



## *Immigration Acts (1866 - 2001)*

Since 1869, Canada has had an *Immigration Act* meant to encourage certain kinds of settlers to the country, while keeping out those who are criminals and security threats or those that have particularly contagious, fatal diseases. The criteria affect those allowed in has changed over time depending on economic and political factors. The federal government also placed limits on certain ethnic and religious groups early in the twentieth century.

### *Immigration Act, 1869*

Canada's first *Immigration Act* dealt primarily with preventing diseases from entering Canada and ensuring the safety of passengers on board immigrant ships. Provisions included placing limits on the number of passengers on non-cargo ships, and forcing passenger lists to be made available to quarantine officers before they embarked from their port.

Rules involving quarantine of passengers were introduced in a separate quarantine act in 1872. It forced all vessels transporting sick or deceased passengers to report at Grosse Île, Québec. (Grosse Île was a quarantine point prior to this, however.)

There were few other restrictions on those who could come to Canada initially, but anyone who was blind, deaf, insane or infirm were to be now have to be recorded by the ship captain on the passenger lists. If a person was likely to become a threat to public safety, the customs officer in Canada was to collect a \$300 bond.

Additionally, if destitute or poor immigrants were coming to Canada, the ship captain transporting them had to pay a sum of money equivalent to their travel and initial living expenses within Canada.

Businesses seeking to solicit services to immigrants had to obtain a special license from the government under the *Immigration Act*. This was to prevent fraudulent innkeepers and boarding house managers from taking advantage of new arrivals.

### **Did You Know ... ?**

Immigration was handled by the Department of Agriculture from Confederation in 1867 until March 1892, when the Department of the Interior was formed. That department lasted until October 1917, when it merged with the Ministry of Labour.

*An act concerning emigrants and quarantine, 1866 / Un acte concernant les émigrants et la quarantaine, 1866*

(URL: <http://www.canadiana.org/ECO/PageView/46586/0003>)

### **Extracts from the *Immigration Act*, circa 1893**

(URL: [http://www.canadiana.org/ECO/PageView/9\\_02345/0012](http://www.canadiana.org/ECO/PageView/9_02345/0012))

**Extracts from the *Quarantine Act, circa 1893***

(URL: [http://www.canadiana.org/ECO/PageView/9\\_02345/0026](http://www.canadiana.org/ECO/PageView/9_02345/0026))

***Statutes passed by the colonies to restrict Pauper Immigration, 1886***

(URL: <http://www.canadiana.org/ECO/PageView/91235/0034>)

***Immigration Acts, 1906 and 1910***

Measures were introduced in the *Immigration Act, 1906* to prevent other groups of people the government feared would place a strain on the federal government. On top of pre-existing rules meant to keep the insane or criminally minded out of Canada, this act was expanded to include former inmates of mental hospitals or jails, or anyone who'd been charged but not convicted of serious crimes.

Immigration laws were also strengthened in 1906 and 1910 to allow the government to deport unwanted immigrants, like those suffering from severe illness. A probation period of three years was additionally set in place for every immigrant coming to Canada in 1910. If immigrants committed crimes in Canada within that three-year period, they risked being sent back to their home countries.

Around the same time, Canada experienced a mild economic recession. A measure was introduced in which all immigrants to Canada would have to possess at least \$25 upon landing as a way of proving to government officials that they weren't destitute.

**Did You Know ... ?**

Between 1902 and 1913, the Canadian government deported almost 870 people on the grounds that they were insane. Another 6,900 were ordered out of the country for criminality and some 2,850 were forced to leave for fear that they were about to become criminals. Since detailed crime statistics weren't kept, historians think this could be anything from a would-be pickpocket to someone who was a political protester.

***Immigration Act, 1906***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07188](http://www.canadiana.org/ECO/ItemRecord/9_07188))

***Acte concernant l'immigration et les immigrants, 1906***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07189](http://www.canadiana.org/ECO/ItemRecord/9_07189))

***Immigration Act, 1910***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07184](http://www.canadiana.org/ECO/ItemRecord/9_07184))

***Acte concernant l'immigration et les immigrants, 1910***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07187](http://www.canadiana.org/ECO/ItemRecord/9_07187))

***War Measures Act, 1914 and Wartime Elections Act, 1917***

The start of the World War I virtually ended European foreign immigration to Canada for the period of the war. The reasons for this were two-fold:

- Foreigners were needed in their European home countries to fight in the war effort.
- The amount of shipping across the Atlantic slowed down considerably. It became too expensive and dangerous for many immigrants to cross the ocean in the middle of a global conflict.

Because Canada and Britain were at war with the likes of Germany, Austria, Hungary and the Ukraine, immigration from these countries was suspended entirely. Residents from these nations already living in Canada were considered enemy aliens under the *War Measures Act, 1914*.

Under this act, enemy aliens had to be registered with the government and carry ID cards at all times. They were also not allowed to:

- possess firearms;
- publish or read anything in a language other than English or French;
- leave the country without exit permits;
- join socialist, communist or other movements the government deemed unlawful.

Thousands of these enemy aliens were placed against their will in internment camps or were deported from Canada. Only when the work force became depleted around 1917 were aliens finally allowed to leave these camps gradually. This solved the labour shortage problem in Canada, although war veteran groups were particularly displeased with this decision. They feared these enemy aliens would keep these jobs once soldiers returned home.

Also notably, the Conservative government of Robert Borden introduced the *Wartime Elections Act, 1917*. This act did two things:

- disenfranchised or took away the right to vote from any enemy alien who had been naturalized in Canada since 1902;
- enfranchised adult women by giving them the right to vote in Canada during the war. This was so long as they had husbands, sons or brothers who were fighting in Europe.

***War Measures Act, 1914***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08039](http://www.canadiana.org/ECO/ItemRecord/9_08039))

***La Loi des mesures de guerre, 1914***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08040](http://www.canadiana.org/ECO/ItemRecord/9_08040))

***Wartime Elections Act, 1917***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07190](http://www.canadiana.org/ECO/ItemRecord/9_07190))

***La Loi des élections en temps de guerre***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_07191](http://www.canadiana.org/ECO/ItemRecord/9_07191))

### ***Immigration Act, 1919***

After the war, the federal government enacted new measures to keep out immigrants who were deemed unsuitable for life in Canada. The *Immigration Act, 1919*, included a new rule, Section 38, which allowed the government to limit or prohibit the entry of undesirable races and nationalities.

Section 38 formed the basis of an order-in-council paper later in 1919 that prohibited the entry of Austrians, Bulgarians, Hungarians, Turks, and others who fought against Canada in World War I.

This section was also used to prohibit the entry of Doukhobers, Hutterites and Mennonites because of their particular religious customs and habits. (The government repealed both of these prohibitions, however, in 1922-23.)

Section 41 of the act gave the government increased powers to deport activists who were against government policy or big business interests. This was particularly important to the government with the rise of communism and socialism in Canada following the 1917 Russian Revolution and Winnipeg General Strike in 1919.

#### ***Immigration Act, 1919***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08048](http://www.canadiana.org/ECO/ItemRecord/9_08048))

#### ***Loi modifiant la loi de l'immigration, 1919***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08049](http://www.canadiana.org/ECO/ItemRecord/9_08049))

### ***Immigration Act, 1952***

In 1946, the federal government created an act called the *Canada Citizenship Act*, which came into effect on January 1, 1947. This law officially created Canadian citizenship. Prior to this, all Canadians were considered to be British subjects. Under this new legislation, though, Canadian citizenship was extended to most residents who hadn't been born in the country but were now living full-time in Canada.

After this act was created, however, Canada still gave preferential treatment to white, European or American residents who wanted to immigrate to the country. This was evident in the *Immigration Act, 1952*.

This 1952 act allowed the following groups of "preferred classes" into the country:

- British subjects.
- French citizens.
- American residents.
- Asians who wanted to reunite with their immediate relatives in Canada.

However, the act discriminated against:

- Asians without close relatives already living in Canada.
- homosexuals and prostitutes.

- the mentally handicapped.
- those suffering from epilepsy.
- other ethnic groups of the government's choosing. The act allowed for the passage of orders-in-council that placed quotas on those from India, Pakistan and Ceylon (Sri Lanka).

Thanks to a growing social awareness in Canada throughout the late '50s, the requirements that discriminated on the basis of race or country of origin were dropped by 1962.

***Immigration Act, 1952***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08041](http://www.canadiana.org/ECO/ItemRecord/9_08041))

***Loi concernant l'immigration, 1952***

(URL: [http://www.canadiana.org/ECO/ItemRecord/9\\_08042](http://www.canadiana.org/ECO/ItemRecord/9_08042))

**The Points System, 1967**

In 1967, Canada introduced a Points System that gave preference to immigrants who, among other things:

- knew English or French.
- were not too old/too young to take regular jobs.
- had arranged employment in Canada.
- had a relative or family member in Canada.
- had proper education and training.
- were immigrating to a region of high employment.

Immigrants were assigned points on a scale of 0 to 10 (or 15) based on the qualities listed directly above. If they reached a certain level of points in total, they were allowed into the country. There were no quotas or restrictions placed on the number of people who could immigrate, so long as successful immigrants passed the Points System test.

Canada began to receive more immigrants from Africa, the Caribbean, the Middle East and Asia. The vast majority of these immigrants settled in Canada's urban centers like Toronto, Montréal and Vancouver.

However, this sudden influx of non-white immigration took the white community in Canada's major cities by surprise. Racism against many immigrant groups in major cities became more prevalent during this period.

Also, during the 1970s, the Québec provincial government became concerned about the integration of its non-White immigrants into the French-speaking majority. Prior to the '70s, immigrants were integrated mostly into the Anglophone (English-speaking) culture within the province. Many in Québec feared that this integration into English-speaking regions or neighbourhoods would eventually contribute to the dilution of much of the French culture and language. The provincial government wished to change this scenario

so that immigrants would be more likely to be integrated into the Francophone (French-speaking) majority, and it began passing laws in the late 1970s to better encourage this.

### ***Immigration Act, 1976***

In April 1978, a new Immigration Act came into law. (It was called *Immigration Act, 1976*, for the year it was drafted.) This act:

- gave more power to the provinces to set their own immigration laws (Section 7).
- defined "prohibited classes" in much broader terms. Individuals who could become a burden on social welfare or health services would now be refused entry, rather than specific categories of people -- ie. homosexuals, the disabled, and so on (Section 19).
- created four new classes of immigrants who could come to Canada:
  - refugees
  - families
  - assisted relatives
  - independent immigrantsWhile independent immigrants had to take part in the Points System, other classes did not have to take part in this test so long as they passed basic criminal, security and health checks.
- created alternatives in deportation for less serious criminal or medical offenses, since deportation meant the immigrant was barred from entering Canada for life. After 1978, the government could issue 12-month exclusion orders and a departure notice, if the cause for a person's removal wasn't serious.

### **Asian and African Immigration, 1980s and 1990s**

In the 1980s, a new type of immigrant was added to the *Immigration Act, 1976*: those who belonged to a "business" class. That is, anyone who wanting to bring significant entrepreneurial or business funds to Canada could immigrate here.

Many of this new class of immigrants were of Chinese origin and came from the tiny island colony of Hong Kong. During the 1980s and '90s, capitalist business people living in Hong Kong were anxious over the Chinese government's impending treaty take-over of the island from Britain in 1998. They looked to Canada as a place to resettle and do business, as China had been a particularly oppressive communist country since the late 1940s.

Between 1983 and 1996, about 700,000 Chinese business people (mostly from Hong Kong) came to settle in Vancouver and, to a lesser extent, Toronto. They brought billions of dollars worth of investment funds with them.

### **Did You Know ... ?**

Between 1981 and 1983 alone, Chinese immigrants invested \$1.1 billion dollars in Canada's economy.
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Significant black or African immigration to Canada also began to pick up momentum during the 1980s and 1990s. Some of these immigrants were well-educated professionals looking for better employment opportunities in Canada. Others were refugees fleeing from war, famine, and political and economic instability in their home countries.

The majority of these African immigrants came from places like:

- South Africa
- Tanzania
- Ethiopia
- Kenya
- Ghana
- Uganda
- Nigeria

### ***Immigration and Refugee Protection Act, 2001***

This immigration act was passed in the House of Commons in November 2001, and became law in June 2002. Though these dates might suggest otherwise, this act was not quickly passed in response to the terrorist attacks on the United States on September 11, 2001. However, some of the tightened regulations in this act are targeted at preventing terrorists and serious criminals from entering the country.

This latest act was meant to replace the 1976 act, which had been amended and changed more than 30 times. In particular, this act:

- broadened the powers to arrest, detain and deport landed immigrants on the mere suspicion they might be or become a security threat.
- tightened the requirements needed to immigrate to Canada as a refugee. One refugee officer now would handle refugee cases during a hearing, and refugees no longer had the right to appeal their case if they failed this hearing.
- made it harder for people to immigrate as skilled workers or labourers under the Points System.
- broadened skill and training requirements. These requirements now included those that are less specific to a certain kind of occupation. This is because people today tend to keep a position for four to seven years, then change jobs altogether. In the past, people tended to stay at a job for most of their adult working life.
- limited the types of people who could apply as a business-class immigrant. This was meant to reduce those who want to come to Canada simply to start "mom and pop"-type businesses, like corner stores or restaurants. This act is now geared towards letting people into the country who have at least five years prior business experience, a gross corporate income of \$500,000 and a net personal income of \$50,000 a year.
- put people who are in same-sex relationships or common-law relationships (that is, two people who are sexually involved with each other and live together) are on an equal footing for immigration purposes as traditional married couples.