immigration as a key element in preserving their society, the federal government was on the defensive.

In spite of this, the federal government initially demonstrated hesitation in devolving responsibility to Quebec. This is evidenced by the incremental pace at which responsibility was devolved over the course of 20 years (Kostov, 2008). Without a clear economic motivation — such as the one we shall see in the next section — the federal government is loathe to give up power. In a clear case of path dependency, institutions entrenching federal dominance in immigration had been
built up over the course of the previous half-century. Also, it was not clear that Quebec — at this early juncture — had the internal capacity or competence to take on principle responsibility for immigration over the short term. Thus, a more incremental process may have even been preferred by the province. This suggests that, while the Quiet Revolution did represent an important exogenous shock, the shock itself was not sufficiently strong to fully restructure the equilibrium of the stable, centralized system. Put otherwise, this was not an opportunity window that allowed massive, sudden change, but rather one that allowed for incremental change. In addition, since Quebec was still in the early stages of bureaucratic modernization, and given their aversion to immigration in the past, the government was not able to fully take advantage of the window that was provided. Figure 5 provides a visual depiction of this process.

There are two issues worth noting at this point. First, the exogenous shock of the Quiet Revolution did cause some layering and conversion within the system, but the overall system was more or less stable for nearly 20 years. During this period processes of layering took place through the subsequent immigration agreements, allowing for an accumulation of minor changes in the system. Second, it is worth noting that the opportunity window that opened and allowed Quebec to seek incremental increases in its immigration responsibility did not replicate itself in other provinces. The other provinces lacked both the cultural imperative and the opportunity that the Quiet Revolution generated for Quebec. There may have been concerns around equal treatment, but these were not sufficient. Other factors would be required to generate both an interest and an opportunity for the other provinces.

Until the final agreement, the gains made by each subsequent immigration agreement were relatively meagre. The initial 1971 agreement merely gave Quebec a more formalized form of consultation with the federal government, and some limited responsibility to recruit immigrants from countries of interest such as France, Belgium, and Switzerland. Even the final of the three
agreements granted them merely an oversight selection mechanism. With this limited power and capacity in selection, and no responsibility in settlement the majority of the responsibility for immigration in Quebec remained with the federal government.

Figure 5: Institutional Change 1: Exogenous Shock — Quiet Revolution

Major change would clearly require another shock to unsettle the system, at least if it were to happen at a less than glacial pace. This came in the form of the constitutional crisis of the 1980s and 1990s. First came the rise of the Parti Quebecois, which first won power in the province in 1976. Following this was the 1980 referendum on Sovereignty Association and Trudeau's purported promise of a renewed federalism (Laforest, 1995), and Quebec's decision not to sign onto the 1982 package, including patriation of the constitution, the amending formula and the Charter of Rights
and Freedoms. Mulroney’s 1984 Progressive Conservatives won a record number of seats having run on a promise to bring Quebec into the constitution. This was the first time the Progressive Conservative Party had won a majority of seats in Quebec since 1882, and the first time they had won a significant number of seats in the province since Borden’s government in 1911. While other factors were clearly at play, this demonstrates the degree to which recognition and special status had risen to the fore in Quebec. It is in this attempt to entice Quebec to sign the new Constitution that the next major move toward immigration devolution lies.

The first step in establishing constitutional negotiations for Mulroney was to ask Quebec which amendments would be necessary to acquire their signature on the new constitution. Third on the province’s list of terms were constitutionally protected powers over immigration. Essentially, Quebec sought the constitutional protection of the Cullen-Couture terms, including a guaranteed share of immigration equivalent to their population, and some control over immigrant settlement services (Fournier, 1991). By the time the Meech Lake negotiations had concluded, this same responsibility had also been promised — if so desired — to the other provinces. The main goal of the Anglophone provinces during the negotiations — on immigration as well as other issues — was to avoid a situation where Quebec gained new powers whilst they remained static. In other words, they aimed to retain as symmetrical a federation as possible. Indeed, some have argued that Meech Lake and Charlottetown helped entrench a sense of devolution entitlement in the provinces. However, this was the first clear moment where the other provinces had expressed interest in increased immigration responsibility, an idea I shall return to below.

As is well known, the accord failed when Manitoba and Newfoundland failed to pass motions of support in their respective legislatures before the deadline. This only led to greater frustration in Quebec, with public opinion polls showing a big spike in support for separation. The Mulroney government moved immediately to see which measures present in the accord could be conceded
outside the arena of constitutional haggling. Amongst the items on this list was immigration. The concurrent nature of this power in the constitution meant that a bilateral agreement could be signed, giving Quebec nearly full responsibility over immigrant selection and settlement without upsetting the constitutional order (Interview 1). The result, before long, was the very generous and ambitious Canada-Quebec Immigration Agreement of 1991, which had been on hold since initial negotiations in 1987. The step from the 1978 Cullen-Couture Agreement to the CQIA was a major one, much larger both in the scope of powers covered and the money transferred than the previous agreements. Quebec accomplished a greater systemic shift in a single short year of negotiations, than in the previous 20 years of incremental gains combined.

Thus, even though the Quiet Revolution represented a significant exogenous shock to the immigration system, a combination of a strong path dependent system, and a limited capacity on Quebec's part to take on this responsibility, meant that the opportunity window only led to incremental change in the system. By 1991, both of these inhibitions were swept aside. First, the constitutional crisis of 1980-1990 created a second, considerably more potent opportunity window that allowed for more swift and sweeping reform. The window was more potent since the failure at constitutional reform had made Quebec's very participation in the federation seem quite tenuous, leaving the federal government in a much weaker position from which to argue for continued centralization. The immigration system had remained largely stable even in the face of Quebec's first three agreements. However, the crack these agreements represented was forced wide open when the CQIA emerged as a way to meet some of Quebec's constitutional demands. The interests and path dependent institutions in the immigration sector paled in comparison to the need within the PC government to ensure Quebec's place in the federation. The incredibly generous nature of the agreement that resulted from it shows just how far the federal government was willing to go to achieve it.
Second, the incremental gains Quebec had made in the previous 20 years also greatly increased the capacity of Quebec to take advantage of the opportunity window once it arrived. As noted earlier, having only founded their ministry three years previous, Quebec lacked internal expertise and capacity to undertake exclusive immigration responsibility when they negotiated their first immigration agreement in 1971 (Hawkins, 1988). However, by slowly gaining expertise through the exercise of their more limited responsibility over the course of 20 years — combined with the general modernization of province's the civil service — by the 1990s, Quebec had developed sufficient expertise and institutions to take on much greater immigration responsibility (Kostov, 2008). Indeed, the massive influx of funds that the CQIA brought also played no small part in ramping up their operations. Figure 6 provides a visual depiction of this process.

To summarize, two major shocks — the exogenous society-based Quiet Revolution and the subsequent exogenous constitutional crisis of 1980-1990 — provided the necessary opportunity windows that led to incremental and then fundamental institutional change in immigration policy in Canada. The first window did not produce strong enough effects to overcome the path-dependent institutions and political barriers that stood against change. In addition, Quebec did not yet have sufficient capacity to take advantage of the window. This led, instead, to layering and conversion at a slow rate. However, the incremental change that resulted made the possibility of future reform possible and helped increase Quebec's capacity to take advantage of the next opportunity window. An explicit process of province building took place between the two shocks, firmly improving Quebec’s ability to act. The second exogenous shock was more potent, overcoming path-dependent institutional and political barriers that had previously allowed the federal government to entrench their position. This combined with Quebec's increased efficacy allowed for the massive shift. Thus, within the space of a year, the immigration system moved from a federally dominated one, where Quebec was given certain special powers of consultation and oversight, to a binary system, where
Quebec possessed drastically asymmetric responsibility and resources. However, this system would not persist for long and, indeed, it was reform in Quebec that was the first factor that opened the opportunity window for other provinces to claim a stake in the immigration system.

Figure 6: Institutional Change 2: Exogenous Shock — Meech Lake Accord Failure

Devolution in the Other Provinces: 1993-2008

As noted above, the changes to the immigration system brought on by Quebec and events transpiring within that society took 20 years to run their course. However, the more numerous and
considerably more complex changes that occurred in the other provinces happened much more quickly. This section will explain the pressures that created further institutional opportunity windows that allowed for this devolution, as well as factors leading to decisions by certain provinces to seize these opportunities, whilst others did not. This shall be done, as in the historical section, in two parts: the first dealing with settlement responsibility, the second with selection responsibility. While devolution in Quebec was principally the result of two significant exogenous shocks, changes in the other provinces rely upon a much greater number of more modest pressures, of a principally endogenous state-driven nature, with smaller individual, but substantial collective impacts.

*Settlement Programs*

In the realm of settlement policy, three factors led to the opportunity window that allowed two provinces — B.C. and Manitoba — to attain devolved settlement policy. All three pressures were endogenous to the Canadian political system. That is, they were state-driven changes, while none of them were responses to powerful socio-cultural shocks in the style of those that shifted the system for Quebec. The opportunity window led to the offer of devolved responsibility to all provinces, but, interestingly, only two provinces chose to take on this responsibility. Therefore, also important here are the capabilities and motivations of the provinces. These will be surveyed as well, both for those who attained the responsibility, and those that did not.

The changes in Quebec did not go unnoticed by other provinces. As has already been noted, much of the difficulty in the Meech Lake negotiations came from the dissatisfaction of the other provinces with potential special treatment being granted to Quebec. Had Meech Lake passed, the other provinces also would have found themselves right alongside Quebec with enhanced and constitutionally protected responsibility in the realm of immigration (if they chose to exercise it). But, of course, it did not pass. Afterwards, however, the other provinces looked with envy upon the
very generous and highly devolved CQIA. At least Alberta and Manitoba were interested in seeking a similar agreement (Interview, 2). The Liberal government elected in 1993 was worried by the prospect of ten “Quebec-style” agreements popping up, but was also keen to limit Quebec's special status — a tack the differentiated the Liberal approach from that of the Progressive Conservatives. As a result, it offered the other provinces bilateral agreements. This would represent a concession to the other provinces without granting full devolution and massive funding agreements, as had been done with Quebec (Vineberg, 2011). This change was the first endogenous pressure that flowed from the Liberal government’s general approach to managing the federation in the aftermath of the failure of constitutional negotiations and the near-death experience of the 1995 referendum on the separation of Quebec.

The concern about Quebec’s distinctive position was reinforced by the federal government’s fiscal problems and strategy. As noted above, the arrival of the Chrétien Liberal government in 1993 brought a concerted attempt to eradicate Canada's significant budget deficit. While the Quebec agreement had been incredibly expensive for the Mulroney government — a fact that has been loathed by every subsequent federal government (Interview 2) — the initial hope was that along with responsibility over immigrant settlement policy, costs for the programs could also be downloaded to the provinces, a familiar tactic during the budget cutting measures of the era. As was noted above, these efforts to offload costs failed, but the offer to devolve responsibility was made nonetheless. This broader government strategy of offloading was the second endogenous pressure that caused an opportunity window to arise.

The planning groundwork for such a shift had also been done within the bureaucracy. CIC initiated a policy review process known as the Settlement Renewal initiative. This was a relatively common exercise at a time of financial restraint and budget cuts, where attempts were being made to analyze the efficiency and value of all government programs (Garcea, 1998). Among the
recommendations within this document was the suggestion that the provinces pursue a more active role in immigrant settlement services and policy. While such a recommendation could have been enough, under certain circumstances, to cause an attempt to give the provinces a greater role, it became all the more compelling when given to a government already seeking ways to devolve responsibility and costs to the provinces. Thus, the Settlement Renewal process was the third endogenous factor that created an opportunity window in the realm of settlement policy.

The combination of these three factors — the desire by both orders of governments to see more parity with Quebec, the downloading ambitions of this particular federal government, and the bureaucracy’s recommendations — created a window of opportunity to shift the established path dependent situation in immigration responsibility. As noted above, none of these factors represents a massive shock to the system, but taken together were sufficient to open the window. The window materialized as an offer by the federal government to all provinces to sign a bilateral agreement, where the federal government would cede all responsibility for settlement policy planning, funding, and administration in that province in exchange for some federal funds to devote to such programs.

However, as we have seen, only two provinces chose to take the opportunity. Thus, it is key to investigate the capacity and desire of the different provinces in order to determine why some were willing and successful, while others were not. Explaining the capacity of a provincial government to take advantage of an opportunity window is relatively simple. They either possess the necessary institutional assets to run such a program — or have the ability to build them — or they don’t. Explaining desire is trickier, as motivating factors are nuanced and pluralistic. To clarify matters these explanations are divided into two categories: interest-based explanations and cultural explanations. Interest-based explanations are ones where a desire to act on an opportunity window come from a rationalistic, cost-benefit calculation. Actors look at the potential tangible benefits of taking advantage of the opportunity window and their desire to act is influenced by this calculation. On the
other hand, cultural explanations draw on the political and social culture of the province to see if there are elements that might influence their desire to take advantage of an opportunity window.

In line with the distinction I make above between exogenous and endogenous reasons for windows opening, the reasons for deciding whether or not to take advantage of an opportunity window can also be viewed as endogenous and exogenous. Overall, while there are some exogenous factors at play in the decisions the provinces made, the decisions are still principally endogenous in nature, meaning that there is symmetry between the mostly endogenous creation of the opportunity window for devolution and the decisions of whether or not to take advantage of it. I shall start my investigation of these motivations with the two provinces who were successful.

Manitoba had long been seeking a greater say in immigration so as to address their perceived immigration deficit. There had long been a sense that a system run by Manitoba would yield considerably greater results for the province (Clement, 2003, Interviews 3 and 4). Indeed, the initial rollout of the selection and settlement programs saw Manitoba increase its share of Canada's immigrant from 1.7% in 1998 (Carter, Morrish, and Amoyaw, 2008) to 5.2% in 2013 (Citizenship and Immigration Canada, 2014). Also, largely as a result of the meagre amount of immigration to the province up to this point, the Manitoba government lacked a significant immigration infrastructure. However, increasing the number and composition of their immigrant intake was such a priority for the government, that they were willing to devote significant time and resources to building this infrastructure. An increase in immigration was tied to the government's desire to see long-term economic growth in the province and for them to be intimately tied to it, yet another clear instance of province building (Interview 5). Thus, while Manitoba lacked the initial capability to take on the new responsibility, their desire — driven principally by an interest-based calculation of improving their immigrant intake — was so strong that they were willing to devote significant resources to attaining the capability and were largely successful in this. It is also clear that there was
no significant exogenous influence in this calculation; it was made entirely within the confines of the provincial government.

In contrast, British Columbia had one of the most developed immigrant settlement systems (Interview 2). B.C. had been Canada's second-highest immigrant receiving province for some time. Its own office was small, but knowledgeable and aimed largely at coordination between the two orders of government (Interview 6). Notwithstanding this, compared to other provinces B.C. had a reasonable amount of local expertise and government infrastructure that enabled it to take on increased immigration responsibility without too much trouble. Even with capacity in place, however, what motivated B.C. to seek this responsibility where others did not? Indeed, unlike Manitoba, B.C. had not been pushing for increased immigration responsibility, as they were benefitting quite well from the status quo. The answer contains both cultural and interest-based explanations. Part of the explanation could come from the presence of devolutionist elements within the province's political culture, generally seen as one of the key elements of Western province building (Resnick, 2000). B.C.’s political and government culture is skeptical of the effectiveness of federal control and has a preference for provincial devolution where reasonable. However, the cultural explanation is only part of the story. Devolution was seen as a way for the provincial government to act in areas of greater interest or to address gaps that were deemed significant without having to negotiate or wait for Ottawa (Interview 7). Also, the province was able to negotiate a more generous amount of funding for the deal, there was little reason not to take on the extra responsibility and money. Thus, a strong institutional starting point, combined with a political cultural predisposition to devolution, and the clear interest-based benefits in financing and policy efficiency gave B.C. the capability and motivation to take on immigration responsibility. This was despite being close to indifferent about the impact devolution would have, given that the province was already benefitting from immigration in the existing system. Similar to Manitoba, it is clear that
there was little exogenous influence here, and that the influences on the decision to take advantage of the opportunity window were endogenous.

Moving to the provinces which did not take advantage of opportunity windows, Alberta represents a very interesting case. Unlike the other provinces that turned down the opportunity window, the province spent a year negotiating a settlement devolution agreement before walking away from the table. Alberta also possessed capable immigration infrastructure at the time. Indeed, it had, arguably, the most developed immigration ministry among the provinces outside Quebec (Interview 2, Interview 8). In addition, Alberta, like B.C., has a predisposition — perhaps an even stronger one — towards devolution and local authority. So why did Alberta not complete a devolved settlement agreement? Three key issues were at play in this decision. First, Alberta was in the midst of recession and was concerned about the short and long-term costs of entering such an agreement. In this climate, the government feared that Albertans would not look favourably on significant new spending being directed towards a small segment of the population — perhaps especially immigrants. This motivation was clearly both interest and culture-based. Second, Alberta and federal governments disagreed about what represented a reasonable amount of funding in order for the province to take on this responsibility. Unlike B.C. and Manitoba, Alberta was not able to negotiate a number that made them feel confident in taking on the responsibility. Thus, in an interest-based calculation, the deal came up short. Lastly, from a cultural perspective, Alberta was put off by attempts by the federal government to put references to the federal Official Languages Act into the agreement, which would require the province to deliver services in both languages. Alberta — well known to be hostile to official bilingualism — would not accept this, and could not persuade the federal negotiators to drop it as an essential term in the negotiations (Interview 8). Thus, while Alberta possessed both the capability and the desire to take on immigration responsibility — very closely matching the model of B.C. — Other interest-based and cultural factors that were present
there and not in British Columbia limited the ability of the government to take advantage of the opportunity window. Unlike the provinces above, Alberta’s decision could be said to have been influenced by both endogenous and exogenous factors. The endogenous factors — cost calculations and political cultural elements — are similar to British Columbia. However, it is also likely the case that cultural factors, in the form of skepticism of immigration and bilingualism, were present in both exogenous and endogenous forms. Thus, Alberta’s case of not utilizing the opportunity window was more of a hybrid than that of B.C. and Manitoba.

Also of interest, due to their unique position as Canada's largest immigrant receiving province, is Ontario. One would assume that a province with such a significant stake in immigration would be keen to take on more responsibility. However, Ontario's success provoked the opposite response. By the time the negotiations began, Ontario had not developed any significant immigrant settlement infrastructure (Interview 2). It would seem that Ontario lacked interest in any form devolution because immigration, as managed by the federal government, was already working for the province. The government assumed that, no matter what, the right number and type of immigrants would continue to flow into the province (Interview 9). Further, the Progressive Conservative government of the day, led by Mike Harris, was overseeing a significant rollback of government services, for both ideological and cost-cutting reasons. As in the case of the Alberta government, taking on new costs and responsibilities — especially for immigrants — during such a period would have been politically difficult (Interviews 9 and 10). Even when they did sign up for a PNP, they used it exceptionally sparingly. Thus, despite, if not perhaps because it was the most frequent location of choice for immigrants, Ontario had neither the capacity nor the desire to take on immigrant settlement responsibility. Thus, Ontario’s decision was entirely interest-based, a cost-benefit calculation that spoke against devolution.

For the remaining five provinces as well as the territories, the amount of immigration, and the
size of the governments was so small that accepting the government's offer — particularly during a time of recessions and budget deficits — was unappealing. Thus, these remaining provinces lacked both the capacity and the motivation to take advantage of the opportunity window due to their lack of immigration.

We now have a relatively complete view of both how the opportunity window which allowed for devolution of immigrant settlement responsibility arose, and the factors that led some provinces to take advantage of the opportunity while others did not. In contrast to the Quebec case, provincial decisions did not reflect an exogenous shock, which had generated a powerful cultural and political imperative. For the other provinces, the considerations tended to be internal, and much more finely balanced, leading to quite different outcomes in different provinces. These findings and their relationships are summarized in Figure 7. The final chapter of this dissertation will pick up where these explanations have left off in order to describe how the opportunity window for settlement devolution closed, and a new window that reversed it opened. Further, it shall discuss how the capabilities and motivations of the provinces have evolved to a place where almost all provinces have a greater interest in participating in settlement policy.

**Immigrant selection:** Devolution of immigrant selection responsibility occurred for similar reasons and followed a similar timeline to that of the devolution of settlement responsibility, but resulted in an entirely different asymmetric pattern of devolution. While settlement policy devolution outside Quebec has resulted in, essentially, a four-level asymmetric system, selection agreements are different for each province. This section, like the last, will explain the factors that created the opportunity window that allowed for devolution of selection responsibility to the Anglophone provinces, and then move on to the abilities and motivations of the provinces that led to the timing and intensity with which they took advantage of this opportunity window. It is, again, these different motivations and capabilities, combined with the differences between selection and
settlement as policy areas within the immigration policy system, that explains the distinctly different systems of asymmetry that have emerged.

**Figure 7: Institutional Change 3: Multiple Shocks and Pressures — Settlement Policy**

The desire for more parity with Quebec, the desire by the federal government to offload costs and authority, and the bureaucracy’s recommendations were all key here, but their relative importance compared to the case of settlement responsibility differed. Most notably, the initial PNP agreements were meant to be small in scope — offering no prospect of significant savings for the federal government. However, in packaging PNP agreements with the settlement agreements of B.C. and — more especially — Manitoba, the financial terms of these agreements were well and truly sweetened. However, there is an additional endogenous factor that was key in creating this particular opportunity window: provincial pressure. As noted above, Manitoba had long been
lobbying the federal government for a greater intake of immigrants, arguing that local responsibility was one way to attain this. However, other provinces — including B.C. and Alberta — also lobbied the federal government for some control over selection in order to address local labour market needs that were not being met by the economic immigrants being selected by the Federal Skilled Workers program and the points system on which it was based (Interview 2). Thus, while opportunity windows for settlement and selection devolution occurred for largely similar reasons, provincial pressure added an additional incentive for selection devolution that helped make up for the lessened influence of the desire to offload costs and responsibility.

What explains the diversity and asymmetry that is evidenced by Figure 3, showing not only very varied dates of adoption, but also diverse patterns of PNP usage? Again, a discussion of provincial capability and motivation is essential. While motivations are more complex, the discussion of capability is more general. No province possessed a structural capacity to select immigrants when the PNP agreements were passed. The use of the agreements — even for provinces that would become the most eager — therefore began at a low level, and increased slowly. As a result, provinces had sufficient time to build up the expertise and structures necessary to take on a significant — or less significant — selection system, and time an opportunity to learn on a small scale. Thus, the discussions below focus more on the desire of provinces to take on a PNP. Reflecting this, the discussion below focuses more on the desire of provinces to take on selection responsibility. A clear theme runs through the explanations in this section. Namely, most provinces were motivated by interest-based factors to pursue a PNP to the degree that they did. In each case, an endogenous calculation of the perceived benefits versus the perceived costs dictated each province’s approach. Exogenous and culturally-based factors are absent.

While Manitoba may have shared some of the same concerns as B.C. and Alberta around supplementing the Federal Skilled Worked Program (FSW) with immigrants who could fit locally
required jobs, the greater concern was around their low volume of immigrants. Later attempts to create job specific PNP streams were driven as much by a desire to keep immigrants in Manitoba by giving them fruitful, stable employment as they were by a desire to grow the economy (Carter, 2010). Manitoba was thus significantly motivated to adopt the PNP, in order to grow the number of immigrants who arrive in the province.

British Columbia was also keen to have some responsibility over immigrant selection. However, as Canada's second largest immigrant receiving province, B.C.'s need was more to round out, rather than redefine or significantly increase its immigration portfolio. Overall, the FSW brought the workers B.C. desired, but was not delivering the necessary workers in a few key areas (Interview 11). There was also a sense that having a mechanism for selection that was more responsive to the provinces’ labour market would be extremely beneficial (Interview 7). The exact nature of the impacts will be explored in greater detail in the next chapter, but suffice to say for now that B.C. sought increased selection responsibility to target immigrant investors, entrepreneurs, and those with particular desirable job skills. This need led the province to take advantage of the PNP, but to do so in a somewhat limited fashion, as demonstrated in Figure 3.

Alberta was another province that had a keen interest in gaining some responsibility over immigration. The province's motivations were largely similar to those of B.C.: they wanted to target certain elements of their immigrant selection to meet labour market needs and believed themselves better placed to do the job, particularly after the devolution of labour market development responsibility (Interview 8). The key difference between the two provinces is that, at the time of devolution, Alberta's immigrant intake was quite small, reflecting the distinctive political climate in the province at the time. Albertans had long been skeptical of broad-scale immigration from culturally distinct countries, as evidenced during the early success of the Reform Party in the province. However, public opinion and political and party impressions shifted towards a more
immigration-friendly view, especially once pressure arose from business leaders to use immigration to grow the workforce (Interview 8). Thus, as time passed, Alberta saw the PNP as both a way to increase their overall number of immigrants, and as a tool to find key workers. That said, Alberta has also increased their general flow of immigrants from the federal system, largely due to the economic and employment opportunities that have emerged there in the time since the agreements were signed.

At the time of the agreements Saskatchewan, like Manitoba, was not a destination for very many immigrants. The province also lacked any significant infrastructure within the government and the non-profit sector to create a functioning, high intake immigration sector. However, unlike Manitoba, Saskatchewan did not have a significant amount of political will behind a push for further devolution. This changed in the mid-2000s when a concerted effort was made to increase the scope of the PNP, moving the number of immigrants selected under that program from 468 of 2,119 overall immigrants to the province in 2005 to 5,031 of 6,809 in 2009. Thus, while Saskatchewan was slow in making use of the PNP, it has come to represent the majority of their immigrant intake (Garcea, 2012). At the same time, a concerted effort has been made to greatly expand the settlement and integration services available throughout the province, to ensure that the responsibility utilized in the realm of selection is not wasted.

Ontario's story on the devolution of selection policy is similar to that of settlement. The provincial government felt that it was already benefitting sufficiently from the federally dominated status quo. With no grievances, Ontario had little reason to question the perspective that immigration belonged under federal control. Indeed, Ontario was the last province to sign a PNP agreement and has made the smallest use of it. Also at play — as it was with settlement devolution — was the desire to avoid seemingly redundant costs. Taking on selection duties for even a modest percentage of Ontario's 100,000 or more annual immigrants would carry a significant cost. Thus, the
program was and has continued to be used as a niche program to augment very small and select elements of the existing flow of immigrants (Interview 12). Only since 2012 did Ontario grow dissatisfied with the state of the FSW and considered greater use of the PNP, by which time — as we shall see — it was too late.

The Maritime Provinces can all be discussed as a group. Initially immigration to this part of Canada was so sparse that the issue did not even arise as a concern. The provinces signed onto PNP agreements in hopes of some minor specialization of their incoming immigrants, while at the same time trying to increase intake and retention (Biles, 2011). These motivations remained, but over time the provinces — in a fashion similar to Alberta and Saskatchewan — started to see immigration as an important tool for economic and demographic growth. Perhaps seeing the success of Manitoba using the PNP as a tool for growing immigrant intake and retention, the Atlantic provinces greatly expanded their programs to the point where provincially selected immigrants now make up a significant percentage of immigrant intake in Nova Scotia (42.5% from 2005-2009), while representing the vast majority in New Brunswick (74%) and Prince Edward Island (94.7%) (Government of Canada, 2011).

This leaves Newfoundland and Labrador, the Northwest Territories, and the Yukon which also have provincial nominee programs. However, their immigrant intakes are so small that I do not consider them in any depth at any point in my dissertation analysis.

One theme that clearly emerges from this discussion of motivations is that every single province's recognition of a) the importance of immigration, and b) the benefits of provincial intervention in immigrant selection, has increased significantly over the last two and a half decades. This growth can at least partially be attributed to provincial experimentation and emulation. As provinces attempted new programs and strategies, it emboldened others to take advantage of the opportunity window which remained, to replicate approaches that worked in others provinces, and
to make greater use of the PNP. Indeed, the PNP became so popular that the federal government has now frozen it, with significant selection reform seemingly on the horizon. This arose partly out of a fear that the PNP would grow to a point where it completely overshadowed the FSW. This turn will be discussed in the final chapter of the dissertation. The overall change that has just been described is visually summarized in Figure 8.

To summarize the broad observations of this section, a variety of smaller state-driven, endogenous pressures combined to create opportunity windows allowing the devolution of immigrant selection and settlement responsibility, as significant and rapid shift in institutional direction. Unlike the change in Quebec, the changes in these provinces were not driven by social factors, but by internal government pressures and provincial pressures. These are all endogenous to the system, and no single pressure would have been sufficient to trigger a change. Slight changes in the pressures might have prevented change from happening at all. This is also distinct from the change in Quebec, where the massive shocks involved basically made reform a foregone conclusion, in spite of other minor differences that may have arisen. This also means that the changes in the other provinces were less stable, as they lacked a clear societal force to ensure their permanence. As will be demonstrated in Chapter 5, this tenuous balance would have an impact.

These windows disrupted the previously stable, path-dependent policy system allowing for provinces to push for change as they desired it within their capacity limits. The opportunity for change in both settlement and selection policy was sudden and comprehensive, though there has been continued incremental change in selection policy, where the number of PNPs in many provinces has grown significantly since the initial programs — seen as niche, complementary programs — were set up. The differential capabilities and motivations of the provinces explains why the provinces took advantage of these opportunity windows to the vastly varying degrees they did, resulting in two very asymmetric sub-systems within the overall policy system of immigration. When
taken along with the process that Quebec followed as explained above, the system only grows more complex and asymmetric. What's more, as will be explored later in the dissertation, the motivations leading to this asymmetry, and the different forms and circumstances under which it persisted, are very complex and varied.

Figure 8: Institutional Change 4: Multiple Shocks and Pressures — Selection Policy

Conclusions

This chapter has attempted to explain the reasons for the sudden and asymmetric devolution of immigrant selection and settlement responsibility. Drawing on the previous chapter's theoretical tools based in the historical institutionalism and federalism literatures, the historical context of federal relations in the Canadian immigration policy system were explored. The main section of the chapter argued that opportunity windows allowing devolution in Quebec appeared after two
significant exogenous shocks to the previously stable system: the Quiet Revolution and the failure of the Meech Lake Accord. The result was the deep devolution of settlement and selection responsibility in the CQIA. In the rest of Canada, smaller pressures came together, allowing for opportunity windows for selection and settlement devolution which were taken advantage of to varying degrees due to diverse capability and motivation on the part of the nine provinces. This resulted in an exceptionally diverse, asymmetric policy system.

It seems unlikely that devolution along similar lines will ever occur in other policy areas, since the constitutional status and the interests and attributes related to immigration are so idiosyncratic. However, it does show that the Canadian system is capable of creating and — for at least a time — sustaining significant levels of asymmetry, under the appropriate circumstances. Further, the case holds interesting lessons for those who study Canadian federalism in how policy systems can change.

The next two chapters of the dissertation will investigate the impacts of this devolution. Given the highly asymmetric system and the reasons for its arrival, it is interesting to examine what differences arose between provinces and what does it all mean for the effectiveness of Canadian immigration policy. The fourth chapter will return to the theory and explanations outlined here to discuss how and why there seems to be a retreat from devolution of settlement services in Manitoba and British Columbia.
Chapter 4: The Policy Impacts of Devolution

In the past two decades, the changes to Canadian immigrant selection and settlement policy — particularly the asymmetrical devolution of responsibility for these areas from the federal to provincial governments — have created a compelling case study, not just in immigration policy in Canada, but in the study of the relationship between federalism and public policy more broadly. Through the extensive use of intergovernmental agreements, Canada created a unique system where a significant share of immigrant selection and settlement policy responsibility rests at the provincial level. This leads to two the questions: does devolution lead to changes in immigration policy; and if so, does it do so in a positive direction, or is a centralized system superior?

By drawing on a combination of previous research, program and policy assessments completed by governments and other agencies, and qualitative interviews, this chapter advances a two-part depiction of the impact of devolution on immigrant settlement and selection policy. First, the evidence presented in this chapter suggests there are certain compelling benefits that arise from the devolution of immigrant selection and settlement responsibility to provincial governments. Provinces are clearly more effective at selecting immigrants to address shorter-term regional demographic and labour market needs. There is also good reason to believe that provinces are more effective at crafting settlement policy in a responsive, comprehensive, innovative, and nuanced fashion. The position of these governments — closer to immigrants and immigrant service agencies (ISAs) — makes them more receptive and reactive to ground-level feedback, and the location of other social ministries greatly increases the effectiveness of interdepartmental cooperation.

Secondly, it will be argued that the benefits of centralizing this responsibility in the federal government are equally clear. A centrally planned and administered selection system is simpler, more
transparent, and — some may argue — fairer. Similarly a centrally planned immigrant settlement system allows for the delivery of uniform programs across the country, again appealing to principles of fairness and simplicity. In addition, placing responsibility for both selection and settlement exclusively at the federal level enhances the potential for a coordination between selection and settlement, with settlement programs that meet the specific needs of the type of immigrants brought in by the selection system. Finally, centralization greatly increases the possibility of using immigration as a coordinated nation building mechanism, something that could be argued to be harder at the provincial level.

After providing evidence for the claims for devolution, this chapter seeks to advance a relatively simple argument. While there remains value in investigating the policy impacts of locating immigration responsibility at one level of government or the other, there is sufficient evidence of the different benefits to push the conversation in a different direction. An explosion of literature has occurred in this area in recent years, carefully describing devolution and articulating, at least at a policy level, its impacts. Thus, it shall be argued, rather than asking “to devolve, or not to devolve,” we must instead ask, which set of benefits more closely matches the normative and practical goals Canada has set out for its immigration system. Broadly speaking, it shall be argued that if Canada seeks a system that is focused on fairness, simplicity, nationally focused economic and demographic needs, and nation building, then a system of principally centralized control of immigrant selection and settlement is preferred. However, if Canada prefers a system that focuses on stronger integration, more innovative and experimental government approaches, and more localized economic and demographic goals, then a significant measure of provincial control in both areas is necessary.

The chapter proceeds in three basic sections. First it provides a basis for the evaluation of the strengths and weaknesses of devolution by summarizing the goals of Canadian immigration policy
and key program characteristics introduced in Chapter One. Second, the chapter will look at the impacts of devolution or centralization on a variety of facets of immigrant selection and settlement policy. This will be accomplished by focusing on four case studies, each of which have different immigration and devolution realities — British Columbia, Alberta, Manitoba, and Ontario. Drawing on existing research as well as original policy and program analysis and qualitative interview data, it will be made clear where each approach is strongest and weakest.

The third section will tie the first two sections together, outlining a typology that demonstrates the links between the normative goals of immigration and the centralization or devolution of the responsibility for selection and settlement. The case will be made that sufficient evidence exists to link the effective pursuit of most of the goals outlined in the first section to either devolution or centralization. In this section the argument that the choice of devolution or centralization should hinge on Canada’s normative goals for immigration will then be further solidified and motivated.

**Standards of Evaluation: The Goals of Immigration and Program Characteristics**

This chapter has an explicitly evaluative purpose, as it seeks to analyze the strengths and weaknesses of devolution. The evaluation that follows is based on two sets of considerations set out in Chapter 1: the broad goals of Canadian immigration policy, and the program characteristics that federalism scholarship suggests are sensitive to decentralization. This section briefly summarizes these considerations.

**Canada’s Purposes and Goals of Immigration**

So where does Canada fit in terms of its motivation for immigration? Which of these different potential motivations is most prominent in the historical, present, and potential future justifications for Canada’s immigration policy?
The primary motivation for encouraging immigration in Canada has always been economic and demographic growth. From early attempts to settle the west, to the need for cheap labour to help construct urban and cross-country infrastructure, to the advent of the point system that sought to attract some of the most skilled and capable immigrants in the world, to the modern attempts to fight population and skill shortages, immigration policy has always been motivated by economic interests (Abu-Laban and Gabriel, 2002; Kelley and Trebilcock, 2010).

Conflict has arisen in recent years between using immigration toward the goal of large-scale, long-term economic growth and using it to advance regional/sectoral labour market needs. A strong, centrally controlled focus on statewide economic needs may disadvantage particular provinces, regions, industries, and labour markets. However, it is countered that a devolved capacity for provinces — or even more local governments — to focus on more small-scale needs may lead to a lack of a coherent national plan. Canada has been accused of a lack of direction on this issue. Green and Green (2004) point out that the conflict between macro-economic and labour market priorities has long been an issue in Canadian immigration, noting a disconnect between federal immigration levels and purported economic incentives, and labour market realities on the ground. The case that has emerged in recent years is that the overall impacts of immigration on the Canadian economy continue to be disputed, (Sweetman and Warman, 2008), while isolated success stories have come out of the provinces, perhaps, most notably as we shall see, in Manitoba (Carter, 2009). Thus, while it is clear that economic interests motivate Canada’s immigration policy, it is unclear which approach — national or local, long-term or short-term focus — is optimum or preferred. The second most important goal in Canada’s immigration system has been demographic. Historically, this merely meant populating the different regions of Canada, especially filling the west in the early days of settlement. In the modern era this has taken on four major forms.

First, smaller provinces in Canada face the issue of population decline not just due to falling
birth rates, but because of out migration to other provinces and regions that hold more opportunities, economic and otherwise. As a result, provinces that have not welcomed much immigration — most notably, Manitoba, Saskatchewan, Nova Scotia, and Alberta — are seeing it as a way not only to inject more workers into their economies, but to grow, diversify, and revitalize their communities.

A second and related demographic goal of immigration is promoting population growth in smaller cities and preventing decline in rural communities across all provinces. This is arguably felt most acutely in the provinces mentioned above, but is an issue across the country.

A third demographic goal is the preservation of language, in particular, French. As we have seen, Quebec has used immigration to grow the French-speaking population in the province. In addition, an explicit goal of the federal immigration program has been to preserve and enhance linguistic minorities across the country. As we shall see, this was also a goal of the PNP program: to increase immigration to official language minority (read French) communities across the country.

A fourth and final demographic concern is that major cities in Canada have long trumpeted the cultural, economic, and creative benefits of embracing diversity and attracting the best and brightest from around the world by creating exciting, vibrant, and tolerant local and broad urban communities. Indeed, smaller centres across the country are also starting to take an interest in the benefits of accepting the benefits of immigration on a smaller scale, creating smaller centres of diversity, innovation, and cultural pluralism (Stasiulis, Hughes, and Amery, 2012). Changing Canada’s demographics to become more diverse makes us a country more in touch with the world at large and more adaptable in matters of economy, culture, and international relations.

While never a primary motivation, Canada’s immigration policy has long contained an element of humanitarianism, most notably exercised through the refugee class, but also to some degree through the family reunification class. While the other classes of Canadian immigration have tended
to focus, first and foremost, on selecting immigrants who can benefit the economic or demographic
wellbeing of Canada, these two classes aimed to achieve more altruistic ends. The refugee class aims
to protect “people in Canada who fear persecution or whose removal from Canada would subject
them to a danger of torture, a risk to their life or a risk of cruel and unusual treatment or
punishment” (Citizenship and Immigration Canada, 2013), while the family class seeks to allow
economic immigrants to care for or benefit from the presence of non-spouse, non-dependent
family members. Canadian leaders spoke passionately in the past about the importance of these
classes, but they seem to be withering in importance in the last several governments, which seem to
desire a greater shift towards economic class immigrants.

While the primary motivations for Canada’s immigration policy have always been economic
and demographic, governments have also sought to use immigration as a tool of nation-building.
The early view of Canada as a clearly British nation — with complex French and Indigenous sub-
populations — and the nation building project that went with it led to the exclusionary policies that
characterized most of Canada’s immigration history. The likelihood of particular immigrants gaining
entry was tied largely to the degree to which their national or ethnic origin was deemed compatible
with the English-Canadian nation-building project. Other groups, for instance the Chinese, were
allowed only on certain terms, with additional conditions — such as the lamentable head-tax — and
only in very controlled numbers. More recently, former CIC Minister Jason Kenney noted that
immigration was still strongly linked with nation building (Citizenship and Immigration Canada,
2012).

The 1960s and the point system brought a new approach to nation-building, one that was less
focused on nation and ethnicity of origin. This, however, did not mean that the nation-building
project was abandoned, merely that a strictly British definition of national identity was largely
abandoned. The new national identity was more civic in nature (Igartua, 2006) attempting to define
Canada by its diversity of ethnicities bound around an accepted set of political and social goals and (Breton, 1988). The Trudeau government in particular tried to promote a Canada that was multicultural, bilingual, and devoid of appeals to what he viewed as tribal nationalism (Trudeau, 1977). More recently, the governing Conservative Party, in a fashion unique among its global, ideological peers, has wholeheartedly embraced immigration and its potential for a seemingly aggressive attempt to rework Canadian nationalism — refusing to leave this opportunity, as had been done previously, to the Liberal Party. While similar to the Liberal vision of building a politically useful conception of national identity via new immigrants, the Conservatives seem to feel that their economic focus and centre-right political values will resonate with many immigrants. Indeed, as we shall see, the most recent major decision to cancel the devolved B.C. and Manitoba settlement agreements was publicly justified largely on the basis of the need for centralized nation building.

Simultaneous with the Canadian nation building project is the one occurring in Quebec. Many have noted the general trend of dual nation building processes in Quebec and the rest of Canada (Gagnon and Iacovino, 2007, Maclure, 2004, Meer and Modood, 2012), and this holds for immigration and the respective approaches to diversity taken up in the two solitudes: multiculturalism and interculturalism. Indeed, one of the main reasons Quebec became active in immigration and, ultimately, pursued and obtained near-unadulterated control over selection and settlement was the simple realization that immigration could be friend rather than foe to the national project.

Lastly, immigration has significant political currency in Canada. By being perceived as the party of immigration, due to their adoption of the point system, official multiculturalism, and the Charter of Rights and Freedoms, the Liberal Party long enjoyed a significant electoral advantage over other parties among immigrants and ethnic minorities. However, in recent times, particularly in the 2011 federal election, the Conservative Party has targeted, with some success, the immigrant and
ethnic minority vote, recognizing it as the most significantly source of population growth in the country. By significantly increasing the amount of funding in the immigrant settlement sector, focusing on economic outcomes for immigrants, and attempting to make policy inroads in more culturally Conservative communities, there is clear potential here. Further, there is a clear added incentive to keep immigration at a stable level when the trends advantage the sitting government's electoral prospects.

This section has provided a breakdown of the normative goals that could motivate a country to adopt an immigration policy in the first place, some other considerations that come into play once one has adopted an immigration system, and attempted to give a sense of which of them Canada has subscribed to historically, and which it subscribes too now. Generally, Canada's immigration system is principally focused on achieving goals around demographic and economic growth, but is also utilized to some degree as a tool of nation building and for political gain.

**Federalism, Devolution, and Program Characteristics**

The second set of considerations concerns the characteristics of immigrations programs put in place to achieve the above-mentioned goals. As we saw in Chapter One, the literature on federalism provides us with some idea of what we can expect from the impact of devolution on certain elements of immigration policy should be. In examining the impact of federalism on the welfare state, Pierson (2005) argues that the impacts of federalism are significant, but that their predictability is mediated by contexts and peculiarities of particular countries and circumstances. The assertion here is that the same holds for immigrant selection and settlement policy. Six program characteristics shall be outlined here, before case studies are used to illustrate the degree to which they are present. The six potential impacts are: 1) funding levels, 2) fiscal stability, 3) interdepartmental coordination, 4) experimentation, emulation, and competition 5) responsiveness, and 6) accountability.

Many scholars, particularly those who investigate the impact of federalism on the welfare state,
have raised concerns about how levels of funding may be impacted by devolution. The standard argument in this literature is that decentralization will weaken spending on social programs because of the implications of economic competition among regions (Obinger, 2005). Is there a parallel argument to be made in the field of immigration selection and/or settlement? A second fiscal concern in the literature on federalism is that some forms of intergovernmental fiscal transfers (such as block transfers that do not require provincial matching) can make it difficult to determine whether funds allocated for a particular program by the donor government are actually spent on that program by the recipient government. Since devolution in both of the devolved case studies includes the transfer of federal funds to the provinces, does this mean the provinces add their own funds as well, or do they save their own funds since federal monies cover the services? More controversially, do the provinces use the transfers for other purposes besides settlement? Lastly, do provinces without devolution contribute as much of their own funds as provinces with devolved agreements?

A second fiscal consideration is the stability of funding for programs. Controlling authority to act in a particular policy area is one thing, but one also requires sufficient resources to act. An order of government with the authority to act but no resources is a wheelbarrow short a wheel. Since each Canadian province has a slightly different fiscal arrangement, due to the complex web of transfer payments, equalization, and intergovernmental agreements, it is worth asking how this could impact immigration policy capacity. Also important to note, is that the federal government has nearly unbridled ability to alter, cancel, or increase the levels of funding they direct to provinces, creating a serious asymmetry of intergovernmental power. Lastly, Harrison (2009) also warns that competition can lead to a “race to the bottom” in certain circumstances, where provinces lower important standards to attract certain desired outcomes, or use their relative spending or programming levels to justify cuts. One could potentially imagine a situation like this in selection, where lowering
immigration admission standards much lower than other provinces allows a province to attract more immigrants — even if quotas limited the number they could accept.

Interdepartmental coordination or the ability of governments to plan and administer comprehensive service and policy programs that cut horizontally across departmental silos can be impacted by devolution or centralization, but not in a predictable pattern. Whereas most of the effects investigated here have a clear hypothesized effect that comes with either devolution or centralization, coordination depends upon the exact makeup of the arrangement of federal powers and the policy areas being examined. Thus, it is not as important whether a power is devolved or centralized, but whether the order of government it resides with also has power over related and complementary areas. In the case of immigrant settlement in Canada, just about all related services — such as social assistance, health care, education, municipal government services, etc — are provincial, with the exception of employment insurance. However, areas related to immigrant selection — such as citizenship and border control — are federally located.

One of the most referenced impacts of devolution is its impact on policy experimentation, emulation, and competition (Banting and Boadway, 2004; McRoberts, 1993; Obinger, Liebfried; and Castles, 2009). The argument is that provinces that face unique pressures, are better placed to develop innovative solutions, and can act as miniature policy laboratories. Well-designed intergovernmental affairs mechanisms can then promote information sharing, best practices, and even coordinated experimentation. Such autonomy could also lead provinces to compete with one another to attract investment, like-minded citizens or, in this case, immigrants.

Responsiveness refers to the fact that provincial governments are, by definition, smaller with fewer places and people to consider than the federal government and are closer to their constituencies and stakeholders. Logically, then, this should make them more responsive to localized sets of circumstances, both in detail and pace of policy changes made to reflect pressures, advice,
and changing circumstances.

Finally, accountability, quite simply, refers to the ease with which citizens can hold one order of government or another accountable for decisions made within a particular policy area. Federalism, by definition, complicates this process by having multiple orders of government (Cameron and Simeon, 2002), but various divisions of power and intergovernmental relations can make things more or less confusing within this spectrum. A clear, classical, ‘watertight’ approach to federalism, where competencies are firmly divided with little encroachment by other orders of government, makes it easier for citizens to know whom to praise and blame for particular decisions or policy directions. This is made clearer still if the fiscal relations of the federation are also divided with little overlap. When there are multiple orders of government acting in single areas, or where one level of government partially or comprehensively funds an area in the others’ realm, things become more obfuscated.

Case Studies

I move now to my four case studies: British Columbia, Alberta, Manitoba, and Ontario. These cases were selected as they represent both diverse levels of devolution/centralization as well as diverse immigration profiles. Absent are the Atlantic Provinces — whose levels of immigration and settlement service development are still very low — and Quebec — whose situation is highly distinctive and difficult to compare with the other systems. With each case study I shall first describe the degree of devolution in selection and settlement that was established and then discuss the impacts their particular arrangements have on the different potential policy impacts of federalism described above. This will be followed by an attempt to link the outcomes of different forms of devolution to the normative goals of immigration described above.

Before this, it is important to establish the baseline for change: the selection and settlement activities of the federal government. Federal programs represent the point of comparison in two
senses: they are the programs in place for non-devolved provinces; and they represent the point of
departure for the programs available in the devolved provinces.

Setting the baseline against which to assess the consequences of devolution is complicated in
this case. Ideally, one would simply describe federal programs before devolution, and then examine
the ways to which they changed afterwards in the devolved provinces. However, devolution took
place at different times in different provinces. Second, the federal programs delivered in other
provinces continued to evolve in the devolution period in response to changing conditions and
experiences, including — as we shall see — the results of innovations in the devolved provinces.
Accordingly, the federal programs are described in general rather than time specific terms here, and
changes in federal programs, which seem to have been influenced in part by provincial innovations
are noted in the provincial case studies.

Also worth discussing before considering the case studies is the degree to which they measure
or investigate the criteria investigated above. Amongst the goals of immigration, the case studies
look in detail at demographic/cultural-linguistic needs, large-scale/long-term economic goals, and
small-scale/short-term labour market goals. The other goals of immigration — humanitarian duty
or choice, nation building, and politics/electability are discussed more theoretically below, drawing
on previous literature, in conjunction with the evidence provided in these other areas. These
excluded goals were not the focus of the original research as they are assumed — as shall be
demonstrated below — to be more straightforward in their relationship with different levels of
devolution, while the three areas investigated are more complex and nuanced.

Similarly, the case studies do not discuss every potential impact of federalism in great detail.
Among the factors discussed are funding levels, fiscal stability, interdepartmental coordination,
experimentation/emulation/competition, and responsiveness. Left out are accountability and
national standards. These factors are discussed using other evidence and argumentation, as shall be
more clearly discussed below.

**The Baseline: Federal Programs and Funding**

Citizenship and Immigration Canada’s focus is on the first three years after landing as the key years of immigrant settlement (Biles, 2011). Indeed, Alboim (2009) notes that early interventions with services have a clear link to long-term settlement outcomes. Biles (2008) notes that, “… contrary to many other immigrant-receiving nations, Canada provides the majority of services provided to newcomers through third-parties, whether immigrant service provider organizations, multicultural/ethno-specific organizations, issue-based organizations, educational institutions, or partners in the private sector” (141). Thus, a significant amount of the services Canada provides are merely funded by the federal government, both directly and through the provinces.

The federal government’s own settlement programs operate in essentially six areas. These programs have existed in different points of Canadian history under many names, and with slightly different features, but their core purposes have essentially been as follows. The first is a program which funds things like basic information, interpretation and translation services, as well as referral to community services, solution-focused counselling, and basic employment-based services. This includes the growing Canadian Orientation Abroad Program which served 15,000 people in 22 countries in 2008 (Citizenship and Immigration Canada, 2008). Second is a language instruction program that provides basic instruction for adults in one of the two official languages with courses made available full-time or part-time in schools, community centres, workplaces, etc. Third are host programs, which are volunteer programs where immigrants are matched with Canadian hosts who help them learn about Canada and their community. This can include help with finding jobs and building contacts. Fourth, various initiatives to facilitate labour market integration exist, including efforts to advise on credential recognition, enhanced language training aimed at specializing in particular labour fields. This also includes an immigration portal designed to provide information on
work, life, and study in Canada. Fifth, there are initiatives for immigrants to Francophone minority communities including special language classes and targeted recruitment in French areas abroad, such as Paris, Nice, and Brussels. Lastly, Canada has anti-racist resources such as a tool kit for smaller communities aiming to attract and retain immigrants by reducing racism and discrimination, various community discussion and information groups, with some aimed specifically at youth and women. It also includes anti-racist curriculum plans and a searchable database of anti-racism materials (Citizenship and Immigration Canada, 2007).

Alboim (2009) also points to what she sees as encouraging emerging policies that have not yet seen wide application or funding. These include internships that provide domestic work experience, which yield success in 75-80% of cases, mentoring programs that help create professional networks and contacts, which also carry an 80% success rate. Other initiatives include bridge training, income support or loans, and local multi-stakeholder councils on settlement. CIC also works with Human Resources and Skills Development Canada on labour and skill issues and Canadian Heritage on issues of cultural expression, multiculturalism, national languages, and national identity (Biles, 2011).

On the selection side, the federal government has typically broken immigration down into three broad streams: 1) the Federal Skilled Worker (FSW) Program, which targets primary economic immigrants and their immediate family, 2) the Family Reunification Program, which targets the extended families of established immigrants and native-born Canadians, and 3) the Refugee and Asylum Program, which targets individuals who face persecution or other forms of duress for immigration free of other considerations as a humanitarian act. In recent years, new categories have emerged, largely inspired by successful programs with comparable qualities in the provinces. The Canada Experience Class extends an expedited path to citizenship to immigrants who have spent a significant amount of time in Canada — as temporary workers or students — and also exhibit language proficiency and desirable work skills or experience. It seems clear that this class was created
in part in response to the success of similar PNP classes that target international student graduates and those who arrive on temporary visas and gain Canadian work experience. Most recently — again learning from success in comparable PNP streams — the federal government introduced the Federal Skilled Trades stream, which provides a path for immigrants with particular trade skills who would not normally qualify under the FSW program.

The issue of the impact of devolution on funding can be best dealt with before exploring each of the case studies in detail. The trend of funding is only clear when the situations of multiple provinces are compared closely. The level of devolution does not seem to have a clear impact on the amount of funding for settlement programs, which seems to be tied to other factors such as available resources and political prioritization of said resources. The intergovernmental agreements in immigration do not follow the traditional shared-cost model that was employed in the early years in other fields of social policy, when the federal government matched provincial spending, usually on a dollar-for-dollar basis. In both devolved and centralized systems, the majority of the resources come from the federal government. The idea in both systems is that the federal monies fund the core settlement programs while provincial monies can be contributed to expand upon these. Federal settlement funding is currently calculated on the basis of the number of immigrants who settle in each province — with the exception of Quebec, where funding is determined by their bilateral immigration agreement.

It is valuable to give some examples of these dynamics. Originally, the B.C. government added significant funds on top of the federal funds for settlement programming, as they wanted to pursue programs and develop competency outside the core programs (Biles, et al, 2011, Ministry of Advanced Education and Labour Market Development, 2010). However, later on, as the funding from the federal government increased at a rate faster than the government felt it could responsibly spend it, they cut their own funding and even directed some of the federal transfers for settlement...
elsewhere (Dickson et al, 2013). The case has been similar in Quebec, where some of the high level of federal funding has directed to other departments – e.g. education (Reichold, 2011). In Manitoba, meanwhile, the level of additional provincial funding has been modest, consistent, and directed towards unique programs outside of the core services, even across the growth in federal funding. The main focus appears to have been on their projects promoting multiculturalism and tolerance in local communities (Carter, Pandey, and Townsend, 2010). In Ontario, funding from the federal government more than tripled between 2005-06 and 2008-09, from $111 million to $336 million, before dropping down to a projected $304 million for the 2013-14 year (Citizenship and Immigration Canada, 2013). Meanwhile, the provincial ministry maintains a budget of between $128-133 million over the last three fiscal years — a significant increase over years previous (Ontario Ministry of Citizenship and Immigration, 2010, 2011, 2012, 2013). Most of these funds are directed towards a key provincial priority: enhanced language education that falls outside of the normal federal system.

It is clear from examining the case studies that the level of devolution has little to no impact on the funding approach of the different provinces. Provinces, regardless of whether they are in devolved or centralized systems, will add more funds to create new programs if they feel the core federal programs are inadequate for their needs, or if they want to pursue some politically distinct options. Similarly, after funding their priorities, provinces may absorb the remaining funds transferred by the federal government and utilize them for other priorities. This would not be the case if there were clear rules or measures prohibiting this, but such limits on federal transfers have been increasingly rare in Canadian federalism. Thus, the level of devolution cannot be said to impact the level of funding in any clear fashion.

With the preliminary considerations dealt with, it is finally time to turn to the case studies.

Manitoba
Manitoba had a PNP agreement, signed in 1998 and a devolved immigrant settlement agreement with the federal government, first signed in 2003. Manitoba, unlike other devolved provinces, was building a settlement sector largely from scratch, both at the government and immigrant service organization (ISA) levels. However, in early April 2012, Jason Kenney, the Minister of Citizenship and Immigration, announced that the settlement aspects of the agreement would be canceled, with the federal government retaking responsibility for immigrant settlement in the province in 2013.

In selection, Manitoba had been unsatisfied with its intake of immigrants for decades, with levels always well below its percentage of the general Canadian population. In order to attract more immigrants to Manitoba, the government carefully designed its PNP to attract immigrants who would have a strong chance of effective economic integration, and focused its settlement programming on creating welcoming and tolerant communities across the province, with particular focus placed on smaller communities outside of Winnipeg (Clement, 2003, Interviews 3 and 4. As a result, PNP accounted for 91.1% of Manitoba immigrants between 2005-2009 (Citizenship and Immigration Canada, 2011). However, this declined to 71.6% by 2013 (Citizenship and Immigration Canada, 2014).

The story of interdepartmental coordination in Manitoba has not been overwhelmingly successful but some attempts were starting to emerge before the end of devolution (Carter, Pandey, and Townsend, 2010, Clement, Carter, and Vineberg, 2013). The location of immigration responsibility within the same ministry as labour has created strong coordination between these two portfolios. Indeed, in Manitoba, immigration is seen as an essential element of not only the labour market strategy, but also the entire approach to economic, demographic, and cultural growth (Interviews 3 and 4). The Manitoba Immigration Council includes government-funded immigrant service agencies, labour market, and business partners, as well as education partners, showing a firm
attempt to engage education in the integration process.

Manitoba stands along with B.C. as the province most commonly commended for its innovation and excellence in settlement and integration programming. Amongst the areas highlighted for praise is the “integrated service model” which starts with pre-arrival information and centralized registration and referrals for all core services — including employment and language assessment, employment services, qualification recognition, job search, and adult English language training. The front end of this — the Manitoba START — is a comprehensive intake, referral, and registration service. The province also led the way in making application and assistance materials available online, and in providing consultation and application assistance. The strong database practices within the program also allowed for very successful tracking of service usage by immigrants across the system (Clement, Carter, and Vineberg, 2013).

Assessments of successes in Manitoba in terms of attracting and retaining immigrants, finding them gainful employment, promoting advancement in employment and income, and crafting tolerant communities has been remarkably positive (Biles et al. 2011; Carter, Moorish, and Amoyah, 2011). In other settlement activities, the Welcome Manitoba portal from which immigrants can access information about orientation and settlement services has been very successful. Its success in the use of the PNP has inspired emulation by other provinces with similar labour market needs, such as Alberta’s semi-skilled PNP class (Seidle, 2013). Similarly, the focus on developing tolerance and a welcoming atmosphere in individual communities has been emulated, for instance in the creation of regional settlement service centres outside of urban centres in Nova Scotia (Baglay, 2012).

It is valuable to speak specifically to the retention of immigrants, as this has been a key goal in the Manitoba program. Manitoba had long struggled with issues of immigrant retention, but between 2000-2008, 82.6% of PNP immigrants who were admitted continued to reside in the
province, the fourth highest level after B.C., Alberta, and Saskatchewan (Citizenship and Immigration Canada, 2011). Of course, it is worth noting that over that same period Manitoba had admitted more than twice as many immigrants as those three provinces combined through the PNP. It has also been shown that PNP immigrants are considerably more likely to stay in Manitoba than federally selected economic immigrants (Carter, Pandey, and Townsend, 2010). Also of importance is that the program has been successful in promoting retention in smaller communities around the province, an area where the province had historically struggled (Carter, Moorish, and Amoyah, 2011).

Part of the success in Manitoba is attributable to a small, localized system that works well with communities, stakeholders, and service providers to craft the most effective and innovative programs and ensure the best selection practices. Community engagement and satisfaction with the system are very high, as evidenced by various studies (BC Stats, 2012; Biles et al. 2011; Carter, Moorish, and Amoyah, 2011; Carter, Pandey, and Townsend, 2010; Clement, Carter, and Vineberg, 2013), and by the outpouring of angst at the announcement that the federal government was cancelling devolution (Lett 2012; Sanders, 2012). Engagement with communities, ISAs, and stakeholders has been so exceptional that, unlike in other provinces, the province's major city — Winnipeg — has made no significant effort to assert itself on the immigration file. Local design has also allowed Manitoba to target particular groups, creating or nurturing enclaves (Carter, Moorish, and Amoyah, 2011), this allows for stronger attraction in the future (McDonald, 2004). In Manitoba, local engagement has been significant and has had very positive impacts.

The stories of the impacts of fiscal stability and accountability are more complicated. The recent changes to Manitoba’s agreement demonstrate the degree to which such agreements can be unstable and damage continuity and planning in policy sectors. Further, the divided responsibilities between the two orders of government blurred lines of accountability. The one mitigating factor is
that since Manitoba’s immigration relies so heavily on PNP, the provincial government could be held more explicitly accountable for selection. However, the federal control of settlement spending and immigration levels still makes accountability muddy.

**British Columbia**

The Canada-British Columbia Immigration Agreement was first signed in 1998 and granted the B.C. government the ability to design, administer, and fund all settlement programming in the place of the federal government. The province could craft whatever policies it wanted as long as they were in line with the broad goals of the federal government’s priorities. In return, the B.C. government received transfer payments from the federal government in the amount they would have spent had they been administering the programs themselves. The agreement was renewed and augmented twice, most recently in 2010. However, as with Manitoba, the settlement elements of B.C.’s agreement were also canceled in 2014, after an announcement in 2012.

B.C. first signed a PNP agreement in 1998, along with their original immigration agreement, and the program began three years later. However, due to the fact that B.C. is Canada’s second highest receiver of FSWs, and since the province has remained largely satisfied with both the number and composition of immigrants they receive from this program (Interview 11), they have only used PNP for particular, niche forms of immigration — such as investment, business, specific skill, and international student classes. As it stands, between 2005 and 2009, its PNP accounted for only 13.5% of B.C.’s immigrant intake, the second lowest amongst provinces over that period (Citizenship and Immigration Canada, 2011). However, the province is attempting to increase its use of PNP, with the province aiming to increase their annual intake to 6,500 immigrants (British Columbia Immigration Task Force, 2012, Dickson, et al. 2013). Thus, while Manitoba and B.C. are similar in terms of their institutional powers, their motivations for, and use of those powers are exceptionally distinct.
More than any other province, the B.C. government has excelled at promoting interdepartmental cooperation and the development of policies that cut across immigration and other ministries. Interviewees note significant progress in this area, saying that improved planning in related ministries such as housing, health, and education has been facilitated by the funds, expertise, and power of a provincially located ministry responsible for integration (Interview 11). Further, Dickson et al’s (2013) report notes success in the design of interdepartmental policies such as the Public Legal Education for immigrants program, which funds programs that familiarize immigrants with the Canadian justice system, the Settlement Workers in Schools program, which places settlement specialists in public schools as a resource to immigrant children, and the Early Years Refugee project, which funds parenting services targeted at youth and adult refugees. There has also been success in the realms of regulation and practice such as within the Ministry of Health on child minding regulations. Part of the reason for this may be the fact that while immigration staff have moved around to multiple ministries in British Columbia, they have remained cohesive and consistent in their internal structures. It was first in its own ministry in 2001, then in Community, Aboriginal, and Women’s Services in 2002, then the Ministry of the Attorney General in 2005, and most recently in the Ministry of Advanced Education and Labour Market Development in 2009. While this could be seen as destabilizing, it has also been noted that it allowed the concerns of immigrant integration to penetrate the thinking of many realms of government (Interview 6). Further, it has been found that keeping the unit itself stable, even while moving it to different ministries allowed the branch to, “build a base of expertise and experience in settlement programming that encouraged innovation, including working with other ministries and agencies across government to provide more integrated immigrant services” (Dickson et al., 2013, 35). So, while there is always room for further improvement in intergovernmental coordination, progress has been significant and much improved over the era of federal control.
Since devolution, B.C. has been seen as an immigrant integration experimenter and innovator in a wide array of areas. In the realm of selection, B.C. innovated classes for specific skilled workers, investors, and international students that have been emulated by other provinces and the federal government with their recently introduced Canada Experience Class. In settlement, the department is seen as a national leader (Biles et al, 2011), innovating new programs such as the Welcoming and Inclusive Communities and Workplaces program and newly emerging programming targeting immigrants who are not serviced sufficiently by core programs — such as the elderly and youth (Interview 13; Hebert and Sherrell, 2011).

The province is also the first to seriously question the popular logic around the three-year settlement window, where services are only made available to recent immigrants by investigating the possibility of making programs available to settlement and integration programs available to immigrants after three years (Interview 11). This could address a flaw in the Canadian integration approach that has been critiqued by a great many scholars in the area (Omidvar and Richardson, 2003; Vineberg, 2012; Young and Tolley, 2011) as well as the Parliamentary Standing Committee on Citizenship Immigration (2010). Already, through the interdepartmental coordination outlined above, the province is finding ways to work integration and immigration issues into its own policies across government. Such policies do not carry the same limitations on eligibility as formal settlement services and can continue to assist immigrants after the third year of residency. Lastly, B.C. is leading the way on developing national assessment criteria for determining immigrant outcomes — something that is sorely lacking in this area of public policy nationwide (Interviews 6 and 7). The first report using their settlement outcomes survey was released in 2012, dealing with demographic impacts on settlement outcomes (BC Stats, 2012). The framework developed by BC Stats will continue to be used as the primary nationally focused and time-elapsing study of immigrant settlement outcomes. It is clear from this evidence that B.C. has been a hot house for immigrant
selection, settlement, and assessment innovation.

The impact of devolution on responsiveness is clear in the B.C. case. The policy innovations mentioned in the previous paragraph were designed at least partially to meet local needs that were not previously addressed in a nationally oriented system (Interviews 14 and 15). However, they were also designed using the feedback and engagement of frontline ISAs, who — despite some squabbles over the changes to funding criteria under the provincial government (Interview 13; Leo and Enns, 2009) — have seen a significant increase in communication and their influence and efficacy under the provincial government (Interviews 13, 14, and 15; Tolley and Young, 2011). Indeed, not only has the B.C. government engaged consistently and substantively with ISAs and other stakeholders — going so far as to devote an entire unit within the immigration branch to sectoral relationships — it made the professional development of the sector a priority, devoting funds, resources, and time to this cause (Dickson et al., 2013). In selection, even the relatively modest use of the PNP in B.C., when paired with provincially designed settlement programs, has led to a significantly greater degree of settlement outside of the Greater Vancouver Area, with 25% of PNP immigrants settling outside of Greater Vancouver, compared to only 10% of FSW immigrants (Interview 6; Ministry of Jobs, Innovation, and Tourism, 2011).

B.C.’s agreement with the federal government gave it significant freedom and resources to function in the realm of immigration. However, such agreements, where one level of government is reliant on funds from another to continue to operate in a policy area, can be unstable — as starkly demonstrated by the recent decision to terminate B.C.’s agreement. Thus, while there are positive elements of devolution, the nature of Canada’s fiscal federal system means a devolved situation would always carry with it a form of instability, as it is hard to tell if year to year, government to government, views on the agreement and the accompanying funding package will remain stable.

A devolved situation such as that in B.C. muddies the waters of accountability to some degree,
as is typically the case when multiple orders of government are involved in a single area of policy. Sophisticated voters, agencies, and organizations may be able to make a clear distinction between the settlement activities of the provincial government, and the selection and citizenship activities principally, but not entirely, undertaken by the federal government. However, governments could theoretically take credit for immigration successes or pass blame for any failures to the other order of government. For instance, settlement failures could be blamed on the federal governments’ lack of appropriately nuanced selection practices or unwillingness to open up more PNP spots, while poor outcomes for federally selected immigrants could be blamed on B.C. settlement failures. Thus, it is clear that the current arrangement is more complex for drawing lines of accountability than it would be if a single order of government were responsible for settlement and selection.

**Alberta**

Alberta first signed a PNP agreement in 2002, before their 2007 Agreement for Cooperation on Immigration both renewed and expanded this program, but also set out the terms of the co-management model on settlement that is in place between the province and the federal government. In contrast to Manitoba and B.C., the model gives the federal government primary responsibility for immigrant settlement policy planning, with Alberta taking a consulting and information sharing role. As discussed in Chapter two, Alberta came very close to signing a B.C. and Manitoba-style devolved agreement, but did not agree in the end due to disagreements over the level of funding on offer, and the federal insistence on integrating terms tying the agreement to elements of the Official Languages Act (Interview 8). Ultimately, Alberta agreed to a co-management model, where the federal and provincial governments collaborate on the design and funding of settlement services in an attempt to balance national priorities and standards and local responsiveness (Esses et al., 2013). However, settlement programming is ultimately funded and planned principally by the federal government.
Alberta has principally utilized its PNP to augment the FSW program. Between 2005-09, PNP immigrants accounted for 22% of Alberta’s overall immigration (Citizenship and Immigration Canada Evaluation Division, 2011). However, there is significant interest in increasing this percentage in the future or finding another arrangement that can help Alberta meet its significant labour market needs (Interview 21). Alberta has relied more than any other province — at close to a third of the total (Fideres, 2011) — on the Temporary Foreign Worker Program to meet these needs. This program allows individuals with particular prescribed skill sets to enter the country on a temporary basis to fill a specific temporary position. At the end of the designated work period, the individual must return to their country of origin, unless an avenue to permanent residence is available to them (for example, the Canadian Experience Class). The program’s significant use, however, does not represent a long-term solution for all of Alberta’s immigration issues and the province continues to seek ways to find more permanent residents that can meet their labour market needs.

Once Alberta began investing significant funds in immigration it created the Ministry of Employment and Immigration, a partnership clearly aimed at creating synergy between the province’s labour market policies and their immigration strategies. Immigration subsequently switched to the super Ministry of Human Services, which covered income support, employment training, workforce development, labour market research, and occupational health and safety, among other services. More recently, principal responsibility for immigration was shifted to the ministry — under multiple names — responsible for advanced education, however some authority has also been shifted to other ministries, in an attempt to bring an immigration lens to other parts of the government. However it is unclear whether or to what degree this diffusion has actually created greater interdepartmental synergy (Interview 21). It is also the case that since most of the programs are planned at the federal level and have federal funds attached to them, the ability of the Alberta
government to create synergies is limited, as they are unable to craft the vast majority of these programs (Interview 21).

Alberta was not very active in the development or funding of settlement programs until very recently. The province's unique political culture meant that skepticism towards immigration was higher — or at least more acute — than in other provinces. Further, there was resistance to devoting significant government funding to any services or supports that targeted a particular identifiable group, which settlement services almost always do. However, driven largely by insistence by the private sector (Frideres, 2011), the province has more recently started to grasp the potential benefits of immigration more generally. This has been accompanied by an increase in the perceived value of select settlement services — by both the public and the government (Interview 8). The province is in the process of starting to develop more sophisticated and focused settlement programs that can meet the needs of their local context, and with a particular drive at economic integration. These measures include a greater emphasis on pre-arrival settlement as well as improving program evaluation. Most notable, the province also created a single application for ISAs to use for grants, regardless of which level of government they are applying to (Frideres, 2011). However, the capacity to do this is limited without contributing significant provincial funds, something that the Alberta ministry sees as an inevitability if they wish to continue to grow as the federal government seeks to centralize settlement responsibility (Interview 8). There is a clear sense that the focus by Ottawa on national standards is limiting flexibility and creativity at the provincial level, particularly under co-management agreements like Alberta's (Interview 8).

An assessment of the effectiveness of Alberta’s settlement services shows that more than half of immigrants have made use of services and that satisfaction with services is relatively high. In particular, satisfaction has been high with services in northern regions and with employment connection services. Interestingly, the Esses et al (2013) evaluation of Alberta settlement outcomes
found that immigrants who made use of the provincially designed community connection services “are especially likely to participate in sports, recreation, and cultural activities in their local community, to feel a sense of belonging to Canada, and to consider it important to vote in elections” (6).

The one place, however, where Alberta has been a significant innovator is in its PNP classes. Besides trade-skill, international student, and job-offer streamline classes that bear a similarity to British Columbia, Alberta also shares some similarities with Manitoba in crafting classes that try to attract immigrants with lower or medium skills. This is based on the logic that the FSW program does not allow the flexibility to attract the workers necessary to fill particular areas where demand is high. In Alberta this has included things like processing and transportation — as in Manitoba — but has also included service industry jobs in hotels, tourism, and food services.

The province feels that is has a strong relationship with ISAs and, at least to some degree, are more responsive to their concerns (Interview 22). The next chapter will look more closely at the degree to which ISAs agree with this perspective. There are concerns that recent cutbacks in the local offices of CIC will only further damage their ability to be responsive to on the ground situations in the provinces and regions (Interview 21). However, neither level of government seems deeply integrated with the ISAs (Frideres, 2011). Indeed, the situation seems similar as relates to municipalities, as they have only recently become invested in taking a role in immigrant integration. However, while these calls have come late, there is significant will to find a stronger place for the municipalities in relation to both the federal and provincial levels of government (Frideres, 2011).

The Alberta government’s agreement is arguably the non-devolved agreement, where the province carries the most significant role in terms of planning and influencing programs and funding priorities, as they collaborate with the federal government on a wide-array of programs. Thus, the lines of accountability are particularly cloudy in the Alberta example. The federal
government sets immigration levels, funding amounts, programs, and priorities, but does so with a variable level of input and guidance from the Alberta government. Further, as the province becomes more active in designing and administering its own programs and continues selecting immigrants using its own classes, the lines of accountability become further blurred.

To summarize, Alberta exists in a co-management model of immigrant settlement, and has a PNP that compliments the FSW programs with about 1/5 of its overall permanent immigration, an amount that is growing. Opportunities for coordination are hindered both by the small scale and relative infancy of the province's immigration activities and capacity. Policy innovation at the provincial level has been present, but again limited by their lack of resources and responsibility. Lastly, while there might be some evidence to suggest that the province is more in touch with local circumstances — again — the developmental state of the province's approach to immigration, combined with the limited capacity of many of the potential partners limits this. Lastly, accountability is particularly clouded in the Alberta model, with the co-management approach leaving many responsibilities unclear or insufficiently circumscribed.

Ontario

Unlike B.C. and Manitoba, Ontario did not seek devolution when it signed its first major settlement and PNP agreement — The Canada-Ontario Immigration Agreement (COIA) — in 2005. As the largest recipient of immigrants by some margin for all of Canada’s history, Ontario never had a significant motivation to become involved in the management of immigration — feeling the job the federal government was doing benefited them just fine (Interview 5). As a result, COIA created a co-management model, where the federal government is responsible for the majority of core services — in consultations with the provincial and Toronto governments — and the province supplements these with its own programs. This is especially important in language training, where the province remains a major player (Interview 10). In selection, Ontario remains the most minimal
user of the PNP, at only 1.2% of immigration into the province between 2005-2009 (Citizenship and Immigration, 2011). Ontario had little interest in the PNP and only took it on due to federal government pressure during COIA negotiations (Interview 10). However, their allocation and use of the program is set to increase due to growing dissatisfaction with both the size and composition of the immigrant cohort currently coming from the FSW class (Interviews 5 and 12; Seidle 2013). The province has also seen their share of immigration in Canada decrease — despite retaining a much larger percentage than any other province. While this has often been attributed to the province's declining economic fortunes compared to the Western provinces, the Mowat Centre has also argued that it is due to the character of the PNP (Mowat Centre, 2014), thus necessitating more involvement. Thus, in Ontario the federal government funds and plans core programming, with the province using their own funds to supplement these programs. They also make minimal use of the PNP.

Interdepartmental coordination in Ontario is clearly hampered by the fact that most responsibility and funding lies at the federal level. Where there is harmonization across provincial ministries, it is in the areas of significant provincial spending, such as language education and labour market integration (Biles et al., 2011, Interview 12). One interviewee notes that this is because such integration is inherently harder for the federal government to do with provincial departments across ten provinces, particularly when the politics between two governments are as hostile and fractious as they have been between the Ontario Liberals and federal Conservatives (Interview 12). This ensures that the long-term likelihood of integrated programs reaching across ministerial silos is exceptionally unlikely.

With limited funding, a relatively new ministry, and constrained access to the policy arena, Ontario’s areas of innovation have been limited, in spite of their access to the largest service provider base, network of stakeholders, number of active municipalities, and immigrants. Some
innovation has occurred in the province’s language training and workplace integration programs — such as the bridge program — but this is notably only in areas where the province has been active. A significant percentage of the work done by both ministries is instead aimed at coordination and avoiding duplication (Biles et al., 2011) — a concern that is absent when there is only one party operating in a policy area. The province has seen success with its unique employment bridging program. Also, some innovations have been occurring in the municipal arena, particularly in terms of improving service delivery to attend to an increasingly diverse citizenry (Stasiulis, Hughes, and Amery, 2012). However, such innovations are limited, isolated, and have not been harnessed and utilized across the province or the country in any systematic or consistent way.

Clearly the federal government dominates the funding situation in Ontario, though it is worth noting how the combative intergovernmental politics that have characterized the province have impacted the situation. The federal government first rejected the province’s call for a devolved agreement and funding in the style of B.C. and Manitoba, at the time giving no clear explanation for the differential treatment. However, with the recent decision to end the B.C. and Manitoba agreements, the government’s reasoning seems clearer. Another bone of contention has been the fact that the federal government never fulfilled the funding promises made under COIA. Moreover, the adjustment of the settlement funding formula in 2011 to pay out on a per-immigrant basis has further lessened the amount spent in Ontario. Thus, the federal government is spending less than was promised and less than was previously the case and the province is limited in its capacity to insert much new funding into the sector.

In spite of a lack of devolution, the Ontario government remains active in immigrant settlement, responsible for around 22% of all money spent within Ontario, the lines of accountability remain somewhat blurred. Indeed, there has been no shortage of attempts by federal and provincial politicians to blame the other order of government for Ontario’s immigration ills.
Indeed, both are also clearly interested in courting the province’s massive immigrant vote. Thus, while voters could reliably look principally to the federal government on the immigration file, the provincial governments not-insignificant presence and political bravado on the issue complicates matters.

**Impacts of Devolution: A Summary**

It is important to summarize the impacts of devolution that have been observed across the four case studies. 1) In its current form devolution does not have a strong impact on the level of funding provincial governments choose to add to federal funds for settlement. 2) Interdepartmental coordination in immigrant settlement is much easier to accomplish at the provincial level, due to the location of related ministries at that level. 3) Policy experimentation is more common within individual provinces than in the federal government; is amplified when responsibility, funding, and ministry size increases; and is further amplified when more provinces have this space and capability. The federal government has emulated provincial innovations and provinces have adopted one another's programs as well. 4) Provincial ministries are smaller and have closer, more communicative, more reciprocal relationships with stakeholders, municipalities, and immigrants. Groups and government officials at the provincial level describe a relationship where knowledge of local realities combines with a greater effort to implement the suggestions of stakeholders to make stronger policy in a timely fashion. Federal engagement, overall, is much weaker, (Interview 12), perhaps particularly in the western provinces. Further, as shall be seen in the next chapter, ISAs also feel that collaboration and communication is strongest with the provincial governments. This, along with innovative capacity, allows provinces to craft settlement and selection approaches that are both empirically more effective, and politically more in tune with the province’s goals. 5) Devolution, in its current form, due to its reliance on intergovernmental agreements that can be canceled with minimal notice, combined with the provincial reliance on federal funds makes the situation
inherently more volatile and difficult to predict. 6) Any devolution besides near-full devolution, as in the case of Quebec, makes it difficult to draw clear lines of accountability.

**Impacts of Centralization**

It is lastly important to look at the potential policy impacts of a fully centralized system of immigrant selection and settlement. While the case studies of devolution do not provide direct evidence, interviews with participants repeatedly drew out the contrasts. Each of these can be discussed in relation to the same impacts of devolution: 1) funding, 2) interdepartmental coordination, 3) consistency, simplicity, and national standards, 4) fiscal stability, and 5) accountability.

As with devolution, it is not clear how a fully centralized system of immigration would impact funding. Many have theorized that, generally, federalism lessens social welfare spending (Obinger, Castles, and Liebfried, 2005), but a centralized system would mean national funding levels would hinge on the disposition of a single government, removing any chance for provincial supplementation.

What a centralized system loses in interdepartmental coordination in terms of programs related directly to the long-term economic and social integration of immigrants, it gains in terms of a cohesive approach to selection, citizenship, multiculturalism, and nation building. There is a strong case to be made for merging immigrant selection, settlement, and long-term integration and multiculturalism into a single cohesive strategy in the same order of government. Since it is incredibly unlikely that selection and citizenship would ever be fully devolved, the only place this can happen is in the federal government (Interview 20). A centralized federal immigration ministry could work with Canadian Heritage and related ministries to construct a more coherent multicultural approach and national identity project. For a country with a history of fractious unity politics, this could be of significant benefit.
While there is a clear provincial edge in the realm of experimentation (Interview 12) in return a centralized approach has a greater capacity to provide consistency, simplicity, and national standards in both selection and settlement. The diversity in selection and settlement approaches which have proliferated in the last 20 years have led some to question whether there is any coherence of approach at all (Auditor General of Canada, 2009; Interview 11). This is a valid question, indeed, given four entirely unique sets of core settlement programs, marginal additional programs in most provinces, and over 70 distinct immigration paths. This is in spite of various attempts at intergovernmental collaboration such as the federal-provincial/territorial tables in the immigration sector. A single order of government, responsible for immigration would simplify the programs direction and policy offerings. They would also be able to offer more reliable national standards, ensuring a common set of entry requirements and settlement services nationally — as well as in any other federal government dominated sector anyway.

Again, the federal government is less well placed to consider, communicate with, and attend to local concerns. However, what it brings as an alternative is a national focus, allowing it to consider the macro needs of the country as a whole, the long-term vision, and the most prominent national voices with the broadest bases of support. This, again, plays into the federal government’s role in producing a cohesive national vision and a strong, unitary nation building project — moderated, of course, by the nation building project in Quebec and immigration’s role in it (Gagnon and Iacovino, 2007).

Obviously, the lone role of the federal government would render fiscal stability concerns null in this particular realm. It would also neutralize accountability concerns, as the federal government would become the only active player in immigration.

Linking Theory and Policy: Analysis and Typology

The first section of the dissertation provided a list of potential normative goals that would
cause a country to undertake an immigration policy, as well as goals of an immigration policy, while the second section outlined the policy outcomes of devolved and centralized approaches to immigration selection and settlement. The main points of each of these sections are summarized in Table 1. I shall now demonstrate how the policy outcomes of devolution or centralization link to the particular normative goals. From here, the question of whether to pursue a devolved or centralized immigration policy will be shown to be a matter of deciding the normative goals that motivate Canada’s immigration program, rather than a question of the inherent superiority of devolution or centralization.

Before looking at the different relationships these two approaches to immigration have in relation to the normative goals of immigration, it is first worth discussing the ways in which they are not importantly distinguishable or where neither approach has a clear advantage in a particular normative goal. First, there was one policy area examined where the level of devolution had no impact: the level of funding. This element is clearly tied up in other politics and as such, won’t be considered in relation to the motivations for and goals of immigration. In terms of a humanitarian duty or choice, there are clear advantages at both levels. A centralized system would unite the whole country behind a particular level of humanitarian use of immigration, while a devolved approach would allow each province to select its own approach to humanitarianism or to negotiate amongst themselves and the federal government for a particular approach. The logic is similar when thinking of the role devolution or centralization has on the politics of immigration. While devolution introduces the extra layer of intergovernmental politics, it also allows for provincial/regional approaches without needing disagreements to be fought out on the national political stage. Again, neither approach is inherently superior. Lastly, given that the majority of immigrants under both systems come from diverse locations, at similar levels, and flow, in majority, to cities I feel both approaches would have a similar impact on the motivation of furthering globalization of Canada.
Table 1: Normative Motivations and Program Characteristics

<table>
<thead>
<tr>
<th>Normative Motivations of Immigration</th>
<th>Program Characteristics</th>
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<tbody>
<tr>
<td>1. Humanitarian duty or choice.</td>
<td>1. Funding levels.</td>
</tr>
<tr>
<td>2. Demographic/cultural-linguistic needs.</td>
<td>2. Fiscal stability.</td>
</tr>
<tr>
<td>3. Large-scale/long-term economic goals.</td>
<td>3. Interdepartmental coordination.</td>
</tr>
<tr>
<td>4. Small scale/short-term labour market goals.</td>
<td>4. Experimentation, emulation, and competition.</td>
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<tr>
<td>5. Nation building.</td>
<td>5. Responsiveness.</td>
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Table 2: Alignment of Goals and Approaches

<table>
<thead>
<tr>
<th>Type of Arrangement</th>
<th>Centralized Responsibility</th>
<th>Devolved Responsibility</th>
<th>Both</th>
<th>Neither</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Goals of Immigration</td>
<td>1) Nation building.</td>
<td>2) Large-scale/long-term economic goals.</td>
<td>3) Procedural fairness.</td>
<td>4) Accountability.</td>
</tr>
<tr>
<td>1) Demographic/cultural linguistic needs.</td>
<td>1) Humanitarian duty or choice.</td>
<td>2) Small-scale, short-term economic goals.</td>
<td>3) Experimentation etc.</td>
<td>4) Responsiveness.</td>
</tr>
<tr>
<td>2) Small-scale, short-term economic goals.</td>
<td>1) Funding levels.</td>
<td>2) Fiscal stability.</td>
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<tr>
<td>3) Experimentation etc.</td>
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<tr>
<td>4) Responsiveness.</td>
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<tr>
<td>5) Quality of integration.</td>
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First I shall speak to the motivations and goals that a centralized policy best fulfils. The process of nation building is clearly best executed through a single program, with a unified vision, mindful of nationally important goals, perceptions, politics, and priorities. Similarly, such unified
national institutions and attention to national priorities make a centralized system the one best placed to work towards large-scale, long-term national economic goals.

To turn to the goals of an effective immigration program, the unified, uniform, simplified, and nationally consistent program lends itself well to the goals of procedural fairness and national standards. A single system eliminates loopholes, makes the system simpler, creates more consistent treatment, and ensures — to a greater degree at any rate — that settlement programs are similar across the country. In addition, as mentioned at many junctures through the paper, the location of all immigration responsibility in a single order of government makes lines of accountability much clearer. Since a system where both selection and settlement are completely devolved seems exceedingly unlikely, a centralized system remains the best option for simplifying processes of equality.

The devolved approach links exceptionally well with two motivations for immigration. It is clear that the smaller, nimbler provincial governments, with their superior capacity for connections to local stakeholders and communities and stronger record — overall — of policy experimentation and innovation are superior at crafting small-scale, short-term labour market policy. For similar reasons they excel at addressing localized demographic, cultural, and linguistic needs. Both of these proficiencies are amplified by the strong actual and potential coordination between related departments and ministries.

While there are fewer goals of successful immigration policies that a devolved system excels at, the ones they excel at are very significant. The smaller governments can process immigrant applications more quickly than the current federal government. In addition, their communicative, experimental, and innovative nature means they can assess and react more quickly. Overall, with these and other factors in mind, with the measures currently available, it seems clear that overall settlement and even integration are stronger in the provincially designed systems. This is especially
true when one takes into account the more diverse starting points of immigrants under the provincial systems, the ability to better craft programs to local circumstances, and the overall level of experimentation and innovation that arises under a devolved system.

In order to add some more depth to the analysis, it is worth considering the degree to which either approach could, in theory, do more to excel in areas where it falls short of the opposite approach. I shall consider a few of these possibilities for each approach.

For the centralized approach, there are structural disadvantages to addressing local demographic and localized labour market needs. In the first case, any attempt to encourage or bolster a unitary national identity necessarily limits similar attempts to create or support regional identities. Similarly, the devolved nature of labour market policy, and the various apparatuses that go along with it, means that the federal government’s ability to forecast and act on labour market information is significantly limited. However, on the goals of immigration side, a centralized system could, in theory, work to become more responsive, nimble, and innovative. However, it is hard to see how this could surpass similar provincial efforts. If the same level of resources or effort were devoted on the provincial side it would just lead to yet more successful settlement policies.

The devolved approach could only arrive at some elements of a cohesive approach to nation building and large-scale economic goals through intergovernmental negotiations and planning. This process seems very unlikely to succeed for nation building — especially given Quebec — but some coordination of labour market and regional economic policies towards a unified national policy could be possible. This could also be the goal of the percentage of immigrant intake that remains the responsibility of the federal government. Similarly, intergovernmental negotiations could move towards more national standards. In addition, it has recently been questioned in the federalism literature whether provinces acting independently of any federal direction end up in significantly different places. Research on education indicates that political, institutional, and public pressures
ensure that standards, offerings, and outcomes remain quite similar across the country without any federal direction or enforcement (Wallner, 2010).

To summarize, the two different approaches to immigration in a Canadian federal system are characterized by two significantly divergent sets of goals and characteristics. A centralized immigration system — with responsibility for selection and settlement located exclusively in the federal government — could excel at coordinating the number of immigrants to allow, while also providing the best coordination of nation building and large-scale, long-term economic planning. Such a system would also likely be more procedurally fair and accountable, while offering more reliable national standards in settlement services. Conversely, a devolved system — where the majority of selection and settlement responsibility is devolved to the provincial governments, along with the necessary funds to carry out these responsibilities — would excel at achieving local demographic or cultural-linguistic goals, as well as small-scale, short-term, labour market focused economic goals. Such a system would be timelier in processing applications, would be better and faster at assessing and revising its programs, and would provide a higher quality of integration, more consistently for immigrants.

Conclusions

This chapter has attempted to argue that the choice for Canada between a devolved and centralized system of immigration is not a simple matter of which system provides the best results, but a more nuanced process of deciding which of the normative goals and motivations for immigration one wants, and then selecting the system that best attends to them. There are a few clear limitations of this chapter, namely that it does not consider, in any significant detail, a hybrid system of partial, asymmetric, or minimal devolution. This will be considered in the conclusion of this dissertation that discusses the best path forward for Canada.

Secondly, the section discussing a fully centralized system is relatively silent on Quebec, their
well-entrenched immigration devolution — which would be exceptionally difficult, politically, to remove— and their nation-building project. Future expansion of this project could consider Quebec’s place more carefully, but for now it must remain a second thought.
Chapter 5: The Impact of Devolution on Immigrant Service Agencies

Canada is unique amongst other immigrant receiving countries in the world in that nearly all immigrant settlement services are delivered by private, not-for-profit organizations, as opposed to government offices. This is the case with all services that are designed at the federal or provincial level, with some minor, and shrinking exceptions in Quebec (Interview 23). Municipalities also partake in some service planning and provision. These activities are minor (Good 2009; Young 2011) but may be growing and are certainly taking on a more diverse and distinctive character (Tossutti, 2013). Overall, services are planned in the broadest sense by the federal and/or provincial governments, but administered and managed by immigrant service agencies (ISAs), agencies that are diverse and complex.

This raises several key questions. Which levels of government do the ISAs find themselves best able to work with? How does this system interact with and impact a complex division of immigration responsibility between the two orders of government? Could the system be made more effective than it is now? And lastly, could utilizing a more devolved or centralized approach to immigration policy optimize the benefits of the system?

This chapter attempts to answer these questions along two key themes, while also situating this particular case study within a broader theoretical and empirical literature around contacting out of government services and the relationships between different funding approaches and third sector organization behaviour and capability. The first theme focuses around whether the process of devolution outlined in the previous chapters has had any significant impact on the issues and struggles that have arisen as a result of changing contracting out practices in Canada. The second theme investigates whether a devolved or centralized system of immigration policy planning would
best pair with the system of contracting out to ISAs.

By looking at ISA activity in all the Canadian provinces outside Quebec the chapter will advance two arguments, linked to these two themes. First, it shall be argued that the contracting out approach to service provision is an effective one, but has been negatively impacted by the strict grant-for-service model. It shall be further argued that the process of devolution has had no significant impact on this trend, as the principles of New Public Management (NPM) are firmly embedded in both orders of government. Secondly, the chapter will argue that since these organizations have stronger, more productive relationships with provincial governments — for reasons of proximity, knowledge of local conditions, and responsiveness — the contacting out system of service provision is best paired with a significant amount of provincial control over settlement policy planning, with space for broad, overall federal priority setting. While the level of devolution has no clear impact on the negative elements of contracting-out, the positive elements of the practice are amplified in this case when managed by the provincial government. This will be particularly effective if the two levels of government coordinate their actions effectively to create the greatest possible stability.

These arguments will be advanced in four sections. First the existing literature on contracting out, funding systems, and government/non-profit relationships shall be canvassed in order to place the subsequent case study in a research and theoretical context. Second, the core features of the ISA system in Canada will be introduced. From here, the chapter will discuss the modern ISA context as illustrated by a combination of qualitative interviews and a survey of ISAs in Canada conducted as part of the research reported here. Fourth, and finally, the chapter will take the historical research and new data and, through the theoretical framework outlined in the first section, advance the key arguments and observations of the chapter.

**Contracting Out: Control and Versatility Without**
Accountability?

Canada’s governments rely heavily on the contracting out of government services to non-profit organizations. The definition of contracting out that I will be working with is derived from Donald F. Kettl’s (2002) definition, as the creation of a formal contract to manage the exchange of government funds for a particular service or activity by a non-government organization, allowing for an arm's length form of service provision and accountability.

Why Contract Out?

In the broadest sense, contracting out provides six clear benefits for governments. First, governments can direct their funds to the creation and delivery of programs and policies without developing an internal capability or competency to do so. There is no need to hire new internal directors, researchers, analysts, or service delivery specialists on a permanent basis, or at least the scope of such hiring is reduced. In some cases, governments also contract out to avoid paying the significant salary and benefits of more public service workers, achieving similar results for less cost.

Second, contracting out program design and/or delivery allows government to make use of not only generalized experience and expertise that may exist at the non-profit level, but the knowledge of a specific context or particular groups that comes from working in a more localized setting. In this way, contracting out follows a similar logic to that of decentralization in the federalism literature (McRoberts, 1993). This means that government funded programs could be flexible and responsive to local conditions in ways a centrally planned and administered service would be unlikely to achieve. Ideally, this can allow for collaboration between the micro-level understanding of organizations, and the more macro-level priorities and perspectives of governments (Philips and Levasseur, 2004)

Third, governments can use contracting out to direct, constrain, or enhance the efforts made by non-profits in a particular policy area. Since non-profits are, typically, dependent on some form
of government funding, and run on relatively modest budgets, government can use the granting or removal of funds, or the tying of particular conditions to the funds to gain influence in a policy realm dominated by non-profits. As Phillips, Laforest, and Graham (2010) note, Canada is a clear case of how institutional arrangements can “slowly and subversively constrain instrument choice” by non-profits in the realm of contracting out (24).

Fourth — and again, following logic similar to decentralization in the federalism literature — contracting out typically allows for a diversity of approaches that leads to experimentation and, when communication avenues allow, emulation and the adoption of best practices. Such experimentation could come in policy development, implementation, or service. While such a system can certainly lead to the development of better policy, it is also key for governments seeking to achieve fiscal efficiencies (Sadiq, 2004). When governments adopt a competitive bidding process — an approach that shall be further elaborated on below — it can encourage organizations to seek cheaper or more efficient ways to deliver particular services, giving them an advantage in bidding (Leo and Enns, 2009). From there, such practices can be shared amongst organizations or promoted by government. Competitive bidding, however, has other, potentially negative, impacts that will be investigated below.

Fifth, contracting out allows government to use its funds to build a greater citizenship capacity in civil society. By getting more citizens involved in policy and government priorities, a greater likelihood of policy innovation and local solution seeking is possible (Phillips, Laforest, and Graham, 2010).

Lastly, and somewhat controversially, contracting out muddies lines of accountability, making it possible for government to be active in a policy area while maximizing both credit taking and blame avoidance. The government can take credit for generalized success in a system where they are the primary funding party, but can always minimize their involvement in one-off or isolated mistakes.
or failures — directing blame at the specific organizations (Brown and Troutt, 2004).

**Canadian Experience with the Impacts of Contracting Out**

Phillips, Laforest, and Graham (2010) have noted three funding models that can exist between governments and non-profit organizations: 1) the charity model, where government creates a tax structure that encourages private donors to give to non-profit organizations, but does not intervene with its own directed funds; 2) the welfare state model where governments shop for services to augment those that already exist, exchanging funds for measurable and accountable outputs; and 3) citizenship financing, where government provides broad and stable funding to create a strong, thriving third sector with its own competency and professionals and then collaborates with them to work towards shared policy and program goals. Importantly, these models are not mutually exclusive and can exist simultaneously within a single government, especially across different policy sectors. Canada has long engaged in the first model, and the third model was the principal aim of their funding to non-profits in the 70s and 80s. However, the second model, where governments use their funds to shop for particular services, has become the most prominent model in recent years.

This shift from away from stable, programmatic funding, towards a pay-for-service and competitive grant based approach has been the single most impactful evolution in the funding relations between governments and non-profits in recent decades. The change is tied very closely to the move towards new public management and the federal budget review exercises of the mid-1990s. During this period, concerns over efficiency and accountability grew significantly, both within government ministries, but also in government funded organizations.

The impacts of this move have been well noted in the non-profit literature, and are rather consistent across different non-profit sectors. Overall, there is a sense that the move to less consistent and programmatic funding has destabilized the sector as much as a lessening of funding overall (Omidvar and Richmond, 2003). The lack of certainty around funding for anything but
particular services, which must be delivered as efficiently as possible, combined with the need to
devote significant staff resources to applying and competing for funding on an annual (or more
frequent) basis, means the core administrative capacity of organizations has been significantly
lessened (Richmond and Shields, 2004). This is exacerbated by more frequent staff turnover and an
inability to hire staff exclusively for administration, placing more of this stress on executive or
program-oriented workers (Brown and Troutt, 2004).

Further, organizations have seen the move as a deliberate attempt by government to
restructure their capabilities and activities, causing a shrinkage in service choice and innovation, a
curbing of medium and long-term policy and program planning, and a stymieing of extended
activities such as community development, advocacy, and education (Richmond and Shields, 2004).
Even if it has not been an explicit intention of government, the current funding model clearly limits
instrument choice and leads to a more market oriented view of best methods and practices (Phillips,
Laforest, and Graham, 2010). Lastly, the need for constant reapplication has made non-profits more
dependent on and vulnerable to the positions of the government of the day. For organizations,
funding would ideally be more or less stable unless government moves in drastically different
directions.

The second big trend has been a significant increase in the reporting and accountability
measures organizations face in exchange for government funds. Tools such as progress reports,
financial audits, program plans, and empirical effectiveness measures have increasingly become part
and parcel with the receipt of government funds for services. The pressure to engage in such
activities was only amplified in 2000 after an audit of Human Resources and Skills Development
Canada found significant financial information and accountability gaps, leading to a general call for
more government financial accountability (Phillips and Levasseur, 2004).

There is significant dispute, as well, over the precise effectiveness of such accountability
measures. Phillips and Levasseur (2004) note that there is little evidence that all the measures have promoted substantively more accountability. However, Brown and Troutt (2004) argue that performance measures — such as output service measures, customer satisfaction surveys, external audits, and productivity reports — have assisted organizations in improving their strategic decision making, though with some caveats towards other essential attributes such as funding diversity and the education level of the executive director.

The combination of funding changes and accountability constraints has also had an impact on the success of different organizations based on size. Simply stated, larger non-profit organizations have a significantly greater capacity to devote staff and financial resources to both funding applications and reporting requirements. This puts them at a significant advantage when it comes to acquiring funds, and even puts them in a position to dole funding out to smaller organizations and place such organizations in a ‘two-tier dependency’ as Sadiq (2004) calls it. This weakening of smaller organizations, which often have unique relationships with particular communities or groups, is potentially problematic. In referencing one such cluster of small organizations — ethno-specific ISAs) Sadiq (2004) argues that three key functions are lost when they are marginalized: 1) ethnolinguistically specific services, administration, and outreach; 2) the ability to act as a form of newcomer employment and volunteer experience in a more cultural-linguistically sensitive fashion; 3) greater accessibility than large-scale ISAs, as they tend to be located in the neighbourhoods they serve.

To summarize, there are plenty of compelling reasons for governments to pursue contracting out as an option for service delivery. Indeed, the benefits can be seen not just for government, but for non-profit organizations and citizens as well. The trick, however, is to find a balance between the potential benefits of the system in terms of crafting strong policy in a more efficient fashion and the spending and performance accountability measures that sometimes obstruct this.
Immigrant Service Agencies

Immigrant service agencies in Canada have evolved into a diverse and complex sector within the broader non-profit family. This complexity arises from several sources. First, the presence of settlement services has grown significantly, as has government funding for them. Second, the extreme differences in immigration patterns that exist in different regions of the country make the nature of these organizations inherently diverse. Third, the complex nature of immigration jurisdiction has meant that each province has developed unique incentives and constraints for ISAs, leading to differences in the number, size, nature, and activities of groups. This diversity is caused by much more than the number of immigrants that arrive in a particular province. This section profiles the modern ISA sector. The features of the agencies, how they relate to one another and governments, and the types of services they deliver will be explored.

Getting an accurate count of the number of ISAs is not simple. As it stands there are over 200 organizations listed on the federal government website for "immigrant services in your area." (Government of Canada, 2013) Provinces keep similar lists, which increase the number significantly. Biles et al (2011) argue that Ontario alone may have over 1,500 organizations that receive money from government to pursue immigrant settlement activities. The best guide to the number of actual immigrant serving organizations may be the lists of the provincial umbrella organizations (where they exist) and the federal government's list, where they do not. Certainly some organizations may choose not to be affiliated with the umbrella organizations, but lacking any clear government documentation of the types of organizations that grants are going to, they seem the best guides. Figure 1 displays the results of this count and the extreme variation between provinces (except Quebec), even those with similar immigration patterns.

Figure 1: ISAs and Permanent Residents Outside Quebec
<table>
<thead>
<tr>
<th>Province</th>
<th>Organization</th>
<th>Number of ISAs</th>
<th>Percentage of all ISAs</th>
<th>Percentage of Permanent Residents 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberta</td>
<td>Alberta Association of Immigrant Serving Agencies</td>
<td>22</td>
<td>5.8%</td>
<td>15.7%</td>
</tr>
<tr>
<td>British Columbia</td>
<td>Association of Multicultural Societies and Service Agencies</td>
<td>73</td>
<td>19.4%</td>
<td>17.7%</td>
</tr>
<tr>
<td>Manitoba</td>
<td>Manitoba Provincial Government</td>
<td>29</td>
<td>7.7%</td>
<td>8.1%</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>Association for New Canadians</td>
<td>13</td>
<td>3.4%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Newfoundland and Labrador</td>
<td>Association for New Canadians</td>
<td>2</td>
<td>0.5%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>Nova Scotia Provincial Government</td>
<td>7</td>
<td>1.8%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Ontario</td>
<td>Ontario Council of Agencies Serving Immigrants</td>
<td>219</td>
<td>58.2%</td>
<td>50.5%</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>PEI Association for Newcomers to Canada</td>
<td>2</td>
<td>0.5%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>Saskatchewan Association of Immigrant Settlement and Integration Agencies</td>
<td>9</td>
<td>2.4%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These organizations fall into four broad categories: 1) small organizations that provide a range of immigrant settlement services in particular geographic, ethnic, or faith communities, 2) organizations that specialize in a particular service, 3) larger multiservice organizations that service significant geographic areas (even whole cities) and may even have a granting, or coordinating role with smaller organizations, 4) larger "universal" service organizations that, among other services, provide immigrant settlement services (Biles, et al, 2011). Also important are umbrella organizations that exist primarily to coordinate the ISAs in a particular (usually provincial) jurisdiction, and act as a link to government and other partners. Within these types of organizations are the activities of the organizations, which are also complex. In the broadest sense, Beyene (2000) notes three service delivery models for ISAs: 1) mainstream, where services are provided with as little cultural content as possible, 2) multicultural, where services are delivered with attention paid to many particular
cultures, and 3) ethno-specific, where services are provided with one particular cultural group in mind. Sadiq (2004) goes on to note four broad categories of services, each of which can be delivered within these models: 1) reception level services, 2) basic level services, 3) labour market entry services, and 4) specialized settlement services.

Beyond, the significant differences that exist in the number of organizations in each province, provinces vary significantly in the mix of types. For instance, British Columbia does not fund ethno-specific agencies, and has considerably more large multiservice organizations than Ontario. The less-populous Atlantic Provinces have significantly fewer organizations and the organizations are often called on to service the whole province or, at least, significant geographic regions. Another important distinction is between rural ISAs — which are more likely to be modest, multiservice agencies, acting as the sole service providers for regions — and urban ISAs — which are more able to offer broad comprehensive services or fill niches due to higher geographic concentrations of immigrants.

The Study: Survey of Immigrant Service Agencies

To develop a fuller understanding of this under-studied sector, an original survey of ISAs across the country was conducted in 2013. The survey questionnaire contained 33 questions of a mixed quantitative and qualitative nature and was sent to 275 organizations with easily accessible contact information and a significant percentage of their operations in immigrant settlement services. The questionnaire is included as Appendix 1. Of those 275 organizations, 43 valid responses were received, a response rate of 15.6%. These responses represent a broad distribution according to region, and have considerable variation in key areas such as size of organization and organizations that perform almost exclusively immigrant settlement services, and those that principally provide other services. While the data below cannot be deemed reliably generalizable to the overall sample, it provides, nonetheless, a useful snap-shot of some key views and characteristics.
within organizations.

The data below are organized in three main themes: funding, relations with government and other organizations, and visions for successful settlement. Each section will lay out broad observations from both the quantitative and qualitative data. In the final section, this data will be combined with the theory and observations of the first two sections to support the chapter's conclusions about the relationship between ISAs and governments.

Figure 2. Sources of Funding for ISAs

<table>
<thead>
<tr>
<th></th>
<th>Federal Government</th>
<th>Provincial Government</th>
<th>Municipal Government</th>
<th>Donations</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Average</td>
<td>49.9%</td>
<td>34.9%</td>
<td>5.6%</td>
<td>6.60%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Funding

As anticipated by the survey, the overwhelming majority of funding for organizations is drawn from governments, particularly the federal and provincial governments. The funding estimates of organizations are broken down in Figure 2. Clearly, the federal government is still the most significant direct source of revenue for ISAs across the system as a whole, though the provincial governments also make up more than a third. This is particularly true in B.C. (67.4%) and Manitoba (44%), where the provinces were almost exclusively responsible for planning and funding settlement services at the time of the survey. Not surprisingly, the provincial role in Ontario is much smaller, with an average provincial contribution of only 22%. Where specified, the vast majority of the “other” funding came specifically from grants by the United Way.

The survey also asked ISAs the following question: “How would you say your funding situation has evolved over your time with the organization? Particularly, in terms of where funding comes from and its stability?” The most overwhelming theme in the responses was dissatisfaction — with a couple of exceptions — with the lack of stability in funding. For instance, one respondent
noted, “(Funding is) diversified, more government funding. This is stable in some ways but subject to the changing priorities of government. (Funding) has risen and fallen with the economic times.” Another from Ontario stated, “The funding from the federal government has been reduced significantly over the past three years, sometimes drastically and with short notice. There is no commitment beyond one year, which makes it very precarious for agencies. Funding from the United Way and the province has been stable over the years but stagnated. City of Toronto had threatened to cut funding two years ago.” Funding has fluctuated in both directions for organizations, often changing with little warning and with little attachment to growth and need changes in the community. A couple of organizations from B.C. and Manitoba also expressed misgivings about the forthcoming changes to a federal government mandated funding and planning regime.

**Relations with Government and Other Organizations**

A series of questions in the survey asked organizations to outline the amount of interaction they had with the different levels of government. It then asked how receptive to their ideas the different levels of government were and finally how much collaboration they had with the different levels of government, as well as other organizations. The survey asked participants to rank these questions on an intensity scale between 1 (no interaction, exchange, collaboration) and 5 (significant interaction, exchange, collaboration). The results are reported in Figures 3 and 4.

There are several interesting points that arise from this data. First, there is a significant average difference in the views ISAs have of the two orders of government. The provincial governments were seen as being more receptive to ISA input on policy by a whole point. This is the case even though, as shown in Figure 3, the amount of contact with the two orders of government is very similar. Indeed, the negligible difference between interaction with the provincial government in devolved and centralized provinces is very striking. Similarly, ISAs ranked the provincial
governments a whole point higher on the measure of collaboration. Indeed, every group was seen by respondents as being more collaborative than the federal government, even ISAs in other provinces — though only marginally. This is particularly harsh considering the lack of formal networks connecting ISAs across provincial boundaries (Interviews 13 and 14). Further, it is worth noting that the higher assessment of the provincial government on measures of receptivity and collaboration stands for ISAs in both devolved and centralized provinces. Thus, provincial receptiveness and collaboration is seen to be higher when contact and funding levels are both low and high.

Figure 3: Interaction between ISAs and Three Levels of Government

<table>
<thead>
<tr>
<th></th>
<th>Devolved Provinces</th>
<th>Centralized Provinces</th>
<th>Overall Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>How much interaction with the federal government?</td>
<td>2.6</td>
<td>3.5</td>
<td>3.2</td>
</tr>
<tr>
<td>How much interaction with the provincial government?</td>
<td>3.8</td>
<td>3.6</td>
<td>3.7</td>
</tr>
<tr>
<td>How much interaction with the municipal government?</td>
<td>3.2</td>
<td>2.3</td>
<td>2.8</td>
</tr>
</tbody>
</table>

Note: Figures represent a ranking between 1 (no interaction) and 5 (significant interaction).

Also notable are the relatively low scores for municipalities in the two Figure 4 measures. Municipalities are seen as only marginally less receptive to ideas than the provinces, and more receptive than the federal government. This is somewhat counter-intuitive given the even more localized perspective of these governments, though it is perhaps it is less surprising since their funding levels and involvement with immigration have been historically very low. Even more dramatically, the municipalities rank significantly lower than the provinces on the question about level of collaboration, though still higher than the federal government. Interestingly, both scores are also lower for centralized provinces, pointing to the possibility that devolved provinces are more active in engaging municipalities in settlement activities. This may follow as both B.C. and Manitoba

Figure 4: Perceived Responsiveness to ISAs
<table>
<thead>
<tr>
<th></th>
<th>Devolved Provinces</th>
<th>Centralized Provinces</th>
<th>Overall Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receptive to ideas: Federal</td>
<td>2</td>
<td>2.5</td>
<td>2.3</td>
</tr>
<tr>
<td>Receptive to ideas: Provincial</td>
<td>3.1</td>
<td>3.4</td>
<td>3.3</td>
</tr>
<tr>
<td>Receptive to ideas: Municipal</td>
<td>3.1</td>
<td>2.8</td>
<td>2.9</td>
</tr>
<tr>
<td>How much collaboration: Federal</td>
<td>1.6</td>
<td>2.2</td>
<td>2.0</td>
</tr>
<tr>
<td>How much collaboration: Provincial</td>
<td>3.6</td>
<td>2.9</td>
<td>3.1</td>
</tr>
<tr>
<td>How much collaboration: Municipal</td>
<td>2.6</td>
<td>2.3</td>
<td>2.4</td>
</tr>
<tr>
<td>How much collaboration: ISA in Province</td>
<td>3.5</td>
<td>3.7</td>
<td>3.6</td>
</tr>
<tr>
<td>How much collaboration: ISA out Province</td>
<td>1</td>
<td>2.25</td>
<td>1.8</td>
</tr>
<tr>
<td>How much collaboration: Other NGOs</td>
<td>2.9</td>
<td>3.4</td>
<td>3.2</td>
</tr>
<tr>
<td>How much collaboration: Private Sector</td>
<td>1</td>
<td>2.7</td>
<td>2.1</td>
</tr>
<tr>
<td>How much collaboration: Schools, Hospitals, etc.</td>
<td>1.9</td>
<td>3</td>
<td>2.6</td>
</tr>
</tbody>
</table>

*Note: Figures represent a ranking between 1 (no interaction) and 5 (significant interaction).*
have used their increased capacity and funding to craft programs aimed to engage municipalities in the settlement process, while the federal government has been mute on this topic. This could potentially be linked to the overall lack of interaction many groups have with municipalities — as evidenced in Figure 3 — and the mixed amount of participation that municipalities have in the realm of immigration. If municipalities were more active in the realm of immigration it is possible that some of these values would increase but as Good (2009) shows, even in Canada’s most diverse cities, municipal government activities around multiculturalism and diversity are uneven at best. Lastly, it should come as little surprise that the highest levels of collaboration are with intra-provincial ISAs and other NGOs, though the significant different between these and ISAs from other provinces shows how strong the provincial boundaries in these matters are. However, it is interesting to note that centralized systems reported a higher level of collaboration overall.

**Visions for Successful Settlement**

The survey asked a variety of qualitative questions around the nature of successful settlement and integration, and their ability to pursue it. The questions were as follows: 1) How do you define successful integration? 2) What could help your organization better achieve this goal? 3) In the next five to ten years what will be the key issues in immigrant settlement services? The responses provide some general insight into how ISAs view settlement, but they also show that many of the problems that have arisen during the contracting out period — for instance funding issues — have not been remedied by devolution. Indeed, it seems clear that the impacts of New Public Management are ubiquitous in this sector across both orders of government.

Definitions of successful integration were very diverse. At the most abstract sense, organizations referred to ideas such as crafting an identity that mixes new and previous culture, developing a sense of belonging in Canada, and being able to interact and participate in society and institutions. Many organizations highlighted the acquisition of particular skills or attributes by the
immigrant, including language skills, employment and labour skills, and civic skills. Further, some highlighted the importance of the actions of the receiving society, such as the acknowledgement of the contributions of immigrants. Lastly, and interestingly, a couple of the responses from rural or smaller communities argued that encouraging immigrants to stay in their communities was an element of successful integration. It is clear that, in the broadest sense, ISAs and government have similar views of what settlement entails, but that the details often differ.

Opinions of what could allow ISAs to better achieve successful integration varied less. Unsurprisingly, many organizations referred to increased and more stable funding, staff, and other resources as the key component. Others wanted government to fund a greater plurality of services, such as immigrant-centric counselling services. Also mentioned was the importance of factors outside of the realm of settlement services, such as ample employment and affordable housing. On a similar track, multiple responses noted the importance of improving relationships between ISAs and community institutions and other organizations such as health and educational institutions. Lastly, improving general community tolerance was deemed to be a key feature by one respondent.

The keys to success in the next five to ten years focussed primarily on expanding and specializing services for immigrants. Examples of desired service expansions included mental health services, improved orientation, expanded language training, services in the immigrant's country of origin, and providing more services to temporary foreign workers. In a repeat of refrains from the previous questions, organizations noted the importance of greater and/or more stable funding. These goals clearly align with the innovative programs of devolved provinces explored in Chapter 3, lending further credence to the collaborative and communicative relationship between ISAs and the provincial governments. However, they also noted that policy stability in terms of both immigrant selection and settlement would assist in making more stable and forward-thinking plans.

Summary
The survey results produced several interesting threads that can inform analysis in the next section. For instance, the results show that, while the federal government is responsible for the majority of ISA funding, and in spite of the significant amount of contact they make with ISAs, they are not seen as being receptive to ISA ideas or collaboration. Meanwhile, relations with the provincial governments — even when the amount of provincial funding varies significantly between provinces and organizations — are much stronger.

Another key theme in the data is concern about stability. This includes financial stability, but also extends to stability of government policies and program funding priorities. It would appear that the constant jurisdictional jostling between the federal orders of government, and the systemic tweaking at the federal level have taken their toll, on top of the lack of certainty in the funding arena.

Lastly, organizations are looking for innovation in policy. Their experience has helped them notice gaps in the currently funded government services, particularly in their own particular communities. Much of the focus on how to improve services centred on changing, augmenting, evolved, and expanding services, so this is a clear priority for organizations.

**Reflection on the Contracting-Out Model**

In this final section, I will draw together the strings of the previous sections to advance the arguments presented in the introduction to the chapter.

First, it seems clear that the connection between government and ISAs has been a fruitful one. The knowledge of local conditions, flexibility, and innovative capacity of ISAs combined with the funding power, broad-focused planning, and connection to the broader context present in government to create a strong system of immigrant integration. A system located exclusively in government, no matter how well planned, would lack the flexibility and arm’s length connection to
communities that ISAs bring. These benefits only further the various general government benefits of contracting out mentioned in the first section. In other words, the system works quite well.

It is clear from the research presented here, that the problems with contracting out arrangements in Canada noted in the second section hold for the ISA sector. The survey data confirmed previous research and theory that showed that contracting out destabilized groups, made it harder for them to plan future activities, and stopped them from pursuing all of their settlement goals and programs. While no survey participant mentioned the reporting mechanisms pursued by government, interview research confirms that, for at least some ISAs, constant reporting and accountability measures occupy a significant amount of time of senior staff (Interviews 13, 14, and 15). The evidence shows that a natural tension has developed between government's desire for accountability and clear, uniform reporting and a focus on outcomes on the one hand, and the desire for flexibility and responsiveness to local conditions by non-profits (Smith and Lipsky, 1993).

Importantly, the devolution of settlement services to two provinces did not seem to have had a substantive impact on this trend. Indeed, it is clear that the overriding logic of New Public Management generally, and its constituent contracting out procedures are as ubiquitous at the provincial level as they are at the federal. Thus, we cannot expect that that any particular system of devolution will have a causal impact on the issues with the current contracting out relationship detailed above.

However, while the level of devolution may have had no substantive impact on the approach to the contracting out model in many of its core elements, it clearly has impacts on other elements of ISA operations in the realm of immigration. The primary benefits of the contracting out model arise from being able to use the versatility, knowledge, and diversity of the ISAs to develop better policies that can more effectively meet the needs of immigrants and Canadian society at large. While the federal government holds a key role in immigration at the broadest level, ISAs clearly feel that
their relations with provincial governments are more successful. Provinces are typically more locally knowledgeable, more responsive to local pressures and conditions, and better equipped to work with local organizations. Given this, it would seem that locating principal responsibility for immigrant settlement — as has been the case in British Columbia and Manitoba — at the provincial level seems most appropriate to maximize the benefits of the contracting out system. As an added bonus, the necessity some groups pointed out to improve links with key government-funded institutions — such as schools and hospitals — would obviously be best served by provincial governments, as these institutions fall under their jurisdiction.

These observations are further backed up by interview evidence from Ontario. With limited access to funds and the settlement and selection policy arenas, Ontario’s relationship with ISAs and other stakeholders is seen as somewhat limited. The relationship, when present is, overall, strong and communicative, according to Ontario government officials (Interview 12). Some organizations, particularly larger ones, have been able to build strong relationships with the federal government (Interviews 18 and 19), but we would be fair to question whether this would be the case with smaller organizations. The one plus from the ISA perspective is that having two different governments in the sector gives them multiple options of where to apply for grants. They are able to play to the other should one dry up (Interview 17). However, as the governments fight to avoid replication one wonders how long this can be the case. In addition, the federal government does not seem to regard municipalities — even such a major player as Toronto at the table — as anything more than another stakeholder in immigration matters (Interview 17).

While it is possible that, given significant effort and expense the federal government could become more effective at dealing with local conditions and organizations, the same effort and resources applied at the provincial level will be even more effective. Further, while the federal government could develop better eyes and ears in a great many local contexts, when they all need to
report back to Ottawa, fight for the attention of Ministers and central civil servants, and deal with
detailed internal processes reactions and flexibility will inherently be limited. Indeed, these logical
observations have been clearly confirmed by the evidence presented above.

Also clear in the survey evidence was a call for stability, in terms of funding as well as
reporting policy. A move to more core funding would help this, but government should also make
sure that contract criteria, reporting requirements, funding streams, policy priorities, and funded
programs are as consistent as possible. The one exception, as previously stated, would be policy
innovation and the addition of new programs to better serve immigrants and communities — both
those developed by government and those that come from ISA input.

It is clear that a significant level of provincial involvement would align well with these goals.
When the government responsible for funding and overseeing ISA programs is closer to the ground,
the possibility for creating collaborative relationships and moving away from distant, hierarchical,
bureaucratic, and questionably effective accountability procedures is enhanced. Again, the
geographic proximity, familiarity with the local context, and smaller number of regions and issues to
worry about means that provincial ministries would be able to be intimately affiliated with ISAs.
Thus, under the current limits of the NPM dominated contracting-out regime, the federal
government could certainly make relatively successful use of a contracting out system. However, the
benefits of such a system, as well as the best measures to ensure is success and stability, would be
optimized if it were the provincial governments taking the lead in managing the relationships as
opposed to the federal government.

**Conclusions**

This chapter has investigated how the location of responsibility for immigrant settlement
policy in one order of government or the other might affect the effectiveness of the contracting-out
system utilized to deliver immigrant settlement services via ISAs. It was shown that the level of devolution or centralization has little to no impact on the negative elements of the contracting-out system. New Public Management is so deeply embedded in the processes of both orders of government that the problematic elements of funding instability and onerous reporting are largely present regardless of who manages the grants to ISAs.

However, it has also been shown that the degree to which the system benefits from the positive elements of the contracting-out approach is importantly affected by which order of government manages the grants to ISAs. The main policy benefits of the contracting-out system have to do with the use of expertise and local awareness inherent in small non-governmental organizations. Also key is the ability of such organizations to innovate and share best practices. The survey and interview data assembled in this study show that ISAs see the provincial governments as more receptive to their ideas and more willing to work collaboratively regardless of the level of funding, contact, or whether the province’s immigration responsibility is devolved or centralized. Thus, an approach to immigrant settlement responsibility that contains some element of substantive devolution will best facilitate a number of advantages of a contracting-out model of service funding. This said, there is nothing in the evidence to suggest that the setting of broad objectives, standards, or priorities at the federal level would hamper the system in any substantive way, so long as provinces remain able to collaborate with ISAs in the detailed, micro-level aspects of settlement policy making.

There are clear symmetries between these observations and the conclusions advanced in chapter 3. Between the two chapters a clear theme emerges noting the value of a provincial contribution to immigrant settlement policymaking. Indeed, the fact that Canada is deeply committed to the contracting-out model in its public policy culture means that the observations of chapter 3 — which could theoretically apply in other contexts — apply explicitly. These symmetries
and other key observations shall be further expanded upon in the concluding chapter.
Chapter 6: Asymmetry, Recentralization and Canadian Federalism

The primary focus of this dissertation has been how the institutions of federalism have informed the evolution of immigration policy. This chapter completes that work by looking at why, after this unique period of asymmetrical devolution, the trend seems to have reversed back in favour of greater centralization. This chapter also asks what this episode in Canadian public policy history tells us about the future of Canadian federalism. The purpose of this chapter is essentially two-fold. First, it will return to the historical institutional explanations that were presented in the second chapter on devolution in an attempt to explain why the federal government has recently moved to recentralize some elements of immigration programming and is contemplating further centralization in the future. It will be left to the conclusion of the dissertation to speculate on whether these changes will persist, and how the provinces will react for the period, however long, that the current arrangement persists. The second purpose of the chapter is to link all of the key phenomena covered in the dissertation — the reason for devolution, the impacts of devolution, and the reasons for recentralization — to the literature on federal asymmetry, particularly its application to the Canadian context.

Asymmetry is a hotly debated topic in the federalism literature. Seen as a tool for accommodating a variety of differences, the allocation of different sets of powers to different federal units — or, in rare cases, to local governments in unitary states (Watts, 2005) — has been successful in many cases, and failed in others (Hechter, 2007, McGarry, 2007, Watts, 2008). While most commonly justified on the grounds of accommodating sub-state national groups, asymmetry has been applied to such issues as regional or historical distinctiveness, minority languages,
geographic diversity or isolation, uneven economic development, and demographic differences.

The Canadian federal system — particularly in modern times — has been notably resistant to persistent asymmetry in important areas without a clear justification. As Milne (2005) points out, the Canadian constitution featured rather distinct forms of asymmetry in key areas in its early days. These included a number of provisions that applied to Quebec and the withholding of natural resource control from Manitoba, Saskatchewan, and Alberta until the 1930s. However, most of Milne's examples were eroded over the early to mid-20th century. Similarly, Milne, points out that the overrepresentation of particular provinces — most obviously the Atlantic Provinces — can be considered asymmetry. This isn't considered here because asymmetry in this analysis discusses the division of powers between the orders of government. Since the provincial government do not exert any particular influence over Senators, it would not seem to fit into this category.

Most instances of asymmetry since Confederation — and particularly since the 1960s — have been in an attempt to accommodate Quebec's claims of national minority and distinct linguistic status. Moreover, in more recent times, in nearly all instances — save for pensions — where Quebec has gained more responsibility, the other provinces have been able to acquire similar deals. The response to dissatisfaction with asymmetry has been the offer of further decentralization to the other provinces, rather than a recentralization of federal responsibility. Further, in those rare instances where the provinces outside Quebec found themselves in asymmetrical relations, these were always justified by a principled appeal to some form of inequity. Here asymmetry is used to create a substantive rather than formal equality between provinces.

As has been noted in the previous chapters, an interesting exception to this trend emerged in the 1990s and 2000s. Immigration policy in Canada has made an odd journey through different forms of asymmetry. For the first century of Canada's existence immigration policy was almost completely dominated by the federal government. However, since the 1960s there has been gradual
but asymmetrical trend towards more provincial involvement, accelerating in the last 20 years. This started with Quebec’s incremental entry into immigrant selection and settlement policy, culminating with the comprehensive Canada-Quebec Immigration Agreement (CQIA) in 1991. This special arrangement for Quebec did not persist for long, as the federal government soon encouraged involvement in immigration by other provinces. Provincial adoption varied significantly, leading to an asymmetrical system, was unusual for Canadian federalism, and persisted in various permutations for almost two decades. The instability of this arrangement finally came to a head, but in an equally atypical fashion. Rather than devolving responsibility to all of the provinces — as had been done in almost all previous cases of asymmetry — the federal government has recentralized settlement responsibility for the two provinces that had it except for Quebec and openly mused about recentralization of immigrant selection responsibility. This radical move, taken with other recent changes, hints at a new approach to federalism being undertaken by the Harper Conservative government, one that is different than what many researchers expected to see from them.

This chapter utilizes the new theoretical typology of asymmetry that was introduced in Chapter 1 to investigate this interesting case. After briefly summarizing the theoretical framework, the chapter discusses examples of asymmetry that have arisen in Canadian federalism, and note the broad trends in the use of asymmetry that have arisen in Canada's history. Next, I discuss the process of asymmetrical decentralization that has characterized the immigrant selection and settlement policy areas in Canada, demonstrating how these policy areas have moved between the different forms of asymmetry and why this case is fundamentally atypical. This section includes a discussion of how this case is both atypical in the history of Canadian federalism, and also illustrative of a new approach to federalism in Canada that is being undertaken by the current Conservative government. Finally, the thesis provides an interpretation of the recentralization through the institutionalist framework that formed the basis of the explanation of devolution in the
same policy area that was presented in chapter 2.

**Asymmetry in Federations**

Chapter One advanced a new theory of asymmetry, one that added further specification to the classic *de facto*, *de jure* separation, dividing the latter category into three additional subcategories, each of which represents an important distinct form of asymmetry, with clear implications for the formation and stability of asymmetry. The three subcategories are as follows:

1. **Constitutional Asymmetry**: asymmetry that is entrenched in the state’s constitution rather than implemented as normal pieces of legislation or intergovernmental agreements. This means — by the very nature of constitutions — that the form of asymmetry is considerably more stable and more likely to be deeply rooted in the state’s deepest values or history. Constitutional asymmetry can certainly be an endogenous pressure on an institutional system in much the same way as a case of formal asymmetry. However, since constitutions are difficult to change — perhaps particularly so in Canada — there tends to be a certain bitter acceptance among opponents of the arrangement that constitutional asymmetry is unlikely to be rectified, which tempers the pressure in comparison to many cases of formal asymmetry. As this form of asymmetry is typically historically embedded and rarely changes suddenly, it is also unlikely to cause a shock, as its existence is well acknowledged in institutions.

2. **Formal Asymmetry**: asymmetry where governments utilize bilateral agreements, statutes, and other sub-constitutional measures to create a form of asymmetry that gives powers to some units and not others, and does not allow any of the units to change this arrangement at will. Any change to the asymmetrical relationship requires renegotiation and a legal change. Formal asymmetry can become an endogenous pressure or shock on a particular institutional system if units who do not have the power desire similar arrangements as those
who do.

3. Selection Asymmetry: asymmetry that is precisely the same as formal asymmetry save for the fact that, at any time, within the existing logic and legal structure of the asymmetrical arrangement, units may opt in or out of the relevant powers. Thus, the real source of the asymmetrical situation is the lack of desire or ability for all units to take advantage of the offer, even though it is on the table. Systems of selection asymmetry are unlikely to create endogenous pressure or shocks on an institutional system, since units can choose to rectify the asymmetry.

Asymmetry in Canadian Federalism

This section seeks to outline how asymmetry has functioned in the history of Canadian federalism. While the aim is to provide something of an overview, there are three main observations that I would like to advance here, the full importance of which will be illustrated in later sections. First, when asymmetry has persisted in Canada, it has done so almost exclusively with clear, principled justifications. Most common amongst these is accommodation of Quebec's distinct language, culture, and society. However other justifications have been given as well, usually to justify asymmetry between the other nine provinces. When these reasons are lacking, asymmetry rarely begins or persists. Second, formal asymmetry has been exceedingly rare in Canada, even in instances where a principled justification can be advanced. Third, in instances where there has been a desire to move from asymmetry to symmetry between provinces, this almost always results in an offer of devolution to all provinces. These points, among others, will be illustrated by discussing three separate eras of asymmetry in Canadian federalism: the first looking at the constitution and Canada's early history, one surrounding the Quiet Revolution and Quebec's demands for differential treatment and finally the system that has emerged after the constitutional rounds of the late 80s, early 90s.
The Canadian Constitution and Asymmetry

Constitutional asymmetry occurs when the constitution of a state divides powers differently between the federal government and the different provinces. In Canada, instances of this are few and far between, as the constitution places provinces on very symmetrical standing, with most exceptions residing in Quebec.

Quebec possesses a smattering of unique constitutional powers. Most exist to preserve Quebecois cultural and linguistic traditions. For instance, Quebec was granted the ability to create a separate system of catholic and protestant schools. Similarly, Ontario, Alberta, and Saskatchewan Catholic schools are protected and funded at the same level as other schools. In addition, Quebec was granted the ability to maintain a civil law system for all matters of provincial legal jurisdiction. The various measures in the constitution that require Quebec (and in some cases New Brunswick) to operate in both official languages are less like an additional competency, and more like an additional requirement, and thus is not considered a form of asymmetry here. Beyond such cultural and linguistic arrangements, Quebec has a separate set of rules guaranteeing their level of representation in the House of Commons, a way of recognizing their unique place in confederation.

The Quiet Revolution and the Growth of Asymmetry

However, for Canada, the real story of asymmetry starts in the same place as the story of federalism more generally: Quebec. Particularly since the Quiet Revolution, Quebec has argued for greater autonomy in order to better address issues that arise by virtue of their position as a distinct society. Over time, through various types of asymmetry as well as more robust social spending within their areas of competence Quebec has been able to create a substantively different social order (Beland and Lecours, 2007). Even in the modern context, where overall redistribution is seen by many to be lessening, Quebec continues to oppose inequality more strongly than the other
Canadian provinces (Noel, 2013). Thus, the mere presence of Quebec, and their ability to make arguments from the position of a minority nation within Canada opened the door to the possibility of asymmetry.

Most of the asymmetry for Quebec has arisen through several key pieces of formal asymmetry and some pieces of selection asymmetry where no other provinces have opted in. The Quebec Pension Plan arose when, following a constitutional amendment, Quebec became the only province to opt out of the federally formed Canada Pension Plan. But other provinces could also opt out of the Canada Pension Plan and set up their own parallel plan, but none have chosen to do so, creating a selection asymmetrical situation. Similar responsibility has been extended to Quebec to operate with greater autonomy, while still receiving federal funding, in areas such as vocational training and health care. Various provinces have also been given unique powers in the realm of tax collection. Also, as will be further elucidated below, for over 20 years Quebec held incrementally increasing, and substantively different powers in the realm of immigration. This remained the case even after the other provinces gained immigration responsibility, as the federal government did not want to give the other provinces the same deal as Quebec (Vineberg, 2011). Within Quebec most cases of formal asymmetry have, predictably, been justified in terms of accommodating different social priorities, motivated by substantively different cultural conceptions of the public good.

**Post Meech-Lake/Charlottetown Asymmetry**

The initial aim of the Meech Lake negotiations was to create further formal and constitutional asymmetrical devolution for Quebec, at least partially as a means of recognizing Quebec’s cultural distinctiveness. However, as will be further investigated below, this did not come to pass, as the other provinces, led initially by Alberta, had become dissatisfied with Quebec's special treatment and demanded that all devolution to Quebec be matched with parallel offers to the other provinces (Hombardo, 2011). This was, indeed, the principle that guided both the Meech Lake and
Charlottetown negotiations and was reemphasized in the section 6 of the Calgary Declaration’s Framework for Discussion on Canadian Unity. It emphasized that any offer of new constitutional powers to one province must be offered to all provinces. This principle was followed very closely with the negotiation of the Canada Health Accord, which took effect in 2004. Falling in line with the Calgary Declaration, Quebec signed a side agreement allowing them to opt out of particular federally funded health initiatives, but still receive the funding as long as they set up a similar program (Graefe, 2005). There was agreement on this because the other provinces were also offered the same deal, though they did not make the same use of it. Similarly, in 2005 the Quebec government negotiated an agreement with the federal government to gain control over parental leave and create a Parental Insurance Program, arguing that this did not reasonably constitute a form of employment insurance. These fit together with a variety of other related labour market measures to allow Quebec the flexibility to pursue a more socially generous path than the rest of the federation (Noel, 2011). While Quebec is the only province with such an agreement, the agreement stipulates that all provinces could attain a similar agreement if they so wished. These arrangements are clear cases of selection asymmetry.

Another area where a similar principle of selection asymmetry has been seen in the post-Meech era is in the Labour Market Development Agreements (LDMAs). Quebec and Alberta were the first provinces to seriously push the federal government for local control over labour market development policy — an area that had been a jurisdictional quandary for some time. The federal government responded by making agreements available to all provinces, and ultimately settled on two different kinds of agreements to meet the varying levels of devolution desired by the provinces. Ontario did not initially sign an agreement, waiting until much later to do so (Schneider, Klassen, and Haddow, 2004; Wood and Klassen, 2008). Again, this is a perfect example of selection asymmetry, where a certain responsibility was offered to all provinces, but where some participated
at different levels and some did not engage at all.

The Character of Asymmetry in Canadian Federalism

So as noted above, there have been three key phases of asymmetry in Canada. The first saw the constitution provide very little space for asymmetry, while intense centralization of the federation meant asymmetry was not a key topic of discussion. In the second phase, Quebec's new demands for unique powers led to significant use of formal asymmetry, justified on the grounds of addressing Quebec's unique linguistic and national identity status in Canada. In the third and final phase, frustrated by Quebec exceptionalism, other provinces leveraged the vulnerable position of the federal government during the Meech Lake negotiations to insist that any powers devolved to Quebec would also need to be offered to the other provinces, creating a selection asymmetry arrangement, one that has persisted since outside of purely constitutional negotiations. This means that early asymmetry was principally constitutional, but that forms of formal asymmetry have grown in relation to Quebec and selection asymmetry has been more common since the megaconstitutional politics of the 1980s and 90s.

A few other notable features have developed in Canada's system of federal devolution/centralization and asymmetry. While the presence of Quebec in confederation can be seen as the root historical cause of both federalism and the practice of asymmetry, many argue that Canadian federalism has developed in such a way that asymmetry and other forms of flexibility have been necessary to maintain the system. Brock (2008) points out that asymmetry has been essential in maintaining unity, arguing that it is a core part of the DNA of Canadian federalism. However, she points out that flexibility has arisen in two forms, the first of which was effective while the second was not. The first allows for flexibility by building it into the agreements that are signed by all parties. In this form, any change and flexibility is part of the terms of the agreement itself. The second, and more problematic, form arises when governments negotiate subsequent or side deals
outside the terms of the original agreement, and/or without the consent of the other concerned parties. The first allows for the necessary flexibility of asymmetry on agreed to terms, while the second leads to feelings of betrayal, resentment, or perceived deception.

Courchene (1995) echoes the appeal to the idea of flexibility, both in terms of cycles of centralization/decentralization, as well as asymmetry. He notes that flexibility in the form of asymmetry has always been present in Canadian federalism and that, further, attempts to make use of this flexibility have typically existing outside of explicit constitutional changes to the balance of powers. He says that an attempt to alter this balance during the Meech Lake/Charlottetown era was doomed to failure, and that the subsequent return to more informal forms of flexibility under the Chrétien government were welcome and necessary to maintain the federation, particularly in light of Quebec's post-Charlottetown disillusionment. In more recent work Courchene (2004) noted that, in such an environment, an opt-in/opt-out type of asymmetry is well suited to Canadian federalism and useful for accommodating differential needs.

So the modern system of asymmetry is based on long-standing principles of non-constitutional federal flexibility. This flexibility arises, largely, through bi or multilateral agreements and have increasingly tended to involve extending any offer of asymmetry to all the provinces.

Further, without a clear reason to deprive all provinces of the opportunity to attain the same responsibility — and increasingly, even if such a reason could be found — the federal government has tended to favour selection asymmetry. This tendency also demonstrates that when faced with simultaneous calls to devolve by some provinces, and a desire for symmetry from the others, the federal government has tried to address both calls by devolving responsibility. In no instance was a significant responsibility that had previously been devolved recentralize.

The logic used to address dissatisfaction with asymmetry since Meech Lake has been a move to selection asymmetry, where symmetry is an option should all provinces choose to act on the
responsibility in the same fashion. No significant responsibility that has been devolved to provinces was subsequently recentralized, particularly not for the purpose of creating symmetry.

The chapter shifts now to an area of federal asymmetry that stands out against many of the principles and trends that have, up to this point, characterized Canada's use of asymmetry: immigrant selection and settlement policy.

**Shifting Asymmetry: Canadian Immigration Policy**

The development of asymmetry in immigration was described in detail in Chapter Two. Nevertheless, it is useful here to briefly summarize the key steps in the process. The argument advanced here has three parts. First, the initial shift in immigration policy created a formal asymmetrical system where Quebec was the one province that had unique responsibility in immigration. This was sustained through appeals to Quebec’s unique cultural status in Canada and the role immigration did and could play in this. Second, another shift — partially spurred on by the first — led to a system of selection asymmetry, where all the provinces were able to achieve increased immigration responsibility. All eventually accepted the possibility of more selection responsibility but only two — British Columbia and Manitoba — took up the offer to administer settlement services. Third, and finally, upon deciding to reject calls from Ontario and Alberta — and perhaps other provinces — for increased responsibility in immigration, as would be expected in a system of selection asymmetry, the federal government moved the system to one of selection asymmetry. This system, however, could not be justified as the previous one could, and was thus inherently unstable, leading the recentralization that will be investigated in more detail below.

Chapter 2 demonstrates that selection and settlement policy, while separate areas of policy, advanced along very similar trajectories, moving through three distinct phases. First, despite the constitutional recognition of concurrent responsibility in the area, the federal government dominated immigration policy until the 70s. Second, through the immigration agreements with
Quebec, the federal government created a formal asymmetrical situation, where Quebec received differential treatment because it contains a minority national group and had a strong incentive to increase immigration to address its demographic and economic development challenges. As noted in chapter 2, this formal asymmetrical situation created an endogenous pressure on the system which made it less stable. While Quebec’s principled argument for why it had a unique reasons to possess this responsibility may have lessened the pressure to some degree, it was still clearly present.

In response to this pressure, particularly after Quebec gained full control of economic immigrant selection and settlement with the 1991 Canada-Quebec Immigration Accord, the federal government adopted a new tactic, allowing, and even motivating other provinces to seek more responsibility in the two areas through bilateral agreements. This created a selection asymmetrical situation for the nine provinces outside Quebec, one where provinces were free to opt-in, and gain more control of immigrant selection as well as federal funding for immigrant settlement. It also maintained the selection asymmetry situation with Quebec, as no province was offered the same degree of immigration responsibility as they were. This was justified partly by provincial calls for more responsibility, by a federal desire to equal the playing field, and partly by a desire to offload costs during a time of fiscal restraint and deficit reduction. The result had been PNPs in every province, and two devolved settlement agreements in Manitoba and B.C. Again, while not without questions and possible criticisms, this system came with significant benefits, such as the ability of provinces to select immigrants based on their local economic conditions and to craft more locally responsive settlement programming. This system, where provinces had the option of opting in or out of increased responsibility in settlement and selection policy alleviated the endogenous pressure created by the previous Quebec-exclusive arrangement, making the situation much more stable.

**Recentralization**

While it is unclear at exactly which point the system of selection asymmetry in settlement
policy was closed — no province strongly challenged the arrangement during the Martin Liberal and early Harper Conservative governments — the fact that it was closed became evident in 2010. After several years of expressing concerns, to no avail, that the federal government was not living up to the funding requirements in the Canada-Ontario Immigration Agreement, the Ontario government, in its 2010 budget, announced that they would “begin to negotiate a new immigration agreement that would include devolution to the Province of settlement and language training and full funding for these programs” (Ontario Ministry of Finance, 2010).

This essentially meant that Ontario would seek an agreement on immigrant settlement similar to those of B.C. and Manitoba. Since this policy sector had been operating for over a decade in a system of selection asymmetry, and since the existing agreement was set to expire in 2011, it seemed that this request would be something of a formality. However, this was not the case. The federal government flatly rejected Ontario’s call for decentralization — for reasons that shall be elaborated on below — leading Ontario Premier Dalton McGuinty to attempt to make the disagreement into an election issue, saying in April 2011 “…just give us the money. We'll deal directly with our settlement agencies in the same way you've authorized B.C. and Manitoba to do so. We're closer to the services. We better understand what's happening on the ground” (CBC News, 2011). Meanwhile, Alberta and Saskatchewan also started to investigate the possibility of gaining control over federal settlement funds (Interviews 8 and 21), and B.C. seemed to be raising the ante by expressing interest in a fully devolved agreement akin to that of Quebec (Hunter and Walton, 2012). But the federal government resisted all further devolution. This change represented a clear move away from a form of selection asymmetry towards a form of formal asymmetry. The system was no longer open to other provinces, and left Quebec, B.C. and Manitoba with devolved agreements the other provinces could not aspire to.

This federal government had moved from a selection asymmetry system to a formal
asymmetry system: one where Quebec has a significantly different arrangement than the others and the option of a similar deal is not open to others; and BC and Manitoba had another distinct deal, which was also not open to other provinces. McGuinty appealed directly to this principle in his speech on the issue during the election campaign, stating, “The reality is the government of Canada can’t justify having one set of rules and services for immigrants in some parts of Canada without applying some of those same rules and giving those same services to immigrants who arrive in Ontario” (Ferguson, 2011). With little to no justification for the new arrangement, the situation stood out oddly compared to other similar incidents in the history of Canadian federalism. As noted above, while arrangements of selection asymmetry do not tend to create any pressure on institutional systems, formal asymmetry is rare because it can quickly raise questions of unfair treatment between provinces. The sudden revelation that B.C., Manitoba, and Quebec would continue to have more devolved agreements, while Ontario and other provinces were being denied, resulted in an endogenous shock on the immigration policy system. This state of affairs persisted for a couple of years. As noted above, such situations where formal asymmetry is maintained without a clear justification and with other provinces seeking symmetry have been incredibly rare and unstable in Canadian federalism. The pressure at play in such a situation would, eventually, in most circumstances, lead the federal government to seek symmetry or at least selection asymmetry with the other provinces. This seemed the likely outcome of this situation.

However, this particular government chose a very different, very notable direction. The issue came to a head in May of 2012 when the Minister of Citizenship and Immigration Jason Kenney announced that the government would be cancelling the immigrant settlement sections of the B.C. and Manitoba immigration agreements, and thus, the funding and planning of immigrants settlement programs for the two provinces would return to the federal level. It is also understood that the government considered cancelling the settlement and funding sections of the Canada-
Quebec Immigration Agreement, but that this was deemed too dangerous for political and national unity reasons (Interview 2). This represented a return in settlement policy to the older form of formal asymmetry, where Quebec was given a special arrangement due to their unique circumstances, while the other provinces were symmetrical. However, this represented the first time in modern Canadian history that more symmetry had been created by recentralizing responsibility rather than by devolving responsibility to other provinces.

Reports since the recentralization of immigrant settlement responsibility in B.C. and Manitoba have pointed to some of the pitfalls to this approach. In B.C, the report noted that the province had made great strides in using immigration responsibility to create better coordination between provincial government departments, in a community oriented settlement service model. There were also great strides in the use of evidence-based techniques for selecting policies and new regimes of accountability were introduced successfully. Most of the recommendations for how the federal government should run the program suggested they maintain or attempt to build on the strengths of the B.C. model. The report questions, to some degree, whether these same advantages can be maintained as effectively by the federal government. (Dickson, et al., 2013).

The Manitoba report by Clement, Carter, and Vineberg (2013) points to the government's success in providing a versatile and effective program that worked exceptionally well with ISAs. On recentralization, it notes that "There was a general concern expressed that imposition of a ‘national’ system by CIC may reduce flexibility and, therefore, the ability of settlement agencies to respond to the needs of immigrants to Manitoba. CIC will have to develop a better knowledge base and provide responsibility to Manitoba-based CIC managers to respond innovatively to evolving settlement needs" (7). At the very least, it seems to argue that lessons need to be learned from the success of the Manitoba experiment and that the province's particularities need to be considered.

At the same time, on the immigrant selection side, the federal government moved to cap the
PNP at current levels (McLaughlin, 2011) This was done as PNP intakes were increasingly eating into FSW numbers, amid fears that the program was moving beyond its original scope as a supplement to core immigrant selection programs, due to concerns that some programs had been mismanaged and that raising PNP admissions were leading to a drop in the number accepted under the FSWP. Citizenship and Immigration Canada’s 2011 evaluation of the PNP found inconsistent application of admission and assessment criteria and high rates of fraud (Citizenship and Immigration Canada, 2011). More specifically, the Prince Edward Island PNP has come under fire for allegations of lax rules, fraud, and bribery (Auditor General of Prince Edward Island, 2013; Globe and Mail, 2011).

In spite of the issues cited, the move to cap the PNP created tension, as the provinces that had not yet fully taken advantage of the program were capped at their existing levels unless other provinces decreased their levels. This was particularly a problem in Atlantic Canada, where the programs were just getting going, and where the desire for immigration is growing (The Canadian Press, 2011). This represented a move to a form of formal asymmetry, where provinces were locked into an allocation of PNP slots that was highly uneven in proportionate terms. Again, this was done without a clear justification such as the ones that had been seen in previous instances of Canadian asymmetry. More recently, there has been some relaxing of the caps (Seidle, 2013), but only for certain provinces, despite an almost universal desire for growth of the program.

Most recently, then Minister of Citizenship and Immigration Minister Jason Kenney expressed a desire to fundamentally reform the core economic immigrant selection system, following dramatic moves to alter Canada’s refugee system and eliminate the current backlog of applications (Interview 20). While still in the works, the new system would involve a two stage form of immigrant selection. In the first stage, the federal government will select desired applicants using a broad set of basic conditions. Applicants selected at this stage will be available in a pool for 18-24 months. From this pool, in the second stage, immigrants may be selected for permanent settlement
by provincial governments, employers, and possibly municipalities. After the 18-24 month period, any applicant left in the pool who has not been selected is removed, and must reapply or abandon hopes of immigration (Interview 20). Such a system would create a system of formal asymmetry where Quebec continues to enjoy a differential arrangement while the other provinces are symmetrical. However, similar to the arrangement with settlement responsibility, this would be accomplished by recentralizing the majority of power to the federal government. Since the departure of Kenney, this proposition seems to have been shelved and the PNP has been allowed to continue to grow modestly (Seidle, 2013) but there remains a strong possibility that the government will consider it in the future. Thus, as it stands, it is unclear whether the government will continue to let the PNP grow, allow this in a targetted fashion, cap the system, or scrap it altogether.

Understanding Recentralization

What were the reasons for this sudden and highly unusual shift? Some commentators at the time suggested that the federal Conservatives were determined to retain the political advantages of distributing cheques and other supports among the immigrant organizations to fund settlement services, especially in Ontario, where speedy growth of immigrant populations in key ridings present serious electoral opportunities. While the political sensitivity of the function cannot be denied, that does not seem to be the entire story. However, given other recent moves by the current Conservative government, the evidence seems to indicate that the government is taking a fundamentally different approach to federalism. This section explains how this thinking evolved, how it can be seen as a key endogenous shock in the policy system, why it represents a new direction in Canadian federalism, and what it may mean for the future of Canadian federalism.

Understanding the approach the Conservative Party is taking to federalism requires a reach back into the party’s roots as the Reform Party. In its attempt to benefit from western alienation and the related dissatisfaction with what was perceived as special treatment for Quebec, Preston
Manning’s Reform Party articulated a vision of federalism that he called “new federalism.” For the Reform Party, the federation was made up of ten equal provinces and none warranted special treatment. It was their view that the best path was to advance their view that local governance was preferable in most areas of policy, which would simultaneously satisfy Quebec and the West. This could be accomplished in a federation where the provinces are equal, more responsibility is devolved to all provinces, government debt is slashed, and the federal government limits or eliminates its spending in areas of provincial jurisdiction, focusing instead principally on security and criminal justice (Flanagan, 2009).

En route to becoming Prime Minister, Stephen Harper came to articulate a slightly different approach to federalism, one that relied less on concepts of western alienation, devolution, and local rule, and more on the concept of classical federalism. His view would be both more moderate and more practical, and was aimed even more explicitly at courting the favour of Quebec. In contrast to Reform’s emphasis on decentralization, Harper’s “open federalism” accepted the existing division of powers and sought to focus on federal areas of jurisdiction while allowing the provinces to do the same. This was a move away from the Progressive Conservative and Liberal approach, where the federal government had long utilized their significant fiscal advantage to direct, compel, and in some cases harmonize policy-making in a variety of areas of provincial jurisdiction. The most recent incarnations of this instinct manifest during the Martin Liberal government had been the Canada Health Accord of 2004 and the federal-provincial agreements on child care, known as the Dryden agreements, struck just before the election in 2006. Harper sought to move towards a classically federal, water-tight compartments approach. Harper’s approach would include a “renewed respect for the division of powers between the federal and provincial governments” (Harper, 2004). The idea clearly draws on the old Reform ideas of empowering populist rule and limiting federal spending in provincial areas of jurisdiction while the national government handles areas of true
national priority. However, either through pragmatic acceptance of the difficulties inherent in constitutional reform, or a genuine belief that the current separation of powers is appropriate, “open federalism” included no new devolution (Caron and Laforest, 2009; Harmes, 2007).

However, it is clear that in power the Conservative Party’s approach to federalism has evolved from the original formulation of the concept of open federalism. Starting with the reluctance the Conservative government showed to re-enter negotiations with Ontario over the Canada-Ontario Immigration Agreement, and moving onto the decision to recentralize settlement responsibility across the system, it has signalled a different approach. Two features stand out: a reduction in intergovernmental negotiations; and a renewed federal assertiveness in policy domains related to the economy.

Rather than engaging the provinces in bilateral agreements, regular negotiations, and executive federalism the Conservatives have made efforts to minimize such interactions. Under the Harper Conservatives, first ministers’ conferences have been exceptionally rare, with the Prime Minister seemingly wanting to avoid giving the Premiers and territorial leaders a chance to gang up on him in a public forum (Fekete, 2013). Second, the renewal of the Canada Health Accord avoided negotiations altogether, with the government merely informing the provinces of the funding arrangement that would replace the old accord. This was followed by the government’s decision to close the Health Council of Canada. This body grew out of the Romanow Commission which investigated reforms to Canada’s public health care system and observed national health standards and acted as a soft-enforcement mechanism for the Canada Health Act and other national health standards and initiatives. This led some to assume that the Conservative government was backing away from — if not entirely abandoning — a federal role in health care (McBane, 2013). Also recently, the federal government was deaf to calls from the provinces to discuss the cost of new federal mandatory sentencing legislation for the provincial prison system (CBC News, 2012).
A similar approach has been taken with the implementation of the Canada Job Grant (CJG), which also reflected the government’s new assertiveness in areas of economic policy. The CJG would provide up to $15,000 in funding to help under and unemployed Canadians attain training for jobs that are more available in the Canadian labour market. The federal government would fund one-third of the program with the remaining two-thirds coming in equal parts from the provinces and employers. Funding for the federal part of the program would largely come from a 60% cut in the funds transferred to the provinces under the Labour Market Development Agreements (LMDAs). This is a clear reversal of course from the 20-year commitment in the LMDA process to progressively devolve responsibility for labour market training to the provinces and was done without negotiation with the provinces (Mendelson and Zon, 2013). The move has outraged the provinces who were not only being asked to commit a third of the funds for a program they didn’t ask for, but are also losing 60% of their existing federal transfers under the LMDAs. This has led the federal government, recently, to offer to pay for two-thirds of the program, relieving the provinces from their need to pay. Sticking to the above pattern, the move ended negotiations and simply let the federal government direct their funds towards their own priorities (The Globe and Mail, 2014).

The other major example of assertiveness in the economic domain was the government's drive for a single national securities regulator. The government initially made an attempt to unilaterally impose such a regulator in hopes of lessening risk and raising efficiency in Canada’s financial system. However, the unilateral move was challenged and ultimately rejected by the Supreme Court. The government’s willingness push the issue all the way to the country’s highest court shows the lengths they are willing to go to avoid provincial negotiation. Only after the idea was vetoed by the Court has the government moved to a voluntary securities regulator, securing the cooperation of Ontario, British Columbia, and potentially Saskatchewan.

These examples demonstrate that the Conservative Party’s current approach to federalism is
importantly distinct from both the Reform Party’s new federalism and open federalism as Harper described it. However, it is clear that this new approach has evolved from open federalism much in the same way that it evolved from new federalism. For clarity, I will label this new approach “strategic federalism”. As noted above in the move from new federalism to open federalism, the Conservatives abandoned the constitutional reform that would have been necessary to devolve new powers to the provinces, instead assumed the current distribution of powers would remain constant, with a clear divide between existing federal and provincial jurisdiction and limits on the federal government’s spending in provincial areas of jurisdiction. The move to strategic federalism, however, loosened the strong principles of respecting the existing division of powers and limiting federal spending in provincial areas of jurisdiction. Clearly, the government is now more than happy to use its spending powers to gain influence in particular areas and is willing to pressure the provinces in areas — such as labour market policy — that had previously been seen as provincial areas of jurisdiction.

However, the key distinction within strategic federalism is not the loosening of previous principles around provincial jurisdiction and federal spending. Rather, the key is the criteria the government is using to determine the circumstances under which it will act in these areas. Rather than insisting on a static approach to devolution and federal spending powers, the Conservatives are centralizing powers that fit its definition of appropriate federal government competencies, while devolving and reducing contact and negotiation around areas that they feel are best left to the provinces. Further, the areas selected for greater centralization — labour market development and immigration, for instance — are areas related to economic policy where the Conservatives feel they are politically strong. Tools such as labour market development and immigration fit with the economic focus of the Conservative government. Health care, on the other hand, is not an area where it have a perceived advantage over other parties, nor one where they have any desire to see
significant expansion. Thus, by using federal tools to leave the provinces to focus on areas of social policy where they are weaker, but entrenching the federal government’s hold on powers that are essential to the economy where they are stronger, the Conservatives craft a federal system that gives the federal government control over areas where they are stronger in the eyes of voters. Further, retaining principal control over immigration allows them to attempt to gain the favour of immigrant Canadians, the source of almost all growth in the labour force.

The approach to federalism is strategic as it combines flexibility with a willingness to craft the definition of federalism to match the party’s strengths. These include areas like health care and education, where the Conservative Party is perceived as being weaker, and where ballooning costs are adding more headaches for governments than electoral opportunities. Conflicts with the provinces are avoided whenever possible, making it easier to flout them when necessary, such as with the settlement aspects of B.C. and Manitoba’s immigration agreements and LMDAs. Even in an instance where the Conservatives have needed to negotiate with the provinces — the negotiation of the CJG — they backed off as soon as the provinces attempted to resist their terms in a concerted fashion. Further, this shift can even be seen as an attempt to shift the nature of nation building at the federal level. For at least four decades much of the focus of Canadian nationalism has been on social programs — as encouraged by the Liberal Party who were at the federal helm during the adoption of most of Canada’s national social programs. The Conservative vision is one where the crafting of a transnational economy is the key goal of nation building. This includes a focus on job creation, economic growth, and — indeed — immigration. This in some ways harkens back to nation building conceptions under Prime Minister John A. Macdonald, though with obvious modern inflections. Former Citizenship and Immigration Minister Jason Kenney noted the importance of immigration for nation building in 2012, stating that, "They’re just saying, 'Give us more – double, triple – PNP intake.' And they’re really saying, 'Who cares about the Federal Skilled Worker
Program? I'm here to say, and I hope that most of you agree with me, that I believe there is a critically important ongoing role for federal selection of immigrants. Immigration is about nation building. It's not just about addressing regional labour needs. We will not vacate the role of the federal government from selecting economic immigrants. Ontario, I know, supports us in that” (Citizenship and Immigration Canada, 2012).

This represents a fundamental shift in the direction of Canadian federalism, and could lead to more changes in how federalism is managed in the short and medium-term future.

Analysis: Institutional Explanations for Recentralization

Chapter 2 demonstrated how various endogenous and exogenous shocks led to the end of the previously stable system of federal dominance in the realms of immigrant selection and settlement policy and the creation of a new asymmetrically devolved system. While this system had very odd features, running, as argued above, in counter to most of the history of Canadian federalism, it had proved relatively stable. Thus, we return again to a question of why a previously stable system was disrupted, in this case by the federal government's decision to recentralize settlement responsibility and at least entertain the idea of recentralizing significant responsibility for selection.

While the new system that emerged from the endogenous and exogenous shocks outlined in chapter two was stable, this was dependent on a similar stability in variety of key features. The shocks or pressures that could arise in other types of asymmetrical arrangements and destabilize the system were not present in this system because a) all of the provinces that had the capacity and desire to take on the responsibility had done so, and b) the offer to take on a devolved settlement agreement or increase the use of the PNP remained in place. As noted in chapter 2, Ontario and the other provinces that did not achieve a devolved agreement when they were first offered all lacked either the capacity or desire to do so.
However, as was noted in the previous section, both of these features changed. First, the federal government came to regret the offer of devolved agreements on settlement. Around the same time, partially driven by evidence of success at local management arising from B.C. and Manitoba, other provinces started to gain an interest in devolved settlement agreements or amplified PNPs. Along with this, came a newfound capacity within the provincial governments to be competent actors in the realm of immigration policy. However, with the federal finances in better order and wanting to make stronger use of immigration responsibility for their own political ends, the federal government balked more and more at attempts by new provinces to gain increased immigration responsibility.

This sudden change to create a formal asymmetrical arrangement represented a serious endogenous shock to the system. Provinces would continue to pressure the federal government, particularly on the basis that other provinces had a better deal than them for no reason other than being in the right place at the right time. This suggested that two outcomes were likely, since the Canadian system had never before lasted in such a formal asymmetrical arrangement. The first possible outcome would be to re-open the selection asymmetrical situation and devolve funding and policy space to all provinces that so desired it. The second possible outcome, and the one that was chosen, much to the surprise of this and other researchers, was to cancel the settlement aspects of the agreements of B.C. and Manitoba, thus removing the ability of the provinces desiring more responsibility to make comparability arguments — at least in the realm of settlement. The Conservative government opted for the second option — arguably making it the first government in modern Canadian history to recentralize a significant area of devolved administration — because they saw an opportunity to advance a wholly new and unique vision of Canadian federalism, this will be discussed in the next section.

All of these shifts reflected endogenous pressures — changes in the ideas, interests and
concerns of governmental elites at both the federal and provincial levels. As noted above, the Conservative government arrived at this approach through a new conception of federalism and was able to put it into action because the convention against recentralizing responsibility was an endogenous factor — it does not have a significant exogenous social basis. With the possible exception of Quebec — the one province notably excluded from the recentralization — citizens are largely indifferent to such technical issues of federalism. The move did raise the ire of the provinces affected — as well as those hoping for devolution themselves — and ISAs. However, the provinces are easier to ignore in a federal approach that limits the number of interactions and negotiations between the orders of government, and ISAs lack the political clout or visibility to damage the government — particularly when the federal government will soon be funding their activities. Indeed, the Conservatives have regularly been willing to balk at institutional precedents when political gain is to be had and formal rules do not prevent them from acting. On several occasions they have used the vagaries of Canadian institutional precedent in areas such as prorogation, committee appointments, political advertising, and House speaking procedures to gain advantage or exercise additional political control. A similar indifference to precedent where explicit rules are absent seems to have emerged in the arena of federalism. Finally, s.95 of the constitution, that allowed the provinces to be active in immigration in the first place, also removed any grounds for appeal they might have had on constitutional grounds, as the federal government was supported to take the lead in immigration policy.

Figure 1 lays out, in a fashion similar to that in chapter 2, this process. The previously stable path dependent direction of immigration policy was disrupted by a change in the capacity and desire for provinces to be active in immigration and the roughly simultaneous shift by the federal government to prevent further devolution. Soon after this, shifts in the conception of how federalism could be managed allowed the federal government to take an approach that had not
previously been taken: namely to recentralize a previously devolved responsibility.

**Figure 1: Institutional Change 5 — Recentralization**

Thus, the period of asymmetrical devolution of immigration responsibility ended. While Quebec retains its same level of devolution under the Canada-Quebec Immigration Agreement, this creates more of a binary system between Canada’s two national groups, a formal asymmetry that has been unusual in the Canadian federation.

**Conclusions**

This chapter has investigated Canadian immigrant selection and settlement policy as an atypical example of Canadian federal asymmetry. While starting in a more standard fashion, this
policy area quickly evolved and first led to a sustained period of formal asymmetry that was deeply unusual, before an even more unusual recentralization of a key responsibility. This was demonstrated by proposing a new typology of asymmetry, one that further breaks down the category of *de jure* asymmetry into three smaller categories. Lastly, it was argued that this atypical episode in Canada's federal history is not an isolated incident, but rather indicative of a new conception of federalism being implemented and acted upon by the current Conservative federal government.

Chapter 2 alluded to the fact that devolution of immigrant settlement and selection responsibility outside of Quebec was driven by largely endogenous factors. The recentralization of the two cases where settlement programming was devolved seems to lend credence to the idea that changes resulting from endogenous pressures and shocks are easier to reverse, as they do not need to fight against serious external forces. It is easier for a Prime Minister and cabinet to change the course of the government — even dramatically — than it is to change the direction of all of society. That is precisely what the Conservative government did in this instance.

Future study from a theoretical perspective could apply the typology of forms of asymmetry to other cases, inside and outside of Canada, to see if it fits or needs to be further refined. In addition, expanding the *de facto* category of asymmetry to look at importantly different forms of asymmetry within that category could be beneficial. It will also be beneficial to study the future moves by the current government to see if the chapter's theory about their new approach to federalism holds over future episodes. The study of federalism is key to many elements of Canadian politics, it is essential to carefully study any major evolutions in its conception and utilization, and trends seem to indicate that the atypical example of immigration policy is only the beginning.
Conclusion

It is clear from the preceding chapters that the evolution of immigration policy in Canada, particularly across the last two and a half decades, represents a rich case. This is true in many respects. First, the movement of responsibility for immigration from an area of federal dominance, to an area of power for Quebec alone, to an asymmetrical arrangement with certain provinces participating, and back again to a centralized settlement system with Quebec as the exception, and with more changes possible in selection, is unique in the Canadian system. The case has key lessons for those who study intergovernmental relations, federal asymmetry, and Canadian federalism in particular. Further, the case may represent early signs of more changes to come in how governments manage the federal system.

Secondly, the unique asymmetry that persisted in immigration gave insights into differences between federally and provincially designed policy and programs — both within immigration and, perhaps, more generally. It is clear from the analysis above that there are substantive differences in the policies and styles that emerge in immigrant selection and settlement policies designed by the different orders of government. This is both instructive for students of Canadian public policy, particularly those who are interested in questions of the impacts of federal jurisdiction, but also gives us valuable information for determining the best approach to immigration policy.

Third, the unique asymmetry in immigration programs also created an opportunity for insight into the relationships between ISAs and the different orders of government. This adds to our understanding of how best to maximize the benefits of the contracting out of government services to not-for-profit organizations.

The purpose of this concluding chapter is two-fold. First, the aim is to provide a summary and cross-cutting discussion of the key points that have been discussed throughout the preceding
chapters. In particular, an attempt will be made to draw together the observations of Chapters 2 and 5 — which dealt principally with the causes of devolution and recentralization — and Chapters 3 and 4 — which looked at the impacts of devolved and centralized systems. However, some attempt will also be made to discuss links between the path of devolution and recentralization and how this may have impacted the policy impacts that were seen. This will make more explicit the most important lessons that can be gleaned from the study, but also lay the groundwork for the second section of the conclusion.

Second, the hope is to build on these conclusions about the changes to immigration policy in Canada. Drawing on the lessons learned throughout the study, the conclusion will advance an argument of a more normative nature, one which makes a case for the best path forward in the balance between federal and provincial management of immigrant selection and settlement policy.

There is significant evidence demonstrated in the study that the management of immigration by the different orders of government has a substantive impact on the types of policies that are developed and adopted and clearly align with particular normative goals of immigration and immigration policies. Thus, the goal — as Chapter 1 suggests — is to determine which normative goals are best for Canada’s immigration system. In short, the argument that will be advanced here is that Canada would be best served by an immigration system that focuses on effective integration, while also paying some heed to national standards and the creation of a coherent national identity. Thus, this points us towards an immigration system where provinces are given a substantive autonomous role in both selection and settlement policy, but a system that also retains a strong role for the federal government in setting guiding principles and coordinating standards. It will be argued that this balance not only maximizes the achievement of Canada’s immigration goals, but also fits best within the existing constitutional and policy frameworks that have come before, avoiding the conflict, replication, and waste that will likely arise should any other arrangement be pursued.
Indeed, it will be argued that the new path dependent direction of immigration policy responsibility makes arrival at this particular balance probable.

**Key Points and Observations**

The purpose of this section is to outline the key observations of each of the substantive chapters of the dissertation before discussing them more explicitly in concert and considering some issues that cut across the observations. While part of the purpose here is to highlight the contributions of the study and to lay the groundwork for the subsequent normative section, it is also key to lay out the limitations of this study and to point in directions where future research could expand our knowledge of these essential areas of Canadian politics and public policy.

**Chapter 1**

1) There is a clear distinction to be made in the institutionalist literature between major shocks and more minor, low-level pressures as factors leading to opportunity windows for institutional change.

2) Also, a clearer distinction is drawn between endogenous and exogenous pressures or shocks, tying the former to the specific institutions in question while the latter is tied to external

**Chapter 2**

1) The initial devolution of immigrant settlement and selection policy in Quebec came principally as a result of the exogenous shock of the Quiet Revolution. The final significant step in devolution came as a result of the endogenous shock of the failure of the Meech Lake Accord, combined with other key pressures.

2) Devolution in the other provinces came as a result of the endogenous shock of the
Quebec agreement, as well as a number of endogenous pressures that developed within government in this period, including the federal government’s Settlement Renewal Exercise, the cost/program offloading processes of the early 90s, and pressure from provinces for more responsibility in the area.

3) As the offer of devolution was made to all the provinces, the degree of buy-in by the different provinces was based a combination of capacity and desire to take a larger role in immigration responsibility.

Chapter 3

1) A devolved immigration system allows for better policy coordination across relevant social assistance and labour market development programs, lends itself to experimentation and innovation, and creates a stronger, more responsive, more collaborative environment with local stakeholders.

2) A centralized immigration system, on the other hand, lends itself to the creation and maintenance of national standards for settlement services and selection, a single coherent narrative around national identity and citizenship, and makes the lines of democratic accountability very clear.

3) The evidence shows that neither devolution nor centralization is an inherently superior approach to immigration. Both hold benefits, the key is to determine what goals Canada wants to set for its immigration program and how these goals are weighted.

Chapter 4

1) Immigrant service agencies (ISAs), like most not-for-profit, government funded organizations have been negatively impacted by recent changes to contracting out and accountability regimes pervasive under New Public Management (NPM).
2) The contracting out system has some clear benefits for the effectiveness of immigrant settlement services in Canada in terms of flexibility and responsiveness to community level needs, including the needs of particular immigrant groups.

3) The evidence indicates that ISAs form more communicative and collaborative relationships with provincial governments than with federal or municipal governments. Indeed, this is true across provinces with both devolved and centralized immigration responsibility.

4) However, there is no evidence that the negative elements of the NPM approach are affected by whether responsibility for immigration is located at the federal or provincial level.

Chapter 5

1) The traditional theoretical distinction between *de facto* and *de jure* forms of asymmetry lacks specificity. A further breakdown of the latter category into formal, selection, and constitutional varieties reveals some key distinctions in both the likelihood for stability of the relationship as well as the pressures asymmetry can place on a federation.

2) The persistence of the asymmetry in the realm of immigration from the mid 90s until the early 2010s was atypical for Canadian federalism and led to significant instability in the policy system.

3) However, the subsequent decision to move towards recentralization of settlement and possibly selection responsibility is even more atypical, as a significant recentralization of this scale has rarely been attempted — let alone successfully achieved — in Canadian federalism. Just atypical would be any more to recentralize selection responsibility, as is being considered by the current federal government.

4) The centralization, while driven ultimately by the endogenous shock of this new
conception of federalism, was forced due to increased provincial desire and capacity for immigration responsibility — particularly by Ontario and Alberta — and the federal government’s decision to allow for a formal asymmetrical system, as opposed to entertaining the idea of further devolution.

5) This and other elements demonstrate that the Conservative government is taking a new approach to federalism, one where government competencies tied to the economy are being centralized, while competencies directed at social policy are being left to the provinces. This allows the federal Conservatives to play to their strengths, while pushing weaker areas outside of federal jurisdiction.

The Sources of Institutional Change

Taken together, Chapters 2 and 5 tell a story about the first period of devolved responsibility in immigration in Canada. The story starts with Quebec’s incremental growth of responsibility in the early 70s, begins in earnest in 1991 with the Canada-Quebec Immigration Agreement, is followed by the period of asymmetrical devolution to the other provinces between the mid-90s and early 2010s, and concludes with the federal government’s recent move to recentralize responsibility. Change in this area was complex. The changes in Quebec were largely the cause of significant shocks to the institutional system, however the devolution to the other provinces in both areas of immigration policy, as well as the recentralization of settlement responsibility were caused by a more complex, subtle, and multifaceted collection of pressures. These features lacked the earth-shattering power of incidents like the Quiet Revolution or the failure of the Meech Lake Accord, but none-the-less, led to significant changes. This shows the complex nature of institutional change. It also may give us hints as to the types of pressures that could impact the policy system in the future.

This case also highlights the importance of analyzing the desires and capacities of provinces and the phenomenon of province building in any discussion of asymmetry, devolution, and other
forms of institutional change in federations. This is not only because it tells us about the ability of provinces to take advantage of key opportunity windows for devolution, but also because changes of provincial desire and capacity can act as a pressure on a previously stable system, particularly when formal asymmetry is also present.

This case shows that asymmetry can be an institutional change brought on by other factors and pressures. However, once in place, it can also act as a pressure on other institutions. For instance, it is clear that formal asymmetry in Canada can function in a stable fashion, but only when the provinces either accept the rationale for the differential treatment, or when they lack the interest or capacity to attain similar power. However, once any of these factors change, the pressure is significant and will almost certainly lead to a change. This occurred in both the original devolution—with Quebec’s agreement representing the formal asymmetry—and in the recentralization of settlement responsibility—where Quebec, B.C., and Manitoba all had a formal asymmetrical arrangement.

Further, the evidence here demonstrates that institutions can change significantly for both exogenous and endogenous reasons. The changes in Quebec were largely motivated by exogenous shocks and pressures, while the opposite was true for the other provinces. It is clear that significant exogenous shocks can lead to a fast, sometimes even desperate need for government institutions to recalibrate. However, we should not understate the degree to which entirely internal factors can be necessary or even sufficient for the creation of opportunity windows for change. The decision to award Quebec its own agreement was a significant change that made the possibility of further devolution possible, but the other endogenous pressures needed to be in place for devolution to become a reality.

However, as noted in previous chapters, opportunity windows and institutional changes that result from internal processes are also more vulnerable to change or reversion than those pushed
forward by exogenous shocks that fundamentally change the society in which institutions operate. Exogenous shocks will often create new social realities in which institutions must operate. Moving institutions in contradiction of these social realities is exceptionally difficult. However, when exogenous social factors are absent as issues, and the only block to change is endogenous institutional factors, change is much more simple.

It is also clear that, while the recentralization process has, for the time being, removed from the devolved provinces some of the capacity they have for creating settlement policies, and may yet do the same for selection policies, provinces will continue to be actors in the realm of immigration as their capacity and interest has been raised significantly over the course of the devolution period. Provinces have observed and experienced clear benefits and cases of success in management of both settlement and selection policies. This will be explored in more detail in the second section of this conclusion, but it is clear that, while the federal government's new approach to federalism has allowed them to successfully recentralize a significant amount of capacity and responsibility in immigration, the pressures that still exist within the system mean that future realignment in the policy sector is likely.

**The Policy Impacts of Devolution and Centralization**

Chapters 3 and 4 outlined the policy impacts of centralization and devolution in the Canadian immigration system. This was measured both in terms of the types of policies that were developed, funded, and implemented, but also in terms of the relations between the different levels of government had with ISAs, who deliver almost all immigrant settlement services in Canada, outside Quebec.

As noted above, centralized systems are effective at ensuring national standards for settlement services and selection, a single coherent narrative around national identity and citizenship, and making the lines of democratic accountability very clear. However, it seems that due to the lack of
local connectivity, and the sheer volume of interests the federal government must contend with in a centralized system, its policy innovation and relations with ISAs are relatively weak. Standards for ISAs such as those seen in the NPM standards can be effectively enforced at the national level, but lost is the ability to substantively engage ISAs in the policy and quality assurance processes.

A devolved immigration system, on the other hand, allows for better policy coordination across relevant social assistance and labour market development programs, lends itself to experimentation and innovation, and creates a stronger, more responsive, more collaborative environment with local stakeholders. Particularly, their better understanding of local context, and smaller number of interests to consider means that provincial governments are far better suited to working collaboratively with ISAs. However, as devolution increases, so too does the complexity of the selection and settlement systems and the national identity narratives. It also, theoretically, becomes more difficult to ensure any level of fairness, equal treatment, or access to similar services across provinces.

One thing that is absent from the analysis in the preceding chapters is a more nuanced assessment of what impact different collaborative approaches between federal and provincial governments could have. Indeed, this is because the level of collaboration has been relatively low, uneven across provinces, and unevenly sustained over time. However, by looking at the limited collaboration that did emerge in the devolved and centralized provinces, we can later surmise what possibilities exist for further collaboration. This is one area where it is clearly helpful to discuss settlement and selection separately.

In the devolved provinces the federal government had very little role in settlement besides requiring the provinces, in the broadest possible terms, to set up particular programs such as basic language training and orientation services. Each was also required to submit annual reports to CIC. The provinces were free to determine the exact nature of these programs, who was eligible and the
degree of funding they would provide. They were also free to go further and offer services outside of the federal government’s priorities — such as B.C.’s services designed specifically for youth and seniors — or by complimenting or expanding on existing programs, or by creating entirely new streams of service — such as Manitoba’s targeted and flexible efforts to create tolerant communities outside of Winnipeg. Annual reporting was necessary, but only needed to show broad alignment with federal goals. The provinces are able to ensure the smoothest possible coordination across all services and related health, education, and social services that are closely aligned with settlement services. This shows that in the more devolved provinces the level of collaboration in settlement was roughly non-existent. Indeed, part of the point of the agreements was so the federal government did not have to focus on these areas. There was no sign, for instance, that the federal government made any attempt to ensure any standard level of quality across the country.

In the centralized provinces, however, the federal government plans and funds core services, while the provinces are free to create programs that fill particular gaps or create extensions on these services. They are able to do this as their ability to make policy is supported by the constitution, however, all such activities must be funded from provincial coffers alone. This created a space where both conflict and cooperation are possible. Any time two governments are able to exercise responsibility in the same area with no clear guidelines for when or where they can or should act, the possibility for duplication, waste, and overcomplication is possible. Intergovernmental immigration agreements sought to limit this, but are very broad and imperfect. Thus, the provinces and federal government needed to constantly communicate and negotiate in order to avoid these problems. This system works fine when the two sides are able to communicate and cooperate, but is also vulnerable to breakdown.

In the realm of selection the most significant amount of collaboration comes from the discussion on overall immigration levels. The provinces are consulted annually to determine the
overall number of immigrants that will be admitted to the country. In the earlier days of the PNP, there was also substantive consultation about the number of PNP immigrants to be admitted in comparison to other categories. However, as noted in chapter 5, the federal government has started to challenge the PNP. While the federal government has emulated some of the immigrant classes created under the PNP — for instance, in the creation of the Canadian Experience Class (CEC) — this cannot be viewed as collaboration, as no attempt was made to bring the CEC into harmonization with the similar PNP classes, creating potential replication.

Another interesting observation that arises from this analysis has to do with competition. One oft-observed impact of devolution is the increase in competition between provinces. This can be seen as a negative, since similar competition would not exist in a centralized system and could damage fairness, lead to wasteful use of resources, and ultimately result in a sub-optimal distribution of benefits across the provinces. While there were competitive elements to the pre-devolution era — for instance, in Manitoba’s persistent insistence that it was not receiving its fair share of immigrants — the devolved era was not marked by any significant levels of competition. Provinces did not see themselves as competing with one another for immigrants. The bigger problems were competing against other countries for immigrants and compelling the federal government to create arrangements that would allow a sufficient number of immigrants — particularly those with particular job skills — into the country. Thus, competition does not seem to have been a problem. However, during the asymmetrical era, some provinces — especially Ontario — have spoken of a need for more tools to compete with other provinces — who have such tools — for skilled immigrants.

Areas For Further Study

Like all studies, this research had important limitations. These limitations, however, point us in the direction of potential future research in the realms of immigration policy, federalism, and
institutional change. Some possible places research can go from here are highlighted below.

First and foremost, future study could look at the impacts and stability of centralization. Will the system further recentralize, move back to devolution, or function in between the two extremes in either a cooperative or competitive relationship between the two orders of government? More importantly, will factors similar to those that have impacted this policy system in the past continue to impact the level of devolution, or will new factors arise?

In a more general sense, this study opens up some new avenues through which to explore the factors that lead to devolution or centralizations of competencies and powers in federations — particularly the Canadian federation. It is a valuable case study for understanding what factors could have an impact on such changes, the nature of their impact, and how they interact with one another.

Similarly, this study is valuable for the understanding of the impacts of federal systems on the development of public policy. It is clear from the evidence presented that the existence of federalism has an impact on how policy is developed and that national and subnational governments create distinct policies and programs as they operate under different institutional contexts and face fundamentally different sets of pressures. This confirms much of the existing research in this area, but adds new details and richness, particularly in studying the impact of Canada’s federal systems on policy. New research could use similar tools and modes of analysis to see if similar impacts can be tracked across other areas of policymaking.

This study made a modest contribution to our understanding of ISAs and their relationships with governments. However, significantly more work could be done here. It would be valuable both to gain a better understanding of the operations of ISAs as well as their program and policy design processes. More study could also provide more nuanced insight into the relationships between ISAs and governments. The measures in this first study were relatively blunt, looking at ISA impressions
of the overall state of relations between their group and governments. More detailed study could break this down into more discrete and nuanced factors, such as investigating whether ISAs prefer to work with certain governments for particular projects, or under particular circumstances.

Lastly, Chapter 5 points to the arrival of a new approach to federalism being utilized by the current Conservative government. More study could both further confirm the uniqueness of this approach in the grand scheme of Canadian federalism, but also track further evolutions in the federal government’s approach to federalism to see if the theory advanced here is accurate and continues.

The Path Forward: Balancing Devolution and Centralization

The above section provided a valuable summary of the key observations of the dissertation. It has chronicled the reasons for and impacts of a unique period in immigration policy history in Canada — one that now seems to have concluded with moves back to centralization. However, this final section would like to advance the argument that the status quo and any further moves toward recentralization, such as in selection, are suboptimal moves that would damage the effectiveness of both immigrant selection and settlement policies. Due to the strong constitutional footing and entrenchment of capacity and desire in this policy area, provinces will inevitably continue as players in the realm of immigration. The choice will fall to policy makers as to whether the ensuing system will be one of uneven, unstable, and patchwork cooperation and competition, or a stable coherent, and effective system that draws on the strengths of both orders of government. The best path forward for Canada involves a classical federal compromise. A compromise where the federal government provides some basic standards for selection policies, settlement programs, citizenship, and identity, but the provinces are free to pursue local concerns, innovative variations, unique modifications, and politically relevant extensions of the core federal policies. Of course, for practical and principled reasons, it is likely that Quebec will continue to operate its immigration program with
significantly more autonomy and less oversight from the federal government. This selection asymmetrical situation is justifiable as immigration continues to give Quebec a key lever in its attempts to preserve Québécois culture and language.

As noted in previous chapters, immigration is a concurrent power that allows provinces to make policy so long as it is not repugnant to any federal legislation in the same area. However, due to the federal government’s fiscal role in provincial areas of provincial jurisdiction, and the rapidly growing cost of provincial responsibilities in health and education, provinces need more than a permissive constitutional framework to be active and effective in the realm of immigration. Recent tax decreases have theoretically given provinces more room to increase their tax base, but competition between the provinces has tended to push taxes lower rather than higher. Even with the federal government lowering taxes, provincial governments, like most governments, do not want to be seen as increasing taxes. During the devolved period the provincial governments were, practically speaking, only able to be active in immigration at the behest of the federal government.

In selection, the Provincial Nominee Program (PNP) exists only because the federal government signed bilateral agreements with the provinces, opening a legal window for provincial selection. Indeed, while provinces “selected” the nominees, the final stamp of approval came from the federal government. This is because, under constitutional paramountcy, the provinces could not create classes of immigration that violated federal laws on the requirements of immigration — this would place citizens in a contradictory position where existing within the provincial laws would place them at odds with the federal laws. Thus, for the provinces to be active in immigrant selection, they require the consent and cooperation of the federal government.

Outside of the funding question, the federal government’s control is distinct, but equally significant in the realm of settlement policy. It seems difficult to imagine the creation of a settlement program by a provincial government that would be repugnant to federal legislation,
triggering the paramountcy rule. The only possible exception would be if the federal government ever chose to make participation in certain settlement “services” a mandatory condition for immigration or citizenship, as has been done in other countries. However, short of this relatively unlikely eventuality the only thing that limits the ability of provinces to be active in the realm of immigrant settlement is money. Quebec, British Columbia, and Manitoba were able to be active in immigrant settlement policy because they received significant transfers from the federal government to direct towards these services. Without the federal funds, provinces that wish to be active would need to direct significant scarce resources from other areas of government spending. In an environment where global financial circumstances have led to widespread provincial deficits, and in a time when the cost of health care programs — provinces’ largest expense — are increasing at a dramatic rate, a significant increase in funding for immigration is unlikely. This is particularly true for any province wanting to operate a level comparable to the devolved provinces discussed in this study. Thus, while the constitutional context is likely more permissive in the realm of settlement policy, the fiscal implications of operating without federal funding leave the provinces in no less of a lurch.

We can see that the provincial capacity to operate in immigration is significantly limited in a situation where the federal government is determined to be the primary or exclusive actor — particularly in the realm of selection policy. However, we should not understate the ability of the provinces to function in this regard and to compel the federal government — through cooperation or competition — to give them significant latitude in this area. Since provinces can create whatever settlement programs they wish, they could create programs that compete with federal ones, enticing the federal government to enter into negotiations and find a way to balance the interests of both parties. Similarly, since most of the social services that have strong collaborative potential with settlement services are provincial, provinces could avoid cooperation unless they are given more
significant input into the nature and details of such programs. However, even if we take a more optimistic view of the intergovernmental relations that may arise in a more centralized system, one where the provinces do not resort to competition to motivate the federal government, there are still reasons to think the provincial governments could be persuasive. It can genuinely be demonstrated that provincial input has had a positive effect on the policy process. Thus, even if the current government is not persuaded to include them, future governments may be.

Thus, it is unlikely that the ability of the federal government to rejig intergovernmental agreements will completely remove provincial activity in immigration. As noted previously, many provinces did not take advantage of offers for increased immigration responsibility because they had not built up the internal capacity to do so. They lacked staff, institutions, research, and other elements that were necessary to successfully engage in this area of policy. Quebec built this up slowly, while B.C. and Manitoba chose to invest in these areas and quickly build up this capacity, but for the other provinces the costs seemed too high in comparison to any perceived benefits of controlling immigration.

However, every province has now built up a proportionately significant degree of immigration policy infrastructure and competence. That is to say that, over the period studied, every province has not only increased its desire to be active in immigration, but also its capacity to do so. By creating ministries, hiring staff, drafting policy documents, commissioning research reports, and gaining experience at both selecting immigrants and supporting them in the settlement and integration process, provinces have institutionalized their participation in this policy realm. This is particularly true in the realm of selection policy — where all provinces are now active — but also in settlement policy, though to a much greater degree in the devolved provinces and the provinces that were actively seeking devolved responsibility like Ontario and Alberta.

Thus, to return to the parlance of path dependency, this means that the presence of these
institutions — even if responsibility and funding are to be more restricted in the new decentralized regime — will mean provinces will be likely to continue to operate as a policy force in the realm of immigration, particularly as the economic fortunes of many provinces are likely to improve in the coming years. This is further aided by the fact that the constitution, in spite of the federal government’s recent moves, will continue to recognize the capacity of provinces to create immigration policies as long as they do not openly contradict the federal government’s policies. It seems clear that this will serve as a consistent endogenous pressure on the current policy system. It will only need a confluence of other pressures or a more substantial shock — for instance, a change in government, with a different view of federalism or effective immigration — to lead to a more stable agreement or set of agreements between the federal and provincial governments that clearly outlines the responsibilities of each for the benefit of all.

Up to this point I have established that provinces have increased their desire and capacity to operate in both immigrant selection and settlement policy. It also seems clear, given the benefits, that they will continue to make attempts to make such policies. Similarly, I have established that this will put the policy system under an endogenous pressure — in the form of provincial lobbying as well as the need for constant negotiation, competition, and friction between the orders of government. However, now I want to push this argument further by advancing a normative argument that this likely trend is a positive one, and that the best arrangement for Canadian immigration policy is one where the provinces have an active role under an overall framework driven by the federal government.

Chapter 3 demonstrated that neither order of government is inherently superior at crafting immigration settlement and selection policies. Indeed, the evidence shows that centralized systems controlled principally by the federal government excel at activities driven at certain goals of immigration, while devolved systems controlled principally by the provincial governments excel at
others. Thus, as stated at the end of Chapter 3, determining the best approach to immigration has to do with looking at the goals for an immigration system and selecting the system that would best meet those goals. The problem, however, with this approach is that Canada — like many countries — would like a system that is fair and easy to understand while also being effective. Canada would like a system that simultaneously espouses a sense of national identity, while also helping new Canadians understand and become a part of their local and regional communities and workforces.

In other words, as has been the case in so many areas of public policy in Canada’s history, Canada wants it both ways. Fortunately, federalism has the answers to this potential quandary. There is a path to attaining the goals of both approaches by subscribing to elements of both.

Essentially what I am advancing here is a system where the federal government is able to set basic terms for selection of immigrants and attainment of citizenship as well as minimum services and standards for settlement policies, as they do in health care with the Canada Health Act, while remaining free to negotiate exceptions and alternatives for selection and sort out details for settlement policies. They would also be free to go beyond federal programs into priority areas that they feel are unique to their context, or are otherwise deemed important.

Centralized systems, as has been pointed out many times in previous chapters, excel at fairness, simplicity, and crafting a coherent approach to identity and citizenship. It also allows for the national interest — typically expressed in terms of the economic and social benefits of immigration — to be taken into consideration. However, a fully centralized system is not the only way to achieve these aims. The benefits of a centralized system are added by focusing on standards and basic criteria; the system becomes vulnerable in its attempts to make detailed policy for individual local contexts. The setting of basic criteria, standards, and services for immigration and citizenship in a collaborative model creates coherence in these areas and allows immigrant selection — at the highest level — to be driven by national needs, concerns, and priorities. The exact ratio of federal to provincial
selection could be a fluid discussion, based on the needs and circumstances of the day, but the key is that the federal government would still have the largest say, particularly in determining the overall numbers and basic mix of immigrant intake. Similarly, determining a minimum array of programs that must be made available, and some necessary criteria and stipulations for their delivery, ensures a basic level of fairness and simplicity in the program. Since most of the funding would come from the federal government, they would have the ultimate say in the funding levels, but this would ideally be done in consultation with the provinces. From here the provinces would be able to add their own funds if they wanted to fortify federal programs or move into areas outside of the programs the federal government is intending to fund.

Devolved systems, as should be obvious by now, have the inverse set of characteristics. They excel in reacting to local context and encouraging innovation, but create many different narratives of national identity and make systems of both selection and settlement less consistent and more complex. In the collaborative system advanced above, however, provincial governments would have significant latitude to customize and extend upon basic federal policies, but while working within basic constraints that would address the deficits of the devolved system. Further, as noted in Chapter 4, this would allow the system to glean the greatest benefit from the ISA system which operates at its best with a strong provincial role. In selection, they could negotiate for the exceptions of alterations to selection criteria that have been successful under the PNP, but stabilize and optimize the selection system overall.

The one element that is missing from this discussion that was noted in Chapter 5 is accountability. The devolved systems clearly blur lines of accountability, as both levels of government retain significant responsibility for immigration — both in perception and actuality — making it difficult for citizens to accurately hold governments accountable for the immigration system. This problems holds just as strongly for the collaborative system. However, I would argue
that the benefits achieved by being able to pursue both sets of immigration goals simultaneously are
greater than the issue of confusing the lines of accountability. Indeed, such an argument is fairly
common in federations. What is federalism if not a system that trades some simplicity and clear
accountability for specificity and effectiveness? Further, if a system were made explicit and stable
through federal-provincial agreements, then the lines of accountability could become clearer and
more stable over time.

Further motivation for the value of this approach comes from investigating the motivations
behind devolution and recentralization during the era discussed in this study. Devolution in Quebec
arose as a way to address changes to Quebec nationalism, as immigration became seen as a key lever
in ensuring the continued existence and prosperity of the modern Quebecois nation. With the other
provinces, the motivations included much fewer normative considerations — with provincial
pressure playing only a small part. It could be perceived as a point against my argument that
devolution was not pursued to achieve that types of ends that I have outlined here. However, this is
because the benefits of provincial influence in modern immigration were unknown and untested.
Now that we know these benefits, we not only have a reason to consider pursuing them, but should
be further emboldened by the idea that we could discover yet more benefits in the future.

The reasons for recentralization on the other hand are much more suspect. No concerted
attempt was made to engage critically with the evidence pointing to the positive outcomes of
provincial management and make an evidence-based case for why centralization was superior. It is
clear from the case made in Chapter 5 that recentralization was done for political reasons, to
advantage the political outcomes of the federal Conservative Party. These benefits arise from
reorienting the capacities of the federal government towards priority areas where the Conservatives
feel they have strength in the eyes of the electorate. There are also signs from recent elections that
they are making efforts to become the party associated with immigrants and immigration. This is
particularly important since the vast majority of population growth in Canada comes from immigrants.

I have argued here that the pressure towards such an approach will remain and is likely to eventually lead to a return to some form of devolution in settlement programs. Similarly, any future devolution in selection would be hard pressed to succeed if it did not allow for significant provincial insight and influence. This is perhaps particularly true since Quebec remains very active and powerful in immigration. The current government’s conception of federalism caused an endogenous shock that has made a return to devolution tricky, but a similar change to another conception of federalism could change this again. This is especially true as the evidence and arguments here indicate that exogenous shocks and pressures create opportunity windows based on external circumstances which likely cannot be ignored by subsequent governments making such shocks more long-lasting. On the other hand, endogenous shocks and pressures are more reliant exclusively on the approach and opinions of governments and are, thus, more likely to be changed. However, to reiterate, the relative inevitability of this outcome should not be feared, as I feel there is clear evidence here that a coordinated approach that draws on the strengths of the two orders of government will not only yield the best outcome for immigrants, but could make Canada an innovator in an increasingly key global issue.
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14) British Columbia immigrant service organization employee, August 18, 2011.
15) British Columbia immigrant service organization employee, August 23, 2011.
16) Quebec immigrant service organization director, August 7th, 2012.
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20) Former provincial immigration civil servant, March 21 and April 5, 2012.
21) Alberta immigration civil servant, June 18, 2012.
Appendix 1: Immigrant Service Agency Question List

Operations
- What is the overall operating budget of your organization?
- Approximately what percentage of this budget is directed towards immigrant settlement activities?

- Approximately what percentage of your funding for immigrant settlement activities comes from:
  a) the federal government.
  b) the provincial government.
  c) municipal or local government.
  d) charitable/private donations.
  e) other areas: please specify.

- How would you say your funding situation has evolved over your time with the organization? Particularly, in terms of where funding comes from and its stability?

- Approximately how many of each of these different kinds of staff work in areas linked to immigration in your organization?
  - full time.
  - part time.
  - temporary.
  - volunteer.

Links and Relations
- On a scale of 1-5, how much interaction do you have with each level of government:
  a) federal.
  b) provincial.
  c) municipal.

- For each level where there is some interaction, on a scale of 1-5 how receptive is each government to your organization’s ideas and suggestions around immigrant settlement policy?
  a) federal.
  b) provincial.
  c) municipal.

- For each level where there is some interaction, on a scale of 1-5 how much collaboration on the development of settlement programs is there between your organization and each government?
  a) federal.
  b) provincial.
  c) municipal.

- On a scale of 1-5 how much collaboration on the development of settlement programs is there between your organization and each of the following?
  a) other immigrant service organizations (in province).
  b) other immigrant service organizations (other provinces).
  c) other non-governmental organizations/non-profit organizations.
  d) private sector, for profit organizations or corporations?
  e) government funded institutions such as schools, universities, or hospitals?
Services
- Approximately what percentage of your organization's operations are devoted explicitly to immigrant settlement?
- In short, what other activities besides immigrant settlement services, if any, does your organization partake in?
- From 1-5 how much does your organization offer the following settlement services? Rank all that apply:
  a) basic community orientation.
  b) basic language training.
  c) advanced/vocational language training.
  d) job link/career counselling.
  e) cultural orientation/education.
  f) citizenship test preparation.
  g) mental health counselling.
  h) services targeted at immigrant seniors.
  i) services targeted at immigrant children/youth.
  j) other — please specify:
- How long has your organization been operating in the realm of immigrant settlement services?

General
- How do you define successful integration?
- What could help your organization better achieve this goal?
- What are the major opportunities in immigrant settlement services?
- What are the major barriers to immigrant settlement services?
- What are three key turning points that have defined the current position of your organization?
- In the next five years… what will be the key issues, etc.
Appendix 2: Research Ethics Approval Documents
July 5, 2011

Mr. Iain Reeve
Ph.D. Candidate
Department of Political Studies
Queen's University
Kingston, ON K7L3N6

Dear Mr. Reeve:

GREB Ref #: GPLST-072-11
Title: “The Effects of Decentralization of Immigrant Selection and Settlement Policy in Canada”

The General Research Ethics Board (GREB), by means of a delegated board review, has cleared your proposal entitled “The Effects of Decentralization of Immigrant Selection and Settlement Policy in Canada” for ethical compliance with the Tri-Council Guidelines (2nd edition) (TCPS 2) and Queen’s ethics policies. In accordance with the Tri-Council Guidelines (Article 6.14), your project has been cleared for one year. At the end of each year, the GREB will ask if your project has been completed and if not, what changes have occurred or will occur in the next year.

You are reminded of your obligation to advise the GREB, with a copy to your unit REB, if applicable, of any adverse event(s) that occurred during this one year period (details available on webpage http://www.queensu.ca/ors/researchethics/GeneralREB/forms.html – GREB Adverse Event Report Form). An adverse event includes, but is not limited to, a complaint, a change or an unexpected event that alters the level of risk for the researcher or participants or situation that requires a substantial change in approach to a participant(s). You are also advised that all adverse events must be reported to the GREB within 48 hours.

You are also reminded that all changes that might affect human participants must be cleared by the GREB (TCPS 2, Article 6.16). For example you must report changes to the level of risk, applicant characteristics, and implementations of new procedures on the Ethics Change Form that can be found at http://www.queensu.ca/ors/researchethics/GeneralREB/forms.html - Research Ethics Change Form. These changes must be sent to the Ethics Coordinator, Gail Irving, at the Office of Research Services or irvingg@queensu.ca prior to implementation. Your request will be forwarded to the appropriate GREB reviewers and/or the GREB Chair.

On behalf of the General Research Ethics Board, I wish you continued success in your research.

Yours sincerely,

Joan Stevenson, PhD
Professor and Chair
General Research Ethics Board

c.c.: Dr. Keith Banting, Faculty Supervisor
Dr. Catherine Conaghan, Chair, Unit REB
Jennifer Falle, Dept. Admin.

JS/gi
April 01, 2013

Mr. Iain Reeve  
Ph.D. Candidate  
Department of Political Studies  
Queen’s University  
Mackintosh-Corry Hall, Room C307  
68 University Ave  
Kingston, ON K7L 3N6  

GREB Ref #: GPLST-089-13; Romeo # 6007847  
Title: "GPLST-089-13 Immigrant Service Organization Survey"

Dear Mr. Reeve:

The General Research Ethics Board (GREB), by means of a delegated board review, has cleared your proposal entitled "GPLST-089-13 Immigrant Service Organization Survey" for ethical compliance with the Tri-Council Guidelines (TCPS) and Queen's ethics policies. In accordance with the Tri-Council Guidelines (article D.1.6) and Senate Terms of Reference (article G), your project has been cleared for one year. At the end of each year, the GREB will ask if your project has been completed and if not, what changes have occurred or will occur in the next year.

You are reminded of your obligation to advise the GREB, with a copy to your unit REB, of any adverse event(s) that occur during this one year period (access this form at https://eservices.queensu.ca/romeo_researcher/ and click Events - GREB Adverse Event Report). An adverse event includes, but is not limited to, a complaint, a change or unexpected event that alters the level of risk for the researcher or participants or situation that requires a substantial change in approach to a participant(s). You are also advised that all adverse events must be reported to the GREB within 48 hours.

You are also reminded that all changes that might affect human participants must be cleared by the GREB. For example you must report changes to the level of risk, applicant characteristics, and implementation of new procedures. To make an amendment, access the application at https://eservices.queensu.ca/romeo_researcher/ and click Events - GREB Amendment to Approved Study Form. These changes will automatically be sent to the Ethics Coordinator, Gail Irving, at the Office of Research Services or irvingg@queensu.ca for further review and clearance by the GREB or GREB Chair.

On behalf of the General Research Ethics Board, I wish you continued success in your research.

Yours sincerely,

John Freeman, Ph.D.  
Professor and Acting Chair  
General Research Ethics Board  

cc: Dr. Keith Banting, Faculty Supervisor  
Dr. Andrew Lister, Chair, Unit REB  
Dianne Flint, Dept. Admin.