

TOPICS IN LAW AND POLICY: CITIZENSHIP AND IMMIGRATION IN CANADA

Winter 2020

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Course Description

Canada has been called a “nation of immigrants,” a “traditional country of immigration,” and even a “postnational country”. Immigration and diversity have become central elements of the country’s identity. In this course, we will examine the forces and conditions that have shaped Canada’s evolving citizenship and immigration policies, starting with post-Confederation settlement and expansion, leading up to the policy debates of today. We will analyze immigration and citizenship policies within a framework that draws attention to the roles played by actors and ideas, and the ways in which their interaction is structured by political institutions. Our study of Canada’s experience is intended to help us think more generally about the variables shaping immigration and citizenship law and policy in other liberal-democratic countries. It will also help us to acquire a sound understanding of the political dynamics of immigration policy-making today.

Course Objectives

By the end of the course students should be able to:

- Demonstrate a sound historical understanding of the political development of immigration in Canada.
- Analyze the variables influencing the development of immigration and citizenship law and policy.
- Present rigorous arguments about a number of core debates within the literature on immigration and citizenship law and policy.

Required Materials and Texts

- Ninette Kelley and Michael Trebilcock, The Making of the Mosaic: A History of Canadian Immigration Policy, 2nd ed. Toronto: UTP, 2010.

Class Format

Lecture and Discussion

Course Evaluation – Overview

1. Attendance – 10%
2. Participation – 10%
3. Response Paper – 10%
4. Essay #1 – 35%
5. Essay #2 – 35%

Course Evaluation – Details

Attendance (10%)

Attendance is mandatory. Each unexcused absence will result in a deduction of 1 mark (out of 10). Regular attendance will result in full marks.

Participation (10%)

This quality of this course depends in significant part on the participation of every student. I will not be grading the quantity of your contributions to discussion, as it is expected that every student will actively contribute. However, each student will be graded at the end of the course according to the quality of contributions over the entire course. I regard high quality contributions to be regular, timely, concise, on topic, and oriented towards promoting collective understanding of the course content.

Response Paper (10%) – Due January 23

For this response paper, please respond to the following question: **What is the most significant variable influencing Canadian immigration policy?**

Your response should be no longer than one single-spaced page. I will not accept papers longer than a single page. In your response, you may cite readings from Weeks 1-3 (Last Name, page number). There is no minimum number of readings to cite. Papers will be marked on the clarity of writing and quality of argument.

Essay 1 (35%) – Due February 13

Choose one of the following for your essay:

- 1. Citizenship is primarily a legal status. Discuss.**
- 2. Canada became a “nation of immigrants” because of its geography. Discuss.**
- 3. Economic interests have been the most important factor driving the liberalization of immigration policy. Discuss.**
- 4. Because immigration law confers so much power on the executive branch of government, Cabinet has been able to alter its admissions policy relatively quickly in response to economic realities. Discuss.**
- 5. Canada’s era of laissez-faire immigration during the 19th century was a product of government planning. Discuss.**

In your essay, I want you to agree or disagree with the statement and support your position with an argument backed up by evidence. Pay attention to the statement and respond clearly and directly to the precise way in which it is worded. This is not a research paper, but you should cite class readings and independent research to support

your arguments. 5-6 sources is a good place to start. When writing, limit yourself to no less than three, and no more than four single-spaced pages.

Essay 2 (35%) – Due March 26

Choose one of the following for your essay:

1. **Canada's refugee policy is best explained as a legacy of Cold War politics. Discuss.**
2. **Canada's multicultural policy is a repackaged integration policy. Discuss.**
3. **Canada's system of refugee status determination for asylum seekers is insulated from politics. Discuss.**
4. **The provisions of Bill 21 are compatible with "open secularism". Discuss.**
5. **The emphasis of Canadian immigration policy on post-secondary education has been out of touch with labour market reality. Discuss.**

See the directions provided above for Essay 1.

Weekly Course Schedule and Required Readings

Week 1 (January 9)

January 9 – Introduction and Orientation

Readings:

- Andrew Griffith, "[Building a Mosaic: The Evolution of Canada's Approach to Immigrant Integration](#)," *Migration Policy Institute* (November, 2017),
- Citizenship and Immigration Canada, "[Discover Canada: The Rights and Responsibilities of Citizenship](#)."

Week 2 (January 16)

January 16 – The Politics of Citizenship and Immigration

Readings:

- James Hampshire, *The Politics of Immigration: Contradictions of the Liberal State* (Cambridge: Polity, 2013), pp. 1-15.
- Christian Joppke, *Citizenship and Immigration* (Cambridge: Polity, 2010), pp.1-33.

Recommended:

- Saskia Sassen, "Regulating Immigration in a Global Age: A New Policy Landscape," *Parallax* Vol. 11.1 (2005): 35-45.
- Aristide R. Zolberg, "International Migration in Political Perspective," in *Global Trends in Migration: Theory and Research on International Population Movements*, edited by Mary M. Kritz, Charles B. Keely and Silvano M. Tomasi (Staten Island, N.Y.: Center for Migration Studies, 1981): 3-27.
- Gary P. Freeman, "Modes of Immigration Politics in Liberal Democratic Societies," *International Migration Review* Vol. 29.4 (1995): 881-902.
- Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* Vol. 50.2 (1998): 266-293.

Week 3 (January 23)

January 23 – Immigration and the Policy Process in Canada

Readings:

- Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 2nd ed. (Toronto: UTP, 2010), pp. 3-21.
- Jeffrey Reitz, "Canada: New Initiatives and Approaches to Immigration and Nation Building" in *Controlling Immigration: A Global Perspective*, 3rd ed., edited by James Hollifield, Philip L. Martin, and Pia Orrenius (Palo Alto: Stanford University Press, 2014). Read chapter and commentaries by Bloemraad and Seidle, pp. 88-127.

Recommended:

- John Herd Thompson and Morton Weinfeld, "Entry and Exit: Canadian Immigration Policy in Context," *The Annals of the American Academy of Political and Social Science* Vol. 538 (March 1995): 185-198.
- Harold Troper, "Canada's Immigration Policy since 1945," *International Journal* Vol. 48 (Spring 1993): 255-281.
- Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern* (Montreal and Kingston: McGill-Queen's University Press, 1988).
- Genevieve Bouchard and Barbara Wake Carroll, "Policy-making and Administrative Discretion: The Case of Immigration in Canada," *Canadian Public Administration*, Vol. 2 (2002): 239- 57.

Notes: Response Paper Due

Week 4 (January 30) – NO CLASS

January 30 – Settlement and Colonization

Readings:

- Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 2nd ed. (Toronto: UTP, 2010), pp. 62-112.

Recommended:

- Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-2006* (Toronto: Dundurn Press, 2007), pp. 68-104.
- Robert A. Huttenback, *Racism and Empire: White Settlers and Colored Immigrants in the British Self-Governing Colonies, 1830-1910* (Ithaca: Cornell University Press, 1976).

Week 5 (February 6)

February 6 – Restriction and Exclusion

Readings:

- Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 2nd ed. (Toronto: UTP, 2010), pp. 113-120, 135-166, 167-170, 186-192, 202-210, 213-219.

Recommended:

- Triadafilos Triadafilopoulos, *Becoming Multicultural: Immigration and the Politics of Membership in Canada and Germany* (Vancouver: UBC Press, 2012), pp.18-36.
- Laura Madokoro, "'Slotting' Chinese Families and Refugees, 1947–1967," *The Canadian Historical Review* 93.1 (2011): 25–56.
- Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe, 1933-1948* (Toronto: UTP, 2012).

Week 6 (February 13)

February 13 – Liberalization and the Points System

Readings:

- Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, 2nd ed. (Toronto: UTP, 2010), pp. 352-379.
- Triadafilos Triadafilopoulos, "Dismantling White Canada: Race, Rights, and the Origins of the Points System," in *Wanted and Welcome? Policies for Highly*

Skilled Immigrants in Comparative Perspective, edited by Triadafilos Triadafilopoulos (New York: Springer, 2013), pp. 15-38.

Recommended:

- David C. Corbett, "Canada's Immigration Policy, 1957-1962," *International Journal* Vol. 18 (1962-1963): 166-180.
- Triadafilos Triadafilopoulos, "Normative Contexts, Domestic Institutions and the Transformation of Immigration Policy Paradigms in Canada and the United States," in *Policy Paradigms, Transnationalism, and Domestic Politics*, edited by Grace Skogstad (Toronto: University of Toronto Press, 2011): pp.147-170.

Notes: Essay 1 Due

Week 7 (February 20)

Mid-Term Recess

Week 8 (February 27)

February 27 – Refugee Resettlement

Readings:

- Geoffrey Cameron, "Reluctant Partnership: A Political History of Private Sponsorship in Canada (1947-1980)," in *Strangers to Neighbours: Refugee Sponsorship in Context*, edited by Shauna Labman and Geoffrey Cameron (Montreal: MQUP, 2020).
- Shauna Labman and Madison Pearlman, "Blending, Bargaining, and Burden-Sharing: Canada's Resettlement Program," *International Migration & Integration* (2018) 19: 439–449.

Recommended:

- Gerald Dirks, "A Policy within a Policy: The Identification and Admission of Refugees to Canada," *Canadian Journal of Political Science* Vol. 17 (1984): 279-307.
- Gerald Dirks, *Canada Refugee Policy: Indifference or Opportunism?* (Montreal and Kingston: McGill-Queen's University Press, 1977).
- Gerald Dirks, *Controversy and Complexity: Canadian Immigration Policy During the 1980s* (Montreal and Kingston: McGill-Queen's University Press, 1995).

Week 9 (March 5)

March 5 – Asylum and Refugee Status Determination

Readings:

- Audrey Macklin, “Asylum and the Rule of Law in Canada: Hearing the Other (Side),” in *Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives*, edited by Susan Kneebone (Cambridge: Cambridge University Press, 2009): pp. 78-121.
- Rebecca Hamlin, “The ‘Cadillac’ Bureaucracy: RSD in Canada,” *Let Me Be a Refugee: Administrative Justice and the Politics of Asylum in the United States, Canada, and Australia* (Oxford: Oxford University Press, 2014), pp. 84-100.

Recommended:

- Craig Damian Smith, “[Changing U.S. Policy and Safe-Third Country “Loophole” Drive Irregular Migration to Canada](#),” *Migration Policy Institute*, October 16, 2019,
- [CIHS Bulletin, Issue 88](#), March 2019, 1-23.
- Julius Grey, “Determining Refugee Status: Find Out Whether a Claimant is Really a Refugee,” *Policy Options* (December 2004/January 2005): 51-55.

Week 10 (March 12)

March 12 – Citizenship and Multiculturalism

Readings:

- Irene Bloemraad, “Becoming a Citizen in the United States and Canada: Structured Mobilization and Immigrant Political Incorporation,” *Social Forces* 85.2 (2006): 667-695.
- Randall Hansen, “Assimilation by Stealth: Why Canada’s Multicultural Policy Is Really a Repackaged Integration Policy,” in *The Multiculturalism Question: Debating Identity in 21 Century Canada*, edited by Jack Jedwab (Montreal: McGill-Queens Press, 2014), pp. 73-88.

Recommended:

- Neil Bissoondath, *Selling Illusions: The Cult of Multiculturalism in Canada*. (Toronto: Penguin, 1994), pp. 78-97 and 186-224.
- Will Kymlicka, “Defending Diversity in an Era of Populism: Multiculturalism and Interculturalism Compared.” *Multiculturalism and Interculturalism: Debating the*

Dividing Lines, edited by Nasar Meer, Tariq Modood and Ricard Zapata-Barrero (Edinburgh: Edinburgh University Press, 2016), pp. 158-177.

Week 11 (March 19)

March 19 – Religion and Diversity

Readings:

- Micheline Milot, "Modus Co-vivendi: Religious Diversity in Canada," in *International Migration and the Governance of Religious Diversity*, edited by Paul Bramadat and Mathias Koenig (Montreal: McGill-Queen's University Press, 2009), pp. 105-130.
- Gérard Bouchard and Charles Taylor, "Chapter VII: The Quebec System of Secularism," in *Building the Future: A Time for Reconciliation*, Report of the Taylor-Bouchard Commission, pp. 133-154.

Recommended:

- Lois Sweet, "Accommodating Religious Difference: The Canadian Experience," in *Possibilities and Limitations: Multicultural Policies and Programs in Canada*, ed. Carl E. James (Halifax: Fernwood, 2005): pp. 130-153.
- Sarah Wayland, "Religious Expression in Public Schools: Kirpans in Canada, Headscarves in France," *Ethnic and Racial Studies* Vol. 20 (July 1997): pp. 545-561.
- Emily Laxer, *Unveiling the Nation: The Politics of Secularism in France and Quebec* (Montreal: MQUP, 2019).

Week 12 (March 26)

March 26 – Population and Economy

Readings:

- Jenna L. Hennebry and Kerry Preibisch, "A model for managed migration? Re-examining best practices in Canada's seasonal agricultural worker program," *International Migration* 50 (2012): 19-40.
- Jeffrey Reitz, "Closing the Gaps Between Skilled Immigration and Canadian Labor Markets: Emerging Policy Issues and Priorities," in *Wanted and Welcome? Policies for Highly Skilled Immigrants in Comparative Perspective*, edited by Triadafilos Triadafilopoulos (New York: Springer, 2013), pp. 147-165.

Recommended:

- Kerry Preibisch, "Pick-Your-Own Labor: Migrant Workers and Flexibility in Agriculture," *International Migration Review* Vol. 44.2 (Summer 2010): 404-441.
- Joseph H. Carens, "Live-in Domestic Workers, Seasonal Workers, and Others Hard to Locate on the Map of Democracy," in *Population and Political Theory*, edited by James S. Fishkin and Robert E. Goodin (Oxford: Blackwell, 2010): pp. 206-234.
- Tanya Basok, *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada* (Montreal and Kingston: McGill-Queen's University Press, 2002).
- Abigail Bakan and Daiva Stasiulis, "Foreign Domestic Worker Policy in Canada and the Social Boundaries of Modern Citizenship," in *Not One of the Family: Foreign Domestic Workers in Canada*, edited by Abigail Bakan and Daiva Stasiulis (Toronto: University of Toronto Press, 1997).

Notes: Essay 2 Due

Week 13 (April 2)

April 2 – Cities

Readings:

- Pradeep Navaratna, "Resettlement of Government-Assisted Refugees in Hamilton, Ontario," *Our Diverse Cities* 4 (2007): 113-117.
- Vic Satzewich and William Shaffir, "Immigrants and Immigrant Settlement in Hamilton," *Our Diverse Cities* 4 (2007): 118-122.
- Shahzi Bokhari, Carla Borstad Klassen, Don Jaffray, "[Hamilton Immigration Partnership Council Immigrant and Refugee Community Consultation Report](#)," Hamilton Immigration Partnership Council (March 2016),
- Kathleen Burr, "Local Immigration Partnerships: Building Welcoming and Inclusive Communities through Multi-Level Governance," *Horizons: Policy Research Initiative* (February 2011): 1-8.

Notes: Visiting speaker from the Hamilton Immigration Partnership Council

Course Policies

Submission of Assignments

All assignments are due in class on the date indicated in the syllabus. They should be submitted in hard copy, single-spaced, double-sided. The reading response does not require a bibliography. For the essays, [please use Chicago style footnotes with no bibliography](#). We will go over this in class.

Grades

Grades will be based on the McMaster University grading scale:

MARK	GRADE
90-100	A+
85-90	A
80-84	A-
77-79	B+
73-76	B
70-72	B-
67-69	C+
63-66	C
60-62	C-
57-59	D+
53-56	D
50-52	D-
0-49	F

Late Assignments

Late proposals and research papers will be penalized 5 per cent per day (including weekends).

Absences, Missed Work, Illness

In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar "Requests for Relief for Missed Academic Term Work".

Extensions on assignments can be arranged in the event of illness, family emergency, or similar circumstances. In general, I require some form of official documentation to waive penalties associated with late work or missed class. All extensions must be arranged in advance of the day on which an assignment is due. In light of the format of the course and the emphasis on regular and consistent participation in class discussions, attendance is mandatory. Some absences (such as in cases of illness, for example) may be unavoidable. Please contact me in advance (or as soon thereafter as possible) via email if you are going to be absent.

Computers and Phones

Phones must be kept out of sight during seminar. Computers are permitted for note-taking, but social media and email functions must be turned off. You will be invited to a private meeting with me if I observe that your computer is distracting you from complete engagement with seminar discussion.

Avenue to Learn

In this course we will be using Avenue to Learn. Students should be aware that, when they access the electronic components of this course, private information such as first

and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the RISO policy. Students requiring a RISO accommodation should submit their request to their Faculty Office normally within 10 working days of the beginning of term in which they anticipate a need for accommodation or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests

University Policies

Academic Integrity Statement

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: "Grade of F assigned for academic dishonesty"), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to the [Academic Integrity Policy](#).

The following illustrates only three forms of academic dishonesty

- Plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.
- Improper collaboration in group work.
- Copying or using unauthorized aids in tests and examinations.

Academic Accommodation of Students with Disabilities

Students who require academic accommodation must contact [Student Accessibility Services \(SAS\)](#) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility

Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail sas@mcmaster.ca. For further information, consult McMaster University's Policy for [Academic Accommodation of Students with Disabilities](#).

Faculty of Social Sciences E-mail Communication Policy

Effective September 1, 2010, it is the policy of the Faculty of Social Sciences that all e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student's own McMaster University e-mail account. This policy protects confidentiality and confirms the identity of the student. It is the student's responsibility to ensure that communication is sent to the university from a McMaster account. If an instructor becomes aware that a communication has come from an alternate address, the instructor may not reply at his or her discretion.

Course Modification

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check his/her McMaster email and course websites weekly during the term and to note any changes.