

suspended except for practical farmers with sufficient capital to establish and maintain themselves on farms in Canada, and for wives and children under 18 years of age of family heads already established in this country. No change was made in the regulations applicable to immigrants from the British Isles or the United States, but solicitation of immigrants was generally discontinued.

THE IMMIGRATION ACT AND REGULATIONS

The division of powers agreed upon under the British North America Act of 1867 assigned to the Federal Government those matters which affect the country as a whole and to the provincial governments matters affecting the provinces themselves. Thus the Federal Government may pass laws respecting immigration into any or all the provinces while the provinces may pass laws affecting immigration into their jurisdictions, provided that such statutes do not conflict with the federal laws. In practice regulation of immigration has been left to the Federal Government.

The two federal statutes which at present govern immigration into Canada are the Department of Citizenship and Immigration Act (R.S.C. 1952, c. 67) and the Immigration Act (R.S.C. 1952, c. 325). The former provides that the Minister of Citizenship and Immigration through his department shall be responsible for all matters of federal jurisdiction with respect to immigration, unless any specific matter has been assigned by law to another department for administration purposes. The Immigration Act of 1952 replaces the earlier Act which had become unwieldy because of accumulated amendments. Changes were required also because of new conditions such as travel by air.

The Immigration Act sets out the terms and conditions under which any person, whether citizens, persons with domicile, immigrants or non-immigrants, may enter Canada; and, having entered, the circumstances in which persons other than citizens may be required to leave the country.

The Act accords no right to anyone to enter Canada as an immigrant. Categories of persons specifically prohibited from entering are clearly stated. The conditions under which others may be admitted are defined. While the Act provides for selection it is not primarily restrictive. Neither the Act itself nor the Regulations set any limits on the numbers which may be admitted. Similarly, the Act itself does not set numbers or quotas for any particular race, nationality or occupation. In the Regulations, however, certain preferences are indicated as to countries from which immigrants are most desirable and some entry provisions, otherwise applicable, are modified to facilitate the entry of such immigrants. This preference acts somewhat as a group test. The Regulations variously limit categories admissible from other groups of countries. Also agreements have been reached with certain Commonwealth countries whereby entry is limited to a specific number per year of their citizens, in addition to certain classes of close relatives of Canadian citizens. This has somewhat the effect of a quota.

All immigration into Canada is organized, that is, all immigrants are selected and the necessary machinery is provided for examination of immigrants abroad and for their reception on arrival.

The Act and the Regulations seek to extend certain protection to immigrants before they arrive in providing against fraudulent representations about conditions in Canada, protection *en route* and on arrival, as well as protection for those whose rejection or deportation may be considered or has been ordered.

The most important feature of the Act is its flexibility. While the Statute sets out classes prohibited from entering regardless of nationality, origin, occupation, the actual flow of immigration and classes of persons admissible are regulated under authority of Order in Council. Canada recognizes immigration as a means to an end. Changing conditions and emergencies relating to immigration may thus be met quickly by changes in regulations.

The Act is thus primarily an instrument for carrying out a policy. It follows that the policy actually stated and pursued by the government of the day is of first importance in determining the flow of immigration.