

Highly-skilled Indian Migrations in Canada and the US: The Tale of Two Immigration Systems¹

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Abstract

As a result of immigrant receiving countries' admission and integration policies, source country development, and economic globalization trends, contemporary international migration has become increasingly heterogeneous regarding origins and destinations, migrants' demographic and socio-economic profiles, and their impacts on both sending and receiving countries. In particular the competition for highly skilled migrants or the race for "global talent" has acquired unprecedented complexity. The uncertainty of China and India continuing to be the dominant sources of supply of global talent is yet again changing the contours of highly-skilled international migration geography. A major challenge to achieving the celebrated "win-win-win" for migrants as well as their origin and receiving countries – a primary goal of the UN (2006) agenda for international migration and development – is to resolve some of the complex contradictions either existing or emerging between innovations taking place in the receiving countries' immigration policies and the development imperatives of major sources of talent.

China and India are on the top five lists for both Canada and the US in terms of sources for highly-skilled and professional immigrants and temporary migrants. Canada and the US represent two different, but representative of, major contemporary immigrant admission systems: respectively, a points system valuing human capital and connection to the country without annual cap versus a quota system based on different preferential categories with annual cap. Their policies toward temporary migrants are drastically different as well. Additionally, the two countries also epitomize, respectively, the two major immigrant integration ideals in the world: that of multiculturalism versus assimilation. It is useful to compare the similarities and differences between these two countries. In this paper, we seek to increase understanding of the policies and processes of highly skilled Indian migration to Canada and the US, the effectiveness of various policies of recruitment, retention and integration, in comparison to those of EU countries, by exploring the following themes: 1) Historical and contemporary immigration policies toward Indian migrants; 2) Indian immigration trends in Canada and the US; 3) Differential outcomes of Canada versus US systems; and 4) Comparison to EU and policy implications.

Keywords: High-skilled migration, Economic globalization, Migration policy, Immigrants admission system, Integration, Multiculturalism, Assimilation, china, India, Canada, US

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I. Introduction

As a result of immigrant receiving countries' admission and integration policies, source country development, and economic globalization trends, contemporary international migration has become increasingly heterogeneous regarding origins and destinations, migrants' demographic and socio-economic profiles, and their impacts on both sending and receiving countries. In particular the competition for highly skilled migrants or the rush for "global talent" has acquired unprecedented complexity as emerging economies such as China and India have become the new "tigers" of economic growth in 21st century Asia. There is a world-wide shortage of talent required to fuel burgeoning knowledge economies that are the hallmark of contemporary globalization (Castells, 1998). The uncertainty of China and India continuing to be the dominant sources of supply of global talent is yet again changing the contours of a process that only a decade ago was seen to be "an invisible phenomenon" (Findlay, 1995). A major challenge to achieving the celebrated "win-win-win" for migrants as well as their origin and receiving countries – a primary goal of the UN (2006) agenda for international migration and development – is to resolve some of the complex contradictions either existing or emerging between innovations taking place in the receiving countries' immigration policies and the development imperatives of major sources of talent.

China and India are on the top five lists for both Canada and the US in terms of sources for highly-skilled and professional immigrants and temporary migrants. Given what has been happening in China and India, it is not surprising that their citizens are well prepared for, and fit into, the employment needs of the globalizing economy in North America and Europe. China and India possess rapidly growing economies of their own and a burgeoning highly educated middle-class, and are among the largest source areas for talent-exportation in recent years. In the US migrants from these two countries alone count for more than 25% of all international students in 2006, 40% of all employment-based immigrants and 60% of all H-1b visa holders in the early 2000s (Lewin, 2007; Li 2006a; Saxenian, 2005). Likewise, between 1997 and 2006, a quarter of all immigrants to Canada came from China and India, and in 2006, the 41,457 students from these two countries account for 26% of the total stock of international students in Canada (Citizenship and Immigration Canada, 2006).

On the other hand, Canada and the US represent two different, but representative of, major contemporary immigrant admission systems: respectively, a points system valuing human capital and connection to the country without annual cap versus a quota system based on different preferential categories with annual cap. Their policies toward temporary migrants are drastically different as well. Additionally, the two countries also epitomize, respectively, the two major immigrant integration ideals in the world: that of multiculturalism versus assimilation. It is useful to compare and contrast the similarities and differences between these two countries.

Therefore in this paper, we seek to increase understanding of the policies and processes of highly skilled Indian migration to Canada and the US, the effectiveness of various policies of recruitment, retention and integration, in comparison to those of EU countries, by exploring the following themes:

- Historical and contemporary immigration policies toward Indian migrants;
- Indian immigration trends in Canada and the US;
- Differential outcomes of Canada versus US systems; and
- Comparison to EU and policy implications.

II. Immigration Policies toward Indian Immigration to Canada and the US

1. Historical Overview (till mid 1960s)—Convergence of Discriminative Policies and Practices

India has long-standing Diasporas that have spread across the world, ranging from forced labor (*coolies*) to free migrants seeking a better living overseas. Majority of early Indian migrants to Canada and the U.S were laborers and shared similar histories: Indians arrived in British Columbia first before migrating to American Northwest to seek for work opportunities. Their fates in these two countries were similar as they were subject to prejudice and discrimination. This section traces how American and Canadian laws and court cases evolved toward Indian immigrants.

During the early immigration era (i.e. until the late 19th century) in US history, most immigrants were allowed to settle in America as long as they had no criminal background. Prompted by job competition, economic recession, and racial prejudice during the time, discriminative laws, government policies, and court cases were soon enacted against Asian migrant groups, from Chinese, Japanese and Koreans, to Indians and then Filipinos. For instance, an 1880 US immigration commission report indicated that “Hindus were universally regarded as the least desirable race of immigrants thus far admitted to the United States” (Hess, 1982, 29). The first immigration law directed toward Indian immigration was the creation of the 1917 Asiatic Barred Zone which included India. Originally considered as white, Indian migrants were allowed to become naturalized citizens. But the 1923 *US v. Bhagat Singh Thind* Supreme Court case overturned such legal practice by classifying Indians as non-white despite their being considered as Caucasians in race. Naturalization certificates previously granted were subject to cancellation. Restrictive state legislation on marriage, landholding, and voting (including anti-miscegenation laws and anti-alien land laws, including revoking existing land purchases) further reflected this prejudice (Hing, 1994; Juergensmeyer, 1982; Jensen, 1988; Takaki, 1998). These discriminatory regulations, along with prohibitive social practices, cast Indians as racialized minorities in American society well into the 20th century.

The picture in Canada was similar. A substantial increase in Indian manual labour immigrants to work in railway construction and in the logging and lumber industries in British Columbia as result of head taxes against the Chinese since 1885. Yet anti-Asian sentiments were so strong in Vancouver that the British Columbia government established barriers that beginning in 1907, Indians not born of Anglo-Saxon parents were disfranchised despite of being British subjects. In 1908, Indians were kept out of Canada by an order-in-council requiring them to come to Canada by continuous passage from India when no steamship line provided the service. Further discriminative measures took effect when Indians were denied voting right and excluded from professions, which resulted many returnees to India.

The Asian exclusion era in North America ended during World War II when most Asian countries became war allies with US and Canada. Following the repeal of the Chinese Exclusion Act in 1943, the US Congress passed the Luce-Celler Bill in 1946 which granted Indians 100 annual immigration quota and restored their rights to become naturalized US

citizens (Takaki, 1998). Then in 1952 Congress established "Asian Pacific Triangle" which only permitted a total of 2,000 annual immigrant quotas for the entire region. In Canada, Indians were allowed to vote in 1947, and the 1952 Immigration Act which favoured British subjects and French citizens allowed 150 annual immigration quota from India, which was increased to 300 five years later.

2. Contemporary Immigration Policies (mid 1960s onward)–Divergence in Selective Policies

The 1965 Immigration and Nationality Act is seen as the landmark change in the US immigration legislative processes. This act equalized the immigrant quotas at 20,000 persons for all national groups in the Eastern Hemisphere. By creating two immigrant categories, this act furnished the means for a diverse array of individuals from diverse source countries. The family reunion category allowed for the settlement and family reunification for recent immigrants and refugees while the employment category enticed highly skilled and educated individuals, other needed laborers, and their families. These two classifications were further subdivided into preferential categories in order to obtain a stratified and diverse migrant population, with 3rd and 6th preferences being employment category (US Congress, 1965). In Canada, new regulations were tabled to eliminate all discrimination based on race, religion and national origin in 1962. The immigration admission system was revamped as the points system was introduced in the 1967 Amended Immigration Act for the selection of skilled workers and business immigrants. With immigrants now evaluated based on education, age, official language ability and skills, work experiences and connection to Canada, this marks a pointed departure from the past but also a diversion from the American system.

In the past half century since the 1960s, the most important and comprehensive immigration admission policy change in the US is the Immigration Act of 1990 (US Congress, 1991), despite other piece-meal legislations since then. Effective October 1, 1991, the 1990 Act aims to accommodate economic restructuring and globalization of capital and personnel flows. Immigrants were classified into three main categories: family-sponsored, employment-based, and diversity. In addition to stressing the traditional value of family reunion, the Immigration Act of 1990 emphasized employment-based immigration by tripling quotas to 140,000 per year. Among the employment-based immigrants, there are five subcategories: 1) priority workers; 2) professionals with advanced degrees or aliens of exceptional ability; 3) skilled workers, professionals, and unskilled workers; 4) special immigrants; and 5) an investor category similar to those implemented in Australia, Canada, New Zealand, and the U.K.

In Canada, the most important legislations in immigrant admission since 1967 are the 1976 Immigration Act and the 2002 Immigration and Refugee Protection Act (IRPA). The 1976 Act which came into force in 1978 focused on who should be allowed into Canada, and not on who should be kept out. There are four key stipulations in this Act. First, it gave more power to the provinces to set their own immigration laws. Second, it defined "prohibited classes" as individuals who could become a burden on social welfare or health services. Third, it created four new classes of immigrants who could come to Canada: refugees, families, assisted relatives, and independent immigrants. While independent immigrants had to take part in the Points System, other classes did not have to so long as they passed basic criminal, security and health checks. Fourth, it allowed the government to issue 12-month exclusion

orders and a departure notice for immigrants involved in less serious criminal or medical offenses who formerly would be barred from entering Canada for life. The 2002 IRPA defines three basic categories of permanent residents which correspond to three basic program objectives: reuniting family, contributing to economic development, and protecting refugees. In particular, economic class immigrants are broadened to include not only skilled workers and business immigrants, but also provincial/territorial nominees who are not subject to the skilled worker selection grid in order to meet local economic needs and live-in caregivers that formerly were classified as temporary foreign workers. This legislation alters the selection of skilled immigrants in two respects: it raises the total number of points required for entry from 70 to 75 (out of 100), and the new criteria emphasized language, formal education, and prior experience in the labour market, in response to the declining economic performance of Canada's highly-skilled immigrants in the 1990s. This new criteria gives French- and English-language speakers easier access to Canada, thereby sharply reducing the supply of acceptable applicants from China which has been the top source country since 1997 (Shi, 2003), and resulting in an increasing number of skilled immigrants from India which is now the top immigrant sending country to Canada. To further attract highly skilled migrants, Canada introduced the Canadian Experience Class as recently as August 2008, aiming at the temporary foreign workers and foreign students who graduated in Canada (Aggrawal and Lovell, 2008; Statistics Canada, 2006 Census; The Canadian Encyclopedia, 2008).

In the US, in addition to the immigrant admissions, what is more important pertaining to highly skilled Indian migrants is the H-1B non-immigrant visa program. The 1990 Immigration Act revamped the H-1 program by setting up a H-1B visa, and significantly increased the number of temporary foreign workers permitted to enter the United States. The H-1B visa program was designed for temporary workers employed in "specialty occupations" that require specialized knowledge and at least a bachelor's degree or its equivalent. H-1B visa holders are sponsored by American employers and permitted to work in the US for an initial 3-year term and renewable for another three years, and during the maximum of six years they are eligible to adjust their status to become legal permanent residents (LPR; or green card holders); and afterward subject to the same 5-year rule to become naturalized citizens. They can bring their immediate family members (spouse and minor children) with them when entering the US. However, regardless of their qualifications, the spouses of H-1B visa holders who possess H-4 visas are not permitted to seek employment in the US until their legal status is adjusted. Therefore, the H-1B/H-4 programs become a *de facto* immigration program despite the nature of non-immigrant visa categories. Ironically, temporary migrants are permitted to enter the US, i.e. issued non-immigrant visas at American consulates in foreign countries, because they are deemed as having no intention to become immigrants to the US (Park and Park, 2005). The annual cap for H-1B visas has been subject to change. For example, the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) raised the cap from 65,000 to 115,000 workers a year. During the dot com boom, the Congress increased H-1B visas to 195,000 annually during fiscal years 2000-2002. Additionally, colleges/universities and NGOs are exempt from such quotas. In the post 9.11 contexts, the Congress let the quotas of H-1B revert back to the prior 65,000 annually. However, the pressures from American corporations and their intense lobbying, as well as the intensified global hunt for talents, made the Congress add an additional 20,000 annual quotas

for those who obtain at least a master degree in the US. Since the lowering of quotas, the annual allowable slots for applications for H-1B visas are often filled within a week or two after the annual petition period opens. Due to the global recession, the fiscal year 2009 is the first that the petitions did not fill the 85,000 available slots. Other relevant visa categories pertaining to highly skilled temporary workers include: 1) workers with extraordinary ability/achievement (O1 and O2 visas); 2) athletes, artists, and entertainers (P1 to P3); 3) intra-company transferees (L1; who are also eligible to adjust their legal status to LPR subject to certain stipulations); 4) treaty traders and investors (E1 to E3). The “students and exchange visitors categories include self-sponsored students (F1 and F2), exchange students and scholars (J1 and J2), and short-term students (M1 and M2). These categories include principals, spouses, and children, and not all of them subject to numerical limitations.

In Canada, temporary visas are issued to foreign workers and foreign students. Foreign workers, both skilled and unskilled, can work temporarily in jobs that help Canadian employers address skill shortages. With the exception of those covered under international agreements, entrepreneurs and intra-company transferees, participants in exchange programs, co-op students, spouses of foreign workers or students, some academics and students, and religious workers, employers who wish to hire foreign workers often need to get a labour market opinion from Human Resources and Social Development Canada (HRDSC). While unskilled workers are often seasonal workers on Canadian farms, there are special skilled categories covering information technology workers and live-in caregivers. For information technology workers whose skills are in high demand (such as in animation effect editing, system software design, multimedia software development, and telecommunication software design), employers are not required to seek labour market opinions from HRDSC. Participants in the Live-in Caregiver Program must possess the equivalent of a Canadian secondary education, at least six months’ training or one year full-time experience during the past three years, and good knowledge of English or French. They need a job confirmation letter from a Canadian employer and a written contract before they will be issued a work permit. But after two years working in Canada, they can apply for permanent residency status. For all other foreign workers and foreign students who wish to apply for permanent residence status, they have to apply from outside Canada and their applications are subject to the same process underlying the Canadian skilled migration system. Changes were introduced recently. In 2006, foreign students are automatically allowed to work in Canada for a year upon graduation. In 2008, the introduction of the Canadian Experience Class allows temporary foreign workers with at least two years of full-time skilled work experience (managerial, professional and technical occupations) in Canada and foreign graduates from Canadian post-secondary institutions with at least one-year of full-time skilled work experience in Canada to apply for permanent residence. The former will be assessed on their work experience and English or French ability, whereas the latter will be assessed also on their education.

Table 1 summarizes American and Canadian immigrant and temporary migrant admission policies while demonstrating some similarities and differences between the two countries. Next section will examine the migration trends from India to Canada and the US during past two centuries, while demonstrating the changing highly skilled Indian migrants to these two countries.

TABLE 1: COMPARISON ON IMMIGRATION POLICY, COURT CASES AND PERIOD

The US	Canada
1. <i>Initial Immigration - labor migration</i> First reported Indian immigrant number in 1820s	Reported earliest presence in 1897
2. <i>Exclusion Era</i> <ul style="list-style-type: none"> 1917 Asiatic Barred Zone added Indians to the exclusion list 1923 <i>US vs. Bhagat Singh Thind</i> revert naturalization rights for Indians 	<ul style="list-style-type: none"> 1908: Indians were kept out of Canada by an order-in-council 1909-13: Denial of voting right, exclusion from professions from professions
3. <i>Transition Period (WWII to mid-1960s)</i> <ul style="list-style-type: none"> 1946 Luce-Celler Bill (Annual quota of 105) with rights to become naturalized citizens 1952 Asia-Pacific triangle: 2,000 total annual immigrant quota for the entire region 	<ul style="list-style-type: none"> 1947: Indians were allowed to vote 1952 Immigration Act: British subjects and French citizens as preferred classes; 150 Indian annual immigration quota
4. <i>Open-Door Period (Mid-1960s to late 20th century)</i> <ul style="list-style-type: none"> 1965 Immigration & Nationality Act: Abolish discriminatory quota system; Family reunion (80%) vs. Professional (20%); 20,000/country/year quota Citizenship after five years of P.R. status 	<ul style="list-style-type: none"> 1962: eliminate all discriminations 1967 Amended Immigration Act: points system 1976 Immigration Act: citizenship after three years; provincial power on immigration; four new immigrant classes
5. <i>Selective Period (since late 20th century)</i> <ul style="list-style-type: none"> 1990 Immigration Act: Family-sponsored; Employment-based: 140,000/year Diversity 1998 The American Competitiveness and Workforce Improvement Act (ACWIA) H-1B visa increased from 65,000 to 115,000/yr; 2000: H-1B visa increased to 195,000/year 2003: H-1B visa revert to 65,000/year 2005: additional 20,000/yr H-1V visas for Master degrees obtained in the US Immigration admission policy at federal level 	<ul style="list-style-type: none"> 2002 Immigration & Refugee Protection Act (IRPA): family classed; 2) economic class: skilled workers, business immigrants, provincial/territorial nominees, and live-in caregivers refugees <i>Points system emphasizes on</i> French- and English-language proficiency, education and work experience 2008: Canadian Experience Class introduced to attract temporary foreign worker and students who graduated in Canada both federal and provincial/territorial levels

Source: Canada – Aggrawal and Lovell 2008; Statistics Canada 2006 Census; Canadian Encyclopedia (Online) 2008; the US – Li 2006; Office of Immigration Statistics 2008; Takaki 1998; US Congress 1991

III. Indian Migration Trends in Canada and the US

Indians have been coming to the United States since the 19th century. Figure 1 demonstrates total numbers of Indian population (including American-born Indians) and Indian immigrants over the past two centuries. It illustrates that for the first 80 years of data available since 1820, the number of Indian immigrants per decade never reached 250 until the 1900s when it jumped more than ten times to over 3,000. The US Census did not start to release total Indian population numbers until 1910. Both Indian immigration and population decreased during exclusion era between the two world wars in 1920s and 1930s, and did not catch up until after WWI. This signifies the impacts of exclusionary immigration admission policy toward Indians and stripping the naturalization rights of Indian Americans.

In Canada, the first year of reported presence of Indian immigrants is 1897 and there were about 300 by 1903 (Tatla, 1999 in Salehi, 2007). The Chinese head tax exacerbated

Canada’s intake of manual labour from India. By 1908, Indian immigrants in Canada numbered 5,185 (Salehi, 2007, 10). Then restrictive immigration policies and quotas resulted in limited new arrivals. In 1914, the infamous Komagata Maru incident occurred when 352 of 376 British subjects of Indian origin arriving in Vancouver harbour aboard the Komagata Maru, a Japanese-owned freighter chartered out of Hong Kong, on May 13, were denied entry and forced to depart on July 23. Between then and 1945, only less than 700 Indian immigrants entered Canada. The 150 annual quota stipulated in the 1952 Immigration Act was expanded to 300 from 1957 on. Total presence of Indian immigrants did not exceed 4,000 by 1960.

In both Canada and the US, it was not until after the modern Immigration Acts passed in the 1960s that the number of Indian immigrants increased dramatically. In 1960, less than 4000 India-born migrants resided in Canada. 20,000 arrived in the 1960s, followed by 70,000 in the 1970s, 80,000 in the 1980s, then a dramatic surge to 160,000 in the 1990s and 220,000 in the first eight years of the new century. In sum, the phasing out of discriminatory practices has brought over half a million immigrants from India over the last four decades. Total Indian population in the US also increased more than four times in both 1960s and 1970s from previous decades respectively, and more than doubled in both 1980s and 1990s, with additional 53% increase in the 2000s with more than 2.57 millions in 2007. Similarly, table 2 reveals while there have been more immigrants than native-born Indian population in the US, the current decade witness rapid growth and increasing ratio of foreign-born Indians.

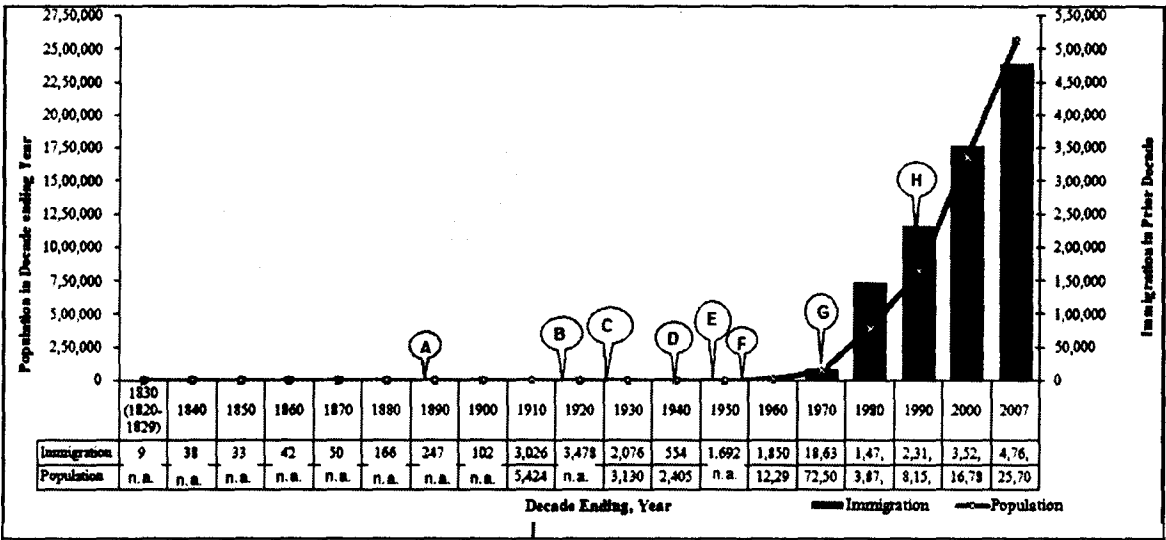


Figure 1: Indian Population and Immigration in the US, 1820-2007

- Law in Effect in Prior Decade
- A: Open
 - B: Asiatic barred zone of 1917
 - C: 1924 Act
 - D: 1924 Act, then limited quota beginning in 1946
 - E: 1946 Luce-Celler Bill establish 100 annual immigrant quota, and naturalization rights
 - F: 1952 Act with a total of 2,000 Asian Pacific region quota
 - G: 1965 amendments
 - H: 1990 Immigration Act

In the two-century India immigration history in North America, there have always been highly skilled Indian migrants in both countries, including those in early history who sought for Indian independence from the UK, such as those in the *Ghadar* (meaning “mutiny”) Party launched its headquarters in San Francisco and actively raised funds for India’s freedom (Brown, 1982 in Skop and Li forthcoming). However, the majority of Indian immigrants in early history were manual laborers. It was the passage of the 1965 Immigration and Nationality Act in the US and the 1967 Amended Immigration Act in Canada that results the dramatic changing profiles of Indian immigrants in the past 40 years.

TABLE 2a: INDIAN POPULATION OBTAINING LEGAL PERMANENT RESIDENT STATUS BY BROAD CLASS OF ADMISSION BY LAST RESIDENCE: FISCAL YEAR 1992-2007*

Year	Total	Family-Sponsored Preferences	Relatives of US Citizens	% family-sponsored + relatives in total LPRs	yearly change	Employment-based Preferences	% Employment-based in total LPRs	yearly change	Diversity	% in total LPRs	Refugees and Asylees	% in total LPRs	Other	% in total LPRs
2007	55,371	14,864	17,671	58.8%	-20.2%	19,957	36.0%	33.4%	45	0.1%	2,699	4.9%	2,834	5.1%
2006	58,072	13,865	22,147	62.0%	17.9%	14,963	25.8%	-65.4%	35	0.1%	6,934	11.9%	7,062	12.2%
2005	79,140	14,464	18,788	42.0%	14.6%	43,211	54.6%	23.5%	43	0.1%	2,481	3.1%	2,634	3.3%
2004	65,472	12,628	16,392	44.3%	34.1%	34,983	53.4%	89.0%	56	0.1%	1,270	1.9%	1,413	2.2%
2003	47,157	14,696	12,228	57.1%	-15.1%	18,506	39.2%	-53.5%	69	0.1%	1,512	3.2%	1,658	3.5%
2002	66,864	10,835	14,408	37.8%	2.9%	39,793	59.5%	10.3%	86	0.1%	1,651	2.5%	1,742	2.6%
2001	65,916	14,739	14,006	43.6%	29.1%	36,074	54.7%	160.0%	65	0.1%	929	1.4%	1,032	1.6%
2000	39,072	13,688	10,851	62.8%	23.4%	13,872	35.5%	196.1%	96	0.2%	458	1.2%	565	1.4%
1999	28,355	14,509	8,794	82.2%	-17.1%	4,685	16.5%	-44.3%	116	0.4%	130	0.5%	251	0.9%
1998	34,288	14,755	10,605	74.0%	-20.7%	8,415	24.5%	0.7%	69	0.2%	379	1.1%	444	1.3%
1997	36,092	13,637	13,374	74.8%	19.5%	8,353	23.1%	-10.8%	138	0.4%	459	1.3%	590	1.6%
1996	42,819	21,491	11,190	76.3%	28.5%	9,365	21.9%	39.6%	79	0.2%	498	1.2%	694	1.6%
1995	33,060	16,994	8,708	77.7%	-4.3%	6,710	20.3%	-13.0%	85	0.3%	347	1.0%	563	1.7%
1994	33,173	15,650	9,100	74.6%	-10.4%	7,715	23.3%	-20.0%	5	0.0%	234	0.7%	703	2.1%
1993	38,653	15,639	10,158	66.7%	12.3%	9,644	25.0%	9.2%	9	0.0%	243	0.6%	3,203	8.3%
1992	34,841	13,950	9,048	66.0%		8,832	25.3%		9	0.0%	229	0.7%	3,002	8.6%
Total	7,58,345	2,36,404	2,07,468			2,85,078			1,005		20,453		28,390	

Sources: USINS/USCIS Yearbook of Immigration Statistics (1992-2007)

1992, table 9, p.46; 1993, table 9, p.46; 1994, table 9, p.46; 1995, table 9, p.48;

1996, table 9, p.48; 1997, table 9, p.46; 1998, table 9, p.49; 1999, table 9, p.49;

2000, table 9, p.49; 2001, table 9, p.47; 2002 table 9, p.35;

2003 table 9, p.34; 2004 table 9, p.32,36; 2005 table 11, p.32; 2006 table 11, p.32; 2007 table 11, p.32

<http://www.dhs.gov/ximgin/statistics/publications/archive.shtm> (1996-2003) [last accessed 12/26/08]

<http://www.dhs.gov/ximgin/statistics/> (2004-2007) [last accessed 12/26/08]

Note: a. Data are reported by region and country of last residence

**TABLE 2b: INDIAN POPULATION OBTAINING LEGAL PERMANENT RESIDENT STATUS
BY BROAD CLASS OF ADMISSION BY COUNTRY OF BIRTH: FISCAL YEAR 1990-2007^b**

Year	Total	Family-Sponsored Preferences	Relatives of US Citizens	% family-sponsored + relatives in total LPRs	yearly change	Employment-based Preferences	% Employment-based in total LPRs	yearly change	Diversity	Refugees and Asylees	Other
2007	65,353	15,551	18,205	51.7%	-19.48%	28,703	43.9%	67.18%	57	2,680	2,837
2006	61,369	14,525	22,608	60.5%	18.32%	17,169	28.0%	-64.01%	30	6,841	7,037
2005	84,681	15,256	19,108	40.6%	12.78%	47,705	56.3%	24.09%	60	2,331	2,552
2004	70,116	13,307	16,942	43.1%	33.48%	38,443	54.8%	86.98%	90	1,181	1,334
2003	50,372	15,359	12,693	55.7%	-15.81%	20,560	40.8%	-52.06%	94	1,517	1,666
2002	71,105	11,402	15,077	37.2%	2.47%	42,885	60.3%	9.93%	93	1,558	1,648
2001	70,290	15,443	14,714	42.9%	27.47%	39,010	55.5%	150.76%	78	942	1,045
2000	42,046	14,267	11,543	61.4%	23.38%	15,557	37.0%	190.13%	101	466	578
1999	30,237	15,179	9,356	81.1%	-15.39%	5,362	17.7%	-43.75%	98	118	242
1998	36,482	15,375	11,058	72.5%	-20.59%	9,533	26.1%	3.57%	80	373	436
1997	38,071	14,229	13,926	74.0%	17.94%	9,204	24.2%	-7.12%	115	462	597
1996	44,859	22,346	11,808	76.1%	27.39%	9,910	22.1%	38.33%	106	485	689
1995	34,748	17,641	9,269	77.4%	-4.75%	7,164	20.6%	-14.43%	130	323	544
1994	34,921	16,192	9,731	74.2%	-10.12%	8,372	24.0%	-19.80%	16	133	610
1993	40,121	16,381	10,827	67.8%	10.52%	10,439	26.0%	7.77%	13	103	2,461
1992	36,755	14,468	9,796	66.0%		9,686	26.4%		34	34	2,771
Total	8,11,526	2,46,921	2,16,661			3,19,702			1,195	19,547	27,047

Sources: INS Statistical Yearbook (1996-2007)

1992, table 8, p.44; 1993, table 8, p.44; 1994, table 8, p.44; 1995, table 8, p.46;

1996, table 8, p.46; 1997, table 8, p.44; 1998, table 8, p.45; 1999, table 8, p.45;

2000, table 8, p.45; 2001, table 8, p.43; 2002 table 8, p.31;

2003 table 8, p.30; 2004 table 8, p.24,28; 2005 table 10, p.28; 2006 table 10, p.28; 2007 table 10, p.28

<http://www.dhs.gov/ximgrn/statistics/publications/archive.shim> (1996-2003) [last accessed 12/26/08]

<http://www.dhs.gov/ximgrn/statistics/> (2004-2007) [last accessed 12/26/08]

Note: b. Data are reported by region and country of birth

1. The US: Open-Door Period – 1965–1990

The majority of immigration from India resulted from the enactment of immigration legislation passed in 1965 that lifted national quotas and restructured immigrant categories of admission to include two general categories: family-sponsored and employment-based. During the initial period post-1965, there have been the recruitment of medical personnel by major urban hospitals, the recruitment of Indian students by US universities, and the recruitment of laborers (both temporary and permanent) by high-tech industries located in major metropolitan areas.

The first wave of migration after the passing of the 1965 legislation can be distinguished from that which occurred after 1980. Indeed, both of these waves are characteristic in terms of migrant selectivity. The first period of immigration was relatively homogenous; immigrants generally arrived from the northern regions of India. These immigrants came with a variety of resources, including cash, education, and occupational skills. They were largely from the upper and middle classes, and many were employed as medical professionals. During this period, men were over-represented. Starting in 1980, Indian immigration to the US diversified. Unlike previous immigrants who usually entered the country under the occupational preference provisions of the 1965 Immigration Act, the majority of these immigrants arrived under the family reunification clause of the legislation. As they were required by the United States

government to have a family member living here at the time of arrival, a significant proportion of Indians continued to come from the northern states of India, though they were more lower-middle-class in origin and the sex ratio tended to be more balanced, as entire extended families emigrated from India. With this new wave, the proportion of immigrants with the highest levels of educational attainment and professional occupational skills decreased. Even so, Indians arriving in this period entered the US with educational levels and a set of business skills that were quickly rewarded in local labor markets. Typically, these individuals gained employment in service-oriented occupations. For instance, a significant number of Gujaratis (individuals from the northern Indian state of Gujarat) began to operate convenience stores and motels located throughout the country. A certain proportion of Indian restaurants and groceries also opened during this period. During this period, the percentage of those who are employment-based in total Indian immigrants decreased (Skop and Li forthcoming).

2. The US: Contemporary Period–1991 and Onward

Indian immigration to the US accelerated during the 1990s, as a result of higher limits established by the Immigration and Nationality Act of 1990 effective since 1991, and we will focus the discussion in this period. As a result of liberal US immigration policy, India is now the fourth largest source country of US immigrants. While the population fluctuates as temporary residents arrive and leave, the Indian immigrant population now numbers more than one and a half million. 70 percent of Indian immigrants in the US arrived since 1990.

By the beginning of the 1990s, the socioeconomic profiles of Indian immigrants rose considerably and a different set of Indian newcomers arrived in the US. This was part and parcel of both shifting US immigration policy and the restructuring of both the United States and Indian economies as a whole. The boom in high-paying, full-time, formal occupations in the high-tech economy has become a “pull” for highly skilled Indian immigrants. In the contemporary period, the majority of Indian men and women moving to the US appear to be attracted by growing opportunities in white-collar occupations.

As part of its economic restructuring, the US has begun to attract more immigrants from southern India. In general, immigrants from southern India are better endowed with the education and skills needed by high-tech industry – as this newly industrializing region specializes in software and information technologies. Southern India has come to be known as the “Silicon Valley of the East.” As employment-based preference and H-1B visas become the predominant avenue for entry into the United States from India in the 1990s, Southern Indian immigrants, trained as engineers, systems analysts, programmers, and computer scientists tend to have the skills in highest demand.

This period is hallmarked by skilled migration directly from India. The US Citizenship and Immigration Services (USCIS, formerly INS prior to 2003) release data based on both migrants’ last residence and country of birth. The former set of data (Table 2a) demonstrates that with the exception of one year, all fiscal years between 1992 and 2007, employment-based immigrants from India count for more than 20% of all Indian immigrants that lived in India prior to their international migration. In four years in the 2000s, over half of all Indian immigrants belong to this category. Total numbers of employment-based Indian immigrants fluctuated year by year, but jumped from thousands range in the 1990s to ten-thousands in the 2000s with almost 200% increase between 1999 and 2000 alone. Data with country of birth (Table 2b) show very similar trends but reflect more on Indian diaspora, as this set of

data include Indian immigrants who were born in India but lived outside India prior to immigrating to the US.²

Given US annual immigrant admissions are with numerical caps, temporary migration becomes an important venue in fulfilling highly-skilled job needs to complement highly skilled immigrant labor force. Many of these temporary migrants eventually adjusted their status to immigrants, evident in Figure 3 showing in 2000 those who changed their status to LPRs outnumbered those who were newly admitted to the country; and Figure 4 showing increasing number of temporary works adjusted their status 1999-2002. Table 3 illustrates Indian citizens admitted to the US under temporary visas from 1992 to 2007. It demonstrates temporary workers and their families consistently count for around 30% of non-immigrant Indian admissions in the past decade, while the total numbers kept increasing until after September 11 terrorist attack, then pick up the steam again in the past five years. Additionally, in most years the increase rates of employment-based Indian migrants outpace those of total temporary migrants. Among all employment-based temporary Indian workers, the most important categories for Indians are Workers in Specialty Occupations (H-1B), followed by Intra-Company Transferees (L1), Athletes, Artists, and Entertainers (P1 to P3), and end with Treaty Traders and Investors (E1 to E3; Table 4).

Among all temporary worker visa categories, H-1B is the single most important temporary worker visas among Indians in both numerically and their impacts on the American high tech industry. INS/USCIS data indicates India as the leading contributor of H-1B workers since the enactment of the legislation in 1990. For instance, nearly 43 percent of H-1B visas petitions between October of 1999 and February 2000 (the first 5 months of Fiscal Year 2000) were granted to persons born in India, which far exceeds China, the next leading country (with less than 10 percent of the petitions in the same period). Table 4 also demonstrates that with one single exception since the H-1B visa data released in 1992, H-1B visas consistently count for more than half of all Indian temporary workers admitted to the US annually, more than all the other categories combined. In last decade, Indian H-1B visa holders consistently count for more than 20% of worldwide H-1B visas issued, with the highest being 41.1% in 2002. H-1B visa dips in the earlier 2000s reflect both economic cycle (especially dot com bust) and post-9.11 security concerns. But both total numbers and shares of Indian H-1B visa holders increase again by large margin in the past five years.

The next most popular temporary migrant worker visa possessed by Indians is L1, intra-company transferees. Given this visa category also permits adjusting legal status to LPR, L1 visa, like H-1B, is a de facto way for immigration. This visa allows multinational corporations to invest and set up branches, and bring transnational managerial personnel to the US. Therefore, the changing numbers of L1 visas reflect evolving India-US transnational business relationship. Table 4 reveals L1 visa is the only visa type among all temporary worker visa types that constitutently grows since its initiation, only the grow rates fluctuate as result of economic cycle or geopolitics. Similarly, the percentage of L1 visas in all temporary workers

²Employment-based preference data include spouses and children of the principals, whose education and skill levels cannot be discerned from publicly released data; as well as certain numbers of unskilled laborers; similarly, such education and skill level information are unavailable among family-sponsored (subject to numerical quotas) and relatives of US citizens (not subject to quota limitations). Therefore, data constrains prevent a more accurate counts on the exact numbers of highly-skilled Indian migrants based on this data alone.

increased over time. The rest of temporary visa types have relatively small numbers (in hundreds or thousands ranges) and do not have the permission for legal status adjusting during their valid visa period.

The other important temporary visa holders at non-worker categories among Indian citizens are students and exchange visitors (self-sponsored F1 and their spouses F2, exchange scholars/students J1 and their spouses J2, and short-term students M1 and their spouses M2; table 3). These categories of non-immigrant visa holders count for 8-13% during 1992-2007 period. They enjoy double-digit growth in most years, but suffer setback with slow, or even negative, growth in the first four years post-9.11 which is a trend in the US among all international students/scholars during the same period. After graduation, F1 students can either directly obtain H-1B visas if they are employed or go through OPT status which may lead to H-1B visa; therefore, F1-visa holders can become immigrants as well. American universities also tend to attract students from India's southern states. More and more students come from southern India states to pursue graduate studies in engineering, information technology, and computer science. Indian student associations have also helped to foster the growth of this South Indian student population. These organizations work closely with incoming Indian students: before they arrive in the US, they send potential students a variety of information – including climatic conditions and what clothing to bring, how to get campus jobs and financial aid, and specifics on expenses and housing. When new students arrive, the organizations work as the middleman and help them get settled in apartments near the university. In a sense, these organizations have set up the mechanism by which the “southern” flow of Indian students has become self-perpetuating. Coincidentally, the proportion of Southern Indians living in the US has noticeably risen – as significant numbers of graduating students decide to permanently settle and gain employment in local industry, including those who get H-1B visas (Skop forthcoming).

3. Canada: Contemporary Period – 1967-Now

Overall, the removal of racial restrictions allows increasing numbers of Indians to arrive, especially since 1990. Immigrants from India increased not only in numbers, but also in proportions – from less than 2% of all immigrants to Canada in 1967 to over 10% since 2000. The latest Canadian Census counted 443,690 Indian immigrants on May 15, 2006. The temporal distribution is such that 35% arrived before 1991, another 35% in the 1990s, and the remaining 30% from 2001-mid 2006.

Over the past two decades, India has been ranked within the top three source countries to Canada. They were mostly admitted under the family class prior to 1986. The migration of skilled workers has become particularly prominent since the mid-1990s. Unlike other Asian countries, few came under the business class.

According to Aggrawal and Lovell (2008), since the early 1980s, the proportion of “family” class immigrants from India has declined, while the proportions of “skilled workers” have increased. The growth of economic immigrants at the expense of family class is especially obvious since 1990, around the same time that immigrants from India surged. Among recent Indian immigrants, skilled workers now represent the majority of immigrants. They increasingly arrived with higher educational qualifications, and professional and skilled/technical occupation credentials. Most recently, over 40% of new Indians arrived with tertiary education and professional qualifications. Data compiled by Citizenship and Immigration Canada shows that skilled workers from India have been steadily increasing and replacing family class immigrants since the mid 1990s. For example, the number of new

skilled entrants went up by 11 folds from 1,147 (less than 10% of the total Indian immigrants) in 1993 to 13,908 (almost 50% of the total) in 2002.

In addition to economic immigrants who are granted permanent residency status, the number of temporary migrants also multiplied since the late 1990s and early 2000s. In Canada, temporary visa programs are gearing toward visitors, foreign workers and foreign students. Most foreign workers traditionally came from the U.S and the UK, Jamaica and recently Mexico. Whereas those from the U.S and the UK are primarily professional and management expatriates, those from the Caribbean and Mexico are mostly seasonal workers employed in the agro sector. India is not a major player. Numbered at 8,706, foreign workers from India only accounted for 4% of the total stock of foreign workers in the country in 2007. The same can be said of foreign students although the major source countries shift to East Asia. In 2007, there were less than 7,000 Indians on student visa when the total foreign student population was almost 180,000. In 2007, 2,505 foreign students and 5,373 foreign workers from India entered Canada for the first time. The total stock was almost 7,000 foreign students (an increase from 1.2% of the total foreign student population) in 1998 to 3.9%, mostly seeking tertiary education and 8,700 foreign workers (from 1.7 in 1998 to 4.3% in 2007).

**TABLE 3a: INDIAN POPULATION OBTAINING LEGAL PERMANENT RESIDENT STATUS
BY BROAD CLASS OF ADMISSION BY LAST RESIDENCE: FISCAL YEAR 1992-2007^c**

Year	Total	Family-Sponsored Preferences	Relatives of US Citizens	% family-sponsored + relatives in total LPRs	yearly change	Employment-based Preferences	% Employment-based in total LPRs	yearly change	Diversity	Refugees and Asylees	Other
2007	55,371	14,864	17,671	58.8%	-20.2%	19,957	36.0%	33.4%	45	2,699	2,834
2006	58,072	13,865	22,147	62.0%	17.9%	14,963	25.8%	-65.4%	35	6,934	7,062
2005	79,140	14,464	18,788	42.0%	14.6%	43,211	54.6%	23.5%	43	2,481	2,634
2004	65,472	12,628	16,392	44.3%	34.1%	34,983	53.4%	89.0%	56	1,270	1,413
2003	47,157	14,696	12,228	57.1%	-15.1%	18,506	39.2%	-53.5%	69	1,512	1,658
2002	66,864	10,835	14,408	37.8%	2.9%	39,793	59.5%	10.3%	86	1,651	1,742
2001	65,916	14,739	14,006	43.6%	29.1%	36,074	54.7%	160.0%	65	929	1,032
2000	39,072	13,688	10,851	62.8%	23.4%	13,872	35.5%	196.1%	96	458	565
1999	28,355	14,509	8,794	82.2%	-17.1%	4,685	16.5%	-44.3%	116	130	251
1998	34,288	14,755	10,605	74.0%	-20.7%	8,415	24.5%	0.7%	69	379	444
1997	36,092	13,637	13,374	74.8%	19.5%	8,353	23.1%	-10.8%	138	459	590
1996	42,819	21,491	11,190	76.3%		9,365	21.9%		79	498	694
1995	33,060										
1994	33,173										
1993	38,653										
1992	34,841										

Sources: USINS/USCIS Yearbook of Immigration Statistics (1992-2007)

1996, table 9, p.48; 1997, table 9, p.46; 1998, table 9, p.49; 1999, table 9, p.49;

2000, table 9, p.49; 2001, table 9, p.47; 2002 table 9, p.35;

2003 table 9, p.34; 2004 table 9, p.32,36; 2005 table 11, p.32; 2006 table 11, p.32; 2007 table 11, p.32

<http://www.dhs.gov/ximgmt/statistics/publications/archive.shtm> (1996-2003) [last accessed 12/26/08]

<http://www.dhs.gov/ximgmt/statistics/> (2004-2007) [last accessed 12/26/08]

Note: c. Data are reported by region and country of last residence

**TABLE 3b: INDIAN POPULATION OBTAINING LEGAL PERMANENT RESIDENT STATUS
BY BROAD CLASS OF ADMISSION BY COUNTRY OF BIRTH: FISCAL YEAR 1990-2007^a**

Year	Total	Family-Sponsored Preferences	Relatives of USCitizens	% family-sponsored + relatives in total LPRs	yearly change	Employment-based Preferences	% Employment-based in total LPRs	yearly change	Diversity	Refugees and Asylees	Other
2007	65,353	15,551	18,205	51.7%	-19.48%	28,703	43.9%	67.18%	57	2,680	2,837
2006	61,369	14,525	22,608	60.5%	18.32%	17,169	28.0%	-64.01%	30	6,841	7,037
2005	84,681	15,256	19,108	40.6%	12.78%	47,705	56.3%	24.09%	60	2,331	2,552
2004	70,116	13,307	16,942	43.1%	33.48%	38,443	54.8%	86.98%	90	1,181	1,334
2003	50,372	15,359	12,693	55.7%	-15.81%	20,560	40.8%	-52.06%	94	1,517	1,666
2002	71,105	11,402	15,077	37.2%	2.47%	42,885	60.3%	9.93%	93	1,558	1,648
2001	70,290	15,443	14,714	42.9%	27.47%	39,010	55.5%	150.76%	78	942	1,045
2000	42,046	14,267	11,543	61.4%	23.38%	15,557	37.0%	190.13%	101	466	578
1999	30,237	15,179	9,356	81.1%	-15.39%	5,362	17.7%	-43.75%	98	118	242
1998	36,482	15,375	11,058	72.5%	-20.59%	9,533	26.1%	3.57%	80	373	436
1997	38,071	14,229	13,926	74.0%	17.94%	9,204	24.2%	-7.12%	115	462	597
1996	44,859	22,346	11,808	76.1%		9,910	22.1%	38.33%	106	485	689
1995	34,748					7,164	20.6%	-14.43%			
1994	34,921					8,372	24.0%	-19.80%			
1993	40,121					10,439	26.0%	7.77%			
1992	36,755					9,686	26.4%				

Sources: INS Statistical Yearbook (1996-2007)

1996, table 8, p.46; 1997, table 8, p.44; 1998, table 8, p.45; 1999, table 8, p.45; 2000, table 8, p.45; 2001, table 8, p.43; 2002 table 8, p.31;

2003 table 8, p.30; 2004 table 8, p.24,28; 2005 table 10, p.28; 2006 table 10, p.28; 2007 table 10, p.28

<http://www.dhs.gov/ximgrn/statistics/publications/archive.shtm> (1996-2003) [last accessed 12/26/08]<http://www.dhs.gov/ximgrn/statistics/> (2004-2007) [last accessed 12/26/08]

Notes: d. Data are reported by region and country of birth

TABLE 4a: NONIMMIGRANT ADMISSIONS BY BROAD CLASS OF ADMISSION AMONG INDIAN CITIZENS: FISCAL YEAR 1990-2007^e

Year	Total	Yearly Change	Tourists and Business Travelers ^f	Students and Exchange Visitors ^g	% Students / exchange visitors in total non-immig	yearly change	Temporary Workers and Families ^h	% temp workers and families in total non-immig	yearly change	Diplomats and Other Representatives ⁱ	All Other Classes and Unknown
2007	10,19,766	34.0%	5,84,127	88,918	8.7%	27.4%	3,06,400	30.0%	31.7%	7,788	32,533
2006	7,61,223	14.4%	4,22,520	69,790	9.2%	14.1%	2,32,691	30.6%	19.6%	7,023	29,199
2005	6,65,202	8.8%	3,76,302	61,146	9.2%	3.2%	1,94,611	29.3%	17.8%	6,808	26,335
2004	6,11,327	13.7%	3,55,869	59,229	9.7%	0.3%	1,65,146	27.0%	8.0%	6,301	24,782
2003	5,37,867	7.2%	2,95,931	59,074	11.0%	3.7%	1,52,870	28.4%	-2.0%	6,145	23,847
2002	5,01,745	-11.6%	2,63,401	56,981	11.4%	-1.5%	1,56,033	31.1%	-14.6%	5,858	19,472
2001	5,67,775	4.6%	3,06,767	57,836	10.2%	21.1%	1,82,775	32.2%	7.0%	4,751	15,646
2000	5,42,743	23.5%	3,04,901	47,773	8.8%	35.2%	1,70,779	31.5%	25.7%	5,028	14,262
1999	4,39,398	16.2%	2,50,732	35,327	8.0%	11.4%	1,35,815	30.9%	34.4%	4,386	13,138
1998	3,78,006	n.a.	2,28,881	31,709	8.4%	n.a.	1,01,021	26.7%	n.a.	4,364	12,031
1997	n.a. ^j	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1996	2,34,527		1,51,114	22,942	9.8%		47,610	20.3%		3,907	8,954

Sources: USINS/USCIS Yearbook of Immigration Statistics (1992-2007)

1996, table 38, p.116,118; 1998, table 38, p.133,137; 1999, table 36, p.133,137; 2000, table 36, p.145,149; 2001, table 36, p.147,151; 2002 table 25, p.107,111; 2003 table 23, p.90,94; 2004 table 23, p.81,85,89; 2005 table 29, p.78; 2006 table 29, p.78; 2007 table 26, p.68, table 28, p.77, <http://www.dhs.gov/ximgrn/statistics/publications/archive.shtm> (1996, 1998-2003) [last accessed 12/26/08]<http://www.dhs.gov/ximgrn/statistics/> (2004-2007) [last accessed 12/26/08]

Notes: e. Data are reported by region and country of citizenship; Admissions represent counts of events, i.e., arrivals, not unique individuals.

f. Before 2004, data includes B1, B2, GB, GT, WB and WT admissions.

g. For the year of 2007 and years before 2004, data includes principals, spouses, and children (F1, F2, J1, J2, M1, and M2 admissions)

h. Before 2001, data includes principals, spouses and children (E1, E2, H1A, H1B, H1C, H2A, H2B, H3, H4, I1, I1, L1, L2, O1 to O3, P1 to P4, Q1 to Q3, R1 and R2 admissions)

i. Includes principals, spouses, and children (A1 to A3, G1 to G5, and N1 to N7 admissions)

j. n.a. = data unavailable. "Data for fiscal year 1997 is not available due to data inconsistencies resulting from the reengineering of both the data entry and data base management components of the Nonimmigrant Information System." (1997 yearbook, p.110)

TABLE 4b: INDIAN NONIMMIGRANT TEMPORARY WORKER ADMISSIONS (I-94 ONLY): FISCAL YEAR 1990-2007

Fiscal Year	Total Temporary Workers and families	Workers in Specialty Occupations (H1B) ^k	yearly change	% H-1B in total Indian temp workers	worldwide total H-1B visas issued	% Indian H-1Bs in worldwide total	Intra-Company Transferees (L1) ^k	yearly change	% L1 in total Indian temp workers	Athletes, Artists, and Entertainers (P1 to P3) ^k	yearly change	Workers with Extraordinary Ability/Achievement (O1, O2) ^k	yearly change	Treaty Traders & Investors (E1 to E3) ^{k,l}	yearly change
2007	3,06,400	1,57,613	25.4%	51.4%	4,61,730	34.1%	51,469	54.0%	16.8%	2,503	5.2%	613	4.1%	315	
2006	2,32,691	1,25,717	22.8%	54.0%	4,31,853	29.1%	33,414	17.4%	14.4%	2,379	20.2%	589	-31.4%	D ^o	
2005	1,94,611	1,02,382	22.6%	52.6%	4,07,418	25.1%	28,460	23.0%	14.6%	1,979	19.0%	859	65.2%	228	-12.3%
2004	1,65,146	83,536 ^m	10.0%	50.6%	3,87,147	21.6%	23,134	6.4%	14.0%	1,663	1.8%	520	-20.0%	260	32.0%
2003	1,52,870	75,964	-6.3%	49.7%	3,60,498	21.1%	21,748	6.5%	14.2%	1,634	51.0%	650	-1.7%	197	15.2%
2002	1,56,033	81,091	-22.4%	52.0%	1,97,537	41.1%	20,413	31.4%	13.1%	1,082	-8.0%	661	-20.1%	171	67.6%
2001	1,82,775	1,04,543	2.0%	57.2%	3,31,206	31.6%	15,531	30.0%	8.5%	1,176	-24.7%	827	21.1%	102	-8.1%
2000	1,70,779	1,02,453	20.5%	60.0%	2,57,640	39.8%	11,945	93.9%	7.0%	1,561	10.5%	683	53.5%	111	-0.9%
1999	1,35,815	85,012	35.9%	62.6%	3,02,326	28.1%	6,160	59.6%	4.5%	1,413	-46.8%	445	6.2%	112	53.4%
1998	1,01,021	62,544	n.a.	61.9%	2,40,947	26.0%	3,859	n.a.	3.8%	2,656	n.a.	419	n.a.	73	n.a.
1997	n.a. ^m	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1996	47,610	29,239	31.1%	61.4%	1,44,458	20.2%	2,255	21.6%	4.7%	1,296		128		35	
1995		22,308	31.6%		1,17,574	19.0%	1,854	20.3%							
1994		16,948	48.5%		1,05,899	16.0%	1,541	24.8%							
1993		11,411	38.4%		93,069	12.3%	1,235	51.7%							
1992		8,246			1,10,193	7.5%	814								

Sources: USINS/USCIS Yearbook of Immigration Statistics (1992-2007)

1996, table 38, p.116, table, p.122,125; 1998, table 38, p.133, table 40, p.143,147; 1999, table 36, p.133, table 38, p.143, 147; 2000, table 36, p.145, table 38, p.155,159; 2001, table 36, p.147, table 38, p.162,166; 2002 table 25, p.107, table 27, p.122,126; 2003 table 23, p.90, table 25, p.105,108; 2004 table 23, p.81, table 25, p.106,109; 2005 table 33, p.91; 2006 table 33, p.86; 2007 table 32, p.86

<http://www.dhs.gov/ximgrn/statistics/publications/archive.shtm> (1996, 1998-2003) [last accessed 12/26/08]

<http://www.dhs.gov/ximgrn/statistics/> (2004-2007) [last accessed 12/26/08]

Notes: k. Includes principals and dependents

Before 2001, data includes principals, spouses and children (E1, E2, H1A, H1B, H1C, H2A, H2B, H3, H4, I1, L1, L2, O1 to O3, P1 to P4, Q1 to Q3, R1 and R2 admissions)

l. Before 2005, data just includes E1 and E2; since 2005, data includes E1 to E3

m. n.a. = Data unavailable. "Data for fiscal year 1997 is not available due to data inconsistencies resulting from the reengineering of both the data entry and data base management components of the Nonimmigrant Information System." (1997 yearbook, p.110)

n. Data includes H1B and H1B1

o. "D" means "data withheld to limit disclosure"

IV. Comparisons of Indian Migration to Canada and the US

Contemporary Indian immigration to Canada and the US share similarities but also bear differences. In this section, we will demonstrate some key similarities while revealing important contrasts in these two countries, confer reasons that contribute to such phenomena.

1. Demographic Characteristics

As the largest immigrant receiving country in the world, the US continues receiving much larger numbers of Indian immigrants compared to Canada. However, in both countries, the large size of Indians relative to other immigrant groups is a recent phenomenon. Their ranking in and share of foreign-born population consistently increase in the past six decades (Table 5). Respectively, 65% and 70% Indian immigrants in Canada and the US arrived since 1990s, and 29% and 34% in the 2000s alone (Table 6).

In Canada, Indians increasingly arrived with higher educational qualifications, and professional and skilled/technical occupation credentials. Between the mid 1980s and the early 2000s, the percentage of new Indians (including principals and their dependents) arrived with tertiary education and professional qualifications doubled to 40% whereas for those over 24 years of age, the proportion with a less than 13-year formal or secondary education decreased from 30% to about 12% (Aggrawal and Lovell, 2008). Recent cohorts of immigrants from India are also getting younger and more proficient in English. For instance, 57.3% of the 2001-2003 arrival cohort are English-speakers. In the US, about three-fourth (73.1%) of all Indian immigrants who are age 5 and older reportedly speak English only or very well in 2006. About three quarters (73.8%) of Indian immigrants who are 25 years and older have at least a bachelor degree, and 40.5% have advance degrees; in contrast, only 8.5% do not have a high school diploma or equivalent (Terrazas, 2008). Overall, Indian immigrants to the US have higher levels of human capital compared to those to Canada.

TABLE 5: INDIAN IMMIGRANTS IN CANADA AND THE UNITED STATES 1960-2006

Year	Total	Rank Among source Countries Foreign Born	Share of all Canadian Foreign Born	Year	Total	Rank among All Source	Share of All Countries US Foreign Born
2006	443,690	2	12.2%	2006	1,519,157	4	4.0%
2001	314,685	2	11.1%	2000	1,022,552	3	3.3%
1991	173,675	4	5.6%	1990	450,406	12	2.3%
1981	n.a.	3	6.4%	1980	206,087	16	1.5%
1971	n.a.	6	4.4%	1970	51,000	30	0.5%
1961	3,580	n.a.	n.a.	1960	12,296	42	
	0.1%						

Sources: Canada – Canadian Census 1991, 2001, 2006; CIC Facts and Figures, various years; US – Table 1 in Terrazas (2008)

TABLE 6: INDIAN IMMIGRATION PERIODS AND PERCENTAGES

Period of Immigration to Canada	Percentage of all Indian-born Immig in Canada	Period of Immig to the US	Percentage of all Indian-born Immig in the US
Before 1981	20.4	Before 1980	12.7
Before 1991	14.9	1980-1989	17.3
1991-2000	35.6	1990-1999	35.6
2001-2006	29.1	2000-2006	34.4

Sources: Canada – Statistics Canada 2006 Census; US – Terrazas (2008)

2. Economic Performance and Income Trends

Despite overall good English-speaking ability and high educational attainment levels among Indian immigrants, a major difference between Canada and the US lies in their occupational structures. Table 7 demonstrates, the percentages of male Indian immigrants engaging in management, business and finance are roughly comparable between the two countries; whereas much higher percentage of female Indian immigrants engaging in these sectors in Canada compared to in the US. However, both genders of Indian immigrants much more

likely work in information technology and education in the US compared to in Canada. On the other end of occupational spectrum, Indian immigrants in Canada have much higher percentage engaged in sales (female), Construction, transportation/warehousing (male), manufacturing, or Farming, fishing, and forestry (both genders) compared to their respectively US counterparts. This does not compare well to the fact that over 40% of Indian immigrants had at least one university degree at the time of landing and the same percentage intended to work in the professional/technical field. This illustrates that many Indian immigrants are underemployed in Canada. On the contrary, in the US, more than a quarter of male immigrants work in information technology, the sector that hires the highest number of H-1B workers, and 20.5% female work in health-care industries. 20% male and 15.3% female immigrants work in management, business or financial sectors. These are the type of sectors that can utilize their human capital.

TABLE 7: OCCUPATIONS AMONG INDIAN IMMIGRANTS IN CANADA AND THE US, 2006

US	Foreign-born Indian		Canada	Foreign-born Indian	
	Male	Female		Male	Female
Persons age 16 and older employed in the civilian labor force	629,218	346,733	Total 15+ in labor force 283,760	159,110	124,650
Management, business, finance	20.0	15.3	Management, Finance / insurance, real estate, rental and leasing	21.9	28.0
Information technology	27.4	13.1	Info technology, sciences and engineering	11.6	3.6
Other sciences and engineering	11.2	6.2	Professional/ scientific / technical		
Education / training and media / entertainment	4.7	8.7	Educational services	2.4	4.3
Physicians, registered nurses, other health-care practitioners, health-care support	7.1	20.5	Health care	2.3	6.7
Sales	11.4	11.1	Sales and services	15.2	27.0
Administrative support	4.3	11.9			
Construction, extraction, and transportation	5.4	1.5	Construction, transportation/warehousing	28.4	3.2
Manufacturing, installation, and repair	4.4	4.7	Manufacturing	13.9	18.9
Social services and legal, [other] services	4.1	6.0	Social services and legal	1.5	3.8
Farming, fishing, and forestry	0.1	0.3	Farming, fishing, and forestry	2.9	4.6

Sources: Canada – Statistics Canada 2009; US – Table 3 in Terrazas 2008

The underperformance of Indian immigrants in Canada is further illustrated by their income distribution. The majority of Indian-born families belong to the low income group although the number of the lowest income earners is declining over time. Still, less than 1% of those who immigrated in the 2001-2003 period and only 3.3% of those arriving 15 years earlier (i.e.1985-1989) earned over \$50,000. It should be noted that over 20% of the lowest income group have university degrees and over 55% of them are professionals by training.

These economic trends are not uncommon especially among immigrants to Canada who arrived in the 1990s. As Pictor, Hou and Coulombe (2007, cited in Hawthorne, 2006) conclude, by the early 2000s, skilled class immigrants to Canada were actually more likely to enter low-income and be in chronic low-income than their family class counterparts, and the small advantage that the university educated immigrants had over the high school educated in the early 1990s had largely disappeared by 2000 as the number of highly educated rose. What did change was the face of the chronically poor immigrant; by the late 1990s one-half were in the skilled economic class, and 41% had degrees up from 13% in the early 1990s (Aggrawal and Lovell, 2008).

Overall, the qualifications of Indian immigrants are getting higher, but their economic performance are declining for a number of personal as well as structural factors: skill mismatch, entry during economic downturns, non-recognition of foreign credentials, lack of Canadian experience, absence of a social network, Canadian official language proficiency, and perhaps discrimination.

3. The Tale of Two Immigration Systems

TABLE 8: SKILLED IMMIGRANT AND TEMPORARY MIGRANT CATEGORIES AND TOP SOURCE COUNTRIES*

United States (Fiscal Year 2005; QUOTA SYSTEM)	Canada (2004; POINTS SYSTEM)	United States (NEW ARRIVAL – FY05)	Canada (2004)
Total LPR / new arrival (1,122,373; 384,071) Skilled**: 22.0% / 7.0% Family: 57.8% / 81.2% Refugees/humanitarian: 12.7% / n.a. Others: 7.4% / 11.8%	Overall intake (220,000-245,000) Skilled**: 58.0% Family: 24.6% Refugees/humanitarian: 14.6% Others: 2.8%	Temporary Skilled Migrants (2,074,572) Temp workers: 53.1% Int'l students: 46.9% Total Skilled: 2,101,450 Temporary skilled in total skilled migrants: 98.7%	Temporary Skilled Migrants (156,300) Foreign workers: 63.8% Int'l students: 36.2% Total skilled: 290,046 Temp skilled in total skilled migrants: 53.9%
Top Five Source Countries for skilled migrants India: 17.5% China: 7.3% Canada: 6.9% Philippines: 6.8% Mexico: 6.3%	Top Five Source Countries for skilled migrants China: 18% India: 11% Philippines: 7% Pakistan: 4% Romania 4%	Top Five Source Countries for international students South Korea: 11.3% Japan: 8.9% India: 5.8% China: 5.2% Germany: 4.2%	Top Five Source Countries for international students South Korea: 21.8% China: 12.4% Japan: 8.6% US: 6.7% France: 6.2% India (rank 9) : 2.8%
Top five total: 44.8%	Top five total: 44.0%	Top five total: 35.5%	Top five total: 55.7%

Sources: Canada – Birrell et al. (2006) table 4.1;

http://epe.lac-bac.gc.ca/100/201/301/facts_figures_immigration_overview/facts2004.pdf;

US – http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/OIS_2005_Yearbook.pdf;

Notes: *adapted from Li, forthcoming; ** Including immediate dependents

Table 8 demonstrates overall similarities and differences of skilled/employment-based immigrants, temporary migrants, and differential legal status between Canada and the US in mid-2000s. It reveals that the different immigration admission systems resulted in differential realities in the two countries. Canada's points system does what it intends to do by admitting 58% skilled immigrants and about a quarter family-type among all immigrants in 2004; it also admits temporary skilled migrants at roughly 70% of the number for immigrants, among which 64% are workers and 36% international students. The US, on the other hand, has just about the opposite percentages of immigrants between employment-based (22%) and family-type (~58%), compared to those of Canada; the newly arrival percentages are even more astounding: at 7% and 81% respectively in fiscal year 2005. Such data also indicate a much larger number of skilled migrants obtain their LPR status through adjusting their legal status instead of arriving as LPR directly. Moreover, the US relies much heavily on skilled temporary

migrants, as their number outpaces employment-based immigrants at 1.85:1 in the same year; temporary migrants counts for almost 99% of all skilled migrants in the US, versus the 54% in Canada. India is among the top source countries in all skilled migrant categories. What do these statistics imply in immigration realities on the ground? We will discuss the two countries respectively.

(i) Canada—poor economic incorporation and favourable social environment

Compared to other countries such as Australia and US, skilled immigrants to Canada are doing worse. As an example, Hawthorne (2006) compared the labour market outcomes for migrant professionals in Canada and Australia and found economic migrants perform indisputably better in Australia. Far greater proportions of new arrivals in Australia now than in Canada secure positions fast, access professional or managerial status, earn high salaries, and use their credentials in work. For example, the unemployment rate for Indian migrants is 13% in Canada compared to 10% in Australia; 22% of recently-arrived Indian nurses secured work in their field in Canada compared to 66% in Australia; 19% of doctors qualified in India had also achieved excellent integration rates in medicine within the first 5 years compared to 66% in Australia; and 37% of recently-arrived IT degree qualified Indians had secured professional work in their field by 2001 in Canada compared to 34% in Australia. It is worthwhile noting that Australia, like the US, requires migrants to secure a job offer before migration. In short, the working environment among Indian immigrants in Canada is not very favourable, although improvements are being made given the push from various quarters of Canadian society, including the provincial/territorial nominating programs that tie to labor needs.

On the other hand, Canada provides a more favourable social environment for its immigrants; its social welfare and healthcare systems, and settlement programs are among some of the best in the world. However, according to DeVoretz et al (2003) and DeVoretz and Zhang (2004) cited in DeVoretz (2003), through generous settlement policies and rapid ascension to citizenship, political institutions in Canada have actually hastened the strategic onward migration of highly-skilled immigrants. They argue that in the global race for talents, skilled immigrants who come to Canada do not necessarily stay, and so Canada's future supply of skilled immigrants ultimately depends on the screening devices used to assess independent applicants. Should Canada wish to improve labour market outcomes for the economic category in the period ahead, a more radical overhaul of economic selection criteria seems more warranted than the gentle fine-tuning associated with the 2002 Immigration and Refugee Protection Act (Hawthorne, 2006; Sweetman, 2006).

(ii) The US—overall good economic incorporation and disfranchised socio-political situation

In contrast to Canada's poor economic incorporation and full civic integration, the fate of skilled Indian migrants is different in the US, especially among those temporary migrants. As a group, Indian migrants experience overall good economic outcomes in terms of holding jobs in their professions and earning prevalent income in their occupations. But temporary skilled migrants, such as H-1B visa holders, are vulnerable in their lack of job security and once losing jobs without securing a new one relatively soon they have to leave the country, as evident in the doc com bust in early 2000s and current economic downturn. The paradox of

the H-1B program is that the Congress stipulates employers have to offer prevailing salary of the profession in question to protect American workers and to prevent exploitation of H-1B workers as they have been called 'high-tech collies'. But during economic downturns they are often the first to be laid off and blamed for high unemployment rate among Americans and their high salaries by politicians and protectionists alike (Agence France Presse, 2009; Bass and Beamish, 2009). US heavily relies on temporary professional migrants (Barbassa, 2007) for economic development, but does not offer equal rights to these migrants, as it can take up to 20 years for a college-bound foreign student to obtain a Ph.D. degree and go through H-1B visa, then Labor Certification process before acquiring a green card and then citizenship. In this long process of status adjustment, these H-1B visa holders are politically disposable as they are in no politicians' constituencies. They cannot make campaign financial contributions until getting green cards and cannot vote until obtaining citizenship. In essence, both H-1B visa holders and undocumented immigrants are politically disfranchised in such an immigration system. Obviously such disfranchisements differ in degree and scope, as temporary migrants do have a legal path to citizenship. The heated debates in Canada question whether the current points system of admitting immigrants based on their human capital attainments without job market assessment wastes human resources. However, there is a hidden brain waste phenomenon in the US as well for those spouses of H-1B visa holders, the H-4 visa holders, as they are prohibited from seeking work legally in the US regardless of their human capital levels until their legal status changes. Additionally, while immigration admission policy is a federal matter in the US, immigrant social, educational and health-services are largely state and local responsibilities which results in disconnections between national immigration debates and state/local realities and solutions. What often been overlooked is despite US's traditional advantage, the global pursuit of highly-skilled migrants in changing economies, the slowing US economy and post-9.11 security context, and the rising of China, India, and other source countries in global economy mean these skilled migrants may become more "foot-loose" in choosing to live and work in a more welcoming and just society, rather than seeking the best job opportunities and maximizing economic returns per se.

V. Comparisons to EU Situation

It is obvious that both American and Canadian immigration admission and integration policies toward highly-skilled migration are established initially and adjusted over time for their respective national interests. In the case of Canada, the country would have faced population decline had it not been for continuous immigration; immigrants now count for two thirds of Canadian population growth (Lacey, 2009). Canada's immigration policy is an integrated part of its national population policy. The points system screens for and accepts high proportion of those who possess high levels of human capital. Despite the general absence of firm preset annual caps, the processing process can take years. The US quota system attempts to balance family-reunification with employment-based concerns, albeit the pendulum continues to swing toward the latter as the globalization process accelerates. As the economic powerhouse and the most scientifically and technologically advanced nation during the 20th century, the US has been able to attract millions of international students/ scholars and temporary migrants who, in addition to highly-skilled immigrants, have contributed significantly to the knowledge-based economic development in areas such as Silicon Valley (Saxenian, 1999 and 2002). However, the beginning of the 21st century has witnessed

increasing worldwide competition for the same pool of highly-skill migrants from developing countries. Apart from other major Pacific Rim “immigrant countries” (such as Australia, Canada, and New Zealand), a no less important competitor is an economically and politically integrated EU. Many EU countries face similar demographic reality as in Canada, and have adopted similar points system, as in the case of the UK. On the other hand, EU and many countries also follow the routes of US H-1B program and Australia’s/New Zealand’s programs in tying international migration with employment needs and job offers with tightening English requirements. For instance, the to-be-implemented Blue Card program requires its holders to have 5-year professional experiences, be offered at least 1.5 times prevailing salary in the country in question, and 2-year on the job before they are permitted to move elsewhere or renew in the current program. Some countries offer path for citizenship (such as Sweden after four years) whereas others do not have similar stipulations.

All countries set up policies to benefit their own best national strategic interests. Migrant source countries may be powerless to witness brain drain or benefit from brain circulation, depending on their own positions in the global economy and their national policies. International migrants themselves may or may not be able to maximize their potential to their best personal or household interests. The question then is whether it is possible at all, and if so how, to reach the UN’s goal for a triple-win situation for migrants, sending and receiving countries. Here, two particular points are worthwhile considering:

- i. The concept of “dynamic conflict of interest”: Khadria (2007a) points out that “in the post-modern transnationalization-through-migration context of today, the stakes are no longer static, but dynamic, and the comparative advantages of the ‘receiving’ North are much greater than those ‘conceded’ by the North.” To Khadria (2006 and 2007b) there has been a paradigm shift in terms of the competitive agenda and strategies of nations with regard to international migration, which involves optimizing age-structural changes in population, maximizing incomes and minimizing pensions, and accumulating quality human capital that embodies the latest “vintages” of knowledge through mobility of two types of highly skilled labour – the “finished” (established professionals, scientists, etc.) and the “semi-finished” (post-graduate students). On the other hand, just as what is best to sending countries may not be the same for migrants themselves, what is the best for destination countries may not be the same for existing population in those countries. Therefore, perhaps there is a need for the goal to be ‘quadruple-win’ for just and sustainable migration policies.
- ii. The creation of conducive working and social environments to attract and retain skilled migrants, in both origin and receiving societies, is an essential prerequisite for successful implementation of migration policies that encourage circulation of global talent to achieve the triple wins of international migration and development (Khadria forthcoming). There is no doubt that we are witnessing a global race for highly skilled migrants, as reportedly 36 countries have such policy by 2007; while more than 40% developed countries intend to increase admission among highly skilled workers, 17% developing countries also have similar policies to increase admission of highly skilled migrants (Mirkin, 2008). While many countries are setting up new immigration or temporary worker recruiting plans in order to facilitate such talent-recruiting processes, the historical and contemporary immigration and integration dynamics and migration settlement patterns in receiving countries have played important roles in the settlement and integration of the new arrivals who are becoming an integrated force in

the economy of their countries of settlement. Many of these highly-skilled and professional migrants live and work in areas of their destination countries where the knowledge-based economy is at its height and where they can have the greatest impacts. These migrants also bring along those who migrate for the purpose of family reunification. India's long history of international migration has formed a large population base in both Canada and the US that facilitates chain migration through the sponsorship of family and relatives. Their spatial distribution has changed from central city enclaves to more suburbanized locales, and from highly clustered to more dispersed patterns.

In short, in order to possibly achieve the 'win-win-win' goal, the first step would be the need for cross-national understanding and collaborations in migration decision making and policy implementation to ensure a fair and just system for highly skilled migrants themselves, other migrants and native-born population, as well as sending and receiving countries alike.

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