

Proposed U.S. law improves on Canada's alien policy

BY HARALD BAUDER
FOR THE RECORD

The United States Senate is currently debating an immigration proposal that includes a merit-based point system to attract immigrants who would increase "American competitiveness" in the global economy.

The Americans, apparently, now want what Canadians have had for a long time. For decades, Canada has employed a point system to assess the economic potential of immigrants, and Canadian legislators have used similar language to justify attracting the best and brightest workers to this country.

The proposed American and existing Canadian point systems are quite similar. In both systems, prospective immigrants receive a maximum of 100 points for work experience and employability, arranged employment, high levels of education, age, language proficiency and an adaptability-factor that relates to family members. A person with a PhD or MBA, work experience in a desired occupation, who is fluent in English and below the age of 40 would score high, while a less educated, less experienced or older applicant would be blocked from entry.

Unfortunately, the U.S. is in the process of copying a point-system from Canada that raises serious ethical issues. Canada asks immigrants to meet criteria that the average Canadian citizen can't meet. If Canadians had to apply for residency under their own point-system, close to three out of four would not qualify — even if immigration officials gave them the full score in

the adaptability category. Furthermore, women would have a harder time qualifying than men because the system considers them, on average, less employable.

Will the Americans then adopt an immigration selection system that's based on a yardstick that they, themselves, are unable to live up to?

A cynical economist might suggest that replacing three-fourths of the North American population with skilled, educated, young male immigrants would indeed be the best means to increase this continent's competitiveness with Europe, China or South America.

Where the American proposal does get it right, is in offering a path to legality and eventually citizenship for millions of non-status immigrant workers. The current proposal, which was negotiated by a group of senators, including Democrat Edward Kennedy of Massachusetts and Republican Jon Kyl of Arizona, includes a new so-called Z non-immigration visa. This visa would be available to no-status immigrants who have been continuously in the country since the beginning of the year, who are working, and who are willing to pay \$1,500 US. After eight years, Z-visa holders would be eligible for a green card, which is equivalent to landed immigrant status in Canada.

This proposal enjoys widespread public support. According to a New York Times/CBS poll two-thirds of the U.S. population supports the proposal that immigrants who work and have no criminal record should receive legal status. Sixty-two per cent say no-status immigrants

who have been in the U.S. for at least two years should be allowed to apply for legal status. Even President George W. Bush — renowned for neither his progressive labour policies nor the compassionate treatment of foreigners — has long supported plans that would regularize no-status immigrants.

While the Bush administration may be more

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concerned about the Hispanic vote than social justice, the American public likely realizes that citizens and no-status immigrants have shared economic interests. When some workers are not protected by citizenship and legal rights, wages and labour standards for all are jeopardized.

Although critics say that the U.S. proposal still makes it too difficult and expensive for undocumented immigrants to become citizens, with the Z visa the proposed bill in the United States is steaming ahead of its northern neighbour.

Canada's role as a world leader in progressive immigration policy is becoming a relic of the past.

In contrast to the United States, the Stephen Harper government recently ruled out giving legal status to an estimated 200,000 undocumented workers who live and work in the country.

By not granting legal status and citizenship to some of the most diligent workers in Canada, the Harper government maintains a vulnerable and exploitable labour force of non-citizens. Despite the contribution of undocumented immigrants to Canada's economy, they are denied recognition for their work and their role in society. Apparently, the dream of legal security, upward mobility and social recognition that has motivated immigrants for centuries applies only south of the border.

The proposed legislation in the U.S. balances the admission of the highly-educated and skilled elites through a point system with the recognition of the contribution made by hard-working, non-status immigrants who are already in the country but who struggle to make ends meet for themselves and their families. Bringing the workers who help generate wealth for the rest of the population into legality and including them in society makes economic sense and follows moral principles shared across North America.

The U.S., once again, is showing Canada the path to the future.

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