

Commentary



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Trudeau-Legault immigration meeting shows federation at its cynical worst

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Introduction

As a follow up to a summit meeting on immigration in March, Prime Minister Justin Trudeau was in Quebec City in June 2024 to meet Premier François Legault. Unfortunately, the two leaders have not worked together productively since the March meeting, even though at the time both leaders seemed to agree on the need to reduce the inflow of asylum seekers disproportionately affecting Quebec (Barutciski 2024a). Days before the June meeting, the premier spoke to the Assemblée nationale at which time he openly criticized Trudeau's centralizing big-government tendencies and disrespect for Quebec's position on temporary residents. Legault announced that his government was going to create a prominent committee to explore more autonomy for Quebec; one of its main remits will be to examine immigration.

The Canadian federation can be especially strained when different levels of government have varying responsibilities over contentious issues such as asylum. Contrary to foreign workers and students, both of whom are expected

to be self-sufficient, asylum seekers almost always need social aid. If the federal government is lenient and allows the entry of foreigners who eventually claim asylum, the provinces and municipalities end up assuming the financial consequences in the form of locally supplied and funded services. Considering that Quebec's distinct francophone society experiences the overall immigration difficulties more acutely than other provinces, it is not surprising that Legault insisted on meeting Trudeau.

The current global context is also relevant; immigration has contributed to controversies and polarization throughout the liberal democratic world. Whether it is US President Joe Biden's measures to limit the inflow of asylum seekers through the Mexican border or the gains made by pro-sovereignty forces in European elections, a growing part of the Western public is making it clear that it wants borders to be controlled and migration flows to be managed.

“ *Immigration has contributed to controversies and polarization throughout the liberal democratic world.* ”

To keep Canada as a pro-immigration country, we need to be subtle and sophisticated in navigating the inevitable challenges. Protecting migrants is a complicated task. It requires diplomatic tact to both build public empathy and respond to national economic needs. The recent Trudeau-Legault meeting was an opportunity to address some of these challenges, yet instead the public debate has focused on stereotypes involving money and xenophobia, thereby diverting attention from the difficult issue on which the two leaders should have made progress: the ongoing and unsustainable spike in asylum claims.

For months, Legault has been urgently calling on Canada to reduce the number of asylum seekers this country admits because Quebec cannot cope. The sad part about the negative intergovernmental dynamic is that Trudeau and Legault actually agree in principle on the need to reduce numbers. Legault is simply criticizing what he sees as a lack of urgency and specific commitments from the federal government. Where solvable issues regarding foreign workers and students would normally be settled through better collaboration, the Trudeau Liberals' nonchalance about the current asylum inflow is a more serious problem that risks creating a crisis that will eventually spread beyond Quebec.

Deciphering the post-meeting headline focus

Federal dynamics and resource competition

Immediately after the June summit meeting, the prime minister and the premier held separate press conferences. This one detail is a signal of the underlying tensions. Trudeau began his own conference by mentioning what he referred to as an “entente” on financial compensation. His tone may have left the impression the underlying problem had been solved and Legault’s complaints addressed (CPAC 2024a). The Quebec caucus of Trudeau’s governing Liberals must have been satisfied to the extent that media headlines focused on the large \$750 million federal transfer to Quebec that was to cover the record intake of asylum seekers over several years.

Nobody can deny that the federal government’s compensation was significant. However, Legault believes his government deserves even more due to the high cost of hosting record numbers of asylum seekers. Disagreement on the appropriate reimbursement amount continued to play out in Quebec media well after the meeting (Robitaille 2024), with revelations that the numbers of asylum seekers calculated by the federal immigration department are significantly lower than those estimated by Statistics Canada (*Journal de Montreal* 2024).

“ *This latest example of Liberal largesse is a double-edged sword.* ”

Regardless of the astonishing dispute over basic data, this latest example of Liberal largesse is a double-edged sword. The perception that Ottawa throws money at Quebec to buy peace has a long history in Canada. Shortly after Trudeau’s announcement, interprovincial jealousy over resource distribution manifested itself at a meeting of the Western provincial premiers who started complaining (Emmanuel 2024) and raising questions about unfair equalization payments (DeRosa 2024). To his credit, federal Immigration Minister Marc Miller tried to explain this special treatment by underlining the exceptional context regarding asylum seekers (Zimonjic 2024). While Quebec has legitimate complaints about the asylum file that are not limited to financial compensation, it is nevertheless not in its interest that this type of negative perception endures countrywide.

Is xenophobia or “absorption capacity” the problem?

The media also focused on another theme following the Trudeau-Legault meeting. The premier, an accountant by profession, tried to provide numbers on housing and incoming temporary residents during his press conference to show that the unexpectedly large increase in the latter has caused severe shortages in the former (CPAC 2024b). Although he emphasized that the migrants themselves are not to blame for the federal policy miscalculation (Dumont 2024), he must be even more careful to make the distinction clear so that his statements cannot be interpreted as if he is scapegoating them. After all, the Trudeau Liberals are ready to pounce on any opportunity to send the signal that they are always protecting migrants.

In a polarized period characterized by outrage politics, it is not difficult to see how Legault’s arguably ambiguous comments could be taken out of context or quoted selectively by those who want to develop the narrative that Quebec is behaving xenophobically. Some media may have played into this theme by reporting in a way that was not sufficiently nuanced on Legault’s comments. But even so, it was mean-spirited and petty-minded to distort Legault’s overall message to insinuate that he is a xenophobe. Unfortunately, that is exactly what Trudeau did immediately afterwards during his own press conference. Further, his comments were echoed and bolstered by similar remarks from his immigration minister (TVA Nouvelles 2024). Implying that Legault’s concerns are xenophobic (Bergeron and Osman 2024), as Minister Miller has been doing over the last months (Barutciski 2024b), is bound to be seen by Quebecers as condescending.

Portraying Legault, and by extension, his supporters, as xenophobes obviously contributes to a confrontational dynamic between the federal government and Quebec and may explain why some of the migration issues remain unresolved. Nothing Legault or his immigration minister, Christine Fréchette, have said during the current controversies suggests that they do not appreciate the multi-faceted contributions that immigrants bring to Quebec. The level of debate that this style of politics encourages is undignified for a country dependent on immigration: Legault has complained that he is being unfairly labelled a “racist” (Radio-Canada 2024) while the Trudeau Liberals insist that they have never used that specific word (Pirro 2024).

Legault’s continual reference to the notion of Quebec’s “absorption capacity” is a related issue that activist academics reject because it implies that the province

might possibly close its borders to some migrants. While we have explained the logic of this ideological opposition to “absorption capacity” in a previous MLI commentary (Barutciski 2024c), both Trudeau and his immigration minister have indirectly acknowledged the notion’s relevance by stating repeatedly that the inflow of migrants into Quebec is too large and that certain immigration categories need to be curtailed.

Moreover, anyone who focuses on the xenophobia red herring is diverting attention from the key issue, the asylum dilemma. During his press conference, Trudeau barely addressed the central problem of asylum seekers or the related question of stricter visa policy. He started by singling it out as an issue that concerns Legault, potentially leaving the impression that it does not concern the federal government as much as it does Quebec.

Confusing migrant categories when the focus should be on asylum

Avoiding confusion between asylum and the other categories

The most complicated policy problems related to temporary residents do not involve foreign workers or students because their selection and entry is ultimately controlled by either Ottawa or the provinces. Negotiations and better coordination between the two levels of government can resolve these issues.

Asylum seekers, on the other hand, do not represent a form of controlled migration because neither level of government selects them to enter the country to make an asylum claim. The federal government usually tries to prevent their entry with border control measures involving the strict issuance of visas. Despite the moral posturing from its political leaders, Canada is not an open country that protects persecuted foreigners unequivocally. Visa issuance is ultimately a discretionary act, and it is strictly controlled when governments deem it necessary to limit the inflow of certain migrants. For example, Ottawa continues to impose visa requirements on Haitians because Canada would otherwise be flooded with asylum seekers fleeing the chaos in their home country. Such is the sad reality of our international system. It is impossible to have a serious discussion on the current predicament of asylum seekers without involving this quiet part of the migration system that politicians do not mention out loud. A truly sustainable humanitarian approach needs to be honest about actual commitments.

If asylum seekers somehow manage to enter Canada, they must be treated humanely for both moral and legal reasons: By claiming to be persecuted in their home country, they are generally allowed to stay so that they can make their case before Canada's largest administrative tribunal, the Immigration and Refugee Board (IRB). Their temporary resident status can be converted to a permanent one depending on the IRB's decision regarding their claim.

Given the subtle nuances and sensitivities involved, it is striking that the prime minister repeatedly conflated the diverse migrant groups following his meeting with Legault. While Legault was specifically asking for a reduction in the number of asylum seekers, a category fully under federal jurisdiction, Trudeau repeatedly shifted the discussion to other temporary residents that Quebec actually selects (i.e., most international students and some foreign workers). The prime minister insisted that he needed to know Quebec's plans before committing to federal reductions. By refusing to address specific questions about the inflow of asylum seekers, and instead commenting on Quebec's labour needs, Trudeau left viewers with the impression that he does not fully appreciate the distinct asylum problem (CPAC 2024a).

Trudeau's confusion – or diversion – highlights the importance of clearly distinguishing asylum seekers from other temporary residents if we are to have a serious national debate about the current tensions involving immigration. Both the Quebec government and the Canadian media need to insist on this point if there is to be more active and helpful engagement from the federal government.

Encouraging practical measures regarding foreign workers

If Ottawa and Quebec can establish a collaborative atmosphere between themselves, some practical measures are possible to address work-related categories.

Of course, Legault is asking for reductions in categories that Ottawa controls for the simple reason that his government is in position to adjust the other ones that it controls. For example, the temporary foreign worker program (TFW) does not represent an intractable problem because Quebec provides the migrants it gets to select with authorization certificates. In other words, the TFW program is not an issue requiring unusual federal attention. Likewise, international students are mostly under the same authorization certificate system (except for some short-term study programs), so for practical purposes their selection is essentially an internal Quebec issue.

However, the federal government is in control of another category of foreign workers that has seen a huge increase in recent years: the International Mobility Program (IMP). This stream, which is advertised as aiming to advance “Canada’s broad economic and cultural interests” (Canada 2016) was once a small source of migration, but its objectives have become vague (Barutciski 2024d) and the federal government now presents it (Canada 2023) as a way to hire a temporary worker “without a Labour Market Impact Assessment.” The vast majority of foreign workers come from this stream, yet the media has devoted little attention to this expansion (*Calgary Herald* 2024). Quebec is finally pushing back and even suggesting that it should take over this stream.

The delegations sent overseas from Quebec to recruit foreign workers do not contradict Legault’s criticisms of the IMP contrary to a recent Radio-Canada report that suggested that these positions are at “antipodes” (Schué 2024). It is perfectly coherent to demand a reduction in federal selection and criteria-setting while promoting an increased number of temporary residents selected according to local preferences. Indeed, it is an astute policy choice given Quebec’s demographic dilemma that has been fuelled by the massive increase in immigration that Ottawa has promoted for years. Specifically, Quebec needs migrants, both temporary and permanent, otherwise it will be demographically submerged (Barutciski 2023) and lose proportional representation within the federation if the rest of Canada enjoys population growth that largely outpaces that of other G7 members.

Nobody is denying the economic impact of labour shortages and the need for temporary residents; the dispute is rather over who establishes the criteria and selects the migrants. If Quebec selects them, it can respond more nimbly to local employment needs while also being more attentive to French language requirements. If Quebec did most of the selecting, the federal government would be less exposed to the criticism that it is meddling in Quebec’s immigration goals. It is not by chance that both Trudeau and Legault indicated they were somewhat in agreement on this issue. Ottawa has even signalled it would consider giving up some of its selection powers, indicating this is not an intractable problem.

If we want to focus on the hard problems that are causing tensions related to immigration, the analytical focus should be on the difficult issue of asylum.

Continuing lack of seriousness on the asylum dilemma

Filling absorption capacity with questionable asylum claims

Judging from the coverage of the topic in the anglophone media, it appears that the ramifications of the asylum issue are not fully appreciated outside Quebec. Starting in 2017, each year has seen new record numbers of asylum claims made in Canada (Canada 2024) except for the pandemic period when international travel was restricted. Last year's explosion in claims has been followed by an astonishing increase of 66 percent for the first months of 2024 (Colpron 2024a). At roughly 15,000 claims per month since last summer, Canada's per-capita intake of asylum seekers was comparable to that in the European Union's largest host country, Germany (EUAA 2023). In fact, Canada's numbers now compare in absolute terms as the numbers in Germany have been dropping in recent months (Bundesamt für Migration und Flüchtlinge 2024) while they are staying at record levels in Canada.

It is unwise to downplay the spike as simply part of a global trend. Contrary to the European Union or the United States, the current influx into Canada is not related to unauthorized entry. Rather, foreigners are allowed to enter legally, after which they claim asylum in the hope of staying permanently. While any country dependent on immigration must prevent xenophobia, as the prime minister suggested in Quebec City, we need to be careful not to dismiss legitimate criticisms as simply those of bigots.

Two-thirds of asylum seekers entered Canada as tourists according to recently released statistics for April (Colpron 2024b), so it is misleading to imply that the spike reflects global trends. Yet it should not be surprising that Canada now finds itself amongst the world's top five (UNHCR 2023) destination countries for individuals presenting new asylum claims. Once we understand that Canada is not reflective of typical international tendencies because of its lenient border control measures, it becomes clearer why the top source countries for new claimants coming before the IRB (Massoud 2024) are rather different from the top source countries for claims worldwide (UNHCR 2023).

Given Canada's serious challenges in keeping a credible asylum system that maintains public confidence, it is puzzling that during his press conference the prime minister proposed addressing the asylum situation with better efforts at integration. It is as if the excessive number of asylum seekers pointed out by Legault is not the fundamental problem, an impression Trudeau reinforced by barely mentioning visa issuance.

After reimposing visas on Mexicans, who were until recently the largest group of asylum seekers in Canada, what concrete measures has the federal government put in place to limit the inflow? Immigration Minister Miller has been dissonant and confusing in his remarks, even stating that “international conventions” (Barutciski 2024b) prevent him from imposing visas to limit migrants travelling to claim asylum. The prime minister’s vague commitment to “improve the visa system” following his meeting with Legault should be seen in this light.

If we believe there are limits to Canada’s absorption capacity, then we need to consider how our limited resources should be used over the next few years. Do we want them to be used primarily to deal with a huge backlog of asylum cases launched by tourists taking advantage of this country’s lax visa policy and by foreign students (Woolf 2024) who came with fake study plans to take up low-wage jobs (Keller 2024)?

Understanding false solutions and real security threats

While it is reasonable for Legault to request that the asylum claims be processed more quickly, the lengthy time it takes for the IRB to render its decisions is not the unusual part of the current situation. What is extraordinary is the sheer size of the backlog and that the numbers are continuing to grow at record levels every month. Even if the federal government were to inject more money into the already bloated IRB, Legault is being somewhat unrealistic if he thinks asylum claims can be handled within 18 months. With all its protections and safeguards, the system has become too complex, and we need to realize that previous efforts to insist on strict processing timelines have not worked.

Recent statistics (Canada 2024b) also show many more asylum claims are now made in Ontario than in Quebec. Even if these migrants are distributed more evenly throughout the rest of Canada under a burden-sharing scheme it will not resolve the underlying problem. Regardless of the vague and imprecise announcements emerging from the latest Trudeau-Legault meeting, the federal plan for this palliative short-term measure is marked by a lack of urgency: Miller held the first meeting to explore burden-sharing with his provincial counterparts only days before the summit meeting in Quebec City. As a lawyer by profession, he should also stop repeating his assertion that asylum seekers must volunteer for any transfer: temporary residents are not covered by the mobility rights guaranteed under section 6 of the *Charter of Rights and Freedoms* (Bergeron 2024).

For burden-sharing schemes to be implemented effectively in the short-term, Germany offers an illustrative example. In that country, asylum seekers are not given the freedom to decide in which part of the country they will live. A mandatory fixed distribution formula (Germany 2022) allocates asylum seekers throughout Germany while taking into account the resources of municipalities that often report being overloaded (Kinkartz 2023). German authorities use various administrative methods to forcefully persuade asylum seekers to cooperate with these pre-determined relocations that help maintain the stability of the country's overall reception efforts. Miller would be wise to learn the lessons from Germany's example if he is genuinely interested in implementing an effective burden-sharing scheme.

*We cannot dismiss
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In the same way that it would be naive to think that Canada's generous visa policy and asylum procedure do not suffer from systemic abuse, we cannot dismiss the security threats that result from such lax policies. The US has been highlighting the problem in recent months, even though our political and media establishments barely address it, at least outside Quebec. The creative and intellectual classes in Canadian urban centres simply do not want to hear that immigration could also be associated with something more odious than upbeat slogans about openness. Canada's paradoxically chauvinistic pro-immigration stance is arguably a key factor underlying its current self-inflicted asylum predicament; it also explains how the country risks becoming a magnet for destitute migrants as well as for others with more malevolent intentions. If we do not want to jeopardize our relations with the US, we need to take seriously our southern neighbour's concerns about places such as Smugglers Alley, a notorious clandestine passage from Canada that crosses through the Akwesasne reserve (Péloquin 2024), along with other similar passages (Schue 2024). Likewise, we need to acknowledge the threat of terrorists (Lillis and Campbell 2024) crossing illegally (Sayeh 2024) as asylum seekers.

Conclusion

Canada used to be known for its controlled migration system that focused mainly on selecting candidates who will contribute economically to the country, along with a small group who would benefit from humanitarian protection. It is now becoming a mass migration country that focuses on inclusivity and tolerates those of “undocumented” (i.e., unlawful) status. If Canada wants to avoid the immigration-related political backlash that its American and European partners have experienced, it is crucial that it reassure the public that its borders are under control.

In his press conference following the June summit meeting on immigration, Legault refocused the debate on the contentious idea of absorptive capacity and again suggested that the current inflow is unsustainable. It is counterproductive to present this position as anti-immigrant. Legault is simply asking for reductions in some categories that Ottawa controls, namely, asylum seekers, along with some foreign workers admitted through the IMP.

“ *The current system is seen as lacking in credibility and open to abuse.* ”

Anyone worried about the preservation of a fair and humane asylum system should also be concerned that the current system is seen as lacking in credibility and open to abuse. Once we understand that many asylum claims currently being made in Canada are by foreigners who enter on tourist visas, then it is not very complicated to actively reduce the numbers in order to maintain public support.

Unfortunately, during his own separate press conference following the summit meeting, Trudeau barely addressed the key issue that is fully under federal jurisdiction: the link between visa issuance and asylum claims. Yet discussing the data on the countries that are the source of asylum claims and comparing that with the previous immigration status of the claimants would make clear that the current predicament is largely due to lax visa policies. By not addressing this issue more urgently and concretely, the Trudeau Liberals are sleepwalking

towards a crisis with Quebec. It is only a matter of time before the problem spreads to Ontario and the rest of Canada.

There is a logic to postponing inevitable decisions on border control. Even as the current crisis drags on, the Trudeau Liberals can present themselves as the most pro-immigration party in Canada, a sort of metaphoric dam against rising tides of intolerance. Given the dynamics of Canada's electoral and diaspora politics, this can be a winning strategy in the short-term. It is not by chance that the Official Opposition has barely said anything useful on the current tensions. In the meantime, it remains to be seen how long Canadians will accept such unsophisticated pandering and how it will affect the establishment pro-immigration consensus that has led to this cynicism masquerading as open-mindedness. [MLI](#)

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I commend Brian Crowley and the team at **MLI** for your laudable work as one of the leading policy think tanks in our nation's capital. The Institute has distinguished itself as a thoughtful, empirically based and non-partisan contributor to our national public discourse.

– The Right Honourable Stephen Harper

May I congratulate **MLI** for a decade of exemplary leadership on national and international issues. Through high-quality research and analysis, **MLI** has made a significant contribution to Canadian public discourse and policy development. With the global resurgence of authoritarianism and illiberal populism, such work is as timely as it is important. I wish you continued success in the years to come.

– The Honourable Irwin Cotler

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