
UNIT 13 IMMIGRANTS, REFUGEES AND MINORITIES

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13.1 INTRODUCTION

Canada is a country of immigrants. As the anthropologists have traced its 10,000 year old history, the first spate of immigration to that country took place several thousands years ago when Inuits emigrated from the Asian land mass through a snow clad land bridge across Alaska. Thereafter several tribes of the Red Indians visited that land for fishing and trapping of wild buffaloes and other animals. The white settlers from the United Kingdom and France slowly started coming from the mid-seventeenth century onwards initially for trade and thereafter for colonisation. By the time of the World War-I, other white settlers from the rest of Europe and some Japanese and Chinese labourers migrated to Canada to build the railheads and work as farm labourers. Between the two World Wars, the spate of migration from Central Europe, Latin America and Africa gained momentum. Immigration from South Asia started in the 1960s and slowly picked up by the 1970s and 1980s. All these constitute ethnic minorities. The aboriginal people as the first settlers also today constitute a minority group being only less than 4% of Canada's population. Besides, there is also a sizable mixed population known as Metis who identify themselves as a minority group. Thus, in the complex landscape of Canada, one can identify a number of minority groups, either on grounds of ethnicity, or the country from where they migrated and religion. Large number of immigrants and minority groups in Canada have brought in a number of issues to the fore as also various policy measures.

13.2 MULTICULTURALISM IN CANADA

The rise of immigration has affected the prominence of ethnicity because newcomers attach great importance to their culture or origin. A large inflow of new immigrants tends to revitalise the ethnic community; it provides a new clientele for ethnic organisations and is a source of cultural renewal. The changes in immigration policy and the public debate

surrounding such changes have also increased the awareness of various ethnic groups and their growing significance in Canadian society. Apart from their economic, social and demographic consequences, these changes have also been symbolic events that brought to public consciousness questions concerning the kind of society Canadians are and want to be. The expression of grievances and aspirations by linguistic and cultural groups brought these social cleavages closer to the centre of public affairs. Public controversies frequently make people more aware of "the side of the ethnocultural fence on which they stand" or lead them to choose sides. Indirectly, economic prosperity also contributed to an increase in the prominence of the symbolic dimension of ethnicity. Periods of economic decline tend to give relative prominence to the material/instrumental aspects of ethnicity and ethnic relations. With emergence of ethnic consciousness and possibilities of that taking conflictual shape, the Government initiated the policy of Multiculturalism.

Several assumptions underlie multicultural initiatives: these include a belief that ethnic ~~cultures~~ constitute living and lived - in reality that impart meaning and security to adherents during periods of rapid social change. Emphasis, however, is directed at promoting expressive concerns, rather than instrumental goals or collective rights. Individuals are allowed the right to voluntarily affiliate with the cultural tradition of their choice, without fear of discrimination or exclusion. Instead of being dismissed as incompatible with national goals, cultural differences are endorsed as integral components of a national 'mosaic', a reflection of the Canadian ideal and a source of enrichment and strength. When the multiculturalism policy was announced, four policy directions were indicated. First, resources permitting, the government will seek to assist all Canadian cultural groups that have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada, and a clear need for assistance to groups no less than the strong and highly organised. Second, the government will assist members of all cultural groups to overcome cultural barriers to full participation in the Canadian society. Third, the government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity. Fourth, the government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in the Canadian society.

13.3 MINORITY AS A CATEGORY OF IMMIGRANTS IN CANADA

A minority, according to L. Wirth, is a group of people who, because of their physical or cultural characteristics are singled out from the others in society in which they live for differential and unequal treatment and who, therefore, regard themselves as objects of collective discrimination. It also indicates the existence of corresponding dominant group with high social status and greater privileges.

Canada is a nation of great diversity and contradictions. It has about 30 million people. Of these nearly 45 per cent are of British origin. Some 21 per cent are migrants from Germany, Austria, Italy, Holland, Poland, the Baltic States, the Ukraine and Scandinavia. as well as Jews and Native Eskimos and Indians, who had 'opted for English as their language in Canada. There are also nearly 24 per cent French-speaking Canadians. These groups find themselves in a minority, not only in Canada but also in the English dominated North American Sub-Continent. Out of its six million French-speaking inhabitants, there are

some 80 per cent French Canadians, who inhabit "one of the ten provinces and three territories that make up the federal state of Canada" i.e. the province of Quebec. The other French Canadians live scattered throughout Canada, but mostly in the provinces bordering on Quebec, i.e. 10 per cent in the province of Ontario and 37 per cent in the province of New Brunswick. Within the province of Quebec, French-speaking Canadians form nearly 80 per cent of the population and the remaining come from migrant stock, with three out of five of the latter opting for the English language. The vast majority of the English-speaking people live in the city of Montreal, where they form some 30 per cent of the population.

Canadian diversity is often described as "multiculturalism within a bilingual framework, while bilingualism refers to the English and French languages, "multicultural denotes all of the racial, ethnic or cultural minority groups in Canada." This description, as conceived in the late 1960's by the Federal Liberal Government, includes a strong normative component. It not only describes a social reality, but also reaffirms the Canadian commitment to protect and encourage both the English and the French languages and the cultures of Canada's minority groups.

The multicultural and bilingual framework of the Canadian society puts the Canadian minorities into the following four categories: (i) The French minority, including the Francophone minorities outside Quebec and the Francophone majority in Quebec; (ii) the native peoples, the Red Indians and the Inuit; (iii) White immigrant (ethnic) groups, such as Poles, Italians, Germans and Jews; and (iv) the non-White immigrant groups (usually of recent origin) such as the blacks, orientals, Indians and Pakistanis.

These minority groups are contrasted with the majority or dominant group, i.e. the White English-speaking Canadians of British Ethnic origin, including English, Irish, Scottish and Welsh (Catholics as well as Protestants).

The French Canadians do not consider themselves a minority but "one of the two founding nations of Canada, along with the British." The latter took over French Canada as a result of their seven-year long battle against France, which resulted in the defeat of the French forces by General Wolfe outside Quebec city the previous year. However, it was not until more than a century later that Canada obtained the Constitution (in the form of the BNA Act) which has guided the nation ever since. From 1870 until 1930 the relative position of the French Canadians, as the ethnic and cultural entity in Canada, was on decline. First, an overwhelming mass of new immigrants who entered Canada were either of British origin or adopted English, rather than French, as their language. Second, there was a general cultural resistance in French Canada, led by the Roman Catholic clergy, to industrial and urban life which, in turn, led to the English-speaking British and American domination of Quebec. Third, experience showed that when issues divided Canadians along linguistic lines, the Anglophone Canadians were always in the majority and controlled the decision-making process in Ottawa.

The proponents of bilingualism recognise the difficulties in enabling the French Canadians outside Quebec to preserve their language and culture. Outside the bilingual belt and Quebec, it is rare to find any location in which French is used by the population as the language of work, commerce or communication. "Indeed except in L'Acadie, it is imperative for all French Canadians to master English in order to compete economically in their home province. Many French-speaking communities, in the manner of other ethnic groups, have

organised networks of voluntary organisations designed to promote their culture. "These networks, which include social clubs, cultural associations, newspapers and churches are assisted financially by the federal government." Apart from the programme of subsidies, French language rights outside the province of Quebec are protected in other ways. The problem of sustaining French outside Quebec is countered by the efforts to strengthen English language within the province of Quebec.

13.4 THE NATIVE PEOPLE: INDIANS AND INUIT

Indians comprise six tribes or nations, but are generally referred to as a single ethnic collectivity: Indians, as a visible group, have carried on their common struggle against the white man, despite their own built-in antagonisms which, in turn, stem from differences in residence, legal status and ideological posture. The native people are the most widely scattered aboriginal people living in small settlements along the coastline of Greenland, Labrador, Newfoundland, Quebec and the totally Arctic North-West Territories of Canada, Alaska and Siberia. They also live in the harshest conditions in the world, with which their nomadic life— hunting and to a lesser extent fishing in small close kinship groups established an equilibrium over 5,000 years before the first contacts with Russian and European culture. Eskimo language based on composite noun formation, incorporating attributes and virtues, represents the compact inter-relationship of roles and values within the traditional Eskimo society.' The word Inuit by which the Eskimos prefer to be known means "human beings".

Under the official list of Department of Indian Affairs are all those Indians who enjoy legal status under the Canadian Indian Act. The Act defines an Indian as anyone who is a member of a band, whose land was set aside by the Indian Act of 1876, or a group declared by Governor-in-Council to be a band for purposes of that Act. In practice, a registered Indian is anyone whom a band designates as a legitimate member. Indian women who marry white men lose their registered Indian status, as do their descendants. In addition, some Indians have voluntarily relinquished their status through a legal procedure, by which they renounce their membership in a band or tribe, along with all ensuing obligations or benefits. The broad category of non-status Indians includes all people of any Indian ancestry or those who consider themselves to be Indian, even though they are not band members and recent descendants of marriage between Indian women and white men, who continue to identify themselves as natives. 'Metis is, therefore, not a generic term for all persons of biracial descent. It refers to those people who are agreed to possess a distinctive socio-cultured heritage and a sense of ethnic self-identification. Alliteratively, the capitalised English form may signify a political and legal category, more or less narrowly defined as in, for example, Alberta's Metis Betterment Act of 1938 or else left undefined as in Canada's new Constitution Act of 1982, which recognised the "Metis along with Indians and Inuit", as distinctive peoples.

13.5 THE WHITE IMMIGRANT GROUPS

The analyses in this section will focus on white immigrant groups other than the English and the French. While non-white immigrants are also part of the multicultural mosaic, their problems are compounded by racism and by their relatively recent arrival in significant numbers to Canada. There are approximately 5 to 6 million Canadians who fall into the

white immigrants category. Inclusion under this category is made by reference to ethnic origin, using the paternal ancestry criterion of the census. Thus, Italians who neither speak Italian nor feel Italian are still counted as Italians.

By now, the majority of these white ethnics are Canadian **born**, though the immigrant proportion will vary by ethnic group. The major groups are Germans, Italians, Dutch, Ukrainian, Poles and Jews. These groups differ in their regional distribution in Canada and in urban-rural residence patterns: Jews and Italians are concentrated in Montreal and Toronto, while Slavs and Scandinavians have substantial concentration in Western Canada and in rural areas.

These groups have achieved economic and social equality, judging by broad occupation and income **categories**, and are integrated into all walks of **Canadian** life. To be sure, "prejudice against white immigrants group, particularly Jews, still exists in Canada." White ethnic Origin is declining slowly. While these groups "enjoy all the rights of non-discrimination", they share in Canada's positive cultural rights—the rights to preserve their ancestral cultures and heritage with the active assistance of the federal as well as the provincial government.

13.6 ASIANS AND AFRICANS AS REFUGEES AND IMMIGRANTS

A substantial non-white immigrant population in the post-war years has created in Canada, a racist bigotry of the kind associated with the civil rights conflict in the United States. This racism, similar to the prejudices against natives, had its origins in the early part of the century, with the arrival of the Chinese and the Japanese. The former immigrated as labour to help build the Canadian National Rail road and to provide manual labour for the development of the West. Chinese females were excluded from Canada under the immigration laws prevailing at the time.

The Japanese immigrants settled primarily in British Columbia where they found work as agricultural labourers. They lost no time in establishing **wholesale** and retail food stores, while others bought **farms** or initiated other business **ventures**. By the outbreak of the World War II, the Japanese were largely a native-born, prosperous, and loyal ethnic group. Still the Canadian Government "forcefully evacuated all Japanese Canadians into the central regions of the country" without compensation for lost property or due process of law and kept them in internment camps. Nearly 4000 Japanese Canadians were expelled to Japan in 1945. The lack of measures against German Canadians reflects the racist **influence** at work.

In the post-war period, Canadian immigration laws were **liberalised**. In 1953, a racist "Climate unsuitability clause" was removed **from** the Immigration **Act**, **though** geographic quotas that discriminated against non-Europeans were retained. In 1962, this quota system was **repealed** in favour of a "point system", in which potential immigrants were awarded **points** on the basis of such factors as age, educational and **language-skills**, which permitted **many** more non-whites to qualify for admission. From 1967 to 1974, foreigners who had **come** as visitors were allowed to apply for landed immigrants status within Canada, also **increasing** the flow. Other immigrants arrived under new provisions of the Act that

encouraged family reunification. Such "nominated" or "sponsored" immigrants were awarded points for the presence of established relatives settled in Canada. The results, in terms of immigration flow, have been dramatic. From 1946 to 1966 about 7 to 8 percent of the immigration to Canada was "non-white" the bulk of the immigrants were European refugees, British, and Southern European. From 1967 to 1974, non-whites comprised 27 percent of the immigration, having been born in Asian, African, or Caribbean countries. The proportions have increased since 1974. Non-Whites emigrate from countries such as Britain, while many immigrants from the Third World countries may, in fact, be white, still assuming equivalence between racial origin and country of birth of emigration, and no outmigration or natural increase. The concentration of this group in Toronto, Montreal and Vancouver increases its visibility. The problems of immigrant adjustment and Canadian racism work themselves out in large urban areas, in the full glare of the national media, compounded with other problems and stresses associated with urban life. It is estimated that there are 125,000 to 150,000 blacks in Toronto along with 75,000 to 80,000 East Indians and Pakistanis. One catalyst for public awareness of growing racism in Canada has been, an increase in racially-motivated violence, notably in the Toronto subways, in which Blacks or Asians were victimised. "Physical assaults have been accompanied by other forms of racism, verbal abuse, police harassment, and housing and employment discrimination; all documented by a Toronto-based Commission of inquiry. Canadian employers avoid being charged with racism by demanding "Canadian experience" of prospective employees; and studies of employment agencies and real estate companies have consistently found "a willingness to comply with racist request" in direct contravention of "human rights legislation".

13.7 CONSTITUTIONAL SAFEGUARDS FOR PROTECTION OF MINORITIES

Protection and assimilation in Canada takes both legal and political forms. Legally, the BNA Act, which offers limited protection and assimilation to French minorities in Canada and the English minority in Quebec, the Indian Act, and federal and provincial human rights legislation provide statutory protection of all minorities against discrimination. Politically, the independence movement in Quebec seems to be as an ultimate protection of the French language and culture, and now attempts by native peoples to claim aboriginal title in land claims disputes, and to demand some degree of sovereignty native peoples to claim aboriginal title in land claims disputes, and to demand some degree of sovereignty.

Canada is a federal state with a parliamentary form of Government. The discussion of the protection of minorities in Canada must, therefore, take into account the jurisdictional divisions between the federal and provincial governments. For example, immigration is legally under federal jurisdiction (though provinces have been demanding and acquiring influence in this area). Communication is federal; education is provincial; culture is a shared, concurrent jurisdiction. Policies in all these areas affect the pattern of ethnic relations in Canada.

The concept of minority protection has evolved in two distinct patterns in Canada. The first refers to the efforts to eliminate all forms of unwarranted discrimination facing individual members of minority groups through the provision of equality of economic opportunity as well as equal access to the social, cultural and political affairs of the society

as a whole. Legislative enactments and their enforcement, prohibited discrimination in such areas as education, employment, housing and commercial service on the basis of race, religion, national or ethnic origin, language and other criteria. The second form represents positive, collective rights—political, cultural or linguistic—accorded by Canadian Governments (federal and provincial) to the minority groups. In these cases, minority protection is directed towards the goal of enabling minority groups to effectively resist cultural assimilation, with the open and legal support, in varying degrees of the state.

13.7.1 Statutory Safeguards

Canada's Constitution passed in 1867 by British Parliament is known as the BNA Act. The Act explicitly recognises the collective rights of religious or linguistics groups while ignoring basic human rights. Thus, the Canadians have constitutional guarantees for educational rights of Protestants and Catholics, and for the use of either English or French in the federal Parliament and courts as well as in the Province of Quebec. Constitutionally, Canadian citizens are not equal. Protestants, for example, enjoy rights and privileges unavailable to Jews and Muslims. Also, in Canada, there is no separation of Church and the State.

A major step taken to protect human rights was the Canadian Bill of Rights, passed by the Conservative Government of John Diefenbaker in 1961. A further step to protect minorities was the federal Hate Literature Act of 1970, an amendment to the criminal code, that explicitly prohibited the advocacy or promotion of genocide and the communicating of statements in a public place that might incite hatred against a group, where such incitement was likely to lead to a breach of the peace."

The centrepiece of legislative protection of minority rights is in the new Canadian Human Rights Act (HRA) passed in July 1977. The HRA forbids discrimination regarding goods, services, facilities, accommodation or employment on grounds of race, national or ethnic origin, colour, religion, age, sex, marital status, prior criminal or physical record, or physical handicap. Two characteristics of the legislation are worth noting. First, the prohibitions against discriminations are restricted through the introduction of a "merit loophole" that permits forms of discrimination in cases where the basis of discrimination represents a "bonafide occupational qualification". The onus would, thus, be on the employer to establish such a required qualification. The second is that the federal HRA clearly permits and may, in some cases, require "affirmative action programmes" as remedies in cases of discrimination.

In 1940, the BNA Act was amended to give the federal parliament powers in regard to unemployment insurance. In 1951, a new Article was adopted giving the federal parliament the right to legislate in the matters related to old age pensions, provided that no such law should affect the operation of provincial laws in the matter. In 1964, this was extended to supplementary benefits including survivors and disability benefits. The provinces also received jurisdiction over property, civil rights, justice and education. The Act also guaranteed the use of French and the English language in Federal Parliament and courts of Quebec. The Official Language Act repealed a 1969 provincial law under which parents could choose whether their children would be educated in English or French. Immigrant children, speaking neither French nor English, would have to go French language schools.

13.7.2 Protection of Aborigines

The new strategy for the protection and expansion of Indian rights involves the aggressive pursuit and claims through the Canadian court system. Status of Indians in Canada can be divided into two groups, "treaty" Indians or bands, who have signed legal treaties with the Canadian Government that cede land, while outliving the mutual rights and obligations of both parties and the "non-treaty" Indians or bands who did not include historic treaties. Three treaties were signed before 1867 and eleven thereafter. Natives are engaged in various attempts to revise harmful provisions, claiming that native chiefs had been signatories out of ignorance making such treaties invalid legal documents or that successive Canadian Government had "systematically violated treaty provisions", particularly regarding the extraction of mineral and other resources from Indian lands with inadequate compensation.

Where treaty rights are not clearly established, native groups are moving to validate land claims through the Canadian courts. Central to these claims is the concept of native "aboriginal rights which are conceived as elementary human rights for Indians and which grant a permanent entitlement to the use of Indian lands operative since time immemorial", including rights of fishing, hunting, farming and general residence. "Specific land claims" are those claims that are made in cases where aboriginal rights have been extinguished through negotiation of treaties, without fair compensation. "Comprehensive land claims" are claims regarding areas not covered by any specific treaty, and in which Indian entitlement is based on aboriginal rights. "Over one-half of Canada's registered native population has signed" no treaties, and therefore, can argue for aboriginal land rights. The land claims movement may help resolve the dilemma described above, offering protection of native culture while providing more economic opportunity. For accompanying these claims and facilitating, in part, through large cash settlements are plans for the systematic economic development of resources through the establishment of native-owned and native-managed economic enterprise that might operate profitably, without excessive damage to the environment. With successful economic development the reserves might become economically attractive. Over time, the resources, such as land and water, become scarce in Canada. Natives, on whose land both would be available in unpolluted form, would be in a strong economic bargaining position vis-a-vis the rest of Canada. The Indian Act exempts Indians from some obligations and rules enforced on Whites, for example, the payment of income tax. On the other hand, adult Indians were granted the right to vote only in 1960.

13.8 PROTECTION OF RECENT IMMIGRANTS

The recent white immigrants enjoy all the rights of non-discrimination; they share in Canada's positive cultural rights—the rights to preserve their ancestral cultures and heritage, with the active assistance of the federal as well as the provincial governments. The legislative foundation for the positive protection of the cultural rights of all minority groups (not just white immigrant groups but others as well) is the Canadian Multiculturalism Act of 1971, based largely on the recommendations of the Royal Commission on Bilingualism and Biculturalism (B&B). One of the concerns of B&B Commission was that the non-French and non-English groups in Canada do not feel slighted by the dualistic focus of their work. The contribution of these groups to the Canadian society was acknowledged and their survival was to be encouraged by active state intervention in support of the ethnic associations and activities.

13.8.1 Status of Non-White Immigrants

Non-white immigrants can be compared with the **general** Canadian population in terms of educational or occupational background. Many manage to earn incomes commensurate with their abilities. Once the adjustments of the past-immigration period have been made, native-born members of some of these groups, notably Japanese and the Chinese, rank among the higher income groups in Canada. Others (including immigrants from South Asia), however, are hired in occupational and income groups well below their level of qualification.

The Chinese and South Asians are, however, the two groups who encounter most of the problems of incorporation, whether economic, social or political. Members of these two groups, are the least likely to have rewards commensurate with their qualifications. They experience problems of discrimination and social acceptance and they are the least likely to feel that they are taken seriously by the political authorities: Members of these groups show a strong tendency to favour blending into the larger society; which may be reflected in their somewhat unique patterns of residential dispersion, characterised by several scattered areas of concentration.

13.9 SUMMARY

In this Unit, we began our discussion by briefly highlighting the nature of the multicultural mosaic that is Canada. We also highlighted the multicultural policy of the federal government. Thereafter, we have identified several groups of immigrants and refugees who decided to settle down in Canada beginning with the eighteenth century immigration of the people of the British and French origin followed by other war time white refugees. We have also highlighted the background setting of the Asian immigration especially the people from China, Japan and South Asia. One of the most recent refugees to enter Canada for the purpose of immigration are the Sri Lankan Tamils, who have left their strife-torn island state to save their life and property. We have examined the various constitutional provisions, amendments and judicial verdicts for the protection and assimilation of several minority groups like the Francophones, the aborigines, the recent white settlers and the non-white immigrants including the South Asians.

13.10 EXERCISES

- 1) Briefly explain the constitutional safeguards for the protection of minorities in Canada.
- 2) How has Canada evolve into a multicultural entity? Discuss its main features.
- 3) Write short notes on:
 - i) Status of Non-White immigrants
 - ii) Protection of aborigines