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A Model of Optimal Canadian Temporary Immigration

Don J. DeVoretz

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A Model of Optimal
Canadian Temporary Immigration for the 21st Century

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Don J. DeVoretz
Co-Director Riim-Metropolis Center
Simon Fraser University

devoretz@sfu.ca

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I. Introduction

Temporary immigration issues have recently arisen in Canada as a focal point in the debate surrounding new Canadian immigration policies. The most dramatic debate surrounds the proposed temporary dispersal visa whose genesis lies in the call for the geographical dispersion across Canada of putative future permanent immigrants.[1] In addition, the continued debate over the size and permanence of the Canada-U.S. brain drain is predicated on the existence of the NAFTA-created TN temporary visa.[2] On a more mundane level, niche positions in the Canadian labour market have been historically filled with temporary foreign workers and are now subject to debate. Two traditional segments of the Canadian labour market filled by temporary visa holders include unskilled agricultural workers and foreign caregivers.[3] Other temporary visitor permits have become more permissive. In the last decade foreign students (and their spouses) while in Canada have been granted temporary work permits in order to earn funds for subsistence purposes and to gain valued Canadian labour market experience.[4] Finally, Canada's membership in various trade agreements (NAFTA, GATS), has given rise to growing demands by some member countries to expand the immigration visa provisions that permit temporary admission into Canada. Specifically, under NAFTA's Section 16, in addition to admissions of U.S. citizens, Mexicans and then

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[1] Under this geographical dispersal scheme, temporary visas would be issued to recent arrivals. After a waiting period in a designated area the applicant would have his/her temporary visa converted to a permanent or landed status.

[2] The TN visa arises out of Section 16 of NAFTA, which permits Canadians (Americans) to live for an indefinite period in the United States (Canada) if they have a bona fide job offer in one of 72 occupations that require at least a B.A. degree. It is estimated that 100,000 Canadians live in the United States circa 2000 with this visa. This agreement also applies to Mexicans and Chileans for bilateral movements between these countries and Canada. The USA does not confer mobility provisions on Chile and only in a very limited manner to Mexicans.

[3] The "Nanny" or caregiver program allows the provisional admission of workers to Canada who after a 3-year period of satisfactory employment are allowed to convert their temporary status into a permanent or landed status. The agricultural worker program employs approximately 60,000 workers under contract whose ability to re-enter Canada in the next harvest season is predicated on leaving at the end of their current stay in Canada.

[4] Upon completion of their degree foreign university students in Canada can apply for a temporary work permit in an occupation related to their education. If approved, these students can work for up to one year at this position. Mobility rights with this visa are restricted as you need a separate visa for each new job and the tenure is limited to one year. Foreign graduate students, of course, are issued student visas, which allow them to study and work as teachers or researchers at the school they attend. Foreign undergraduates and secondary students are also given temporary work permits with strict controls under the number of hours worked but are not restricted to on-campus activities.

Chilean citizens have gained prolonged temporary access to the Canadian labour market through the provision of a NAFTA-based TN visa.[5] Also, new forces have arisen to expand temporary mobility provisions to a much wider group of Canadian trade partners under the GATS agreement. Under the existing GATS trade agreement, limited temporary admission to Canada by foreign traders and professionals amongst the 63 signatories of GATS is currently allowed.[6] At the recent WTO meetings in Doha, circa 2001, less developed countries who are signatories of GATS argued for the increased mobility of so-called 'natural persons' to Canada and other developed countries. If approved, this provision for the movement of 'natural persons' would allow unskilled temporary workers to have access to the Canadian labour market under the same provisions as traders and professionals.[7]

In sum, the current state of temporary immigration legislation in Canada is complex in terms of tenure, eligibility, and most importantly with respect to the attendant labour market conditions, which must be satisfied to achieve admission. For example, under NAFTA, the TN visa has no limits on tenure and no labour market test to limit admission of citizens from member countries with a job in hand in 72 occupations. At the other extreme, the temporary admission to Canada of foreign agricultural workers is permitted only after strict labour market wage and working conditions are met.[8] What is missing from all the existing analysis of the current restrictions as applied to the temporary entry of workers to Canada is a theoretical construct to assess the labour market impact of temporary workers on resident Canadian workers. I will argue in this essay that without this theoretical construct it is impossible to decide on the optimal number of temporary admissions and the associated welfare impacts on resident Canadian skilled or unskilled workers.

More fundamentally, given both the growing complexity of temporary immigration

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[5] The United States does not consider Chile a member of NAFTA and no TN visa is issued to Chileans by the Americans. In addition, the United States limits the number of TN visas issued to Mexicans and applies a series of additional measures to restrict entry into the United States under this visa provision.
[6] Under the GATS agreement both traders and professionals are only admitted to Canada for 6 months if they can convince Human Resources Canada that no Canadian will lose his/her job as a result of their admission.
[7] These provisions in short include: only six months in residence after employment authorization by Human Resources Canada is achieved.
[8] For agricultural workers, both the Canadian employer – the migrant broker who arranges for contracted foreign workers – and the worker face a myriad of restrictions. The most dramatic restriction, however, is that no one can re-contract for workers in the next season if they fail to abide by the substantial regulations. For

legislation and the increased numbers of temporary immigrants in Canada, the presumed net economic benefits criterion, which is imposed to justify these seemingly innocuous temporary mobility provisions, is unclear. The net economic benefits criterion in this context implies that each temporary immigration program must provide on balance to all resident Canadians a positive benefit. Thus, if workers suffer but both consumers and employers gain, then is that sufficient to support the legislation if the latter positive gains outweigh the former loss? We thus need a model and methodology to assess workers' loss to complete this calculation.

In addition, there exist worldwide several temporary worker models for unskilled inflows that suggest caution in allowing the uncritical growth of temporary immigration provisions if national net economic benefits is the sole criterion for a successful program. Japan, Malaysia, Norway, Germany, the United States, and Israel all permit temporary inflows, and their experiences should direct critical thinking in this area.[9] All of these countries historically started with modest temporary admissions programs when there existed worker "shortages" in the policy makers' minds. However, all these programs were later abandoned after they had grown in size and their labour market implications became evident. Canada's current temporary worker program, for either skilled or unskilled, is small and well served from a management viewpoint.[10] In other words, available evidence suggests that typical management problems such as temporary immigrant disappearance, and abuse of employees as reported in Israel, Germany and the United States are not critical weaknesses of Canada's temporary worker program. However, efficient management alone should not be the sole objective of Canada's temporary worker program. Several broader economic goals must also be met including equity and, as noted, a more fulsome test for net economic benefits to Canada to make a temporary admissions program an effective immigration policy. Equity issues in terms of the labour market impacts on Canadian resident workers are of paramount concern to complete the calculation of net economic benefits. Most current Canadian temporary immigrant legislation contains some provisions to protect resident Canadian workers since a labour market test is required for all but NAFTA-based TN visa

example, if the worker does not leave Canada in a timely manner at the end of the current agricultural season he/she is not eligible to re-enter in the next season.

[9] See, B. Lindsay Lowell (1999); Thomas Straubhaar (1999); Don DeVoretz (1999).

issuance. But how much protection is required? Should temporary immigration to Canada be halted if wages (or unemployment rates) fall (rise) by 5 or 10 percent or some other preordained number? Moreover, how do the potentially affected Canadian resident workers express their agreement to any set of preordained unemployment/wage guidelines on an individual basis? Even if a theoretical construct could provide a framework to answer these questions we are still left with the need to measure the net economic benefits of any temporary inflow across all agents involved. The three agents involved in the temporary immigrant marketplace are the immigrants, the Canadian employers and finally the Canadian employees. Clearly, both the employers and contemporary immigrants will gain from a temporary admission as Figure 1 illustrates.

[10] See, David Greenhill and Jorge Aceytuno (2000), and Bradley Pascoe and Beverly Davis (2000).

Figure 1

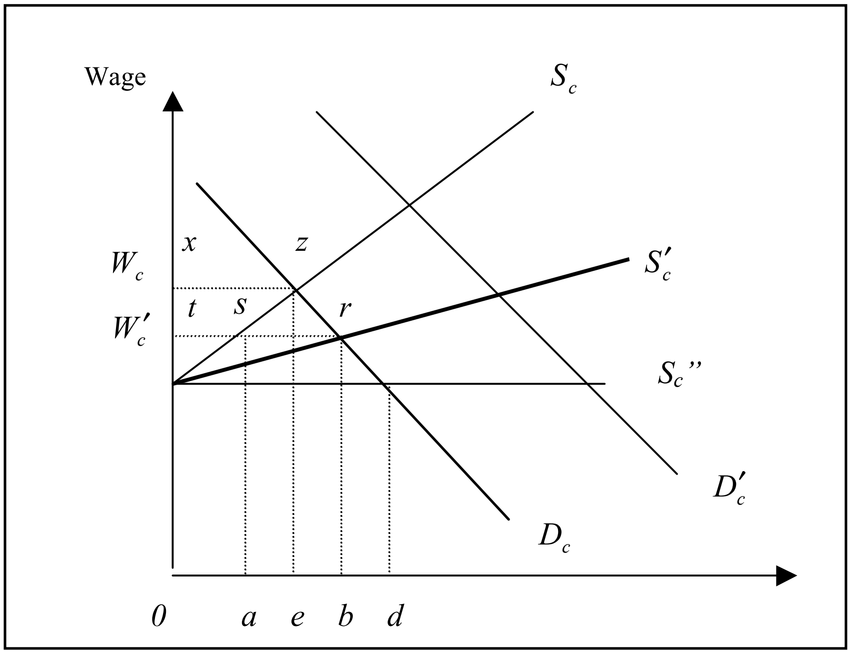

Figure 1 indicates that under a static demand curve, resident Canadian workers must absorb either labour displacement or wage compression (or both) when a temporary worker is admitted. In the static case depicted in Figure 1, *ab* foreign temporary workers are admitted which displace *ae* of domestic workers as the Canadian equilibrium wage rate is reduced from Wc to Wc'. This wage rate of Wc' however still exceeds the foreign wage rate (We) so that the admitted foreign workers welfare is increased. In addition the decreased domestic wage rate (Wc to Wc') increases the return to Canadian employers as his/her wage costs decline by an amount of *XZRT*.

Thus, two of the three agents (Canadian capitalists and foreign workers) increase their welfare under the temporary admission of foreign workers. However, how do we insure that potential and realized welfare loses to displaced Canadian workers do not offset the gains accruing to employers? In other words, how do we accurately measure the net economic benefit to all Canadians of temporary movement? The central goal of this essay is to provide an analytical framework to answer this question.

II. Model

I have argued elsewhere that the Rawlsian goal of maximizing economic gain to resident Canadians without reducing the welfare of the bottom fifth of Canadian society is one possible evaluation framework for an immigration program.[11] Even if we accept some version of this Rawlsian framework, it is still necessary to isolate the exact components of this general welfare principle when we consider only temporary immigration to Canada.

The positive or negative impacts of immigrants in the labour market and on the treasury are often cited in the literature as welfare assessment criteria to insure a positive Rawlsian outcome. I will argue that the direction of these labour market and financial effects as a consequence of temporary immigration are unknown *a priori*. Depending on shifts in the intercepts and the supply and demand elasticities embedded in Figure 1, the labour market outcomes of resident Canadians can be enhanced or harmed by the influx of unskilled temporary workers. In other words, either wage compression or growth and job displacement or creation can occur after a temporary immigrant arrives. In Canada's public finance sector, temporary immigration can enhance (reduce) the tax base and lead to a treasury gain depending upon the temporary immigrants' demand for public monetized services. In turn, the exact public finance outcome – gain or drain – depends on the temporary worker's stage in the life cycle as well as eligibility requirements for social programs.[12] Thus, both economic theory as well as cross-country comparative experiences alluded to above suggest that any particular temporary immigration program may (or may not) realize the Rawlsian goal of conditioned maximum net benefit to residents Canadians.

II. A Canadian Economic Model of Temporary Movers

Current Canadian memoranda of understanding (MOUS) reflect the myopic managerial model that has served Canada well in the past with its limited non-permanent foreign worker

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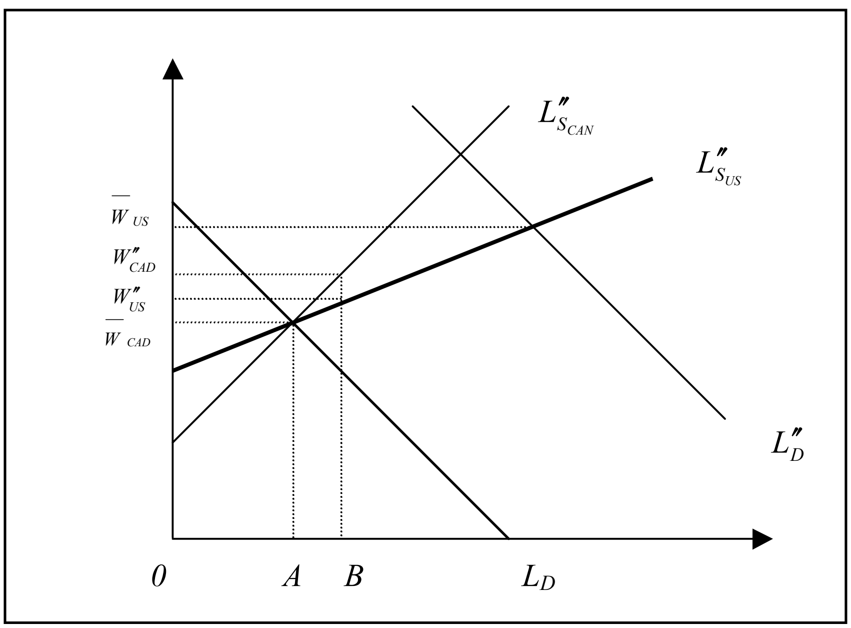
[11] See Don DeVoretz (1999). In this context it is argued that any immigration policy that increases the welfare of the resident Canadian population while not harming the lowest income group satisfies the Rawlsian criterion.
[12] See Don DeVoretz and Yunus Ozsomer, "Immigrants and Public Finance Transfers: Vancouver, Toronto and Montreal." RIIM Working Paper Series, No. 99-06.

programs.[13] These memoranda reflect the apparent policy imperative of setting standards and conditions in the relevant labour markets. For example, wage floors (minimum wages), housing standards, food provision and maximum deductions for employer-provided benefits are all incorporated in these employer-state MOU conditions. These conditions in turn are presumed operational equivalents to insulating Canadian residents from wage or (un) employment effects and mitigating any impacts on the publicly financed health and social benefits package. However, two crucial questions are begged in this managerial approach. First, what is the optimum number of temporary immigrants in any sector or industry consistent with not imposing substantial damage on resident workers such as to vitiate the net economic benefit criterion? Theoretically we can devise extreme cases of tolerance for temporary labour inflows by resident workers.

Figure 2



In Figure 2, if all resident Canadians beyond *OA* had a reservation wage that exceeded the minimum wage offered to temporary foreign workers, then all new workers to

[13] These programs would include the seasonal agricultural, live-in caregiver and student visa programs. The latter visa with respect to graduate students allows controlled and limited entry into the university labour market with no mobility rights.

that sector would consist of 100 percent temporary workers without any resident wage compression or labour displacement. Figure 2 points to a job loss to Canadian resident workers if the current MOUs use a minimum wage below their reservation wage and labour demand expansion. In addition, a begged question underlies the outcome inherent in Figure 2. In short, why should domestic unskilled wage rates be compressed to the minimum wages under an MOU without any compensation to the affected domestic worker? If either labour displacement or wage compression occurs as a consequence of Canada's current or proposed temporary immigration program then this clearly violates the Rawlsian-DeVoretz policy imperative that any gain from a temporary migrant policy must not impose costs on Canadians in the lower portion of the income distribution. In addition, under this condition the net economic gain criterion for the admission of temporary workers may be violated. Thus, given the typical conditions in Figure 1 or the seemingly benign conditions in Figure 2, there appears to exist a fundamental flaw in Canada's current temporary worker migrant program, which must be corrected. Namely, how do we incorporate the wage compression or displacement for any Canadian resident worker or all of them collectively into a net benefit criterion for admission?

The market offers an alternative to the current Canadian temporary migrant program that violates the Rawlsian-DeVoretz policy imperative and probably the net benefit rule of the Canadian policymakers. An auction market should be legally created to ascertain the value of Canadian jobs that are offered to foreigners on a temporary basis and enter this value into the calculus of determining the optimal number of temporary immigrant visas allocated. Under Canada's temporary admission system, three of the four agents in the temporary worker market – the Canadian employer, a broker (if he exists) and the foreign worker – clearly gain under the current management system. In the case of the Canadian employer, s/he gains when a temporary migrant arrives in Canada if a Canadian worker is unavailable at the prevailing wage in the domestic labour market. In addition, the Canadian employer potentially gains from the presence of a foreign temporary worker if the prevailing wage is reduced as the labour supply increases. The foreign temporary worker gains if there exists a net difference between the world (un)skilled wage and the Canadian minimum wage. Finally, the broker (if he exists) earns rent from either (both) the foreign worker or (and) the

Canadian employer. Thus, if the transaction occurs, and a foreign worker arrives, then these three agents – employer, broker and foreign worker – all potentially gain at the expense of the Canadian worker.[14] There exists a loss incurred by the Canadian worker that equals either:

a. The difference between his (her) marginal product and the minimum wage paid to a temporary migrant worker if the Canadian worker absorbs the wage compression outlined in Figure 1, or
b. Loss of his/her job (*ae* in Figure 1.

How can the potential loss to the resident worker by the admission of a temporary migrant to be measured and compensated for? How large should this compensation be and how many Canadian resident workers should be compensated? Furthermore, how many unskilled temporary workers should be admitted and in what occupations or industries? These are complex questions that existing management agreements attempt to answer in an *ad hoc* manner by proposing an orderly management system under existing MOUs. However, the proposed auction market in this paper offers an alternative method to yield internally consistent answers to these questions. I present a stylized version of an auction model below to point to both the equity and efficiency gains under this auction regime versus the inefficiency and inequity inherent in the current incomplete net benefit Canadian model as it appears in the existing MOUs.

Under the proposed Canadian auction scheme, all previously employed (un)skilled Canadian resident workers would be issued by Revenue Canada as part of their tax statement a voucher that entitles them to auction off their job(s) from the preceding year to an approved list of foreign workers. This offer would be placed on the Temporary Hiring (Un)skilled Monster Board or THUMB.org on the Internet. The actual conditions of the auction, legal statements, any bonding or vetting would be under the control of Revenue Canada and/or Citizenship and Immigration Canada. A small processing fee would be charged to the person who places the offer. Any potential broker or foreign worker would also pay a fee to Revenue Canada to use the service. These fees would be adjusted to insure that this auction

[14] This condition holds if and only if the resident Canadian worker would have worked at some wage above the minimum wage and below the marginal product of that worker.

board is cost free (to the Canadian taxpayer) such that enforcement costs would be absorbed by auction market participants to insure an orderly market. The fee should be set to provide an actuarially sound insurance fund to compensate for any malfeasance arising from fraud on the board and to insure validation of both job offers and the bona fides of the foreign bidder. Furthermore, full information on terms and conditions of successful auctions would be supplied daily to any registered Canadian who has a job offer on THUMB.org. This information would consist of the terms of successful auction transactions, i.e. number of hours sold, where, when and what industry and at what price. Thus, a Canadian unskilled worker could re-offer his voucher, which he obtained from Revenue Canada daily if there had been no previous taker, or remove it from THUMB and continue to work if the price offered for his job fell below his reservation price. Given that the voucher is only valid for a maximum of 365 days annually, the value of the voucher would fluctuate over a calendar year if the offered job is seasonal and as the number of calendar days declines.

This possible rise (or fall) in the voucher price would possibly cause a futures market in vouchers to appear. This futures market should be permitted. For example, with a futures market, brokers could buy vouchers from Canadian workers early in the calendar year and these brokers could then assume all the downside risk as they search the world for temporary foreign workers and are (un)successful. They would be unsuccessful in the sense that they paid more to the Canadian job holder for this one-year job than they could obtain on the THUMB auction market. In both the spot and futures market, the optimum solution on THUMB.org should arise daily as both forward and spot contracts appear under various job matches.

Even given this sophisticated auction market, short-run disequilibrium could still arise. For example, what if there are mismatches in the offer-bid process between foreign workers and individual Canadian skilled or unskilled voucher holders?[15] Under these conditions a secondary market would arise in which Canadian firms could buy vouchers from Canadian workers and re-offer them at a discount or premium to foreign workers for the terms and conditions that were originally negotiated by a Canadian firm and Canadian worker. If no transaction takes place between individuals – potential foreign migrants and

[15] This is true only if the transactions costs of this market are kept low.

Canadian voucher holders – then a longer-run optimal solution could be achieved by actions of the Canadian employer. Faced with continued short-run disequlibrium, i.e. inadequate foreign migrants, Canadian firms would relocate to where the foreign temporary worker resides. This result is a corner optimal solution when no temporary workers enter Canada.

III. Summary and Conclusions

In sum, this auction market will simultaneously provide a daily temporary wage rate for a specific job to a prospective temporary foreign worker, the yearly number of temporary visas offered (from zero to 100 percent) for all jobs previously held by Canadians and the location (in Canada or offshore) of the unskilled intensive Canadian-owned firm. All these transactions arise without the necessity of a government official trying to calculate an ephemeral net benefit value for a particular number *(ab)* of temporary workers entering in a particular occupation.

What of industries or sectors that were previously 100 percent dependent on foreign temporary immigrants? An example in Canada is services such as caregivers or Nannies. Here the service firm cannot relocate abroad since the service provided by the temporary worker is tied to Canada. In this case, with no history of past Canadians in the job market, the auction market could still be used. The vouchers now would be issued to existing Canadian firms that have provided these services with foreign workers under the rationale that their low minimum wage rate had already diverted Canadian unskilled workers from this industry. Here a two-stage market would appear. The first stage of the auction would be reserved for Canadian workers with a previous attachment to this portion of the labour market. The evidence for the latter would be a two-year-old or less employment earnings stub or T-4 slip. In the first stage the employer would offer a job and/or voucher to a Canadian in the form of an hourly wage and number of hours offered per year. The Canadian worker could either accept this job offer or buy the equivalent voucher from the firm and offer it on THUMB.org to a foreign temporary worker. This preserves the option value of the Canadian worker to take this previously unfilled job and/or usurp a portion of the rent that would normally accrue to an employer and/or government in the case of a null labour market. If no offers were made by previously unemployed Canadian workers with attachment to the labour market then the firm would lower its voucher price such that the net gain to the unemployed Canadian after the resale of the voucher to a foreigner is sufficient to induce a trade with a temporary foreign worker. In the extreme, the Canadian firm would pay the previously unemployed Canadian worker to take the voucher to complete the job match for the firm. In effect, the previously unemployed worker would act as a broker and search for the foreign worker with the prospect of earning a rent between the cost of the voucher and the lower contracted wage for the temporary foreign worker.

In sum, a voucher temporary migrant worker market conducted via a web-based job board would provide daily information on the price and number of temporary job offers. Moreover, in a world of free exchange all agents gain. Employers, resident Canadian labour and foreign temporary workers would share in the efficiency gains. Thus, the Rawlsian-DeVoretz imperative of welfare improvement with no harm inflicted on the bottom portion of the income-earning profile would be satisfied as well as the net benefit criterion of the Canadian government. Still, many administrative issues remain and I outline these in Appendix I, and they must be resolved and placed in any contract offer posted on THUMB.org.

Appendix I. Administrative Issues

In addition to satisfying the Rawlsian-DeVoretz welfare criterion, an ideal evaluation model for temporary migration must also address the following issues:

1. Types of Visas
   a. Optimal length of stay
   b. Spousal sponsorship
   c. Minor sponsorship
   d. Renewal from within or outside

2. Employment Authorization: Alternatives
   a. Individual or industry-wide authorizations
   b. Private firm issuance of authorization under an audit and bonded scheme
   c. Government employment authorization with expedited service by fee class

3. Conversion Rights
   a. Mobility rights across firms, industries or broad occupational groups
   b. Ascension to full mobility rights
   c. Conversion rights from limited employment earned benefits to generalized social benefits after an assessment period
   d. Spousal working permits after an assessment period
   e. Conversion to permanent immigrant status after an assessment period

4. Profile of economically ideal temporary migrant
   a. Age, marital status, gender and number of household members
   b. Education or previous work experience
   c. Language competency
   d. Mobility background-moved before for employment
   e. Country/area of origin

Once each issue is settled by debate, the implied necessary side conditions arising from the resolution of these debates can be inserted in the contract or voucher offered in the auction market. As the conditions become more stringent, both the price of the voucher will rise and the number of temporary workers will decrease.

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