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Canada and Germany: Managing Immigration

Abstract

Immigration is one of the most challenging issues that modern democracies have to face; it is an important and basic trend in global demographic development. Today's deepening globalisation and the resultant economic integration has prompted many people to migrate. Western democracies, such as Germany, with their political stability and economic prosperity, have always attracted immigrants. Canada, where 21% of the population are immigrants, is another country that has a long history of immigration. The influx of immigrants, however, has to be regulated. This could be made possible only with the help of a corresponding immigration policy – one of the key elements of a country's policy making. The aim of the paper is to present an overview and compare the immigration policy systems of Canada and Germany and how the two countries manage to effectively regulate and govern the ethnic diversity of their societies.

Résumé

L'immigration est l'un des défis principaux pour les démocraties modernes ; il s'agit d'une tendance importante dans le développement de la démographie moderne. La mondialisation croissante d'aujourd'hui et l'intégration économique en résultant ont incité beaucoup de personnes à migrer. Les démocraties occidentales, telles que l'Allemagne, avec leur stabilité politique et essor économique ont toujours attiré des immigrants. Le Canada, où 21% de la population est constituée d'immigrés, est un autre exemple de pays avec une longue histoire d'immigration. Cependant, l'afflux d'immigrants doit être réglementé. Ceci ne pourrait se faire qu'à l'aide d'une politique d'immigration appropriée – l'un des éléments clé de la politique d'un Etat. L'objet de cet article est de donner une vue d'ensemble et de comparer les politiques d'immigration du Canada et de l'Allemagne. Il va s'agir de rechercher comment les deux pays réussissent à contrôler et à réglementer la diversité ethnique de leur société.

Both Germany and Canada are confronted with low fertility rates, an aging population and a modest population growth, resulting in the shrinkage of the labour force. Germany needs foreign labour at the two ends of the scale: low-skilled jobs, disdained by local workers, and highly-skilled positions that cannot all be filled by local specialists and experts (Górny and Ruspini). In Canada, migration has always been a key element in shaping its multicultural society. Historically, skilled immigration labour was a driving force in building infrastructure and mining. Even today Canada needs outside work force to fulfil the needs of the labour market and to keep boosting multiculturalism. Therefore, migration could be considered beneficial since it would increase the high-skilled workforce and maintain a high level of employment.

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Additionally, it would guarantee the development and growth in the productive capacity of the economy of both countries. According to the latest OECD statistics, Germany is the country with the 8th highest number of foreign population who constitute only 8.8% of the total population. Canada is No. 5 with 17.4% foreign-born people.

Migration is defined as the movement of persons from one country or locality to another. The migration flow is an important and basic trend in global demographic development. International immigration is divided into different types according to the duration of the stay. First, there is permanent migration, which happens when migrants have left their country of origin and have settled permanently in another country. Second, temporal migration – the stay of the migrant is limited to six years, for example, due to a contract or a restriction of the sending country. Third, seasonal migration, common in agricultural cycles, tourism, connected to seasonal labour. Fourth, ‘everyday’ migration. This type of migration is typical of people from the developed countries (mostly within the EU), who work in the border areas and have to travel to a neighbouring country. As far as legitimacy is concerned, migration can be legal or illegal. Both kinds of migration are directly connected. The reason for this is that people leaving their home country legally, as tourists for example, consequently stay illegally on the territory of another country in order to work. There is another type of migration – forced migration. According to the International Association for the Study of Forced Migration (IASFM), this migration can be described as “the movement of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects.” This includes refugees, asylum seekers, internally displaced persons, smuggled people and trafficked people.

There are a variety of reasons that explain the process of migration. According to their effect, the reasons for migration could be on micro, macro or regional level. Depending on the direction of their influence, factors could be regarded as push and pull. These can be economic, social, political, cultural, etc. Other factors that determine migration could be the significance of discrepancy in earnings, unemployment rates, extent of welfare system, the migrants’ skill level, education, age structure, duration of migration. Some analysts (e.g. Bonin et al.) argue that migrants are not primarily attracted by access to welfare or better public services, rather it is the higher income, the better working conditions, and opportunities of finding a suitable job that are the main migration motivation in and outside of Europe, not forgetting the significant role of language and cultural barriers. Furthermore, another key point influencing migration at the end of the 20th century is the result of contemporary global changes. For instance, the expansion of the EU led to the opening of borders and economies and markets, which itself resulted in the free movement of labour and capital.

In order to address these new developments, certain countries adopted official policies of multiculturalism: Canada in 1971, followed by Australia in 1973 and by most member-states of the European Union. However, it was not until 1998 that the government of Germany at the time acknowledged it was a ‘country of immigration.’ At present, receiving countries, such as the United States, Australia, Canada and Western Europe, have migration laws that welcome highly-skilled workers, which leads to the transfer of human capital from developed to less developed countries, or to a brain drain.



After the collapse of the Iron Curtain in 1989–90, Central and Eastern Europe (CEE) was recognised as a distinct migration space in the global migration system. There were many factors explaining why this particular region drew such attention. First of all, there was a certain interest due to the massive migration from the CEE. Second, the impact of this expected migration upon political changes, having in mind the post-communist transitional process was a major factor. The most significant effect of political transition upon migration in and from Europe in the 1990s still remains the right of free movement. After being restored, some countries experienced a strong outflow. Between 1989 and 1991 people started travelling, mainly to their neighbouring countries. In addition, the so called income “gap” between living conditions in different parts of Europe was growing and had as a consequence two kinds of migration flow. One of migrants searching for better standard of living and the other consisting of people who were seeking other opportunities to escape the “gap.” Bonin et al. argue that factors related to employment, such as better job opportunities, higher income and working conditions, are the main reasons for migration in Europe.

During the late 20th century the disintegration of states provoked all kinds of conflicts which have threatened international peace and security. This resulted in serious ethnical migration flows towards more stable regions. For instance, between 1991 and 1995 the Former Republic of Yugoslavia experienced great outflow of forced migration, due to ethnic conflict and civil war. In Canada the number of immigrants from former Yugoslavia was 145,380 (Census of Canada).

Germany

According to the 2011 census, the population of Germany is 81.8 million; the percentage of immigrants is 8.8%, the percentage of people with migrant background 19.3%, and the population over 65 years of age 20.5%.

As well as most Western democracies, Germany is experiencing low fertility rates, increasing life expectancy, aging population and working force shortages. Although there has been a large inflow of immigrants for at least the last four decades, its immigration policy is relatively new. The 1950s and 1960s saw two important processes: the first comprised of work migration from East to West Germany and the second was the economic migration, namely the *Gastarbeiter* era. During this period approximately 3 million guest-workers predominantly from Southern Europe, Yugoslavia and Turkey settled in Germany. However, this policy was applicable only before the needs of the construction and mechanical industry declined and the guest-workers became unemployed. Before reunification, the Federal Republic of Germany (FRG) and the German Democratic Republic (GRD) experienced differences regarding migration. In the West, immigration was mainly economic; while in the East work migrants entered the country short before 1989 when they were attracted to balance labour shortages. Since German reunification in 1990 and after the disintegration of the Soviet Union, 2.5 million people from Eastern Europe have moved to Germany. Immigration has kept Germany’s population constant since the last two accessions to the EU in 2004 and in 2007.



As stated in the Migration Report 2007 of the Federal Office for Migration and Refugees (FOMR), Germany classifies different types of immigration:

- internal migration – within the borders of the EU
- immigration of ethnic German repatriates
- immigration for educational purpose
- seasonal/temporary immigration
- asylum seekers and refugees
- immigration of families/spouses who are third country nationals

Another key issue pointed out by FOMR is the distribution of immigrants in the different regions of Germany. It shows that the share of foreign-born people is higher in Berlin, Hamburg and Bremen – almost 25% of the overall population. In comparison, in the so called new states (former East Germany) it is less than 5%.

According to the Central Register of Foreigners Germany (*Statistisches Bundesamt*), the total number of immigrants between the ages of 15 and 65 in Germany at the end of 2007 was close to 5.5 million (10% of the total population). Immigrants from EU8 countries constituted only 9.3% of all immigrants. In comparison, the total foreign population in 2010 was about 6.7 million; there from 2.4 million from the EU-27. However, net inflows have been increasing from the new member states into Germany despite a policy aiming at the restriction of immigration.

In keeping with to Philip L. Martin, Germany faces a number of key issues related to migration. The first issue is the integration of guest workers. As stated above, the idea was to recruit workers temporary. However, some temporary migrants settled, reunited with their families and formed ethnic minorities. In 1973, the government then stopped the additional recruitment of foreign workers.

The second issue is the management of post EU enlargement migration. A number of recent studies have analysed migration trends, scale of migration, effects of the post-enlargement migration flows on the receiving as well as the sending countries' labour markets, welfare systems, and growth and competitiveness for all European countries after EU enlargements. During the negotiations regarding EU accessions the EU-15 countries were able to decide what border restrictions they would have on the new member states (NMS). Germany had a restrictive policy and denied both workers and companies from the accession countries complete freedom, with the exceptions of Cyprus and Malta.

The number of migrants from the accession countries has clearly increased since the last two EU enlargements. According to the FOMR Germany, the net gain of immigrants from the NMS is 2.5 times larger than in the four-year period before the enlargements. If there was not such a migration flow, Germany would have experienced a net loss of migration. A decrease of net-migration resulted from a more than 50% drop in the number of immigrants from other important source countries, including Turkey, Russia and Ukraine, along with countries further outside Europe (Table 1).

When analysing the numbers of recent immigrants according to age, OECD results show that the main aim of EU8 immigrants when migrating to Germany is employment. Immi-



grants from the 2004 enlargement countries are in the age group from 25 to 45. Furthermore, immigrants from the EU8 have migrated with fewer children than other immigrants: 14.7% of other immigrants and only 5.4% of EU8 immigrants were younger than 15 years old in 2007. However, it is expected that their children have remained in the source country.

Table 1. Inflow and outflow according to citizenship in 2010

	Inflow	Outflow	Net Migration
Poland	61,537	41,944	+19,593
Rumania	44,603	23,314	+21,289
Bulgaria	24,491	11,303	+13,188
Turkey	19,354	15,883	+3,471
Hungary	19,072	10,957	+8,115
Italy	15,855	13,215	+2,640
USA	15,571	11,739	+3,832
China	14,752	10,526	+4,226
Russian Federation	13,203	6,668	+6,535
Serbia (incl. former Serbia and Montenegro)	12,612	7,645	+4,967
India	11,196	6,940	+4,256
France	8,862	6,613	+2,249
Iraq	8,683	1,859	+6,824
Greece	8,281	6,969	+1,312
Nederland	7,437	4,715	+2,722
Other nationalities	190,331	114,752	+75,579
Total	475,840	295,042	+180,798

Source: Bundesamt für Migration und Flüchtlinge 76

German Immigration Policy

In 1991, the Christian-Liberal coalition government made a first revision of the alien law. The key issues were the reunification of families, replacement of administrative discretion with legal claims, establishing the right of residence, implementing the option of return, and last but not least giving the right to apply for citizenship.

The second revision of the law came in with the Schröder government in the year 2000. A new citizenship act was introduced, which recognizes both ‘law of blood’ (*jus sanguinis*) and

'law of soil' (*jus soli*). The enabling of naturalisation of foreign-born nationals intended to improve their integration into German society. In the same year the Regulation on Work Permits for Highly Qualified Foreign Labourers in Information and Communication Technology (IT/ArGV), or the 'Green Card' was established. Its purpose was to attract in a non-bureaucratic manner foreign experts outside of the EU to fill the shortages in areas where IT-specialists were needed and to help small and medium-sized enterprises in the IT sector to improve their competitiveness. In contrast to the American Green Card, the German card limits the work permit to a period of up to five years. According to Focus Migration – a German information service offering data on migration, only 17,000 were issued work permits with the help of the Green Card, which was fewer than expected. The IT/ArGV has received a lot of criticism over the years. It is suggested that a point system, like the one in Canada, would have been more successful in recruiting on a non-bureaucratic basis. The program was in place until 2004; nonetheless, it has helped the future improvement of the immigration policy of Germany.

In 2005 the Immigration Act – *Zuwanderungsgesetz* came into force. It contains provisions for foreign workers, refugees and asylum seekers and integration of immigrants. According to this act, there are three different types of residence permit:

- permit of stay
- settlement permit
- residence permit – *Aufenthaltserlaubnis* – employed, highly qualified migrants, researchers and self-employed immigrants.

A resident title that permits employment may only be granted provided that employing migrants does not have a negative consequence on the labour market and there is no German worker able to fill the available positions (Constant and Tien). In order to attract highly-skilled workers into the country, the residence permit of a foreign student in a German University can be extended to one year to allow the search for a work position. According to the FOMR, in 2005 900 highly-qualified immigrants had received unlimited permit to live and work in Germany, in 2010 – only 219 (Migration report 2006 and 2011). For third-country nationals, an approval by the Federal Employment Agency must be received to obtain a permit. According to a joint report on the Economic and Social Aspects of Migration by the European Commission and OECD in 2003, the filling of vacant positions will contribute to economic growth and decrease in illegal migration levels. Although the EU guarantees free access to labour market to its citizens, there are special provisions for the NMSs. Germany was one of the countries that decided to leave their labor markets closed for both Bulgarian and Rumanian citizens and restrict free mobility of workers until 2014.

In 2009 *Arbeitsmigrationssteuerungsgesetz*, Labour Migration Control Act was introduced. The aim of this act is to facilitate the admission of highly skilled migrants, international students and researchers. They have the right to obtain permanent residence in Germany if they are offered a professional position by a German employer. In addition, the applicants also have the right to bring their family members.



Canada

According to the 2011 census, the total population of Canada is 33,476,688, of which the foreign-born population is 6,186,950 (the highest proportion in 75 years), the percentage of immigrants is 19.8%, and the population over 65 years of age: 14.1%.

Immigration has always been a significant factor in building Canadian society. In the beginning, it was predominantly Western Europe that immigrants came from, and others were regarded as more 'foreign' on account of their divergence from this majority, but at the time of early settlement they were needed to farm the vast territory, to work in forests, mines, and in construction, like in Germany. This is a factor that also determined postwar immigration. With the growth of the Canadian economy the borders were open to immigrants, including ones from Eastern Europe, but this time it was mostly well-educated professionals who opted for the big cities. Canadians were in favour of ending discrimination, of demolishing the last racial and ethnic barriers to immigration, which engendered a striking change in the source of immigration: post-1970s immigrants were increasingly from Asia and the Caribbean. At present, newcomers to Canada from non-European and third world countries outnumber European immigrants.

Canada has the highest per capita immigration rate in the world, based on economic policy and family reunification, and approximately 20% of today's Canadian citizens were born outside Canada. Immigrants choose to settle mostly in Toronto, Vancouver and Montreal. In the last several decades, most of Canada's immigrants have come from Asia. Canadian multiculturalism is widely admired and acclaimed and Canada has been named the most successful pluralist society on the globe and a model for the world.

In order to address this racial, religious, ethnic and cultural pluralism in 1971 the Federal government under Prime Minister Pierre Trudeau introduced Canada's first official policy of multiculturalism. Canada established itself as the world's first officially multicultural nation. This step disclaimed the previous policy of assimilation by urging Canadians to accept cultural diversity and by encouraging all citizens to take equal part in Canadian society. Canada is referred to as one of the traditional countries of immigration (TCI) by the International Organization for Migration (IOM).

Canada's Immigration Policy over the Years

In 1946 a Cabinet Committee on Immigration Policy was established and in 1947 the Committee submitted to the Cabinet a report, "dealing with Asiatic immigration and the admission of additional classes of immigrants to Canada" (Library and Archives Canada). On 1 May 1947 the then Prime Minister William Lyon Mackenzie King presented the first important statement on the post-war immigration policy of Canada. In order to preserve Canada's composition, non-white immigration should be avoided.

According to the 1957 Immigration Act it was possible to prohibit admission of persons on the grounds of their:



1. Nationality, citizenship, occupation, class, or geographical area of origin
2. Peculiar customs, habits, modes of life, or methods of holding property
3. Unsuitability vis-à-vis climatic, social, industrial, educational, labor, health, or other conditions or requirements existing temporarily or otherwise, in Canada or in the area or country from or through which such persons came to Canada
4. Probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship, within a reasonable time after admission (Hawkins 102).

With the 1966 White Paper on Immigration racial discrimination was abolished. A point system was introduced into Canada's immigration process whereby immigrants were evaluated according to their educational level, knowledge of English and French and personal qualities. As a UN member, Canada was a signatory to the Convention Relating to the Status of Refugees and received refugees from countries such as Chile, Uganda, Czechoslovakia and Vietnam.

The Immigration Act of 1976 has undergone several amendments over 28 years and has resulted in the introduction of four classes of immigrants. The first one is the family class, the second is the independent class of immigrants assessed on the basis of the point system. The third class was of assisted relatives, sponsored by family members in Canada. The fourth one is the humanitarian class – that of refugees.

The 2001 Bill C-11 or The Immigration and Refugee Protection Act (IRPA) was passed by the House of Commons in order to replace the Immigration Act of 1976. This act states that Canada's immigration policy must implement the state's obligations to promote the Convention on the Rights of the Child, Convention on the Rights of Refugees, Convention Against Torture, Convention on the Reduction of Statelessness, the American Declaration of the Rights and Duties of Man, and the Canadian Charter of Rights and Freedoms that guarantee rights of immigrants and refugees. For the first time the act includes same-sex partners in the definition of family class. Here the classes are three: family, economic class – immigrants can be self-sufficient economically; and Convention refugees. What is more, the duration of sponsorship is reduced from 10 to 3 years for spouses. Furthermore, an in-Canada landing class for sponsored spouses and partners of both immigrants and refugees was created, and sponsored spouses, partners, and dependent children are exempted from inadmissibility on the basis of excessive demand on health and social services (Citizenship and Immigration Canada [CIC], 2001). Permanent residents are required to be present in the country for a cumulative period of two years for every five working years.

The most significant change of the IRPA is the introduction of the Human Capital Model. Instead of recruiting labour force on the basis of occupation, the transfer of skills is used in the process of selecting workers. In order to increase skilled labour, fast tracking of immigrants with skills directly applicable to jobs offered in Canada's labour market is made possible (CIC, 2008).

The Act strengthens the protection of asylum seekers and Convention refugees. What is more, the inland refugee processing through the Immigration and Refugee Board is done faster. Furthermore, the Immigration and Refugee Protection Act is stricter on human trafficking – it increases the punishment and introduces life imprisonment for migrant smuggling. Ac-



ording Report on the Demographic Situation in Canada (Statistics Canada) 250,000 is the estimated number of immigrants to Canada each year and this rate has been relatively constant since the 1990s. Most of the migration flows settle in the Western provinces. The period of the Great Depression in the 1930s and World War II were an exception – almost no international immigrants entered the country in those periods.

The Annual Immigration Plan provides CIC with the number of expected new immigrants to be admitted according to class in Canada. With regard to the economic class, over the years there has been a significant increase of 47% in new arrivals from this class. However, Canada has experienced a downfall of newcomers from the family class – 28% in 2006. A very modest increase can be seen in the admitted refugees – 20% in 2006 (CIC). Another significant change to the immigration policy in Canada was the development of the Temporary Foreign Worker Program (TFWP) which states the importance of temporary residents and how governments rely on them.

In 2008 ministerial instructions were issued to impose better control over the number of admitted immigrants and to reduce application backlog. In 2009 Canadian Experience Class for permanent immigration was introduced in order to facilitate labour shortages and improve short-term economic outcomes for immigrants by defining and understanding high skilled alternatively (in contrast to the point system). This program attracts temporary skilled workers and international students with experience in the Canadian labour market and allows them to apply for permanent residence. It defines high skilled on the basis of both employment obtained in Canada and a language test.

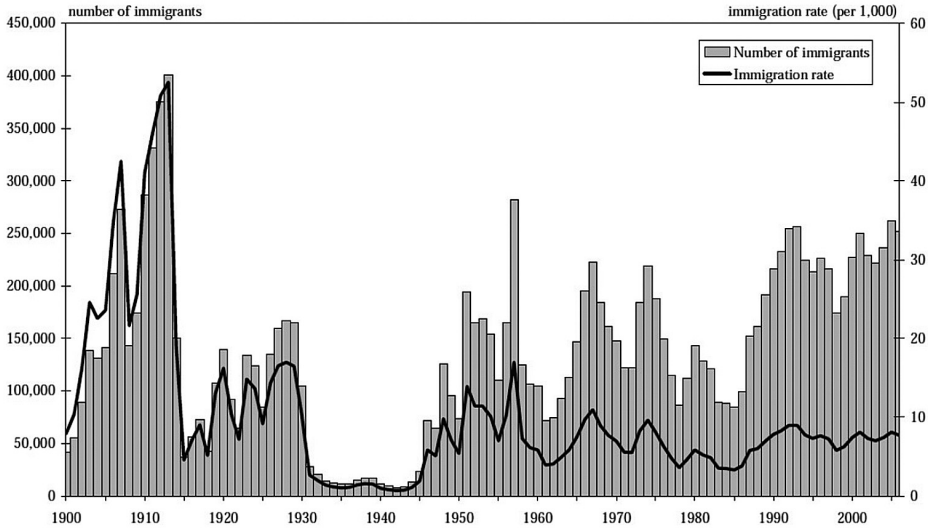
Another program was introduced – The Provincial Nominee Program. It enables both provincial and territorial governments to use their own immigration system in selecting newcomers suitable to fill shortages in the local labour market. A study carried out by the CIC in 2011 has found that the PNP has increased immigration to smaller provinces. However, only 56% of the immigrants who settled in the Atlantic Provinces stay there as compared with 95% in Alberta and British Columbia (Report on Plans and Priorities – RPP).

The CIC also issued a number of instructions, such as taking occupation into consideration when selecting an applicant. Although the IRPA also uses occupation in the point system of the selection process, as of 2011 it is seen as a preliminary screen. Newcomers are eligible for a certain position only if they have a Canadian job offer. In addition, quotas are introduced and fewer people are permitted into an area with strong demand. This has the effect of reducing backlog and therefore enabling the selection process to respond quicker to the changing conditions.

The majority of the current Canadian immigrant population is of Asian origin – 58.3% in 2006. The second largest group of immigrants were born in Europe – 16.1%. Canadian Immigration Policy in the years after World War II was intended to attract mainly people from European countries; therefore $\frac{3}{4}$ of newcomers in 1966 were Europeans, whereas only 6.4% were Asian. 54% of the newcomers in 2006 migrated to Canada for economic reasons – they were more likely to integrate in the labour market at their level of education, age and knowledge of the official languages of the country. Most immigrants are between 25 and 44 years of age. According to data by the CIC, prior to 1960 almost 90% of the immigrants to Canada came from Europe, in contrast in 2006 the percentage is only 10.8. The opposite trend can



Fig.1. Number of immigrants and immigration rate in Canada (1990–2006).



Source: Statistics Canada

be observed when taking into account newcomers from South and Central America form less than one to 10% in 2006. The number of immigrants from Africa and The Middle East has increased to 11.8%. Permanent residents from the United States are 6.3% of the total population of Canada. 61% of the total immigration comes from the Asia Pacific region countries. China, India, the Philippines and Pakistan account for the main countries sending immigrants to Canada.

Considering refugees, in 2006 about 34, 000 entered the country, mainly from Mexico, China, Columbia, Sri Lanka and India. The larger number of the so called ‘humanitarian population’ settled in Ontario – 20% in Toronto. Ontario is the most attractive destination for 47% of all immigrants to Canada, 36% whom reside in Toronto. Other provinces with greater number of newcomers are Québec (Montreal: 15.3%), British Columbia (Vancouver: 14.4%), Alberta (Calgary: 4.7%) (Canada 2006 Census).

70.2% of all immigrants in 2006 are allophone, which is 20% of the total population of Canada They speak a language other than English or French as their mother tongue. Of those, the majority is of Chinese origin (18.6), followed by Italian, Spanish, German, Tagalog and Arabic. Despite a slight decrease, Anglophones still represent a high proportion of the population – 57.8%, whereas Francophones are about 22%. Studies of recent immigration to Canada show that the majority of newcomers are able to speak one of the two official languages (82%), are well educated (92%) and are in the working-age group (88%) (Canada 2006 Census).



Conclusion

Immigration is an inevitable part of the globalisation process that the world is experiencing today. The movement of people for economic reasons not only supplies the needs of the labour market, by filling gaps where shortages occur, but also boosts the competitiveness of countries with high net immigration and helps to overcome some of the demographic challenges. Unlike Germany, where post-war immigration comprises of guest workers and generally low-skilled labour force, with the introduction of the points system, Canada attracts many skilled workers. Both Canada and Germany are faced with aging population and deficit in some sectors of their labour markets. With the development of their immigration policies and the implementation of different programs and resolutions, the two countries make an effort to balance these skill shortages. There are still some regulations that need more time to prove their effectiveness. However, the new labour migration systems in both countries promise to provide the better integration of future newcomers. Although the two examined countries have different approaches to managing migration, they face similar immigration issues.

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