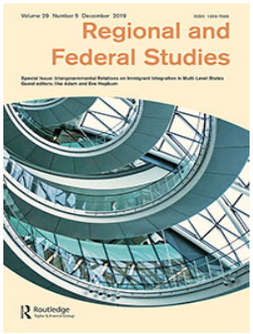

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Intergovernmental relations on immigrant integration in Canada: Insights from Quebec, Manitoba, and Ontario

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ABSTRACT

The pattern of intergovernmental relations (IGR) on immigrant integration in Canada runs counter to core arguments in the extant literature. In particular, Canada's federal structures have not produced multilateral, institutionalized, and conflictual IGR; IGR in Canada has been predominantly bilateral and only moderately institutionalized. Moreover, IGR has been conflictual at times, while collaborative at others. Several factors explain this unexpected pattern. In an attempt to ward off separatism, the central government devolved authority over immigrant selection and settlement programmes to Quebec, creating a deep asymmetry between Quebec and the Anglophone provinces (and territories) in these areas. Interprovincial competition drove other provinces to seek powers over immigration and integration. The central government – driven by fiscal pressures and a philosophical commitment to symmetry – struck bilateral agreements with Anglophone provinces to fund and devolve settlement programming and some control over the selection of economic immigrants.

KEYWORDS Federalism; Canada; Ontario; Manitoba; Quebec; immigration

Introduction

Canada is a fascinating case study for intergovernmental relations (IGR) on immigrant integration because it has developed the most decentralized immigration/reception regime of any federation among the advanced liberal democracies (Banting 2012a). While the central government in Canada holds exclusive jurisdiction over formal citizenship and has final authority over whether immigrants – even those selected by the provinces – can enter the country, the constitution is silent about which order of government has jurisdiction over immigrant reception – or settlement, as it is called in Canada. Even without *de jure* constitutional change, however, immigrant

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selection and reception have gone from matters managed almost exclusively by the central government to very decentralized within a few short decades.

The central research questions animating the Special Issue to which this paper contributes are: How and why do governments coordinate on immigrant integration in multi-level states? As noted in the introductory article by Adam and Hepburn, this is a topic on which there is little systematic knowledge. Of particular interest to our study is the extent to which IGR is institutionalized, bilateral or multilateral, and collaborative or conflictual. To explain the resulting form of IGR in immigrant integration in Canada, the article tests a number of hypotheses set out in the introductory article, which are restated below. These hypotheses focus upon constitutional and institutional factors, in addition to partisan dynamics across governmental levels. In doing so, this paper concentrates upon IGR in the sub-policy areas of immigrant selection and settlement. Essentially, the purpose of this paper is to describe IGR on immigrant integration in Canada and to explain the patterns identified in these sub-policy areas.

To examine IGR on immigrant integration in Canada, our paper will be organized around three provincial case studies: Quebec, Manitoba, and Ontario. These three case studies were selected due to a variation on the key independent variables that animate the Special Issue's hypotheses: substate nationalism and party incongruence. These cases also exhibit a range of bilateral relationships with the federal government, which Banting (2012a, 91) identifies as the 'comprehensive provincial control' (Quebec), 'devolved model' (Manitoba), and 'tri-level model' (Ontario). At the same time, the cases highlight the key features of IGR on immigration policy in Canada common to all province-central state relationships. First, the predominant form of IGR on immigration issues has been vertical: formal bilateral negotiations between individual provinces and the federal government have dominated IGR in this sector. Second, both collaboration and conflict have been present at different stages of policy development and decentralization.

Quebec is the site of an active substate nationalist movement, which undergirds the province's special interest in immigration and has driven the development of an asymmetrical integration policy regime in the country. Beginning with the 1991 Canada–Quebec Accord (CQA), the federal government has negotiated agreements with the provinces and territories to decentralize selection policies and settlement services. Manitoba is a small province that is a 'pioneer' with respect to using the provincial nominee program (PNP) to pursue immigration-generated economic growth and population expansion. Moreover, its design and administration of settlement services since 1998 proved very successful and made Manitoba an example for other provinces (Leo and August 2009, 497–9). Ontario is the choice of a majority of newcomers because of the established immigrant communities in the

Greater Toronto Area. Ontario has historically been less active and was slow to come to a bilateral agreement with the federal government, finally doing so in 2005.

The next section addresses the constitutional structure of the Canadian state as it pertains to immigration. The subsequent section provides a succinct restatement of the hypotheses presented by Adam and Hepburn in the introductory article. The core section of the paper presents three dyadic case studies (Quebec–Canada, Manitoba–Canada, and Ontario–Canada) as empirical evidence. This involves qualitative analysis of publicly accessible archival data, including federal–provincial agreements, government statements, government websites, parliamentary debates, and news articles, along with secondary sources.[1] The final section revisits the core arguments developed through the study of the Canadian case and touches upon Canada's 'exceptionalism' among the cases featured in the collection.

Constitutional structure and overview of competencies

Jurisdiction over immigration is concurrent, with section 95 of the Constitution Act of 1867 giving both the federal and provincial governments the power to make laws related to immigration, with the proviso of federal paramountcy. Yet, as previously mentioned, immigrant selection and integration have gone from matters managed almost exclusively by the central government to very decentralized within a few short decades. Paquet (2014, 521–522) refers to the changes to Canada's immigration system as 'federalization', which she describes as an alteration in the number of actors that can act legitimately within an institutional regime. The following section provides an overview of the constitutional structure and how the allocation of competencies has developed over time.

Immigrant selection and admissions

The federal government retains the sole authority to determine admissibility of immigrants to Canada. Since the 1990s, however, it has gradually devolved more power to the provinces over the selection of economic immigrants.[2] The 1978 Couture–Cullen agreement gave Quebec the ability to select immigrants according to its own criteria, even if such applicants did not meet the standards of the Canadian federal selection system. The CQA confirmed the paramountcy of Quebec's selection powers and affirmed the objective of respecting 'the distinct identity of Quebec' (Vineberg 2011, 35). It was not long before the other provinces expressed interest in selecting immigrants. Fearing a domino effect leading to 10 separate CQAs, the governing Liberal Party at the federal level responded by introducing the PNP in 1995, under which provinces are authorized to identify a specific number of economic migrants to meet provincial economic needs.

Reception and settlement

In addition to affirming its selection authority, the CQA permitted the province – with federal funding – to design and implement all settlement services. The CQA is meant to be quasi-constitutional in nature; it states that amendments require the agreement of both the Canadian and Quebec governments.[3]

In English Canada, the federal government currently has the largest role in establishing reception and integration policies through a wide range of departments and agencies. It is the largest funder of such programming and supports a variety of services (e.g. orientation counselling, interpretation and translation, employment-related services, refugee assistance, language instruction, and programmes that link newcomers with Canadian 'hosts'). Third parties, including service provider organizations, multicultural/ethnic organizations, educational institutions, and partners in the private sector, are contracted by the central government to run the majority of these programmes.

Part of the impetus for the federal government's 'settlement realignment' through IGR was the large deficit that resulted in a programme review by federal ministers in 1995 and 1996. Each ministry was asked to consider whether any programmes could be devolved to the provinces. Citizenship and Immigration Canada (CIC) in particular was asked to work around a $60 million dollar cut to its budget and thus decided that settlement and integration would be best handed over to provinces. The official rationale for the decision focused on efficiency, but in reality, CIC hoped that any funding it offered would amount to less than it had been spending on delivering settlement programmes previously (Clément, Carter, and Vineberg 2013, 18).

Healthcare, education, and employment policies targeted at immigrants

The provinces are responsible for many of the policy areas affecting the short- and long-term integration needs of immigrants, including healthcare, education, social services, and labour market regulation. The provincial jurisdiction over healthcare is provided most directly through section 92(7) of the Constitution Act of 1867. However, the federal government is responsible for establishing health standards for those attempting to immigrate to Canada (Library of Parliament 2008, 3).

Education is a provincial competence under section 93 of the Constitution Act of 1867. Provinces autonomously develop programmes to integrate immigrant youths into the public school system with federal block grants. The provinces also have jurisdiction over employment under s. 92. Occupational regulatory bodies are accountable to provincial governments, and assessment, recognition, and licensing practices vary from province to province. As the sources of Canada's immigrants diversified, foreign credential

recognition became a serious issue. The 1994 Agreement on Internal Trade committed the federal, provincial, and territorial governments to pursue the steps necessary to foster labour mobility across Canada, and discussions generated by it have focused on both inter-provincial and foreign credential recognition (Vineberg 2012, 56). The first concrete steps toward this end, however – the Labour Market Development Agreements – exclude most immigrants from the resulting training and support programmes because eligibility for federal unemployment benefits is the main criterion for access (Banting 2012a). The federal government also created its Foreign Credentials Referral Office under CIC in 2007, but it is limited to making recommendations to provincial bodies (Canada 2013b).

The 2009 Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications has been touted as the breakthrough that will speed up and harmonize the integration of internationally trained professionals into the Canadian labour market (Vineberg 2012, 56). However, the framework is not binding since it is merely a joint statement. The provinces have continued to develop their own approaches to foreign credential recognition and labour market integration (see Biles et al. 2011; Carter and Amoyaw 2011; Germain and Trinh 2011; Rimok and Rouzier 2008).

Anti-discrimination policies

The Canadian constitution is silent on the matter, but the federal government has developed a number of instruments to address discrimination against immigrants and visible minorities. The Canadian Multiculturalism Act of 1988 formalized the adoption of multiculturalism as an 'official policy' in 1971. While affirming that all Canadians are equal, the 1988 Act acknowledges the 'freedom of all members of Canadian society to preserve, enhance, and share their cultural heritage'. The multiculturalism mantra has had an influence on anti-discrimination initiatives of federal agencies and, importantly, the 1982 Charter of Rights and Freedoms. The Charter includes a guarantee of freedom of religion and prohibits discrimination based on 'race, national or ethnic origin, colour, religion, sex or mental or physical disability'. More tangibly, Canada's Action Plan Against Racism is a 'comprehensive strategy designed to provide policy coherence across twenty federal departments and agencies' (Garcea and Hibbert 2011, 56). The provinces carry out their own anti-racism programmes that generally complement federal objectives and fit the precepts of multiculturalism.

As a substate nation within Canada, Quebec prefers its own Charter of Human Rights and Freedoms to the Canadian Charter. Similarly, Quebec has its official policy of interculturalism, rather than multiculturalism. Quebec inaugurated interculturalism through its Declaration of Intercultural and Interracial Relations (1986), committing the province to encourage the full integration of

every Quebecker regardless of national or ethnic origin. While some argue that interculturalism as a guiding policy framework is distinct from multiculturalism (Gagnon and Iacovino 2006), Quebec's anti-racism programmes are similar to those in English Canada.

Citizenship

Section 91(25) of the Canadian Constitution grants exclusive authority over naturalization to the federal government. Immigrants in Canada with permanent resident status who wish to become Canadian citizens must meet a residency requirement, declare their intention to live in Canada after naturalization, and take a federal citizenship test.

Hypotheses

The hypotheses on IGR are specified in more detail in the introduction to this Special Issue. Hypothesis 1 predicts that federal structures are more likely to foster multilateral negotiations, greater institutionalization of IGR, higher interaction, and more conflictual relations than regionalised and unitary structures. Hypothesis 2 predicts that the sharing of competencies by the state and substate levels will lead to more interaction and institutionalization than if the competencies are exclusively held by one level. Hypothesis 3 holds that having the same party in power at the state and substate levels – party congruence – will increase the likelihood of interaction and collaboration, while the presence of different parties – party incongruence – will increase the likelihood of conflict. Hypothesis 4 suggests that the presence of an autonomy-seeking party in the substate government will increase the probability of conflict. Finally, Hypothesis 5 deals with Europeanization and is not applicable to the Canadian case.

IGRs between Canada and three provinces

As previously stated, healthcare, education, and employment are exclusive provincial competencies. Both levels of government make anti-discrimination policies, but the provincial anti-racism programmes complement federal anti-racism programmes. Citizenship is an exclusive federal competency. The focus in this section is therefore on the sub-policy areas of immigrant selection and settlement (integration), as it is in these areas that IGR in Canada takes place.

Quebec

Quebec had little interest in taking advantage of concurrent jurisdiction over immigration before the 1960s; the majority of newcomers were assisted by

the federal government and private Anglophone institutions (Brossard 1967, 109). For the Francophone majority, immigration during the *Grande Noirceur* (1936–1959) – a period during which Quebec's elites favoured a Catholic, conservative, insular, and rural culture and lifestyle – was perceived as a threat to the French language, Catholic Church, and *Québécois* way of life. *La révolution tranquille* – a period of rapid modernization, secularization, and urbanization in Quebec starting in the 1960s – generated a re-imagination of French–Canadian identity, basing national membership on residence (and language) rather than ethnicity. During this time, there was a realization that immigrants were incorporating *en masse* into the English-speaking community, and thus contributing to the marginalization of French in Quebec, and especially in Montreal. During the *revolution*, elites realized that immigrants, especially from French-speaking countries, could contribute to the economic growth and fortify Quebec's status as a French-speaking society. Consequently, Quebec became the first province to institutionalize an interest in managing immigration when it created an Immigration Service within its Ministry of Cultural Affairs in 1965, which became a full-fledged ministry in 1968.

A series of agreements were struck between Quebec and Canada to shift the balance of power over immigrant selection and integration to the former. The 1971 and 1975 bilateral agreements offered Quebec officials a consultative role in the selection process, but did not transfer much power, and thus merely served to 'increase the appetite of the province for even more power' (Kostov 2008, 95). For its part, the Government of Canada had already announced its intention to collaborate with the provinces to better manage immigration and meet shared objectives. A 1974 policy paper produced by the Canadian Department of Manpower and Immigration concluded that there is no 'constitutional bar to more active and widened collaboration between the central government and the provinces to make policy more sensitive to the provinces' requirements' (quoted in Vineberg 2011, 26).

In 1975, a special committee with members from Canada's two legislative houses acknowledged that Canadian immigration policy should take into account Canada's 'French Fact', but stopped short of admitting that Quebec is the main incubator of the country's 'French Fact', which would have justified extra immigration powers for the province:

> The French fact is an essential element in the political and cultural life of Canada. Therefore, the Committee agrees that … a concern for the maintenance of the French-Canadian presence in a healthy and thriving condition [be added into] … the formulation and application of immigration policy … It considers that the Government of Canada should not refrain from any reasonable effort within the limits of its jurisdiction which could contribute to the realization of this objective. (quoted in Vineberg 1987, 309)

The 1976 Immigration Act made concrete that immigration policy should 'take into account the … bilingual character of Canada', but affirmed the central state as the actor responsible for meeting this objective. The Government of Canada continued to pursue the issue through bilateral negotiations with Quebec. The *Parti québécois'* victory in the 1976 provincial election resulted in bolder demands for power in immigration-related areas for Quebec. Jacques Couture, Quebec's immigration minister at the time, strongly pressed the federal government for complete control of immigrant selection and settlement because 'there is no self-respecting society that knows its best interests and has a self-identity that allows its immigration to be in the hands of others' (quoted in Kostov 2008, 7). Canada's Liberal Party immigration minister Bud Cullen ceded to an agreement – the 1978 Couture–Cullen agreement – that gave Quebec the ability to select immigrants according to its own criteria, even if such applicants did not meet the standards of the Canadian federal selection system. Critics claimed that the Liberals were effectively kowtowing to separatists. The Progressive Conservative (PC) immigration critic Jake Epp argued that Quebec's proposals were 'tantamount to recognizing sovereignty' (quoted in Kostov 2008, 7). The Liberal government wanted, however, to demonstrate that federalism could accommodate Quebec's aspirations in key policy domains like immigration; it was part of Liberal leader Pierre Trudeau's inclination to show Quebeckers that Canada respected their distinctiveness following the *Parti québécois'* 1976 victory (Vineberg 1987, 314). This agreement was made between the separatist *Parti québécois* and a Liberal central government, illustrating how the sovereignty issue limited the expected effects of party incongruence in Quebec.

The central government continued to design and administer settlement programmes as well as select a portion of Quebec's independent immigrants under Cullen–Couture. Quebec, however, was not content to stop there and used the Meech Lake Accord negotiations – a proposed package of constitutional amendments meant to persuade Quebec to accept the legitimacy of the Canadian constitution – to push for exclusive control over reception and settlement services. When the Meech Lake Accord failed to be ratified, support for Quebec's independence rose rapidly, reaching in excess of 60% in the fall of 1990 (MacDonald 2002, 321). The Quebec Liberal government tried to harness the growing nationalist sentiment and put pressure on the Canadian government by passing a provincial Bill promising a referendum on either sovereignty or a revised constitutional agreement in 1992. At this point, the central government was not keen on constitutional change in light of the tumultuous Meech Lake affair, but preferred non-constitutional action to satisfy Quebec's demands for autonomy (Juteau 2002, 446). In addition to withdrawing from major policy areas, such as forestry, social housing, and labour market training, the Canadian government acceded to the CQA in 1991, which strengthened Quebec's authority over immigrant selection and

permitted the province to completely supplant the federal government in the provision of settlement services. Moreover, the central government agreed to fund Quebec's autonomous settlement programmes generously and without provisions to roll back transfers according to yearly fluctuations in Quebec's immigration levels. The willingness of the Canadian government to collaborate in the areas of immigrant selection and settlement was, at least in part, driven by its desire to ameliorate Quebec–Canada tensions created by the failed constitutional negotiations. Once again, this highlights how the spectre of Quebec nationalism dampened the effects of party incongruence, as the CQA was signed by a Liberal Quebec government and a PC central government.

1991 was also the year during which Quebec first articulated the principle of interculturalism to shape its reception policies. There has always been a nation-building dimension to interculturalism; Quebec's version of interculturalism has been delineated in opposition to federal multiculturalism, even though the policy content of both have always been more similar than acknowledged (Barker 2010, 30). The federal multiculturalism policy of 1971 aggravated tensions between Quebec and Canada because its philosophy reduced the *Québécois* to one of many cultural groups that would be incorporated into a single national identity. Both the federalist and nationalist political class in Quebec complained that multiculturalism went against their understanding of Canada as a state with 'two founding nations' (McRoberts 1997). With respect to immigration, Quebec's leaders expressed concern that multiculturalism would incorporate new immigrants into a pan-Canadian identity that was in effect an English Canadian nation in disguise. In contrast, interculturalism aims to generate a 'common public culture' through interaction between the Francophone majority and migrant groups with French as the common language (Gagnon and Iacovino 2006). The emphasis on the French language has been the catalyst for Quebec to design and implement its own legislation and programmes related to integration, education, and employment with minimal interference from the federal government.

In summary, IGR on immigration between Canada and Quebec are institutionalized through bilateral agreements. Contrary to Hypothesis 4 set out in the introduction of the Special Issue, there has been minimal conflict on immigration issues because the central government has been willing to maintain asymmetrical autonomy for Quebec to contain the sovereignty movement in the province. Bilateral IGR has been an effective means to this end as it limited the potential for likely opponents of asymmetry – other provinces – to intervene.

Manitoba

In 1998, Manitoba became the first province to implement a PNP, a decision driven by two sets of factors: (1) labour demands that were not being met by

federal admissions streams and (2) outmigration, a low birth rate, and the concentration of immigrants in Winnipeg. The design and administration of the programme make it akin to an employment policy for immigrants. Instead of reactively integrating new arrivals into the workforce, the purpose is to attract and retain immigrants that will integrate into the economy and society of Manitoba seamlessly.

As early as the 1970s – even before the Quebec could select its immigrants – there was cross-partisan interest in attracting more immigrants to Manitoba. Right-leaning politicians and the business community noted that a labour shortage was inhibiting economic growth. In particular, Manitoba needed tradespeople to address labour shortages and the city of Winnipeg was hurting fiscally because outmigration had depleted its tax base and progressive voices in the city wanted to foster diversity for its intangible benefits (Leo and August 2009, 496). The province also has long settled immigrant groups, such as German Mennonites and Filipinos, which petitioned to bring their kin to Manitoba.

The political consensus on immigration meant that sufficient resources were made available in provincial budgets for the issue regardless of whether the PC or New Democratic Party (NDP) held power (Leo and August 2009, 496). Aside from Quebec, most provinces had little interest in immigration in the 1980s and early 1990s, and so did not have dedicated ministries to coordinate immigration and settlement activity. Manitoba's move to create an immigration and settlement ministry in 1990, then, made it a 'pioneer' in English Canada.

After some years of negotiation, the Canada–Manitoba Immigration Agreement (CMIA) was signed in 1998 between a PC Manitoban government and a Liberal federal government. The CMIA solidified Manitoba's immigrant selection powers and decentralized the delivery of settlement services. IGR took place on a bilateral basis between the Manitoban and Canadian governments. This collaborative agreement was struck in the presence of party incongruence because of the central government's desire to undercut the asymmetry resulting from the agreement with Quebec, and its budget constraints at the time (Banting 2012b, 267). The CQA had set a decentralizing process in motion that ultimately affected both the timing and content of the CMIA. The Government of Canada was cognizant of the anger emanating from various provinces that felt it was moving too far in the direction of asymmetry to accommodate Quebec's claim to national distinctiveness (McRoberts 1997). Furthermore, the Government of Canada was less than comfortable with an asymmetry favouring Quebec because it ran counter to the stance of 'ten equal provinces' espoused – but not always followed – by the two major federal parties (Banting 2012a, 88). During the Canada–Quebec negotiations proceeding the CQA, Manitoba and Ontario expressed their frustrations publicly with the likelihood that Quebec would receive more control over flows

and funds per immigrant than other provinces (Venne 1990). Consequently, the Mulroney government was eager to offer immigration and settlement competencies to other provinces to subdue resentment toward Quebec City and Ottawa. The generous funding formula in the CQA gave Manitoba high expectations, which led to protracted negotiations as the central government came to grips with a massive budget deficit in the mid-1990s (Paquet 2014, 530–532).

For the first two years, the Manitoba government was permitted to nominate up to 200 economic-class immigrants and their families. Considering that Manitoba welcomed 2993 newcomers in 1998, it was a relatively small percentage of its immigrant intake. The nominee allocation continued to rise until 2003 when it was decided that the number would be set during a yearly bilateral consultation between the Manitoban and Canadian governments. In the words of the former Assistant Deputy Minister of Labour and Immigration, the programme grew beyond Manitoba's 'wildest expectations'; by 2011, 77% of immigrants settling in Manitoba came by means of the CMIA (Clément 2003, 199). As the number of nominees rose, the province expanded the application categories. Those with family support in Manitoba and skilled overseas workers can now apply in addition to those who have a full-time job after working in the province for six months. In 2013, nomination requirements were streamlined to make them easier to understand, but did not substantively alter them.

The CMIA also decentralized the delivery of settlement services. Sections 4.1 and 5.1 of the Annex to the CMIA specified how Manitoba and Canada would share competencies with respect to integration services:

> Canada will play a continuing role by allocating to Manitoba a share of the funding available for settlement and integration services based upon an allocation determined by a model developed in consultation with Manitoba … Manitoba will continue to design, administer, deliver and evaluate settlement and integration services with respect to immigrants and refugees residing in Manitoba.

The fiscal commitment made by the Government of Canada in accordance with the statement above has been significant, reaching nearly $15 million dollars by 2007–2008, and complemented by provincial funding in the neighbourhood of $11 million (Leo and August 2009, 498).

Manitoba Immigration and Multiculturalism has handled the design and implementation of provincial settlement service delivery. Registration and integration programmes, such as language training, and employment services, became part of an 'integrated service model'; provincial authorities steer immigrants to the services that will best ensure their retention and success in the Manitoban labour market. Even though more than 90% of the funding for these programmes came from the federal government,

Manitoba exercised a high degree of autonomy to make decisions based on its own consultations with its stakeholders (e.g. employers, municipalities, ethnocultural groups).

The settlement provisions of the CMIA were negotiated when the Liberal Party – a party with a long tradition of cultivating support from 'new Canadians' – formed government at the federal level. From 2006 to 2011, the 'new' Conservative Party governed with a minority in Parliament and continued the previous government's support for the terms of the CMIA. In 2012 – a year after the party won its first majority – then Conservative CIC minister Jason Kenney announced significant reforms affecting the CMIA. First, semi- and low-skilled provincial nominees have to undergo mandatory language testing before CIC approves their permanent residency. According to Kenney, the federal government wanted to 'avoid the mistakes of some Western European nations struggling with isolated immigrant communities' (CBC 2012). Second, the Government of Canada unilaterally reclaimed responsibility for settlement services, effectively terminating the devolution negotiated by Manitoba (and British Columbia) over immigrant integration. Kenney argued that a 'patchwork' approach to settlement – too much variation across the country – had been undermining the 'important work of settling new Canadians'. Importantly, Kenney has remarked numerous times since the reform that immigration and integration must be about nation-building. The NDP-led Manitoba government did not take the news very well. Then-Premier Greg Selinger lambasted the federal Conservatives for initiating the reform without consulting the Manitoba government. His comment focused on the demonstrable success Manitoba has had integrating immigrants into its larger and smaller communities. In his words: 'so if he [Kenney] is planning to say he can run settlement programmes better out of Ottawa, I don't think there's any evidence to support that' (CBC 2012).

The conflictual IGR between Manitoba and Canada in 2012 had much to do with party incongruence: the ideological distance between the left-leaning Manitoba NDP and 'hard-right' federal Conservative Party is much greater compared to past iterations of Manitoba–Canada party incongruence. Previously, less ideological and more 'centrist' or 'brokerage' parties – Liberal and PC – governed from the political centre and facilitated more collaborative IGR.

The development of bilateral IGR on immigration between Manitoba and Canada was, at first, driven by the province's instrumental goals and the federal government's desire to reduce asymmetry and cut costs. IGR was institutionalized by the CMIA in 1998 and very amicable until 2012 when the Conservative Party – governing with a majority after 2011 – revoked Manitoba's hard-won capacity to manage its settlement programmes in order to implement its 'nation-building' agenda. The wide ideological distance

between the governing Manitoba NDP and federal Conservatives triggered a period of conflictual IGR on immigration.

Ontario

Unlike Quebec and Manitoba, Ontario did not reach an immigration agreement with the federal government in the 1990s. Ontario's NDP government stated in January 1991 that it was analysing the benefits of negotiating a bilateral immigration agreement. Ontario's goal at the time was greater influence over the criteria used by the federal government for immigrant selection and increased federal spending on settlement services. The former reflected a desire to create a better match between immigrants and the province's labour market needs. The latter was precipitated by factors including the central government's increased funding to Quebec through the CQA, Ontario's deficit problem, and the growth in immigration levels (Garcea 1993, 470–473).

In May 1994, Citizenship Minister Elaine Ziemba noted that her provincial government had made several unsuccessful attempts to negotiate a bilateral immigration agreement with the federal PC government that governed until 1993 (Ontario Hansard 1994). There was political incongruence between the two governments. She continued to argue that Ontario was not receiving a fair share of funding, this time under a federal Liberal government. In making her case, Minister Ziemba observed that the central government was spending $760 per immigrant in Ontario annually, compared to $2250 per immigrant in Quebec (Ontario Hansard 1994). The federal government experienced budgetary concerns during this time, and Ontario did not reach a bilateral immigration agreement by the time a PC government replaced the NDP provincially in 1995.

The Ontario PC government was elected with a 'Common Sense Revolution' platform to cut government spending. Within a year, the PC government had reduced settlement funding by 61% and shut down 18 programmes and 5 agencies. The PC government also devolved settlement services to municipal governments, without a matching funding increase (Biles et al. 2011, 203). The PC government was therefore focused on cutting programmes, rather than pursuing an immigration agreement. The PC government's opposition to taking greater responsibility for settlement services was in part due to inadequate funding from the federal government, and in part due to an ideological commitment to small government (Jeffrey 2015, 184–185). Political incongruence was demonstrated in the conflicting priorities of the provincial PC government and the federal Liberal government, the latter of which signed deals with both Manitoba and British Columbia during this time (Biles et al. 2011, 205). The unilateralism of the PC government's cuts resulted in continued cynicism from municipalities and immigrant service provider

organizations (ISPOs) toward proposals of future provincial governments to play a greater role in providing settlement services (Biles et al. 2011, 203).

Similar to the NDP government in 1994, the Liberal government that replaced the PC government criticized inter-provincial unfairness, imploring the central government to redress the 'fiscal gap' in its spending in Ontario (i.e. Ontarians were paying more taxes than they were receiving back in services). The Ontario Liberals were willing to politicize the issue even though the federal Liberals were in power at the time. Yet, in the context of party congruence, the politicization of the issue quickly led to collaboration. The two governments reached an agreement to reduce the fiscal gap in 2005, which was likely helped by the fact that the federal Liberal government needed to win seats in Ontario in the 2004 election (Biles et al. 2011, 205). In discussing the $23 billion reduction in the fiscal gap, then-Premier Dalton McGuinty emphasized increased federal funding of settlement services (Ontario 2005).

Increased federal funding was achieved through the signing of the Canada–Ontario Immigration Agreement (COIA) in November 2005 (see Canada 2005). The COIA had provisions on both immigrant selection and settlement services. For example, it set up a pilot PNP programme that allowed Ontario to select some of its economic immigrants (Canada 2013a). The agreement also increased federal funding of settlement services, including $920 million in investments between 2005 and 2010 (Canada 2005). This increased federal spending from $819 to $3400 per immigrant annually (Ontario 2005). These funds were to be used on settlement, language training, and employment services for immigrants. The agreement brought central government outlays in Ontario nearly on par with federal spending in Quebec (Ontario 2005). Yet, the agreement between Canada and Ontario differed significantly from the federal government's agreements with Quebec and Manitoba.

While the McGuinty government wanted the devolution of settlement services to Ontario, the priority was to redress the fiscal gap (Jeffrey 2015, 226). Under Ontario's tri-level model, the federal government instead retained the power to make final decisions about programmes, which it continues to provide using its regional offices in partnership with local ISPOs (Banting 2012a, 91). The variation between the three agreements demonstrates that Canadian federalism has led to bilateral – rather than multilateral – negotiations between the centre and the provinces, resulting in asymmetry. The COIA also differed from the agreements with Quebec and Manitoba by providing a larger role for municipal governments, even though these municipal governments are 'creatures of the provinces' constitutionally.

The Canada–Ontario–Toronto Memorandum of Understanding (MOU) on Immigration and Settlement set out a model for programme development that institutionalized discussions between the federal, provincial, and municipal governments. It further established an MOU Steering Committee

comprised of the assistant deputy ministers from CIC and the Ontario Ministry of Citizenship and Immigration, along with Toronto's City Manager. The City of Toronto was also represented in the Settlement and Language Training working groups (Ontario 2006). Biles et al. (2011, 206) conclude that these developments amounted to an institutionalized governance structure that differs from the other provinces.

While this demonstrates some institutionalization of collaboration between the three levels of government, IGR between Ontario and Canada is more informal compared to Canada–Quebec and Canada–Manitoba relations. The COIA was not legislatively based; it was forged via meetings between the federal and provincial governments, including members of their respective civil services. In fact, the agreement was only for a period of five years. It was therefore scheduled to end in 2010, but was extended to 2011, at which point it expired (Ontario 2009). While the COIA – covering both immigrant selection and settlement – expired in 2011, the federal and provincial governments were able to establish a new PNP covering immigrant selection after the end of the pilot PNP programme in 2009.

The PNP is now called the Ontario Immigrant Nominee Program. The number of economic immigrants Ontario has nominated has increased since the end of the pilot programme. Numbers included 1000 nominations in 2009, 1100 in 2012, 1300 in 2013, 2500 in 2014, and 5200 in 2015 (Ontario 2016). The fact that Ontario more than doubled the economic immigrants it nominated between 2014 and 2015 is a result of the signing of the Canada–Ontario Agreement on Provincial Nominees in 2015 for a term of five years (Canada 2015; Ontario 2015, 3–4).

When the expiry of the original agreement approached in 2010, the Liberal government in Ontario sought greater control over settlement services. It proposed an agreement that would resemble Manitoba's at the least, and Quebec's at best (Biles et al. 2011, 206). By 2010, however, the likelihood of either was limited by party incongruence, as a federal Conservative government was now in power. CIC minister Jason Kenney commented that his government was not prepared to devolve settlement services to the Ontario government: 'we aren't prepared to rush into that kind of agreement … it's a shared jurisdiction. We put up most of the money at the federal level and I really do believe there's an important nation-building element in immigration and settlement' (quoted in Biles et al. 2011, 206). Former Minister of Immigration Eric Hoskins blamed the federal government for the expiry, stating that the Conservatives' initial funding offer was insufficient to cover the costs Ontario would incur administering all settlement programmes (Canadian Immigrant 2011). This period was indeed marked by political incongruence and conflict between the two governments, which, unlike with the earlier agreements with Quebec and Manitoba, was not mediated by concerns over separatism or the federal government's budgetary concerns.

Consequently, the central government continued to deliver settlement programmes in Ontario in partnership with service providers, but Ontario lacked a bilateral immigration agreement with the central government. With the election of a federal Liberal government in October 2015, both the central and Ontario governments were Liberal. Efforts at a bilateral agreement had not materialized at the time of writing.[4]

Ontario has never had much trouble attracting immigrants, and so was relatively slow to seek a PNP agreement. Given it is a magnet for newcomers to Canada, the province was also reticent about taking control over settlement programmes because of the massive price tag; Ontario wanted assurance that it would receive sufficient federal funds before making any such move. The bilateral form of IGR on immigration that had become the norm in Canada allowed for a modest and non-legislative devolution of competencies. This outcome was initially satisfactory for Ontario because it was primarily interested in addressing the imbalance in federal integration spending that favoured Quebec and other provinces. By the time the province sought more leeway to select immigrants and run its own settlement programmes, the 'hard-right' ideologically driven Conservative government held power over the central government and came into conflict with the provincial centre-left Liberal government.

Discussion and conclusions

The preceding provincial case studies highlight our key arguments. First, the lion's share of IGR on immigrant integration in Canada has been bilateral and only moderately institutionalized, as immigration agreements continue to be negotiated between the centre and the individual provinces. This outcome contradicts Hypothesis 1 that federal structures tend to produce multilateral and institutionalized IGR. With that said, Schertzer (2015, 384) has recently argued that there has been 'a turn towards a more substantive form of multilateral collaboration' in the immigration sector between the federal government and the provinces other than Quebec. Schertzer (2015, 406) singles out the PNP and settlement as two policy areas of shared jurisdiction that show evidence of a 'shift toward symmetry taking place [with a] role played by multilateral collaboration'. For example, the Joint Federal-Provincial-Territorial (FPT) Vision for Immigration of 2002 set out some basic shared objectives of the different levels of government such as 'sharing the benefits of immigration across Canada' and the FPT immigration ministers – excluding Quebec – met 10 times between 2002 and 2014 (Schertzer 2015, 393). The evidence presented in our three case studies demonstrates, however, that bilateralism remained the dominant mode of IGR even after the initial turn towards multilateralism in 2002. Moreover, Schertzer (2015, 395–398) recognizes that the principal outputs of multilateral IGR until 2015 were vision plans and

statements of shared objectives; the PNP and settlement agreements continued to be negotiated bilaterally with highly asymmetrical outcomes. Finally, Schertzer (2015, 399–400) argues that a key factor driving the turn to multilateralism is the central government's desire to reassert its role in immigrant integration and put a brake on the decentralizing trend. Yet, the repatriation of settlement programming from Manitoba and denial of further decentralization to Ontario were carried out unilaterally by the central government without any discussion in a multilateral forum or reference to shared FPT objectives. The nature of Canadian IGR in the immigration ambit is evolving, but the substantive output continues to be negotiated between the central state and individual provinces despite the existence of multilateral initiatives.

Our findings do confirm Hypothesis 2: IGR occurs more in policy areas of shared federal–provincial jurisdiction, such as integration, than in areas of exclusive federal competence, such as citizenship. IGR on immigration issues started much earlier between Canada and Quebec than with other provinces because of substate claims to distinctiveness. Political parties in Quebec believed that deference to the central government on immigrant selection and integration would threaten the survival of the province's distinctiveness and, most importantly, the predominance of French in the province. The Government of Canada became willing to institutionalize new powers to Quebec once the threat of separatism grew strong. Hypothesis 4 is partly confirmed, then, as substate nationalism was originally a source of conflictual IGR between Quebec and Canada, but the relationship became much more consensual following the institutionalization of the CQA in 1991.

The asymmetry that developed on account of the CQA triggered more urgent demands from other provinces that were considering the benefits of steering immigration selection and settlement. Two factors coalesced to make the central government receptive to IGR with the provinces on immigrant integration. First, the major federal parties have traditionally been uncomfortable with political asymmetry favouring Quebec because of their ideological commitment to the 'ten equal provinces' mantra (Banting 2012a, 88).[5] The Liberals and 'new' Conservatives espouse a fairly similar vision of the Canadian nation: bilingualism and multiculturalism in the context of a unified Canadian nation-state. Accordingly, any attempt to accommodate Quebec nationalism (even symbolically) is juxtaposed with a reaffirmation of the Canadian nation-state. Second, the mid-1990s was a period during which the Government of Canada faced fiscal pressures and looked to offload integration responsibilities to the provinces. The central government tried to justify offloading by claiming that it was simply affording the provinces responsibility over an area of shared jurisdiction, even though this was likely not an influencing factor. Both these explanations for the bilateral and institutionalized nature of IGR on immigration in Canada are additional

to the explanatory framework set forth by Adam and Hepburn in the introduction of this Special Issue.

The mid-to-late 1990s period of intense IGR on immigration generated separate agreements with various provinces that had similarities, but also many differences. Manitoba initiated a PNP and control over settlement in 1998, whereas it took much longer for Ontario. As pointed out in the analysis, party politics (Hypothesis 3) did not shape IGR between Manitoba and Canada preceding the 1998 agreement because right- and left-leaning parties were not as ideologically polarized and were able to find common ground on an immigration agenda. In Ontario, the delay of significant IGR until the early 2000s was a result of party incongruence: it was not until there were Liberal governments both provincially and federally that the COIA was signed. In Quebec, party politics was subordinate to substate nationalism in the immigration realm. Both the separatist *Parti québécois* and *Parti libéral du Québec* sought similar powers for their province in immigrant selection and settlement. In fact, the CQA was signed during a period of party incongruence. Party (in)congruence has shown to be a secondary variable in the Canadian case, demonstrating a strong effect only in the absence of overriding factors such as substate nationalism (Hypothesis 4), interregional competition, and fiscal pressures.

The same sequence of factors explains both the selection and reception policy areas. Sequentially, substate nationalism in Quebec triggered conflict initially, but the threat of separatism ushered in a period of collaboration between Quebec and Canada on immigration matters. The resultant asymmetrical decentralization, however, set off interregional competition between provinces for competencies and resources. The federal government's fear of deep asymmetry and concerns about spending deficits in the late 1990s and early 2000s made it, for the most part, an ally of provinces seeking to 'catch up' with Quebec. Party (in)congruence has mattered more recently, generating conflictual IGR in Manitoba and Ontario when the central government was no longer as concerned about interregional conflict. A promising avenue for research on IGR in other federations would be to explore how central governments respond to demands for autonomy and funding by non-nationalist regions in states with strong substate nationalist movements. The 'tightrope' walk required of central governments to recognize the special status of nationally distinct regions without aggravating others can complicate standard partisan politicking in immigration-related IGR.

Over three decades, immigrant integration was decentralized extensively, but recent reversals of settlement agreements in some provinces suggest that the pendulum may start to swing in the other direction. Canada has not faced the same existential threats to its identity on account of immigration and diversity as in Europe, but the previous Conservative government (until October 2015) did use the language of nation-building as justification for recentralization. The current Liberal government proffers a much stronger

commitment to diversity and multiculturalism, but this may be offset by the party's traditional stance in favour of a more centralized federation.

Notes

1. Primary sources are noted in the reference list.
2. The Canada–Quebec Act (1991) and various PNP agreements generally focus on independent economic immigrants.
3. It is not clear from a legal perspective how enforceable this clause is. The Parliament of Canada could invoke its sovereignty to amend the CQA without Quebec's agreement, but it is very unlikely to do so for political reasons.
4. After the paper was revised and resubmitted, the federal and provincial governments reached a new COIA in November 2017 (Canada 2017), and an amending agreement in April 2018 (Canada 2018). The bilateral immigration agreement was under conditions of party congruence, but the June 2018 election of a PC government in Ontario has again created party incongruence, the effects of which remain to be seen.
5. Before its merger with the Canadian Alliance to become the Conservative Party of Canada, the PC Party was more amenable to asymmetry and a bi-national understanding of Canada, demonstrated through its stewardship of the Meech Lake Accord.

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