

Anti-Chinese Immigration Laws in Canada, 1885-1967

1885-1923: Chinese Head Tax

Chinese labour was instrumental to the completion of the Canadian Pacific Railroad, but after the railroad was completed in 1885, the federal government wanted to restrict new Chinese immigration. They enacted *An Act to restrict and regulate Chinese immigration into Canada*, imposing a \$50 head tax. The head tax was raised to \$100 with *The Chinese Immigration Act, 1900*, and to \$500 with the *Chinese Immigration Act, 1903*. In 2006, the federal government apologized for this discriminatory policy.

Read excerpts from these head tax laws below:

An Act to restrict and regulate Chinese immigration into Canada *Chinese Immigration Act, 1885*

Assented to 20th July, 1885

What year was this law passed?

WHEREAS it is expedient to make provision for restricting the number of Chinese immigrants coming into the Dominion and to regulate such immigration; and whereas it is further expedient to provide a system of registration and control over Chinese immigrants residing in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:--

1. In this Act, unless the context other requires,--

The expression "Chinese Immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section four of this Act.

Who is a "Chinese Immigrant"?
Who is not?

4. Subject to the provisions of section thirteen of this Act, every person of Chinese origin shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, the sum of fifty dollars, except the following persons who shall be exempt from such payment, that is to say, first: the members of the Diplomatic Corps, or other Government representative and their suite and their servants, consuls and consular agents; and second: tourist, merchants, men of science and students...: but nothing in this Act shall be construed as embracing within the meaning of the word "merchant" any huckster, peddler, or person engaged in taking, drying or otherwise preserving shell or other fish for home consumption or exportation.

How much is the head tax?
Who has to pay it?
Who does not?
What is excluded from the definition of "merchant"?

13. The entrance fee or duty payable under this Act shall not apply to any Chinese person residing or being within Canada at the time of the coming into force of this Act, but every such Chinese person who desires to remain in Canada, may obtain, within twelve months after the passing of this Act, and upon the payment of a fee of fifty cents, a certificate of such residence, from the controller...

Do Chinese people already in Canada have to pay?
What do they have to do?

**An Act respecting and restricting Chinese immigration
*The Chinese Immigration Act, 1900***

Assented to the 18th July, 1900

2. This Act shall come into force on the first day of January, one thousand nine hundred and one.

4. (d) The expression "Chinese immigrant" means any person of Chinese origin (including any person whose father was of Chinese origin) entering Canada and not entitled to the privilege of exemption provided for by section six of this Act;

6. Every person of Chinese origin, irrespective of allegiance, shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or place of entry, a tax of one hundred dollars, except the following persons who shall be exempt from such payment, that is to say:--

- (a) The members of the diplomatic corps, or other government representatives, their suites and servants, and consuls and consular agents;
- (b) The children born in Canada of parents of Chinese origin and who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;
- (c) Merchants, their wives and children, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Government or by a recognized official or representative official or representative of the Government whose subjects they are.

6. (4) Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall for the purpose of this Act be deemed to be of the same nationality as her husband, and the children of the said wife and husband shall be deemed to be of the same nationality as the father.

18. Every person of Chinese origin who wishes to leave Canada, with the declared intention of returning thereto, shall give written notice... and such notice shall be accompanied by a fee of one dollar; ...

18. (2) The person so registered shall be entitled on his return, if within twelve months of such registration, and on proof of his identity to the satisfaction of the controllers (as to which the decision of the controller shall be final) to free entry...; but if he does not return to Canada within twelve months from the date of such registration, he shall, if returning after that date, be subject to the tax payable under the provisions of section 6 of this Act in the same manner as in the case of a first arrival.

What year was this law passed?

When did it come into effect?

Has the definition of "Chinese immigrant" changed since 1885?

How much is the head tax?

Who has to pay it?

Who does not?

Has this changed since 1885?

How did the law treat mixed-race marriages and mixed-race children?

Can Chinese people leave Canada?

Can they return to Canada?

Do they have to pay the head tax?

**An Act respecting and restricting Chinese immigration
*The Chinese Immigration Act, 1903***

Assented to the 10th July, 1903

2. This Act shall come into force on the first day of January, one thousand nine hundred and four.

6. Every person of Chinese origin, irrespective of allegiance, shall pay into the Consolidated Revenue Fund of Canada, on entering Canada, at the port or place of entry, a tax of five hundred dollars, except the following persons who shall be exempt from such payment, that is to say:-

- (a) The members of the diplomatic corps, or other government representatives, their suites and servants, and consuls and consular agents;
- (b) The children born in Canada of parents of Chinese origin and who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;
- (c) Merchants, their wives and children, the wives and children of clergymen, tourists, men of science and students, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Government or by a recognized official or representative official or representative of the Government whose subjects they are.
- (d) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting Canada, the tax payable under the first subsection of this section may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master

What year was this law passed?

When did it come into effect?

How much is the head tax?

Who has to pay it?

Who does not?

Has this changed since 1901?

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1923-1947: The Exclusion Period

In 1923, the federal government decided that the \$500 head tax was not effective enough, and a new approach to Chinese immigration was necessary. They passed *The Chinese Immigration Act, 1923*, which excluded practically all Chinese immigration, save a few categories that seen as temporary, and therefore qualified as "non-immigrants". This Act was repealed in 1947.

Read excerpts from this law below:

An Act respecting Chinese immigration *The Chinese Immigration Act, 1923*

Assented to 30th June, 1923

2. In this Act and in any order, proclamation or regulation made thereunder, unless the context otherwise requires,

- (e) "Chinese immigrant" means any person of Chinese origin or descent entering Canada for the purpose of acquiring Canadian domicile...; a person shall not be deemed to be of Chinese origin or descent merely because his mother or his female ancestors or any of them are or were of Chinese origin or descent;

5. The entry to or landing in Canada of persons of Chinese origin or descent irrespective of allegiance or citizenship, is confined to the following classes, that is to say:--

- (a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;
- (b) The children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller...;
- (c) Merchants as defined by such regulations as the Minister may prescribe; [and] Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees; who shall substantiate their status to the satisfaction of the Controller at the port of entry subject to the approval of the Minister, whose decision shall be final and conclusive.

18. Within twelve months after the coming into force of this Act..., every person of Chinese origin or descent in Canada, irrespective of allegiance or citizenship, shall register with such officer or officers and

What year was this law passed?

Who is a "Chinese immigrant"?
Who is not?

Which Chinese people are allowed to enter Canada?
Which are not?

What do Chinese people already in Canada have to do?

at such place or places as are designated by the Governor General in Council for that purpose, and obtain a certificate in the form prescribed.

23. (1) Every person of Chinese origin or descent, who wishes to leave Canada with the declared intention of returning thereto, and who establishes to the satisfaction of the Controller that he was legally landed in Canada, and is lawfully resident therein, shall give written notice of such intention to the controller at the port or place whence he proposes to sail or depart at least twenty-four hours before the intended date of departure...; and such notice shall be accompanied by a fee of two dollars...

Are Chinese people allowed to leave Canada?
Under what circumstances can they return?

24. (1) The person so registered shall be entitled on his return, if within two years of such registration, and on proof of his identity to the satisfaction of the controller, to re-enter; but if he does not return to Canada within two years from the date of such registration, he shall be treated in the same manner as a person making application for admission as an immigrant.

What happens if a Chinese person leaves Canada for too long?

27. (1) Every person of Chinese origin or descent resident in Canada at the date of the coming into force of this Act, who was admitted under the provisions of any Act now or heretofore in force, and did not secure such admission by fraudulent misrepresentation..., shall be deemed to be entitled to continue to reside in Canada...

Which Chinese people are allowed to remain in Canada?
When can they be made to leave?

27. (2) Any person admitted under this Act who at any time after admission ceases to belong to any of the classes admissible under this Act shall, unless he is a Canadian citizen, *ipso facto* forfeit his right to remain in Canada

32. (1) Every person of Chinese origin or descent who—

- (a) lands or attempts to land in Canada contrary to the provisions of this Act;
- (b) wilfully makes use of or attempts to make use of any forged or fraudulent certificate, or of a certificate issued to any other person for any purpose connected with this Act;

What is the consequence for immigrating illegally?

is guilty of an offence, and liable to imprisonment for any term not exceeding twelve months and not less than six months, or to a fine not exceeding one thousand dollars and not less than three hundred dollars, or to both imprisonment and fine, and shall be deported.

34. Any person of Chinese origin or descent who fails to register as required by section eighteen of this Act or any order or regulation made hereunder shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding twelve months, or to both. In any prosecution under this section where the accused alleges that he is not a person of Chinese origin or descent, the onus of establishing that fact shall be upon the accused.

What is the consequence for ignoring s. 18?

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1947-1967: Period of Restricted Sponsorship

From the enactment of the head tax in 1885 to the end of the Exclusion period with the repeal of the *Chinese Immigration Act, 1923* on May 14, 1947, Chinese immigration was controlled by laws that were directed specifically at Chinese people. When this ended in 1947, Chinese immigration fell under the category of Asian immigration more generally. The following Orders-In-Council were passed to control Asian immigration. Federal immigration policy was overhauled in 1967 when race and ethnic origin was removed as a valid consideration when determining an immigrant's admissibility to Canada.

Read excerpts from these Orders-In-Council below:

Order in Council P.C. 2115 of September 16, 1930

From and after the 16th August, 1930, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited, except as hereinafter provided:

The Immigration Officer-in-Charge may admit any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,--

The wife, the husband, or the unmarried child under eighteen years of age, of any Canadian citizen legally admitted to and resident in Canada, who is a British subject under Canadian law.

When was this passed?

Are Asian people allowed to immigrate to Canada?

Who is permitted to sponsor Asian immigration?

Whose immigration can they sponsor?

Order in Council P.C. 2115 as amended by P.C. 6229 of December 28, 1950

From and after the 16th August, 1930, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited, except as hereinafter provided:

The Immigration Officer-in-Charge may admit any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,--

The wife, the husband, or the unmarried child under twenty-one years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.

When was this passed?

Are Asian people allowed to immigrate to Canada?

Who is permitted to sponsor Asian immigration?

Whose immigration can they sponsor?

How has this changed since 1930?