

New Inequality in Postnational Canada

Citizens, Denizens, and Temporary Residents in a Liberal Welfare State

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1. Introduction

During the 1990s, a large number of scholars observed that the link between citizenship status and social rights seemed to be fading. Whereas 60 years ago T.H. Marshall (1950) could maintain that citizenship is the door to social rights, the empirical reality of globalization and high levels of immigration no longer matched up with that thesis. As early as 1990, Tomas Hammar (1990, p. 11) argued that "the more international travel and communication expand, and the more there is of personal ties between citizens and foreigners, the harder it will be to maintain the distinction between those who are citizens and those who are not". Instead, he posited, to accurately describe the population of a political community, we now need to distinguish a 'middle' category (Hammar, 1990, pp. 12-8). These 'denizens', as he calls them, are foreigners who nevertheless contribute to and benefit from, among other things, the social

programs of the welfare state they reside in. Yasemin Soysal (1994, p. 1) famously took the emergence of this middle category as an indication of the advent of a new, 'post-national' type of citizenship, which is based on "universal personhood rather than national belonging". While not all scholars agree with Soysal's explanation of how the extension of rights to non-citizens has come about (see e.g. Guiraudon, 2000; Koopmans, Statham, Giugni, & Passy, 2005), few would dispute that in most welfare states, residence status has come to replace citizenship as the primary determinant of social rights. Indeed, most scholars agree with Saskia Sassen (1996, p. 95) that "when it comes to social services [...], citizenship status is of minor importance".

In the 2000s, however, the trend towards a postnational conception of social rights is under challenge in many countries. In many Western democracies, especially in Europe, immigrant reliance on social welfare programs is one factor, among others, helping to fuel a backlash against immigration and multiculturalism. The anti-immigrant right typically portrays newcomers as heavily reliant on social welfare programs and as a burden to the national treasury (Mehan 1997, Menz 2006, Koopmans 2010). By now, the perception that immigrants cost more than they contribute has become widespread (Kretsedemas & Aparicio, 2004, p. 6; Mayda, 2006; Crepaz, 2008, pp. 63-77, 149-57). One consequence is that the access to social programs the postnational model is offering to immigrants is increasingly being qualified or limited through residence requirements and other techniques.¹

Until recently, this has not seemed to be a major problem in Canada. In fact, for a long time the economic integration of immigrants in Canada has been an international success story.

¹ Strictly speaking, the distinction between citizens and denizens is not synonymous to the distinction between native-born citizens and immigrants, since some immigrants are also citizens. The earliest studies in this literature in fact tested the postnational citizenship argument by conducting a focused comparison of citizens and immigrants with a permanent residence status (Soysal, 1994). However, more recent studies tend to compare native-born citizens and *all* immigrants, regardless of their citizenship status (Koopmans, Statham, Giugni, & Passy, 2005). We operationalize the distinction in this latter fashion, not in the least because it facilitates data collection and analysis.

Immigrants tended to move into the economy effectively, and their children – the second generation – excelled in virtually every socio-economic statistic. As a result, they had less need to rely on social welfare programs than their counterparts elsewhere (Akbari 1989, Baker and Benjamin 1995a, 1995b, Sweetman 2001). Recent studies, however, reach more alarming conclusions. The economic integration of newcomers is slowing, poverty levels are rising, and the need for social support is growing (Waslander 2003, DeVoretz and Pivnenko 2004). This is especially the case for those who are visible minorities (De Silva 1997, Siklos and Marr 1998, Green and Worswick 2010). The differences with the native-born population are still small, but the trend is unmistakable.

In this context, the inclusion of immigrants within the Canadian welfare state is increasingly important. Because immigrants have tended to find their way on the Canadian labour market relatively easily, the rules governing immigrants' eligibility to welfare programs have not been of particular interest to scholars. Now the economic incorporation of newcomers to Canada seems more troubled, this lack of interest no longer seems justified. In this paper, we analyze the position of immigrants in the Canadian welfare state in order to explore whether the Canadian case by and large follows the postnational model or instead shows signs of succumbing to the xenophobic pressures that other welfare states are struggling with.

This is not a quest for an obvious answer. First, and perhaps most trivially, the theory of postnational citizenship is mostly based on studies of Europe (and, to a lesser extent, of the United States). Of course, there is a large body of Canadian literature on the interactions of immigrants with welfare programs that speaks to this argument, but most of these studies discuss only one or two programs and do not offer a comprehensive overview of the entire range of core social programs. This paper aims to redress this omission and maps the formal

eligibility requirements for accessing pensions, health care, child benefits, employment insurance, and social assistance in Canada.

The analysis of inclusion/exclusion also needs to distinguish clearly between types of immigrants. Traditionally, tests of the postnational model relied on comparisons of citizens and migrants with permanent or continuing status. However, the idea of a postnational citizenship, based on a universal personhood, is tested more critically by a new category of excluded residents: temporary migrants.² As we shall see, this rapidly growing group of Canadian residents is much more poorly protected than either permanent migrants³ or native-born citizens. In addition to exploring to what extent various classes of permanent immigrants can make use of the various social programs of the Canadian welfare state, we pay particular attention to the plight of temporary migrants.

Finally, even if it is true that immigrants have the same formal rights as native-born Canadians, this does not necessarily preclude that more subtle, indirect, or informal mechanisms of exclusion are operating beneath the surface. As feminist critiques of the welfare state (O'Connor, 1993; Orloff, 1993; Williams, 1995) have pointed out, programs that are neutral on the face of it can still represent forms of systemic gender discrimination. Feminist critics of the postwar welfare state argued that men tended to be protected by social insurance programs which were based on the life experience of a male breadwinner, while women, especially single mothers, were forced to rely on social assistance programs with lower benefits and weaker rights. In brief, these critiques have shown that national citizenship does not necessarily guarantee social equality (O'Connor, 1993, p. 504; Orloff, 1993, p. 322).

² Illegal immigrants are probably even more poorly protected than temporary migrants. A discussion of their position in the Canadian welfare state, however, is beyond the scope of this paper (not in the least because studying this group probably requires different research techniques).

³ In this paper, we use the term 'permanent' migrant to refer to both immigrants with a permanent residence status and immigrants who have become a citizen.

In order to incorporate this insight in a study of postnational citizenship, we look at three different ways in which social programs can exclude needy immigrants. First, and most obviously, some programs explicitly exclude a subset of the immigrant population. As we shall see, elderly immigrants who have been in Canada for less than ten years, for instance, are ineligible for Old Age Security benefits. Second, some programs exclude immigrants more indirectly, for instance by rewarding life experiences immigrants are unlikely to have. Social insurance programs that determine benefits on the basis of past employment or special benefits for veterans, for instance, inevitably privilege those who have been in Canada all their life over those who have arrived recently. Third, and finally, even if immigrants are theoretically entitled to the same benefits as native-born Canadians, more subtle forms of discrimination might still impede access to benefits. For example, many scholars have noted that (especially non-Western) immigrants can face serious cultural and linguistic barriers in accessing social programs (Lee, 1987; Ma & Chi, 2005; Simich, Beiser, Stewart, & Mwakarimba, 2005). In addition to looking at direct forms of exclusion, in this paper we therefore also try to make an assessment of more indirect and informal types of exclusion.

In sum, this paper provides an overview of the extent to which immigrants are eligible for, and make use of, pensions, health care, child benefits, employment insurance, and social assistance. For each program, we attempt to find an answer to three questions: (1) is there really formal equality in accessing social benefits between permanent migrants and citizens?; (2) is there any indication of informal or systemic exclusion of particular groups?; and (3) to what extent are temporary immigrants excluded from these benefits? To address these questions, we rely on two forms of evidence. First, to assess direct and indirect instances of formal exclusion, we examine the eligibility criteria set out in the legislation and regulations governing social programs. Second, to provide some estimate of the cumulative impact of both the formal and

more informal processes of exclusion, we also examine quantitative data on utilization levels and benefits levels for immigrants and non-immigrants in similar levels of need.

All in all, we find important exceptions (most notably, access to pensions and the position of sponsored family migrants) to formal social equality between immigrants and native-born Canadians. However, and more surprisingly, we find only little evidence of informal exclusion behind the surface. Less positive, however, are our conclusions regarding temporary migrants. In one way or another, they are excluded in whole or in part from almost every social program, a finding that is even more troublesome when we take into account that the number of temporary migrants to Canada has risen spectacularly in recent years. Taken together, this analysis of the position of immigrants in the Canadian welfare state suggests that formal rules and regulations rather than more informal processes constitute the most significant source of social equality and inequality. The most extreme instances of inequality we can expect in the future, therefore, will be those between citizens and denizens on the one hand, and everyone who lacks a formal permit to stay indefinitely on the other.

This paper is structured as follows. The next section briefly introduces Canadian immigration policy, mostly because access to social programs differs from one type of immigrant to another. We then proceed to the heart of our analysis and discuss the core programs of the Canadian welfare state. The final section is a general reflection of the implications of the shift to postnationalism for equality in Canada in general and for the social position of immigrants in particular.

2. Brief introduction to immigration policy

The ways immigrants in Canada interact with the welfare state depend to a large degree on the 'category' of immigrant we are talking about. The most crucial in this regard is the difference

between permanent and temporary migrants, but within these two broad categories, there are more relevant distinctions to be made.

Since 1976, Canada distinguishes three types of permanent immigrants (see Figure 1a). The first category is economic migrants, who until recently have been selected on the basis of a set of stringent requirements, the well-known points system (Green & Green, 1995). These immigrants have (almost) complete access to social programs. The second group of immigrants fall in the 'family reunification' category. For this category, Canada relies heavily on sponsorship agreements. Under such agreements, immigrants need a 'sponsor' who must have the capacity to support them economically and must commit to do so.⁴ Depending on the relationship with the sponsor, this means that immigrants in this category are ineligible for social assistance and similar programs for a period up to 10 years. Finally, each year Canada admits a sizeable number of refugees⁵. On average over the last ten years, about 28,500 refugees (the equivalent of 9 refugees per 10,000 citizens) have entered the country each year, which is high in comparison to other Western countries (UNHCR, 2009). Once their refugee claim has been accepted, refugees become permanent residents, and are eligible to (almost) all benefits. In contrast to the first two categories, however, refugees can actually be expected to make considerable use of government transfers, in particular in the first years after being admitted.

Even though Canadian immigration policy has traditionally targeted permanent migrants, Canada also admits temporary residents, and this group is growing dramatically. Most of these immigrants fall under one of three categories: temporary workers, foreign students, and refugee claimants. In 2008, almost 880,000 temporary residents resided in the country (about 2.6 percent

⁴ The Canadian government employs these same considerations in determining the files of immigrants who apply to be admitted under the 'economic migrants' category and intend to bring their family with them.

⁵ That is, immigrants with full refugee status. Refugee claimants who are awaiting the outcome of their application are considered temporary migrants (see below).

of the population). Figure 1b traces the annual intake of temporary migrants from 1989 to 2008 (the graph shows so-called 'new entries' only; temporary migrants who were already residing in the country are not included in these data). As Figure 1 shows, the number of (new) temporary migrants (and especially, of foreign workers) has been rising spectacularly over the last five years, and has even surpassed the number of incoming permanent migrants.

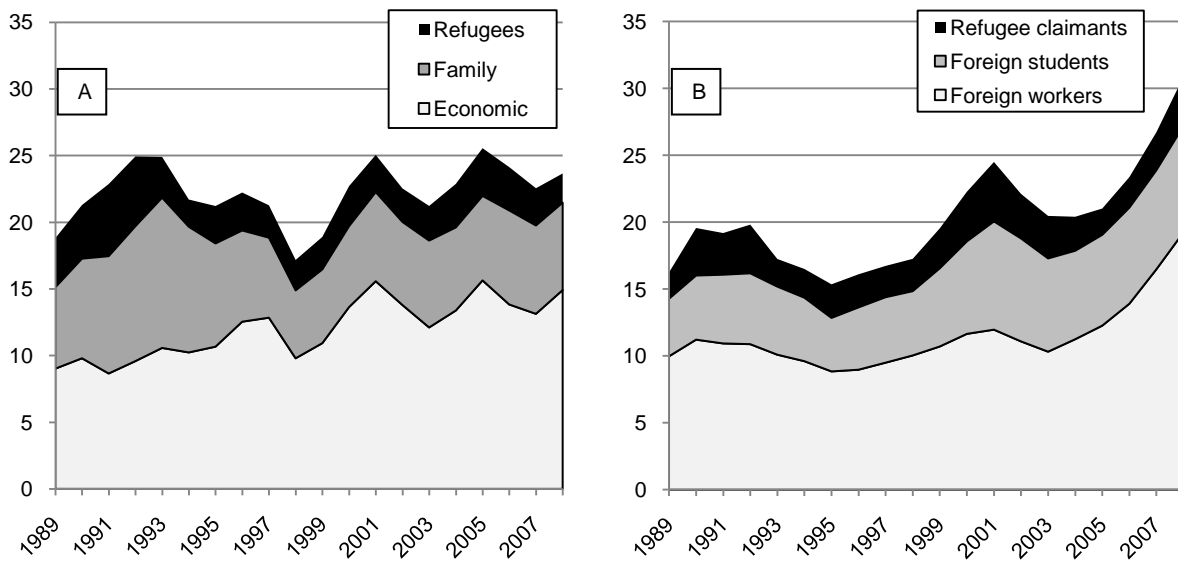


Figure 1. A. Inflow (x10,000) of permanent immigrants by category, 1984-2008. B. Inflow (x10,000) of temporary immigrants by category, 1989-2008. Source: Citizenship and Immigration Canada (2009).

This is all the more interesting for at least two reasons. First, the selection and admittance of temporary migrants is much less stringent and managed than that of permanent migrants (McHale, 2003; Alboim, 2009). Employers are often solely responsible for the selection of these migrants, and tend to focus more on “qualifications for specific occupations rather than on ... the flexible skills needed to adapt to a changing economic environment” (Nakache & Kinoshita, 2010, p. 11). In other words, the human capital of these migrants is less predictable than that of

migrants who enter through the points system.⁶ Second, a sizeable number of these migrants ultimately stay in Canada. Some of them acquire permanent residency. For example, refugee claimants become a permanent resident if their application for refugee status is successful. Moreover, since 2008, international students and highly skilled foreign workers can also apply for permanent residence status through the so-called Canadian Experience Class, an amended version of the points system that heavily rewards the experience of having worked or studied in Canada (Alboim, 2009). According to Delphine Nakache and Paula Kinoshita (2010, p. 11), the number of people who make use of this program each year is expected to rise from 5,000 in 2010 to 26,300 in 2012. Migrants who cannot secure permanent residence, on the other hand, do not necessarily leave the country when their temporary residence permit expires. Even though numbers on these cases are notoriously difficult to collect, there is no question that some refugee claimants whose application has been denied and some low-skilled workers who do not qualify for the Canadian Experience Class choose to overstay their permits and hence end up in an even more vulnerable social position (Nakache & Kinoshita, 2010).

3. Immigrants' interactions with five core welfare programs

This section discusses the interaction of immigrants with each of the major programs of Canada's welfare state. For each program, we first discuss eligibility requirements and recent changes therein to explore whether permanent and temporary immigrants are directly or indirectly excluded from benefits. Where available and appropriate, we also use data from

⁶ This does not necessarily mean that these migrants are worse off on the labour market. In fact, Casey Warman (2010) finds that temporary migrants face fewer problems with credential recognition than permanent migrants because they are directly recruited by their employers. These conclusions should be treated with caution, however. Warman's most recent data are from 2001, while we know that there have since been significant changes in both the temporary worker programs and in the number of people with a temporary residence status. For one thing, after the period covered by Warman's data, the number of low-skilled temporary workers has increased significantly (Nakache & Kinoshita, 2010)

income surveys to compare immigrants' and non-immigrants' receipt of these social transfers. For the period from 1982 to 1998, we use individual data from the Survey of Consumer Finances (SCF), an annual survey conducted by Statistics Canada which collects information on income sources, labour market position, and personal demographics for a large number (ranging from 66,000 in 1987 to almost 90,000 in 1991) of individuals over 15 years of age. For the period from 1999 to 2007, we use the very similar Survey of Labour and Income Dynamics (SLID), which asks the same and more questions than the SCF to a similarly large group (ranging from 53,000 in 2007 to 59,000 in 2001) of respondents over 16 years of age.

3.1 Old age benefits

Access to old age benefits is often the most sensitive sector in immigrant-receiving countries, and Canada is no exception. The sector is marked by both formal and informal mechanisms of exclusion and differentiation. There are two major public sources of income specifically targeted to senior citizens.⁷ First, the Canadian and Quebec Pension Plans (CPP/QPP) are contributory pensions. There is no direct restriction on immigrants accessing this pension, but the benefits are determined on the basis of lifetime earnings in the country. This obviously means that temporary migrants and recent immigrants can make little use of these benefits, since they are unlikely to have lived long enough in Canada to have built up a significant pension (Baker, Benjamin, & Fan, 2009; Hennebry & Preibisch, 2010, p. 11).

In contrast to the CPP, the Old Age Security (OAS) is a universal benefit funded through tax revenues rather than contributions.⁸ The extent to which immigrants have access to this

⁷ In addition, seniors can receive tax breaks on private pension plans.

⁸ Part of the OAS package is the so-called Spouses' Allowance, which offers benefits to citizens between 60 and 64 years old who either widowed or married to a pensioner. Sponsored family migrants are ineligible for this program, but all other permanent residents have equal access to the Allowance.

program is complicated. Before 1977, there was a residence requirement of ten years⁹, meaning that every elderly citizen who lived at least ten years as a legal resident in Canada received a full OAS benefit, while everyone who did not meet that requirement received nothing. In 1977, the program was amended. The ten-year minimum residence requirement was maintained, but the benefit was also made proportional to the number of years spent in Canada. Since then, only those who have lived at least 40 years in Canada receive a full OAS; everyone who has been in the country for more than 10 but fewer than 40 years receives a proportionally lower benefit (for instance, someone who has spent 25 years in Canada when reaching retirement age receives $25/40 = 63$ percent of a full OAS) (Marier, 2008; Carney & Boucher, 2010).

However, immigrants who receive even a small pro-rated OAS payment are eligible for additional support from the Guaranteed Income Supplement (GIS). The GIS is an income-tested supplement to the OAS which is available to poor elderly persons in Canada, and about a third of all elderly Canadians receive a full or partial GIS benefit. Since 1984, poor and low-income immigrants have been eligible for a GIS which brings the total benefit to the same level it would have been if the immigrant would have received a full OAS benefit. In keeping with this analysis, Michael Baker and his colleagues (2009) find that on average, immigrants receiving a partial OAS receive the same or more total transfers than native-born Canadians or immigrants who receive a larger OAS benefit.¹⁰

To make things more confusing, since 1984 recent elderly immigrants to Canada can also apply for a partial OAS and the additional GIS if they have spent at least 10 years in Canada *and*

⁹ When the program was first created in 1952, this requirement was 20 years. To encourage immigration, however, this requirement was lowered to 10 only five years later.

¹⁰ For instance, Baker, Benjamin, and Fan (2009) calculate that the average total OAS/GIS benefit for native-born citizens is 7,073.67 dollars, for immigrants who have been in Canada between 10 and 20 years 7,349.61 dollars, and for immigrants who have been in Canada longer than 20 years 6,868.55 dollars.

one of the currently 48 countries Canada has bilateral social security agreements with.¹¹ The size of the OAS is still determined on the basis of the number of years spent in Canada, but because of the GIS top-up, the total benefits can be as high as a full OAS. In 1996, this option was denied to elderly immigrants under a sponsorship agreement. These applicants now only receive the partial OAS (which theoretically can be as low as 1/40th of a full OAS). Only recent elderly immigrants who are not under a sponsorship agreement¹² still receive a partial OAS with a GIS top-up. For the sake of clarity, the eligibility requirements for OAS and GIS benefits are summarized in Figure 2.

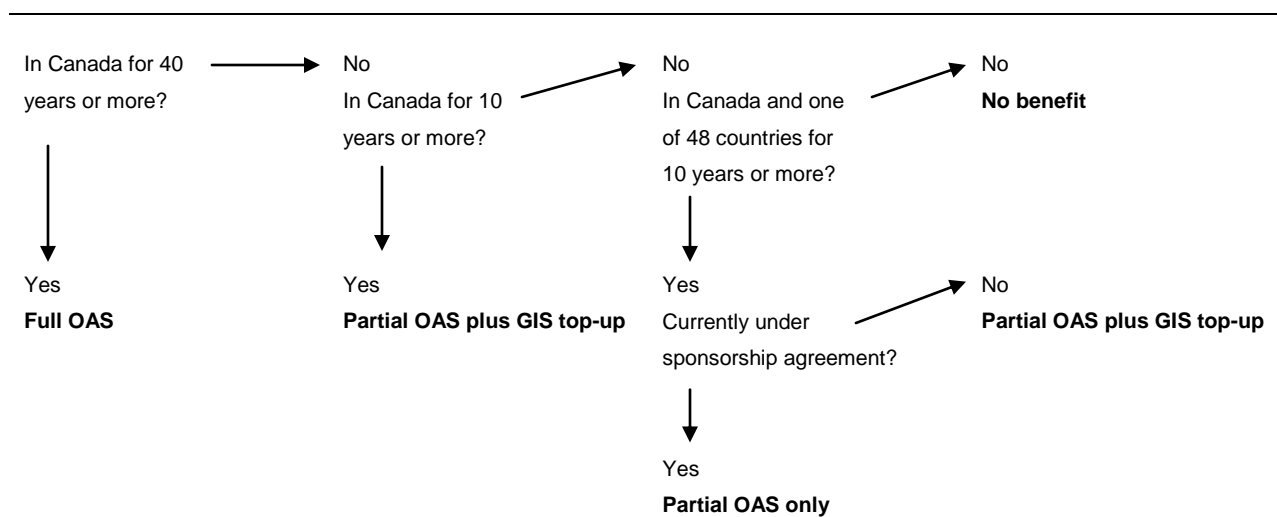


Figure 2. Overview of immigrants' eligibility for OAS/GIS benefits.

¹¹ Effective December 31st, 2009, Canada has social security agreements with Antigua and Barbuda, Australia, Austria, Barbados, Belgium, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, France, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jersey and Guernsey, Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey, United States of America, and Uruguay.

¹² Of course, this group is very small. It is virtually impossible to pass the point system at high age, and therefore most elderly recent migrants are admitted as family migrants, who are under a sponsorship agreement for the first ten years after entering Canada. It seems, therefore, that this measure is in place almost exclusively for elderly refugees.

All in all, low- and middle-income elderly immigrants who have been in the country for at least 10 years are protected. However, it would be wrong to suggest that the restrictions on OAS are trivial. For example, in 2006 less than 40 percent of Canada's foreign-born population was from any of the 48 countries with which Canada has bilateral social security agreements (OECD, 2009). This suggests that the majority of immigrants who have been in Canada for less than 10 years receive neither OAS nor GIS benefits. On average, therefore, elderly recent immigrants receive considerably less benefits, and are more likely to be poor than any other group of Canadians of retirement age (Boyd, 1991; Marier & Skinner, 2008; Baker, Benjamin, & Fan, 2009).

The restrictions on the access to pension benefits become apparent when we look at income survey data. Non-immigrant elderly are consistently more likely to receive pension benefits than their immigrant counterparts (see Figure 3a). Admittedly, immigrants who do have an income through OAS/GIS or CPP/QPP tend to receive slightly higher benefits than native-born Canadians (see Figure 3b), an outcome presumably reflecting lower incomes among the immigrant elderly and therefore slightly higher average GIS payments. But the big issue remains the gap in the actual receipt of pension income in Figure 3a. At first glance, this difference might not seem large. However, when we consider that pension benefits make up an average of almost 60 percent of an elderly person's income¹³, and the elderly immigrant population amounts to roughly 1.2 million people (2006 Census data), the observation that about five percent of them does not receive any pension benefits at all seems much more worrisome.

¹³ Figure for 2007. The calculation is not shown, but can be made available at request.

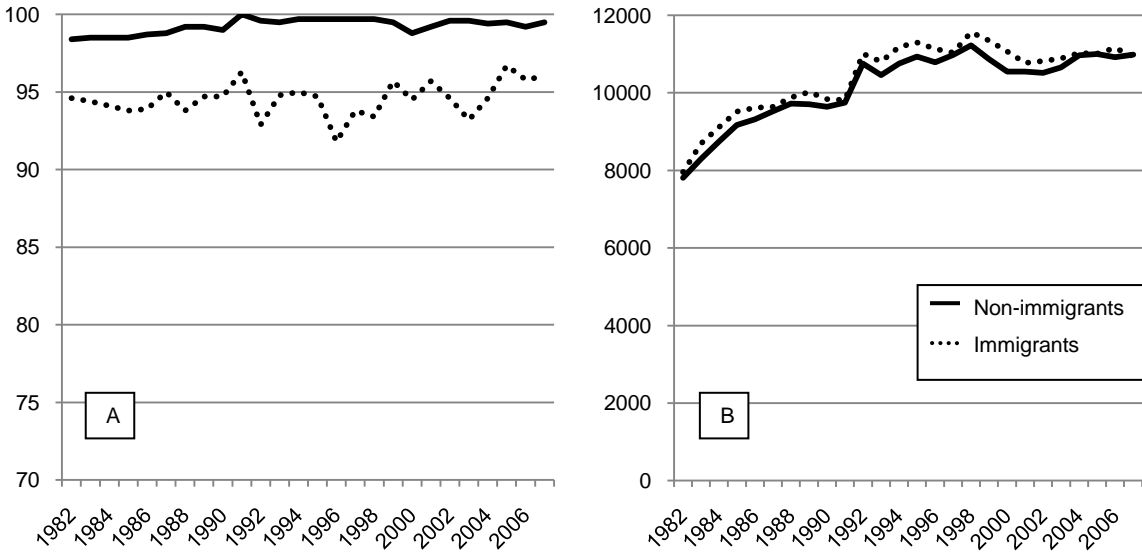


Figure 3. A. Percentage of population over 65 receiving CPP/QPP or OAS, by immigration status. B. Average OAS/GIS and CPP/QPP transfer in 2007 dollars to pension recipients, by immigration status.

3.2 Health care

According to the Canada Health Act of 1984, provincial governments are required to offer universal health care to its citizens and permanent residents. Nevertheless, the eligibility requirements for these programs can differ somewhat between provinces (see Table 1), especially as far as immigrants are concerned. For one thing, the provincial health care programs of four provinces (British Columbia, New Brunswick, Ontario, and Quebec) have a three month waiting period for new arrivals.¹⁴ For Canadians who move from one province to another, this simply means that they are covered by the provincial health care program of their ‘old’ province during this waiting period. Immigrants, however, need to secure temporary private health insurance for the first three months in these provinces.¹⁵ Family migrants have

¹⁴ It is worth noting that these provinces receive the vast majority of new arrivals in Canada each year. In 2008 no less than 82 percent of all immigrants settled in one of these four provinces (Citizenship and Immigration Canada, 2009).

¹⁵ Refugees who cannot afford private insurance can make use of the Interim Federal Health Program (IFHP), which offers coverage of emergency and essential services for the duration of the three-month waiting period. The IFHP is not without criticism, however. Baukje Miedema, Ryan Hamilton, and Julie

access to basic health care in all provinces, but for the duration of their sponsorship agreement they need to rely on their relatives to cover supplementary health costs not covered by the national program (such as dental care and eye care). In Ontario, where eligibility requirements are among the most stringent in the country, eight immigrants contested their exclusion before Court, but their appeal was denied (*Irshad v. Ontario*, 2001).

Overall, however, it seems safe to conclude that access to health care is fundamentally equal for native-born Canadians and permanent immigrants alike. Previous research has established that immigrants tend to be healthier than native-born citizens, but that they make similar use of health care services as their native-born counterparts when one controls for this difference (Newbold, 2009, p. 558; Miedema, Hamilton, & Easley, 2008). While there is some evidence that immigrants face practical or cultural barriers to accessing health care in the first years after their arrival, there is little evidence that these barriers persist over time (Newbold, 2009, p. 546). At any rate, immigrants in Canada seem to experience much fewer problems in accessing health care than their counterparts in the United States (Uiters, Devillé, Foets, Spreeuwenberg, & Groenewegen, 2009).

Temporary migrants, on the other hand, are in a more vulnerable position. Even though all provinces offer health care coverage to foreign workers, in many cases these migrants need to satisfy additional demands, such as having a work permit that is valid for more than 12 months. Moreover, qualitative studies have demonstrated that foreign workers can face considerable barriers to accessing health care, despite their legal entitlements (Basok, 2004; Hennebry, 2008). Jenna Hennebry and Kerry Preibisch (2010), for instance, have conducted a series of interviews with guest workers in Ontario and found that many do not make use of the health services

Easley (2008), for instance, found that many clinics do not accept patients covered under IFHP because such cases require time-consuming administrative procedures.

available to them because they fear they will not be hired next year if their employer finds out they have health problems. Moreover, they discovered that most employers pressure foreign workers with life-threatening diseases to leave the country (Hennebry & Preibisch, 2010, p. 11).

Table 1. Immigrant eligibility for provincial health care programs in Canada.

Province	Waiting period	Economic migrants	Family migrants	Refugees	Foreign workers	Foreign students	Refugee claimants
NL	No	Yes	Yes*	Yes	Yes [‡]	Yes [#]	No
PEI	No	Yes	Yes	Yes	Yes	No	No
NS	No	Yes	Yes	Yes	Yes [‡]	Yes ^{###}	No
NB	3 months	Yes	Yes	Yes	Yes	No	No
QC	3 months	Yes	Yes	Yes	Yes	No ^{####}	No
ON	3 months	Yes	Yes	Yes	Yes ⁺⁺	No	No
MB	No	Yes	Yes	Yes	Yes [‡]	No	No
SK	No	Yes	Yes	Yes	Yes	Yes	No
AB	No	Yes	Yes	Yes	Yes	Yes	No
BC	3 months	Yes	Yes	Yes	Yes	Yes	No

* Except if sponsor lives in another province. [‡] Only if work permit is valid for at least 12 months. ^{††} Only if work permit is valid for at least 6 months. [#] Only if study visa is valid for at least 12 months. ^{###} Only eligible after having lived in the province for at least 12 months. ^{####} Quebec has reciprocal social security agreements with eight countries. International students from Denmark, Finland, France, Greece, Luxembourg, Norway, Portugal, and Sweden are eligible for the Health Insurance Plan. Source: manuals of provincial health care programs.

There are considerable provincial differences in the eligibility for health care of the second type of temporary migrants, international students. While some provinces (such as Saskatchewan, Alberta, and British Columbia) offer them health care services, other provinces exclude them from coverage entirely. Finally, as Table 1 shows, in all provinces refugee claimants are excluded from provincial health care programs. However, they receive basic coverage from Citizenship and Immigration Canada.

3.3 Child benefits

The Canada Child Tax Benefit (CCTB) is a monthly income-tested transfer which goes to low and middle-income families with children under the age of 18. In addition, the federal government offers a National Child Benefit Supplement (NCBS) which is more tightly targeted

to low-income families with children. All permanent residents are immediately eligible for the CCTB and the NCBS. Temporary immigrants (including refugee claimants), on the other hand, can only apply for child benefits after having lived in Canada for 18 months, and only if they have valid temporary residence permits for the 19th month and beyond.

Because the CCTB and NCBS are automatically administered through the tax system, there is little possibility for differentiation on the basis of immigration status. For that reason, it seems safe to assume that the child benefit system treats immigrants the same way as it treats native-born Canadians.¹⁶

3.4 Employment Insurance

Because Employment Insurance is a contributory plan, it inevitably privileges those who have integrated in the labour force over those who have had trouble doing so, and can therefore be understood as being indirectly exclusionary towards a proportion of the immigrant population (Handler, 2009). The position of temporary migrants is particularly disadvantageous in this regard: in fact, although they must contribute to the EI program, they often cannot access benefits if they become unemployed. Many foreign workers and international students are not allowed to work for more than one employer. This means that these temporary migrants do not qualify for EI, despite their monthly contributions to the program (Basok, 2004, p. 54; Hennebry & Preibisch, 2010, p. 18; Nakache & Kinoshita, 2010, pp. 19-21).¹⁷

¹⁶ We could speculate, however, that for a variety of reasons, immigrants are less likely to file an annual income tax return than their native-born counterparts and that for that reason, they are less likely to claim child benefits. Unfortunately, the income survey data do not allow for a longitudinal assessment of whether this is indeed the case.

¹⁷ Temporary migrants in this position do have access to parental benefits within the EI system. Previous research suggests, however, that few are aware of this possibility (Hennebry & Preibisch, 2010). In general, the rules determining the eligibility of temporary migrants to EI benefits are so confusing that it is easy to understand why they are unclear to temporary migrants themselves (Nakache & Kinoshita, 2010).

In addition to facing these disadvantages, there are reasons to suggest that recent changes in employment insurance policy have had particularly negative effect for immigrants in Canada (Mahon, 2008, p. 356). Until the mid 1990s, Unemployment Insurance (first introduced in 1941, but significantly enriched in 1971) offered citizens who lost their jobs a comparatively generous unemployment benefit: “virtually all employees were included; income replacement rates reached as high as 75 per cent for claimants with dependants and 67 per cent for those without dependants [...] and support could be claimed after only eight weeks of work” (Olsen, 2008, p. 329). However, starting with a 2 billion dollar spending cut in 1989, and culminating in the 1996 transformation of Unemployment Insurance into a new program called Employment Insurance (EI), benefits became decidedly less generous (Banting, 2006). Spending decreased, the replacement rate dropped, benefit duration was shortened, and, as will be discussed momentarily, eligibility requirements were tightened to such an extent that the percentage of unemployed citizens receiving EI plummeted (Evans, 2002). Some of the changes in this major overhaul might have been expected to have a particularly negative impact on the immigrant unemployed.

First, the number of hours of work required to be eligible for EI has tripled for new labour market entrants from 300 to 910 hours – the rough equivalent of half a year of full-time work (Evans, 2002, p. 89). Second, the 1996 reform made it more difficult for the long-term unemployed and part-time employees to qualify, two categories among which immigrants are overrepresented (Shields, 2004). Third, eligibility cuts also reduced benefits to seasonal workers, many of whom are immigrants (Groulx, 2009, p. 15).

In addition, immigrants would seem to be disadvantaged by the regional nature of the EI program, which generates considerable regional variation in the percentage of unemployed Canadians who have access to EI benefits. The EI program provides more generous terms for

both eligibility and benefits in areas with high unemployment rates (Banting, 2006, p. 425). As a result, there can be huge differences in the EI coverage rates: whereas in 2004 92.7 percent of the unemployed on Prince Edward Island received EI benefits, the comparable figure for the city of Ottawa was 20.7 percent (Battle, Mendelson, & Torjman, 2006). These differences reflect the longstanding tradition of intensely regionalized politics in Canada, and the political weight of poorer parts of the country in national political life. However, it turns out that the coverage rates tend to be lower in areas where the percentage of immigrants is higher.

Table 2. *Percentage of unemployed on EI and share of immigrant population, provinces and major cities.*

Provinces	% EI coverage	% immigrants	Cities	% EI coverage	% immigrants
NL	93.3	1.7	St. John's, NL	51.5	2.9
PEI	92.7	3.6	Quebec City, QC	45.8	3.7
NB	89.9	3.7	Halifax, NS	39.0	7.4
NS	69.7	5.0	Montreal, QC	34.3	20.7
QC	52.1	11.5	Edmonton, AB	29.4	18.5
SK	44.0	5.1	Victoria, BC	27.7	19.1
MB	41.5	13.5	Saskatoon, SK	26.5	7.7
BC	37.1	27.5	Vancouver, BC	25.7	39.7
AB	33.9	16.3	Toronto, ON	22.3	45.8
ON	29.7	28.3	Ottawa, ON	20.7	18.2

EI coverage refers to the percentage of unemployed Canadians receiving EI. Source: Census Canada, 2006; Battle, Mendelson and Torjman (2006).

As Table 2 illustrates, for example, whereas in Newfoundland and Labrador, where 1.7 percent of the population is immigrant, 93 percent of the unemployed receive EI, this percentage is only 9.7 for Ontario, where immigrants make up 28.3 percent of the population. A similar relationship is detectable when one compares some of the major cities of Canada. In Saint John's, with an immigrant community of only 2.9 percent, 51.5 percent of the unemployed receive EI. In Toronto, where almost one in two residents is an immigrant, the coverage is only 22.3. Of course, these correlations do not imply that unemployed immigrants are less likely to receive EI than other unemployed Canadians in the same region. But it is safe to conclude,

however, that immigrants are less likely than native-born citizens to live in areas where the EI benefit structure is generous.

When we look at income survey data (Figure 4a and 4b), the first thing that becomes apparent is just how dramatic the changes of the reforms of the 1990s have been. Whereas at the beginning of the decade more than 50 percent of the unemployed population¹⁸ received Unemployment Insurance, by 1999 the Employment Insurance coverage had dropped to as low a figure as 25 percent. Similarly, whereas the average UI recipient received almost 7,000 dollars in the early 1990s, the average EI recipient collected a bare 5,000 dollars at the end of the decade (amounts in 2007 constant dollars).

Despite all of these systemic reasons to suspect the systemic exclusion of immigrants, income survey data do not suggest that immigrants have been hit more severely than native-born Canadians. In fact, the gap between non-immigrants and immigrants is larger before the reform than after, and since around 2000, unemployed immigrants are about equally likely to receive EI as unemployed native-born Canadians (see Figure 4a). Moreover, just like before the reform, after 1996 immigrants still receive similar EI benefits as native-born Canadians (Figure 4b). Of course, these figures offer only a cursory glance, and it certainly might be true that the conclusions of a more sophisticated multivariate analysis will be somewhat different¹⁹, but these results do point in a surprising direction. Despite the reasons discussed above why immigrants might be disadvantaged in accessing EI benefits, on average these data do not confirm that the obstacles are so severe that immigrants receive fewer and lower benefits than native-born Canadians in a similar position.

¹⁸ This includes everyone who has been unemployed at any time during the survey year. Since people who are unemployed for a short time do not qualify for EI, the numbers reported here probably underestimate their real values. We have employed this very broad operationalization of unemployment for the sake of longitudinal comparability.

¹⁹ For one thing, this analysis treats all unemployed as equal, whereas there are obviously large differences across cases that are of relevance for both the eligibility for and the height of EI benefits.

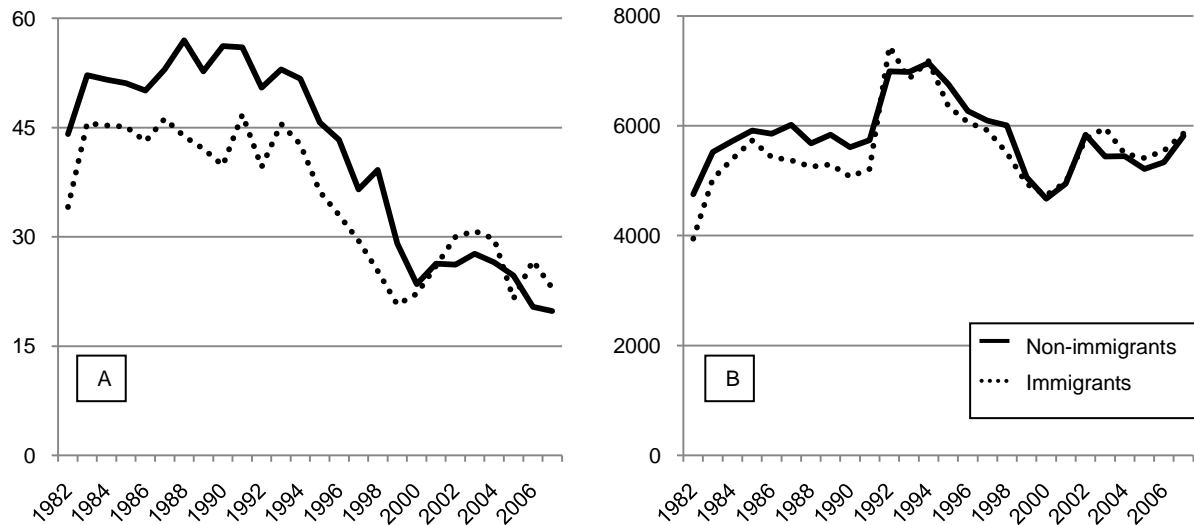


Figure 4. A. Percentage of the partly or fully unemployed population receiving UI/EI, by immigration status. B. Average UI/EI transfer in 2007 dollars to UI/EI recipients, by immigration status.

Clearly, more research is needed here. Even though there are many studies discussing immigrants' receipt of employment insurance benefits, it is difficult to use them to cross-validate our results, for instance because they do not include comparisons with native-born Canadians (Siklos & Marr, 1998), only look at a subset of the immigrant population (Baker & Benjamin, 1995a), or do not control for employment status in comparing immigrants' and native-born Canadians' use of the EI system (Akbari, 1989; Baker & Benjamin, 1995b; De Silva, 1997; Sweetman, 2001; DeVoretz & Pivnenko, 2004).

3.5 Social Assistance

Social Assistance (SA), finally, is a provincial program offering benefits to people in financial need. It is a 'last-resort' program; in most cases, applicants who make use of other types of government transfers are ineligible for SA. Not only the benefit levels, but also the eligibility requirements differ from province to province (see Table 3).

Table 3. Immigrant eligibility for Social Assistance in the ten provinces.

Province	Economic migrants	Family migrants*	Refugees [†]	Foreign workers	Foreign students	Refugee claimants	SA benefit in 2008 [°]
NL	Yes	n/a**	Yes	n/a**	n/a**	n/a**	7,947
PEI	Yes	Yes	Yes	n/a**	n/a**	Yes	6,432
NS	Yes	No***	Yes	No	No	Yes	6,060
NB	Yes	No	Yes	No	No	No	3,447
QC	Yes	Yes	Yes	No	No	Yes	6,904
ON	Yes	No***	Yes	No	No	Yes [#]	6,732
MB	Yes	No***	Yes	No	No	Yes	6,186
SK	Yes	No***	Yes	No	No	Yes	7,768
AB	Yes	No***	Yes	No	No	No	5,186
BC	Yes	Yes	Yes	Yes	Yes	Yes	7,320

* After the sponsorship period has ended, all family migrants have full and equal access to SA. The entries in this column refer to eligibility during the sponsorship period. ** There are so few immigrants in the provinces NL and PEI that policy documents do not explicitly address the eligibility of immigrants. *** Only in extreme circumstances (such as the criminal conviction or decease of the sponsor), and after CIC reviewed the application, can sponsored family migrants become eligible for Social Assistance. [†] Refugees are only eligible for provincial assistance if they do not receive federal assistance, for instance through the RAP. [#] Only after a CIC officer has determined the refugee claim is eligible to be heard by the IRB. [°] SA benefit for a single employable person. Source: policy manuals of provincial social assistance programs, National Council of Welfare (2009).

As Table 3 shows, temporary migrants are much less protected than permanent immigrants. With the exception of BC, foreign workers and international students are excluded from SA in every province, whereas refugee claimants can only make use of SA under specific circumstances (see below). Conversely, permanent immigrants are well protected. The federal government prohibits any provincial residence requirement for access to SA. In 1997, British Columbia tried to implement a waiting period for newcomers from the rest of Canada anyway, but was induced by the federal government to drop the requirement (National Council of Welfare, 1997). As a result, permanent immigrants, with the exception of family migrants under a sponsorship agreement, are immediately eligible for Social Assistance across the country. Refugees receive federal financial assistance for at least the first year after being admitted to Canada through the so-called Resettlement Assistance Program (RAP), and are therefore only eligible for SA afterwards.

Most provincial variation, and most political debate, regards the eligibility of refugee claimants and family migrants for Social Assistance programs. To start with the former, New

Brunswick and Alberta bar all refugee claimants from SA, while other provinces are willing to offer them SA under certain circumstances. Some observers are afraid that this practice invites abuse of the system (Gallagher, 2003). Federal Immigration Minister Jason Kenney, for instance, has recently argued that “the generosity of our social welfare schemes [...] creates incentives for dubious refugee claims” (Mahoney, 2010). Unfortunately, comprehensive data on the number of refugee claimants on SA is unavailable. It seems worth repeating, however, that SA is a program of last resort, which offers only very limited benefits. For a single employable person, the transfer ranged in 2008 from \$3,447 a year in New Brunswick to \$7,947 in Newfoundland and Labrador (see Table 3). On average, SA amounts to only about 38 percent of the Canadian poverty line, or Low Income Cut Off (LICO) (National Council of Welfare, 2009).

Another issue of controversy is the use of SA among sponsored family migrants. As discussed above, these immigrants are admitted on the condition that a relative would sponsor them, signing a formal undertaking with the state to support them economically. The period of sponsorship is 3 years if the immigrant is the spouse or a child older than 22, and 10 years for all other relatives. While sponsorships undoubtedly reduce immigrant reliance on social assistance, they are not a perfect instrument. Individual sponsorships can break down for various reasons. Marriages or family relationships can collapse, exposing sponsored newcomers to being abandoned. Sponsors themselves can get into economic difficulty themselves; and sponsorship breakdowns tend to rise during recessions. In addition, the Canadian government has had difficulty monitoring sponsorship agreements, because the federal administration of immigration status is not linked to the provincial SA administration. Provinces are often unaware that an individual SA applicant is covered by a sponsorship agreement, raising the possibility of fraudulent claims.

Recently, however, provincial governments have exerted greater effort to prevent sponsored immigrants from using SA. In the mid-90s, the province of Quebec started to monitor sponsors who did not live up to their agreement more closely, and began to garnishee their wages (National Council of Welfare, 1997). In 2004, when it was reported that 7500 sponsored immigrants in Ontario (about 2 percent of sponsored immigrants) were on SA, the province started to contact sponsors and inform them that SA benefits paid to the immigrants they are supposed to sponsor will be considered a debt to the government of Ontario. This debt can only be waived under extraordinary circumstances, such as if the sponsor is criminally convicted, is bankrupt, receives SA, OAS, or GIS, or is living below the LICO. In this way, Ontario has been able to bring down the number of sponsored immigrants on SA to 5,000 by September 2009. Recently, eight sponsors who were forced to repay an SA debt appealed to the courts to have their debt waived (*Mavi v. Canada*, 2009). The provincial court ruled that Ontario does not have the right to unilaterally enforce all sponsors to repay the debt, and that instead they are under obligation to decide on a case-by-case basis and are held to standards of procedural fairness, including the solicitation and evaluation of counterarguments on part of the sponsors. The Attorney General appealed to the Supreme Court of Canada, and on April 22, 2010, the Supreme Court granted leave to appeal.

Over the last twenty years, there have been significant SA reforms. While these have not formally targeted immigrants, they have had particularly negative consequences for immigrants and other vulnerable groups (Evans, 2002, p. 87). From 1967 to 1995, the federal government paid 50 percent of all provincial SA costs in accordance with the Canada Assistance Plan (CAP). In 1996, the CAP was replaced by the Canada Health and Social Transfer (CHST), a block transfer to provinces contributing to the cost of social assistance, health care and postsecondary education. In addition, the total federal transfer for these programs was reduced, as part of a

general program to reduce the federal deficit. Because the size of the transfer is unaffected by the level of SA expenditure, this reform introduced an incentive for provinces to lower the cost of their SA programs. Ronald Kneebone and Katherine White (2009) observe that with the exception of Newfoundland and Labrador, SA benefits have consistently decreased in all provinces since the introduction of the CHST. In addition, the provinces of Ontario (1996) and Alberta (2003) experimented with 'workfare', which among other things entailed a tightening of eligibility requirements (Klassen & Buchanan, 2006).

All in all, these reforms suggest a downsizing of welfare benefits over the last fifteen years, with important consequences for needy citizens, including portions of the immigrant population. When we look at income survey data, it becomes readily apparent that since the introduction of the CHST, fewer and fewer people in need have received Social Assistance. Whereas just before the reforms around 20 percent of all adult men with a lower after-tax income than half the median income received Social Assistance, only three years later (in 1999) that percentage had dropped to 10 percent (see Figure 5a). This drop has been more pronounced among the immigrant population. Until 1997, a similar percentage of needy immigrants and non-immigrants received SA, but since then a gap has become noticeable. The appearance of this gap does not only coincide with the introduction of the CHST, but also with the start of Quebec's and Ontario's efforts to reduce SA use among sponsored family migrants. It is difficult to speculate about the relative importance of these two developments, but their combined result at any rate is that by the last year for which we have data, needy non-immigrant adult men are almost twice as likely to receive social assistance benefits as their immigrant counterparts.

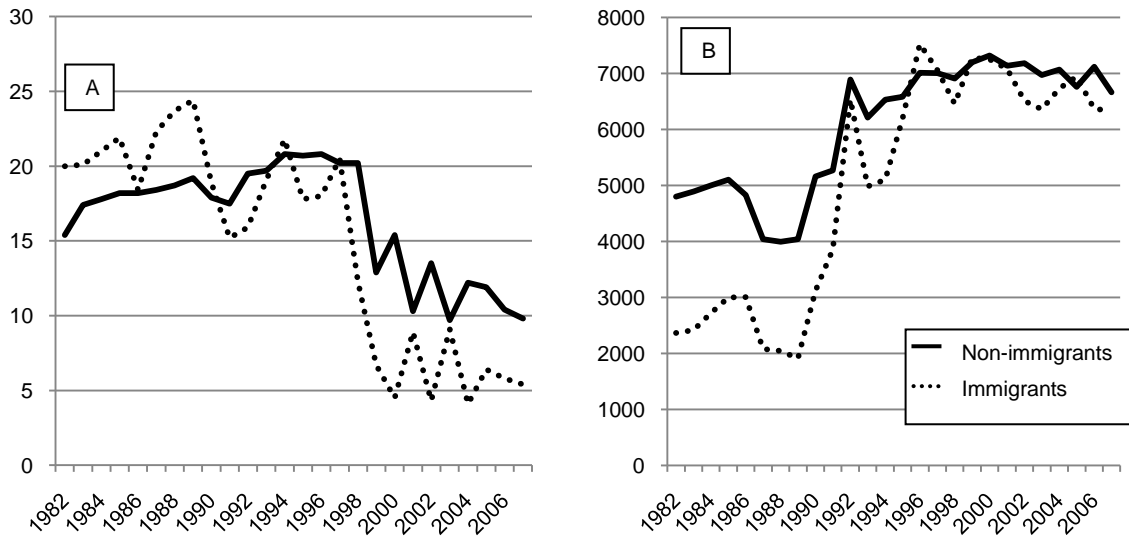


Figure 5. A. Percentage of adult men with lower than half the median after-tax income receiving SA, by immigration status. B. Average SA transfer in 2007 dollars to SA recipients, by immigration status.

Such a gap does not appear in benefit levels: since the mid-1990s, immigrant and non-immigrant SA recipients receive very similar transfers (see Figure 5b). More counterintuitive is the finding that there is no noticeable decline in average SA transfers since 1996 even though, as we discussed above, the actual benefit levels have decreased in almost all provinces since the introduction of the CHST (National Council of Welfare, 2008). The answer to this seeming inconsistency is that the tightening of the eligibility requirements meant that the social assistance caseload changed considerably. As a result, disabled and people with children (two categories for whom SA benefits are considerably higher) started to make up a larger part of the population of SA recipients.²⁰ Hence, even though the benefit levels for similar cases have gone down, the average transfer to SA recipients has remained at roughly the same level. Unfortunately, we are again unable to compare this counterintuitive finding with the results of

²⁰ For example, whereas in 1996 39.5 percent of SA recipients lived in a household with more than two individuals (which we use here – in the absence of better data – as a proxy for having children), and 20.6 percent was permanently unable to work, by 2001 these numbers had risen to 44.6 and 54.5, respectively.

previous studies. Even though there are some analyses of immigrant use of SA (Baker & Benjamin, 1995a; 1995b; DeVoretz & Pivnenko, 2004), none of these studies offer a focused comparison of immigrants' and native-born citizens' use of SA that includes the relevant controls.

4. Conclusion and discussion

In this paper, we have aimed to explore whether the Canadian case is in line with the postnational citizenship thesis, and have compared how native-born citizens and immigrants interact with the welfare state. We have reviewed five core welfare programs with three questions in mind: (1) is there really formal equality in accessing social benefits between permanent immigrants and citizens?; (2) is there any indication of informal or systemic exclusion of particular groups?; and (3) to what extent are temporary immigrants excluded from these benefits?

First, there are some examples where permanent immigrants are formally at a disadvantage in comparison to native-born citizens. Most obviously, mandatory sponsorship agreements exclude family migrants from social benefits in the first years after their arrival. Moreover, (particularly recent) elderly immigrants are at a disadvantaged position in the pension system. Not only do they have little time to accumulate a CPP benefit worth mentioning, but they also are excluded from OAS if they have been in Canada for less than 10 years when they reach retirement age. We estimate that there are currently at least 60,000 elderly immigrants who do not receive any pension benefit, a finding that is well in line with previous findings that in contrast to the general population, there is a relatively high degree of poverty at old age among immigrants (Boyd, 1991; Marier & Skinner, 2008; Baker, Benjamin, & Fan, 2009).

Second, we found only limited evidence of informal exclusion behind the formal rules and regulations. It is true that since the mid 1990s, poor immigrants appear to be less likely to

receive SA than poor native-born citizens. We expect that this has much to do with the increased efforts of provinces to decrease the use of SA among sponsored family migrants. Beyond that, however, there is little evidence that on aggregate, immigrants make less use of social programs than native-born citizens in similar situations. This is especially surprising in regards to EI. Not only does the contributory nature of the program privilege those who have been in the country longer over those who have just arrived, the coverage rates are also lower in the areas where immigrants tend to settle. In addition, some of the reforms in the mid-1990s can be theorized to have a more negative effect on immigrants than on native-born Canadians (such as the benefit cuts for seasonal workers). Nevertheless, aggregate data do not suggest that the patterns of accessing EI differ significantly between non-immigrants and immigrants. The reforms of the mid-1990s have certainly made EI a less generous program, but it seems that unemployed non-immigrants have felt the consequences just as much as their immigrant counterparts.

The degree of exclusion of permanent immigrants seems relatively minor, however, when we take a closer look at temporary migrants. Most of them are excluded from SA and EI, are only eligible for child benefits after having been in Canada for more than one and a half year, experience practical obstacles in accessing health care services, and do not stay long enough in the country to build up a sizeable pension. The exclusion from Employment Insurance benefits seems a clear case of discrimination, considering that temporary migrants pay EI contributions just as citizens and denizens do. While the restrictions on some of the other programs might be easier to justify, it seems worth to emphasize three parallel developments once more: a spectacular rise in the number of temporary migrants, an absence of oversight in the selection and admittance of these migrants, and an increasing realization that many of these temporary

migrants will not be here temporarily (McHale, 2003; Alboim, 2009; Hennebry & Preibisch, 2010).

By and large, the results tend to support the theory of postnationalism, and suggest that permanent migrants are – with two exceptions – formally equal to citizens, and that this formal equality translates relatively well in actual patterns of accessing social benefits. In brief, it suggests that formal rules and regulations are a good, if not the best, predictor of social exclusion and inclusion. In closing, we would like to underline two implications of this conclusion for Canadian politics.

First, we started this paper by referring to the growing perception among the electorate of other (mostly European) Western democracies that immigrants constitute a burden to the welfare state, and the fact that many states have responded to this backlash by qualifying and restricting immigrants' access to social programs. As the economic integration of immigrants to Canada has deteriorated and newer cohorts of immigrants tend to rely more and more on government transfers, there is a danger that similar suggestions will be made in this country.

Second, we would like to emphasize once more that while the postnational turn might have ensured the social rights of permanent migrants, everyone who lacks a permanent residence permit or a passport is in a much more vulnerable position. Even though the numbers of temporary residents who enter Canada are rising, and it is clear that a significant number of them will not leave the country for a long while, this group of migrants has very few social rights to boast about. According to Nakache and Kinoshita (2010, p. 1), "Canada seems indifferent to temporary [migrants'] future position in society". If we want to prove them wrong, significant reforms in temporary immigrants' access to social benefits seem necessary.

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