Over A Century of Immigration Policy:
Managing Economy and Race on the Road to Canadian Nationhood

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*Over a Century of Immigration Policy: Managing Economy and Race on the Road to Canadian Nationhood*

**ABSTRACT**

The Canadian Immigration Act of 1869, and the subsequent amendments made to it, have been central to and directed toward the establishment of Canadian nationhood. By using the works of Ernest Gellner and Stuart Hall, and exploring in detail the Act over an hundred year period, the author of this paper argues that while race was used as a discriminating factor in immigration policy as late as 1976 - because race has never been a fixed concept, but rather intertwined with systems of control - it remained malleable and therefore useful in the project of developing a modern Canada. Certainly different groups were racialized at different points in Canadian history, and this was reflected in immigration policy. But who was racialized, and decisions on which groups were allowed to enter Canada and which groups were restricted, could be adjusted in order for Canada to meet the demands – most notably economic – of a modern sovereign nation.

**RÉSUMÉ**

La Loi sur l’immigration de 1869, ainsi que les modifications qui ont suivi, ont été centrales à l’établissement de la nation canadienne. Même et malgré le fait que la race a été un facteur de discrimination dans la Loi jusqu’en 1976 - parce que la race n’a jamais été un concept fixe, mais entrelacé avec d’autres systèmes de contrôle - le concept est resté malléable et donc utile au projet de développement du Canada moderne. Cet article se penchera sur une analyse historique de la Loi de l’immigration sur une période de plus de 100 ans, ainsi que sur les travaux d’Ernest Gellner et de Stuart Hall. Divers groupes ont certainement connu le racisme à certains moments dans l’histoire du Canada, et cela s’est illustré dans les politiques sur l’immigration. Qui a connu ces périodes de discrimination? Cette histoire complexe se doit d’être reconnue afin que le Canada puisse satisfaire les exigences, surtout économiques, d’un pays moderne et souverain.

**KEYWORDS**

Immigration, Refugees, Economy
Introduction

Immigration has been central to Canada since the earliest days of the North American colonies. The pragmatics of transatlantic travel ensured that colonization and exploration led to settlement—even if this settlement was only transitory. Following Confederation in 1867, Canada began to implement measures to manage immigration by passing the Immigration Act in 1869. During the first one hundred years of this Act, Canada maintained a policy of “suitable immigrants, admitted at suitable times.”

This article addresses the hidden narrative of how Canadian immigration policy—between 1869 and 1976—sought to achieve sovereign modern nationhood through legislative policies that were dominated by economic interests and overtly racialized discourse. Immigration policies were revised often for reasons of expediency with race operating as a malleable concept.

This article argues that the Immigration Act 1869 and its subsequent amendments in 1893, 1906, 1910, 1919, 1952, 1967, and 1976, have been central to and directed toward the establishment of Canadian nationhood. This paper is a historical analysis of the political and social climate that led to the establishment of, and amendments to, the Immigration Act in just over a century after its initial enactment. I trace the Immigration Act from its initial establishment in 1869 through to the implementation of refugee provisions in 1976. My analysis is drawn from the works of cultural theorists Ernest Gellner and Stuart Hall.

The author Ernest Gellner defines modern society as one that is economically specialized, technological, has a productive base, is homogeneous, literate, technically skilful, and occupationally mobile. Modern societies work toward “continuous improvement” and these elements ensure that they are in a position to do so and that members are “ready to occupy new slots.”

Gellner’s work maintains that literacy is central to modern societies and “carries the social potential of greater centralization, bureaucratization, orderliness…[and] carries the potential of nationalism.” In his article, “Nationalism,” Gellner argues that nationalism is potentially problematic because it “insists on homogeneity”; but,
while modern societies are not necessarily egalitarian, they are free of dogmatic discriminations.\(^4\) Canada used immigration policy as a central tenet of the efforts to participate as a modern nation.

As Gellner highlights, modern nationhood is potentially discriminatory. In Canada, the dominating factor for discrimination was that of race. Race, or rather those groups who have been racialized, has differed at various points in Canadian history. For the prominent sociologist and linguist Stuart Hall, the classification of race can become “a system of power.” Hall argues that race is a floating signifier and functions like a language; signifiers gain their meaning in relation to other concepts. Meaning is, therefore, relational and unfixed, re-signified and made to mean different things at different moments of time. Hall draws from the works of anthropologist Mary Douglas to describe “matter out of place” where the classification system draws policed boundaries in order to restore order. As part of the development toward sovereign modern nationhood, racialized categorization through Canada’s immigration bureaucracy was central. The shifts over time regarding which groups were racialized is demonstrative of Hall’s thesis that race is not fixed and intertwined with systems of control.

\(^4\) Ibid 767-8.
1869: Canada’s First Immigration Act

Confederation in 1867 swiftly ushered in Canada’s first immigration policy. The first Immigration Act, passed in 1869, was directed toward growing the population. During these years many Canadians emigrated to the United States and, if Canada was to survive, the population had to grow. The Immigration Act sought to increase the population through immigration from Northwestern Europe, particularly Great Britain, as well as the United States.\(^5\) Despite this initial need to appeal to immigrants, increased geopolitical instability in Europe led to large-scale upheaval and many sought to settle in North America. When Eastern Europeans were eventually restricted from the United States because they were coming in such large numbers, Canada became known as the “land of second chance.”\(^6\) The earliest years of immigration policy was directed toward establishing what Gellner refers to as the productive base.\(^7\) In a time of unprecedented growth, race did not take precedence in immigration policy, yet was established as a guiding factor as a system of categorization from the outset.


\(^6\) Ibid 187.

\(^7\) Ibid 176.
Early Immigration Policy

Immigration in large numbers was welcomed in Canada during the 1890s. The economic growth of the period created increased demand internationally for raw materials from Canada. Policies were not directed at limiting immigration but instead to fulfil economic needs. In the last decades of the 19th century, farmers and female domestic help were in highest demand. \(^8\) With the development toward modern nationhood, race was nearly disregarded as a matter of expediency. Railway companies, who held extensive lands in western Canada following the construction of the Canadian Pacific Railway, eagerly sold properties to potential immigrants. Ultimately, this fulfilled the objective of settling the west and, by the turn of the century, 70% of immigrants stated they were farmers intending to settle in the prairies. \(^9\) Settlement needs led immigration efforts to disregard racialized policy demonstrating that race, as argued by Stuart Hall, is not a fixed concept but rather derives its meaning in relation to other concepts.

In 1897, the *Alien Labour Act* was passed to limit the railway companies from bringing in contract labour. \(^10\) Directed predominantly toward the United States, this legislation—which applied only to other countries with such protectionist legislation—sought to protect immigrants from the precarious position as a migrant worker. This is central to Gellner’s concept that modern societies work toward continual improvement and economic specialization. A transient labour force is problematic for a new nation; migrant workers often do not become permanent citizens, nor do they establish roots and contribute to the nation-building project by establishing families.

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10 Ibid 107.
Resistance to Immigration

During this period, Canadians—an ambiguous term in and of itself\(^{11}\)—held a mixed perspective regarding immigration: many English Canadians resisted immigrants maintaining their language or cultures and French Canada was cautious that the policy “tilt[s] the demographic balance against French Canada.”\(^{12}\) The concerns of both groups were entrenched in racialized discourse, directed toward any group other than their own. Though the language has changed, this protectionist discourse survives today in a less apparent form; the concept of race has been absorbed by concepts such as “ethnolingustic” or “ethnocultural” groups.

Race, or culture more broadly, became less of a concern once nation-building efforts were refocused on growth. Despite the aforementioned trepidations toward immigration, when the economy improved and there was increased demand for labour following the turn of the century, the businesses, including the railways companies, were able to recruit workers from Europe.\(^{13}\) During these years, immigration escalated relatively unfettered until the enactment of the *Immigration Act* of 1910.\(^{14}\) In a short period of time, the pendulum of racialized discrimination swung along with the economic needs of the modernizing nation.

The 1910 *Immigration Act* provided the federal government with greater legislative control over immigration. A key provision of the new *Act* gave Cabinet the authority to regulate immigration through Orders-in-Council. This occurred under the premise that the government, rather than private companies, should maintain control over immigration so to ensure that immigration contributes to the positive growth of the nation. The new policy clearly reflected the notion that race is not a fixed concept and foresaw that different groups would bear the brunt of racialized policy at different points in time.

In 1910, Cabinet acquired the authority to prevent immigration or the landing in Canada by “immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation or character.”\(^{15}\) Previously, parliamentary approval was necessary to change immigration levels,\(^ {16}\) but under the changed legislation, the government could alter immigration levels in an ad hoc fashion. In an effort to ensure that immigration contributed to—what was interpreted at the time as amelioration—parliament essentially legislated the concept of race as a floating signifier. Discriminatory legislation, therefore, was particularly germane to Gellner’s understandings of the modern nation—while discrimination exists, it remains flexible and open to continual reinterpretation.

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11 The term Canadian has changed meaning over time. Historically it referenced Canadiens, now French Canadians. At the time, Anglophones typically saw themselves as British.
12 Herd, Weinfeld 188.
13 Green, Green, 1999, 425.
14 Ibid 425.
15 Ibid in Green, Green, 2004, 106.
16 Ibid 106.
Between the Wars: Managing Desirability

According to the mid-20th century scholar, H.F. Angus, the Immigration Act 1919 was passed under the assumption that Canada needed to prevent “undesirable types” of immigrants while also encouraging the immigration of desirable immigrants.17 The new Act advanced the objectives of the 1910 Act, by making it easier for immigration numbers to be regulated through Orders-in-Council.18 The 1919 Act also added the term “nationality” to the “race” provisions in the definition of immigrants, so to further expand government control over the “ethnic composition of immigration,”19 and established “ethnic categories” of preferred, non-preferred, and restricted immigrants.20 Working toward establishing a relatively homogenous populace, preferred immigrants were British subjects from the UK, Australia, New Zealand, and South Africa as well as American and French citizens (born in France or on the islands of St. Pierre and Miquelon).21 Despite this, in 1917, a “precedent for decency was set,” when East Indians were allowed to bring their wives and children to Canada.22 The new policy ensured that the government would maintain stricter control over demographics. Additionally, the 1919 Act required that immigrants demonstrate the ability to support themselves economically23 and pass a literacy test.24 These two factors further illustrate that immigration was central to nation building; the modern nation that Canada was working toward becoming—a sovereign democratic nation-state—required that its members could contribute to the economic growth of the country and had the tools, specifically literacy, to allow them to participate and contribute to Canadian public life.

To facilitate the settlement of Canada by members of the preferred classes, the Canadian government collaborated with Britain for the Empire Settlement Act (1922) and the Three Thousand Family Scheme (1924). The prior subsidized travel for

17 Angus 380.
18 Green, Green, 1999, 428.
19 Ibid 428.
20 Herd, Weinfield 188.
22 Angus 383.
23 Parai, 453-4.
24 Green, Green, 1999, 428.
immigrants to settle on farms and the latter additionally provided loans for the establishment of farms. The Three Thousand Family Scheme brought only 1500 families to Canada before its termination in 1929 and the Empire Settlement Act took four years to be implemented. Without the mechanism to execute these immigration schemes, the government once again turned to the private sector for assistance. Enacted in 1925, the Railways Agreement ensured that the CPR and the CNR led Canadian immigration initiatives. Continuing earlier efforts, the role of the companies was to “recruit, transport and place in Canada, agricultural families, farm labour and domestic servants.” Though the 1919 Immigration Act stated that immigrants should come from the United States or Britain, insufficient numbers of willing immigrants pushed the government to allow the railway companies to extend their search to the ‘non-preferred’ regions of Central and Eastern Europe. The companies could not, however, attract immigrants from restricted countries.

Likewise, the government passed the Chinese Immigration Act in 1923, which effectively barred Chinese immigration until the law was repealed in 1947. These policies complemented the broader immigration initiatives and were designed to ensure that Canada met its population targets. While they were overtly racialized policies, they maintained flexibility in regards to who was racialized at any given point because economic demands took precedence in the Canadian nation-building project over racist policies when it was considered necessary.

**Tap on, Tap off**

In order to regain control over immigration from the railway companies, the era between the First and Second World Wars saw the establishment of the an improved bureaucracy to administer immigration. This period is often described as maintaining a “tap on and off” policy. The immigration policy—made flexible by the Orders-in-Council provisions—allowed immigration to reflect economic expansion and recession. Angus notes that this was accomplished through the establishment of a bureaucracy, the Department of Labour, to “better predict labour shortages and foresee areas of economic growth.” Through this, Canada would enlist the assistance of foreign governments. The Department of Labour also provided projected numbers to immigration officials to direct the issuing of visas. Despite this, the government was careful to “avoid any drastic curtailment of recruiting activities” so that there would be potential immigrants when necessary. The bureaucratization of immigration policy afforded the government greater opportunity to micromanage the immigration within the larger nation-building project.

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26 Green, Green, 1999, 428.  
27 Ibid 428.  
29 Parai 454.  
30 Green, Green, 1999, 428.  
31 Angus 382; Parai 454
During this period, legislation became increasingly preoccupied with the absorptive-capacity of the nation.\textsuperscript{32} Though the 1920s were economically strong and immigration increased, the Great Depression had a strong negative impact on immigration policy. With the unemployment rate at a staggering 11\% by 1931, “nation-building, which had been of key importance to the government from 1870 to 1930, was replaced by preserving the nation in the face of this major depression.”\textsuperscript{33} To address this, in 1931, an Order-in-Council was passed which indefinitely suspended immigration from all classes.\textsuperscript{34} The only exception was to preferred class immigrants who agreed to settle in specific regions of Canada. Anyone of “any Asian race” remained strictly prohibited, without exception.\textsuperscript{35} Before humanitarian concerns became entrenched in Canadian policy, the “tap on, tap off” policy allowed the government to accommodate what they perceived as essential to the amelioration of the nation. In times of economic decline, racial policies were strictly enforced. Protectionist initiatives were understood to be in Canada’s best interest as a young nation working toward a sovereign modern nationhood.

Following the Second World War, public fears that immigration would lead to mass unemployment and negatively impact living standards remained. These sentiments were likely due to residual fear from the Depression Era. Even though the government maintained control over numbers, many Canadians worried they would face competition for employment from immigrants.\textsuperscript{36} Coincidentally, and demonstrative of the slippery nature of racism, Canada’s labour shortage in the late 1940s raised pro-immigration sentiments to the highest levels ever.\textsuperscript{37} In 1947, William Mackenzie King made a seminal speech regarding immigration policy:

\begin{quote}
The policy of the government is to foster the growth of the population of Canada by the encouragement of immigration. The government will seek by legislation, regulation, and vigorous administration, to ensure the careful selection and permanent settlement of such numbers of immigrants as can be advantageously
\end{quote}

\textsuperscript{32} Green, Green, 1999, 428.
\textsuperscript{33} Ibid 429.
\textsuperscript{34} qtd in Green, Green, 2004, 111.
\textsuperscript{35} Ibid 111.
\textsuperscript{36} Angus 380-4.
\textsuperscript{37} Herd, Weinfeld 189.
absorbed in our national economy… the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population.\textsuperscript{38}

Though King insisted that Canada remain selective of its immigrants, in other words encourage immigration by preferred classes, his words demonstrate the flexibility of policy. Immigration selectivity was a matter of expediency, not one of strict principle.

**None is Too Many, No More**

Following the human rights atrocities of the Second World War, it became a “matter of international decency” that barriers based on ‘race’ or nationality be eliminated.\textsuperscript{39} Many argue that Canada felt guilty for their policies toward Jewish immigrants in light of the Holocaust, having maintained a strict “none is too many” policy throughout the 1930s.\textsuperscript{40} Furthermore, Canada had forged a “position of great importance in the world” during the War and many perceived it essential to increase Canada’s population in order to maintain the newfound international importance, particularly amongst the countries rebuilding after the War.\textsuperscript{41} Regardless of the recognized need from policymakers and citizens, tensions remained regarding international security and that, despite the United Nations and the outfall of the Second World War, discussions maintained strong racial undertones.\textsuperscript{42}

**…But Some were Still More Equal than Others**

Despite the increased committal to human rights, the *Immigration Act* of 1952 did not do much to address the racialized nature of Canadian immigration policy; the division into preferred, non-preferred, and restricted immigrants remained central.\textsuperscript{43} This *Act* formalized procedures for the deportation of ‘aliens’ as well as delineated that applicants with ‘health deficiencies’ were prohibited from entering the country. This policy, however, set no total numbers; instead, immigration would be regulated through by Orders-in-Council.\textsuperscript{44} Again, racialization and other forms of discrimination were entrenched in legislation.

Family sponsorship and reunification, however, gained importance within the 1952 policy.\textsuperscript{45} And, following the 1952 *Act*, immigration to Canada remained high. The numbers of immigrants coming from non-preferred and even restricted classes escalated, largely due to the Cold War and Canada’s willingness to accept

\begin{footnotesize}
\begin{itemize}
  \item[38] Parai 452.
  \item[39] Angus 383.
  \item[40] Herd, Weinfeld 189.
  \item[41] Angus 379.
  \item[42] Ibid 386.
  \item[43] Green, Green, 1999, 428.
  \item[44] Parai 451.
  \item[45] Herd, Weinfeld 189; Parai 451.
\end{itemize}
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refugees from Eastern Europe fleeing Soviet communism. 46 A clear example of race as a floating signifier, when communism was seen as the most critical threat, Eastern Europeans were welcomed to Canada despite there not being a labour shortage. Capitalism took precedence over biological markers of race.

Flexing its legislative muscle, on April 2, 1959, Cabinet passed an Order-in-Council strictly reducing family sponsorship provisions for European citizens, as well as those from Israel, and South and Central America. British and French immigrants remained permissible. 47 The government denied that policies were based on racial criteria, but instead claimed that it was to “prevent unskilled workers from coming to Canada to join their relatives, only to find themselves without any hope of jobs.” 48 This policy was implemented, at least in part, to address the fact that in 1958–9, Italians had, for the first time, exceeded British immigration. This demonstrates the interrelatedness of race and occupation. Italians were, at the time, expected to participate in the labouring class. In the interest of maintaining a flexible workforce, when labour was in shortage the tap turned off for Italian immigrants. Policy instead sought immigrants who had greater occupational mobility. Ironically, however, the Canadian government did not implement measures to ensure that groups such as Italians had the opportunity to achieve the economic mobility afforded to British or American immigrants.

The 1967 Points System

A major shift in Canadian immigration policy was introduced through the 1967 Immigration Act. The establishment of the points system placed an emphasis on the ability of immigrants to succeed and contribute to Canada economically, particularly those with good education and training. 49 The introduction of the points system “signalled a dramatic shift in the source of Canada’s immigrant intake away from white Europe toward what are euphemistically described as ‘non-traditional’ sources of immigrants: Asia, North Africa, Latin America, and the Caribbean.” 50 To coincide with these policies, the Department of Labour maintained information on occupations and provided this

46 Herd, Weinfield 189; Green, Green, 1999, 428.
47 Corbett 177.
48 Ibid.
50 Herd, Weinfield 189.
information to immigration agents abroad. Point levels were periodically altered to address the occupational needs of the Canadian labour market.51

The points system, though it did nothing to change the systemic global inequalities that maintained the third world status of some countries, is indicative of shifting perceptions toward race. The points system “technically eliminated discrimination on the basis of race or nationality.”52 Instead, it provided an explicit set of guidelines to determine admissibility, rather than the subjective and ad-hoc immigration policies that had dominated previously.53 Though many argue that the points system merely perpetuates inequality because immigrants emanating from countries previously understood as ‘preferred class’ of immigrants have the advantage of achieving points, this system was a major step toward achieving what Gellner refers to as modern society. Technically, inequality was no longer dogmatic; Canada moved toward a system of meritocracy and away from policies of overt racism and toward policies intended to strengthen the nation economically.

Further dismantling the racialized nature of previous immigration policies, the increased emphasis on family reunification and humanitarian consideration under the 1967 Act enabled family class immigrants to come without assessment under the points system. This had a significant effect on the countries of origin of immigrants because it allowed for greater numbers of non-European immigration.54 The policy ensured that family class was prioritized in processing and nominated relatives were given bonus points “based on family ties.”55 This led to the situation of the mid-1970s, whereby sponsored and nominated classes comprised two-thirds of the yearly total.56 During these years, humanitarian consideration became the foundation of Canadian labour and immigration policy. Canada, as a signatory to the 1951 Refugee Convention, had an obligation to ensure that the provisions were upheld.57 “By acceding in 1969 to the United Nations Convention on the Status of Refugees along with the 1967 Protocol to that Convention, Canada had given notice to the international community of its intent to develop a more coherent policy.”58 Refugees, a highly racialized class of immigrants, were no longer perceived as a burden that would undermine the health of the developing Canadian nation, but were now understood as essential to international diplomacy. Humanitarian policy was interpreted as being critical to late 20th century conceptualizations of modern nationhood.

51 Green, Green (1999) 432.
53 Green, Green (1999) 431.
54 Akbari 158.
55 Green, Green (1999) 431.
58 Ibid 282.
Refugees but no Refugee Laws

Despite the changing perceptions, at least within government, in the early 1970s, with no clear direction in refugee policy, many feared that refugees would compete with immigrants within the labour market. At the same time, Canada did not have the mechanism to adequately address refugee claimants overseas, nor those already in Canada and refusing to return home.\(^5^9\) Immigration officials posted abroad resisted and sought “increased discretion in administering the regulations under the Act.”\(^6^0\) With a clear need to formalize and modernize Canada’s immigration bureaucracy, a commission was established and the Green Paper, *A Report of the Canadian Immigration and Population Study*, was tabled in 1974 by the Department of Manpower and Immigration.

The study maintained that Canadian expansionism was no longer necessary and that immigration policy should be directed toward the economic needs of the country. The Report was critical of the points system, arguing that it focused too heavily on family and not sufficiently on the economy.\(^6^1\) While Canada did not necessarily follow the advice to move away from humanitarian considerations, the Green Paper did bring to light the need to shift understandings of the purpose of immigration policy. Canada no longer needed large-scale immigration to settle the lands; Canada had established a population—even if it was sparse in some areas—of settlers across its geography.

**Immigration Act 1976**

Informed by the Green Paper and passed in 1978, the 1976 *Immigration Act* created a “policy of bringing in a substantial number of refugees each year rather than only at the time of special world disasters.”\(^6^2\) Previously, refugee admissions to Canada had been based on Orders-in-Council and immigration officials “seldom formally distinguished between refugees and the more numerous economically motivated immigrants.”\(^6^3\) Under the new Act, The government was required to “table in Parliament annually an overall projection of the total number of persons, including refugees, expected to arrive in Canada during the subsequent calendar year.” Under this system, a portion of the refugee quota was held in reserve in case of emergency.\(^6^4\) Without a need to establish the nation—and with the nation now consisting of a relatively homogenous population through the previous highly racialized immigration policies—policy was now moved further toward what was considered to be the improvement of the nation, Canada’s role as an international leader in humanitarian considerations.

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60 Wood 554-5.
61 Daniel 690.
62 Akbari 159.
63 Dirks 280.
64 Ibid 296
Importantly and indicative to the removal of race as a means of discrimination from legislation, the 1976 Immigration Act restricted the Department of Manpower and Immigration’s ability to establish limits for immigration numbers. Additionally, if any applicant obtained more than the minimum points, they had the right to enter, dramatically affected the government’s ability to micro-manage immigration in an ad-hoc manner. Ultimately these changes sought to ensure that racism could not be easily reintroduced by Cabinet into legislation if racism once again became fashionable as a policy of national improvement.

Conclusion

Though the Immigration Act has never successfully overcome the global interlinking forces of oppression and discrimination, over the first one hundred years of its legislation, it was improved several times to address the increased value of humanitarian policy within a modern nation. While race was most insidiously used as a discriminating factor prior to the Second World War, it remained as a factor even as late as 1976 and arguably continues in an altered form today. Because race acted as, what theorist Stuart Hall refers to as a floating signifier, it remained malleable and therefore useful to the project of developing a modern nation. Drawing on Gellner’s analysis of modern nationhood, it is clear that, while problematic, the route to contemporary Canada was fraught with a revolving set of policies designed to address the situation at hand. Immigration policy has been revised often to reflect changing values because—like race—the concept of the Canadian nation is not fixed.

Works cited


65 Green, Green (2004) 121.


