Comparing a Year of Legal Inbound Travel: the United States and Canada – 2009

Dylan Medina
MA Candidate, English

Yijun Zhang
MBA Candidate

Susannah Edwards
BS Candidate, Environmental Science

Austin Rose
MS Candidate, Environmental Studies

Christopher Miller
MA Candidate, Political Science

David Davidson
Associate Director, BPRI

Research Report No. 12
August 2011

Border Policy Research Institute
Western Washington University
Bellingham, Washington
www.wwu.edu/bpri/

About the Border Policy Research Institute

The BPRI focuses on research that informs policy-makers on matters related to the Canada – U.S. border. Policy areas of importance include transportation and mobility, security, immigration, energy, environment, economics, and trade.

Border Policy Research Institute
Western Washington University
516 High Street
Bellingham, WA 98225-9110
(360)650-3728

Any part of this report may be duplicated with proper acknowledgment.

This report is available at http://www.wwu.edu/bpri

Table of Contents

Introduction…….… 1

Historical Context...……. 8

Non-Immigrants..……... 15

Immigrants.……..……..……..... 33

Humanitarian Class...……...……..... 58

Citizenship...……...…….…….... 60

Conclusion……...……...…….……..... 63

Appendix A……...……...……...……..... 67

Appendix B……...……...……....…..... 69

Appendix C……...……..…..... 71

Introduction

This study initially set out to compare the cross-border flow of people into the U.S. and Canada over the course of one year. The research team at the BPRI chose to look at cross border flow for 2009, finding it to be the most recent comparable year. To begin this research, we set out with several general questions such as "who is crossing?", "how many?", "from where?" and "why?" We intended to first collect the quantitative data and then look at how the flow of people reflects or perhaps complicates the border and immigration policies, as well as the values, of each nation. However, obstacles that appeared in our initial research quickly revealed that we needed to modify the parameters of our study. Inconsistency in the terminology used by each border and immigration agency was a major yet surmountable obstacle, which the final section of this introduction addresses. To overcome this obstacle we incorporated the differing terminologies from each country and each agency into an internally consistent lexicon for the sake of clarity in this report. The most daunting obstacles proved to be the inconsistencies in data availability and collection practices. Some of these inconsistencies proved to be unworkable. We found incompatible and inconsistent U.S. and Canada data for the various border protection and immigration agencies within each country. The conclusion of this report provides more detail on these research complications.

We circumvented many of the initial research challenges, and further investigation revealed that the daunting data related obstacles stem largely from each nation's border and immigration policies and their fundamental social values. For instance, since the U.S. places greater emphasis on security, it publishes extensive *admission data* but lumps certain people (e.g., visitors with Border Crossing Cards) into undifferentiated groups, making it difficult to get a clear picture of cross-border flow. Canada, on the other hand, provides thorough *visa and immigration statistics*, but publishes very little admission data. This inconsistency made it difficult to compare U.S. and Canada admission data sets directly. We use these unparallel cases as opportunities to discuss how we believe they are testament to each nation's conception of their own border.

While we set out to develop a precise one-year snapshot, we have instead constructed something more akin to an impressionistic portrait. Nevertheless, this portrait provides a useful view of the human cross-border flow, and the overall data and comparison gives some accurate responses to our initial questions. Furthermore, the areas in which the data becomes blurred provide excellent starting points for further research and highlight ways in which policymakers could address the inconsistencies to make cross-border flow more secure, efficient and cooperative.

The remainder of this introduction provides a brief explanation of the vocabulary that we use consistently throughout the rest of this report. This section also includes Map 1, which shows an estimate of overall cross-border flow of people to the U.S. and Canada in 2009. Chapter 1 provides a history of immigration policy in the U.S. and Canada from roughly the 18th century to present day. This historical context is necessary to understand contemporary border and immigration policies, as these policies stem from national values and culture developed in response to the events and fluctuating conditions that make up each nation's history.

Chapter 2 focuses on the first major group of legal aliens[1]: non-immigrants. The chapter begins with a discussion of the legal framework that allows for aliens to legally enter the U.S. and Canada on a *temporary* basis. Then we provide a comparison of non-immigrants by visa type and country or region of origin. We found the most significant inconsistencies in the data for this category, with little data available for some subcategories, particularly those non-immigrants who do not need visas to enter. Chapter 2 concludes with some commentary on the non-immigrant data we collected, the two nations' policies, and the relationship between the two.

Chapter 3 focuses on immigrants following a similar format. After introducing the legal framework that allows for aliens to legally enter the U.S. and Canada on a *permanent* basis, we present a comparison of immigrants by country-of-origin and immigrant class. The data for immigrants contains far fewer inconsistencies and missing data sets. Immigration policy provides an extensive legal framework for these aliens who wish to remain permanently, and the available data was more extensive and complete, thus can be further divided into different immigrant classes.

Throughout Chapters 2 and 3, to improve the comparability of the policies and data sets from the U.S. and Canada, we found it useful to group the various visas used by United States Citizenship and Immigration Services (USCIS) into the class categories used by Citizenship and Immigration Canada (CIC). It is important to note that USCIS does not use these convenient class categories, and the grouping that we have done may contain some distortions. The fact that these distortions exist highlights subtle differences between the border and immigration policies of the two nations.

Chapter 4 collects the humanitarian populations from both the non-immigrant and immigrant chapters. We have done this because the U.S. and Canada recognize and admit persons in need of protection in significantly different ways. This policy difference manifests itself in the available statistics making direct comparisons between the different Humanitarian Classes impossible. By pulling statistics from the different classes and sources, we have produced aggregate data that is fairly comparable between the U.S. and Canada.

Chapter 5 provides a brief discussion of citizenship. While citizenship is not the focus of this study, it is the final step of the immigration process, and so it seems appropriate to mention the paths to acquiring citizenship. There are a number of responsibilities and privileges that come with citizenship in each nation, and in a way, citizenship marks full assimilation of foreign born individuals into the host society. This citizenship process could also be a fruitful subject for further research.

This study concludes with a larger discussion of the relationship between the quantitative data we collected and the border and immigration policies of the U.S. and Canada. This conclusion includes

---

[1] We recognize that many aliens enter the U.S. and Canada every year illegally, but for the purposes of this study we have chosen to disregard them. Illegal aliens, by the nature of their entry, are undocumented and therefore insufficient data exists on their numbers and demographics.

a broader commentary, policy recommendations, and directions for further research. Finally, we provide a detailed list of obstacles that we confronted over the course of the research.

One final note on maps, figures and appendices: The inserted tables present on most of the maps have been designed to list all countries that contribute 2% or more of the total population in the given category. This means that the *number* of nations included within a table varies from map to map. Additionally, immigrants from certain countries listed as N/A may have been issued visas, but were listed by U.S. and Canadian immigration agencies under the categories: "Source not stated" or "Other Countries." Attached to the tables and interspersed with the text, we have provided hyperlinks which can be accessed directly or from Appendix C. These links will take the reader directly to the source of the given information.

Lexicon

One of the more challenging aspects of understanding border and immigration policy is sorting through the inconsistent terminology. For instance, Canadian travel documents include the Temporary Resident Visa—Canada's non-immigrant visa—which is frequently coupled with a Work or Study Permit. The Temporary Resident Visa is not to be confused with the Temporary Resident Permit—a permit issued by the Minister of Citizenship, Immigration and Multiculturalism that allows entry of an alien who would be otherwise inadmissible—or the Permanent Resident Visa, which may also be coupled with one of a number of permits. Additionally, different governmental agencies, private enterprises, and non-profit organizations maintain little consistency in their vocabularies. These inconsistencies become even more pronounced between the U.S. and Canada. For instance, USCIS identifies people crossing the border into the U.S. as "admissions," while CIC identifies people crossing the border into Canada either as "initial entries" for the individual's first entrance into the country in a given calendar year or as "re-entries" for the individual's subsequent re-entry into Canada on a different immigration document in that year. To clarify this confusion, we will be consistently using the following lexicon.

Admission—the moment when an individual legally crosses the border. This differs from "Entry" in that it may be the first crossing or the fiftieth crossing by an individual.

Alien—any person who is not a citizen or permanent resident of the nation in which he or she is entering or has entered. This includes people in the U.S. and Canada either legally or illegally. For the purpose of this study, we ignore the illegal aliens.

Asylee—any person seeking asylum from within the U.S. or Canada.

Asylum—request for protection by a person in need of protection.

Citizen—any person who has sworn allegiance, either through birth or naturalization, to the country of citizenship and enjoys the rights, responsibilities and protection associated with that allegiance.

Convention Refugee—a person in need of protection and defined as a refugee by the United Nations High Commissioner for Refugees (UNHCR) under the *1951 Convention Relating to the Status of Refugees* and the *1967 Protocol Relating to the Status of the Refugees*.

Entry—First-time admittance into the U.S. or Canada on a given immigration document in an observed calendar year.

Immigrant—an individual entering with the intent of remaining permanently.

Non-immigrant—an individual entering with the intent of remaining temporarily. In some cases, non-immigrants become immigrants by changing their status. Both the U.S. and Canada provide a legal framework by which this may occur.

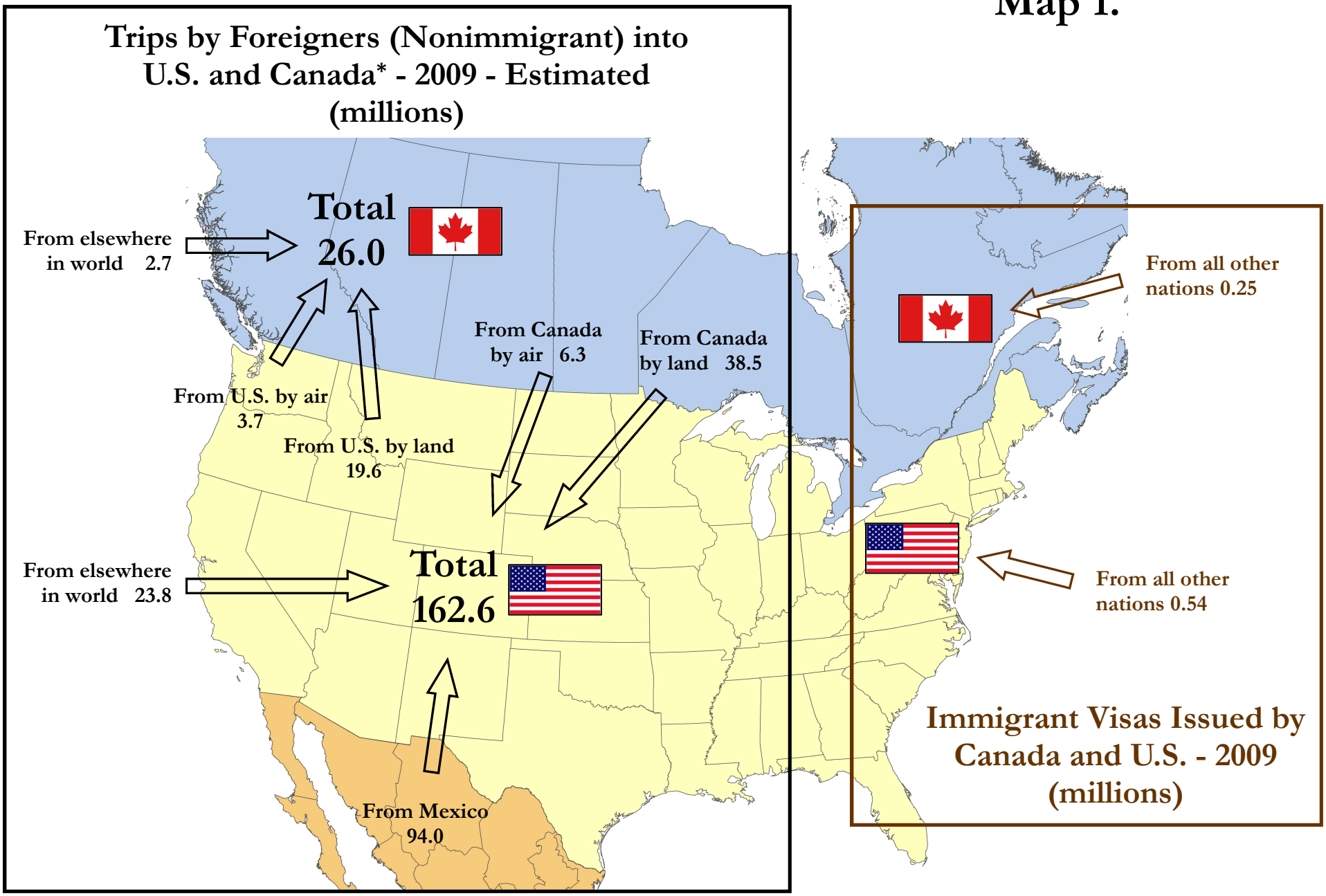
Permanent Resident—an immigrant who is not a citizen, but who has been authorized to reside permanently in the U.S. or Canada by way of a Green Card in the U.S. or a Permanent Resident Card in Canada.

Persons in need of protection—any individuals living in a situation that presents grave danger *and* who cannot, for any reason, obtain protection from their country of residence or citizenship. This includes Convention Refugees, all other individuals in refugee-like situations, informants, etc.

Refugee—any person seeking asylum from outside of the U.S. or Canada.

Visitor—any legal alien who has entered the U.S. or Canada for purposes *other* than work or study, including purposes such as tourism, visiting family members, vacation, etc. Some business travelers are considered visitors by CIC and USCIS if their business dealings are short term and do not directly contribute to the economy. For example, business people attending conferences or meetings for their work would still be considered visitors.

Map 1.



* Excluding diplomats, military, and crew

Commentary

As noted earlier, while the initial goal of this study was to compare the inbound cross-border flow of people into the U.S. and Canada for a single year, we ran into significant obstacles. Map 1 is the closest approximation to our original goal. To construct this map, we have drawn from many sources from both nations including the Canada Border Services Agency (CBSA), the Department of Homeland Security (DHS), Statistics Canada, United States Customs and Border Protection (USCBP), and the U.S. Bureau of Transportation Statistics (USBTS). We ran into difficulties in constructing this map in part because the count of people moving north across the Canada/U.S. border provided by Statistics Canada does not match USCBP's count of people moving south. Since only a miniscule percentage of this traffic consists of immigrants, the northbound and southbound figures should be about equal, but the Canadian value is 6% less than USCBP's. This discrepancy is caused by the fact that Statistics Canada does not include the flow of people moving north into Canada through the NEXUS lanes. This is a long-standing issue regarding Statistics Canada's counts of land border traffic. To adjust for this we made our own estimates in order to balance the north and southbound flows. Another complication is that for both the U.S. and Canada this figure excludes military personnel, diplomats, and crew members. These—particularly the crew members—are major numbers and include airplane crew, ship crew, truck drivers, etc. Truck drivers alone amount to more than 5 million trips per year in each direction. Military movements are also quite large for the U.S., what with the wars in Afghanistan and Iraq and the normal rotations of overseas postings. These numbers unfortunately are unavailable to this study.

Map 1 is a compilation of two elements. First, the brown box on the right shows the total number of immigrant visas issued. The figures in this box match with the figures and tables that appear later in this report. However, visa issuance does not equate exactly to cross-border flow because one issued visa may not result in a border crossing until the next year or may result in multiple trips in one year. If we assume that immigrant visa issuance equates to exactly one trip by an immigrant *in the year of issuance*, then the figure above captures the immigrant cross-border flow.

The second element of Map 1—the blue box on the left—attempts to include all available statistics on non-immigrant cross-border flow. This number is estimated and includes values that appear nowhere else in this report. The value of 162.6 million total trips to the U.S. by non-immigrants *does* directly match a value published by DHS, but the dissection of the total into its four components was based on the above cited sources together with an Office of Travel and Tourism Industries count of "overseas visitors." Of those 162.6 million total trips, DHS only provides detailed information for the 36.2 million people who completed I-94 forms upon admission. That cohort is represented in the non-immigrant chapter later in this report, but the remaining 126.4 million trips consist of travel that is exempt from the I-94 requirement. Specifically, these "missing" trips include Mexicans traveling on Border Crossing Cards (BCC), as well as almost all Canadian visitors. This "missing" 126.4 million provided a significant challenge to generating a figure of total non-immigrant trips to the U.S.

When contemplating Map 1, it is important to remember that the U.S. population is approximately ten times that of Canada. Despite this difference in population, the U.S. issued just twice as many immigrant visas as Canada (i.e., 0.54 million vs. 0.25 million), reflecting conscious policy direction. The U.S. does not seek high immigration rates to maintain its labor pool and national economy, while Canada does actively seek to attract skilled immigrants to contribute to its continuing economic growth. For this reason, Canada allows a far greater number of immigrants in proportion to its overall population than the U.S. For both nations, the flow of immigrants is dwarfed by the non-immigrant traffic.

A similar disproportionality appears in the flow of non-immigrants. The U.S. attracted 162.6 million trips by non-immigrants in 2009, while Canada attracted 26.0 million. This means that despite a population ten times that of Canada, the U.S. only attracted a little more than six times the non-immigrants. 85.4% of the total non-immigrant trips to the U.S. came from either Mexico (57.8%) or Canada (27.6%). Many of the 94 million trips from Mexico are made by Mexicans with BCCs, which allow them to make multiple trips into a 25-mile wide border region abutting Mexico. For Canada, 89.6% of non-immigrant trips originated in the U.S. The flow of Canadians into the U.S. is about twice the reverse flow both by air and by land. In relation to a national population of 30 million, Canadians made 38.5 million land trips to the U.S., versus 19.6 million land trips to Canada by Americans out of a U.S. population of more than 300 million. Air trips follow similar proportions to land trips with Canadians making considerably more trips per capita to the U.S. than the reverse. The only numbers in which cross-border flow is roughly proportional to the overall populations of the U.S. and Canada are the ones for trips by non-immigrants from non-NAFTA origins. The volume of inbound trips to the U.S. is about nine times greater than that to Canada.

Chapter 1: Historical Context

It is common to hear the U.S. and Canada referred to as "immigrant nations," and in the most literal sense this is true. The vast majority of both nation's populations are not of native descent, and with decreasing birthrates particularly in Canada, immigration will account for an increasing percentage of future population growth. However, while future economic growth in the U.S. and Canada may rely increasingly on immigration, today only a very small part of each country's population is made up of first generation immigrants. Foreign born permanent residents and citizens make up only 12.4% of the U.S. population and 18.4% of the Canadian population (U.S. Census., Statistics Canada). Most of the population has been in the U.S. or Canada for several generations and can hardly be considered "immigrants." That being said, immigration has historically been and continues to be a central and frequently volatile public policy issue in both nations, and a myriad of interest groups have entered the debate over "who gets in?" and "who gets to stay?" In public discourse these questions frequently get boiled down to a simple binary of open or closed borders. Unfortunately, this public discourse is generally driven by rumors, half-knowledge, and emotions; and for that reason, it fails to address the complexity of the immigration issue, including the many conflicting forces that make border and immigration policy. All of these must be considered to create just and effective policy, and to begin we must separate the questions "who gets in?" and "who gets to stay?" Border policy is important in determining "who gets in?" and today it attempts to balance economic and national security concerns. If border policy influences which aliens are permitted into the country, immigration policy determines "who gets to stay" and is based on a variety of social, political, and economic factors. Policymakers must take into account numerous factors including the economic benefits of an open border policy, the humanitarian obligation to admit refugees, the protection of job markets from a surplus of foreign workers, popular xenophobia, and security concerns in a post-9/11 world.

United States Border and Immigration Policy

This study draws the following historical overview of U.S. border and immigration policy from a number of useful sources. The Harvard University Library Open Collections Program (Chapman, 2010) provides a succinct timeline of major historical events accompanied by scanned copies of relevant original legal documents. Digital History (Mintz, 2007), a collaboration of the University of Houston and a number of historical societies and government agencies, provided another useful source of information. Our summaries of legislative acts come from the text of the acts themselves and from U.S. Immigration Legislation Online (Starkweather, 2007), a collection of immigration laws compiled by the University of Washington-Bothell.

In early U.S. history, immigration was largely an unregulated affair. Federal laws in the first 70 years of the republic dealt mostly with issues of naturalization, not immigration. The *Naturalization Act of 1790* gave a path to citizenship for all aliens who were "free white persons" of "good character" and had resided in the U.S. for two years. Policymakers adjusted this residency period twice in the following 12 years, raising it to fourteen years in 1798 and lowering it to five years in 1802 (Open

Collections Program, accessed 2011). Other than extending citizenship to 80,000 Mexicans following the Treaty of Guadalupe Hidalgo in 1848, there was little in the way of government intervention in immigration until the 1860s.

Immigration to the U.S. began to rise steadily in the decades leading up to the Civil War. From 1831 to 1840, immigrants numbered 599,125, and that figure nearly tripled to 1,713,251 over the next ten years. In the 1860s, over 2.5 million people immigrated to the U.S. Westward expansion and the booming railroad industry attracted immigrants seeking a new life, but it also attracted a "less desirable" element—slave labor from China. The *Anti-Coolie Act of 1862* attempted to discourage the importation of indentured laborers from China by placing a tax on businesses that hired Chinese immigrants. This was the first of many attempts by the U.S. government to stifle Chinese immigration and slow immigration in general.

The last quarter of the 19th century saw a flurry of government action to limit immigration. In 1875, the U.S. Supreme Court ruled that immigration law was the purview of the federal government (not state governments) because of the effect of immigration on international commerce (Chy Lung v. Freeman, 92 U.S. 275, 1875). As the immigrant population exploded in the 1880s (5.2 million people immigrated to the U.S. in the 1880s versus 2.8 million in the 1870s), the U.S. government responded, as Congress passed the *Chinese Exclusion Act* in 1882. This act banned the immigration of Chinese laborers for the next 10 years. The *Alien Contract Labor Law* (1885) made it illegal for U.S. businesses to pay for the transportation of immigrant laborers or to subsidize their travel through express or implicit contracts of labor. The U.S. further restricted immigration with the *Immigration Act of 1891*, which barred many "undesirable" immigrants, including polygamists, those suffering from contagious diseases, and people convicted of a "misdemeanor involving moral turpitude." Finally, the *Greary Act* (1892) extended the 10 year ban on Chinese immigrant laborers for an additional decade. This act also required all Chinese immigrants living in the U.S. to obtain a certificate of residence or risk deportation.

Despite efforts by the U.S. government to limit immigration, another 3.6 million immigrants arrived in the U.S. over the last decade of the 19th century. That number spiked the following ten years; over 8.7 million people immigrated to the U.S. from 1901-1910. It was over this period of time that the U.S. government began to see immigration as a serious threat. From 1907-1910, a congressional committee on immigration, the Dillingham Commission, produced a 42-volume report detailing the various threats posed by immigrants from southern and eastern Europe. They advocated for a series of measures to drastically reduce total immigration numbers.

The U.S. *Immigration Act of 1907* banned the immigration of women into the U.S. for "immoral purposes." The *Immigration Act of 1917* banned large classifications of people, including immigrants from most of Asia. The *Emergency Quota Act* (1921) was the first law to place a numerical limit on immigrants from specific countries. The *Immigration Act of 1924* made these temporary quotas permanent. The number of people who could emigrate to the U.S. from a specific country each year

was limited to 2% of that country's total immigrant population already living in the U.S. as of the 1890 census, with a minimum of 100 immigrants per country. Since there was much less immigration to the U.S. from southern and eastern Europe before 1890, this quota system was implicitly biased against those immigrants. It was also explicitly biased against Asian immigrants by limiting immigration to those who would be potentially eligible for U.S. citizenship. As Asian immigrants were ineligible for citizenship, the *Immigration Act of 1924* effectively banned immigration from most of Asia.

Coupled with the effect of the Great Depression, the quota system and the ban on Asian immigration drastically reduced immigration rates in the 1930s. From 1921-1930, 4.1 million people immigrated to the U.S., but in the following decade only 532,000 people did so. Having achieved the goal of limiting immigration, Congress did little to change immigration policy until after the Second World War. The most important legislative action on immigration in the run-up to war was the *Alien Registration Act* (1940), which required all non-U.S. citizens to register with the federal government and get fingerprinted. This law was the precursor to the modern day Green Card.

The modern immigration system began to take shape in 1952 with the *McCarran-Walter Act* (also called the *Immigration and Nationality Act*). It repealed the ban on Asian immigration and created a rigid quota system based on race and country of origin. It also created the family- and employment-based preference categories for immigrants. These preference categories are still in use today. In keeping with the times and the climate of the post-war years, the *McCarran-Walter Act* also defined a series of ideological grounds for deportation, including deportation of individuals associated with Communism and Anarchism.

The Civil Rights movement in the 1960s led to a de-racialization of U.S. immigration policy. The *Hart-Cellar Act* (1965) abolished the race and ethnicity quotas and replaced them with a preference-based system with a hard cap of 170,000 visas for the Eastern hemisphere, and 120,000 for the Western hemisphere, making up for decades of anti-Asian bias. *Hart-Cellar* was amended in 1968 to grant citizenship to immigrants in the U.S. military who served in Vietnam, Korea, or other conflicts.

The 1960s was a time of liberalization in the U.S., reflected in the changes in immigration policy. As the political climate swung the other way in the 1980s, immigration policy didn't necessarily follow, and many of the changes made in the 60s and 70s remained. The *Refugee Act of 1980* established the Federal Refugee Resettlement Program within the Department of Health and Human Services to assist refugees to find a job, to learn English, and to make other adjustments necessary to efficient resettlement. This is one of the few instances where U.S. immigration policy addressed the lives of immigrants beyond the border crossing. The *Simpson-Mazzoli Act* (1986) cracked down on employers who mistreat immigrant employees or hire illegal immigrants and granted amnesty to all illegal immigrants who had lived in the U.S. continuously since before 1982. In 1990, Congress established

the Immigrant Investor Program to attract foreign capital, and in 1994 NAFTA came into force adding a number of avenues for non-immigrants and immigrants from member countries.

The next major change to border and immigration policy occurred after the terrorist attacks of September 11, 2001. Responding to national security concerns, policymakers reorganized the bureaucracy surrounding immigration under the umbrella of the Department of Homeland Security (DHS). USCIS handles immigration services and benefits, including visa applications, citizenship applications, and asylum and refugee seekers; and Immigration and Customs Enforcement (ICE) is responsible for enforcing immigration laws.

Canadian Border and Immigration Policy

This section provides a necessary overview of the historical context in which Canadian border and immigration policy developed. We have drawn the following historical overview from "Forging Our Legacy: Canadian Citizenship and Immigration, 1900-1977" ("Forging Our Legacy", 2006) and The Making of the Mosaic: A History of Canadian Immigration Policy (Kelley, 2011). These two sources provide detailed examinations of the history of Canadian policy and should be consulted for further discussion beyond the limited overview included here.

Canada's immigration policy has generally been one that attempts to attract immigrants, while selecting the "right kind" and weeding out the undesirable ones. This has caused Canada's immigration policy to remain fairly open, but frequently discriminatory. Not until the 1960s did Canada renounce an immigration policy that openly discriminated based on race. Canada's first immigration legislation, the *Immigration Act*, was passed in 1869. The prior decade had seen a steady increase in immigration with 352,000 immigrants arriving during the 1850s (Statistics Canada). Despite continued significant immigration flows during the 1860s and 70s (260,000 and 350,000 respectively), the Immigration Act of 1869 did little to limit immigration, but instead sought to protect immigrants and ensure that those admitted to Canada posed no health or criminal risk (Statistics Canada). While labor unions protested against the relatively open immigration policy of the second half of the 19th century, economic need for immigrants to complete construction of the Trans-Canadian Railroad (TCR) triumphed, and early immigration policy that imposed few restrictions led to an immigration boom in the 1880s when immigration levels nearly doubled from the previous decades. As the TCR neared completion labor demands decreased, and in 1885 the Canadian government passed the *Chinese Immigration Act*, which placed a $50-a-head tax on Chinese immigrants. Immigration dropped off sharply in the 1890s to 250,000, but then climbed dramatically at the turn of the century as labor demands shifted to industry (Statistics Canada).

In all, more than 3 million people moved to Canada from 1896-1914 (Statistics Canada). To respond to this immigration boom, the Canadian government passed new immigration acts in 1906 and 1910. Since Canada still required immigrant laborers, these acts generally did little to attempt to slow immigration rates. However, the *Immigration Act* of 1906 did place some restrictions on immigration, attempting to weed out undesirable immigrants, predominately mentally or physically handicapped

individuals. The *Immigration Act* of 1910 followed a similar policy and allowed the Canadian government to add ethnic groups to the list of undesirables. This selectivity has been a major theme in Canadian immigration policy throughout the 20th century and remains dominant today. These immigration acts, along with the *Chinese Immigration Act,* marked the beginning of Canada's effort to attract the "right kind" of immigrants while using legislation to weed out the undesirables (the characteristics that make certain aliens undesirable have changed—from racial to economic—but the selectivity remains even today). In 1919 the *Immigration Act* was revised to allow for further restrictions to admission and the deportation of immigrants in an effort to "minimize ethnic diversity" ("Forging Our Legacy", 2006). Immigration rates declined gradually until the Great Depression, when rates dropped from 1.2 million immigrants in the 1920s to 149,000 in the 1930s (Statistics Canada).

During the Second World War, admission of refugees became a major question as European Jews and other groups fleeing the Nazi regime sought refuge in Canada. The Prime Minister at the time, MacKenzie King "had a genuine sympathy for refugees, but his sympathy took a distant second place to another consideration: keeping Canada united" ("Forging Our Legacy," 2006). During the war and the years following, immigration policy remained restrictive, and many of those trying to flee Europe were not admitted. In 1942, following the bombing of Pearl Harbor, Canada forcibly removed all Japanese Canadians from within 100 miles of the Pacific coast. These Canadians were kept in detention until the end of the war.

After the war, immigration policy was further revised. The *Canadian Citizenship Act* of 1947 provided a common Canadian citizenship to all Canadians. This act put limitations on how one became a citizen, and what rights citizens and non-citizens would have. In 1950 the Department of Citizenship and Immigration was created, and the first new *Immigration Act* since 1910 was passed in 1952, which allowed for further discrimination of ethnic groups and placed significant discretionary power in the hands of the Minister of Citizenship and Immigration and the department's officers. With these revisions, immigration policy remained restrictive and can be best described by Prime Minister King's often quoted speech in 1947:

> Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not a 'fundamental human right' of any alien to enter Canada. It is a privilege…The people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population (in Kelley, 2010, p. 317).

Following this policy, immigration rates increased very gradually and did not reach pre-war levels until the 1960s. During that decade more than 1.4 million new immigrants entered the country (Statistics Canada).

Immigration policy gradually became less restrictive under the direction of Ellen Fairclough, the first woman to serve as Minister of Citizenship and Immigration. In 1962, she introduced new regulations that eliminated racial discrimination from Canadian immigration policy. Immigration policy remained fairly liberal through the 1960s and 70s, and Canada welcomed more than 3 million new immigrants during those two decades (Statistics Canada). In 1967 the *Immigration Appeal Board Act* was passed, which allowed individuals facing deportation a process of appeals. During this period the *White Paper of 1966* and the *Green Paper of 1974* were published. Following publication of these documents Canada attached immigration admission to labor markets and attempted to direct immigrants to settle outside of urban areas. Further, immigration quotas were established during this period. Canadian quotas differ from those in the U.S. in that U.S. quotas are hard caps while Canadian quotas are target ranges. This difference is important and reflects each nation's unique policy goals. In 1976 another new *Immigration Act* was passed, and most interest groups aligned to support more open immigration policy. This act was significant because it defined the principles and objectives of immigration policy, and most importantly, it required the government to plan immigration. Following the *Immigration Act* of 1976, the 1977 *Citizenship Act* passed. The definitions of citizenship established in this act remained in force for the rest of the 20th century.

The liberalization of immigration policy under the new *Immigration Act* allowed for the introduction of multiculturalism as a feature of immigration policy. As Canada came to see itself as a multicultural society, the definition of the "right kind" of immigrant changed from an ethnic to an economic one. The new act also allowed for an influx of refugees over the next 20 years. In response the Canadian government passed a number of Bills including Bill C-55, C-84, and C-86 that better defined admissibility for refugees and provided legal grounds to address security risks associated with the refugee influx.

The second half of the twentieth century set the stage for contemporary immigration policy. The world had changed significantly and migration patterns changed with them. Massive refugee populations from Africa and Asia, global terrorism, declining birth rates in host countries, and changing foundations of economic systems became major concerns in Canadian immigration policy of the 1990s and 2000s. In 2001 a new *Immigration and Refugee Protection Act* (IRPA) replaced the one passed in 1976 and came into force in 2002. Immigration policy of that decade sought to address security risks in response to the terrorist attacks of September 11, 2001, expedite the processing of refugees, and attract skilled workers that would help the Canadian economy continue to grow. One frequently debated issue of the last decade is the extent to which immigration policy decisions are left up to the discretion of the Minister of Citizenship, Immigration and Multiculturalism and other immigration officers. On one hand, placing more control over the immigration process in the hands of fewer people has helped streamline the process that is already considerably backlogged, whereas on the other hand, this centralized authority can lack the checks and balances necessary to ensure that applications are processed fairly.

Canadian immigration policy has changed considerably since its foundation when Canada's non-indigenous population was little more than a collection of British and French trapper colonies. Still, balancing the need to draw immigrants to develop as a nation with the need to maintain community values has been and continues to be the main challenge that Canadian border and immigration policymakers face. As the social, political, and economic context continually change, so must the nature and goals of border and immigration policy.

Canadian and U.S. immigration policy followed similar paths in their early years with both nations seeking to attract the "right kind" of immigrants to help build each nation. Likewise, both Canada and the U.S. restricted admittance based on race, but departed from this practice as explicit policy in the 1960s. However, the immigration policies of the two nations differ significantly in their ultimate goals. Canada has continued to seek the "right kind" of immigrants maintaining a fairly open immigration policy while adjusting for and preventing influxes of refugees, and incorporating greater security measures since the terrorist attacks of September 11, 2001. Along with attempting to attract immigrants and guest workers, Canada assists immigrants with resettlement. Current U.S. immigration policy incorporates stiff security measures in the wake of the terrorist attacks. Likewise, by not seeking large immigrant populations to stimulate economic growth, the U.S. has developed an increasingly restrictive immigration policy. Along with incorporating caps on immigration and naturalization, the U.S. does comparatively very little to assist immigrants in resettlement. Instead, immigrants to the U.S. count on non-profit and non-governmental organizations for support.

Chapter 2: Non-Immigrants

Now that we have presented a brief overview of the history of border and immigration policy in the U.S. and Canada, we will begin to address the material central to this study. This chapter focuses on non-immigrants, or legal aliens entering the U.S. and Canada on a *temporary* basis. To facilitate the comparison we have grouped the U.S. visa categories into the Canadian non-immigrant classes: the Visitor Class, the Study Class, the Temporary Work Class, and finally the Visa Exempt Class. The Visitor Class is a relatively small class that includes (but is not limited to) tourists, business visitors, medical visitors, etc. These legal aliens enter for a short time period, six months in Canada and 90 days in the U.S. at the discretion of an inspection agent. This class includes legal aliens entering for similar reasons as members the Visa Exempt Class, but since its members come from nations with more distant relations with the U.S. or Canada, they still require a visa.

The Study Class includes all non-immigrants entering the U.S. and Canada to study at authorized secondary, post-secondary, or technical institutions. These students may be pursuing academic or technical degrees and must be admitted to the institution prior to applying for a study permit or visa. In Canada, study permits are not necessary for legal aliens in programs of study lasting less than six months. Also, Canadian immigration policy allows dependents of legal aliens with Study Permits to apply for an Open Work Permit, which allows them to work in Canada temporarily—usually for the same duration as their sponsor's Study Permit. Both the U.S. and Canada allow students to work part time on campus and, in a few cases, off campus with additional permits.

The Temporary Work Class includes all non-immigrants working on a temporary basis in the U.S. and Canada. Members of this class are a diverse group of individuals ranging from manual laborers to workers employed in technical or professional occupations. Immigration policy allows legal aliens to work *temporarily* in order to fill labor shortfalls or to fill other jobs that require a unique expertise the individual legal alien possesses. The temporary work permit or visa may remain valid for as little as several days or as long as a number of years, but offers no path for legal aliens to gain permanent residency. To seek permanent residency, legal aliens in the non-immigrant classes must change their immigration status, and both the U.S. and Canada provide legal frameworks for them to do so. Due to the temporary nature of these permits and visas, members of the non-immigrant classes must prove to the inspection agent that they are both willing and able to leave the country at the end of their visit.

By far, the largest class of non-immigrants is the Visa Exempt Class. Both the U.S. and Canada allow legal aliens from certain countries, usually traditional allies, to enter without a visa. These non-immigrant visitors require a passport or other valid identification document and can usually only stay in the country for a short amount of time. While a visa is not necessary, visa exempt non-immigrants must prove to an inspection agent that they are not inadmissible and have sufficient funds for travel

and the entire duration of the stay. This category accounts for the vast majority[2] of non-immigrant cross border flow and consists mostly of U.S., Canadian, and Mexican citizens and permanent residents travelling across the land border. The relative magnitude of the flow of people at the land borders of the U.S. and Canada (see Map 1) makes clear how this class could make up such a large percent of the non-immigrant cross border flow.

Non-immigrants: United States

This study has found that non-immigrant trips to the United States vastly outnumbered immigrant visas in 2009 as reported in Map 1. Many of those visitors must acquire a temporary visa before entering the U.S. Since immigration policy allows non-immigrants to change status after entry into the U.S., policy assumes that every applicant for a temporary visa could possibly immigrate. For this reason, policy requires legal aliens to prove that the purpose of their visit is temporary, they have sufficient funds to cover the intended length of their visit, and that they have permanent residency and other binding ties outside the U.S. that will ensure their departure (Travel.State.Gov[i]). Applicants between the ages of 14 and 79 must complete all necessary forms, obtain authorized identification, pay the application fees, and submit to an interview at a U.S. Embassy or Consulate as part of the application process. Visitors from one of 35 visa-exempt countries may bypass the visa process if they intend to stay less than 90 days. If approved, all other visitors, including students, temporary workers, and others receive a visa corresponding to the purpose of their visit. The definitions, qualifications, and stipulations for each visa type are outlined in Title 8 of the US Code of Federal Regulations (8 CFR 214[ii]). Below is a brief summary of the types of visas available to temporary visitors. Again, we have organized the U.S. visas into categories based on the Canadian non-immigrant classes.

Non-immigrants: Canada

Non-immigrant traffic into Canada also vastly outnumbered immigrant visas in 2009. The main travel document for non-immigrants in Canada is the Temporary Resident Visa (TRV) issued by and at the discretion of an immigration official as per the *Immigration and Refugee Protection Regulations* (SOR/2002-227 s. 179[iii]). As with any Canadian visa, the TRV is only a travel document and allows individuals to travel to Canada, but it does not guarantee entry. Upon arrival, legal aliens must seek the permission of a CBSA officer in order to enter the country. Generally, Canada requires that non-immigrants, like all legal aliens seeking to enter the country, must prove that they are of good health and must submit to a medical examination if required. For further information on inadmissibility please see CIC's published information[iv]. As with non-immigrants to the U.S., non-immigrants

---

[2] It is difficult to precisely calculate the percent of visa-exempt non-immigrants because the data available for this class is limited; however, for both nations this class of people makes up roughly between 85-90% of all cross-border flow of non-immigrants.

seeking to enter Canada must also prove that they have sufficient funds for their visit, that they are able and willing to leave at the end of their temporary residency, and that they have ties in their country of residency or citizenship that will ensure their return home. Generally temporary visitors may remain in Canada for six months without other permits; however, during inspection a CBSA officer may issue a visa record that explicitly defines the limit to the duration of the visit. Additionally, the *Immigration and Refugee Protection Act* allows for the Minister to issue a Temporary Resident Permit, which allows individuals who would otherwise be deemed inadmissible to enter Canada as temporary visitors. Canada has a broader visa-exemption program with 59 visa exempt countries and a number of other territories. Legal aliens from these countries usually may enter for six months, but they must have the appropriate permit if they wish to work or study.

Non-Immigrants: United States

Visitor Class	• Visa types A1-A3, B, C1-C3, J1, K, Q, S, and V (prior to December 21, 2000)[v]. • These visas cover all legal aliens visiting the U.S. as non-immigrants including tourists, government officials, individuals in transit, family members or fiancés, individuals on cultural exchange, etc.
Study Class	• Students may only seek on-campus employment or internships. • F-1—allows for study in an approved academic program at a qualifying institution of secondary or higher education. Valid for the program's duration. • M-1—allows for study in vocational or technical training programs. Valid for the duration necessary to complete training. • For more information see link[vi].
Temporary Work Class	• Visa types D1-D2,E1-E2,G1-G5,H1b,H1c,H2,H3,I,L1,NATO1-NATO7,O1-O2,P,R1, and TN[vii]. • These visas and their terms vary widely and include all temporary work classes from crewmen, traders and investors from qualifying[viii] countries, employees of International Organizations including NATO, representatives of Foreign Information Media, intra-company transferees, Temporary workers (skilled and unskilled), Athletes, Entertainers, Religious workers and NAFTA professionals. For a full list see link[ix].
Visa Exempt/ Visa Waiver	• Some non-immigrants may enter the United States without a visa depending which nation issued their passport. For a full list of the 35 nations that qualify for a visa waiver see Appendix B. Additionally, Mexicans and Canadians may apply for and be issued a border crossing card, which allows them to move more freely across the border.

Non-Immigrants: Canada

Visitor Class	• All legal aliens who are not visa-exempt must have a TRV and valid travel documents, and must satisfy CBSA inspection. • TRV allows temporary residency for six months unless otherwise stipulated by a CBSA officer through a Visitor Record. (SOR/2002-227 Part 10 s.192-3[x])
Study Class	• Study Permit Form IMM 1294—for programs of study longer than six months. • Off Campus Work Permit—allows students to work part time off campus. • Co-op Work Program—allows students to work in their program of study. • Post-graduation Work Employment Program—allows students graduation with a four year degree in Canada to work in their field of study for up to three years. • Quebec Acceptance Certificate (CAQ)—required for study in Quebec and must be issued prior to application for a Study Permit Form IMM 1294. (SOR/2002-227 Part 12 s. 210-22[xi])
Temporary Work Class[3]	• Some temporary jobs do not require a work permit; see the complete list[xii]. • HDRSC-1—these jobs do not require confirmation from Human Resources and Skills Development Canada (HRDSC). See the complete list[xiii]. • HDRSC-2—these jobs require confirmation by the HRSDC based on the Labor Market Opinion (LMO). See the complete list[xiv], which changes quarterly. • Open Work Permit—allows Spouses, Common-Law partners, and other eligible family members of study or work permit holders to work temporarily. • CAQ—required prior to application for a work permit, as with the Study Class. • Live-in Caregiver—allows legal aliens to work for Canadian citizens and permanent residents. After a set period of employment, Live-in Caregivers may apply for permanent residency. (SOR/2002-227 Part 11 s.194-209[xv])
Visa Exempt/ Visa Waiver	• Citizens and permanent residents from certain countries may enter Canada temporarily without a visa. A full list of visa exempt countries can be found in Appendix B. Visa exempt legal aliens from these 59 countries still require any applicable permits to study or work in Canada on a temporary basis.

[3] Significant changes, effective April 1, 2011, have been made to the Temporary Foreign Worker Program. These changes are largely limiting ones in response to the current financial crisis. These changes may be found on the Citizenship and Immigration Canada website at http://www.cic.gc.ca/english/work/changes.asp.

Table 1. United States

Number of Nonimmigrant Visas Issued by Classes: 2009

Total			**5,804,182**
Temporary Workers and Families			**515,660**
Treaty trader or investor (E)		34,638	
Temporary worker and Trainee (H)		278,168	
Representative of Foreign Information Media (I)		15,219	
Intracompany Transferee (L)		124,275	
NAFTA Professional (NAFTA)		7,327	
Person with extraordinary ability in the Sciences, Arts, Education, Business, or Athletics (O)		16,466	
Athlete, Artist or Entertainer (P)		34,010	
International Cultural Exchange Program Participant (Q)		1,626	
Person in a Religious Occupation (R)		3,931	
Study Permit Class			**708,846**
Student (F)		353,798	
Exchange visitor (J)		345,541	
Vocational student (M)		9,507	
Tourists and Business Travelers			**4,116,984**
Temporary visitor for business (B-1)		42,261	
Temporary visitor for pleasure (B-2)		443,100	
Temporary visitor for business and pleasure (B-1/B-2)		2,924,368	
Combination B1/B2 and Border Crossing Card (B1/B2/BCC)		707,255	

Table 1. United States

Number of Nonimmigrant Visas Issued by Classes: 2009

Humanitarian population			**108**
Informant Possessing Information on Criminal Activity or Terrorism (S)		0	
Victim of Severe Form of Trafficking in Persons (T)		95	
Victim of Criminal Activity (U)		13	
Other			**462,584**
Diplomats and other representatives		154,013	
Foreign Government Official (A)	102,825		
Representative/Staff of international organization (G)	43,876		
NATO Official (NATO)	7,312		
Transit aliens		267,914	
Transit (C)	38,387		
Combination transit/crew member (individual issuance) (C-1/D)	205,893		
Crew member (individual issuance) and Crewlist Visas (D-Crewlist)	23,634		
Expected Long-term Residents		40,657	
Fiance(e) of U.S. citizen (K)	40,645		
Certain Relatives of SK Special immigrants (N)	12		
Spouse/Child of Lawful Permanent Resident Awaiting Availability of Immigrant Visa (V)	0		

Source:
U.S. Department of State,
Classes of Nonimmigrants Issued Visas (Including Crewlist Visas and Border Crossing Cards): Fiscal Years 2005 – 2009

Table 1. Canada

Number of Nonimmigrant Visas Issued by Classes: 2009

Total			**382,330**
Temporary Workers and Families			**178,478**
Workers - International arrangements		18,529	
NAFTA[a]	14,948		
Other FTA[b]	521		
International agreements	2,329		
Provincial agreements	360		
GATS[c]	371		
Workers - Canadian interests		76,632	
Reciprocal employment	49,014		
Employment benefit	10,105		
Spouse/common law partner	9,298		
Research and studies related	6,674		
Other Canadian interests	1,541		
Other workers without LMO[d]		1,581	
Workers with LMO		81,736	
Information technology workers	2,697		
Live-in caregiver program	9,816		
Seasonal Agricultural Worker Program	23,372		
Low skill pilot program[e]	19,656		
Other workers with LMO	26,195		
Study Permit Class			**85,140**
Students with work permits		4,931	
Work permits without LMO	4,795		
Work permits with LMO	136		
Students without work permit		80,209	
Visitor Class			**73,448**

Table 1. Canada

Number of Nonimmigrant Visas Issued by Classes: 2009

Humanitarian population			**34,123**
Refugee claimants		33,161	
With work permits	15,736		
Without work permits	17,425		
Other humanitarian population		962	
With work permits	936		
Without work permit	26		
Other			**11,141**
Temporary resident permit holders		11,141	

Source:
Citizenship and Immigration Canada, *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents*

Notes:

a. North American Free Trade Agreement

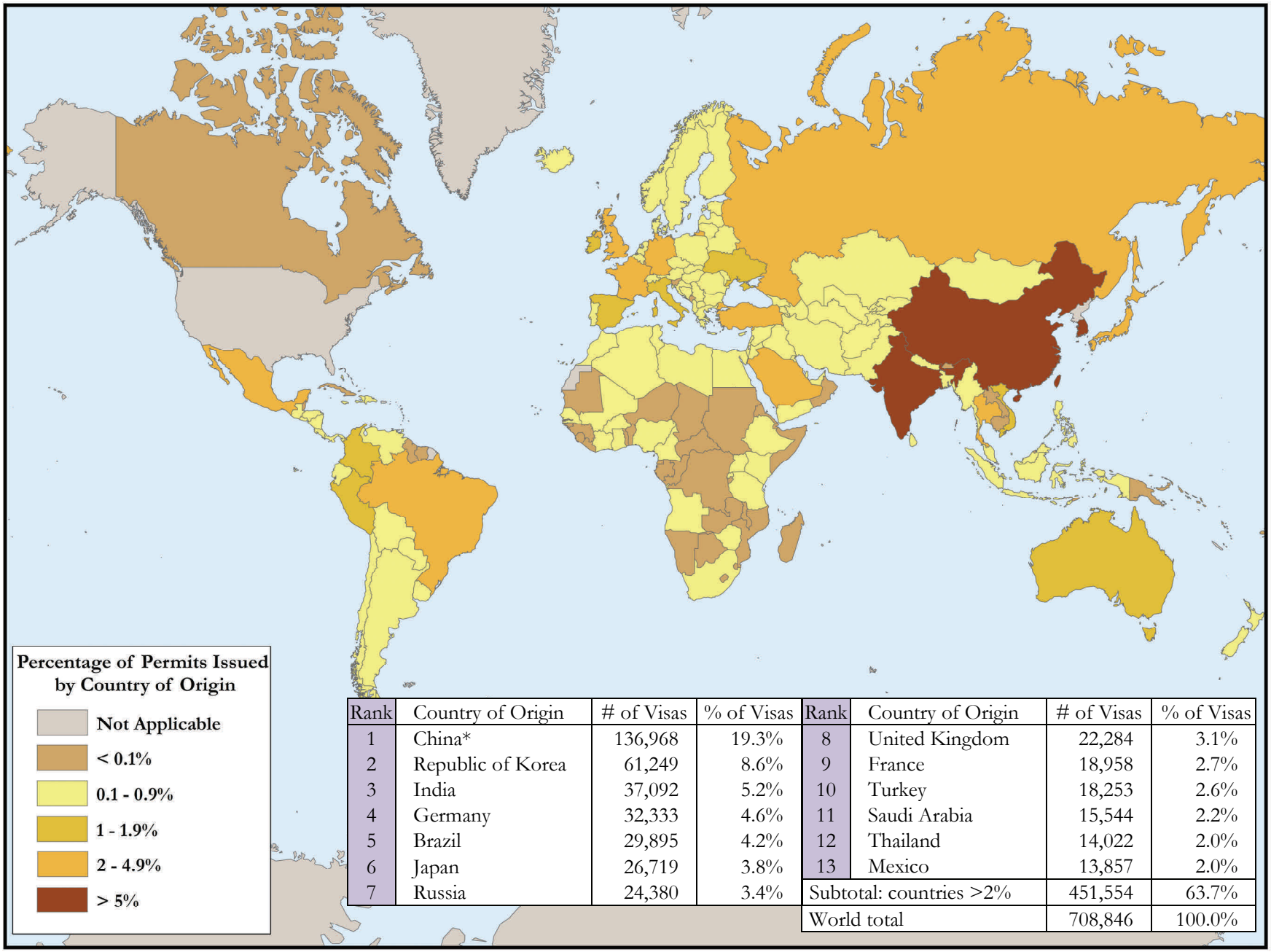
b. Free Trade Agreement

c. General Agreement on Trade in Services

d. Labour Market Opinion

e. Also includes foreign workers from Guatemala working in agriculture

Map 2. U.S. - Study Permits Issued by Country[xvi]

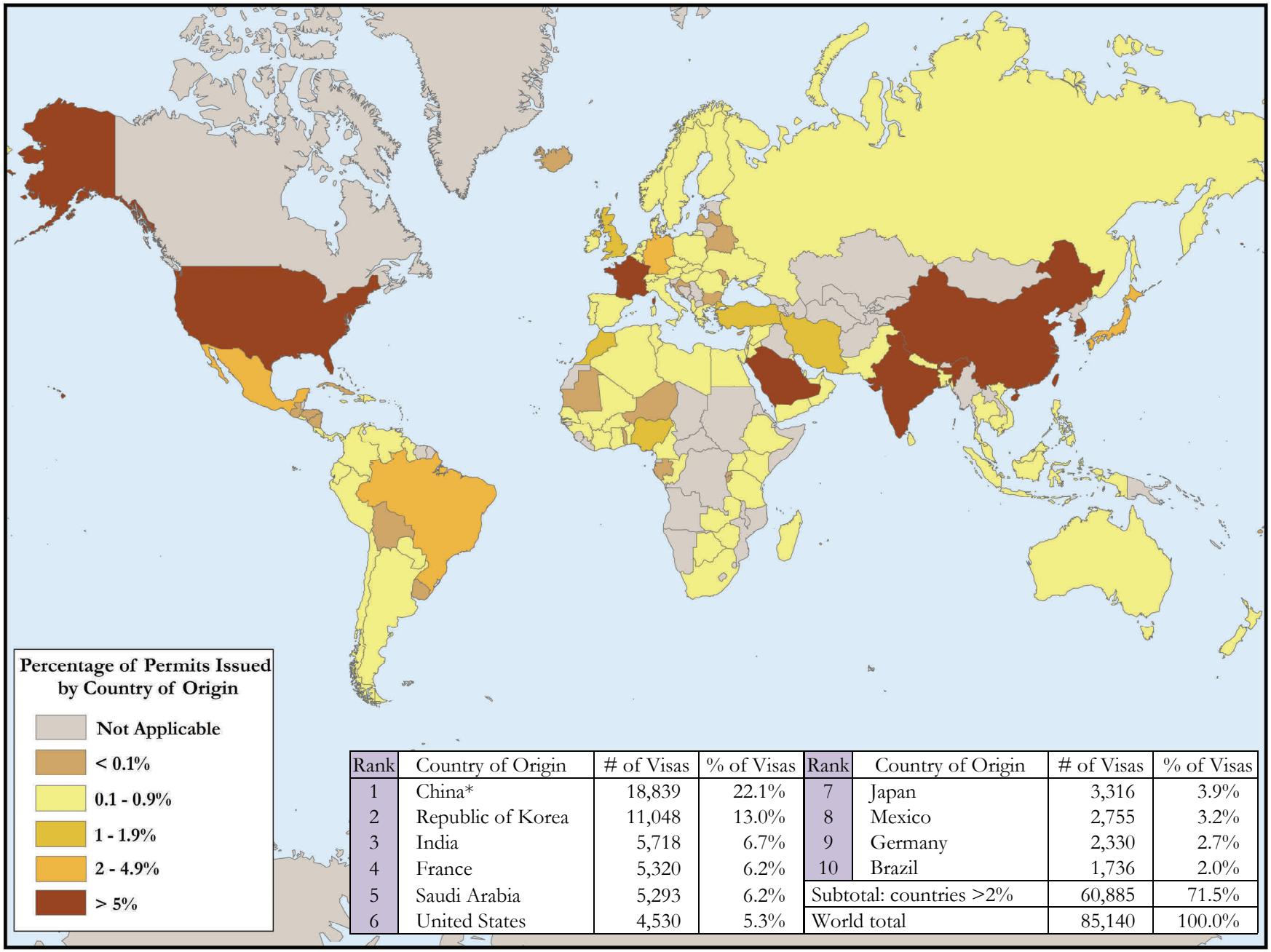


Rank	Country of Origin	# of Visas	% of Visas
1	China*	136,968	19.3%
2	Republic of Korea	61,249	8.6%
3	India	37,092	5.2%
4	Germany	32,333	4.6%
5	Brazil	29,895	4.2%
6	Japan	26,719	3.8%
7	Russia	24,380	3.4%
8	United Kingdom	22,284	3.1%
9	France	18,958	2.7%
10	Turkey	18,253	2.6%
11	Saudi Arabia	15,544	2.2%
12	Thailand	14,022	2.0%
13	Mexico	13,857	2.0%
Subtotal: countries >2%		451,554	63.7%
World total		708,846	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: U.S. Department of State, *Nonimmigrant Visas Issued by Classification and Nationality (Including Border Crossing Cards): Fiscal Year 2009*

Map 3. Canada - Study Permits Issued by Country[xvii]

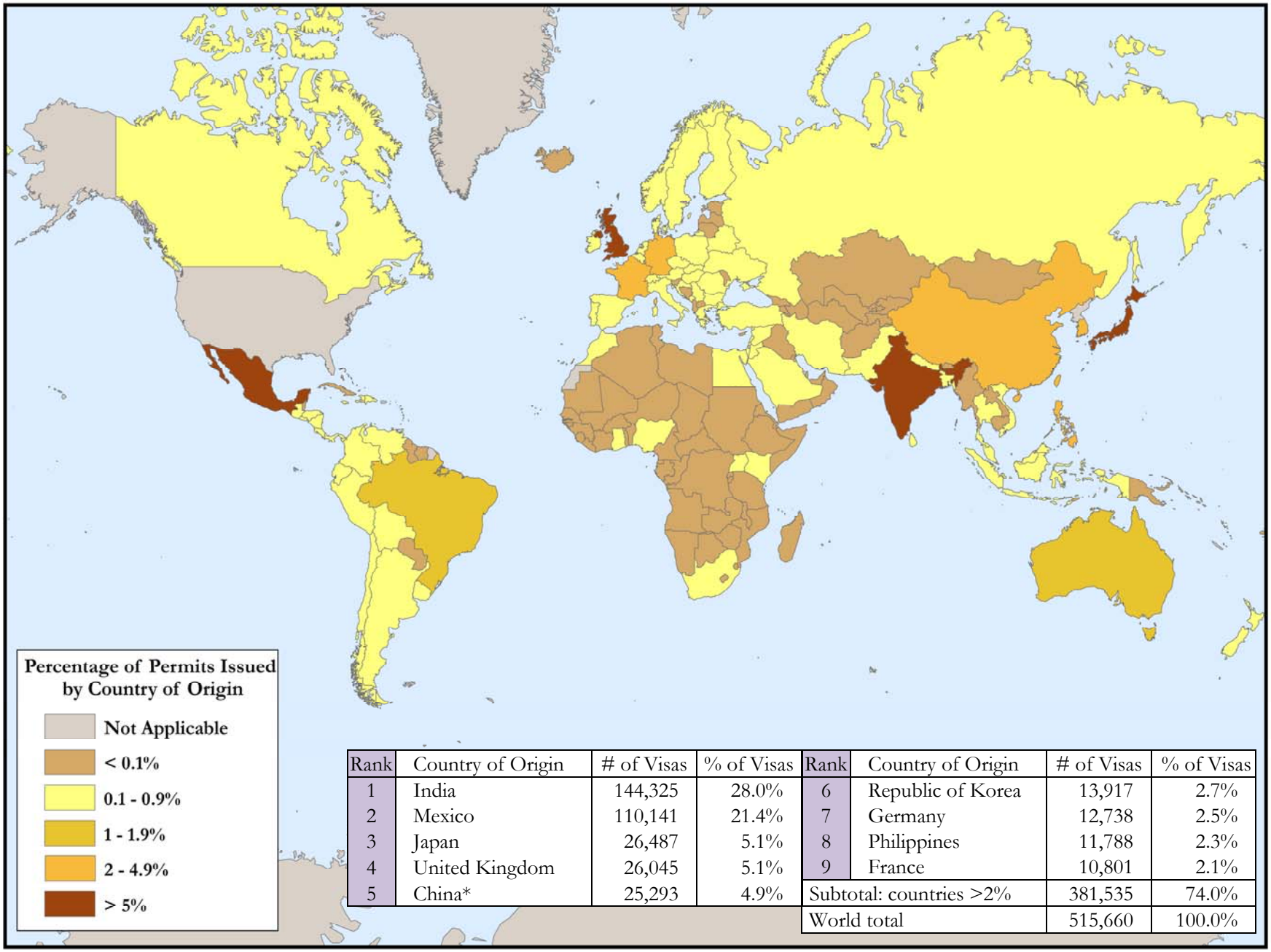


Rank	Country of Origin	# of Visas	% of Visas	Rank	Country of Origin	# of Visas	% of Visas
1	China*	18,839	22.1%	7	Japan	3,316	3.9%
2	Republic of Korea	11,048	13.0%	8	Mexico	2,755	3.2%
3	India	5,718	6.7%	9	Germany	2,330	2.7%
4	France	5,320	6.2%	10	Brazil	1,736	2.0%
5	Saudi Arabia	5,293	6.2%	Subtotal: countries >2%		60,885	71.5%
6	United States	4,530	5.3%	World total		85,140	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: Citizenship and Immigration Canada, 2010. *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents.*

Map 4. U.S. - Temporary Worker Permits Issued by Country[xviii]

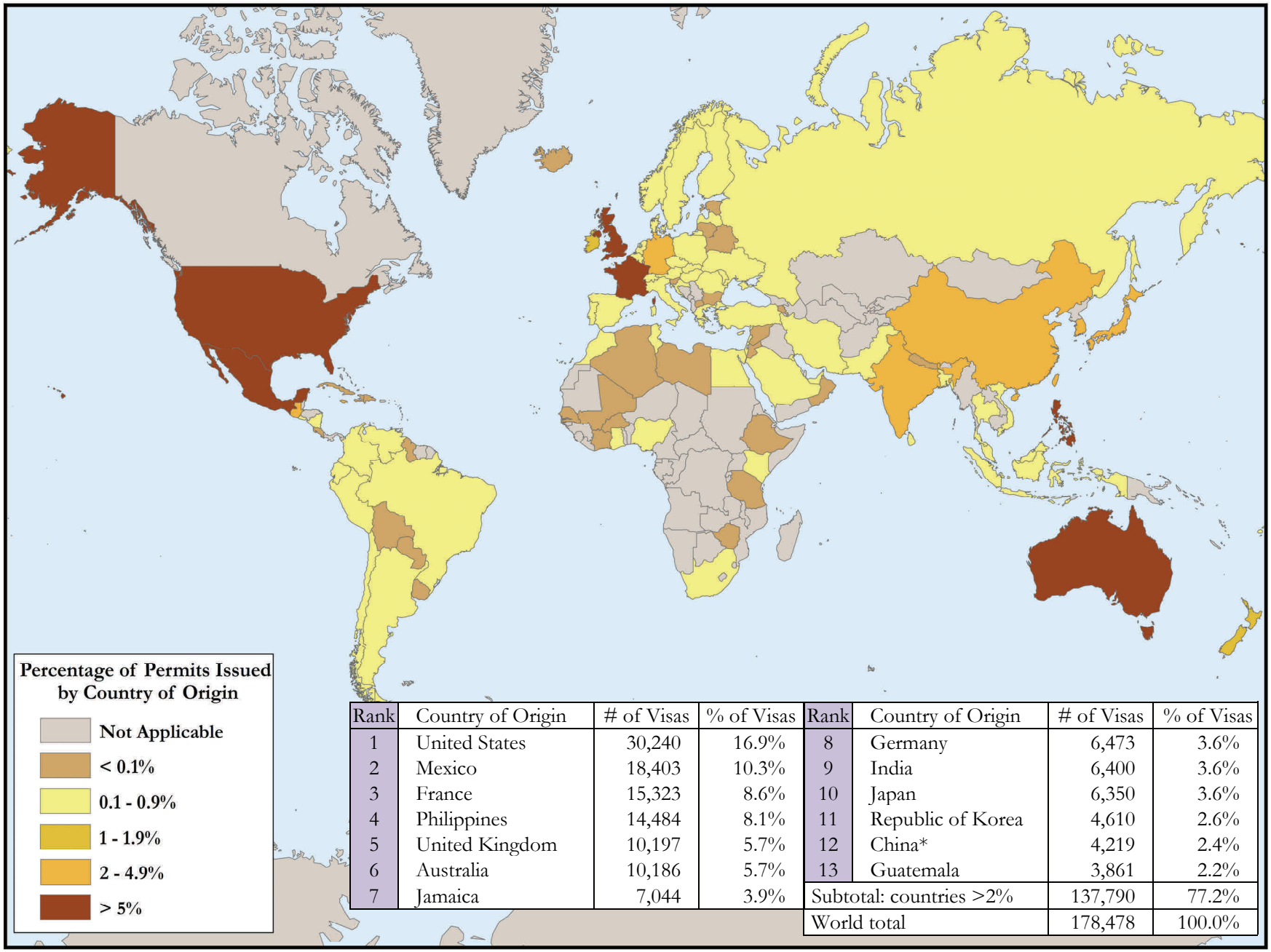


Rank	Country of Origin	# of Visas	% of Visas
1	India	144,325	28.0%
2	Mexico	110,141	21.4%
3	Japan	26,487	5.1%
4	United Kingdom	26,045	5.1%
5	China*	25,293	4.9%
6	Republic of Korea	13,917	2.7%
7	Germany	12,738	2.5%
8	Philippines	11,788	2.3%
9	France	10,801	2.1%
Subtotal: countries >2%		381,535	74.0%
World total		515,660	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: U.S. Department of State, *Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth): Fiscal Year 2009.*

Map 5. Canada – Temporary Worker Permits Issued by Country[xix]



Rank	Country of Origin	# of Visas	% of Visas	Rank	Country of Origin	# of Visas	% of Visas
1	United States	30,240	16.9%	8	Germany	6,473	3.6%
2	Mexico	18,403	10.3%	9	India	6,400	3.6%
3	France	15,323	8.6%	10	Japan	6,350	3.6%
4	Philippines	14,484	8.1%	11	Republic of Korea	4,610	2.6%
5	United Kingdom	10,197	5.7%	12	China*	4,219	2.4%
6	Australia	10,186	5.7%	13	Guatemala	3,861	2.2%
7	Jamaica	7,044	3.9%	Subtotal: countries >2%		137,790	77.2%
				World total		178,478	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: Citizenship and Immigration Canada, 2010. *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents.*

Figure 1. Proportion of Students Originating from Various Regions

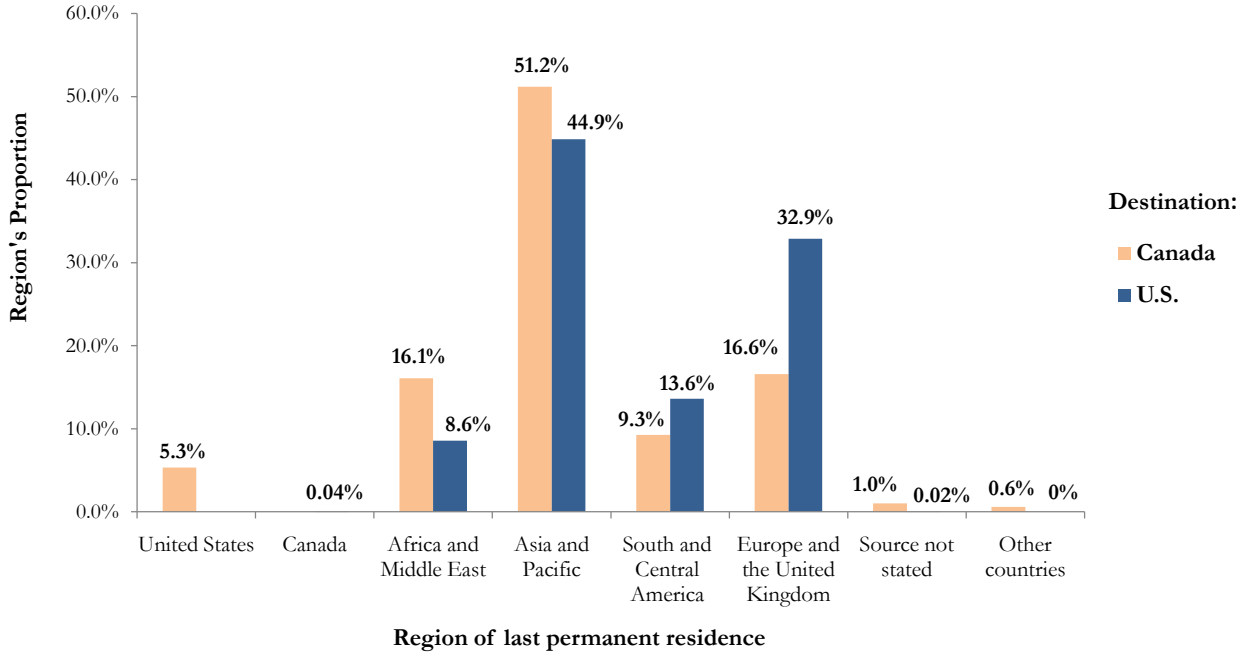
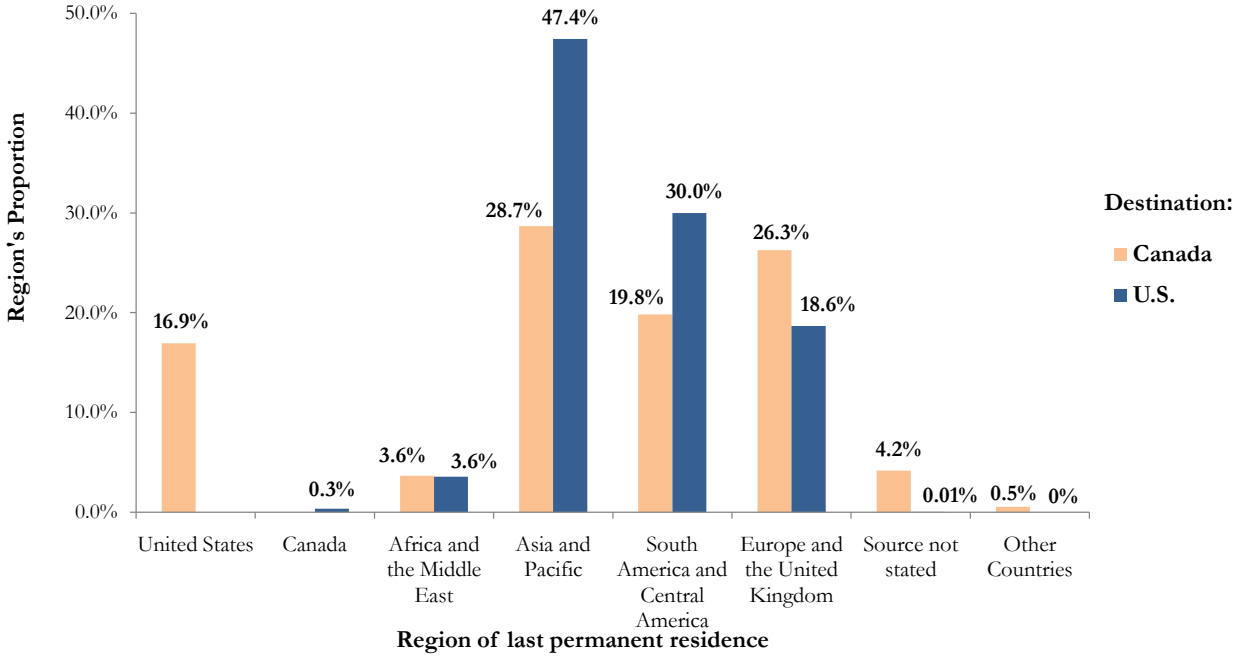


Figure 2. Proportion of Temporary Workers Originating from Various Regions



Sources:

U.S. Department of State, *Nonimmigrant Visas Issued by Classification and Nationality (Including Border Crossing Cards): Fiscal Year 2009*

Citizenship and Immigration Canada, 2009, *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents*

Note: The U.S. region numbers are regrouped according to Canada's world region category.

Commentary

The "commentary" segments of this study offer an interpretation of the data as it relates to policy, to draw the reader's attention to instances when the data sets are not proportional to the different population sizes of the U.S. and Canada, and to explain why these discrepancies exist in light of border and immigration policy. One major discrepancy that we will not address until Chapter 4 relates to the Humanitarian Class. The U.S. only considers a very small portion of this class to be non-immigrants; in 2009 it was only 108 individuals. Canada, on the other hand, considers most people seeking asylum from within Canada or at the border to be non-immigrants until their cases are decided. In Chapter 4 we provide an aggregate figure of all persons in need of protection, and there we will address the Humanitarian Class *en masse*.

Table 1 provides detailed statistics on all *non-immigrant visas* issued in 2009. Non-immigrants account for the vast majority of annual cross-border flow of people into the U.S. and Canada. While both nations attract significant visitation, various visitor visas accounted for 70.9% of the non-immigrant visas issued by the U.S., but just 19.2% in Canada. The U.S. issues 15 times more non-immigrant *visas* than Canada in raw numbers. On the surface this makes it seem like the U.S. draws significantly more visitors than Canada, which is to be expected as the U.S. has about ten times the population. However, looking at Map 1, the U.S. draws fewer non-immigrant *trips* per capita than Canada does. To understand this, recall that non-immigrant *visas* do not equate to *non-immigrant trips*. Part of this discrepancy between *visa* issuance and trip-counts is likely due to Canada's broader visa-exemption program. The U.S. lists 35 nations that are visa exempt, while Canada lists 59 nations and a number of territories. *(To compare these lists see Appendix B.)* Canada's more liberal policy on visa exemption helps explain its proportionally larger inbound flow of non-immigrant trips. This seems to reflect Canada's desire to attract as many legal aliens, who will contribute to the economy— either through tourism, work or school—as possible, while the U.S. has a more restrictive immigration policy and an economy that seeks less external stimulation. Additionally, Canada allows visa-exempt visitors to remain in the country for up to six months at the discretion of a CBSA official, while the U.S. limits visa-exempt visitors to 90 days. While this may not significantly affect inbound cross-border flow, it could make Canada a more attractive destination for non-immigrant visitors.

Maps 1-5, considered in light of the data limitations that tend to underestimate trips, particularly those to Canada, show that, despite its larger population and historically stronger pull, the U.S. admitted significantly fewer non-immigrants into the country per capita than Canada. A number of factors restrict the flow of non-immigrants into the U.S., many of which are in policymakers' control. Security procedures (and potential visitors' perceptions of security policy) do limit the flow somewhat; however, the U.S. may be becoming a less attractive nation for non-immigrants due to foreign policy or cultural issues. Also, caps or limits in visa processing capability may deter potential visitors to the U.S. This means that the U.S. enjoys less of an economic and cultural boost from non-immigrant travel than does Canada.

To compare the Study Class and the Temporary Work Class, we subtracted away all of the visitor visas. This adjustment compensates for the distortion in the issuance of non-immigrant visas caused by the differing visa-exemption policies of the two countries (as discussed above). After subtracting the visitors, Table 1 shows that the Study Class made up 42.0% of the remaining non-immigrant visas in the U.S. and 27.6% in Canada. This disparity initially appears to reflect a policy in the U.S. that places relatively few restrictions on Study Visa applicants. Prospective foreign students must only be accepted to an academic or technical institute and prove that they have sufficient funds to cover their tuition, fees, and their stay in the country. However, the same is true for Canada, and in this class, the number of visas issued by each nation are nearly proportional to overall population with the U.S. issuing just over eight times the number of study permits as Canada. This means that the disparity between overall percentages of non-immigrants in the Study Class is not explained by a proportionally large Study Class in the U.S., but rather by a disproportionately small Temporary Work Class, as will soon be discussed.

In terms of source region, both the U.S. and Canada draw many students from Asia and the Pacific. Students from that region comprised 44.9% of U.S. Study Visas and 51.2% of Canadian Study Permits issued in 2009. It is interesting to note that the top three source countries—China, the Republic of Korea, and India—are the same for both nations, as shown by Map 2 and Map 3. This makes sense as these three nations are rapidly developing and in a position to send large numbers of students to the U.S. and Canada to earn an advanced degree. In other words, the fact that these countries are the top three source countries says more about their own relative positions in the global economy than the unique U.S. and Canadian border and immigration policies. Canada drew more students from Africa and the Middle East (16.1% of foreign students, versus 8.6% in the U.S.). This may be a result of the increasing difficulty in obtaining a U.S. visa for citizens of certain countries in the Middle East and North Africa. A converse relationship exists with Europe and the U.K.; that region made up 32.9% of U.S. Student Visas and only 16.6% of Canadian Study Permits. Despite the lower percentage of students from Europe in Canada, France is the fourth largest source country for the Canadian Study Class. The francophone connection could explain France's high rank in Canada.

The U.S drew a somewhat larger proportion of students from South and Central America (13.6% versus 9.3% in Canada). Proximity may be a factor in this small variance, but more research is needed to explain why the U.S. drew more students than did Canada. Another item worth mentioning is the imbalance in student exchange numbers between the U.S. and Canada. U.S citizens make up 5.3% of foreign students in Canada, while Canadians make up only 0.04% of foreign students in the U.S. The relative population of each country may help to explain this, but more research is necessary.

The comparison of cross-border flows of the Temporary Work Class into the U.S and Canada, more than any other non-immigrant class, illuminates essential policy differences. In 2009, Canada enjoyed a lower unemployment rate than the U.S., possibly making it a more attractive destination for

temporary workers. The Temporary Work Class accounted for only 30.6%[4] of non-immigrant visas issued in the U.S., while it accounted for 57.8% in Canada. The volume of this class in the U.S. was much larger than in Canada (515,600 work visas versus 178,478 work permits), which is no surprise considering the larger population and economy of the U.S. However, the disproportionality in these volumes underscores the difference in Canadian and U.S. policy. In 2009, Canada actively sought skilled temporary workers to maintain economic growth, while the U.S. sought to protect weak labor markets from foreign competition. Canada's higher proportion of temporary workers is likely due to the Open Work Permit, which allows family members of temporary workers and students to enter and work in Canada. Since 2009, Canada has begun limiting admission to temporary foreign workers, but their policy remains more liberal than that of the U.S. Finally, as with the Study Class, there is large asymmetry in the exchange of temporary workers between the U.S. and Canada; 16.9% of temporary workers in Canada came from the U.S., while only 0.3% in the U.S. came from Canada. This demonstrates a considerable pull for U.S. temporary workers to Canada that the U.S. does not exert on Canadian workers. High U.S. unemployment rates or Canadian social services may be possible causes, but further research is necessary.

Maps 4 and 5 show how the source regions of temporary workers to the U.S. and Canada differed drastically in 2009. The U.S. drew a majority of its workers from India, Mexico and Japan, which account for 54.5%, while Canada drew its temporary workers from a broader base of countries. Of the top six source countries for Canada (accounting for 55.3% of the total temporary work permits issued), two are North American countries (U.S. and Mexico), two are commonwealth countries (the U.K. and Australia), and one is France (with its close ties to Quebec). This may demonstrate the effect of the North American Free Trade Agreement (NAFTA) and the special relationship shared among commonwealth countries. For the U.S., Mexico sourced over a fifth of all temporary workers in 2009. This is likely due to the U.S.' guest worker programs in the agricultural and labor industries.

Beyond the visa, both nations require potential entrants to possess a valid form of identification[5]—a passport or other authorized document—and a completed declaration of any goods or money over a certain dollar amount entering the country. DHS' US-VISIT program screens potential entrants by verifying biometric data collected at the border with that collected during the visa application process. This system helps detect fraud, as biometric data—including fingerprints—is extremely difficult to falsify. After this data has been confirmed, U.S. border policy leaves the decision of who may enter to the discretion of the Customs and Border Protection official at the border post except for cases in which the alien poses a threat of terrorism, crime or increase in illegal immigration. In Canada, the *IRPA* and it *Regulations* give substantial authority to CBSA officers. While a visa authorizes legal aliens to travel to Canada, these officers decide who gets to enter. To facilitate this

---

[4] Again, we have subtracted out the Visitor Class from non-immigrant visas to account for the distortion caused by the U.S. and Canadian policies on visa exempt visitors.

[5] In some instances, members of the Humanitarian Class may enter without proper identification if those documents are not available.

decision, Canada maintains regulations on inadmissibility, which give CBSA officers broad categories by which they may refuse entry to legal aliens.

Chapter 3: Immigrants

This chapter focuses on legal aliens entering the U.S. and Canada intending to remain *permanently*. The entire immigrant population is made up of both permanent residents and naturalized citizens, but since our goal is to address cross-border flow, we will only discuss naturalization briefly in Chapter 5. Discussing immigrant populations in relation to cross-border flow is more than a question of border crossing procedure. Immigrants also must go through processes unique to immigration. Immigrants may have entered on an immigrant visa and must reside in the nation for a number of years before attaining permanent residency status. Immigrants may also have entered intending only to remain temporarily but changed statuses within the country. This further complicates the data for cross-border flow. Furthermore, immigrants must reside in the U.S. or Canada for several more years after becoming permanent residents before they apply for citizenship. Since immigration is not purely a question of "who gets in?" but also, and more importantly, a question of "who gets to stay?" we must shift our focus slightly when we look at cross-border flow of immigrants.

We will simultaneously look at the travel documents that allow legal aliens to enter the U.S. and Canada to become permanent residents *and* the ways by which these aliens become permanent residents. There is some overlap with non-immigrant population here because both the U.S. and Canada provide a legal framework for legal aliens who entered as temporary residents to apply for permanent residency for a number of different reasons. For example, temporary residents may change their status if they marry an immigrant or native born citizen, receive an offer for permanent employment, claim asylum, etc. These legal aliens who change status may distort the data slightly, but generally do not affect cross-border flow because such aliens either do not require an immigrant visa (because they change status without leaving the country), or in the case of Canada, are counted as "re-entries" as opposed to "initial entries."

As with non-immigrants, both the U.S. and Canada provide legal frameworks for immigrants to enter and remain permanently. The first step for prospective immigrants is to apply for and be issued the appropriate visas and other travel documents. The U.S. and Canada both offer immigrant visas for a variety of different immigrant classes, each of which has a different processing time. USCIS divides immigrant visas by preference, processing the applications in some categories before others. For example, a spouse of a U.S. citizen would receive an immigrant visa prior to a fourth preference EB-4 applicant. CIC also divides immigrant visas, placing caps on some categories, but does not list the categories based on preference. In both nations, processing time varies drastically for different immigrant visas and the office in which the application is being processed. For more on processing times see links for Canada[xx] and the U.S.[xxi].

Again, beyond the visa, immigrants face border crossing procedures similar to those faced by non-immigrants, but with perhaps more scrutiny. As with the non-immigrant categories, Canada provides a useful class structure for immigrant visas into which we have grouped the U.S. categories. These classes are the Family Class, the Economic Class, and the Humanitarian Class. Only a small number

of immigrants were not grouped into one of these classes. Such immigrants frequently entered under special provisions, and we do not discuss them at length in this report. This "other" category would be a fruitful topic of further research. For Canada, the "other" category includes some persons in need of protection that we have included in Chapter 4. The Family Class includes spouses, children, parents, and grandparents among others. The Economic Class includes entrepreneurs, investors, and other individuals with permission to immigrate to Canada or the United States on the grounds that they will improve the local economy. The Humanitarian Class includes Convention Refugees, persons in need of protection, privately sponsored refugees and other individuals on a case-by-case basis.

Much has changed in these immigrant visa classes in Canada since the *IRPA* was passed and came into force in 2002. For instance, the Canadian Experience Class was introduced and Provincial Nominees saw major increases; both of these classes have been expanded in recent years to allow for more legal aliens to change residency status without having to leave Canada and then return on an immigrant visa. Additionally, Canada passed the *Canadian Anti-Terrorism Act*, which worked to increase security at the border in the wake of the terrorist attacks of September 11, 2001. In the US, changes to immigration policy since 2001 have focused on increasing scrutiny for applicants. Prospective immigrants undergo more thorough background checks before being approved, and as of 2009, most permanent residents must submit biometric data when leaving or returning to the US. Unlike Canada, the U.S. has not seen a major expansion of individual categories of immigrants. As has been the case for decades, the U.S. emphasizes family unification over economic expansion in its immigration policy.

Canada offers a Live-in Caregiver program that allows caregivers to apply for permanent residency after two years of authorized full-time employment. For this reason, Live-in Caregivers are mentioned in both the non-immigrant and the immigrant sections of this report. The non-immigrant entries for Live-in Caregivers correlate closely with entries into the country, whereas immigrant entries for Live-in Caregivers do not reflect entries into the country, but rather into the CIC system as permanent resident applicants. We include caregivers with the Family Class rather than the Economic Class, finding that to be most fitting.

The most significant differences between U.S. and Canadian immigration policy appear in the immigrant visa categories. In general, the U.S.' immigrant visa policy works on a quota system placing restrictive caps on most classes of immigrants except some segments of the Family Class. This reflects a conservative policy that seeks to limit entry of legal aliens. Canada, on the other hand, sets target ranges on immigration populations, but sets few hard caps on immigrant visas. For prospective immigrants to Canada, the major limiting factor is application processing time. Canada has a modest population growth rate, and Canadian labor markets need foreign workers to fill labor shortages. For these reasons, Canada attempts to attract immigrants who will contribute significantly

to the economy and who will be assimilated easily into Canadian culture, while at the same time uses inadmissibility regulations to keep undesirable[6] immigrants out.

As with non-immigrant classes, this study will first itemize the legal framework for each immigrant class within each country. Then we will provide detailed quantitative data on immigrant populations. Finally, we provide commentary regarding how the data corresponds with the immigration policies of each nation.

[6] The category of "undesirable" immigrants has changed considerably over time, but continues to influence policy today. Until the 1960s, "undesirable" was defined by race. Now, "undesirable" refers to immigrants who will draw too heavily on the extensive public resources available to Canadian citizens and permanent residents.

Family Class: United States

The Family Class accounted for about 74% of all immigrant visas issued in 2009. This class includes fiancé(e)s, spouses, children, parents, some siblings, and some widow(er)s of U.S. Citizens. U.S. immigration policy does not allow same-sex spouses, common-law partners, grandparents or grandchildren to apply for permanent residency in this class. Additionally, immigrants sponsored by U.S. citizens receive preference and therefore face shorter processing times than those sponsored by permanent residents. Sponsors must prove their ability to financially support the immigrant arriving on permanent resident status. The number of family-sponsored immigration visas allowed by the U.S. each year equals 480,000 minus the number of family-sponsored applications accepted in the previous year (with a minimum of 226,000 allowed).

Family Class: Canada

The Family Class accounted for almost 26% of all immigrants entering the CIC system in 2009. This class provides a path to permanent residency for a broader range of relatives, including spouses, common-law partners, children, parents, siblings and others. For a Canadian citizen or permanent resident to sponsor a family member as an immigrant, that sponsor must be willing and able to provide financial support for three or more years depending on the subcategory. This commitment is a legally binding one between the sponsor and the Canadian government regardless of the actions of the immigrant upon arriving in Canada. This means that the sponsor remains financially responsible *to the government* even if the relationship with the immigrant disintegrates.

Family Class: United States

Sponsors	• U.S. citizens or permanent residents. • U.S. citizens can sponsor a wider variety of relatives than permanent residents, with fewer restrictions. • If a permanent resident attains citizenship during the application process, the applicant's status will change accordingly[xxii].
Spouse	• The alien spouse of a U.S. citizen may reside in the country on a K-3 visa, which is a non-immigrant visa, while awaiting approval of residency. In some cases, this is preferable as the legal alien is already documented and has records with USCIS. • The U.S. has no equivalent to the same-sex partnership or common-law partnership categories in Canadian immigration. • Permanent resident status for spouses married less than two years is conditional. Within 90 days of approval, both spouses must petition for removal of the conditional status, or the residency will be revoked.
Children	• Children of U.S. citizens receive priority status for permanent residency and are not subject to the immigration quotas. • Children who marry or turn 21 during the application process will lose their priority status, unless it is maintained in accordance with the Child Status Protection Act[xxiii]. • Step-children and adopted children face additional restrictions when applying for permanent residency.
Eligible Relatives	• Spouses, children under 21 and parents receive priority status when applying for permanent residency. However, U.S. citizens may also sponsor their siblings. • Permanent residents may only sponsor their spouses and children, and do not receive priority consideration.
Live-in Caregivers	• The U.S. has no equivalent to the Canadian Live-in Caregiver category.

Family Class: Canada

Sponsors	• Must be Permanent Residents or Citizens of Canada. • Must provide financial support for spouses/Common Law partners for three years after they become permanent residents. • Provide financial support for dependent children for 10 years or until the child turns 25. (SOR/2002-227 Part 7 s. 130-137[xxiv])
Spouse/Common Law Partner	• The marriage must be legal and valid both in Canada and the Country in which the marriage took place. • Same-sex spouses and partner became eligible for this category as same-sex marriage became legal by province. • Common-Law partners must have lived in a conjugal relationship for one year and prove that the sponsor and partner share household affairs. • IRPR includes a path for conjugal partners to apply in this category who have not lived together for a year in exceptional circumstances (i.e. immigration issues) prevented the partners from sharing a household for the sufficient duration. (SOR/2002-227 Part 7 s. 123-129[xxv])
Children	• Children and adopted children of Canadian citizens or permanent residents may apply for permanent residency if: • They are under the age of 22 and do not have a spouse or common-law partner. • They are over the age of 22, but have been continuously enrolled in full-time school. • They are over the age of 22 but are dependent on the sponsor due to a mental or physical condition. (SOR/2002-227 Part 7 s. 116-122[xxvi])
Eligible Relatives	• Allows Canadian citizens or permanent residents to sponsor parents, grandparents, brothers, sisters, nephews, nieces, and orphaned grandchildren younger than 18 years of age. • There are a number of limitations, exceptions, and conditions that apply to this class. For more information see link[xxvii]. (SOR/2002-227 Part 7 s. 116-122[xxviii])
Live-in Caregivers	• After working for 24 months or 3,900 hours (including 390 hours of overtime) within 22 months, a non-immigrant live-in caregiver may apply for permanent residency. For requirements and conditions see link[xxix]. (SOR/2002-227 Part 6 s. 110-115[xxx])

Economic Class: United States

The Economic Class made up 2.5% of all immigrant visas issued by the U.S. in 2009. The U.S. generally restricts immigration in the Economic Class, but this restriction becomes more severe when the economy is weak[7]. To account for labor markets that require unskilled workers (e.g. agriculture), U.S. immigration policy allows for legal aliens to enter as migrant workers, but these individuals remain temporary residents with no prospects of applying for permanent residency. The U.S. Economic Class is made up of highly skilled, talented, or wealthy individuals who will contribute significantly to the U.S. economy or image. Private employers may petition for an alien worker to be allowed to immigrate, but these individuals are generally highly skilled and provide a service that the company cannot find locally.

Economic Class: Canada

The Economic Class generally accounts for the majority of immigrant visas issued in Canada annually. This trend continued in 2009 with members of the Economic Class making up 61% of the total immigrant visas issued. This fits with Canada's policy to attract the "right kinds" of immigrants. As with the corresponding U.S. class, this class in Canada includes highly skilled workers, professionals, wealthy entrepreneurs, or investors. Applications in this class are first processed based on a basic set of requirements for each subcategory within the Economic Class. Then qualifying applicants receive visas based on a point system based on age, skill level, education level, and proficiency in either English or French. This class has also seen the most changes since the introduction of the *IRPA,* including an expansion of the Provincial Nominee program and the Canadian Experience Class. These changes occurred to address the problem that if non-immigrant legal aliens wished to change to immigrant status, Canadian immigration policy required them, in most cases, to leave the country and reapply as immigrants. By eliminating this step the immigration process is becoming more streamlined for both immigrants and CIC.

---

[7] As recently as August 2011, the U.S. has begun to expand and expedite the application process for immigrants in the Economic Class in hopes of stimulating the weakened economy.

Economic Class: United States

Skilled Workers	• Number of immigration visas available equals 140,000 plus the total number of unused family-sponsored applications from the previous year.
	• Requires employer to file a "Petition for Alien Worker."
	• Workers living outside the U.S. must undergo consular processing
	• Workers in the U.S. on a temporary visa must apply for Adjustment of Status
	• There are five preference categories of Skilled Worker Immigrant Visas:
	  ○ EB 1: People of Extraordinary Ability, Outstanding Professors and Researchers, and Multi-national Managers and Executives
	  ○ EB 2: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability (Includes National Interest Waiver)
	  ○ EB 3: Skilled Workers, Professionals, and Other Workers
	  ○ EB 4: Certain Special Immigrants
	  ○ Employment Creation Investors

Investors and Entrepreneurs	• Congress authorizes 10,000 visas every year for entrepreneurs and investors, and their spouses and children • Investors must invest $1,000,000 to qualify, or $500,000 in targeted employment areas (either rural areas or areas of high unemployment)
Self-Employed	• Two categories of self-sponsorship immigration exist: E11 and E21 • E11 applicants are individuals of extraordinary ability in the sciences, arts, education, business, or athletics • E21 applicants are individuals who are granted a National Interest Waiver (for example, Nobel Prize recipients)

Economic Class: Canada

Skilled Workers	• All skilled workers must prove proficiency in French or English. • Skilled workers need an employment offer or one year experience in an authorized job[xxxi] (changes yearly based on Canadian labor markets). • Work experience must be in a National Occupation Classification (NOC) Type O or Skill Level A or B job within the last 10 years. • Final skilled worker selections are based on a points system. For a detailed breakdown of this system see link[xxxii]. • Canada placed a cap of 10,000 on this category from July 1, 2011 and June 30, 2012 with 500 skilled workers from each eligible occupation. (SOC/2002-227 Part 6 s. 73-85[xxxiii])
Investors	• Investors must prove to have business experience • Investors must have a net worth, legally obtained, of CDN $1.6 million • Investors must make an investment to be managed by CIC of CDN $800,000 • An annual cap of 700 applications came into force on July 1, 2011 and was reached within one month. • For more information on Investors see link[xxxiv].
Entrepreneurs	• Provides visas for legal aliens with sufficient net worth and experience to create jobs in Canada, but has been temporarily suspended as of July 1, 2011. • For more information see link[xxxv].
Self-Employed Persons Program	• This class provides visas for legal aliens with experience that will contribute to cultural or athletic life, or legal aliens with experience and ability to purchase and run a farm in Canada. (SOR/2002-227 Part 6 s. 100-108[xxxvi])
Quebec Selected Skilled Workers	• As Quebec has its own immigration policy in addition to Canada's national immigration policy, Quebec may select additional skilled workers, entrepreneurs, investors and self-employed individuals based Quebec's needs. • After immigrants in this class complete their applications with Quebec, they must make an application with CIC. (SOR/2002-227 Part 6 s. 86[xxxvii])
Canadian Experience Class	• Introduced in 2008 as a way for temporary workers or students to gain permanent residency based on their experience in Canada. • Provides visas for temporary workers or graduates from a Canadian post-secondary institution with one year skilled work experience. • Work experience must be in a NOC Type O or Skill Level A or B job. • Decision on these applications is based on work experience, ability in English or French, and education level. (SOR/2002-227 Part 6 s. 87.1[xxxviii])
Provincial Nominees	• Allows provincial governments to nominate legal aliens based on the province's criteria. For a further description of these criteria see link[xxxix]. (SOR/2002-227 Part 6 s. 87[xl])

Humanitarian Class: United States

For the purposes of this report, the Humanitarian Class of immigrants includes both persons in need of protection, and other immigrants who do not fit into the Family or Economic Classes. People who have been persecuted or who fear persecution in their home country on account of their race, religion, nationality, political opinions, or group affiliation may seek protection in the U.S. The Humanitarian Class in the U.S. made up 13.7% of immigrants visa issuances in 2009. The U.S. refers to people seeking protection from outside of the country as "refugees" and from inside the country as "asylees." In order to be considered for admission to the U.S. as a refugee, a person must receive a referral to the U.S. Refugee Admissions Program. This program allows the U.S. to target specific regions in the world from which to accept refugees based on current conditions and conflicts. Such targeting is readily apparent in the Humanitarian Class visa issuance statistics. Those people who meet the definition of a refugee but who have already entered the U.S. can instead apply as asylees. Anyone may do this, regardless of his or her current immigration status or country of origin. We discuss this class at length in the next chapter.

USCIS makes special humanitarian considerations for people with U or T non-immigrant visas. Besides visas issued to informants, these are the only two Humanitarian Class visas that are not immigrant visas. U visas are issued to victims of crimes, while T visas are issued to victims of human trafficking. Non-immigrants who are in the U.S. on either visa may apply for permanent residence if they cooperate with the investigations of the crimes that brought them to the country, and have lived in the U.S. continuously for the last three years.

Another path for prospective immigrants is the Diversity Immigration Lottery Program. This program is not specifically for persons in need of protection, but we have grouped them into this category as they do not fit with the Family or Economic Class. Due to the significant pull that the U.S. exerts on prospective immigrants, USCIS holds an annual lottery, which offers qualifying aliens a chance to win an immigrant visa. The Diversity Lottery of 2009 (DV-2009) provided 50,000 visas, and received 9.1 million applicants during the 60-day application period beginning October 3, 2007. For further information about the Diversity Lottery, see link[xli].

Finally, there are a number of other special categories for potential immigrants. These are covered largely by provisions of special legislative acts, such as the LIFE Act or the Help HAITI Act of 2010, which allow people who do not qualify in any other class to apply. There is also a special provision called "registry" that allows people who have lived in the U.S. illegally since before 1972 to apply for permanent residence, if they meet certain conditions. The USCIS website lists a total of 11 of these special categories of green card applicant. We have included these categories in the table below.

Humanitarian Class: Canada

The Humanitarian Class in Canada made up 13.2% of overall immigrant visa issuances in 2009. Canada provides a number of different categories that allow persons in need of protection to seek asylum either from inside or outside of the country. Non-immigrants can claim asylum while in Canada if the situation in their nation of citizenship or permanent residency changes making them persons in need of protection. If and when the non-immigrants' status changes they become immigrants in the Humanitarian Class. The first sub-class within the Humanitarian Class is Convention Refugees. These immigrants are defined by the *1951 Convention Relating to the Status of Refugees* and the *1967 Protocol Relating to the Status of Refugees*. CIC uses the term "refugee" generally to denote only Convention Refugees. Being party to both the *Convention* and *Protocol* obliges Canada to provide asylum when possible to refugees and asylees as defined by these agreements. For further information on Convention Refugees, see The United Nations High Commissioner for Refugees' (UNHCR) website[xlii].

Canadian immigration policy also provides a path for persons in need of protection who do not qualify as Convention Refugees. These individuals fall under four categories: Country of Asylum Class, Source Country Class, Joint and Private Sponsorship, and Humanitarian or Compassionate Grounds Class. The first two classes provide asylum for people from selected source countries or people in refugee-like situations. These countries change based on current global conditions. The third category allows persons in need of protection to be sponsored by private individuals and organizations either with or without the assistance of the Canadian government. The final category is a catch-all and provides persons in need of protection who do not fit into any of the other categories with a way to seek asylum.

A number of factors limit the number of refugees to whom Canada can grant asylum. The first of these factors is the Safe Third Country Agreement between the U.S. and Canada, which forces refugees to seek asylum in the first of the two nations at which they arrive. This means that a refugee desiring asylum in Canada, but whose flight lands in Chicago first, must seek asylum in the U.S. Additionally, prospective refugees must be admissible to Canada. Inadmissibility acts as a major barrier for refugees. For instance, some potential refugees are in need of protection because they have committed crimes against a repressive or violent regime, but those very crimes are considered acts of terrorism by Canadian law, rendering the potential refugees inadmissible. The only hope for an inadmissible person nevertheless in need of protection is a Temporary Resident Permit issued by the Minister of Citizenship, Immigration and Multiculturalism.

Further, all immigration applications—refugee and others—must be processed by immigration officers, and some offices are better staffed than other offices. Conditions causing regions to be major sources for the Humanitarian Class might also cause the consulates in those regions to remain small. The same conditions may also cause disruption of postal services, which are necessary to send and receive necessary documents, identification papers, etc. Staffing limitations in small consulates,

along with disrupted postal services, increase processing times limiting the admission of refugees (Foreign Affairs and International Trade Canada[xliii]). The final major obstacle for asylum seekers is the discretion of immigration officers. Mike Malloy—the chief Immigration officer in Nairobi during the production of the documentary *Who Gets In?*—demonstrates how this obstacle affects asylum seekers. He explains, "We often say, 'if this person moves in next to my mom what's she gonna think about it.' Because immigration is a national policy, but the end result are things that happen in neighborhoods in Canada" (*Who Gets in?)*.

Humanitarian Class: United States

Refugee Claimants Outside the United States	• Must be of special humanitarian concern to the United States • Must demonstrate that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group • Must not be firmly resettled in another country • Must be admissible to the United States • Full legal definition of a refugee can be found in section 101(a)(42) of the Immigration and Nationality Act (INA). • Once admitted to the U.S., refugees are immediately eligible for employment. • Refugees must apply for permanent residence within one year of being admitted to the U.S.
Asylum Claimants Inside the United States	• Aliens may petition for asylum if they meet the definition of a refugee, but are already in the U.S. and seeking admission at a port of entry. • If granted asylum, immigrants may immediately seek employment. Applicants for asylum may petition for permission to seek employment if 150 days have passed since applying for asylum with no decision yet made • Asylees may apply for permanent residence one year after being granted asylum
Diversity Lottery Visa	• Allows for individuals seeking to immigrate to enter into a lottery to win a visa set aside specifically for this purpose. The number of Diversity Lottery Visas (DV) available changes slightly from year to year. In 2009, 50,000 DV were available and attracted 9.1 million applicants.
Other Ways to Get a Green Card	• Amerasian Child of a U.S. Citizen • American Indian born in Canada • Armed Forces member • Cuban Native or Citizen • Haitian Refugee • The Indochinese Parole Adjustment Act[xliv] • Informant (S-Visa) • Lautenberg Parolee[xlv] • Legal Immigration Family Equity Act[xlvi] • Persons born to a Foreign Diplomat in the United States • Victims of a crime (U-Visa)

Humanitarian Class: Canada[8]

Refugee Claimants in Canada	• Immigration officer determines eligibility of a claim to continue to the Immigration Refugee Board (IRB) of Canada. • Refugees must seek asylum in the first safe country they enter under the Safe Third Country Agreement. • The IRB determines if an individual is either a Convention Refugee or other person in need of protection. • For more information see link[xlvii]. (SOR/2002-227 Part 8 s. 151.1[xlviii])
Convention Refugees Abroad	• "Refugees" defined as such by the *1951 Convention* and *1967 Protocol*. • Canada takes referrals in this category from the UNHCR and other organizations. (SOR/2002-227 Part 8 s. 144-145[xlix])
Country of Asylum Class & Source Country Class	• Country of Asylum Class is for people in refugee-like situations, but who do not qualify as Convention Refugees. • Source Country Class is for people from a select list of countries[l]. (SOR/2002-227 Part 8 s. 146-148[li])
Private Sponsorship/ Joint Assistance Sponsorship	• Persons in need of protection may also be sponsored on an individual basis either by private individuals or organizations with or without the assistance of the Canadian Government. • Sponsorship Agreement Holders (SAH)—organizations that have singed sponsorship agreements with the Canadian Government to support refugees when they resettle in Canada. For more information see link[lii]. • Groups of Five—a group of five or more Canadian citizens or permanent residents who sponsor one or more refugees abroad, and who agree to support the refugee for the full duration of the sponsorship. For more information see link[liii]. • Community Sponsors—some community organizations can sponsor refugees in the same way as the Groups of Five. For more information see link[liv]. • Joint Assistance Sponsorship (JAS)—organizations work with CIC to resettle refugees. For more information see link[lv]. (SOR/2002-227 Part 8 s. 152-158[lvi])
Humanitarian and Compassionate Grounds	• This category is a catch-all for persons in need of protection, but who do not qualify in any other category. This category makes up 4% of the total immigrant population and 32% of the Refugee/Humanitarian Class.

[8] Humanitarian temporary visitors are refugee claimants who have not yet been granted permanent residency status. These individuals claim asylum upon or after arrival to Canada. They do not fall under one of the standard temporary visa or visa exempt categories.

Table 2. United States

Number of Immigrant Visas Issued by Class: 2009

Total[a]			**543,372**
Family Class Subtotal			**403,790**
Family-Sponsored Preference Subtotal		176,273	
First Preference			
Unmarried son or daughter of US citizen and children	18,969		
Second Preference Exempt from Country Limitations			
Spouse or child of alien resident, and children	29,588		
Second Preference Subject to Country Limitations			
Spouse or child of alien resident, and children	24,687		
Unmarried son or daughter of alien resident, and children	23,157		
Third Preference			
Married son or daughter of US citizen, spouse and children	22,049		
Fourth Preference			
Brother or sister of US citizen, spouse and children	57,823		
Immediate Relative Subtotal		227,517	
Spouse of US citizen	40,350		
Spouse of US citizen (conditional)	35,489		
Child of US citizen	49,825		
Child of US citizen (conditional)	6,738		
Orphan adopted abroad by US citizen	7,434		
Child adopted abroad by US citizen under Hague Convention	546		
Orphan to be adopted abroad by US citizen	4,584		
Child to be adopted in US by US citizen under Hague Convention	164		
Parent of US citizen at lease 21 years of age	82,248		
Certain widow(er)s of US citizens	93		
Children of certain widow(er)s of US citizens	46		
Refugees[b]			**74,602**
Other Immigrants			**51,133**
Vietnam Amerasian Immigrants		48	
DV Diversity Immigrants		46,761	
AA-1 Diversity Transition under Section 132 of Pub. L. 101-649		0	
Schedule A Worker		0	
Special Immigrant Subtotal		4,324	
Returning Resident	797		
Iraqi and Afghan translators, spouse, and children	3,527		

Table 2. United States

Number of Immigrant Visas Issued by Class: 2009

Economic Class			**13,847**
First Preference			
Priority worker, s.c.[c]	1,524		
Second Preference			
Professional holding advanced degree or alien of exceptional ability, s.c.	1,270		
Third Preference			
Skilled worker or professional, s.c.	5,714		
Other worker s.c.	649		
Fourth Preference			
Minister of religion s.c.	172		
Certain employees or former employees of the US Government abroad, s.c.	1,043		
Certain former employees of the Panama Canal Company or Canal Zone Government, s.c.	0		
Certain former employees of the US Government in the Canal Zone, s.c.	0		
Special immigrant broadcaster s.c.	2		
Certain former employees of the Panama Canal Company or Canal Zone Government on April 1, 1979, s.c.	0		
Certain retired international organization employees and spouse, unmarried sons or daughters of int'l org. employees, surviving spouses of deceased int'l org. employees	8		
Certain juvenile court dependents	0		
Certain religious workers, s.c.	242		
Fifth Preference			
Employment creation outside targeted area, s.c.	77		
Employment creation in targeted rural/high unemployment area, s.c.	96		
Investor pilot program in targeted area, s.c.	3,049		
Investor pilot program not in targeted area, s.c.	0		
Alien recruited outside the United states who has served or is enlisted to serve in the US Armed Forces for 12 years, s.c.	1		

Sources:

U.S. Department of State, *Classes of Immigrants Issued Visas at Foreign Service Posts Fiscal Years 2005-2009*

U.S. Department of Homeland Security, *Office of Immigration Statistics, 2009 Yearbook of Immigration Statistics*

Notes:

a. The total number of immigrant visas issued from U.S. Department of State excludes refugee class. To correspond with Canada data, we add refugee arrivals number from U.S. Department of Homeland Security to the total number.

b. Source: U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), Worldwide Refugee Admissions Processing System (WRAPS), Fiscal Years 2000 to 2009.

c. Spouses and children

Table 2. Canada

Number of Immigrant Visas Issued by Class: 2009

Total			**252,178**
Family Class Subtotal			**65,200**
Spouses and partners		43,894	
Sons and daughters		3,027	
Parents and grandparents		17,179	
Others		1,100	
Refugees			**22,846**
Government-assisted refugees		7,425	
Privately sponsored refugees		5,036	
Refugees landed in Canada		7,204	
Refugee dependents		3,181	
Other Immigrants			**10,634**
Retirees, DROC and PDRCC[a]		6	
Temporary resident permit holders		106	
H and C[b] cases		3,142	
Other H and C cases outside the family class / Public Policy		7,380	

Table 2. Canada

Number of Immigrant Visas Issued by Class: 2009

Economic Class			**153,498**
Skilled workers - p.a.[c]		40,735	
Skilled workers - s.d.[d]		55,227	
Canadian experience class - p.a.		1,775	
Canadian experience class - s.d.		770	
Provincial/territorial nominees - p.a.		11,801	
Provincial/territorial nominees - s.d.		18,577	
Live-in caregivers - p.a.		6,273	
Live-in caregivers - s.d.		6,181	
Entrepreneurs - p.a.		372	
Entrepreneurs - s.d.		943	
Self-employed - p.a.		179	
Self-employed - s.d.		358	
Investors - p.a.		2,872	
Investors - s.d.		7,435	

Sources:

Citizenship and Immigration Canada, *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents*

Notes:

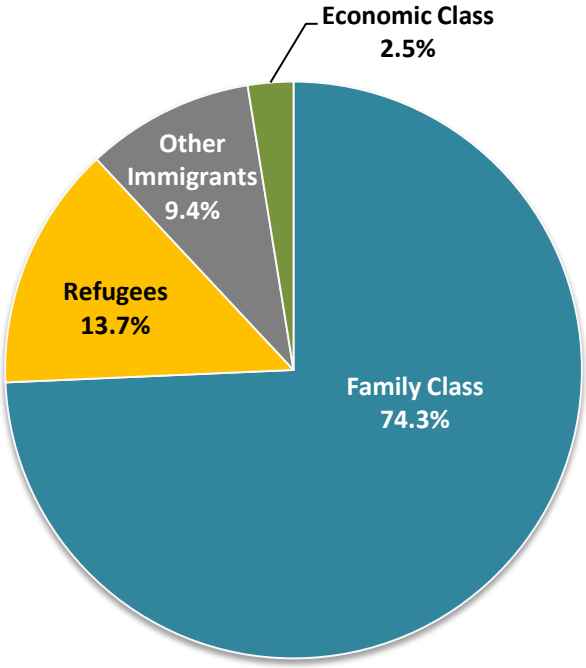
a. Deferred removal orders class and post-determination refugee claimants in Canada

b. Humanitarian and Compassionate

c. Primary applicants

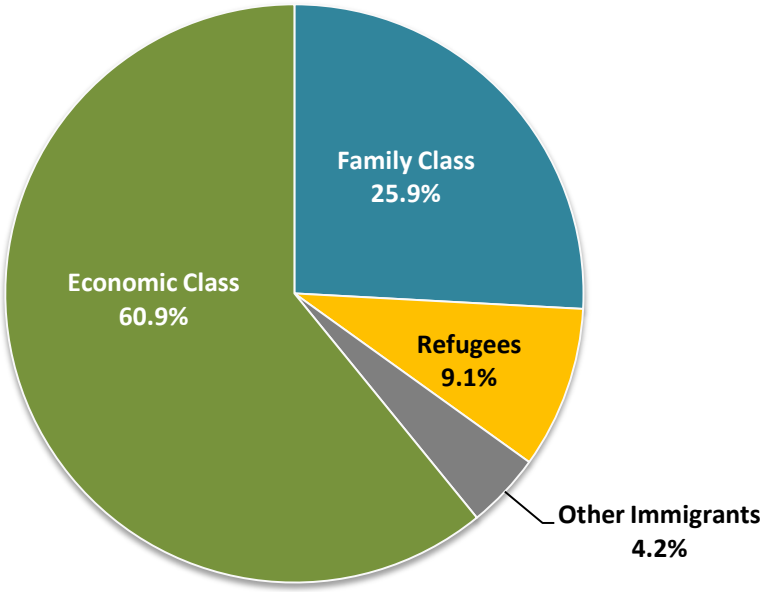
d. Spouses and dependents

Figure 3. Proportion of Immigrant Visas Issued by Major Class: 2009



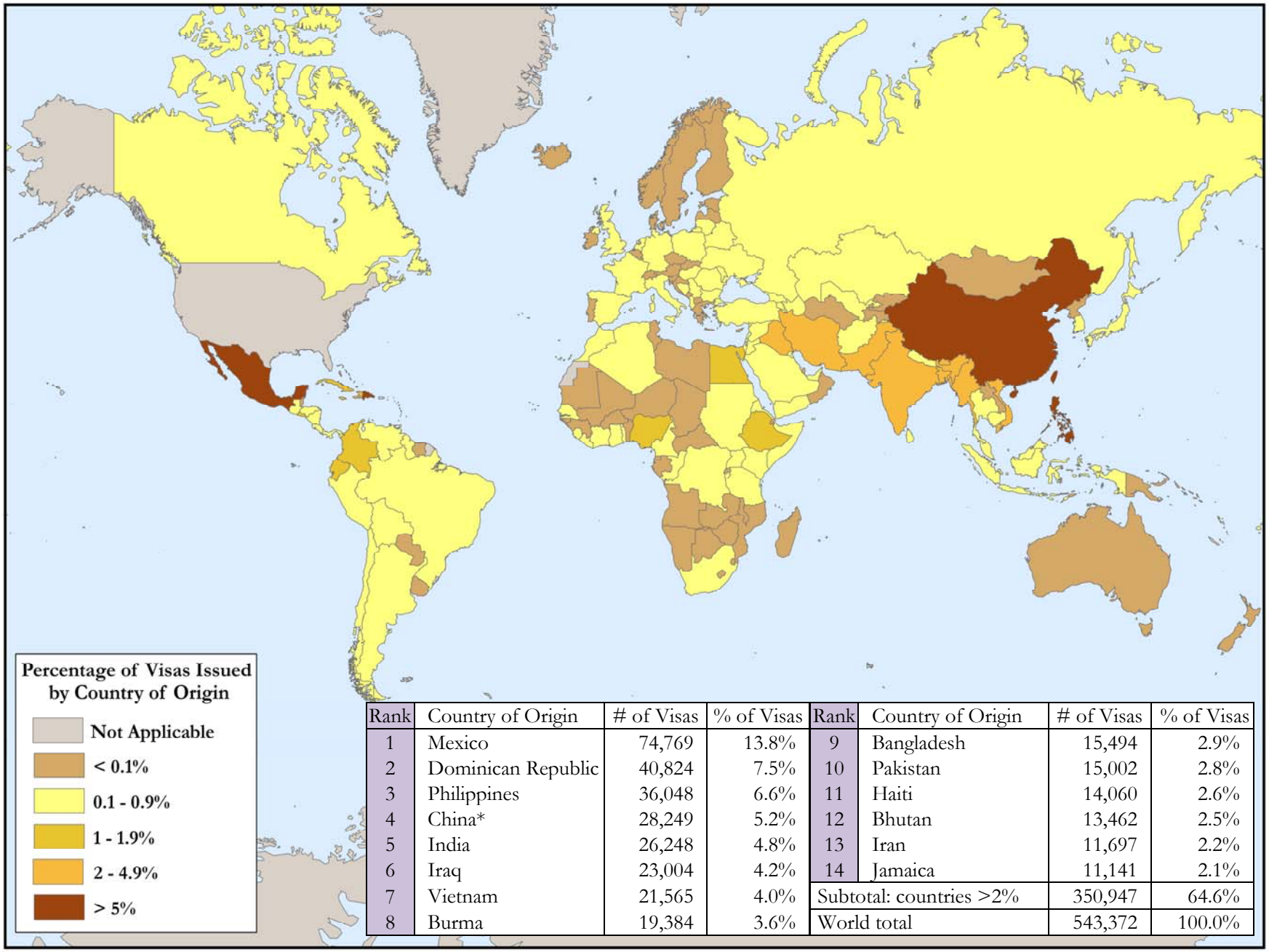
United States

Figure 4. Proportion of Immigrant Visas Issued by Major Class: 2009



Canada

Map 6. U.S. - Immigrant Visas Issued by Country[lvi]

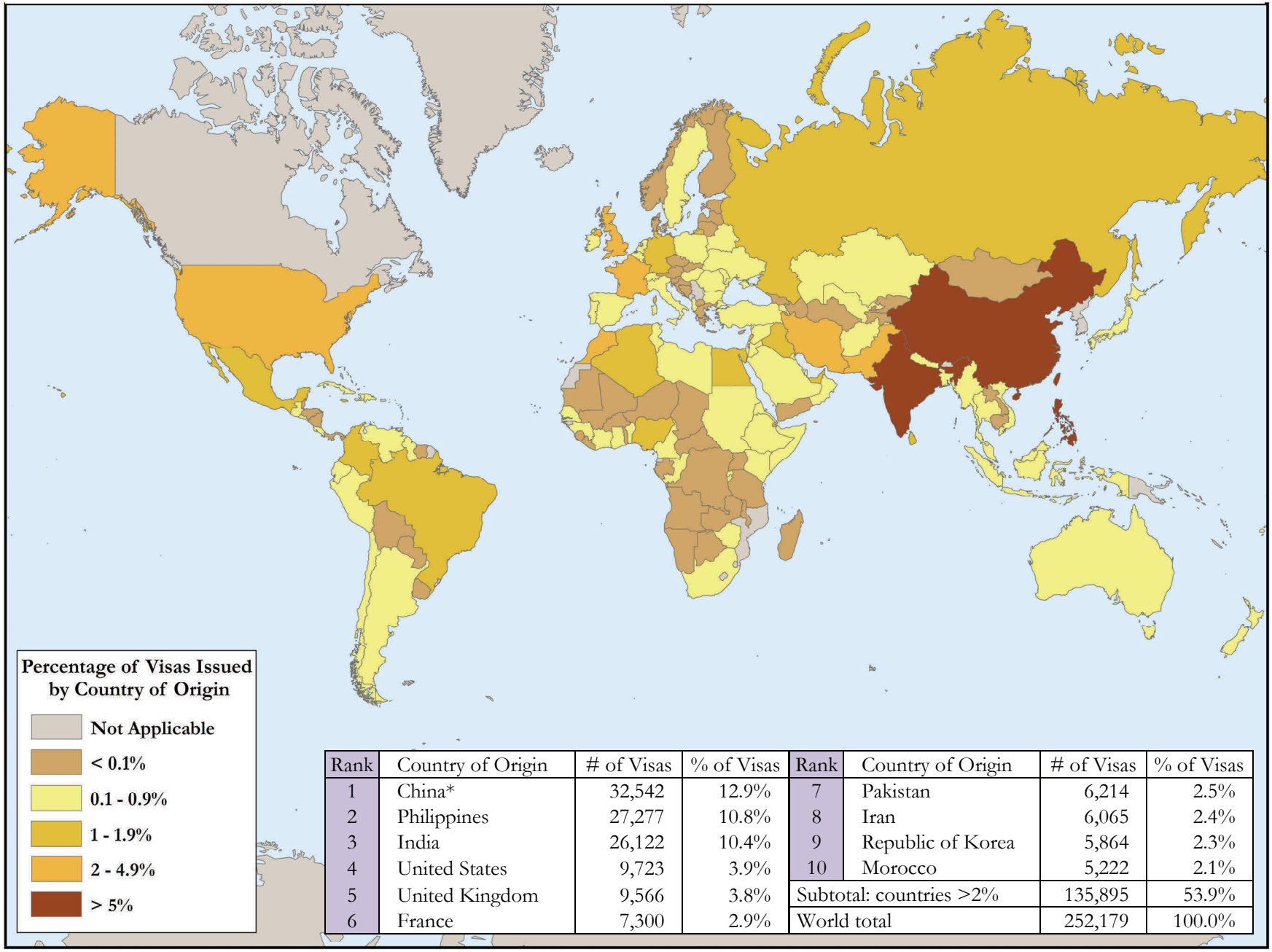


Rank	Country of Origin	# of Visas	% of Visas	Rank	Country of Origin	# of Visas	% of Visas
1	Mexico	74,769	13.8%	9	Bangladesh	15,494	2.9%
2	Dominican Republic	40,824	7.5%	10	Pakistan	15,002	2.8%
3	Philippines	36,048	6.6%	11	Haiti	14,060	2.6%
4	China*	28,249	5.2%	12	Bhutan	13,462	2.5%
5	India	26,248	4.8%	13	Iran	11,697	2.2%
6	Iraq	23,004	4.2%	14	Jamaica	11,141	2.1%
7	Vietnam	21,565	4.0%	Subtotal: countries >2%		350,947	64.6%
8	Burma	19,384	3.6%	World total		543,372	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: U.S. Department of State, *Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth): Fiscal Year 2009.*

Map 7. Canada - Immigrant Visas Issued by Country[lvii]



Rank	Country of Origin	# of Visas	% of Visas	Rank	Country of Origin	# of Visas	% of Visas
1	China*	32,542	12.9%	7	Pakistan	6,214	2.5%
2	Philippines	27,277	10.8%	8	Iran	6,065	2.4%
3	India	26,122	10.4%	9	Republic of Korea	5,864	2.3%
4	United States	9,723	3.9%	10	Morocco	5,222	2.1%
5	United Kingdom	9,566	3.8%	Subtotal: countries >2%		135,895	53.9%
6	France	7,300	2.9%	World total		252,179	100.0%

*Includes: Taiwan, Hong Kong & Macau SAR

Source: Citizenship and Immigration Canada, 2010. *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents.*

Figure 5. Proportion of Family Class Originating from Various Regions

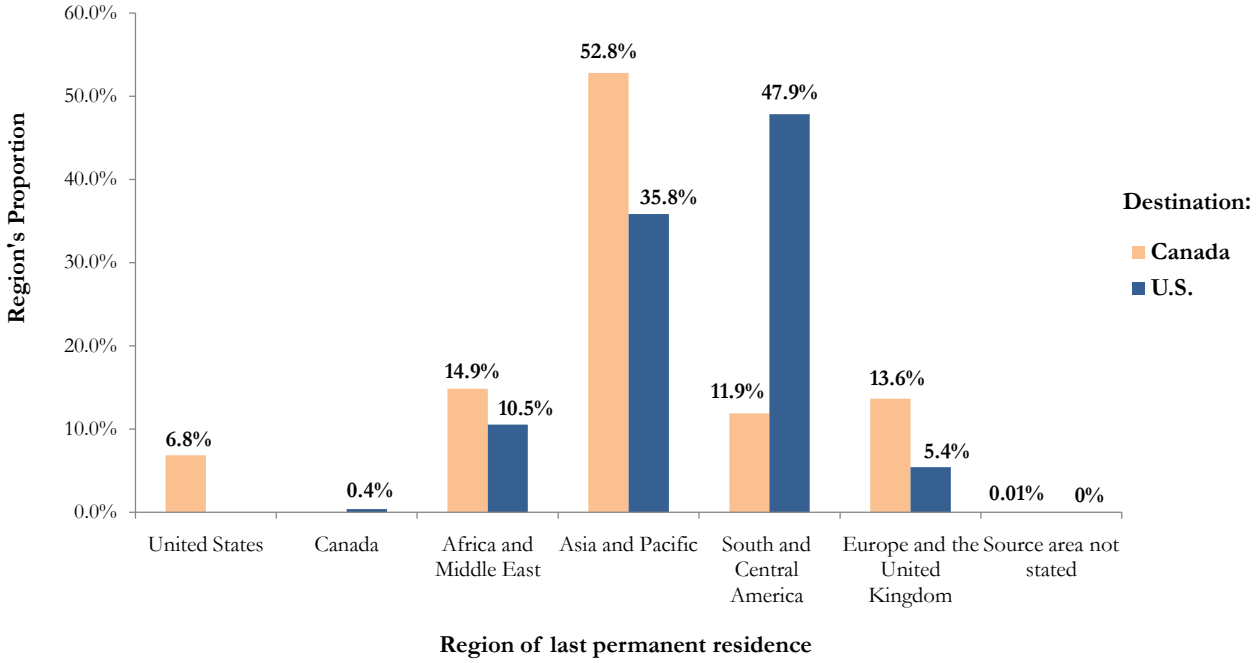
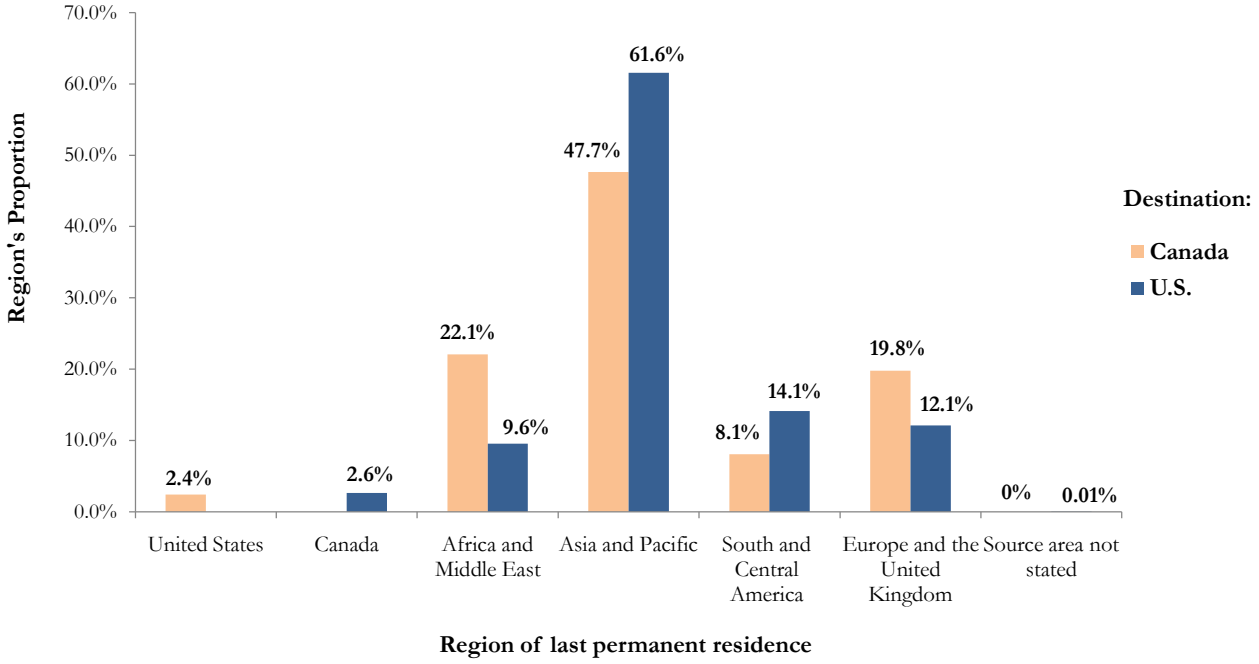


Figure 6. Proportion of Economic Class Originating from Various Regions



Sources:
U.S. Department of State, *Immigrant Visas Issued (by Foreign State of Chargeability or Place of Birth): Fiscal Year 2009*
Citizenship and Immigration Canada, 2009, *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents*
Note: The U.S. region numbers are regrouped according to Canada's world region category.

Commentary

Maps 6 and 7 show interesting differences in source regions of immigrant visa issuances. The U.S.' top two source countries, Mexico and the Dominican Republic, exemplify the strong historical ties between the U.S. and Latin America. We speculate that immigrants from these countries receive immigrant visas predominately in the Family Class. Likewise, it is not surprising to see the Philippines as number three given its history as a former U.S. protectorate. The remaining countries listed on Map 6 demonstrate the effects of targeted immigration policies. Haiti (11) received special provisions for its refugee population. Two special provisions also exist for a number of countries in Southeast Asia. Ten of the top 14 source countries are in the Eastern Hemisphere, likely because the U.S. reserves more visas for that hemisphere. Of those countries, both India and China are in the top five and together account for 10% of the immigrant visas issued. This likely reflects those countries' large populations more than any special preference in U.S. immigration policy.

Canada's top three source countries, China, the Philippines, and India, reflect Canada's use of immigration as an economic stimulant and their focus on the Economic Class. Both China and India have portions of their populations that are well-educated and wish to immigrate to the U.S. or Canada for career advancement. These are exactly the sorts of immigrants that Canada seeks, and with a wide path for immigration via the Economic Class, Canada exerts a strong pull on qualifying prospective immigrants. Canada also has relatively large consulates in Asia and can process more applications in those offices than in other developing regions.

The next three source countries for Canada are the U.S., the U.K., and France showing the importance of NAFTA, the commonwealth, and the close ties between Quebec and France. Additionally, the points-based system provides advantage to prospective immigrants fluent in either French or English, particularly in the Economic Class. Most citizens from the U.S, the U.K., and France speak one of these two languages natively, and therefore have a large advantage when seeking to immigrate. This may also explain the large number of immigrants to Canada from the Philippines, as the two official languages used by the Philippine government and education are Filipino and English.

As with non-immigrant classes, major divergences appear between the U.S and Canadian immigrant classes. The greatest of these occur within the Family and Economic Classes. In 2009 the Family Class accounted for 74.3% of all immigrant visas issued in the U.S., but only 25.9% in Canada. In total volume, the U.S. issues about six times the number of family visas as Canada (403,790 versus 65,200). However, this means that the U.S. issues fewer family visas per capita than Canada, and the disparity in the percentage of family immigrant visas is due to a paucity of visas issued in other U.S. immigrant classes rather than a surplus issued in the U.S. Family Class.

Still, of all immigrant classes, U.S. immigration policy is least restrictive on the Family Class. The U.S. limits total immigration with a flexible cap of 675,000 people per year and reserves up to 480,000 of those for family sponsorships. The total cap is flexible due largely to the Family Class, of which some categories are uncapped. Annually, USCIS processes at least 226,000 but no more than

480,000 Family Sponsored Preference applications and places no cap on applications made by immediate, unmarried relatives of U.S. citizens. Potential immigrants who have a choice between sponsorship by employment and by family have an incentive to apply for the Family Class because it provides greater opportunity for admittance. This suggests that the U.S. treats the immigration system as a mechanism primarily for reuniting families, and since the U.S. considers the nuclear family to be the basic family unit, immigration policy seems to reflect this cultural value by remaining relatively unrestrictive to members of citizens' and permanent residents' nuclear families.

Canada also promotes family reunification as a national value, and extends this policy to a broader range of family members, perhaps reflecting a different view of the basic family unit. However, the Canadian Family Class accounts for a small portion of the total cross-border flow of immigrants. While Canadian immigration policy does not place significant obstacles in the way of immigrants of this class, the Family Class makes up only 25.9% of the overall immigrant population likely due to the general immigration climate in Canada. Canadian policy actively attempts to attract immigrants, especially those who will contribute significantly to the economy. Family Class immigrants do contribute, but Canadian policymakers place more emphasis on attracting Economic Class immigrants, who contribute more substantially.

Immigrants in the Family Class of the U.S. and Canada also come from source regions in different proportions. The largest source region for Canada is Asia and the Pacific accounting for 52.8% of the Family Class. This may be due to a large immigrant population from that region already residing in Canada. Likewise, the largest source region for the U.S. Family Class, with 47.9%, is South and Central America. This difference also makes sense historically as South and Central American nations have been major sources of immigrants in recent decades. Since the Family Class requires a citizen or resident sponsor already in the country it would make sense that the source origin of new immigrants would match the source origin of permanent residents and naturalized citizens in both the U.S. and Canada. According to the U.S. Census Bureau, 53.1% of the immigrant population already in the country in 2009 came from Latin America[lix]. As with non-immigrant classes, the exchange between the U.S. and Canada is uneven with 0.4% of Family Class immigrants to the U.S. coming from Canada and 6.8% of those admitted to Canada coming from the U.S. In absolute numbers, three times more citizens and permanent residents of the U.S. emigrate to Canada than the reverse.

The U.S. and Canadian Economic Classes are more uneven. In raw numbers, the U.S. issued roughly eleven times fewer visas in this class than Canada. In the U.S. the Economic Class is the smallest immigrant class accounting for only 2.5% of the total immigrant visas issued in 2009. This data matches an immigration policy that restricts economic immigration. The U.S. takes a protectionist stance that responds to the common argument that immigrant workers threaten to take jobs from citizens. It is likely the economic crisis and unemployment rate of 9.3% in 2009 further reinforced this argument. That being said, the U.S. still provided visas for Economic Class immigrants, largely for skilled workers, professionals, and aliens holding advanced degrees or with exceptional ability. In recent months, U.S. policymakers seem to be recognizing the economic stimulus this class of

immigrants could provide. In August of 2011, the U.S. altered their policy slightly to accelerate the processing times of Economic Class applications.

In 2009, the Canadian economy suffered less than the U.S. economy, with an unemployment rate of only 8.3%. This may be related to Canada's robust Economic Class, but more research is needed to determine the exact nature of this relationship. Regardless, the Economic Class accounted for 60.9% of all the immigrant visas issued and is more than twice the size of the next largest immigrant class. Skilled workers and their dependents made up 62.5% of the Economic Class. These skilled workers are new immigrants to Canada (unlike the Canadian Experience Class and the Provincial Nominees) provide an infusion of new skilled labor that could be helping Canada weather difficult economic times. Canadian immigration policy allows the specific skills that qualify for this class to change regularly. The advantage to this flexibility is that the supply of skills provided by the Economic Class can be shifted to match the Canadian labor market's demands. Besides these new immigrants, immigration policy allows non-immigrants to change to immigrant status either as Provincial Nominees or as part of the Canadian Experience Class. The Provincial Nominees and their dependents accounted for 19.8% of immigrants in 2009 and the Canadian Experience Class accounted for 1.7%. Policymakers expanded both of these programs after 2009, particularly the latter as it was introduced in 2008. By allowing highly-educated or highly-skilled non-immigrants to change status without leaving the country, these classes save the applicant and the CIC time, energy, and money; and help Canada retain legal aliens who will contribute to the economy.

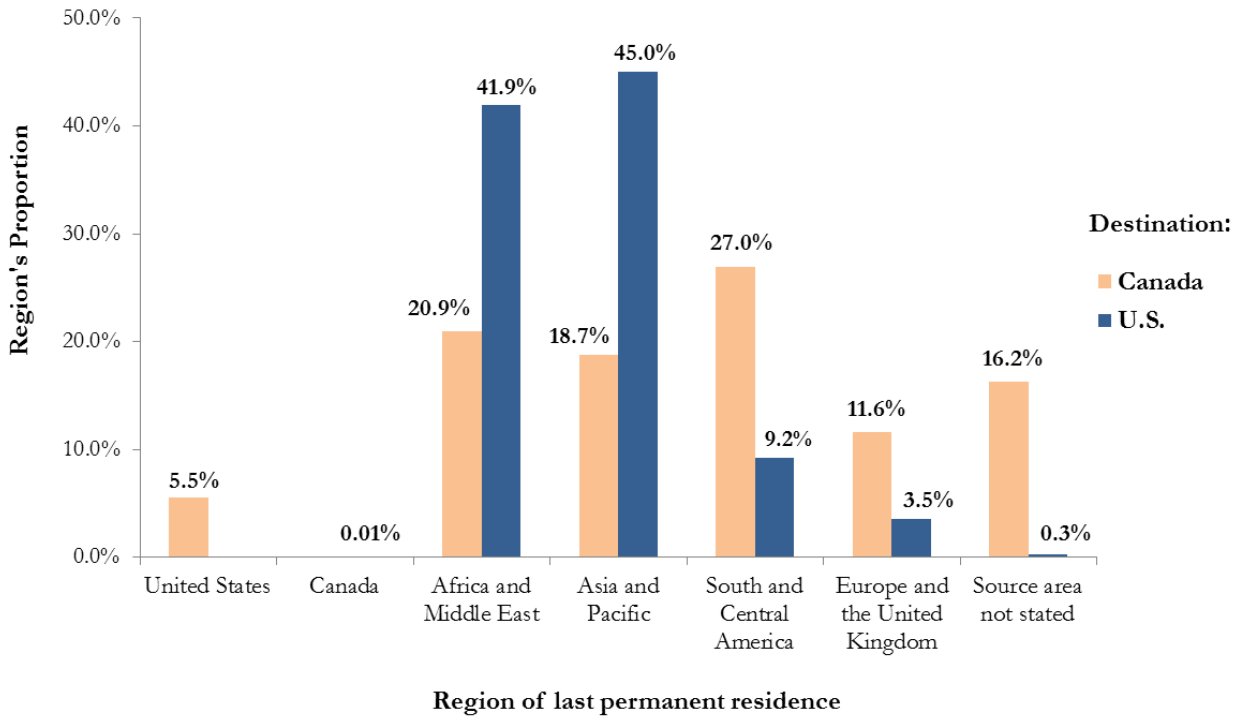
Source regions for Economic Class immigrants are fairly similar between the U.S. and Canada. The Asia-Pacific region is the source for the largest percentage of U.S. and Canadian Economic Class immigrants with 61.6% and 47.7% respectively. This makes sense considering the members of this class are generally highly skilled workers in technical or managerial fields, and both of these fields have been central to economic growth in the region. This is particularly true for China and India, which are the top two source countries for both the U.S. and Canada. The second source region for the U.S. is different than for Canada. For the U.S., South and Central America sources 14.1% of the Economic Class. For Canada, Africa and the Middle East sources 22.1%. The exchange between the U.S. and Canada in this class is nearly proportional with the U.S. sending approximately ten times as many immigrants to Canada as Canada sends to the U.S. Additionally, these populations make up about equal percentages of the Economic Class, at 2.4% and 2.6% respectively. This may be explained by the effect of NAFTA on immigration policy, as both nations provide a path for businesspeople to transfer under the trade agreement.

In the last year, policymakers in Canada have made major changes to the Economic Class in response to the financial crisis. With less demand for immigrant workers, skilled or otherwise, Canada placed caps on the skilled worker categories. These caps are fairly high, but the data sets from 2011-2012 may change significantly from the data available to this study. As the 2011 census is completed in Canada, more extensive statistics will be available for the last two years, and this new data would be a source for further research into the effects of these changes.

Chapter 4: Humanitarian Class

The Humanitarian Class proved to be the most difficult class to compare because U.S. and Canadian policies deal with people in need of protection in very different ways. For the most part, the U.S. classifies people in need of protection as *immigrants* whether they sought asylum from overseas or from within the country. The U.S. counted only 108 people in need of protection as non-immigrants, and these individuals were all either informants, victims of criminal activity, or victims of human trafficking. People in need of protection made up 0.0019% of the total U.S. non-immigrant population. Canada, on the other hand, includes people in need of protection in both the immigrant and non-immigrant population depending on where the individuals sought asylum. Generally, Canada classifies refugees within the immigrant population and asylees within the non-immigrant population (until their cases are decided). Below we have collected all persons in need of protection from the various classes to create a figure based on source region. This figure eliminates some of the distortion caused by the two nations' differing methods of classification.

Figure 7. Proportion of Humanitarian Population Originating from Various Regions



Sources: U.S. Department of Homeland Security, *Office of Immigration Statistics, 2009 Yearbook of Immigration Statistics* and Citizenship and Immigration Canada, 2009, *Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents*

Note: The U.S. humanitarian population numbers are composed of refugee and asylee numbers from U.S. Department of State.

Commentary

Again, Figure 7 contains data compiled from a number of different sources and immigration classes. Since we are using visas as a proxy for cross-border flow, this combined Humanitarian Class may provide a somewhat distorted view of the actual flow. This is especially true for the population drawn from the Canadian non-immigrant Humanitarian Class because members of this class sought asylum either on arrival or after being in Canada on another valid travel document. There is some chance that those individuals who changed status for humanitarian reasons may be double counted. The U.S. accepts only a little over three times more people in need of protection as immigrants than does Canada suggesting a major inequity per capita. This inequity remains prevalent when we compare all (*non-immigrant* and *immigrant*) members of the Humanitarian Classes of the U.S. and Canada. These classes make up 1.1% of the total cross-border flow of non-visa exempt legal aliens into the U.S. (subtracting out the B1/B2 visitors who skew the comparison between U.S. and Canadian cross-border flow) and 11% for Canada. Of the 11%, approximately two-thirds of these persons in need of protection entering Canada or claiming asylum while in Canada are Convention Refugees. This difference between the U.S. and Canada is likely reflective of the differences in relation to the *Convention of 1951* and the *Protocol of 1967*, and demonstrates Canada's more liberal policy in regards to persons in need of protection.

One of the most striking differences between the U.S. and Canadian Humanitarian Classes is with respect to the country-of-origin data. The vast majority (86.9%) of people receiving these U.S. visas come from two regions: Africa and the Middle-East, and Asia and the Pacific. In Canada, no more than 27% of the humanitarian population comes from any one region. This is perhaps due to the broader range of refugee types that Canadian immigration policy allows. Also, U.S. policy targets potential refugees with special provisions based on source country and region. While Canadian policy likewise targets specific countries, it also targets specific *situations*. This difference in policy appears in the U.S.-Canadian exchange of people in need of protection. Figure 7 shows that Canadians account for only 0.01% of persons in need of protection entering the U.S., while U.S. citizens or residents account for 5.5% of those admitted to Canada. U.S. immigration policy does not target Canada as a source of refugees, but U.S. citizens may be in need of protection for some *situational* reason and might therefore qualify for the Canadian Humanitarian Class.

The "Source area not stated" column of Figure 7 also stands out as a point of interest. "Source area not stated" means that the country of origin could not be determined either because the persons in need of protection did not possess authorized identification papers or could not be connected to a country of origin for some other reason. This category makes up 16.2% of the Canadian Humanitarian Class. Compare this with the U.S., where only 0.3% of the Humanitarian Class fails to report a country of origin. Similar differences occurred in the data for the country of origin for temporary workers and students; 4.2% of temporary workers and 1.0% of students in Canada reported no country of origin, versus 0.5% and 0.02% in the U.S. The discrepancy in available country of origin data for Canada and the U.S. may be indicative of the rigorous data collection

practices in contemporary U.S. border policy. These members of the Humanitarian Class who do not list a source nation could be a target for future research.

Chapter 5: Citizenship

In this study, we have not addressed citizenship directly; however, we would be remiss to not briefly discuss it. The paths to citizenship in the U.S. and Canada differ in ways similar to the differences evident in other aspects of immigration policy. Canada's immigration policy seeks to attract the "right kind" of immigrants—specifically those who will contribute to the economy and be easily assimilated into Canadian society. In the same way, the "right kinds" of permanent residents face few obstacles to applying for citizenship in Canada. The U.S. government does little to assist prospective citizens, but does select based on the immigrant's ability to be assimilated. To gain citizenship in the United States, immigrants must know U.S. history and English language well enough to pass the citizenship test, thus proving that they will fit into society. U.S. citizenship policy also demands that prospective citizens swear both to be loyal and to protect the nation and the Constitution from all enemies. Canadian policy likewise requires prospective citizens to swear an oath of loyalty, but the rhetoric of the oath demands loyalty, not defense.

United States

People may become U.S. citizens through birth or through naturalization. Immigrants over the age of 18 generally must live in the U.S. as permanent residents for three years for spouses and five years for others before they can apply for citizenship. However, there are a number of conditions and exceptions that allow immigrants to live overseas for longer periods of time or apply as citizens from overseas. For a complete overview of residency requirements, see link[lx]. For biological or adopted children of U.S. citizens the process is generally much easier. These children gain citizenship automatically, but may need to obtain a certificate of citizenship to get a passport or prove citizenship. U.S. policy provides special privileges in applying for citizenship for people who serve in the military and their families.

After these residency and other requirements have been met, immigrants must pass a language proficiency test in English and a civics test—U.S. history and government—to show they have the knowledge necessary to be assimilated into U.S. society. The civics test is an oral test in which a USCIS officer poses up to 10 out of a list of 100 questions based on U.S. history and its political system. Applicants must respond correctly to at least six questions of these questions, and must prove their ability to read, write, and speak English. Finally, citizenship applicants must be individuals of "Good Moral Character" (Citizenship handbook 25). This final and somewhat ambiguous criterion is left to the discretion of USCIS officers, and allows USCIS officers to reject the application of individuals with criminal history, behavior contrary to the mores of the U.S., or who have been caught lying to an immigration officer. After passing all of these requirements, immigrants must take the Oath of Allegiance to the United States to formalize their naturalization.

Citizenship in the United States of America provides many benefits. The *Guide to Naturalization* emphasizes that a set of basic rights are provided by the Constitution and other laws to citizens and non-citizens alike. However, some rights are reserved for citizens. For example, only citizens may vote, hold an elected office, and be eligible for federal jobs. Also, citizens may obtain a U.S. passport

and sponsor relatives to immigrate to the United States. Citizenship in the U.S. comes with additional responsibilities including supporting and defending the Constitution, swearing allegiance to the country, and giving all prior allegiances. Beyond these responsibilities, citizens must be active members of U.S. society by serving on a jury if called and tolerating citizens of different opinions, cultures, ethnic groups, and religions.

Canada

There generally are few barriers to naturalization in Canada, although foreign born individuals with criminal history face great barriers. As with the U.S., there are a few ways to become a Canadian citizen. Obviously, most Canadians gain citizenship through birth. The first step towards naturalization for foreign born persons is permanent residency. Immigrants over the age of 18 may apply for citizenship if they are permanent residents, their residency status is not in question, and they have lived in the country for at least three years. Applicants do not need to be permanent residents for the whole three year period, but must have lived continually in the country. Children under 18 cannot seek citizenship themselves, but may have a parent, adoptive parent, or legal guardian apply for them. In these cases, the parent or guardian must be a Canadian citizen or must be applying at the same time. The three year residency period does not apply to these children. Some individuals may not apply for citizenship due to criminal history. After these basic residency requirements are met, prospective citizens must prove proficiency in either English or French and have a basic knowledge of Canadian history. Once applicants have successfully fulfilled all of these requirements they must take a citizenship oath that vows loyalty to the Queen, her successors, and all the laws imposed on Canadian citizens. For more information on citizenship see link[lxi].

Naturalized immigrants gain the benefits of protection under Canadian law, which protects citizens' basic rights and freedoms, including the freedom of religion, freedom of association, freedom to congregate peacefully, etc. Canadian law also ensures sexual equality, provides the protection of *habeas corpus*, and other basic human rights. These freedoms and rights, along with economic opportunities, are what attract immigrants to Canada. These benefits come with certain responsibilities that include obeying the law, taking part in civic activities (voting, serving on a jury, etc.), protecting the environment, and taking responsibility for oneself, family, and community. This combination of rights and responsibilities define what it means to be a Canadian citizen. The path to citizenship in Canada is designed to provide immigrants with the experience and knowledge necessary to fit into this social model. The time requirements and language proficiency tests force immigrants to establish the necessary ties to take part in their communities. The Canadian history test makes certain that immigrants understand Canadian law and the history from which it developed. Finally, the Oath of Citizenship is a solemn vow to take part in the rights and responsibilities that come with being a Canadian citizen.

Conclusion

Historically, immigration has driven national growth in the U.S. and Canada. Despite the historical importance of immigration, the majority of both nations' populations are native born and several generations removed from the immigration process. This being said, immigration still remains important to the economic growth of both the U.S. and Canada, despite border and immigration policies that diverged early on. Over time the U.S. has employed a more conservative policy using immigration as a tool mainly to reunite families. Canada also emphasizes family reunification in their border and immigration policy, but mainly directs its immigration policy towards economic stimulation. To do this, Canadian policy actively attempts to attract the "right kinds" of immigrants who will contribute the most to economic growth. The more restrictive policy of the U.S. and the more expansive policy of Canada appear clearly in the data for 2009. The U.S. issued approximately twice as many immigrant visas as Canada that year despite a population ten times larger than that of Canada. This means that when immigration rates are compared directly, the U.S. seems the more expansive. However, when compared per capita, the immigration rates of the two countries are significantly asymmetrical.

This report has found it appropriate to examine cross-border flow of people—both *immigrant* and *non-immigrant*—through two general questions: "who gets in?" and "who gets to stay?" The first is heavily affected by security issues and addresses both *immigrants* and *non-immigrants,* who account for the vast majority of cross-border flow. The second question is essentially an immigration question, and therefore addresses primarily *immigrants*. This report has looked at non-immigrants and immigrants in turn because they are very different populations. In constructing this report, we ran into significant obstacles in the lack of data standardization between the U.S. and Canada, as well as between agencies within each country. We discuss this at length in the Obstacles section of this chapter.

In terms of major policy differences, Canadian policymakers break immigration policy into neat classes that group legal aliens based on their general reason for entering the country. The U.S. on the other hand offers an alphabet soup of visas, one for different sorts of persons seeking to enter the U.S. The U.S. system categorizes aliens more precisely, but is more complicated. For this reason, we have grouped the U.S. visas into the Canadian class system. The Visitor and Visa Exempt Classes account for the vast majority of cross-border flow of people. After these classes, the Economic Classes of non-immigrants and immigrants account for the majority of Canadian visas, while the Family Class of immigrants accounts for the majority of U.S. visas. Canada relies on immigration to counter the downward economic pull of its low birth rate and aging population. The U.S. focuses on family reunification, and immigration policy is more beholden to the politics of labor and markets.

Along with differences in fundamental policy, the U.S. and Canada *implement* their policies in different ways. One of the major factors considered by border and immigration policy in the 21st century is national security. Both the U.S. and Canada have gone to great lengths to maintain secure borders. For the U.S. this has meant making it more difficult to enter the country in general, while for Canada it has meant a beefing up of screening of potential entries. In its border security

operations the U.S. relies heavily on biometric data to screen people. Canada relies more heavily on the discretion of inspection agents who screen out potential security risks by using a set of inadmissibility regulations that are clearly defined by the *IRPA* and its *Regulations*. These differences are more of emphasis than principle. Without question, national (and therefore border) security considerations have become tightly woven into immigration policy in both countries.

The flow of immigrant traffic into both the U.S. and Canada is vastly dwarfed by non-immigrant traffic, but since border security and immigration are tightly linked, the policies designed for true immigrants may be acting as a kind of net for everyone who crosses the border. These policies that attempt to screen for the "right kinds" of immigrants may be making it more difficult for routine flows of tourists, truckers, etc.—who make up the vast majority of cross border flow. While border security *is* linked to immigration policy, it must also account for the vast numbers of non-immigrants seeking to cross the border.

The cross-border flows summarized in this report reflect the strong ties that Canada has with the U.K., Australia, and other Commonwealth countries. A similar relationship appears between Canada and France due to the francophone connection. The U.S. shows strong ties with Mexico, Central and South America, and Asia. Mexico contributed the greatest number of U.S. immigrants in 2009, which fits with national demographics and historical trends. This is due largely to Mexico's proximity, economic pull from the U.S., and the U.S. policy in regards to the Family Class. India and China contribute considerably to the cross-border flow of people into both the U.S. and Canada. This perhaps reflects the immense populations of India and China and their rapid growth, rather than particular features or provisions of U.S. and Canadian border and immigration policies. Finally, the flow of people across the U.S.-Canada border is unbalanced in most classes, reflective of a stronger pull of the U.S. to tourists and a stronger economic pull from Canada.

Policy Recommendations

The United States and Canada have similar demographics, and for this reason, face similar economic challenges in the years ahead. Both economies face the increasing burden of aging populations and a growing demand for a tech-savvy labor pool. To face these issues both countries stand to benefit economically from immigrant labor, especially from highly skilled immigrants, entrepreneurs, and investors. However, only Canada has made economic development the driving force of its immigration policy by tailoring its policy to attract skilled non-immigrants and immigrants as well as entrepreneurs and investors. The data in the report clearly illustrates the workings of this policy.

In the U.S., the DHS and USCIS have begun to follow Canada's longstanding economic-based immigration policy by emphasizing immigration policy as a tool of economic development. On August 2, 2011, DHS and USICS released a joint statement announcing changes to the execution of immigration policy designed to promote entrepreneurship. These changes clarify how Economic Class immigrants and non-immigrants may acquire the necessary visas and help decrease processing times for their applications.

While these changes do little to change the essence of U.S. immigration policy, they do modify its implementation. These changes seek to attract more foreign entrepreneurs and investors in order to stimulate the U.S. economy. This change in implementation is a good start as it focuses on expanding core sectors of the economy (entrepreneurs and investors) that create jobs and wealth. We recommend that the U.S. government take further measures to liberalize its immigration policy in regards to entrepreneurs, investors, and technologically skilled workers. If economic growth is as slow in the coming years as economists currently predict, it will be in the best interest of the U.S. to look to Canadian immigration policy for ideas on job creation and economic stimulus. It is likely that the Canadian economy has been helped in recent years by the government's focus on economic-based immigration. However, policymakers have recently suspended some of the Economic Classes in order to protect labor markets.

Our second major recommendation relates not to the economy, but to national security. The U.S. and Canada both strive for a national security apparatus that is both smart in its design and strong in its implementation. The intelligence and strength of the U.S. and Canadian national security apparatuses depend in part on the degree to which these two countries (sharing the longest militarily-undefended border in the world) can cooperate. We recommend that the two nations make the sharing of information more efficient and productive for cooperative endeavors by streamlining and standardizing data collection and publication practices. For example, when the U.S. and Canada roll up their immigration statistics on source country into regional data, they do not group the same countries into the same regions (e.g. the U.S. groups the Middle East with Asia, while Canada groups it with Africa). This kind of incompatibility complicates information sharing. To avoid confusion and to streamline cooperative efforts between the two countries (and to make it easier for independent researchers to make policy recommendations), we recommend the U.S. and Canada report their data according to a unified standard.

Obstacles

- The U.S. and Canada only publish limited cross-border flow data. To address this we have used immigration *document issuance* data in combination with the flow data that is available to provide a clearer impression of what the cross-border traffic looks like.
- Related to the previous obstacle, legal aliens changing status while still in the country account for some of the immigration documents issued. Since they did not cross the border, they do not count as part of the cross-border flow.
- This study addresses source country of cross-border flow. However, the U.S. and Canada group countries into regions for a large portion of their published data and the regional definitions used by the U.S. are not the same as those used by Canada.
- Some groups of cross-border traffic are not counted in the published data sets (e.g. people using the Nexus lanes are not included by Statistics Canada).

- The U.S. and Canadian census do not provide matching years of data.
- Some inconsistency exists in classes of non-immigrants and immigrants between the U.S. and Canada.
- Cross-border travelers on a visa waiver program appear as a mass, without differentiation into country of origin or demographics. We suspect that these travelers are counted, but are lumped together into one group (visa exempt) in published data sets. This creates a major obstacle in capturing a sharp image of cross-border flow since the vast majority of the flow consists of visa exempt individuals.

Appendix A: Sources

Bloemraad, Irene (2006) *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada*. Berkley, CA: University of California Press.

Boyd, Monica (1976) "Immigration Policies and Trends: A Comparison of Canada and the United States" *Demography*, Vol. 13 No. 1, pp. 83-104.

Bureau of Consular Affairs, U.S. State Department. (1995 February 5). Travel.State.Gov. Retrieved from http://travel.state.gov.

----. Travel.State.Gov: Business and Pleasure Visas. Retrieved from http://travel.state.gov/visa/temp/types/types_1262.html.

----. Travel.State.Gov: Diversity Visa (DV) Lottery Program. Retrieved from http://travel.state.gov/visa/immigrants/types/types_1322.html.

----. Travel.State.Gov: Visa Types. Retrieved from http://travel.state.gov/visa/visa_1750.html

Chapman. S. (2010). Harvard University Open Collections Program. *Aspiration, Acculturation, and Impact: Immigration to the United States, 1789-1930*. Retrieved from http://ocp.hul.harvard.edu/immigration/.

Citizenship and Immigration Canada. (2011 July 5). Citizenship and Immigration Canada Home. Retrieved from http://www.cic.gc.ca/english/department/laws-policy/index.asp.

----. (2010). Facts and Figures 2009: Immigration Overview- Permanent and Temporary Residents. Retrieved from http://www.cic.gc.ca/english/resources/statistics/facts2009/glossary.asp

----. (2000, October). *Forging our Legacy: Canadian Citizenship and Immigration, 1900-1977*. Public Works and Government Services, Canada. Retrieved from http://www.cic.gc.ca/english/resources/publications/legacy/index.asp.

Devoretz, D (1995) *Diminishing Returns: The Economics of Canada's Recent Immigration Policy*. Toronto, CA: C.D. Howard Institute.

Department of Homeland Security, U.S. Citizenship and Immigration Services. (2011). *A Guide to Naturalization* (M-476). Retrieved from http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=598da2f39b1ab210VgnVCM100000082ca60aRCRD&vgnextchannel=598da2f39b1ab210VgnVCM100000082ca60aRCRD.

Foreign Affairs and International Trade Canada. (2011 September 2). Foreign Affairs and International Trade Canada Home. Retrieved from http://www.international.gc.ca/international/index.aspx?lang=eng&view=d.

Gates-Gasse, E. (2010). Canada's new immigration system raises troubling issues. *CCPA Monitor*, 17(5), 16-18. Retrieved from EBSCO*host*.

Gillis, C. (2010). Who doesn't get into Canada. *Maclean's*, 123(23), 20-22. Retrieved from EBSCO*host*.

Kelley, N., & Trebilcock, M. (1998). *The Making of the Mosaic: A History of Canadian Immigration Policy*. Buffalo, NY: University of Toronto Press.

----. (2010). *The Making of the Mosaic: A History of Canadian Immigration Policy*. Second edition. Buffalo, NY: University of Toronto Press.

Immigration and Customs Enforcement. (n.d.). Process for Obtaining Student Visa. Retrieved from http://www.ice.gov/sevis/students/.

Minister of Justice. (2011). *Immigration and Refugee Protection Act* (S.C. 2001, c. 27). Retrieved from http://laws-lois.justice.gc.ca/eng/acts/I-2.5/FullText.html.

Minister of Justice. (2011). *Immigration and Refugee Protection Regulations* (SOR 2002-227). Retrieved from http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html.

Mintz, S. (2007). *Digital History*. Retrieved from http://www.digitalhistory.uh.edu.

Office of Travel and Tourism Industries. (n.d.). International Visitation to the United States. Retrieved from http://tinet.ita.doc.gov/outreachpages/inbound.general_information.inbound_overview.html.

Scott, M. (Producer), & Greenwald, B. (Director). (1989). *Who Gets In?* [Motion picture]. Canada: National Film Board of Canada.

Starkweather, S. (2007). *U.S. Immigration Legislation Online*. Retrieved from http://library.uwb.edu/guides/USimmigration/USimmigrationlegislation.html.

The UNHCR Communications and Public Information Service. (2010). *Convention and Protocol Relating to the Status of Refugees*. Retrieved from http://www.unhcr.org/3b66c2aa10.html.

The UNHCR Media Relations and Public Information Service. (2007). *The 1951 Refugee Convention-Questions & Answers*. Retrieved from http://www.unhcr.org/3c0f495f4.html.

United States Citizenship and Immigration Services. (n.d.). Title 8 of the Code of Federal Regulations. Retrieved from http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnextchannel=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&CH=8cfr.

----. (n.d.). Obtaining Asylum in the U.S. Retrieved from http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=dab9f067e3183210VgnVCM100000082ca60aRCRD&vgnextchannel=f39d3e4d77d73210VgnVCM100000082ca60aRCRD.

Appendix B: Visa Exempt Countries

U.S. Visa Exempt Countries			
Andorra	Liechtenstein	France	San Marino
Australia	Lithuania	Germany	Singapore
Austria	Luxembourg	Greece	Slovakia
Belgium	Malta	Hungary	Slovenia
Brunei	Monaco	Iceland	South Korea
Czech Republic	The Netherlands	Ireland	Spain
Denmark	New Zealand	Italy	Sweden
Estonia	Norway	Japan	Switzerland
Finland	Portugal	Latvia	United Kingdom

Canada Visa Exempt Countries			
Andorra	Falkland Islands	Liechtenstein	Singapore
Antigua and Barbuda	Finland	Lithuania[lxii]	Slovak Republic
Australia	France	Luxembourg	Slovenia
Austria	Germany	Malta	Solomon Islands
Bahama Islands	Gibraltar	Monaco	Spain
Barbados	Greece	Montserrat	St. Kitts-Nevis
Belgium	Hong Kong	Namibia	St. Lucia
Bermuda	Hungary	The Netherlands	St. Vincent and the Grenadines
Republic of Botswana	Iceland	New Zealand	Swaziland
Brunei	Ireland, Republic of	Norway	Sweden
Cayman Islands	Israel	Papua New Guinea	Switzerland
Croatia	Italy	Poland[lxi]	United Kingdom
Cyprus	Japan	Portugal	United States
Denmark	People's Democratic Republic of Korea	Samoa, Western	Virgin Islands, British
Estonia	Latvia	San Marino	

Canada also allows the following persons to enter Canada without a visa:

- Persons lawfully admitted to the United States for permanent residence who are in possession of their alien registration card (Green card) or can provide other evidence of permanent residence;
- British citizens and British Overseas Citizens who are re-admissible to the United Kingdom;
- Citizens of British dependent territories who derive their citizenship through birth, descent, registration or naturalization in one of the British dependent territories of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena or the Turks and Caicos Islands;

- Persons holding a British National (Overseas) Passport issued by the Government of the United Kingdom to persons born, naturalized or registered in Hong Kong;
- British subjects who hold a passport issued by the United Kingdom and who have the "right of abode" there
- Persons holding a valid and subsisting Special Administrative Region passport issued by the Government of the Hong Kong Special Administrative Region of the People's Republic of China;
- Persons holding passports or travel documents issued by the Holy See;
- Persons holding an ordinary passport issued by the Ministry of Foreign Affairs in Taiwan that includes their personal identification number.

Appendix C: Links

[i] http://travel.state.gov/visa/temp/types/types_1262.html#2
[ii] http://travel.state.gov/visa/temp/types/types_1262.html#2
[iii] http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html#h-82
[iv] http://www.cic.gc.ca/english/information/inadmissibility/index.asp
[v] http://travel.state.gov/visa/temp/types/types_1262.html
[vi] http://travel.state.gov/visa/temp/types/types_1268.html
[vii] http://travel.state.gov/visa/temp/types/types_1275.html
[viii] http://travel.state.gov/visa/fees/fees_3726.html
[ix]http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnextchannel=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&CH=8cfr
[x] http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html#h-90
[xi] http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html#h-96
[xii] http://www.cic.gc.ca/english/work/apply-who-nopermit.asp
[xiii] http://www.cic.gc.ca/english/work/apply-who-permit.asp
[xiv] http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/stats/index.shtml
[xv] http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html#h-92
[xvi] http://www.travel.state.gov/pdf/FY09AnnualReport_TableXVII.pdf
[xvii] http://www.cic.gc.ca/english/resources/statistics/facts2009/temporary/13.asp
[xviii] http://www.travel.state.gov/pdf/FY09AnnualReport_TableXVII.pdf
[xix] http://www.cic.gc.ca/english/resources/statistics/facts2009/temporary/07.asp
[xx] http://www.cic.gc.ca/english/information/times/index.asp
[xxi] https://egov.uscis.gov/cris/processTimesDisplayInit.do
[xxii]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=be1ea6c515083210VgnVCM100000082ca60aRCRD&vgnextchannel=be1ea6c515083210VgnVCM100000082ca60aRCRD
[xxiii]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=1f0c0a5659083210VgnVCM100000082ca60aRCRD&vgnextchannel=1f0c0a5659083210VgnVCM100000082ca60aRCRD
[xxiv] http://laws.justice.gc.ca/eng/regulations/SOR-2002-227/20110616/P1TT3xt3.html#h-69
[xxv] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-41.html#h-67
[xxvi] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-40.html#h-66
[xxvii] http://www.cic.gc.ca/english/immigrat/sponsor/relatives-apply-who.asp
[xxviii] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-40.html#h-66
[xxix] http://www.cic.gc.ca/english/work/caregiver/extend-stay.asp#resident
[xxx] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-39.html#h-64
[xxxi] http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp#list
[xxxii] http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp
[xxxiii] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-23.html#h-30

[xxxiv] http://www.cic.gc.ca/english/immigrate/business/investors/index.asp
[xxxv] http://www.cic.gc.ca/english/immigrate/business/entrepreneurs/index.asp
[xxxvi] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-34.html#h-52
[xxxvii] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-29.html#h-39
[xxxviii] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-30.html#h-41
[xxxix] http://www.cic.gc.ca/english/immigrate/provincial/apply-who.asp
[xl] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-29.html#h-40
[xli] http://travel.state.gov/visa/immigrants/types/types_1322.html
[xlii] http://www.unhcr.org/cgi-bin/texis/vtx/home
[xliii] http://w01.international.gc.ca/cra-rce/index.aspx
[xliv]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=76ba3a4107083210VgnVCM100000082ca60aRCRD&vgnextchannel=76ba3a4107083210VgnVCM100000082ca60aRCRD
[xlv]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=20db3a4107083210VgnVCM100000082ca60aRCRD&vgnextchannel=20db3a4107083210VgnVCM100000082ca60aRCRD
[xlvi]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=6c6c3a4107083210VgnVCM100000082ca60aRCRD&vgnextchannel=6c6c3a4107083210VgnVCM100000082ca60aRCRD
[xlvii] http://www.cic.gc.ca/english/refugees/inside/apply-who.asp
[xlviii] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-51.html#h-75
[xlix] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-48.html#h-73
[l] http://www.cic.gc.ca/english/refugees/outside/source-apply-who.asp
[li] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-49.html#h-74
[lii] http://www.cic.gc.ca/english/refugees/sponsor/sah.asp
[liii] http://www.cic.gc.ca/english/refugees/sponsor/groups.asp
[liv] http://www.cic.gc.ca/english/refugees/sponsor/community.asp
[lv] http://www.cic.gc.ca/english/refugees/sponsor/jas.asp
[lvi] http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-51.html#h-76
[lvii] http://www.travel.state.gov/pdf/FY09AnnualReport_TableIII.pdf
[lviii] http://www.cic.gc.ca/english/resources/statistics/facts2009/permanent/10.asp
[lix] http://www.census.gov/prod/2010pubs/acsbr09-15.pdf
[lx]http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=399faf4c0adb4210VgnVCM100000082ca60aRCRD&vgnextchannel=399faf4c0adb4210VgnVCM100000082ca60aRCRD#
[lxi] http://www.cic.gc.ca/english/citizenship/become-eligibility.asp
[lxii] http://www.cic.gc.ca/english/department/media/notices/notice-poland.asp