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Resource Paper

# Talent Selection and the Reshaping of Asian North America

Calvin N. Ho

## Abstract

Policies that admit immigrants based on their education have dramatically reshaped the demographics of the United States and Canada. In the mid-1960s, facing pressures to open their borders to non-Europeans, both countries replaced previous policies of racial and nationality discrimination with new systems of socioeconomic discrimination. These policies explain the growth of Asian immigration from the 1970s onward, as well as the high levels of education among Asian immigrants and their descendants. Refugees and family migrants, however, added socioeconomic diversity. Recent developments in skilled immigrant selection programs will continue to shape Asian American and Asian Canadian demographics in the future.

## Introduction

In the United States and Canada today, the popular image of Asian immigrants and their descendants is a middle- to upper-class image. “Asian American whiz kids” dominating Ivy League universities, immigrant engineers quietly powering technology firms, and multimillionaires scooping up Vancouver real estate are some of the tropes that consistently appear in media about Asians in North America. The predominant stereotype is that Asians are wealthy, educated, “desirable” minorities, while other minority groups like blacks, indigenous North Americans, Latin Americans, and Middle Easterners are “undesirable”—poor, uneducated, and even dangerous. How did we get here, given that, for example, East Asians were considered the “yellow peril” in the mid-nineteenth century, South Asians were ruled as ineligible for U.S. citizenship in the 1920s, and people of Japanese descent were forcibly incarcerated on both sides of the border during World War II?

The role that Asian Americans and Asian Canadians play in the North American racial system today is a direct result of dramatic reforms to immigration policy in the mid-1960s that traded race and nationality-based discrimination for socioeconomic discrimination. A confluence of domestic and geopolitical factors after World War II pushed the two countries to lift their bans on non-European immigration. Instead of pursuing a policy of open borders for all, both the United States and Canada created new systems of selecting migrants based on their perceived potential to contribute to the high end of the labor market. These policy changes in the 1960s and the immigration flows that they enabled have shaped the demographic characteristics of Asian Americans and Asian Canadians. A large proportion of the migrants who were best positioned for these new immigrant selection systems came from a handful of post-colonial countries in Asia that had strong education systems, growing middle- and upper-class wealth, and limited opportunities for professional development at home.

Though economic outcomes for Asian immigrants are mixed (particularly in Canada), the new Americans and Canadians selected through these programs tended to be more educated than the average native-born person. Likewise, educational outcomes for the children of Asian immigrants are overwhelmingly positive (Boyd, 2002; Lee and Zhou, 2105). In the United States, for example, 54 percent of people twenty-five and older who identified as Asian alone or in combination with other races had a bachelor's degree or higher, compared to 36 percent of people in the same age category who identified as non-Hispanic white alone (Current Population Survey, 2015 Annual Social and Economic Supplement). In Canada, 65.2 percent of twenty-five- to thirty-four-year-olds with at least one parent born in India achieved a university degree, compared to 27.5 percent of children of two Canadian-born parents (Abada, Hou, and Ram, 2008).

One notable difference between the U.S. and Canadian reforms in the 1960s was the relative role of employment-based immigration in the overall immigration system. In Canada, the government prioritized talented workers, with family reunification being a secondary preference. The United States chose the reverse, favoring those with family ties to Americans first, and selecting for skills second. These policy choices, combined with the prevalence of unauthorized immigration to the United States, means that the immigrant pool in the United States has a more diverse educational profile than in Canada (Kaushal and Lu, 2015). This diversity is particularly notable among Asian immi-

grants to the United States, who occupy both ends of the education and income spectra.

I begin this article with a brief discussion of the promises and pitfalls of U.S.-Canada comparisons. I then outline the historical development of human capital-based immigrant-selection policies in the two countries, paying particular attention to major legislative and regulatory changes since World War II. I will also bring in demographic data from each historical juncture to chart how policy implementation has translated into changes in migration patterns. Then, I will move into the present and future with a discussion of temporary foreign-worker programs, international student admissions, and investor immigration programs. These are some of the fastest-growing immigration pathways in the two countries, and are overwhelmingly dominated by migrants from Asia. I will conclude with a discussion of what the United States can learn from the Canadian experience. Many politicians and economists have suggested over the years that the United States adopt a Canadian-style system for selecting new migrants. This type of change may have significant consequences for the social and economic structure of the United States and for migrants' home countries, and should not be taken as a normatively "good" policy change.

### Literature Review and Data Sources

Fitzgerald and Cook-Martín (2014) provide a broad (in terms of both time and place) comparative and historical overview of racially selective immigration policies in the Americas, and should be a first stop for both lay and academic readers interested in Asian immigration to the United States and Canada. As their ambitious study makes clear, immigration trends in the Americas cannot be examined in isolation, as these countries learned from one another's experiences with discrimination and from broader trends in the Euro-American community of ideas. Another useful historical overview of U.S. immigration policy with a specific focus on the Asian American experience is Min (2006). Kelley and Trebilcock (1998) provide an in-depth study of Canadian immigration policy development, while Fleras (2015) approaches the same with a more critical lens.

Perhaps the most vibrant of the relevant literatures is work in sociology on the impact of Asian migration on race relations in the United States. Lee and Zhou's (2015) book argues that the high socioeconomic status of some East Asian immigrants has created institutions and social conditions that lead to better socioeconomic and educational out-

comes for Asian American youth from low-income families. Jiménez and Horowitz's (2013) study shows how the insertion of affluent and highly skilled Asian Americans and their families changes racial dynamics in communities that were previously predominantly white. On the Canadian experience, see Hou and Bonikowska (2017); Picot, Hou, and Qiu (2017); and Abada et al. (2008) for quantitative work on immigrant selection and the educational attainment of later generations.

Studies of skilled labor migration to the United States and Canada in general, and of Asian-origin populations in particular, form a small but growing literature across disciplines. For interdisciplinary perspectives on global economic restructuring and the settlement patterns of new Asian immigrant groups, see Xiang (2007); Saxonian (2006); and Ong, Bonacich, and Cheng (1994). Li and Lo's (2012) article comparing Chinese and Indian immigration to the United States and Canada provides an excellent review of the history and demographic trends for two of the largest Asian immigrant groups in North America. Regarding student migration, She and Wotherspoon (2013) provide a thoughtful analysis of student migration trends in the United States, Canada, and the United Kingdom. Fong's (2011) anthropological work with Chinese students across a number of Western destination countries sheds light on how and why skills-based migration has become so popular among upwardly mobile families in rapidly developing Asian countries.

Researchers interested in data on U.S. and Canadian demographics today should consult the websites of the two national statistical agencies. The U.S. Census Bureau's American FactFinder tool allows users to search through data tables from the total population census (conducted every ten years), as well as the bureau's smaller but more frequent surveys, like the American Community Survey. Statistics Canada conducts a total population census every five years. In 2011, only a short form asking basic questions was required. The agency followed with a voluntary National Household Survey (NHS). Because the voluntary nature of the NHS was controversial, the Trudeau government reinstated the mandatory long-form census for 2016.

For historical data on the United States, researchers with access to academic libraries may be able to consult *Historical Statistics of the United States, Millennial Edition*, a five-volume set that spans from 1790 to 2000. One of the best and most readily accessible sources on Canada's ethnic composition from Confederation in 1867 to the mid-1970s is the 1983 second edition of *Historical Statistics of Canada*, which is available online from Statistics Canada. For more detailed information from each

year, researchers can consult the Canada Year Book, from which Historical Statistics of Canada was compiled.

### The Promises and Pitfalls of Cross-Border Comparisons

Social scientists researching immigration and ethnicity have long compared the United States and Canada. The two countries have similar histories of settler colonialism, mass European migration, and bans on nonwhite settlement. They share a relatively open border, and, the Francophone provinces aside, form a largely homogeneous English-speaking, British-descended cultural sphere. Despite these similarities, the two countries have taken starkly different approaches to immigration and nation building since World War II (Bloemraad, 2006). This is an ideal setup for a “most similar” comparative case study project.

However, directly comparing two countries can be a perilous endeavor. If one wishes to compare Asian Americans and Asian Canadians, for example, one must contend with the fact that the two countries have different systems for counting persons by race, ethnicity, nationality, and place of birth, and these systems have changed over time. The most important distinction is that the U.S. Census Bureau collects data on race *and* ethnic origins, whereas since 1951 Statistics Canada has collected data on ethnic origins only. Because the data are not directly comparable, researchers must make choices about which ethnic groups to include and which to exclude. Because this is a U.S.-based journal with a largely U.S.-based readership, I chose the U.S. government’s definition of *Asian* as my guide for this article. According to the U.S. Office of Management and Budget’s 1997 standards on race and ethnicity, which the Census Bureau has adopted, a person in the Asian racial category is “a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam” (Office of Management and Budget, 1997). Pacific Islanders (often combined with Asians in U.S. data) and Statistics Canada’s “West Asian” category (e.g., Armenians and Iranians) are outside of the scope of this definition, and thus are also out of the scope of this article.

Canada does collect *some* data on race, but it is organized differently than in the United States and not in a way that is useful for comparing Asian-origin populations. Since the Employment Equity Act of 1986, Statistics Canada has disaggregated data on whites, aboriginal peoples, and “visible minorities.” All the ethnic groups in the U.S. “Asian” cat-

egory are also considered visible minorities in Canada. In publications, Statistics Canada typically subdivides visible minorities into major ethnicity groups: Chinese, Filipino, Southeast Asian, South Asian, and so forth. Specific write-in responses are collapsed into broader categories (e.g., “Taiwanese” into “Chinese” and “Gujarati” into “South Asian”). Individuals whose ancestry consists of a single visible minority ethnicity and “white” are grouped with that visible minority ethnicity, while individuals whose ancestry is a mix of visible minority ethnicities (e.g., South Asian and black) are grouped under a separate category of “multiple visible minorities.”

Comparing the same countries across time can also be difficult because census categories change with demographics and social and political environments (Emigh, Riley, and Ahmed, 2015). Since the 1960s, both the U.S. Census Bureau and Statistics Canada have disaggregated data for more Asian subgroups as these subgroups form a larger portion of the population. For example, Koreans were disaggregated in U.S. data starting with the 1970 Census, joining Chinese, Japanese, Filipino, and Asian Indian. In 1967, the only disaggregated “Asiatic” ethnic categories in Canada were Chinese and Japanese. Both countries have since broken down statistics for more ethnic groups. The two statistics bureaus have also slowly begun to accommodate people of mixed origins. Previous surveys have classified multiracial individuals based on the race or ethnicity of one parent only, often the father. The 1981 Canadian census gave the option to write in two ethnic origins; since the 1986 census, individuals could write in as many ethnicities as were applicable, with up to six being recorded. In the United States, only since the 2000 Census could individuals indicate that they were more than one race, though Americans have been able to indicate multiple ethnic origins since 1980 (Stevens, Ishizawa, and Grbic, 2015).

### Setting the Stage: Restrictive Policies on Asian Migration before the 1960s

Even with these data limitations in mind, it is obvious that both the United States and Canada experienced exponential growth in Asian-origin populations since World War II. In the United States, the total Asian population in 1960 was 565,443, or about 0.3 percent of the total U.S. population (Gibson and Jung, 2002). In Canada in 1961, Chinese, Japanese, and other “Asiatic” groups numbered 121,753, or about 0.6 percent of the total population (Statistics Canada, 1983). Five decades later, the proportion of Americans and Canadians of Asian ancestry had

grown exponentially. In the United States in 2015, persons who were Asian “alone or in combination with one or more other races” numbered 20,416,808, or about 6.6 percent of the total population (American Community Survey 2015 1-Year Estimates). By 2011, 4,071,935, or about 12 percent of the total Canadian population, reported being of full South Asian, Chinese, Filipino, Southeast Asian, Korean, or Japanese ancestry or one of those ancestry groups and white (2011 National Household Survey).

The bulk of the growth in the Asian American and Asian Canadian populations was driven by increased immigration from the 1960s onward, rather than by births to Asian parents who were already living in North America before the 1960s. This is evident when looking at the generational status of people who report Asian ancestry. Sixty-seven percent of persons who reported Asian as their sole race (and 59 percent of persons who reported being Asian and one or more other races) in the United States in 2015 were born abroad. Likewise, the clear majority of Canadians with Asian ancestry are immigrants (with the notable exception of Japanese Canadians). For example, 86 percent of South Asian Canadians age fifteen and older are immigrants, as are 85 percent of Chinese Canadians and 91 percent of Korean Canadians (Statistics Canada, 2012).

The growth in Asian immigration from the 1960s onward was a result of a sea change in American and Canadian immigration policy in that decade. By the middle of the 1960s, both countries had overturned decades of restrictions that barred nonwhites from crossing the border, settling, and becoming citizens. This reversal was not the result of politicians’ sudden realization that racist policy was immoral. Rather, it was geopolitical pressures from World War II and the Cold War, additionally bolstered by demands from domestic racial, ethnic, and nationalist movements, that led to the creation of new immigration policies that were nominally free of racial discrimination.

Large-scale Asian immigration to North America began in the mid-nineteenth century. Indentured Chinese workers were brought in to build the Canadian Pacific Railway and the First Transcontinental Railroad south of the border. Independent Chinese migrants also came to seek their fortunes in the California and British Columbia gold rushes. Political and social upheaval led many Japanese to emigrate to the Americas. Restrictions on Chinese migration in the United States and Canada led to increased numbers of Japanese and Indians being recruited for agricultural work, railroad building, and logging on the West Coast (Li and

Table 1: Laws on Asian Migration before 1960

Year	U.S.	Canada	Year
1862	Ban on Chinese coolies <sup>a</sup>		
1875	Ban on Asian women <sup>b</sup>		
1882	Chinese exclusion <sup>c</sup>		
		Head tax on Chinese immigrants <sup>d</sup>	1885
1907	Exclusion agreement with Japan <sup>e</sup>		
		Exclusion agreement with Japan <sup>f</sup>	1908
1917	Creation of the “Asiatic Barred Zone”		
		Chinese exclusion <sup>g</sup>	1923
		Ban on Asian immigration <sup>h</sup>	1923
1943	Repeal of Chinese exclusion <sup>i</sup>		
		Repeal of Chinese exclusion <sup>j</sup>	1947
1952	“Asia Pacific Triangle” quota <sup>k</sup>		
		Amnesty for Chinese “paper sons/daughters”	1960
1965	Major reform, end of nationality quotas		
		Major reform, start of points system	1967

Source: Fitzgerald and Cook-Martin, 2014.

<sup>a</sup> Act to Prohibit the “Coolie Trade” by American Citizens in American Vessels, 1862

<sup>b</sup> Page Law, 1875

<sup>c</sup> Chinese Exclusion Act, 1882

<sup>d</sup> Chinese Immigration Act, 1885

<sup>e</sup> Root-Takahira Agreement

<sup>f</sup> Hayashi-Lemieux Agreement

<sup>g</sup> Chinese Immigration Act, 1923

<sup>h</sup> Order-in-council P.C. 182 of January 31, 1923

<sup>i</sup> Magnuson Act, 1943

<sup>j</sup> Act to Amend the Immigration Act and to Repeal the Chinese Immigration Act

<sup>k</sup> Immigration Act of 1952 (McCarran-Walter Act)

Lo, 2012). After the U.S. colonization of the Philippines, Filipinos were given “U.S. national” status and could migrate to the mainland without restrictions. Chinese, Japanese, Korean, and Filipino workers began migrating to the Kingdom of Hawaii to work in American-owned

sugarcane plantations in the mid-nineteenth century; these migrations continued after Hawaii became a U.S. colony.

Though businesses sought cheap Asian labor, white voters cited Asians as a racial and economic threat. Bowing to nativist pressures, both countries enacted punitive laws such as explicit bans on migrants from China, head taxes on immigrant arrivals, dictation tests at points of entry, and bans on women migrants, among others. These laws were meant to make it exceedingly difficult for Asian migrants to come onshore. Those Asian migrants who did arrive or were already in the country were subject to legally enforced residential and commercial segregation, as well as bans on naturalization and family reunification.

After World War II, both countries began to open the door to immigration from outside of Europe. They began by allowing nonwhite migrants to become citizens. In 1947, as part of Canada's gradual disentanglement from Britain, Parliament passed the Canadian Citizenship Act. Previously, native-born white Canadians were considered British subjects, and white immigrants could attain British subject status. Asians, however, were typically not eligible for this status. After the 1947 law, all persons resident in Canada could become Canadian citizens, and all persons born on Canadian soil received Canadian citizenship by birthright. In the United States, the Immigration and Nationality Act of 1952 (also known as the McCarran-Walter Act) also allowed immigrants of all races to become citizens. Additionally, it banned the government from explicitly using race as a basis for discriminating against potential immigrants. However, the law introduced the "Asia-Pacific Triangle" quota, which was specifically meant to restrict migration of Asians (Fitzgerald and Cook-Martín, 2014).

By the 1960s, decolonization and the Cold War had accelerated the loosening of immigration restrictions. European colonies in Africa, the Middle East, and the Asia-Pacific region gained their independence, often through armed struggle. These newly independent countries demanded equal treatment on the global stage. Layered on top of this was the newly emerging Cold War order, in which the West and the Communist bloc vied for support from the "Third World" in achieving global domination.

Pressure was also building within U.S. and Canadian borders. The civil rights movement in the United States initiated a nationwide reckoning about the role of race in society and in policy making. The movement exhorted all levels of government not only to remove racial discrimination in their processes, but also to push actively for integration.

Simultaneously, associations for European ethnic groups were lobbying to allow more of their coethnics into the United States. In Canada, the broad social changes of the Quiet Revolution in Québec and the surge in Québécois nationalism and separatism that followed it led Ottawa to consider Canada's preexisting multiethnic, multilinguistic reality. This paved the way for official federal-level multiculturalism in later decades.

### Skill Selection in the Reforms of the 1960s

As a result of pressures to remove explicit ethnic discrimination from the books, both the United States and Canada enacted major immigration policy reforms in the mid-1960s. Both systems traded race- or nationality-based discrimination for socioeconomic discrimination. For foreigners with no family ties to Americans or Canadians, the main pathway to immigrate was to demonstrate that they had the education and skills to take white-collar jobs on arrival. The potential migrants who were best positioned to take advantage of these new immigration systems typically came from rapidly developing countries with strong universities and growing middle classes, such as Taiwan and South Korea, as well as former British and American colonies with English-medium education, such as India and the Philippines. The same migrants who were well positioned to immigrate to the United States were similarly well positioned with respect to Canada, though Canada's lower global profile, smaller economy, and notoriously harsh weather made it less attractive as a destination. However, colonial-era linguistic and cultural ties made Canada particularly attractive for certain groups of migrants. Many immigrants from British colonies like Hong Kong and India made their way to English-speaking provinces, and migrants from French colonies like Vietnam and Laos arrived in Québec.

### Reforms in the United States

The U.S. Immigration Act of 1965, also known as the Hart-Celler Act, eliminated the previous system of country-of-origin quotas and created the current framework for allocating permanent residence visas for different purposes. It prioritized family reunification above all other immigration channels. Spouses, parents, and minor children of U.S. citizens or permanent residents could be admitted in unlimited numbers and were not considered part of the green card queue. The first two categories in the queue were for other family members: unmarried adult children of citizens first, and then spouses or unmarried adult children of permanent residents second. The third preference category was for

“qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.” The fourth was for married children of citizens and the fifth for siblings of citizens. The sixth category in the 1965 law was for workers in professions where there were not enough Americans in the labor pool.

For migrants with no family ties to the United States, the main options to immigrate were the third and sixth preferences. Both preferences favored working-age immigrants who had high levels of education. The third preference was directly targeted for professionals. Though the sixth preference did allow unskilled workers, it was difficult to certify that no American worker was available for a given unskilled job, and thus the balance was still tilted in favor of white-collar jobs.

On the surface, the law did not discriminate on the basis of race or nationality. However, neither the intent behind the legislation nor the consequences of it were racially neutral. The family reunification preferences were meant to mollify skeptics who did not want to open up the United States to nonwhite immigration, and simultaneously placate Irish, Italian, and other European-origin ethnic lobbies who wanted expanded immigration pathways for their countrymen. The logic was that prioritizing relatives of U.S. citizens and permanent residents would keep the racial balance from changing too dramatically. However, the 1965 reforms created new openings for potential non-European immigrants who did not have relatives in the United States already. These new immigrants would acquire permanent residence status and citizenship, and thus were able to sponsor their own relatives.

### Reforms in Canada

Two years after the United States passed its immigration reforms, the Canadian government issued its own. Like in the United States, Canadian lawmakers faced pressure to remove explicit discrimination based on race, ethnicity, and nationality from the immigration system. However, Canada’s geopolitical and economic pressures were different than those that the United States faced. Indeed, many of the problems that Canada faced were caused by the fact that it had a small population and a resource-dependent economy, and was economically and socially tied to its much larger southern neighbor. Canadians have long migrated to the United States in search of its more plentiful and better-paying job opportunities. Lawmakers believed that the country needed

immigrants to fill in the gaps that emigrants left behind. An additional issue that Canada faced was its political relationship with Britain, and the consequences of that relationship in an era of decolonization. While the predominantly white-settler colonial dominions of Canada, Australia, and New Zealand maintained their close ties to the queen, the largely nonwhite British colonies fought for formal independence, self-determination, and the end of racial subjugation. Many of these new republics demanded that their citizens be allowed to immigrate to the more prosperous white societies.

Unlike in the United States, where major changes to immigration policies have come out of the legislative branch, many major changes to Canadian immigration policies have emerged from the executive. In an order in council, the government established the world's first points system for selecting potential immigrants (Order in Council PC 1967-1616). Points were awarded for education, age, ability in English and/or French; whether there was a shortage in the hopeful immigrant's occupation; and other factors that were assumed to be associated with successful integration into Canadian society and the labor market. Nine years after the points system was established, Parliament passed the Immigration Act of 1976, which came into effect in 1978. This act formally established the three prongs of Canada's immigration system: skills selection using the points system, family reunification, and refugee assistance. It also mandated that the government periodically establish immigration goals, and to ensure that these goals aligned with the country's demographic and economic needs.

### Immigration Reforms from the 1970s Onward

Immigration policies on the two sides of the border diverged in the late 1960s and continued on two separate tracks. The 1960s reforms created new paradigms; all subsequent reforms have been incremental changes meant to correct for unexpected or unwanted results, or to adjust to changing geopolitical and economic realities. Canada continues to have a points system for selecting skilled migrants and still prioritizes skilled immigrant intake over family reunification. The United States continues to prioritize family reunification.

However, both systems have been adjusted in light of data on immigrant outcomes and shifts in the political climate. Both have made temporary foreign-worker programs a major feature of their immigration systems. Canada's immigration system has generally changed more nimbly than that of the United States, and has converged with the

American model somewhat over the last few decades. While many American lawmakers see elements of Canada's model that they want to emulate, few Canadian-style changes have come to be implemented south of the border.

### Adjustments to the 1960s Systems

While both immigration systems achieved some of their desired consequences, unexpected challenges came up in their implementation. Canada struggled with severe underemployment of highly skilled foreign-born professionals, who were selected to immigrate based on their education and experience but faced insurmountable barriers to practicing their profession after arrival (Reitz, 2001). The United States found that demand for immigration outside of the family and skilled immigrant categories far outstripped the availability of green cards,

Table 2: Major Laws affecting Asian Migration to the United States and Canada from 1960 to the Present

Year	U.S.	Canada	Year
1975	Indochinese refugees accommodated <sup>a</sup>		
		Immigration categories defined <sup>b</sup>	
1980	Refugee law reform <sup>c</sup>		
		Migrant domestic workers allowed <sup>d</sup>	1981
1986	Amnesty for undocumented migrants <sup>e</sup>		
1990	Diversity visa program, H-1B visas <sup>f</sup>		
1992	Chinese student amnesty <sup>g</sup>		
		Canadian experience counted toward permanent residency <sup>h</sup>	2008

Source: FitzGerald and Cook-Martin, 2014.

<sup>a</sup> Indochina Migration and Refugee Assistance Act, 1975

<sup>b</sup> Immigration Act, 1976

<sup>c</sup> Refugee Act, 1980

<sup>d</sup> Foreign Domestic Movement Program

<sup>e</sup> Immigration Reform and Control Act, 1986

<sup>f</sup> Immigration Act, 1990

<sup>g</sup> Chinese Student Protection Act, 1992

<sup>h</sup> Canadian Experience Class, 2008

creating a decades-long backlog of green card applications and a large population of undocumented migrants.

In Canada, the points system has continued to be the defining feature of the immigration system. However, the immigration system as a whole has adapted to two major trends: “brain waste” among skilled migrants admitted in earlier decades, and provincial efforts to take on a larger role in selecting immigrants. One major problem with selecting immigrants based on human capital indicators is that there is not necessarily a direct link between these indicators and employment. An individual may score highly on the points test but still struggle to find suitable employment upon arrival. Their education and work experience may not be applicable to the Canadian context, or may not be recognized by employers. They may also have trouble getting licenses and certifications because of entry barriers meant to protect native-born professionals. Many skilled immigrants admitted under earlier versions of the points test were unable to find suitable work.

The Immigration and Refugee Protection Act of 2002 was designed to stop the brain waste problem by increasing the minimum points needed for entry and placing more emphasis on language ability. The change in language requirements led to a sharp drop in the number of immigrants coming from China and increasing immigration from English-speaking former colonies like India and the Philippines (Li and Lo, 2012). Since 2002, there have been other changes (some inspired by U.S. policies) designed to increase the likelihood that admitted immigrants find work in their field (Ferrer, Picot, and Riddell, 2014). These changes include prioritizing workers who have already secured job offers from Canadian companies, mirroring how the United States requires employer sponsorship for employment-based green cards.

The second major change in Canadian immigration policy since the 1970s is the insertion of provincial governments into an area that was once the exclusive domain of the federal government. Unlike in the United States, the Canadian Constitution specifies that immigration is an area of shared federal-provincial jurisdiction. However, the federal government handled immigration nearly exclusively until the 1970s, when Québec began to negotiate for greater autonomy in this area. Starting in the 1990s, other provinces also began to seek their own agreements with the federal government, primarily as a way to attract migrants to less popular destinations (Paquet, 2014). Some elements of the provincial programs, such as special preferences for international students, eventually bubbled up to the federal level.

Immigration law changes in the United States after the 1960s were largely in response to the growing population of undocumented immigrants from Mexico and other parts of Latin America. The lack of provisions for unskilled migrants in the immigration system, strict per-country caps on the number of family reunification visas that could be issued, and relatively open borders combined with high demand for emigration in Mexico to create a large population of workers who did not have legal authorization to live and work in the United States. The 1986 Immigration Reform and Control Act (IRCA) gave many of these undocumented individuals a pathway to permanent residency and citizenship. While Mexican immigrants were the primary beneficiaries of the amnesty provisions, the law has had major consequences for subsequent immigration reform proposals that would have affected Asian migrants, as well. For example, during the Obama administration, Democratic legislators had pressed for comprehensive immigration reform that included broad amnesty provisions as in IRCA. Republicans balked at providing a path to legalization for the undocumented. Some lawmakers proposed piecemeal reforms that would be palatable on both sides of the aisle, such as increasing the number of temporary skilled work visas or giving green cards to international students. These provisions failed because larger factions refused to pass these reforms without also addressing the issue of whether to grant amnesty.

One change in U.S. immigration law that did have direct consequences for Asian migrants was the Immigration Act of 1990, which codified the system of preferences for skilled employment-based immigration and created a diversity visa program for immigrants from underrepresented countries. Skilled immigrants were divided into three preference categories, and were prioritized based on the rarity of their skills and accomplishments. The diversity visa program, which, like the family reunification measures in the 1965 law, was implemented in response to European-origin ethnic lobbies, lotteried permanent residence visas to countries with low rates of immigration to the United States (Fitzgerald and Cook-Martín, 2014). As of 2016, most Asian countries and territories are eligible for the visa lottery, excluding Bangladesh, mainland China, India, Pakistan, the Philippines, South Korea, and Vietnam (U.S. Department of State, 2016).

### Temporary Foreign-Worker Programs

Both the U.S. and Canadian immigration systems shut out potential migrants who do not have higher education and are not immedi-

ately related to a citizen or permanent resident who could sponsor them. However, employers demanded access to foreign workers to do the dirty, dangerous, and demeaning work that Americans and Canadians did not want to do. In the United States, an additional issue was that the skilled immigration pathways were relatively limited, and employer demand for foreign skilled workers was higher than the permanent residence system could accommodate. Thus, starting in the 1970s, both countries began developing temporary guestworker programs. These guest-worker programs were not meant to replace permanent immigration through the skills and family streams, but in some cases ended up being an alternative strategy for immigrants to settle in North America long term.

In 1973, Canada established the Non-Immigrant Employment Authorization Program, which was meant to address short-term labor needs across the skills spectrum. Highly educated workers, such as managers and researchers, did come to Canada for short-term work under this program, though the majority of “temporary foreign workers” had less formal education (Boyd, Taylor, and Delaney, 1986). The 1981 Foreign Domestic Movement Program (later known as the Live-In Caregiver Program) provided a pathway for domestic workers to enter the country. Most of these workers were women from the Caribbean and the Philippines. While some types of foreign-worker visas allowed the holder to transition to permanent residency, others did not. This was a major source of contention with activists who argued that the temporary foreign-worker programs created a second class of immigrants that had far fewer rights than those selected through skills-selection pathways.

Though the McCarran-Walter Act in the United States in 1952 had created the “H” guest-worker visa category, and the country had experimented with guest-worker programs for Mexican and Caribbean laborers during World War II, skilled guest workers became a much more salient topic in the 1990s, following the Immigration Act of 1990. The law expanded the H-1B program for temporary skilled workers, leading to changes that have had a tremendous impact on Asian migration to the United States in the last thirty years. H-1B visas are meant to allow employers to hire foreign workers for “specialty occupations” when no U.S. citizen or permanent resident workers are available for the job. Migrants can lodge applications for permanent residency while on H-1B status. This makes H-1B a *de facto* pathway for permanent immigration. Because of limitations on the number of permanent residence visas available per country per year, the H-1B visa has become the main pathway for skilled immigrants from India, China, and other

populous countries with high demand for immigration. In 2014, 70 percent of H-1B petitions were for migrants from India. China was the next most represented country, with 8 percent of petitions being for Chinese nationals (U.S. Citizenship and Immigration Services, 2016).

## Immigration Outside of the Skills Selection Programs

### **Family Migration**

Not all Asian immigrants who came to North America after the 1960s reforms were highly educated. The pathway through which most immigrants came to the United States and Canada from Asia was not skills selection but family reunification. When an initial migrant came through a skills-selection pathway, he or she could then bring in family members. In both countries, spouses and minor children could come in with very minimal restrictions. Parents, adult children, siblings, and extended family members could be brought in under certain conditions. Once those family members obtained permanent residency or citizenship, they could then sponsor qualifying members of their families, and so forth. These family migrants helped to expand the working-class Asian populations on both sides of the border.

Lawmakers in both countries saw the potential for unbridled chain migration, and thus implemented some limits to family migration in the original 1960s laws. In Canada, spouses, fiancé(e)s, parents, unmarried minor children, and orphaned minor siblings of Canadian citizens and permanent residents were admitted in unlimited numbers as “sponsored” immigrants, but more distant relatives must be “nominated” and were subject to a less stringent version of the points system. The United States restricted the total number of permanent resident visas that could be issued to citizens of any one country. This provision, which is still in effect today, created huge backlogs for citizens of countries where there is a high demand to emigrate to the United States. The lowest family preference category, for siblings of U.S. citizens, is the category that suffers the most. For example, as of September 2016, the U.S. government is processing visas for Filipino siblings of U.S. citizens who had submitted their documentation in April 1994 (U.S. Department of State Bureau of Consular Affairs, 2016).

### **Humanitarian Resettlement**

In addition to family migration, refugees also contributed to the socioeconomic diversity of Asian Americans and Asian Canadians. Major humanitarian crises involving groups of Asian origin in the 1970s

and 1980s led to emergency measures to take in refugees. These emergency measures led to permanent changes in the immigration systems to handle future flows of humanitarian migrants. These adjustments, however, did not alter the broad outlines of the human capital-focused system in Canada or the family reunification-focused system in the United States. Though some of the refugees who came during this period had significant human capital, they were the exception rather than the norm. Refugees were generally not selected based on their education or skill levels, but on their humanitarian needs. Many of them were significantly less educated than the native-born population. This has had appreciable consequences for their integration into the labor market, and for their children's educational outcomes.

The first major humanitarian crisis after the 1960s immigration reforms was the expulsion of Asian Indians from Uganda in 1972. As Indians had arrived in Uganda as a result of British colonialism, Britain began to resettle the refugees and asked the settler colonial Commonwealth countries to do so, as well. Canada accepted 7,000 refugees from Uganda, its first major intake of refugees from outside of Europe (Raska, 2016). The crisis response exposed that the 1967 immigration reforms made no provisions for refugees. This was later amended in the Immigration Act of 1976, which formally defined refugees as a special class of migrant and outlined the government's responsibility to resettle them and ensure their successful integration into Canadian society.

The second Asian refugee crisis emerged from the Vietnam War. Millions of residents of Vietnam, Laos, and Cambodia were forced to flee from their homes, often in unseaworthy boats. These refugees were of several different ethnic groups, including Vietnamese, Lao, and Khmer, but also Hmong and Chinese. This led to the first large-scale resettlement of non-European refugees in North America. In Canada, the intake of Ugandan Asians had spurred the development of bureaucratic infrastructure to handle refugee crises. Canada resettled 60,000 Southeast Asian refugees, primarily in Ontario, Québec, and British Columbia.

For the United States, this was the first major resettlement program of the Cold War. The 1965 reform had included refugees, but the population of Southeast Asian refugees far outstripped the refugee places that the law allowed. Furthermore, the United States was directly culpable for the devastation of the war, and many voters and policy makers felt that the country had a moral imperative to take in the majority of these refugees. The Indochina Migration and Refugee Assistance Act of 1975 was passed specifically to accommodate this population. Between

1975 and 1977, more than 175,000 Vietnamese refugees arrived in the United States (Cutts, 2000). Five years later, the United States reformed its refugee resettlement program and laid out the federal government's responsibility for supporting refugees in the Refugee Act of 1980. By 2015, the number of U.S. residents who were born in Vietnam, Laos, and Cambodia numbered approximately 1.6 million (American Community Survey 2015 1-Year Estimates).

The third crisis was the repression of the prodemocracy student movement in China in 1989. After the end of the Cultural Revolution, the Chinese Communist Party allowed students to pursue degrees abroad. During the student movement in 1989, Chinese students abroad participated in solidarity protests. Many students were afraid to return home during the crackdown, even if they did not participate (Zhou, 2011). The U.S. government saw both humanitarian and Cold War political imperatives in letting Chinese students in the United States stay beyond the terms of their visas. In 1990, President George H. W. Bush issued Executive Order 12711 to prevent the deportation of Chinese nationals. By 1992, approximately 80,000 Chinese nationals had applied for protection under the order. An additional 8,000 had become permanent residents through other channels during those two years (Brooks, 1992). Subsequently, the Chinese Student Protection Act of 1992 allowed Chinese nationals who were in the United States during a defined period after the Tiananmen Square massacre to apply directly for permanent residency, regardless of whether they qualified for family or employment-based immigration pathways.

### **Unauthorized Migration**

Finally, many of the immigrants who came from Asia without authorization in this period also contributed to the socioeconomic diversity of Asian groups in North America. Some of these immigrants came in illicitly, either by using false passports or by being smuggled into ports or across the U.S. border with Mexico. More commonly, migrants from Asia would come into the country legally (e.g., on a tourist visa) but stay beyond the terms of their visa. As they are in the country without proper work authorization, many of these undocumented immigrants are trapped in low wage work regardless of their education and skills.

### **Diverse Pathways, Diverse Outcomes**

These immigration pathways that did not select immigrants based on skills contributed to the diversity of educational and economic outcomes among Asian Americans and Asian Canadians. On average, Asian

Americans have better economic outcomes than the U.S. population. For example, according to the 2015 American Community Survey 1-Year Estimates, median household income for persons who identified as Asian alone or in combination with other races was 37 percent higher than for the total population (\$76,260 compared to \$55,775), and 51.5 percent of Asians had a bachelor's degree or higher, compared to 30.6 percent of the population. However, the proportion of Asians with less than a high school education was in line with the general population (both estimated at 12.9 percent), and the poverty rate for Asians is only slightly lower (12 percent for Asians vs. 14.7 percent in the total population). This becomes clearer when one disaggregates data by ethnic origin. For example, median household income for Asian Indians (\$101,899) is nearly twice as high as for Hmong (\$53,579); the poverty rate is three times higher for Hmong (24 percent vs. 7.8 percent). This is reflective of the pathways by which most members of these ethnic groups came to the United States. While most Indians came through skilled migration channels, most Hmong were refugees.

Immigrant economic mobility is not as great in Canada. While education outcomes for many Asian Canadian groups are better than the Canadian population as a whole, employment and other economic outcomes are typically lower. For example, according to the 2011 National Household Survey, 54 percent of the Canadian population between fifteen and sixty-four had a postsecondary degree. Many Asian immigrant groups selected based on skills were much more likely to have postsecondary education: 68 percent of East Indians, for example, and 82 percent of Taiwanese. However, median employment income for both groups was lower than for the total population: C\$45,082 for East Indians and C\$45,135 for Taiwanese, versus C\$47,868 for the general population of Canadians (who were fifteen or older and employed full time for the entirety of 2010). These differences can be traced back to earlier iterations of the points system, which selected immigrants based on their education and skills but did not have mechanisms in place to ensure that they could practice their professions upon arrival. Because Asians and other visible minority groups in Canada are largely immigrants, this may also be the result of systematic wage discrimination for newcomers (Kaushal and Lu, 2015).

As in the United States, groups that came into the country primarily as refugees from Southeast Asia had less education and worse economic outcomes than average. Thirty-nine percent of Laotians and 37 percent of Khmer ages twenty-five through sixty-four had a post-

secondary degree. Median income for Laotians was C\$39,892 (16 percent less than the median for the population as a whole); Khmer median income was even lower at C\$35,751 (25 percent less).

### New Frontiers

In the 2000s and the 2010s, the growth of the middle and upper classes in China, India, and other developing countries has spurred new immigration policy responses. The nouveaux riches of Asia and other parts of the Global South demanded access to Western markets for capital, real estate, labor, and education. Access to markets comes hand in hand with access to borders. And so, they came and stayed. Some intended to stay permanently, but many wanted to continue shuttling back and forth between their homeland and their new homes in the West. Western countries, including the United States and Canada, have adjusted their immigration policies to entice these moneyed newcomers.

One immigration policy change in response to this demand was the development and growth of immigrant investor programs. Though elites from the Asian Tiger economies have been “passport shopping” for decades, Western governments did not begin to seek out these shoppers in earnest until the new millennium (Ong, 1999). The U.S. EB-5 program, the Canada Immigrant Investor Program (discontinued in 2014), and the Québec Immigrant Investor Program all provided permanent residency in exchange for a sizable investment in a local business. Most applications for these immigrant investor programs came from China, India, and other rapidly growing, politically uncertain countries in the Global South. While the number of immigrants who come in through the investment channels is small, the “cash-for-citizenship” programs are politically controversial. Critics argue that they often create negative economic consequences, such as white elephant construction projects and skyrocketing real estate prices that squeeze local renters and homebuyers (Sumption and Hooper, 2014).

Another trend in the new millennium is growth in international education. Students from Asia and elsewhere have come to North American universities for decades, and many of these students had decided to stay in North America after the 1960s reforms. However, international education only began to grow into a major North American industry starting in the 1990s. Middle-class students in rapidly growing countries like South Korea, China, and India

wanted English-medium higher education and the prestige of a foreign degree. Universities, increasingly strapped for cash in an era of government disinvestment from higher education, welcomed these full-tuition-paying foreign students with open arms. Though neither the U.S. federal government nor its Canadian counterpart plays a large role in higher education, both have primary responsibility for immigration, and have attempted to use immigration policy to boost their country's attractiveness to foreign students.

In Canada, the Canadian Experience Class stream for skilled migrants allowed many of these international students to stay. This stream was designed to resolve Canada's immigrant brain waste problem while boosting the attractiveness of the country's universities. This was in stark contrast to the pathway for international students in the United States, who had to try their luck on the H-1B visa lottery and the permanent residency queue. U.S. lawmakers have emulated the Canadian model in proposals to streamline the pathway for international students to become permanent residents. The rhetoric of "stapling" green cards to diplomas has been popular, particularly among Republican lawmakers, though to date no such streamlining law has passed and come into law.

Recent instability in U.S. politics may have a chilling effect on international education in the United States. The Trump administration's ban on travelers from several Middle Eastern and North African countries, unannounced revocation of visas, and Islamophobic rhetoric may lead to dramatic drops in the number of international students from that region, but also students from South and Southeast Asia, many of whom are Muslim or may be perceived as Muslim. Such students may still wish to study abroad in a similar English-speaking country with a more open immigration regime and less intolerant social atmosphere. The Canadian higher education market is well poised to take advantage of this opportunity.

### How Can Cross-Border Comparisons Inform Policy Debates?

In debates about the future of U.S. immigration policy, advocates of all political stripes often argue that Canada's immigrant selection system is worth emulating. Both Democratic and Republican politicians have proposed using a Canadian-style points system to select future immigrants to the United States, and giving precedence to labor migrants rather than family migrants. Canada,

they argue, has used this system to build a tolerant, multicultural country where immigrants are net contributors to the economy. Unlike in the United States, where public opinion on immigration has remained divided, Canadians are overwhelmingly welcoming of migrants. Indeed, *all* major political parties in Canada believe in expanded immigration (Black and Hicks, 2008).

However, Canada and the United States are very different places, in part because of the divergent immigration policy decisions the two countries made in the 1960s. Are Canadians more open to immigration because their immigration system has been so narrowly targeted to white-collar workers who arrive speaking English or French? Is immigration more contentious in the United States because it has opened its doors to legal immigrants from a wider range of class backgrounds, and left a back door open for unauthorized immigrants?

If the United States were to adopt the Canadian system wholesale, there would be dramatic consequences, both domestically and globally. Blue-collar workers would continue to be shut out of the legal immigration system. This could encourage more unauthorized migration, as the economic and political pressures that push these migrants to the United States are not going away, nor is the demand for cheap, unskilled migrant labor in the United States disappearing anytime soon. Migrants from a handful of Asian countries would be favored over migrants from elsewhere, if only because these countries have the educational infrastructure and class composition to create a large population of would-be white-collar migrants. This would be unpopular with Latino groups and with Latin American governments, who could rightly claim this policy would shut out immigrants from the region, even if it is neutral on the question of race or nationality on the surface.

Furthermore, this type of immigration policy change could create perverse incentives in the education system, both inside the United States and abroad. Critics of increased skilled immigration have argued that reliance on cheaper workers trained abroad could reduce public and private investment in both liberal arts education and job-skills training. Many universities and colleges are using aggressive international student recruitment as a way to make up for decreased state funding for higher education. One could imagine that the arrow of causality could start to point the other way: With so many international students willing to pay full freight, why not re-

duce state spending on education and raise the cost of higher education for both domestic and foreign students? Outside of the United States, this could cause a funneling of students into programs that give them the best chances of emigrating, something that is already evident in, for example, the high enrollments in nursing programs in the Philippines (Kapur and McHale, 2005).

A Canadian-style reform could cement the perception that *all* Asians are wealthy and well educated, leading to a decline in recognition of the struggles of working-class and poor Asian Americans. The more educated, more affluent East and South Asian subgroups would become, on average, even more educated and even more affluent as new migrants come in through skilled migration channels. The political alliances between subgroups under the Asian American panethnic label may begin to fray, as class differences heighten and distract from shared experiences of racialization.

In deciding what kind of immigration reform to support, Asian Americans should consider how selective immigration policies have shaped the class composition of the Asian American population to date, and how future legislation may shape it further. Emphasizing human capital to the extent that Canada has could lead to a significant decline in the socioeconomic and ethnic diversity of new immigrants in this country. This may be politically expedient, but is not necessarily the best option for Asian Americans, for the United States, or for the world going forward.

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