

## How do the individual and collective rights of Canadians influence immigration laws and policies?

### WHAT'S IN THIS SECTION

This section presents:

- Information and views about a Supreme Court decision involving individual rights and refugees.
- Perspectives of First Nations on immigration policy.
- Interviews about issues for Francophones in Alberta arising from immigration.

### What are you looking for?

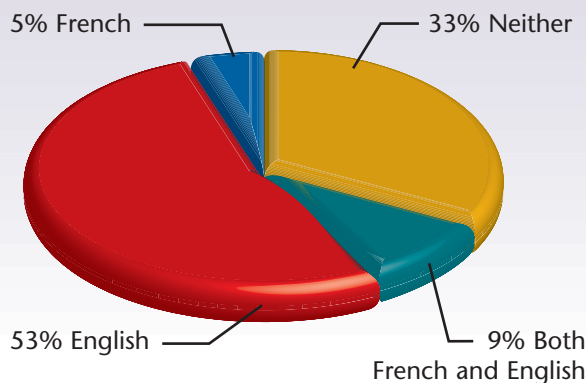
As you work through this section, look for:

- Ways that rights connect to political, economic, health and security factors — the factors at the centre of your chapter task.
- Opportunities and challenges that immigration creates for groups that hold collective rights in Canada.

Note that language qualifications only apply to economic immigrants. Check back to the comic "Adding Up the Points" on pages 169 and 170 to see how. Language qualifications do not apply to family-class immigrants or refugees.

### WHAT LANGUAGES DO IMMIGRANTS TO CANADA SPEAK?

**Immigrants' knowledge of French and English, 2006**



**Top five first languages of immigrants, 2006**

Mandarin  
English  
Arabic  
Punjabi  
Spanish



Why might the information in this graph connect to issues raised by immigration for Canada's official language groups?

## What is the Singh decision?

In Canada, April 4 is known as Refugee Rights Day, following a 1985 Supreme Court decision known as the Singh decision.

### The Facts

- Satnam Singh came to Canada from India seeking refugee status. Canada's government rejected his case under the Immigration Act, 1976.
- The Immigration Act, 1976, did not allow Mr. Singh to state his case in person or to appeal the government's decision on his case.
- The Supreme Court said this violated section 7 of the Charter of Rights and Freedoms, which says: **Everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.**
- The Supreme Court said everyone in the Charter means everyone — every person physically present in Canada.



### The Result

- People claiming refugee status in Canada have the right to a hearing, which they attend in person.
- Canada established the Immigration and Refugee Board to provide quick and fair hearings.
- Canada's government provides people seeking refugee status with the necessities of life while they wait for a hearing.

Every person who seeks refugee status in Canada, like Imam Said Jaziri pictured here, has a face-to-face hearing with the Immigration and Refugee Board. This is their right because of the Singh decision and Canada's Charter of Rights and Freedoms.

### DID YOU KNOW?

The individual rights in the Charter of Rights and Freedoms protect every person in Canada, whether they are citizens or not. The only rights that do not apply to non-citizens are democratic rights, such as the right to vote.

## What are some examples of views and perspectives on the Singh decision?

Canadians have different opinions about the Singh decision and still debate its effects today. Here are examples of some opinions that Canadians might express.

The only people who should be considered as immigrants or refugees are those who apply through the proper procedures and are vetted abroad. There should not be an automatic right for refugees or immigrants to come to Canada.

How can you apply to come to Canada from your own country if you're being persecuted there? We need to give people in that situation a full hearing.

The Singh decision was made by unelected officials — Supreme Court judges. Should the Supreme Court be allowed to make such important decisions by itself, without consulting the people of Canada?

It's unfair that Canadian taxpayers have to pay for legal aid, medical care, food, housing and security measures for people who arrive in the country illegally and then claim to be refugees. These rules encourage abuse — people arrive without papers or identification because they can get away with it. Without proof, how do we know who they really are?

We need to protect people who are at risk from human rights violations. Our previous policies violated the Charter of Rights and Freedoms and had to be changed. The Singh decision is consistent with our own human rights legislation and with international treaties Canada has signed.

### connect to the big ideas

1. Consider what you have learned about refugee rights on pages 181 and 182. What individual rights do refugees seeking entry into Canada have that Canadian citizens also have? Describe an impact this right has had on immigration law in Canada. Explain why people have different perspectives on this right. What is the connection between refugee rights and citizenship? What do refugee rights have to do with who “belongs” in Canada?
2. Conduct your own informal debate on an issue related to the Singh decision:  
**To what extent should Canada provide refugee status to all people who request it?**

Use what you learned about how to plan and prepare for a debate in Chapter 3 on page 116. *Refer to page 372 in the Skills Centre for more tips on debates.*

skills  
centre

## How does immigration involve the collective rights of Aboriginal peoples?

- Aboriginal peoples are partners in Canada. They have collective rights under the constitution and a reasonable expectation to be consulted when the government of Canada makes decisions that fundamentally shape the future of the country.
- Treaties and agreements between First Nations, Inuit or Métis peoples and the government of Canada create a commitment for Canada and Aboriginal peoples to work together and share prosperity. Some Aboriginal peoples, however, continue to face health, education and employment challenges linked to poverty and the impact of past policies and laws.
- These challenges can create obstacles to full participation in Canada's economy for individuals from First Nations, Inuit or Métis communities. For example, some people can face difficulty gaining access to educational, training and employment opportunities. Where such conditions exist, they can create issues, especially during times when Canada needs more skilled workers and professionals, and seeks to fill these roles partly through immigration.



### CRITICAL THINKING CHALLENGE

What impact do the rights of First Nations, Métis and Inuit peoples have on the way Canada sets immigration, and other laws and policies?



Kathryn Lainchbury is a Métis welding apprentice from Alberta. First Nations, Métis and Inuit peoples are the fastest-growing groups in Canada, and they are under-represented in Canada's workforce. How would more effectively engaging Aboriginal peoples in Canada's economy affect their quality of life, citizenship and identity? Government seeks to create a balanced way to support growth in Canada while meeting the needs and respecting the rights of all peoples. How the government does this can create issues for Canadians.



This page presents a resolution from the Assembly of First Nations.

The resolution reflects the AFN's concern that the federal government is not adequately fulfilling its obligations to First Nations peoples, including its obligation to consult with First Nations, and to allocate resources with the rights and interests of First Nations in mind. How does it reflect a First Nations perspective on immigration?

Assembly of First Nations, Resolution no. 49

Subject: Immigration Entering Canada vs. Addressing Third World Conditions in First Nations Communities

31 October 2005

WHEREAS Canada is known as one of the world's richest countries, yet fails to address the needs of First Nation communities, such as Kashechewan Reserve...

WHEREAS Canada fails to consult with the Assembly of First Nations (AFN) leadership on immigration policies and legislation.

THEREFORE BE IT RESOLVED that the AFN call on the federal government... to freeze all immigration coming into Canada until the federal government addresses, commits, and delivers resources to First Nations to improve the housing conditions, education, health and employment in First Nations communities...

Phil Fontaine was first elected National Chief of the Assembly of First Nations in 1997. The Assembly of First Nations represents many, but not all, First Nations in Canada. The AFN seeks recognition of First Nations as partners in Canada, with a right to share fully in Canada's prosperity.



**CRITICAL THINKING CHALLENGE** What could be a government perspective and an immigrant perspective on the AFN resolution?

How could a balance among these perspectives be achieved, so that decisions about immigration benefit all people in Canada?



**SPOT AND RESPOND TO THE ISSUE**

Compare the statement of Citizenship and Immigration Canada on page 168 with the resolution of the Assembly of First Nations on this page. What issues arise from this comparison? Refer to **Spot and Respond to the Issue** on pages 12 and 13 to formulate your answer.



## What challenges and opportunities does immigration pose for Franco-Albertan communities?

In 2006, Canada established a five-year plan to help Francophone communities in minority settings attract French-speaking immigrants. **To what extent does this plan meet the needs of Francophones in Alberta, who are in a minority setting? What can you learn from the comments on this page?**

We've been able to establish, in Calgary and in Edmonton, centres to welcome and help Francophone immigrants to get settled. We work with the immigrants to show them how they can become part of the Francophone community, and that they don't have to lose their association with the French language and culture, even if they live in a minority setting, like Alberta.

Ten years ago, if you went into a Francophone school in Alberta, you wouldn't see African children, or very, very few of them. Now, in Edmonton and Calgary, you see them in very large numbers. Their percentage is increasing every year.

This requires a major adjustment for Francophone institutions, to deal with people who come from non-European cultures. We want Francophone organizations to recognize that there's a challenge here: that we need to welcome and integrate people from non-European cultures, particularly from French Africa.

Francophones need a vision for French-speaking immigration to this province. Too many French-speaking immigrants, when they get here, become only numbers — statistics no different than all the other immigrants. Students gravitate to the English schools. The parents are not involved in the schools. We need to talk about these issues related to immigration

Frank McMahon is a former dean of Campus Saint-Jean, University of Alberta. He helped to organize a Francophone symposium on integrating French-speaking immigrants to Alberta in 2008.



Paulin Mulatris is a professor of sociology at Campus Saint-Jean, University of Alberta. Like Frank McMahon, he contributed to the Francophone symposium on integration. Dr. Mulatris immigrated to Canada from the Democratic Republic of Congo.



### CRITICAL THINKING CHALLENGE

A symposium is an event where people share ideas. How does organizing and attending a symposium demonstrate active citizenship?

connect to the big ideas

1. To what extent do Frank McMahon and Paulin Mulatris have the same or different perspectives on immigration? Back up your conclusions with evidence from this page.
2. Identify and explain one connection between the chart on page 180 and the perspectives of Frank McMahon and Paulin Mulatris on this page.