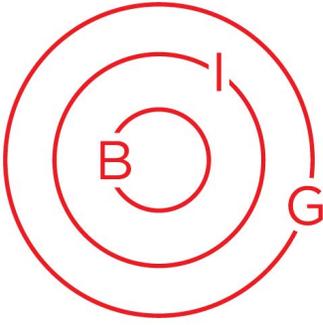




BORDERS IN GLOBALIZATION





Borders in Globalization Research Project 25

The Multi-level Governance of Borders in Relation to Transnational Migration: A Case Study of British Columbia

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Introduction

This paper explores how immigration and integration policy in Canada has become an increasingly multi-level phenomenon with provincial governments, and to a certain extent municipalities, becoming increasingly prominent players in these policy fields. By analyzing these two policy fields, the paper also explores how borders are managed in the Canadian context; in particular, it explores the role of the different levels of government in managing the flow of transnational migrants across Canada's international borders and their role in integrating migrants into broader Canadian society.

British Columbia serves as the focal point of the study as its recent experience in the immigration field is emblematic of wider conflicting intergovernmental trends in Canada. British Columbia was part of a broader decentralization process during the 1990s and 2000s, in which Canada's English-speaking provinces became increasingly active in the recruitment of immigrants and the delivery of federally funded settlement services. The province represents an interesting case during this time, due to its status as a high immigrant-receiving province but also its active role in securing greater authority for itself in immigrant recruitment and settlement matters from Ottawa (mirroring the activities of low immigrant-receiving provinces like Manitoba). On the other hand, B.C. has also been subject to a broader "re-centralization" of power regarding immigration matters in Canada in recent years, with the federal government re-assuming authority in the settlement and integration fields, as well as establishing new conditions and standards regarding the recruitment and settlement/integration outcomes for immigrants.

This paper provides a qualitative case study of federal-provincial relations surrounding immigration matters in the B.C. context since the 1990s, with the broader goal of analyzing the

evolution of multi-level collaboration in the governance of Canada's borders in relation to transnational migration. The following sections explore the concepts of "borders" and "territoriality" in relation to transnational migratory flows, as well as provide an overview of existing academic literature on immigration in relation to Canadian federalism and intergovernmental relations in recent years. The paper then analyzes the four intergovernmental agreements on immigration signed by the Canadian and British Columbian governments between 1998 and 2015, which include the:

- 1) 1998 Agreement for Canada-British Columbia Co-operation on Immigration
- 2) 2004 Agreement for Canada-British Columbia Co-operation on Immigration
- 3) 2010 Canada-British Columbia Immigration Agreement
- 4) 2015 Canada-British Columbia Immigration Agreement

These four agreements have provided a framework for the management of immigration in the B.C. context for almost two decades, articulating the jurisdictional roles and policy responsibilities of the two levels of government. They represent the focal point for my study in that these agreements encapsulate the complex intergovernmental reality that shapes immigration policy planning and delivery in the B.C./Canadian context, as well as provide important insights into how the two levels of government conceptualize immigration and the benefits and the challenges associated with immigration.

The four agreements are broad, multi-faceted, and consequently too large to summarize and analyze in complete detail. Instead, in studying these intergovernmental accords, my paper focuses on three themes that are present in either some or all of the four agreements, and which I contend are reflective of the broader decentralizing and re-centralizing trends in the B.C.

immigration field since 1998. These three themes are: 1) the conflicting emphases on delineating separate jurisdictional responsibilities and on promoting intergovernmental collaboration in the immigration field (including recognizing the role of the municipal level of government in the immigration process); 2) the decreasing emphasis on provincial influence in immigration matters and the growing emphasis on federal standards and policy priorities; and 3) the framing of immigration as a predominantly economic concern for B.C. and for Canada. The paper also explores the relationship between these themes and wider political changes that have taken place at the federal and provincial levels during the 1998 to 2015 period, such as the political rise of the B.C. Liberal Party and the Conservative Party of Canada, and assessing the impact of these political changes on the content and framing strategies of these agreements.

At a broader level, these four intergovernmental agreements (and the three themes underlying the agreements) provide an important example of how international borders can be collaboratively governed in relation to transnational migration (and the challenges associated with this collaborative governance). In particular, the paper will explore how border governance has become increasingly complex in Canada as the number of actors and levels of government involved in the immigration and integration process has increased over time, as well as how borders have become selectively relevant to Canadian policy makers in relation to transnational migration depending on the type of immigrant attempting to traverse the border into Canada.

Borders, Territoriality and the Governance of Migration

The origins and characteristics of borders represent an area of growing interest within academia, and is a body of research that extends into the study of “border regions” as well as

“border-crossing processes” (Anderson, O’Dowd & Wilson, 2002, p. 1). Recent scholarship has challenged the traditional notion of borders as representing rigid territorial lines of demarcation between states that were grounded in international treaties, and instead conceptualize borders as more complex and multi-faceted phenomena with institutional, economic, social and cultural dimensions and implications (see Anderson, O’Down & Wilson, 2002; Brunet-Jailly, 2005; Brunet-Jailly, 2007; Madsen & van Naerssen, 2003). This paper builds on the recent theoretical work of Emmanuel Brunet-Jailly, the Borders in Globalization project, and related literature which attempts to move beyond the “territorial trap” or “territorial frame” of earlier understandings of borders and border regions and instead provides a broader and more comprehensive conceptualization of borders, one that: recognizes their legal/institutional dimension whereby borders are “institutions and result from bordering policies”; recognizes their social dimension whereby borders are mechanisms for the “inclusion and exclusion” of specific people; as well as recognizes how borders are “woven into varied cultural, economic and political fabrics” of borderland communities, regions and peoples (Borders in Globalization, n.d., p. 1).¹

The question of the “territorial trap” and its relationship to borders in turn relates to the subject of “territoriality”, specifically, the territoriality of the modern state and how the notion of territorial control informs conventional understandings of state sovereignty, citizenship and belonging (with significant implications for migration and the flow of people across borders).

¹ Further building on Brunet-Jailly’s work, borders, “bordering processes”, and “bounded territories” such as the Canadian state are conceptualized as the complex outcomes of political agency and political structure: [T]he outcome of the continual interactions and intersections between the actions of people (agency) within the constraints and limits placed by contextual and structural factors (structure), hence praxis of construction and de-construction of border-regions, the tug-of-war that contributes to the multi-scalar construction / de-construction of border region, the imposition of boundary lines (Borders in Globalization, n.d., p. 1).

Territoriality refers to the relationship between “space and society”, in which the “social power” of an individual or a group is extended over a specific territorial/geographic area and is employed to “control people and things” within that defined space (Sack, 1986, p. 5). It is achieved in part by the individual or group “delimiting and asserting control” over a specific geographic area (ibid, p. 19). An important mechanism in “delimiting” territoriality is the drawing of territorial borders, which has the effect of demarcating the limits of control over a defined area, as well as has the effect of “assigning things to particular spaces, and regulating cross-border movements and access into and/or out of specified areas” (Anderson et al., 2002, p. 6). In this respect, borders represent an important mechanism for the territoriality of the modern state in terms of demarcating the extent of its territorial control, demarcating membership within the state’s citizenship regime (in that the border helps define who is a citizen and who is not), as well as restricting or facilitating access to the territory to the state itself (depending on if one is a citizen or non-citizen of the state). This, in turn, has significant implications on migration, in which the governance of a border can serve as an important mechanism for “closure” or “control” to the territory of a state (Anderson et al, 2002, p. 6; Brubaker, 1992, p. 23), in which the border can restrict access to the territory of the state for certain immigrants and can facilitate access for others.

This paper focuses on the governance of borders, specifically the governance of borders in relation to the flow of transnational migrants in the Canada/British Columbia context. Immigration represents a “networked” policy area in the Canadian context one that has traditionally rested under the de facto (though not de jure) responsibility of the federal government, but has become increasingly multi-level and multi-actor in recent years. In this respect, the intergovernmental agreements surrounding immigration matters in the British

Columbia context that serve as the focal point of this paper are conceptualized as an attempt by two levels of government to govern an international border collaboratively in relation to transnational migration. The flow of transnational migrants into British Columbia takes place largely through air travel (the majority of which is funneled through the Vancouver International Airport), but also takes place by land via border crossings with the United States, and by sea via major ports along the province's Pacific coastline. Each one of these access points for migrants into Canada and British Columbia serves as a manifestation of this international border, representing either the border between Canada and the United States (as in the case of land crossings along the 49th parallel), or the border between Canada and the rest of the world (as in the case of the customs area at the Vancouver International Airport). The federal government is responsible for controlling and supervising these migratory access points along the border through federal agencies and departments like the Canada Border Services Agency and Immigration, Refugees and Citizenship Canada.

Immigration and multi-level governance in Canada

From a constitutional perspective, intergovernmental cooperation regarding the management and governance of Canada's borders in relation to immigration is not a new phenomenon. Multi-level complexity surrounding immigration was built into the constitutional structure of the Canadian polity due to the decision at Confederation to make immigration an area of concurrent federal and provincial jurisdiction under Section 95 of the *Constitution Act, 1867*. By dividing responsibility between Ottawa and the provinces, "the Constitution signalled the importance of immigration to the new federation as a policy domain so central that it would

not be entrusted to just one level of government”, as well as “formalized the centrality of Canada’s provinces and regions to the success of the immigration program” (Tolley, Biles, Vineberg, Burstein & Frideres, 2011, p. 3). Since Confederation, different provincial governments have repeatedly attempted to articulate an active role for themselves in the immigration policy realm, but it was not until the 1970s that these efforts began to yield substantial results in the form of federal-provincial agreements on settlement policy (Seidle, 2013, p. 3; Vineberg, 2011, p. 30).

The result of these efforts is that the multi-level complexity in the governance of the immigration field in Canada has intensified in recent decades.² The extent of this multi-level complexity, however, varies depending on the different stages in the process of becoming an immigrant to Canada. Keith Banting (2012) divides the complex process of immigrating into a society into what he refers to as “the integration continuum”, one that begins with “the selection and admission of immigrants” then continues with their “settlement” in their new country, before finally ending with their “integration into the economic, social, and political mainstream of the country” (including their naturalization as citizens) (p. 85). He notes that in any country this integration continuum is extremely complicated because of the number of actors and “complex institutional systems” that are involved, but that the process is even more complicated in Canada as the challenges of systemic coordination are further “compounded by federalism” and the need for collaboration between the federal and provincial governments (ibid).

In the Canadian case, the selection and admission phases for immigrants, and the settlement and socio-economic integration phases for immigrants have witnessed the same

² Tolley et al. (2011) argue that the present immigration “policy landscape is variegated and fluid” (p. 11).

patterns of growing provincial involvement over time, with the Quebec government taking the lead through a series of intergovernmental agreements with Ottawa between 1971 and 1991, and the English-speaking provinces following Quebec's example by reaching similar (though not as far-reaching) agreements with Ottawa during the 1990s and 2000s. Only the political integration (or naturalization) stage of the integration continuum, in which permanent residents to Canada become full-fledged citizens, remains solely under the auspices of the federal government (ibid, p. 93).

The result according to Banting (2012) is that “the imprint of federalism” has had a substantial impact on the Canadian integration continuum, whereby Canada has gradually moved since the 1970s from a “highly centralized process” in which the federal government dominated almost every stage, to the present “decentralized asymmetrical world” (p. 96). Provincial and territorial governments have therefore become increasingly prominent actors over time in the immigration and integration fields, and have been “able to exercise considerable latitude when it comes to addressing issues related to immigration and, in particular, those related to integration and inclusion”, while three provinces (Quebec permanently, and B.C. and Manitoba temporarily) have in recent years assumed responsibility for the delivery of settlement services from the federal government (Tolley et al., 2011, p. 4).

A final development, adding to the multi-level complexity of immigration and integration policy in Canada in recent years, is the growing role of municipalities in these policy fields. Christian Poirier (2006) attributes this increased activity to a combination of individual initiative on the part of municipal political leaders, political pressure on municipalities from local immigrant and ethnocultural minority organizations, lobbying by groups like the Federation of Canadian Municipalities, and perhaps most significantly the “downloading” of various social

policy responsibilities from the federal and provincial governments to the municipal level (p. 206).³ Cities are increasingly identified in Canadian academic and policy literature as being an integral support structure for the settlement and integration of immigrants to Canada – often serving as the “first point of contact” between newcomers and government due to the day-to-day dependence of immigrants on various local public services (public transit, public libraries, affordable housing, schools, community centres, childcare centres, etc.). Again, drawing on the different stages of Banting’s integration continuum, Canadian cities play a prominent role in the settlement and socio-economic integration phases, which has led to further decentralization of the Canadian immigration and integration framework.

In spite of the growing importance of cities within the immigration process, the actual power of municipal governments has (with some exceptions) been marginal. This relates to how municipalities represent a traditionally weak level of government in Canadian politics relative to the federal and provincial levels of government; they remain constitutionally “creatures of the provinces” in that provincial governments have exclusive authority over the municipalities within their jurisdiction. The ability of municipal governments to assist in the immigrant settlement process is continually challenged by their weak political and fiscal capacities (including limited budgets and taxation powers) and their traditionally limited (or non-existent) role in the development of immigration, settlement and integration policy. Cities therefore find themselves in a bind: they are on the front-line of the immigrant settlement and integration process for newcomers to Canada, yet they lack the authority or fiscal capacity to take effective

³ The Federation of Canadian Municipalities (2011) notes that Canadian municipalities have increasingly been called on to shoulder the burden of growing immigrant service demands – in such areas as “affordable housing, public transit, child care and library services” – at the same time as they have been required to support a host of other fiscal demands brought about by growing “infrastructure deficits” and the “downloading” of services that had previously been funded by the federal and provincial governments (p. 2).

action in the immigration field and adjust programming and services in response to the changing needs of their increasingly diverse and foreign-born populations. Further Ottawa and the provinces have been hesitant about expanding the power and influence of Canadian cities to address the various social, economic and infrastructure challenges they face. As Poirier (2006) notes regarding the relationship between cities and immigration in Canada: “there is a contradiction between the discursive environment, which places the emphasis on the political role of municipalities, and the unchanged intergovernmental context of the actual Canadian political system”, whereby “the provincial and federal governments have not yet symbolically or practically recognized the political and fiscal importance of cities” (p. 214).

In recent years, however, a variety of circumstances have led municipalities to assume a more active role in immigration policy formation. Canadian municipalities are increasingly becoming characterized as “policy innovators” in terms of both developing and delivering new settlement and integration policy initiatives within their own communities; initiatives that are often derived through consultation with local community groups and immigrant organizations, as well as through collaboration with both the provincial and federal levels of government. Examples of some of these initiatives in the B.C. context will be discussed below.

The growing multi-level complexity of immigration, settlement and integration policy is not distinct to Canada, but mirrors a broader territorial “re-scaling” of immigration/integration policy issues both above and below the level of the nation-state that has been taking place in multiple Western societies in recent years (Hepburn, 2014; Joppke & Seidle, 2012; Keating, 2009). Within this trend of downward “re-scaling”, sub-state governments (both regional and municipal) have assumed increasingly prominent roles in the immigration field, in part, due to the tendency of immigration/integration issues to coincide with sub-state policy responsibilities

in the areas of economic development, labour market management, social service delivery, as well as language and cultural policy (Hepburn, 2014, pp. 41-42). The growing role of provincial and municipal governments in Canada in the design and delivery of recruitment, settlement and/or integration programs for recent immigrants therefore is reflective of a broader international trend, in which the governance of international borders in relation to migratory flows is becoming increasingly complex and prone to multi-level and multi-actor collaboration. The experience of provinces like British Columbia in the immigration field therefore lends itself to comparison with other sub-state regions in the Western world that are also becoming increasingly active in the governance of their borders in relation to migration.

The role of the provinces in the immigration field

As noted above, provincial involvement in the Canadian immigration field began in earnest in the mid-twentieth century, in which Quebec was at the vanguard. Over the course of the 1970s, the Quebec government gradually secured substantial authority for itself over both the selection and settlement/integration of immigrants to the province through a series of intergovernmental agreements with Ottawa, specifically, the Lang-Cloutier Agreement in 1971, the Andras-Bienvenue Agreement in 1975, and the Cullen-Couture Agreement in 1979 (Becklumb, 2008, p. 1). In response to these agreements and in the interests of fostering an “image of cooperative federalism across the country”, as well as downplaying the impression of special status for Quebec, the federal government offered to establish similar agreements with

the other provinces, with the majority signing agreements at various points between the late-1970s and mid-1980s (Vineberg, 2011, p. 33).⁴

During the constitutional negotiations of the 1980s, the Quebec government attempted to strengthen and constitutionally entrench the authority it exercised in immigrant recruitment, settlement and integration, as a provision of the Meech Lake Accord. Though Quebec's efforts suffered a setback with the rejection of Meech Lake in 1990, the Quebec and federal governments nonetheless reached a new intergovernmental agreement specific to immigration matters in 1991, entitled the "Canada-Quebec Accord Relating to Immigration and Temporary Admission of Aliens". The new agreement represented two major objectives for the Quebec government, namely, its desire "to preserve Quebec's demographic weight within Canada and to integrate immigrants to the province in a manner that respects the distinct society of Quebec" (Becklumb, 2008, p. 2).⁵ While the Canada-Quebec Agreement retained federal authority over "national standards and objectives relating to immigration, the admission of all immigrants and the admission and control of visitors", it made the Quebec government "responsible for the selection, reception and integration of immigrants to Quebec" (ibid.).

Quebec's efforts in the immigration field in the early 1990s, once again spurred demands from the other provinces for similar agreements with the federal government. The motivations underlying the various provincial and federal actors in establishing these agreements were diverse. In the cases of Manitoba, Saskatchewan and the Atlantic provinces, the demands for

⁴ An exception was the B.C. government, which was unable to reach an immigration agreement with Ottawa at this time (Vineberg, 2011, p. 33).

⁵ As Becklumb (2008) explains, Quebec would realize these goals through its "formal role in advising about the number of immigrants it wishes to receive, the attempt to ensure numbers of immigrants proportional to the population of the province, and Quebec's assumption of all integration services with a particular emphasis on providing permanent residents with the means to learn the French language" (p. 2)

greater provincial involvement were motivated by a desire to reverse Canada's asymmetrical immigrant settlement patterns, in which the majority of new immigrants were settling in provinces like Ontario and British Columbia, and to achieve more equitable settlement distribution (Seidle, 2013, pp. 4-5; Vineberg, 2011, p. 36). Certain provinces, such as Manitoba, also expressed concern that the federal economic immigrant selection criteria did not adequately meet provincial labour needs, and therefore desired an immigration strategy that was more sensitive to the specific economic needs of different provinces (ibid.). As in the past, the federal government was receptive to the idea of reaching agreements with the other provinces, but were unwilling to grant the nine other provinces the level of control over immigration exercised by Quebec, leading instead to the more limited Provincial Nominee Program model, which was designed simply "to fill specific regional needs not met by federal programs" (Tolley et al., 2011, p. 11).

Provincial demands for greater involvement also coincided with an era of federal fiscal restraint, as Ottawa attempted to address its growing deficit and rein in spending through budget cuts, the sale of crown corporations, and a broad-based review of federal programming between 1995 and 1996. The Liberal government of the time, under Prime Minister Jean Chrétien, attempted to address some of these fiscal constraints by downloading (or "realigning") certain policy responsibilities to the provincial level. As Vineberg (2011) explains, the realignment of settlement services to the provincial level was one of the solutions proposed by the Department of Citizenship and Immigration both in response to these fiscal restraints and in the interest of fostering streamlined services to newcomers:

Citizenship and Immigration at that time had to absorb some \$62 million in budget cuts and so proposed turning over administration of the Settlement Program to provinces that

wished to take it on, the rationale being that settlement program efficiencies could be gained as provinces deliver social services and education (p. 37)

Through the convergence of these varied motivations on the part of the federal and provincial governments, two major policy developments arose in the mid- to late-1990s: 1) the creation of the Provincial/Territorial Nominee Programs, and 2) the “realignment” of federally funded settlement services in B.C. and Manitoba to their respective provincial governments. Together, these two developments represented a broader decentralization of immigration policy in Canada during the 1990s and 2000s, in which the English-speaking provinces became increasingly active in the recruitment of immigrants and, for two provinces, the delivery of federally funded settlement services.

Regarding the first development, in 1995, the federal government created a new “Provincial/Territorial Nominee” category, through which provincial and territorial governments could nominate a set number of “priority” economic immigrants to be admitted each year by Citizenship and Immigration Canada, immigrants that possess the necessary skills and training to provide an immediate “contribution” to their economies and societies (Vineberg, 2011, pp. 36-37). The creation of the Provincial/Territorial Nominee category sparked a new round of federal-provincial negotiations and agreements regarding immigration policy during the late-1990s and early 2000s, which included among other provisions, Provincial Nominee Agreements between the two levels of government (*ibid.*). The new agreements were designed to grant the provincial and territorial governments the authority to nominate economic immigrants and obliged the federal government to expedite the processing of these immigrants. Manitoba and British Columbia were the first two provinces to complete these new immigration “framework agreements” with Ottawa, with the B.C. and federal governments signing the Canada-British

Columbia Co-operation on Immigration agreement in 1998, which in turn served as the foundation for the creation of B.C. Provincial Nominee Program in 2001. The remaining seven provincial governments as well as two of the three territorial governments (Yukon and the Northwest Territories) reached agreements with Ottawa on the creation of Provincial or Territorial Nominee Programs (PNPs or TNPs) in the following years.

Though the initial intention was for the PNP to be a small immigration stream with a strict cap on the number of people nominated by the provincial and territorial governments each year, it quickly proved extremely popular; leading the federal government to raise the annual cap on the number of provincial nominations issued over time. The creation of the PNPs and TNPs has had a variety of effects on immigration and settlement patterns in Canada, including fostering a more equitable distribution of immigrants to less-populous provinces, as well as creating new categories for economic immigrant applicants to Canada based on provincial/territorial criteria (Seidle, 2013, p. 3). In terms of its impact on the federal-provincial power relationship, Banting notes how the introduction of the Provincial/Territorial Nominee category has represented “a major decentralization” in “the process of selecting economic migrants” in Canada, with provincial and territorial nominees representing an increasingly significant proportion of new economic immigrants being processed by Canadian immigration officials on an annual basis (though he also notes the dominant role that the federal government still plays in dictating the annual admissions levels of provincial and territorial nominees and in ultimately approving their final admission into Canada) (p. 89).

The second development was particular to British Columbia and Manitoba, in which both provinces successfully negotiated “realignment” agreements with the federal government in 1998 over settlement services for recent immigrants to their provinces (called the B.C. Settlement

Agreement in the case of British Columbia), and began delivering these services in 1999 (Vineberg, 2011, p. 37). The agreements mirrored the autonomy that Quebec had assumed over settlement services in 1991, but was more limited in scope and funding, whereby the Manitoba and B.C. agreements were subject to renewal and included accountability mechanisms that were not included in the Canada-Quebec Accord (Tolley et al., 2011, p. 12ff). In spite of these limitations, Ottawa's subsequent resistance to signing similar agreements with the other English-speaking provinces (in part, due to the federal government's improved fiscal standing in the wake of the large budget surpluses of the late-1990s and early-2000s) placed B.C. and Manitoba in a unique position in terms of their authority in the immigration field, exercising greater autonomy over settlement services than the seven other English-speaking provinces but less autonomy than Quebec (Banting, 2012, p. 91).

B.C. and Manitoba's unique or "asymmetric" position, however, has been reversed in recent years, as the federal government has gradually re-centralized power in the immigration field (Banting, 2012, p. 105). This "reassertion" of the federal government's role in immigration matters began around 2009 and proceeded on a number of fronts (Seidle, 2013, p. 18). Around this time, Citizenship and Immigration Canada introduced new annual limits on the number of applicants provinces could put forward under their PNPs, attempted to reduce duplication of federal and provincial immigration programs (such as, separate federal and provincial family reunification streams), as well as introduced new settlement and integration standards that apply to all PNPs and TNPs (including, minimum language requirements for immigrants) (Seidle, 2013, p. 18). The federal minister of Citizenship, Immigration and Multiculturalism at the time, Jason Kenney, defended Ottawa's growing involvement in the field in November 2012, stating that the federal government does not want to "completely cede [its] role in selecting

immigrants”, adding “we believe immigration is not just about addressing regional labour market needs, it’s also about nation building” (quoted in Seidle, 2013, p. 18). Finally, the federal government unilaterally decided to end its settlement agreements with B.C. and Manitoba, and cancelled the BC Settlement Agreement in April 2014. This last effort formed part of a broader intergovernmental agreement, the Joint Federal-Provincial-Territorial Vision for Immigration, which was designed “to improve coordination and streamlining of settlement service delivery”, as well as ensure a more uniform and “pan-Canadian framework for settlement outcomes” (Citizenship and Immigration Canada, 2013).⁶ In spite of these re-centralizing efforts, the Canadian immigration framework remains far more decentralized than it was forty years ago, in which the provinces and territories now possess a recognized and entrenched role, and where the Quebec government possesses significant autonomy over the recruitment, settlement and integration of newcomers (Banting, 2012). The following sections discuss the shifting power dynamic between Ottawa and the provinces in detail, focusing specifically on the bilateral relationship between the federal and B.C. governments established through the four intergovernmental agreements signed between 1998 and 2015.

Federal-provincial agreements on immigration in the B.C. context

Brief overview of the four agreements

British Columbia’s role in the immigration policy field expanded substantially on May 20, 1998, when the province and Ottawa signed the Agreement for Canada-British Columbia Co-

⁶ “Pan-Canadian” in name but in reality limited to the nine English-speaking provinces. Quebec’s authority in immigration, settlement and integration policy under the Canada-Quebec Accord, meanwhile, has remained unchallenged by the broader re-centralization affecting the other provinces.

operation on Immigration. The 1998 Agreement was designed to address all aspects of the immigration process in B.C., and included specialized “annex” sections pertaining to specific immigration streams such as “Business Immigrants” and “Family Class Sponsorships”, as well as provided a framework for new initiatives such as the creation of the B.C. “Provincial Nominee” category, the “realignment” of immigrant settlement services in the province, and the introduction of a “joint mechanism for co-operation and consultation” between the federal and provincial governments regarding immigration matters.

The B.C. and federal governments eventually replaced the 1998 accord with a new and expanded “Agreement for Canada-British Columbia Co-operation on Immigration” on April 6, 2004. The 2004 Agreement addressed the same issues as its 1998 predecessor regarding intergovernmental cooperation in the immigration field (including in the area of settlement services), and the management of specific immigration streams (including Provincial Nominees, Business Immigrants, and Family Class Sponsorships), as well as introduced new provisions pertaining to “immigrant health”, “international students”, and the development of “Minority Official Language Communities”. The two levels of governments in turn replaced the 2004 Agreement, with a new intergovernmental accord on April 9, 2010, entitled the “Canada-British Columbia Immigration Agreement”. The stated purpose of the 2010 Agreement was “to further strengthen the long-term partnership between Canada and British Columbia with respect to immigration” (Citizenship and Immigration Canada, 2010). The 2010 Agreement was more streamlined than the two previous accords, but did include new provisions to manage the flow of Temporary Foreign Workers into the province, as well as committed both parties to fostering “welcoming and inclusive communities” within British Columbia through greater collaboration with local governments (a point that will be explored in greater detail below). Finally, the two

levels of government signed the latest version of the Canada-British Columbia Immigration Agreement, on April 7, 2015. The newest agreement maintains older provisions regarding intergovernmental cooperation in the immigration field and in the management of immigration streams like the Provincial Nominee Program, as well as articulates the federal government's re-established role in the delivery of settlement services in B.C.

Changing political actors and changing political objectives

Since the signing of the first intergovernmental agreement in 1998, political power has shifted at both the provincial and the federal levels. Both Victoria and Ottawa witnessed a shift in political leadership during the 2000s from governments led by centre-left or centrist parties towards governments led by fiscally conservative, centre-right parties that view immigration in predominantly economic terms. The political actors at the time of the first agreement differed considerably between the signing of the first agreement in 1998 and the latest in 2015, with the B.C. New Democratic Party under Premier Glen Clark in power at the provincial level, and the Liberal Party of Canada under Prime Minister Jean Chrétien in power at the federal level. The 1998 Agreement has the distinction of being the only one of the four agreements on immigration that a B.C. New Democrat government negotiated and influenced.

By the time of the 2004 Agreement, British Columbia had undergone a change of government in the wake of the 2001 provincial election, after which the B.C. Liberals came to power under the leadership of Premier Gordon Campbell, while the Liberal Party of Canada remained in power at the federal level. Conversely, by the time of the 2010 Agreement, there had been a change of government at the federal level after the 2006 general election, in which the

Conservative Party of Canada came to power under the leadership of Prime Minister Stephen Harper, while the B.C. Liberals remained in power at the provincial level. The same governing parties, in turn, shaped the 2015 Agreement, with the Conservatives in power at the federal level, and the B.C. Liberals in power at the provincial level, though now under the leadership of Premier Christy Clark.

The lengthy governing tenure of the B.C. Liberals has significantly shaped British Columbia's involvement in the immigration field. Hiebert and Sherrell (2011) contend that provincial "initiatives on settlement and integration have been shaped by an ideology of neo-liberalism that has been pervasive in the province since the 2001 election" (p. 77). Reflecting this neo-liberal ideology, the B.C. Liberal government have focused on tax cuts, reduced government spending, deficit reduction, and implementing several broad-based reviews of provincial government programming with an emphasis on fostering "more effective and efficient ways to deliver services" (Dickson et al., 2013, p. 8). Within this broader goal of making the B.C government both smaller in scope and more cost-effective in its activities, the B.C. Liberals have subjected provincial immigration initiatives to considerable scrutiny, in which as Hiebert and Sherrell (2011) explain, "[p]rograms have been evaluated for their efficiency and outcomes and, where possible, funding streams have been reorganized around an ethos of competition and, when possible, cost-recovery" (p. 77).

The change in political leadership at the federal level also produced changes to the broader immigration policy framework in the B.C. context. A similar neo-liberal ideology, centring on reduced government spending and more streamlined program delivery, has informed the federal Conservatives' approach to governance. Concern with government accountability in the wake of the federal sponsorship scandal, also prompted the Harper Conservatives to

strengthen auditing and evaluation criteria for all federal programs (including Citizenship and Immigration programming) through the *Government Accountability Act* (Dickson et al., 2013, p. 8).

The Conservatives have also placed greater emphasis on the economic benefits of immigration, promoting the immigration process as a means for attracting skilled labour and entrepreneurial investment to Canada. A key aspect of the Conservatives' economic orientation in the immigration field has been their openness to "temporary immigrants", and in particular, "Temporary Foreign Workers". The federal Conservatives have repeatedly promoted the Temporary Foreign Worker Program as means of responding to immediate gaps in the Canadian labour market and an overall economic benefit for Canada and for Canadian employers (Nakache & Kinoshita, 2010; Worswick, 2013).⁷ Their support for this stream represented an important shift in the federal government's understanding of the Canadian immigration process in recent years, in which Ottawa became less focused on the permanent settlement and the long-term social, economic, political and cultural integration of newcomers within Canada, and more focused on facilitating the short-term presence of foreign workers for strictly economic reasons. While the federal government under the Harper Conservatives was eager to promote the economic advantages to immigration and to facilitate the influx of immigrants (either on a permanent or temporary basis) who would bring these advantages to Canada, they were similarly concerned with preventing the influx of other immigrants who they perceived as more costly or dangerous to Canadian society. The Harper government consequently instituted a series of reforms designed to "strengthen" the overall Canadian immigration and citizenship frameworks,

⁷ Though a number of high profile abuses of the program (and the public criticism of the program that followed) led the federal government to introduce a series of reforms to the TFWP in 2014.

which included efforts: to strengthen admission requirements for certain types of immigrants to Canada (in particular, family class immigrants and asylum-seekers); to strengthen the naturalization process for acquiring Canadian citizenship (as well as facilitate the revocation of citizenship for dual/multiple citizens convicted of a crime or a terrorist act); and, to punish or “crack down” on immigrants and refugee claimants who were perceived to be in Canada for dubious or unscrupulous reasons or who were perceived to be a security risk to the country (Bradford and Andrew, 2011; Winter, 2014). These broader political changes at both the provincial and federal levels have been reflected in the changing tone and policy priorities of each intergovernmental agreement between B.C. and Ottawa, as discussed further in the subsequent sections.

Three major themes within the intergovernmental agreements

Tension between clearly defined roles and intergovernmental collaboration

Each of the four agreements reflect the intergovernmental complexity surrounding immigration in Canada, and have been shaped by both constitutional as well as federal and provincial statutory law. The preamble to each Agreement begins by discussing the constitutional division of powers in Canada, in which immigration represents an area of concurrent authority for the two levels of government. Further, all four versions of these agreements have been shaped by the wording and commitments of specific pieces of federal and provincial legislation that grant the Canadian and B.C. governments the authority to enter into intergovernmental agreements regarding immigration matters. Regarding federal legislation, the 1998 Agreement is guided by the provisions of the 1985 *Immigration Act* pertaining to federal-

provincial collaboration in the immigration field (British Columbia, 1998, p. 2), while similar provisions under the 2001 *Immigration and Refugee Protection Act* (IRPA) guide the 2004, 2010, and 2015 agreements.⁸ In terms of provincial legislation, all four agreements adhere to the intergovernmental collaboration provisions of the *Ministry of International Business and Immigration Act*.

As such, each of the federal-provincial agreements recognize the intergovernmental complexity surrounding immigration in both B.C. and in Canada as a whole, and attempt to provide a framework for the two parties to navigate this complexity. Nonetheless, the recommendations the agreements have provided for addressing this complexity has ranged from avoiding it through a clearer division of responsibilities between the two levels of government to embracing it by encouraging greater intergovernmental collaboration. Regarding the first point, a prominent objective of both the 1998 and 2004 agreements was “to delineate the responsibilities” between the federal and provincial governments regarding “the recruitment, selection, admission, control, and settlement and integration of immigrants and non-immigrants to British Columbia” (British Columbia, 1998, p. 4).⁹ The 2010 and 2015 agreements, by comparison, do not include this particular commitment, but at several points refer to the jurisdictional autonomy of the two levels of government and the need to recognize and respect their separate responsibilities in the immigration field.

⁸ Indeed one of the two stated “purposes” of the 2004, 2010 and 2015 agreements is “to define the respective roles and responsibilities of Canada and British Columbia relating to immigrants, temporary residents and sponsors under the IRPA” (Citizenship and Immigration Canada, 2004)

⁹ The 2004 Agreement repeated this commitment to clarifying responsibilities, with the only difference being the term “non-immigrant” being replaced with “temporary immigrant”. In the 1998 Agreement, the term “non-immigrant” specifically referred to “visitors (including temporary workers and students), refugee claimants and Minister’s Permit holders” (British Columbia, 1998, p. 4).

At the same time as the various versions of the agreements have attempted to clarify the division of responsibilities between Ottawa and Victoria, they have also emphasized the need for coordination and cooperation between the two levels of government at all stages of the immigration process and in the development of immigration programs. Since 1998, each accord has included various provisions that have committed the two parties to foster intergovernmental cooperation in the planning and delivery of immigration programming. The 1998 and 2004 agreements contained the commitment “to foster effective co-operation” between the two levels of government regarding “the development and implementation of policies, programs and mechanisms to influence the level and composition of immigrants to Canada and British Columbia” (British Columbia, 1998, p. 4; Citizenship and Immigration Canada, 2004). The two agreements also included the goal “to foster an effective partnership between Canada and British Columbia” regarding the delivery of programs at each stage of the immigration process, including “the recruitment, selection, admission, control and settlement and integration of immigrants to British Columbia” (ibid).

The 2010 Agreement re-iterated its predecessors’ commitments to intergovernmental collaboration regarding immigration levels planning and policy development, but omitted the earlier objective of promoting intergovernmental “partnership” in the delivery of immigration services. In its place was a vaguer commitment for both parties to “facilitate the entry of Temporary Residents and Immigrants to British Columbia through the appropriate programs” (Citizenship and Immigration Canada, 2010). The 2015 Agreement also articulated a commitment to fostering intergovernmental cooperation in the immigration policy field, though the wording of this commitment once again differed from previous accords. Under the agreement, the two parties pledged to cooperate in the areas of “policy, planning and program

development relating to attracting and welcoming Immigrants and Temporary residents to British Columbia”, as well as to work together “in addressing issues of mutual or specific concern to either Party, including in the areas of promotion, recruitment, settlement, integration, and the interests of Minority Official Languages Communities and Local Governments” (Citizenship and Immigration Canada, 2015).

The last two provisions cited in the 2015 Agreement regarding “Minority Official Language Communities” and “Local Governments” reflect some of the additional areas of intergovernmental collaboration in the immigration field that have been included in these accords since 1998. The 2004 Agreement, for example, included commitments for both parties to foster a fairer regional distribution of immigrant settlement within B.C., to encourage the flow of French-speaking immigrants to the province and thereby “support and assist the development of minority official language communities in British Columbia”, as well as to promote the flow of “temporary immigrants” to the province by “facilitating the admission of temporary workers and international students” (Citizenship and Immigration Canada, 2004). The 2010 Agreement introduced new commitments for federal-provincial cooperation in relation to attracting skilled labour to British Columbia (including Temporary Foreign Workers), ensuring greater consultation with local government in the planning and development of immigration programming, as well as encouraging “the development of welcoming and inclusive communities” within the province. Some of these new objectives have endured over time (fostering French-language immigration and encouraging greater consultation with local governments, for example), whereas others have appeared prominently in one version of the agreement and then been downplayed or ignored in later iterations (fostering greater regional equality in immigrant settlement, for example).

The provisions regarding local government consultation and “the development of welcoming and inclusive communities” are significant and deserving of greater attention as they reflect an attempt to make the governance of immigration and integration matters in B.C. more complex from a multi-level governance standpoint. Specifically, the text of the 2010 and 2015 agreements reflected an attempt by the federal and provincial levels of government to recognize and entrench the role of “local governments” in the immigration and integration process in British Columbia. Two of the main objectives of the 2010 Agreement was for the federal government and the B.C. government “to foster the development of welcoming and inclusive communities” in B.C., as well as to “foster cooperation between the Parties to work with Local Governments on immigration-related issues” (Citizenship and Immigration Canada, 2010), objectives that reappeared in a slightly altered form in the text of the 2015 Agreement as well.¹⁰

The 2010 and 2015 agreements framed local governments as important actors and support structures for newcomers to B.C. and accordingly pledged to treat municipalities as prominent stakeholders that the federal and provincial levels have a duty to consult and involve in the planning and development of immigration policy in the future. Section 5.2 of the 2010 Agreement, for example, recognized the role of local governments in the different stages of the immigration process and in fostering broader cohesion within British Columbia’s increasingly diverse society, and stated: “Canada and British Columbia agree that Local Governments play an important role in attracting and retaining newcomers, in supporting the successful settlement and integration of Immigrants in British Columbia and in ensuring that communities are welcoming

¹⁰ The text of the 2015 agreement modified these objectives slightly, in that it pledged to “facilitate collaboration in addressing issues of mutual or specific concern to either Party, including in the areas of promotion, recruitment, settlement, integration, and the interests of Minority Official Languages Communities and Local Governments” (Citizenship and Immigration Canada, 2015).

and inclusive”, as well as committed both levels of government “to work with Local Governments in British Columbia to explore issues related to their respective interests in immigration and pursue opportunities related to communities’ interests in immigration” (ibid.). This commitment to involve local governments was repeated in the text of the 2015 Agreement.

Beyond these intergovernmental agreements, further efforts have been undertaken to recognize the important role that B.C. municipalities and community organizations play in the immigration/integration process for newcomers. Most of these efforts centre on the middle and later stages of Banting’s “integration continuum”, in that they focus on the role of cities and community organizations in providing settlement services and support structures for recent immigrants to B.C., as well as their role in fostering the longer-term socio-economic integration of newcomers and in promoting social cohesion between newcomers and the broader population. The B.C. government’s Welcoming and Inclusive Communities and Workplaces initiative represents an important joint effort by the province, municipalities and non-governmental/private sector actors to collaborate in fostering cohesion and combating discrimination within B.C. society (Welcome BC, 2016). Similarly, various B.C. municipalities and immigrant support organizations have been working in collaboration with the federal government in recent years to develop “Local Immigration Partnerships” that are designed to improve the settlement and integration experiences of newcomers, as well as make local communities more inclusive and local governments and immigrant service-providers more responsive to the needs of newcomers. For example, in 2014, the City of Vancouver and Citizenship and Immigration Canada jointly launched the Vancouver Immigration Partnership, which is being undertaken in collaboration with a various Vancouver-based community organizations and immigrant service providers, and which is ultimately designed “to improve the newcomer experience” within Vancouver (City of

Vancouver, 2015; Vancouver Immigration Partnership, 2016). Similar Local Immigration Partnerships have been undertaken or are being developed in other major B.C. municipalities, including Surrey, Delta and Victoria.

Shifting power relationship (provincial influence to federal dominance)

While the theme of intergovernmental cooperation has endured over the course of the four agreements (and has expanded in recent years with the emphasis on municipal consultation and cooperation), a notable shift in the power relationship between the federal and provincial levels of government has also been evident over time, specifically, one of decreasing provincial influence over the immigration process and increasing federal dominance. The concept of provincial influence in the B.C. case, relates to the goal of making the Canadian immigration process more sensitive and reflective of British Columbia's social and economic context, as well as responsive to the concerns and recommendations of the provincial government. The preamble to the 1998 Agreement first articulated this goal of ensuring greater B.C. influence, and expressed the desire of both parties "to conclude an agreement with regard to co-operation on immigration matters to enable British Columbia to better manage the impact of immigration in order to maximize economic and social benefits to British Columbia society" (British Columbia, 1998, p. 3). Every subsequent intergovernmental agreement has repeated this same commitment by the two parties to work together to "maximize" the benefits of immigration for British Columbia.

In spite of this broad commitment to making immigration as beneficial as possible to British Columbia, the actual commitments to making the immigration process sensitive to the

B.C. context have diminished over time. Earlier versions of these agreements emphasized that British Columbia had distinct immigration-related priorities and goals, and asserted that the Canadian government must attempt to accommodate British Columbia's concerns within its national immigration framework. The 1998, 2004, and 2010 agreements all recognized that "British Columbia has particular needs and circumstances" in the immigration field and that "these can be accommodated insofar as they are not incompatible with national immigration policy and legislation", as well as asserted that "an integrated approach within Canada and abroad will best serve Canada's national interests related to immigration". By comparison, the 2015 Agreement omitted this statement recognizing British Columbia's particular "needs and circumstances" in the immigration field.

A similar trend is evident regarding the subject of federal-provincial consultation on immigration levels planning and program development. Previous agreements were concerned with granting B.C. greater input in the Canadian immigration process and in influencing the number and types of immigrants settling in the province. A major objective of the original 1998 Agreement therefore was:

[T]o provide British Columbia the opportunity to influence immigration planning, policies, and programs in such a way as to support its particular social, demographic, economic development and labour market priorities, including skill shortages (British Columbia, 1998, p. 4)

The 2004 and 2010 agreement repeated this same commitment regarding federal-provincial consultation on immigration matters.¹¹ The text of the recent 2015 agreement, however, omitted

¹¹ The wording of the 2010 Agreement's objective is slightly different from the 1998 and 2004 versions in that it pledges to "provide British Columbia with a mechanism to influence permanent and temporary immigration and related planning, policies and programs to support its particular social, demographic, economic development and

this commitment to bilateral consultation between the B.C. and Canadian governments from its list of major objectives.

As noted above, the declining prominence of provincial influence over the immigration process in the recent versions of these intergovernmental agreements has coincided with the growing prominence of the federal government and the introduction of new pan-Canadian standards regarding immigrant settlement and integration outcomes. Since the 1998 Agreement, which largely centred on clarifying the role of the B.C. government in the immigration field as well as establishing its new authority over selecting Provincial Nominees and delivering federally funded settlement services, subsequent agreements have increasingly focused on articulating and strengthening federal immigration priorities and objectives. This shift was first evident in the 2004 Agreement, in which its commitment to promoting the flow of French-speaking immigrants to B.C. reflected the federal government's broader goal of promoting bilingualism and the development of "Official Language Minority Communities" across Canada. Similarly, the federal government's recent interest in promoting the flow of Temporary Foreign Workers influenced the content of the 2010 Agreement, which included significant new provisions designed to facilitate the entry of Temporary Foreign Workers into B.C. to address immediate gaps in the provincial labour market (though the B.C. government has also been supportive of Temporary Foreign Worker Program and recognizes it as an important mechanism for addressing labour gaps in the province, particularly in the resource sector).

It is the transition between the 2010 and 2015 agreements, however, that the growing dominance of the federal government in the immigration field is most evident. Two major

labour market priorities, including skills shortages", whereas the previous versions simply referred to "a mechanism to influence immigration" and made no distinction between "temporary" and "permanent" immigration.

changes took place between 2010 and 2015 that are responsible for this changing power dynamic: 1) the federal government's re-assertion of authority over the delivery of settlement services in British Columbia in 2014, and 2) the negotiation of the Joint Federal-Provincial-Territorial Vision for Immigration in 2012. Both changes had the effect of diminishing British Columbia's role in immigration matters. The change in authority over settlement services had the effect of removing a key area of influence for the B.C. government over the Canadian immigration process and an important role for the province in shaping the settlement and integration outcomes of recent immigrants to British Columbia. The Joint Federal-Provincial-Territorial Vision for Immigration, meanwhile, had a larger impact in terms of undercutting the type of bilateral relationship that the past three intergovernmental agreements had cultivated between B.C. and Ottawa in the immigration field. Under the terms of 2015 Agreement, the Joint Federal-Provincial-Territorial Vision for Immigration became the new framework for intergovernmental collaboration, one that "sets the strategic direction for what Federal, Provincial and Territorial governments seek to collectively achieve through immigration" (Citizenship and Immigration Canada, 2015). Consequently, previous commitments to making the Canadian immigration process reflective of British Columbia's concerns were replaced in the 2015 Agreement with a framework that ultimately centres on federal priorities and pan-Canadian standards in the immigration field that are designed to apply equally to all provinces and territories.

While the Joint Federal-Provincial-Territorial Vision for Immigration is sensitive to provincial/territorial variations and commits to fostering "[a] flexible model of distributing immigration among provinces and territories that responds to labour market and regional needs" (Citizenship and Immigration Canada, 2012), its inclusion as the guiding framework of the 2015

Agreement nonetheless represented a diminished role for B.C. in the immigration field. The focus of the 2015 Agreement became less about making immigration “work” in the B.C. context through bilateral negotiation and consultation, and more about making the Canadian immigration system equally sensitive to all provincial and territorial actors. Under the new multilateral Joint Federal-Provincial-Territorial Vision for Immigration framework, B.C. now simply represents one of a plurality of dissonant “regional” voices competing to influence the federal government and attempting to ensure that the broader Canadian immigration system reflects their particular concerns and needs.

Immigration as an economic concern

The framing of immigration as a mechanism for responding to the varied demographic, social and economic challenges facing both Canada and B.C. reappears several times over the course of the four agreements. As noted above, each version of the agreement has expressed the mutual interest of both levels of government “to enable British Columbia to better manage the impact of immigration in order to maximize economic and social benefits to British Columbia society”. Similarly, each version of the agreement has emphasized Ottawa and Victoria’s mutual interest in and commitment to “maximizing the contribution of immigration to the achievement of the social, demographic and economic goals of both Canada and British Columbia”.

Nonetheless, the framing of immigration as a predominantly economic concern in both the language of the agreements and in the statements of federal and provincial political figures is noteworthy. This economic orientation is not surprising, considering a major impetus for the original 1998 Agreement was to provide the foundation for the B.C. Provincial Nominee

Program, a program that has represented a major component of every subsequent agreement between Ottawa and B.C. Each of the agreements repeatedly frames immigration as an important tool in responding to immediate labour market gaps, as well as means of attracting skilled workers and entrepreneurial investment that will foster broader prosperity, with the Provincial Nominee Program serving as the main conduit for these economic benefits for British Columbia.

Over time, the agreements have also placed increased emphasis on ensuring the economic integration of newcomers to B.C. The 2004 Agreement, for example, included the new objective of “ensuring immigrants have the opportunity to fully utilize their skills within the Canadian labour market as quickly as possible”. The 2010 version reiterated this commitment while also emphasizing the need for both the federal and provincial governments to “enhance collaboration to address barriers to qualifications recognition and integration of immigrants into the labour market” (Citizenship and Immigration Canada, 2010). This commitment to economic immigration and integration tied into the 2010 Agreement’s re-conceptualization of British Columbia as “Canada’s Pacific Gateway”, and its assertion that both the federal and provincial levels of government “share a mutual interest in enhancing social and economic ties with the Asia-Pacific region” (Citizenship and Immigration Canada, 2010). Finally, the Joint Federal-Provincial-Territorial Vision on Immigration, which as noted above acts as a guiding framework for the 2015 Agreement, repeatedly conceptualizes the Canadian immigration process in predominantly economic terms. The accord commits the various federal, provincial and territorial parties to a shared “vision” in which “immigration contributes to increased economic growth, innovation, entrepreneurship, and competitiveness” in Canada, and where “immigrants

participate to their full potential, economically and socially” (Citizenship and Immigration Canada, 2012).¹²

Federal and provincial officials, when discussing these intergovernmental accords, have also repeatedly highlighted the economic benefits associated with immigration for B.C. and Canada. Provincial commentators like Murray Coell, the former Minister of Community, Aboriginal and Women’s Services, argued that the 2004 Agreement would “benefit immigrants, their families and communities and help us build a stronger economy for all British Columbians” (British Columbia, 2004). Similarly, Moira Stillwell, the former B.C. Minister of Advanced Education and Labour Market Development, stated in relation to the 2010 Agreement that “[i]mmigrants coming to our province not only enrich the social fabric of B.C., they also bring economic advantages, generate innovation, attract industries and workers, and spur economic growth” (British Columbia, 2010). A provincial press statement, similarly framed the 2010 Agreement and the idea of facilitating the flow of immigrants to B.C. as an important means of addressing the economic and demographic challenges facing B.C. and Canada, as well as a means of socially enriching the province and the country as a whole:

Attracting more immigrants to British Columbia and retaining and integrating them to address British Columbia’s unique economic and social needs will be to Canada’s overall social, cultural and economic benefit (British Columbia, 2010)

Federal commentators have also emphasized the economic benefits that these intergovernmental immigration agreements bring to both B.C. and the rest of Canada. Jason

¹² Further, the three “priority areas” identified by the Joint Federal-Provincial-Territorial Vision for Immigration are either economic in orientation, such as the promotion of “economic immigration” to Canada, or include important economic goals, such as ensuring that immigration levels planning in Canada “reflect economic demand”, and that in the area of immigrant settlement and integration the various parties work together to secure “improved economic and social settlement and integration outcomes” (Citizenship and Immigration Canada, 2012).

Kenney, the former federal Minister of Citizenship, Immigration and Multiculturalism stated that the 2010 Agreement would “support the integration of newcomers, helping to ensure that they’re able to contribute to our economy and succeed in Canada” (British Columbia, 2010). Building on these comments, the former federal Minister of Human Resources and Skills Development, Diane Finley, argued that the 2010 Agreement would address key economic priorities for both parties in the wake of the 2008 economic downturn, in that it would “help Canada attract the skilled international workers it needs to meet the needs of the Canadian economy as we emerge from the global economic recession” and would also “strengthen British Columbia’s ability to meet its labour market needs both today and in the future” (British Columbia, 2010). A federal government summary of the 2010 Agreement similarly framed the accord in largely economic terms, stating “[i]mmigration is critical to the province’s economic recovery and growth, and will account for most of British Columbia’s net population growth within the next two decades” (Citizenship and Immigration Canada, 2010). One of the major economic benefits to the 2010 Agreement that the federal government emphasized was its provisions regarding Temporary Foreign Workers. Jason Kenney, in particular, contended that Temporary Foreign Workers would make an important economic contribution to the province, and that the 2010 Agreement would “facilitate the entry of these workers to help British Columbia fill critical labour shortages” (British Columbia, 2010).

Analysis and Conclusion

Since Confederation there has always been the potential for multi-level cooperation in the governance of Canada’s borders in relation to transnational migration, due to immigration being an area of concurrent jurisdictional authority between Ottawa and the provinces, but it has only been in recent decades that this potential has been explored. The four intergovernmental

agreements reached between Ottawa and Victoria from 1998 to 2015 represent a significant attempt by two levels of government to collaboratively manage or govern Canada's international borders in relation to transnational migration. In particular, they represent attempts by the Canadian and B.C. governments to adapt to the challenges posed by contemporary transnational migration patterns and flows, as well as to ensure that the influx of transnational migrants addresses the short- and long-term economic and demographic needs of both B.C. and Canada as a whole.

In this respect, as noted above, Canada and B.C. represent part of a broader international trend of decentralization, "re-scaling" or growing multi-level complexity surrounding the governance of immigration that has taken place in multiple Western societies in recent years. Within this trend, lower-level actors like regional and municipal governments (as well as community-based organizations) have played increasingly prominent roles in the immigration/integration experiences of newcomers (often by virtue of these levels of government and community actors being "closer" to the average newcomer and more responsible for the day-to-day services upon which recent immigrants depend) and they have also attempted to make immigration/integration policy more sensitive to regional/local concerns and conditions. While the British Columbia experience mirrors this wider international trend, it should also be understood as being partly the by-product of a particular political context, namely the context of the Canadian federal system, and therefore has been shaped by the ongoing intergovernmental relationship between Canada and B.C., a relationship that has frequently been characterized by competition and struggle over political authority and resources. The three themes analyzed in this paper, which are evident in the objectives, guiding principles and policy priorities of the four federal-provincial agreements on immigration (and related official statements), are indicative of

broader intergovernmental trends and pressures within both Canadian federalism and the Canadian immigration policy field in recent years, but also have broader implications that extend beyond Canada regarding the governance of borders in relation to transnational migration.

Each of the agreements have attempted to provide guidance and coherence to a policy field that is inherently complex due to its constitutional status as an area of concurrent federal and provincial jurisdiction. They have attempted to strike a balance between respecting the distinct jurisdictional authority and responsibilities of the two levels of government, while also recognizing the need for greater intergovernmental collaboration in the immigration field. This intergovernmental collaboration over time has extended beyond the planning and delivery of immigration programming in the B.C. context to such diverse goals as: promoting the economic integration of newcomers; encouraging the influx of permanent and temporary skilled labour; fostering the flow of French-speaking immigrants to the province; and, encouraging consultation with local governments and the development of “welcoming and inclusive communities”. The underlying theme of these various commitments is the recognition by both parties that immigration is an intricate and multi-faceted policy area, in which intergovernmental collaboration is necessary to manage immigration effectively and to “maximize” immigration’s positive side effects for British Columbia and for Canada as a whole.

In spite of this continued emphasis on intergovernmental collaboration between B.C. and Ottawa over the course of the four agreements, a noticeable shift in the power relationship between the two levels of government is evident. This shift is apparent in both the diminished emphasis on making the immigration process sensitive to British Columbia’s economic and social context and reflective of the provincial government’s concerns, as well as in the rising prominence of federal priorities and pan-Canadian standards over time. While the various

versions of these agreements have framed immigration as an issue of mutual concern to both levels of government, the language of these agreements has gradually shifted from one of “partnership” and equal “cooperation” between Ottawa and B.C. to a hierarchical relationship where the federal government sets the broader rules and objectives of the Canadian immigration system and the B.C. government simply fulfills a set of diminished immigration-related responsibilities for itself. Adding to this complexity has been the growing role of municipalities and community organizations in the immigration process (particularly in the settlement and socio-economic integration of newcomers). These lower-level governmental and non-governmental actors are on the front-line in providing many of the day-to-day services on which newcomers rely. They are however politically weak actors in the immigration field, unable to exercise authority over policy matters unless they are granted a role by the federal and provincial levels, and lacking the fiscal capacity to undertake significant initiatives on their own. Nonetheless, recent efforts like the emphasis that the 2010 and 2015 agreements placed on fostering welcoming and inclusive communities in B.C., as well as the Local Immigration Partnership initiatives that municipalities like the City of Vancouver have undertaken, indicate the extent that certain B.C. municipalities are taking to increase their role in the immigration and integration fields.

Finally, the economic priorities of both the federal and provincial governments have assumed an increasingly prominent place in the text of these agreements over time. Each agreement has emphasized the economic benefits that immigration provides to B.C. and Canada, as well as the need to facilitate and accelerate the economic integration of newcomers to B.C. This is not to discount the non-economic themes that are present in the text of these agreements, in which immigration has also been framed as a means of addressing broader demographic

concerns or a means of fostering social and cultural diversity in both Canada and B.C., but such concerns have frequently been treated as secondary to the economic motivations underlying these accords. Indeed the economic motivations only heightened with the political ascendancy of the B.C. Liberals at the provincial level and the Conservative Party of Canada at the federal level. This is evident in the language of the 2010 and 2015 agreements, with their increased emphasis on the economic integration of newcomers, on facilitating the influx of Temporary Foreign Workers to fill immediate and essential gaps in the B.C. labour market, and in their broader re-conceptualization of British Columbia as Canada's "Pacific Gateway" to the economies of Asia. It remains to be seen whether this economic orientation will continue to predominate in future agreements in the wake of the recent federal election and whether the new Liberal government in Ottawa will continue to conceptualize the Canadian immigration process along the same economic lines as their Conservative predecessors.

In this respect, the B.C. case provides an interesting example of two levels of government embracing a collaborative strategy for the governance of a border in relation to transnational migration (and providing space for local governments and community actors to collaborate with them); a strategy that is designed to maximize the perceived "benefits" of immigration for both Canada and British Columbia. It is a strategy, however, that also reveals significant limitations and challenges, namely how: 1) there is an unequal power dynamic between the different levels of government; 2) the amount of multi-level collaboration varies in relation to the different stages of the immigration process; 3) there is a degree of selectiveness regarding which type of immigrant should be admitted across the border into B.C. and Canada.

Regarding the first point, the governance of the immigration process in B.C. has become more multi-faceted over time, in that there are more levels of government and more actors

involved in managing the flow of transnational migrants across Canada's borders and in managing the settlement and integration of these migrants into Canadian society. The power relationships between the different levels of government, however, remain asymmetrical with the federal government remaining the dominant level (in spite of efforts to decentralize responsibilities), the B.C. government assuming an important (but still secondary) role in the immigration/integration process, and the municipalities only recently being recognized for the important role they play in the day-to-day settlement and integration experiences of newcomers to B.C.

The second point relates to this unequal power relationship, in that intergovernmental collaboration in the immigration process tends to take place at the later stages of the process surrounding the settlement and socio-economic integration of recent immigrants, while the federal government continues to be the dominant actor regarding the important decisions that take place "at the border", specifically, decisions regarding the recruitment and admission of immigrants into Canada. The BC Provincial Nominee Program provides an important exception to this pattern, in that it has provided the provincial government an important role in the recruitment of new immigrants to B.C. on economic grounds, but even in this regard, the federal government dictates the total number of B.C. provincial nominees that are admitted annually as well as possesses final approval over whether a specific B.C. provincial nominee will ultimately be admitted into Canada. From a border governance perspective then, the federal government still acts as the primary "gate-keeper" at the border in relation to the admission of transnational migrants to Canada, and it is only after immigrants are past the border and are attempting to establish themselves in Canadian society that the immigration/integration framework becomes a more multi-level phenomenon with the provincial and municipal levels playing important roles.

Regarding the third point, the economic orientation of these agreements reveal how the federal and provincial actors have worked together in recent years to diminish the relevance of Canada's international borders if there is an economic rationale to do so, in order to facilitate the entry of certain types of immigrants to Canada (namely, skilled workers and international students) on either a permanent or temporary basis. In this respect, Canadian policy makers at both the federal and provincial levels are selective about which immigrants they want to help cross Canada's international borders with ease and they have prioritized immigrants that are perceived to be economic assets to the country. At the same time as the two levels of government have been diminishing the relevance of borders by facilitating the flow of economic migrants into B.C., other initiatives undertaken by the federal government have been designed to strengthen those borders in the interest of both promoting "security" and in the interest of keeping out less "desirable" immigrants (either people who are perceived to be in Canada for dubious reasons and/or those who might be a "cost" rather than a "benefit" to the Canadian economy). These twin motivations, in turn, reflects a process where Canada's borders and territoriality are implicitly weakened but where the logic of borders and territoriality still predominates in that these migration initiatives are designed to benefit Canada and B.C. exclusively. Specifically, it is a process in which the perceived benefits of transnational migratory flows are designed to accumulate behind a specific border line and within a defined/bounded territorial space (B.C. and Canada), while the perceived costs of transnational migration are supposed to remain outside of that defined/bounded territorial space with Canada's borders serving as a barrier to entry.

Ultimately, this recent era of multi-level/intergovernmental collaboration in the immigration field characterized by the four federal-provincial agreements between Ottawa and

B.C. has demonstrated a remarkable degree of variation over time, as policy priorities, political actors, and power relations have shifted. Indeed, the recent efforts by the former Harper government to re-assert a degree of federal authority in the immigration field and establish pan-Canadian standards in settlement and integration outcomes represented a potential turning point in the relationship between Canadian federalism and immigration policy. On one level, the re-assertion of the federal role represents a significant reversal to (what had appeared to be) a decentralizing trend that had lasted since the 1970s, in which the provincial governments were gradually assuming a more prominent role in immigration policy matters at Ottawa's expense. It also went against the broader decentralizing trend that has taken place within the Western world in recent years of increased regional and municipal involvement in immigration matters. Within an even longer perspective, however, Ottawa's efforts can be regarded as simply the latest stage in an intergovernmental power relationship that has been complex and malleable since Confederation. Where, in spite of shifts in specific policy responsibilities between the two levels of government, the relationship of concurrent federal-provincial authority over immigration persists and continues to require ongoing negotiation, consultation and collaboration between Ottawa and provinces such as British Columbia. In this respect, the efforts by the two levels of government to collaboratively govern the border in relation to transnational migration will continue into the future and will likely become more complex over time.

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