How transnational actors change inter-state power asymmetries

The role of the Indian diaspora in Indo-Canadian relations on migration

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Abstract

The overall aim of this thesis is to explore what emigration state power means in relation to the rules that govern international migration. This thesis challenges the conventional view that within a bilateral migration relationship the migrant-sending state is a 'rule-taker' compelled to accept the consequences of the migrant-receiving state's immigration and integration policies. Using India-Canada migration relations as its empirical case, this thesis examines how diaspora populations can serve as a transnational resource for the sending state to mitigate power asymmetries with the receiving state in bilateral migration relations. Part I of this thesis examines the Indo-Canadian diaspora's use of Canadian tribunal, electoral and lobby channels to advance immigration and integration policy outcomes that further both the interests of the diaspora and the Indian state. Part II considers the diffuse and ideational mechanisms through which the Indian state influences the diaspora's political mobilisation abroad. The diaspora's political activities in the host state, combined with the sending state's transnational influence over facets of diaspora identity, interests and organisational capacity, register important effects on Canadian migration policy that bear on the distribution of power between sending and receiving states. These effects cannot be explained on a purely inter-state model of migration relations, but are accounted for by the framework developed and applied in this thesis. The Conclusion addresses the scope conditions under which this thesis' theoretical framework and conclusions derived within it from the single-case study may allow for a wider comparative approach across other cases in future research.

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List of abbreviations

CASSA	Council of Agencies Serving South Asians
CIC	Citizenship and Immigration Canada
DFAIT	Department of Foreign Affairs and International Trade
FARPA	Fair Access to Regulated Professions Act
GATS	General Agreement on Trade in Services
GFMD	Global Forum on Migration and Development
HRSDC	Human Resources and Skills Development Canada
IAD	Immigration Appeal Division
ICCPR	International Covenant on Civil and Political Rights
ICPMWF	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IIT	Indian Institutes of Technology
ILO	International Labour Organization
IR	International relations
IRB	Immigration and Refugee Board of Canada
IRPA	Immigration and Refugee Protection Act
IT	Information technology
MOIA	Ministry of Overseas Indian Affairs
MoU	Memorandum of Understanding
MP	Member of Parliament
NDP	New Democratic Party
NRI	Non-Resident Indian
OCASI	Ontario Council of Agencies Serving Immigrants
OCI	Overseas Citizenship of India
PBD	Pravasi Bharatiya Divas
PIO	People of Indian Origin
WTO	World Trade Organization

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1 Introduction

This thesis will explore what emigration state power means in relation to rules that govern migration between a migrant-sending (or emigration) state and a migrant-receiving (or immigration) state.[1] It will challenge the prevailing view that within a bilateral migration relationship, the migrant-receiving state is the 'rule-maker', largely unrestricted to create and enforce rules that govern immigration and integration in its territory as it sees fit, while the migrant-sending state is the 'rule-taker', with little choice but to accept the consequences of these rules. This thesis will offer an alternate approach for exploring the power of an emigration state in bilateral migration relations. This approach places front and centre the role of the diaspora in influencing inter-state migration relations. Empirical analysis will focus on the case of India-Canada migration relations to explore the agency afforded the Indian sending-state to mitigate power asymmetries with Canada by influencing the Indo-Canadian diaspora, a transnational population that resides outside of India yet maintains links with the emigration state. This thesis seeks to integrate transnational and inter-state perspectives to ask how relations *across* national boundaries influence relations *between* states – specifically, how transnational diaspora actors afford the 'weaker' sending-state agency to mitigate power asymmetries that conventionally characterise inter-state relations with the receiving state.

[1] This thesis uses interchangeably the terms 'sending', 'emigration' and 'origin' state, and the terms 'receiving', 'immigration' and 'destination' state.

1.1 Migration and world politics

Migration is an issue increasingly central to the politics that occur within and between states. As globalisation provides new reasons and opportunities to migrate (Castles 2009, 2002; Scholte 2005), and as states seek to regulate transboundary phenomena (Hollifield 2007; Rudolph 2006), inter-state mobility becomes a central feature of the international and transnational political life of more states and more individuals. Consequently, the study of international migration is important for enriching our understanding of the empirical substance on which inter-state competition and co-operation increasingly centres and for shedding light on the impact of transnational relations – interactions that link two societies across national boundaries and that involve at least one non-state actor (Faist 2004; Gamlen 2008; Jacobson 1996; Risse-Kappen 1995; Sassen 1996; Vertovec 2001, 1999) – on inter-state ones. Moreover, the subject of international migration is inherently political. The cross-border movement of people brings about distributive consequences that bear on relations between states, while it also gives rise to 'winners' and 'losers' of immigration and emigration policies at the level of domestic politics. Migration is bound up with the very idea of the nation-state, raising questions about the rights conferred by the state to foreign nationals and the role of identity in shaping and challenging the constitution of political communities.

If we understand the study of politics in relation to the investigation of (i) rules which distribute costs and benefits amongst actors, (ii) the mobilisation of groups with divergent interests over the consequences of these costs and benefits, and (iii) the resolution of this contestation via the exercise of power, then we can understand international migration to be political in the following ways which inform subsequent arguments of this thesis.

First, the rules that govern migration and that are the object of state decision-making at the unilateral, bilateral, regional and sometimes multilateral levels not only inform individual migrants' prospects, but differentially affect labour market groups within countries, and yield divergent impacts across migrant-sending, -transit and -receiving countries (Fuest and Thum 2000; Siddique 2001). Further, one state's creation of rules to regulate migration into or out of its borders can confer a range of positive or negative externalities on other states. For instance, one country's immigration policy to address skills shortages within its own labour market may have repercussions for how many doctors and plumbers leave a given source country. Sending-state policies to facilitate the emigration of low-skilled labour may magnify normal 'push' pressures and increase the volume of a type of immigration that is perceived as undesirable by receiving states (Rudolph 2006). The creation of new states has internationalised movements that used to occur within a single territory (Zlotnik 2001), making them subject to a range of exit and entry rules.

Second, states' interests remain central for understanding international migration flows, as states remain their own principal gate-keepers (Zolberg 1999). National policy responses to international migration, including exit and entry rules, derive from states' economic and security interests, and identity-related concerns, regarding population movements across their borders. These factors influence state preference formation not only at the domestic and inter-state level, but also at the transnational level (Betts and Court 2010). For instance, seen from an economic perspective at the aggregate national level, a labour migrant may represent productivity gains for the migrant-receiving country and a reduction in surplus labour for the migrant-sending country, yet may bring mixed labour market outcomes at the sub-state level, resulting in cost savings for employers and consumers in the

receiving country, cost increases for their counterparts in the sending country, and divergent impacts on wage competition in both countries. At the transnational level, a migrant's contribution to the home country through remittances, investments and knowledge transfer affect source country development in ways that inform the preferences of both sending and receiving states. At all levels, a 'desirable' versus 'undesirable' migrant, and a 'cost' versus a 'benefit' are not prescribed objectively, but are perceived by states and populations within them subject to the influence of norms and ideas that constitute national identities and perceptions of belonging. For instance, asylum seekers, refugees and internally displaced people need not represent a security risk to state and society, but are often constituted as such through social and cultural perceptions of threat. Xenophobic attacks against immigrants (Castles and Miller 2009), including against Algerians in France, Turks in Germany, and Mexicans in the US, highlight the role of identity and perception in defining what is deemed a national threat and for whom.

Although the migration preferences of receiving states are most widely discussed in the literature (Geddes 2003; Guiraudon and Lahav 2000; Hawkins 1991; Koslowski 2000; Lahav 2004; Mayda 2006), sending states have unique interests in emigration that vary according to the type of out-migration (e.g., skilled versus less-skilled, temporary versus permanent versus cyclical).As Kapur and McHale (2005) identify, such interests also vary across the temporal stages of emigration, ranging from the immediate impact of reduced surplus labour (low-skilled emigration) or the loss of human capital (high-skilled emigration), to the impact of remittances and overseas knowledge networks, to the possible return of internationally experienced skilled professionals or labourers in search of new work. The saying, recounted by an interviewee at Delhi University, that 'Kerala exports unemployment' (personal

interview, 11 November 2009)[2] suggests one way in which labour emigration is perceived as an asset to sending states or regions within sending states. Portes (1999:467) argues that 'sending governments do not want their immigrants to return, but rather to achieve a secure status in the wealthy nations to which they have moved and from which they can make sustained economic and political contributions'. A distinction must be drawn between an emigration state's official interests in emigration – an Indian official phrased his government's objective in relation to out-migration as the 'removal of barriers to the individual choice to emigrate' (personal interview, 25 February 2009) – and those interests which are implicit in state policies and rhetoric (Délano 2010). Unstated interests may pertain to securing remittances, ensuring a safety valve for the political and economic consequences of unemployment, and promoting forms of diaspora collaboration from abroad that are economically and commercially valuable to the source country.

Identity is a further factor that influences sending-state preferences regarding the diaspora. A former Indian Consul-General to Canada notes that emigrants from India and even non-citizen People of Indian (PIO) origin 'evoke emotions' amongst the Indian population given the contacts and family they retain in India. 'In this way, the circumstances of the Indian diaspora in other countries becomes (sic) part of the domestic local politics in India' (personal interview, 2 November 2009). Given domestic constituents' perception of an affinity to the overseas population, the Indian state has an interest in protecting and promoting the welfare of its diaspora.

The interests of a range of non-state actors also figure prominently in the international politics of migration. Migrants organise into politically-active diaspora

[2] A full list of interviews is provided in the Bibliography. Although names of interviewees are not included, a description of interviewees' positions is provided along with the date and location of the interview.

associations and contest migration-related outcomes in the destination country. To use Lahav's (2004) two-fold distinction, migration outcomes can be understood in relation to issues of intake and incorporation. Rules that govern intake specify the nuts and bolts of entry – the number of immigrants allowed in, the basis of entry and the strategies for regulation – while incorporation rules pertain to the treatment of immigrants by the state once they arrive, including rights extended and methods of integration. Different migrant groups will have different interests regarding intake and incorporation, and these may be at odds or converge with those of sending and receiving countries. For instance, a sending or receiving country's decision to endorse 'ethical recruitment' schemes which discourage the poaching of doctors from countries with small stocks of human capital may conflict with the interests of doctors from such countries who aspire to emigrate and favour facilitating intake systems. Yet, with respect to labour-market integration once emigration has occurred, the interests of the sending state and the diaspora can converge on the issue of foreign credential recognition: newcomers' desire to ply their trade or profession in the host country coincides with sending state interests to support the economic and social integration of the diaspora, which promotes diasporic contributions to the home state and facilitates the creation of an influential diaspora group positioned to advance sending state interests from abroad. This example highlights that a sending state with preferences against the out-migration of its professionals can nonetheless have reasons to favour the economic integration of its emigrants in host countries. Under certain circumstances, and through diverse channels to be discussed in this thesis, diaspora pressure can influence state preferences in relation to international migration.

Last, and most significant for purposes of this thesis, power relations are central to the international politics of migration. States pursue their migration-related interests largely by seeking to control population flows. For receiving states, this means attracting 'good' migrants and keeping out 'undesirable' ones. For sending states, this means the pursuit of strategies to reap the benefits and minimise the costs of out-migration, where, as noted, costs and benefits are perceived subject to a range of values that shape preferences, perceived choices, appropriate responses, and so on. Given the few over-arching institutions that govern international economic migration, states pursue their migration preferences largely unencumbered by international regimes that restrict their sovereign authority over migration decision-making (Betts 2011; Ghosh 2000; Hanson 2009; Koslowski 2009). The study of inter-state competition and co-operation over the rules that govern migration invites reflection on the power relations through which states seek to further their interests.

The capacity of migrant-receiving and migrant-sending states to pursue their interests within the power politics of international migration is presumed highly asymmetrical because 'migration power' in an inter-state context is closely related to states' structural position as either a sending or receiving state. As will be discussed shortly, the receiving state has significant power to select which migrants to incorporate or exclude, while the sending state has less influence to control which and how many of its citizens leave, despite the fact that emigration registers a significant impact on the sending state. The optics of inter-state power asymmetry are indeed central to understanding why migration is governed as it is. Yet, the existence of an inter-state asymmetry does not rule out the sending state's exercise of power over migration outcomes. It does, however, suggest why the sending state

looks to engage diaspora populations as a power resource to contest rules of intake and incorporation meted out by receiving states.

First gap in the literature: the concept of power

Despite the inherently political features of cross-border human movement, the discipline of political science and international relations (IR) is a relative 'latecomer' to the study of international migration. Migration studies have focused on either bottom-up migrant-level perspectives (Brettell 2000; Castles 2003; Heisler 2000; Massey et al., 1998; Portes 1997) or on transnational perspectives, which view migration phenomena as manifestations of the transnational economic and social forces that drive globalisation (Kearney 1995; Perlmutter 1991; Sassen 1996; Smith 1994).

Migrants are subjects whose migration decisions are not reducible to state behaviour and who maintain transnational relations that fall outside the scope of state-state interaction. Consequently, there is a tendency in the literature to distance transnational and international migration outcomes from inter-state power relations and to under-emphasise the role of state behaviour in influencing population flows. Despite its value for shedding light on the individual and transnational dimensions of human mobility, bottom-up and transnational approaches to the study of migration marginalise the significance of nation-states in regulating cross-border population movements. This sidelines the complexity that transnational actors and politics across states add to the inter-state power relations between migrant-sending and migrant-receiving states.

The concept of inter-state power relations is similarly granted insufficient attention in work on the global governance of migration (Betts 2011; Koser 2010;

Koslowski 2011) even though this literature highlights the enduring role of states in regulating cross-border flows of people. In the context of the limited rules-based order that exists at an international level to govern most facets of migration– particularly migration for economic purposes, the focus of this thesis – Newland (2010) argues that efforts directed toward the development of such a framework are bedeviled by a lack of consensus on the very question of whether 'global governance' is required or appropriate for migration. A former Canadian Minister of Citizenship and Immigration asks pertinently: 'Why do we persist with national approaches to a phenomenon that is inherently transnational?' (Marchi 2010: 324). Yet, what is not prominent in literature on the global governance of migration is a power-based response to this question that accounts for how power asymmetries between states are reflected in existing institutional arrangements – notably, arrangements that offer powerful states, largely Northern migrant-receiving states, greater leeway to refrain from entering binding supranational arrangements that limit their capacity to regulate migration as they see fit (Betts 2009b). Further neglected in the global governance literature is an account of the prospects of weaker states to overcome inter-state asymmetries to advance their own migration interests through a supranational rules-based order. Thus, an over-arching gap in migration studies and global governance literature that this thesis seeks to remedy is the largely neglected focus on the concept of power in the study of international migration.

The role of power is not completely overlooked in work on migration. Betts (2009a), Mainwaring (2008) and Paoletti (2010) make important contributions to the study of migration power relations – both with respect to North-South relations in the context of international and bilateral migration agreements, and with respect to relations within the EU between large member states and peripheral ones in the

context of regional migration governance. Nonetheless, these authors' focus on inter-state factors that influence state-state power dynamics distinguishes their contributions from the present concern with the impact of transnationalism on inter-state relations.

In other literature where the role of inter-state power in shaping migration flows and policies is addressed, realism tends to be the historically dominant strain, emphasising the lens of structural security through which receiving states respond to migration flows, establish border controls, and debate issues of citizenship and integration (Cornelius et al 2004; Rudolph 2006; Spencer 2003). This is not entirely misplaced, as the articulation of realist principles to keep out potential threats has become a defining influence in immigration policies since 9/11. Much policy and public attention has been drawn to the potential relationship between immigration and security (Hampshire 2008; Huysmans 2006), with irregular migration and asylum identified as routes of entry for would-be terrorists. Hammerstadt's (2008) discourse analysis of the United Nations High Commissioner for Refugees' annual reports to the General Assembly suggests that international organisations have selectively imbibed aspects of this securitisation agenda, in part to remain relevant to states and their national concerns. The neo-realism lens highlights that international migration has security implications for states and that migration policies respond to real or perceived threats.

Yet, realist accounts fail to capture all interests and forms of power apparent in migration politics. With respect to the operation of power, influence need not operate directly between state actors, but can function diffusely through intermediaries which exist at a distance from state actors, such as institutions

(Barnett and Duvall 2005) or, as this thesis will argue, populations. Moreover, ideational and not merely economic or military resources are deployed by states to influence actors. The lens of realism and historical emphasis on receiving states has resulted in the under-study of emigration state politics and the strategies of weaker actors to overcome power asymmetries in the international politics of migration. By drawing upon a synthesis of relevant statist and ideational understandings of power, this thesis focuses attention on sending state influence and the unconventional power resources available to an emigration state with a significant diaspora population abroad.

This thesis will argue that India competes with other states not only through conventional inter-state strategies and the use of military and economic power resources, but increasingly by capitalising on its overseas population and influencing migration phenomena to further international objectives. This thesis' focus on the transnational strategies by which India seeks to influence cross-boundary migration outcomes is distinct from and complements Hurrell's work on the inter-state negotiation strategies of emerging powers within international institutions such as the World Trade Organization (Hurrell and Narlikar 2006) and their membership strategies toward new supranational groupings, such as the G-20 (Hurrell 2010).

Second gap in the literature: the emigration state

In addition to an under-emphasis on the concept of power, the second gap in the literature that this thesis seeks to fill is an under-emphasis of the role of emigration states in the international politics of migration – specifically, the impact of sending-states' transnational strategies to influence diaspora populations and receiving-state actors abroad to further migration objectives. While there exists

important political science and IR literature that engages with the topic of international migration (Ghosh 2000; Hollifield 2007; Koslowski 2000; Mitchell 1992, 1989; Rudolph 2006; Shain 1994; Teitelbaum 1984; Weiner 1995; Zolberg 1981), analysis tends to be pinned on the politics within receiving states or among clusters of Northern states such as the European Union (Baldwin-Edwards and Shain 1994; Breunig and Luedtke 2008; Freeman 1995; Hammar 2001; Joppke 1998b; Lahav and Guiraudon 2006).

The neglected role of emigration states in the international politics of migration reflects a conventional view of the structural dependence of sending states, reliant on *status quo* labour migration to extract economic gains on offer (e.g., remittances), but largely lacking agency to influence themselves the rules that govern migration, the working and living conditions faced by citizens who emigrate, and the impact of population flows on sending and receiving states. As Castles (2004a:9) writes of this dependence, labour export has been identified as important for sending states in 'reducing unemployment, improving the balance of payments, securing skills and investment capital, and stimulating development', not to mention 'the export of discontent and reduction of political tension'. Sending-state emigration policies have been interpreted in light of imperatives and constraints dictated by structural dependence, and less with respect to the capacity of sending states to formulate and further inter-state objectives of their own.

Moreover, the depiction of an immigration 'crisis' by politicians, media and anti-immigrant groups in receiving countries – dating from the Cold War and intensified during periods of economic downturn and perceived security threats following terrorist attacks – has historically fixed the spotlight for analysis on the

role of receiving states controlling migration, tightening border policies, and engaging in debates about national identity and the integration of newcomers. The focus on immigration states' responses to migration has not been matched by similar attention to the role of emigration states and their strategies and imperatives to control migration phenomena.

Yet, because the transnational ties that many sending states cultivate with politically active diaspora populations have important effects on receiving-state immigration policies, a more accurate picture of the actors and power dynamics that characterise bilateral migration relations emerges when the role of the emigration state is incorporated in the study of international migration. Sending-state efforts to form strategic links with diaspora populations, and the effect of these relations on uneven inter-state playing fields, are not adequately captured by a sole analytic focus on receiving states and their immigration priorities.

An important and growing body of research is devoted to emigration states' interests in and initiatives to control population movements and manage strategic relations with diasporas abroad (Délano 2010, 2009; Gamlen 2010, 2008; Goldring 2002; Levitt and de la Dehesa 2003; Østergaard-Nielsen 2003; Smith 1998; Walton-Roberts 2004). Brand's (2006) pioneering work on Moroccan, Tunisian, Lebanese and Jordanian sending state relations with diaspora populations and Délano's (2009) study of Mexico's changing emigration policies, partly in the context of the country's evolving bilateral relations with the US, stand out against the backdrop of comparatively limited scholarly attention on states of origin in rule-making regarding international migration. This is despite a proliferation in the last five to ten years of

high-level sending-state institutions tasked with responsibility over various facets of expatriate affairs.

1.2 Power and the emigration state

Inter-state power asymmetries and the significance of the sending-state versus receiving-state dichotomy

In the governance of international economic migration at the inter-state level, this thesis argues that power can be understood largely as a function of whether a state is a migrant-sending or migrant-receiving state. The receiving state plays the primary role creating and enforcing rules that regulate migration. In principle, it can select through intake rules which migrants are beneficial to national interests – on economic, security, and national identity grounds – and keep out less desirable ones.[3] With the exception of the international refugee regime, there are few coherent international institutions to regulate receiving states' authority to select who enters their territory and on what basis (Betts 2011; Koslowski 2009; Loescher et al 2008). In the area of economic migration, barring a handful of international legal instruments (Trachtman 2008) such as the World Trade Organization's (WTO) General Agreement on Trade in Services (GATS) Mode 4, the United Nations' International Convention of the Protection of Migrant Workers and their Families (ICPMWF) and International Labour Organization (ILO) conventions, there is little formal institutional framework at the global level, leaving policy to be created largely unilaterally by receiving states.

In this context it could be presumed that sending states do not have the same autonomy to align emigration policy with national interests. This is largely true at the

[3] Irregular forms of migration highlight that this receiving-state capacity is not always straightforward in practice.

purely inter-state level, although Betts' (2009) and Paoletti's (2011) examinations of North-South power relations in the context of migration explore how inter-state level factors – issue-linkage and interdependence, respectively – can offset the asymmetric starting point between sending and receiving states. Notwithstanding such inter-state factors which can bolster sending-states' power position, this thesis conceptualises sending states as possessing limited capacity to dictate the terms of migration governance, or to control population flows. The largely non-violated international norm enshrining right of exit, which finds expression in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), means that most sovereign states do not prohibit their citizens from leaving the country. Sending states may therefore be viewed as relatively powerless in the face of destination countries' immigration policies, which, in tandem with economic incentives, have the ultimate effect of selecting for a certain type and magnitude of out-migration from source countries. Emigration states, such as India, are assumed to be 'rule-takers' and immigration states such as Canada are seen as 'rule-makers' in the rules regulating international migration for economic purposes.

The right of exit not only characterises a structural power relation between gate-keeping receiving states and open sending states, but is the crux of a power relation between the sending state and its citizens. Emigration, enshrined in the right of exit, brings about a redefinition of the relation between state and citizen. It allows the individual migrant to transform the state-citizen relation into the state-overseas citizen relation, in which the sending state's authoritative control over its citizens via a monopoly on coercive violence is diminished, largely by virtue of international norms of non-interference with populations in other states. Thus, the right to exit limits sending state power in two key ways: by restricting its capacity to control who

and how many leave, and by restricting its capacity to control citizens once they have left.

This is not to imply that receiving states are all-powerful. Immigration states may also experience diminished capacity to control foreign nationals within their territory, as evidenced by the failure of states to deport irregular migrants (Ellermann 2009). Moreover, the redefinition of notions and practices of membership does not apply solely to emigration states, to be discussed, but is equally relevant to migrant-receiving states. Nonetheless, the right of entry is distinct from the right of exit insofar as the former is upheld as a central dimension of the sovereign prerogative of receiving states. By contrast, the right of exit is the object of international norms and is largely beyond the scope of sending-state autonomy.

It should be noted that the right to exit, as enshrined in the ICCPR and as practised by states such as India, is not non-derogable. The ICCPR permits restrictions to the right that are based on clear legal grounds and that meet the requirements of necessity and proportionality. With increased pressure from the international community to curb irregular migration, address labour exploitation and '[channel] free movement into legally permissible forms' (Harvey and Barnidge 2005:2), sending states have adopted a range of exit regulations that conform with the international convention. However, there is a practical and principled limit to these restrictions. As the Director of Emigration Policy in the Ministry of Overseas Indian Affairs (MOIA) argues: 'the right to exit is implicit in the right to enter when a visa is granted, so what can origin countries do when a migrant is granted a visa and then becomes irregular?' (Singh 2009). Despite its derogable nature, the right of exit is a strong international norm and violation carries severe international

implications (Harvey and Barnidge 2007). This thesis uses the largely non-violated norm as an analytical premise to define partly the power asymmetry between sending and receiving states in relation to the capacity to control flows.

Exit regulations have evolved over time as a historically significant dimension of state control (Zolberg 2007). India's Emigration Act has changed considerably since colonial rule.[4] The Mandatory Emigration Clearance provisions of the present-day Emigration Act 1983 stipulate that no citizen of India shall migrate unless he obtains emigration clearance from the Protector of Emigrants. However, in recognition of the need to 'comprehensively overhaul' the emigration rules 'into effective instruments for facilitating legal migration, preventing irregular migration and empowering emigrants' (MOIA 2009:18), the exit regulations of India's Emigration Act are becoming liberalised. As the rules stand at the time of writing, an endorsed 'emigration check required' passport is needed for an aspiring labour migrant who has not achieved Class X education level (high school) and who is traveling to work in any of 17 countries designated by India, including Gulf states. Proof of passport, valid foreign visa, insurance policy and employment contract are required for emigration clearance. For Indians with higher education levels, emigration is considerably 'freer', as prospective migrants are entitled to an 'emigration check not required' passport for travel to any country. As of a 2007 amendment, exit regulations have relaxed for 'emigration check required' passport holders such that those traveling for non-employment purposes are no longer required to obtain clearance.

[4] India's Emigration Act was first developed under British rule and restricted unskilled labour recruitment to countries vetted by the colonial administration (Kumar and Desai 1983: 513), rendering the right to exit highly restricted. The present-day Emigration Act, 1983, reflects guidelines laid down by a 1979 Supreme Court decision (Kanga v. Union of India).

Although the ability of Indian citizens to go abroad more freely than in the past implies reduced sending-state power to control migration outflows, the liberalisation of India's exit regulations is nonetheless attributable to Indian state calculations regarding the governance of emigration. Practical considerations (e.g., it is administratively complex and expensive to control exit) and strategic calculations regarding the value of emigration as a potential tool for home country development, in addition to the avoidance of negative international repercussions for violating international norms, suggest that sending states uphold right--of-exit-principles within their emigration framework to further their own interests, even if this ultimately limits their capacity to directly regulate flows. Thus, even if sending states are rule-takers, the rules need not always conflict with sending state interests, particularly implicit interests regarding the maintenance of remittance inflows.

Regardless of states' interests in upholding the right of exit, this largely non-violated norm is a central feature of the power asymmetry between gate-keeping receiving states and largely open sending states with respect to control over flows at the inter-state level. The notion that power, in the realm of migration governance, is predominantly a function of whether a state is a net 'sending' or 'receiving' state has been captured in game theoretic terms (Betts 2008) with the specific analogy to a two-actor suasion game in which one player is powerful and must be persuaded to co-operate, while the other actor has little recourse but to participate and accept what is on offer (Martin 1993). What is on offer tends to be the small-scale facilitation of those forms of mobility that promote receiving states' security, economic and identity-informed interests, and that can be achieved through unilateral rules or selective bilateral engagement.

In the case of India to Canada migration, the inter-state migration power asymmetry between the two countries maps onto a broader North-South power relation,[5] although the extent to which India experiences a power deficiency vis-à-vis Canada in non-migration spheres can and will be questioned shortly. In the case of South-South migration, which accounts for nearly the same volume as South-North migration, the sending-receiving state power relation typically takes on a regional dimension,[6] as in the case of India as a regional net receiving state of migrants from Bangladesh, Bhutan and Nepal.

This example introduces an important empirical reality behind the sending versus receiving state heuristic dichotomy for understanding inter-state power relations: most states are migrant-sending, -receiving and -transit states at once. Canada, a 'nation built on immigration' (Baingo 2007), experiences a significant brain drain of doctors and other professionals to the US, among other destinations. India, the top recipient of remittances from its overseas migrants in 2008 (Ratha 2009), is home to approximately 20 million immigrants, largely irregular, from neighbouring countries (Singh 2009). Nonetheless, the fact that most states are, in different contexts, both senders and receivers of migrants, does not undermine the conceptual utility of these categories for characterising states' interests and power at the inter-state level in relation to international migration. Indeed, the fact that many states experience both immigration and emigration has implications for the stances they adopt in international migration fora. For instance, a net sending state concerned with the rights of its emigrant workers may nonetheless refrain from signing

[5] This thesis favours the 'receiving-sending state' distinction over the 'North-South' one, as the central argument pertains to asymmetries between states specifically in the context of *migration*, and not broader power structures that may underpin bilateral interactions.
[6] Approximately 80% of South-South migration occurs between states with contiguous borders (Ratha and Shaw 2007:v).

international treaties on migrant workers' rights that limit its sovereign authority to address high levels of irregular migration within its own borders. The fact that sending states in an international context can often be characterised as receiving states in a regional context (e.g., South Africa, Indonesia, India) goes a distance to explaining why societies in net-emigration states are amongst those that display, in global opinion polls,the strongest preferences to limit international immigration (Pew Global Attitudes Survey 2007).

The reality that 'rule-taker' versus 'rule-maker' status is not fixed but contingent upon the particular migration flow considered matters for state power. This is apparent in the case of Malaysia's voting decisions in the Global Forum on Migration and Development (GFMD), which resemble those of a receiving state, and the strict measures it endorses regarding the treatment of documented and irregular migrants (Crush and Ramachandran 2009). Despite Malaysia's status as a net sending state to the North, Malaysia's positioning as a regional receiving state within the South accounts for these stances.

Moreover, a country's self-identification as either a sending or receiving state has implications for the types of policies it adopts to regulate migration. As Cornelius and Tsuda (2004:25) argue, the policies adopted by 'reluctant countries of immigration' converge in respect of their *ad hoc* approach and focus on temporary migration . The authors depict France, Germany, the Netherlands and the UK as states which 'have had considerable experience with immigrants but continue to deny officially that they are countries of immigration (or only recently have acknowledged this fact)'. Dutch immigration policies that are 'formulated in response to changing economic and social conditions' yet fail to articulate 'an overall vision of itself [the

Netherlands] as a country of immigration' are attributed to the fact that the former country of emigration has been slow to acknowledge its new status as a major labour importer. In contrast, policy convergence amongst traditional immigration countries such as Canada, Australia and the US is 'geared more toward nation-building and national economic development' (Cornelius and Tsdua 2004: 21/22). These examples suggest the salience of states' self-identification as either senders or receivers of migrants for the policies they adopt. Libya's positioning of itself as a 'migrant-transit' state and its framing of migration into and out of Libyan borders within a securitised context is an identity strategy that has allowed Libya to bolster its bargaining position in broader relations with Italy and the EU (Paoletti 2010).

At the inter-state level, the sending-versus receiving-state heuristic dichotomy captures the overall preferences and influence of states in relation to international migration, although we must bear in mind the dynamic and context-specific nature of the characterisation. This caveat is less significant when analysing a given bilateral pairing between a northern and southern country, or between a southern regional hegemon and its neighbour, because migrant flows between such two countries are predominantly one-directional.

The relevant similarity amongst net sending states at the regional or global level is their structurally limited capacity to compel receiving states to take up a more rules-based, multilateral order to advance their emigration interests. Nonetheless, weaker states may develop inter-state strategies to overcome their power deficiencies, such as the creation of tactical issue-linkages to leverage issues and interests not necessarily related to migration to enhance negotiating positions (Betts 2008). Further, many sending states participate in the few multilateral

institutions that do regulate facets of migration, such as WTO law on service provider mobility – GATS Mode 4 – the 1990 ICPMWF, and various ILO instruments, notably No's. 97 and 143 which address migration for employment and the rights of migrant workers, respectively. Such multilateral fora are presumed to afford weaker actors greater capacity to participate in decision-making, as they provide for officially equal weighting amongst states, and are conducive to resource-pooling and coalition-building. However, the existing multilateral arrangements governing economic migration are either extremely limited in scope – in the case of GATS Mode 4, thus far (Nielson and Taglioni 2003) – or are poorly ratified, in the case of the two ILO instruments dealing with migrant workers' rights, partly because the content of the conventions reflects the historical circumstances of the times in which they were approved (Awad 2009). The adoption of the ICPMWF is similarly limited, with no EU Member State having ratified the instrument to promote better living conditions for migrant workers and the often neglected rights of accompanying family members. There is reluctance amongst many states to ratify multilateral conventions on migrant workers' rights[7] that would restrict their authority to address irregular migrants within their own borders (Pécoud and de Guchteneire 2004). States with large stocks of cheap labour for export may additionally fear losing their international competitive edge over non-ratifying states. Conventions' stipulations of wage parity between foreign and domestic workers are dismissed by many sending states as negating the comparative advantage of hiring foreign labour in the first place, thereby amounting to protectionism (Chaudhuri et al 2004).

It is likely that bilateral agreements rather than multilateral ones will dominate the limited levels of economic migration governance that exist above and

[7] Neither India nor Canada is party to ICPMWF, ILO Nos. 97,143.

beyond the discretion of individual states. This is attributable to receiving-state interests to avoid binding commitments that restrict their sovereignty, and the configuration of inter-state power that allows receiving states to decide when to co-operate and when not to. Examples of bilateral agreements include labour mobility partnerships (e.g., India-Denmark labour mobility partnership 2009); Memoranda of Understanding (MoUs) on emigrant protection and welfare (e.g., MoUs signed between India and: the UAE in 2006, Kuwait in 2007, Oman in 2008, and Malaysia in 2009 – MOIA 2011a); and bilateral social security agreements, such as those India has concluded with 15 countries. The legal nature of these agreements is, however, not binding. By and large, most of the substantive and legally binding rules that regulate the intake and incorporation of migrants fall under the national immigration framework of the receiving state.

Despite India's strong interests in migration, elaborated upon in Chapter 2, its capacity to secure these interests by interacting with Canada or other receiving states at the inter-state level is limited. In the absence of a coherent international framework to regulate states' responses to migration, self-help strategies dominate and receiving states are best able to advance their self-help strategies in migration governance (Betts and Court 2009). Indeed, 'immigration policy' is often used synonymously with 'migration policy', highlighting the limited influence of sending states with respect to the rules that govern cross-border population movement.

Bearing in mind its dynamic nature, the sending-versus receiving-state characterisation is a heuristic device for understanding, at an inter-state level of analysis, states' preferences and capacity to advance these preferences in relation to the rules that govern international migration. However, as the next section will argue,

migration power relations are not confined to the inter-state. Because the sending- versus receiving-state asymmetry captures only inter-state relations and not transnational structures of world politics, the heuristic device is not sufficient for understanding all dimensions of sending state power in the context of migration.

The significance of the transnational dimension of migration politics

International migration, unlike other transboundary issues such as climate change or international trade, entails the cross-border movement of subjects, people who pursue their own interests and whose behaviour cannot be reduced to inter-state decision-making. Migrants establish transnational relations, or interactions that link two societies across national boundaries and that involve at least one non-state actor (Risse-Kappen 1995), distinct from inter-state relations. Diaspora is a term used in this thesis to designate a group of actors that resides and possibly holds citizenship in country A, yet maintains identity- and possibly material-based connections to home country B, be it through the retention of property overseas, family connections, remitting or investing back home, participating in knowledge collaboration, etc. Self-designation with a shared group identity (Butler 2001) is a defining feature of a diaspora.

As Adamson and Demetriou (2007: 498) argue, the term 'diaspora' creates conceptual links between sending and receiving states in ways that nation-state-based terms such as 'ethnic minority' or 'immigrant' do not. The varied ways in which the home state engages with its overseas population and vice versa, and the diverse networks through which the diaspora maintains economic and social links with those remaining behind in the home state, represent transnational relations that co-exist

with and, this thesis argues, influence, the inter-state dimension of migration power politics.

Diaspora literature makes meaningful contributions to the analysis of these transnational dimensions of migration (Appadurai 1995; Clifford 1994, 1992; Cohen 2006, 2005, 1997; Smith 2008; Glick Schiller et al. 1999; Glick Schiller and Fouron 2001). Yet, what is largely missing is an account of the role of the diaspora in inter-state politics and how the diaspora may be used as a tool to further sending-state objectives internationally. The effect of diaspora political mobilisation on immigration policy is under-researched. Moreover, the influence sending states exercise over the consequences of emigration through diaspora engagement strategies has not received sufficient attention with respect to the study of sending-state power resources in the inter-state politics of migration. Diaspora engagement strategies of sending states that seek to alter the consequences of out-migration include policies to activate the political potential of diaspora individuals and organisations, to cultivate cultural connections with its overseas population, and to encourage transnational economic participation by the diaspora, including initiatives to smooth remittance transfer, promote preferential investment schemes, capitalise on business networks and the circulation of new skills acquired by migrants abroad, and potentially to encourage return.

Diaspora engagement is an area of migration governance – formally, governance that applies after the migrant has crossed the border[8] – where the sending

[8] This raises the important question of where migration policy starts and stops. With respect to emigration policy, I include not only the sending-state's exit rules, but diaspora engagement strategies and efforts to encourage return migration. With respect to immigration policy, I include not only intake policy, but rules that bear on integration. This thesis does not dwell on the debate as to how far back one should trace emigration policy – for instance, to include state capacity building that

state has the loudest voice in creating and enforcing rules and where receiving-state interests are significantly less influential. Diaspora strategies that seek to influence populations abroad represent an extra-territorial extension of domestic policy by the sending state (Smith 2003). By not confronting the receiving state on its own terms – for instance, by trying to negotiate more favourable immigration rules at the bilateral or multilateral level where stronger actors' interests dominate – and instead resorting to unconventional transnational strategies, the sending state can mitigate inter-state asymmetries to advance its migration interests. Diaspora policies can introduce a transnational dimension to the domestic politics of the receiving state, as evidenced by sending-state support for the activities of diaspora professional associations and industry consortia that mobilise around a source-country specific agenda (Haney and Vanderbush 1999; Itzigsohn 2000; Shain 1994; Teitelbaum 1984). While a former Secretary from the Indian Ministry of External Affairs notes that India must sometimes draw a fine line between pro-active diaspora engagement and respect for the sovereign principle of non-interference in the domestic affairs of another country (personal interview, 2 November 2009), the sending state is comparatively unconstrained by international institutions to devise and implement diaspora engagement strategies. Compared to other areas of migration governance characterised by unfavourable power asymmetries, the sending state experiences a comparatively high level of unilateral authority to advance its migration interests beyond its borders via diaspora policy.

In a context not specific to migration, Martin (1993) highlights that states can choose from a wide range of organising forms on which to structure their policy

addresses the root pressures of some forms of emigration – or at what point migration-related integration policy ends – for instance, at the point of citizenship or earlier.

interactions, ranging from unilateralism to multilateralism. 'The choice of tools depends, at least in part, on the configuration of state power and interests in particular issue-areas' (Martin 1992). In the inter-state politics of migration, northern receiving states have the power to choose how much, if any, unilateral authority to cede over migration governance and what form supranational arrangements should take. Southern sending states, while constrained on the inter-state playing field, have recourse to transnationalism as an organising form on which to partly structure their migration policy interactions with other states. The attempt to use an overseas population to further international projects reflects the sending-state's choice of policy tools to overcome an asymmetrical configuration of power at the inter-state level.

Integrating transnational and inter-state analyses

This thesis' argument is premised on the view that states are not the only significant actors influencing the rules that govern migration. The mobilisation of non-state diaspora groups within the domestic political processes of the receiving state is central to understanding transnational sending-state power and the pursuit of inter-state objectives through the influence of populations that reside beyond territorial boundaries.

Contrary to the so-called 'globalisation thesis' which holds that inter-state relations are increasingly superseded by transnational ones (Beck 1999; Ohmae 2005), this thesis contends that the interaction between the transnational and inter-state provides novel opportunities for weaker states to mitigate power asymmetries that characterise relations between states. Migrants who cross national borders build transnational economic, social and political relationships (Gamlen 2008; Faist 2004;

Jacobson 1996; Sassen 1996; Vertovec 1999). The structures that regulate their movement remain strictly within the realm of the inter-state – overwhelmingly, the entry rules set by the receiving state. Yet, rather than analyse these inter-state structures and transnational politics as unrelated phenomena, this thesis asks what can be learned from the unique positioning of the diaspora – non-state agents who create ideational and material links across sending and receiving states – about the impact of transnational identities and interests on inter-state relations and the power resources available to sending states.

Østergaard-Nielsen (2003) argues that the power asymmetry between sending and receiving states in respect of control over population flows shapes the policy options available to sending states. She notes the dearth of studies regarding the basis on which sending states formulate migration policies, and their potential impact on relations with receiving states. This thesis' exploration of the impact of transnational sending state policies on bilateral migration power relations seeks to address this dearth. It is consistent with Délano's (2009) multi-level approach for theorising how factors at the transnational, inter-state and domestic levels interact to shape sending-state migration policies.

Keck and Sikkink (1998) posit that non-state actors sit alongside state actors in international politics. Nye and Keohane (1971) argue that world politics encompasses not only traditional inter-state interactions but also transnational structures. This thesis advances the argument that not only do the transnational and inter-state sit next to each other in the international politics of migration, but that transnational relations serve as a power resource in inter-state politics.

1.3 Thesis

Migration focus

The overall aim of this thesis is to explore how the diaspora's political activities in the host state and the sending-state's transnational relationship with the diaspora influence inter-state power asymmetries in migration relations between the sending and receiving state. This question is explored through the empirical case of India-Canada migration relations and the role of the Indo-Canadian diaspora in influencing this bilateral interaction.

It should be reiterated that the starting point of this thesis is an inter-state asymmetry between Canada and India in the realm of migration governance. The basis of this asymmetry will be elaborated upon shortly, although the main premise underpinning this assertion is that the substantive immigration and integration rules that govern India to Canada migration for economic purposes are almost entirely dominated by those of the receiving state, Canada. Bilateral agreements between India and Canada, such as a double tax avoidance scheme for migrants and a social security agreement under negotiation, reflect small-scale co-operation on the margins that does not challenge Canada's sovereign prerogative to decide who to let into its territory and on what grounds. Multilateral governance that bears on Indian migrants' working conditions in Canada is largely absent, as neither Canada nor India is party to the major international instruments in this field. As illustrated shortly, the only multilateral agreement to which India and Canada are party that governs a facet of skilled migration remains highly limited in scope, where Canada's few substantive commitments reflect those it voluntarily signs up to. No regional agreements exist to limit Canada's scope to regulate migration from India as it sees fit. Canada's national immigration legislation lays out the categories of and criteria for immigration to

Canada. Thus, with respect to governance of migration from India to Canada, Canada appears to have the upper hand creating and enforcing rules that determine who can enter and on what basis, while India must largely accept the rules meted out to it.

This thesis does not purport that the same asymmetry in India's disfavour characterises all facets of India-Canada interaction. To the contrary, as India gains greater political and economic clout advancing its interests within the international arena, this thesis must disentangle the impact of India's rising international stature from the hypothesised role of the diaspora in mitigating India's unfavourable position in migration relations with Canada. By confining analysis to migration power asymmetries between the sending and receiving state to explore the impact of the diaspora on inter-state relations, this thesis is analytically distinct from studies, such as Paoletti's (2010), which analyse how a sending state uses the issue of migration to make gains in its broader bilateral relationship with a receiving state.

The inter-state power relation analysed in this thesis is issue-specific. That is, analysis focuses on how power asymmetries that exist between the sending and receiving state *within the migration issue-area* are offset by the political activities of the diaspora. This approach is distinct from the argument that transnational relations offset general power asymmetries between countries – for instance, broader North-South asymmetries arising from differences in economic and military power. Because the migration-specific asymmetry between two states need not overlap with power relations related to standard economic and military proxies, there is an analytical need to understand power specifically in the context of migration, as distinct from other areas of international politics.

For illustrative purposes, then, the starting point for describing the inter-state relation between Canada and India in the context of the rules that govern India-to-Canada migration is a power asymmetry in India's disfavour. This inter-state power asymmetry represents the default understanding of power relations between the sending and receiving state before the concept of transnational processes is introduced. This is outlined in greater detail in Chapter 2.

The question should be addressed as to why this thesis chooses to focus on migration relations and the immigration policies of the receiving state to analyse the influence of the diaspora on inter-state relations. After all, diaspora communities are interested in and may have influence over a range of non-migration issues that shape relations between host and home countries. For instance, the diaspora is argued to play an important role enhancing bilateral trade between origin and host countries by overcoming trust and information deficiencies between actors in the two countries, matchmaking companies in one country to investment opportunities in the other, and increasing demand in the host country for consumer products from the home country (Chand 2009; Lucas 2003). Why the focus on migration as an issue-area to explore diaspora influence?

As noted at the outset of this thesis, migration is increasingly central to the relations between states. Migration directly bears on the core security and economic interests of sending, transit and receiving states (Hollifield 2007; Rudolph 2006). Control imperatives to keep potential threats out, particularly following 9/11, and access to factors of production (e.g., labour, skills) to enhance international economic competitiveness place migration at the heart of politics between and within states. Additionally, the issue of immigration policy represents a latent power relation

between the receiving state – largely autonomous to set intake and incorporation rules in line with national priorities – and the sending state – significantly less powerful to influence such rules despite experiencing significant transnational costs from them. Border control, deportation and immigration criteria underscore the capacity of the receiving state to create, monitor and enforce the rules that criminalise behaviour. The right of exit and the norm of non-interference in the domestic affairs of another country suggest diminished sending-state capacity to influence emigration and integration outcomes.

Yet, importantly for purposes of this thesis, power in the international politics of migration does not operate only between states. Unlike other transboundary movements such as trade, immigration involves the movement of human subjects. As Glick Schiller (2009, 2005) highlights, national identities and interests need not be spatially discrete, but can travel across borders with population movements. As inter-state mobility becomes a central feature of the international and transnational political life of more states and more individuals, the study of state control over migration phenomena that are not confined to territorial borders can shed light on how politics that happen across borders influence the power relations between states.

Main questions

Phrasing the main research questions in terms of variables whose relationship is described more fully in Chapter 2, the dependent variable under investigation is receiving-state immigration policy. The independent variable is sending-state diaspora policy. The intervening variable is diaspora influence over migration policy in the receiving state. Diaspora influence is conceived of as 'intervening' because it stands between the hypothesised cause and outcome, following Krasner's (1982)

explication. Diaspora influence in the receiving state is hypothesised to be shaped importantly by transnational ties that the sending state fosters with segments of its overseas population. Diaspora influence, in turn, is hypothesised to substantively alter migration policy outcomes.

To pursue the overall question of how transnationalism mitigates migration power asymmetries in the inter-state relationship, this thesis is guided by the following two sub-questions which explore the contribution of the intervening variable to the dependent variable, and of the independent variable to the intervening variable:

- How would receiving-state immigration policy look different in the absence of diaspora influence?
- How would diaspora influence over receiving-state immigration policy look different in the absence of sending state diaspora policies?

These counterfactual questions guide empirical analysis in Parts I and II of this thesis, respectively. The counterfactual research objective aims to disentangle the effects of diaspora influence and diaspora-sending state interaction from other factors which may influence migration policy. As described in the Methodology section of this chapter, the counterfactual approach invites reflection on whether migration outcomes we observe would have come about in a 'parallel world' which is identical to the existing world except in respect of the absence of the hypothesised source of influence.

Chapters 3-5 of Part I examine three channels – the tribunal, electoral and lobby channels – through which the diaspora influences rules that govern intake and incorporation in the receiving state. These chapters argue that in the absence of

diaspora political behaviour in the identified channels, Canadian immigration policy would look different in ways that exacerbate receiving-sending state power differentials. Chapters 6-7 of Part II assess the Indian sending-state's contribution to the identity, interests and organisational capacity of the diaspora, with the aim of arguing that in the absence of this transnational relationship, the diaspora's contestation of immigration policy in the receiving state would be less effective in mitigating the migration power asymmetry between the sending and receiving state. Through counterfactual reasoning, this thesis sets out to explore how the diaspora can be viewed as a transnational power resource for the sending state to ameliorate its weaker position in bilateral migration governance.

Argument

Migration power relations are not only about what happens between states. The receiving-versus sending-state divide does not adequately capture transnational connections between sending states and emigrants, or the implications of such connections for power relations between states. Owing to a pre-interaction coincidence of some interests between the sending state and its diaspora, and a post-interaction convergence of select sending-state and diaspora objectives, the diaspora – operating as a group of non-state actors mobilising politically in the resident country to further its own interests – serves as a transnational power resource for the sending state to pursue its own migration preferences. This framework is applied to the empirical case of India-Canada migration relations. The Indian state's contribution to the identity, interests and organisational capacity of the Indo-Canadian diaspora, combined with the diaspora's influence over Canadian migration policy through the domestic political channels of immigration tribunal appeals, electoral influence and policy lobbying contribute to Canadian immigration policy

that is favourable to Indian interests. The Indian state's capacity to engage with and execute policy for a population beyond its borders, and this population's capacity to advance migration-related interests in Canada, suggests a transnational resource for the emigration state to ameliorate or circumvent its limited capacity at the inter-state level to further its interests before Canada's domestic immigration framework.

Case study

This thesis investigates the concept of emigration state power and diaspora influence through the 'most likely' single-case study of India-Canada migration relations. The methodological approach to causality within the 'most likely' case is addressed in the Methodology section of this chapter.

What is the value of the single-case study approach for drawing conclusions about sending state power and what generalisable conclusions can be derived? The single India-Canada case allows for the refinement of in-depth knowledge about the impact of transnational Indo-Canadian actors on a specific inter-state power relation. Original data collection in India and Canada allows for the identification and exploration of causal mechanisms at a level of granularity not permitted by multiple case studies. Moreover, the single-case study is not simply useful for theory-building from original data, but is valuable for challenging existing theoretical assumptions and critically examining the view that the inter-state level is where discussion of migration power ends. Chapter 2 demonstrates that existing theoretical assumptions do not apply to the India-Canada case, and explores features of this case which suggest the alternate framework developed for understanding emigration state power is applicable to other cases. Further, analysis of the India-Canada case involves the investigation of three sub-cases: the three channels of diaspora influence over

immigration-policy explored in Part I. These sub-cases keep the intervening variable of diaspora influence constant and explore its contribution to three discrete dependent variables in relation to policy and political outcomes in the receiving state.

The biggest methodological concern with the single-case approach is that of external validity (Lynch 2005) and the limited value of single-case studies in generating what Culpepper (2005:4) calls 'portable expectations'. This limitation will be discussed under the sub-section entitled 'Approach to causality within single-case study'. The India-Canada pairing is chosen as an extreme case that is methodologically valuable not for its representativeness of the universe of possible sending-receiving cases, but for its hypothesised extreme values on variables relevant to this thesis' theoretical assumptions. These features provide the most likely scenario for probing whether hypothesised relationships do exist. The following section of this chapter justifies the choice of India-Canada as the empirical case. While the case lies on the extreme spectrum of the entire population of receiving-sending state pairings, the study holds purchase beyond the specific actors and power relations considered. For instance, features of the India-Canada case study imply that the theoretical framework used here may also be applicable to other cases, such as Mexico-US migration relations or Turkey-Germany migration relations in the context of Turkey's application before EU accession processes. These features include a diaspora-sending state relation that is not conflictual, but characterised by some degree of coincidence of interests; a receiving state political system 'open' to diaspora influence and a diaspora group equipped to make use of this relative 'openness'; and bilateral relations in which migration as an issue-area occupies a prominent place in overall inter-state dialogue and is characterised by a strong power asymmetry. Rather than discuss here specific variables under each of these relations

that may allow for a broader comparative approach, the issue is simply flagged and will be returned to in this thesis' Conclusion. The Conclusion will clarify the scope of the single-case study's findings and discuss conditions under which this thesis' conceptual framework may illuminate the role of transnational relations in mitigating migration power asymmetries between sending and receiving states across a broader range of cases.

Why India-Canada?

The India-Canada case fits the receiving-sending state dichotomy. Indo-Canadians represent approximately 1 million of Canada's 31-million population (Census of Canada 2006). The chosen pairing achieves important variation on within-case dimensions of theoretical interest. The India-Canada case is characterised by: (i) a strong bilateral asymmetry regarding migration governance in the sending-state's disfavour, yet (ii) the presence of a sizeable and politically active diaspora in the receiving state with proven historical impact on bilateral relations, (iii) strong sending-state interests in migration issues within bilateral dialogue and (iv) a sending state particularly pro-active in recognising and courting the influence of its diaspora to further inter-state projects. Let us consider these four features in turn.

i. Strong inter-state migration power asymmetries

First, the inter-state migration relation between Canada and India is characterised by an exceptionally strong power asymmetry in Canada's favour. To emphasise, the power asymmetry under consideration in this thesis is specific to migration. In broader relations with Canada beyond migration, India enjoys increasing degrees of influence. India has emerged as a nuclear power, has sent a

scientific mission to the moon, and is forecast to retain strong GDP growth despite the international economic slowdown, all realist proxies for power. Canada is a middle-level power whose commodity-based economy is highly reliant on its biggest trading partner to the south. Canada has not prioritised, until relatively recently, strategic partnerships with emerging economies such as China and India.[9] With respect to broader bilateral relations between Canada and India, particularly in the realm of trade, the asymmetry has been painted by both Indian and Canadian government officials as unfavourable to Canada:

> 'the issue is no longer whether Canada is interested in what India has to offer, but whether India has time for Canada' (personal interviews, 17 & 21 September 2009).

In the realm of migration governance, however, the discussion below establishes an enduring asymmetry which sees India considerably less powerful than Canada to dictate terms of population movement from the former to the latter. Nonetheless, this thesis will reflect on the implications of India's rising international status for India-Canada migration relations and how this factor can be disaggregated from the role of diaspora influence in mitigating the receiving-sending state power asymmetry which disfavours India.

With respect to the inter-state migration asymmetry, Canada is not party to any bilateral agreements that constrain its unilateral decision-making in the migration

[9] These depictions of India and Canada require notable caveats. The 'non-shining' dimensions of India feature poverty, illiteracy, food insecurity, health, and gender discrimination indices on par with those of less developed countries, illustrating that most Indians have not reaped the benefits of their country's economic growth. While some parts of India are developing rapidly and contribute to India's rising status, much of India remains impoverished, and inequality is growing. A 2006 Gallop Poll indicates that less than 25% of Indians have heard of 'outsourcing' (Gallop 2006). With respect to Canada, while the country has never been a military or economic powerhouse, Canada is argued to punch above its weight on the international scene owing to what Nye (2004) would term 'soft power' resources, including positive international standing associated with Canada's refugee and asylum protection programme and its official multiculturalism policy (Heinbecker 1999; Potter 2002).

context.[10] Discussion of a possible Comprehensive Economic Co-operation Agreement between India and Canada, which would contain generic mobility references, are at the time of writing 'preliminary', according to a Canadian trade official and a diplomat at the Indian High Commission in Canada (personal interviews, 22 & 25 September 2009). Any free trade agreements to which Canada is party that contain generic references to worker mobility, such as the North American Free Trade Agreement and those recently signed with Peru (in force 2009) and Colombia (signed 2008), must conform with Canada's immigration policy framework and so do not represent independent sites of migration governance. With respect to multilateral arrangements, a senior Canadian immigration official in Ottawa notes that Canada, like most countries, 'is careful not to sign agreements that restrict its sovereignty…regarding rules governing immigration' (personal interview, 21 September 2009).

While all countries' (non-refugee) immigration arrangements are designed to reflect national priorities, Canada's points-based intake framework, compared to a quota-based system, is notable for its lack of source country-specific rules. This feature limits sending-state opportunity to contest intake levels in the following way. Quota-based systems such as those for immigration visas in the US that discriminate according to applicants' national origin lend themselves to inclusion as a focal issue-area within bilateral relations. These systems are more susceptible to bilateral pressure from source countries because they create the opportunity for sending countries to link source-country specific immigration levels to other issues within the

[10] Canada has historically maintained seasonal agricultural worker programmes with Mexico and Caribbean countries, but these bilateral arrangements are described by Canadian immigration officials in interview as 'under review' (personal interviews, 21 September 2009) in light of Canada's perceived commitments to non-discrimination of foreign service providers under international trade law.

overall bilateral dialogue. Moreover, intake systems that allow for the negotiation of bilateral mobility agreements with origin countries – such as the MoU recently negotiated between Denmark and India, and preliminary discussions for similar agreements initiated by India with Poland, Czech Republic, Norway, Switzerland, Hungary and Romania (MOIA 2011a) – create similar conditions. In contrast, Canada's point-based system, premised on universal criteria for entry and global targets for immigration levels, features neither country-based quotas not bilateral mobility agreements.[11] This suggests, according to a senior Canadian government official in Delhi, that visas are not easily available as a political tool in bilateral relations with Canada (personal interview, 25 February 2009). The sending-state strategy of bolstering its negotiating position by linking immigration intake to other bilateral issues is less obviously available under a receiving-state system that applies the same rules to all applicants regardless of national origin. Quoting an official from Citizenship and Immigration Canada (CIC):

> 'one of the admirable traits of our system is that it is by and large resistant to bilateral relationship issues. For permanent and even temporary resident status, we don't take more or fewer of a nationality depending on the national relationship…If you wanted your migration system to be available as a national bargaining tool, you wouldn't build a Canadian-style system' (personal interview, 25 February 2009).

Further, Canada does not have a temporary migrant stream whose intake is overwhelmingly from one source country. This is distinct from the American H-1B visa programme for specialty occupations, which has emerged as a strongly Indian

[11] Although the UK now operates a points-based system, unlike Canada its scheme allows for source-country specific agreements. Tier 3 of the UK points-based system leaves room for any 'new, quota-based' schemes 'only for countries with which we have effective returns arrangements and in response to labour market shortages that are clearly temporary' (UKBA 2011). Canada's system does not accommodate such schemes.

stream.[12] Restrictions to this scheme are closely monitored and addressed by the Indian government within overall India-US dialogue (Lok Sabha 2009). The significance of India as a supplier of valuable specialty workers to the US under this scheme means that India's H-1B related concerns are noted by US authorities more than those of other countries.

The lack of room in Canada's immigration framework for discrimination based on nationality suggests that the apparent strategy of the Indian government to promote specific demand for Indian immigration and to highlight the comparative advantage of skilled Indian mobility for labour shortages in receiving countries is not viable in India's engagement with Canada. MOIA is keen to build on the reputational capital of its successful skilled workers abroad, claiming:

> 'Overseas Indians are amongst the best educated, multi-skilled and knowledge driven expatriates in the world …As doctors, engineers, scientists, nurses, IT professionals, bankers, and teachers Indians have distinguished themselves in whatever vocation they have chosen' (MOIA 2009: 3).

Just as receiving states compete to attract desirable immigrants, so labour-sending states compete to make their migrants the most internationally marketable, with a view to later drawing upon them as 'partners in development' (MOIA 2009 :4). India actively competes for increased international labour market access for Indian workers through a range of initiatives. These include the activities of MOIA's arms-length Indian Council for Overseas Employment, which conducts labour market forecasts of skill and sector shortages in receiving countries and responds with tailored training programmes in India, and MOIA's national skills upgradation programme to better match Indian supply to international labour demand. In an

[12] In FY 2005, 44% of approved H-1B petitions were for workers from India, the top source country. Chinese applicants were a distant second at 9.2%, with Canadian applicants third, representing 3.6% of new arrivals (Wasem 2007).

implicit reference to China, a Joint Secretary from MOIA drew favourable similarities between India's political institutions and those of Northern receiving countries:

> 'you [given receiving country] want to partner with people who are more like you, with a country with democracy, free press, free judiciary, English language. If you source from third world countries, which you're going to have to, India is comparatively highly desirable' (personal interview, 25 February 2009).

However, given the avowedly non-source-country specific provisions of Canada's immigration framework, one would expect India's strategy of promoting demand for Indian-specific labour to be relatively non-influential. Compared to receiving-country systems that feature quotas, bilateral mobility partnerships or intake streams dominated by successful Indian candidates, one would imagine India to have limited opportunity to influence Canada's migration priorities at the inter-state level. This particularly strong power asymmetry in the India-Canada case is conducive to framing the argument of this thesis and exploring sending-state strategies to pursue emigration interests on an uneven inter-state playing field.

It is important to note here that despite Canada's universalist immigration system which precludes source country-specific rules, it is nonetheless possible to understand Canada as having a *de facto* although not *de jure* bilateral migration relationship with India. Canada's immigration rules, although not officially targeted to a particular country, have distributive consequences that confer disproportionate benefit to certain source countries. These distributive consequences highlight opportunities for diffuse forms of power available to the sending state and diaspora to advance bilateral migration interests within the receiving country's universalist intake system. We can speak of a bilateral migration relation between India and

Canada not in the conventional sense of backandforth negotiation between the two countries, but with respect to features of Canada's immigration system which disproportionately affect India and which may be contested or supported by the diaspora and sending state. Consider the following features.

Green and Green (1995:1010) note that a policy tool available to the Canadian government to control the source-country composition of overall immigrant intake under the points-system is the distribution of CIC expenditure across source-country immigration offices:

> 'The [former] Immigration Department has a budget that determines how many applications can be processed each year. By allocating these scarce resources across source countries, the Department determines the number, location and size of the overseas offices and hence influences the worldwide distribution of visas.'

According to senior immigration officials, the Canadian government is interested in boosting overall levels of skilled immigration (personal interview, 21 September 2009) and this means special interest in countries where large demand already exists, with a view to propping up these numbers. Given the high immigration demand from India, Canada's second largest and soon to be top source country for immigration, there is particular interest from CIC in facilitating applications from India. More resources have been devoted to the Delhi office and a strategy to address visa backlogs here includes issuing more visas. This accounts for rising Indian immigration numbers, according to a Director-General and Senior Director at CIC (personal interviews, 21 & 28 September 2009).

Although Canada's global intake targets are officially reactive to demand, Canadian policies such as opening new visa offices in particular 'catchment' areas can serve to create demand. The opening of a new Canadian Consulate-General in

Chandigarh, Punjab, and eventually visa office in the same location in 2004, sent a strong signal to and facilitated applications from prospective emigrants from the region. Canada's 2007 establishment of three offshore pre-arrival integration offices in Delhi, Manila and Beijing to better prepare prospective emigrants for arrival in Canada is a source-country specific initiative of Canada in response to immigration demand and labour market integration challenges raised by diasporas. These initiatives reduce the uncertainties and transaction costs of migration to Canada, and thereby contribute to further immigration demand from these regions.

A pilot project has been developed by CIC in collaboration with Human Resources and Skills Development Canada (HRSDC), Industry Canada and the Software Human Resource Council to expedite the entry of foreign IT workers. Owing to high demand for these workers in the Canadian software industry and the determination that the Canadian labour force would not be negatively affected, under this scheme foreign IT workers do not require an employment confirmation letter from HRSDC, meaning that their work permits can be processed more quickly. A large number of IT-related applicants fast-tracked for entry under the pilot scheme come from India (personal interview, 28 September 2009). A senior diplomat from the Indian High Commission to Canada notes that procedural delays in Canada's issuance of work permits, which can extend to backlogs of up to 6-7 years, do not contribute to an image of Canada as an attractive country for aspiring professional migrants (personal interview, 22 September 2009). The fast-track scheme aims to address the processing delays for in-demand IT workers, a disproportionate number of whom are from India.

Canada's Bill C-50 (2008), which provides immigration guidelines regarding the prioritisation of 'in demand' national occupational categories, is speculated to result in disproportionately more successful applicants from India, according to a senior CIC official (personal interview, 21 September 2010). This is because of alignment between Indian applicants' professions and prioritised occupations in Canada.

Lastly, CIC is developing an 'India strategy' which includes efforts to attract a broader mix of talent from the south of India, where higher-skilled workers, including from the IT sector, are more densely concentrated, and to rely less on Canada's traditional source of Indian immigrants from the north, where agricultural labourers are more strongly represented. This India-specific strategy is not solely in response to the Canadian government's overall interest in strengthening bilateral relations with India, but is specific to CIC objectives. A Director of CIC's International and Intergovernmental Relations Division notes that India was selected over China to pursue the strategic immigration strategy (personal interview, 25 September 2009). As he makes the point with respect to India:

> 'CIC is not foreign affairs, it does not engage with foreign countries. That said, there are key countries with which CIC maintains strong bilateral relations through the immigration ministry. There are now source countries that Canada is cultivating relationships with at an immigration level for strategic reasons' (personal interview, 25 September 2009).

The official notes that rather than CIC cultivating a strategic bilateral relationship with India via legislative change, which is politically difficult given Canada's commitment to universal immigration legislation, CIC instead favours an indirect approach. This would include putting a focus on temporary foreign workers

and student mobility within Canada's overall intake, as these categories draw disproportionately from Indian applicants.

Although we cannot speak of a formal bilateral migration relationship between Canada and India given the non-source-country-specific nature of Canada's immigration rules, the above suggests that we can speak of the disproportionate effect on India of certain types of Canadian immigration rules, and thereby understand a *de facto* bilateral relation to exist with respect to the distributive consequences of Canada's rule-maker status. The above examples suggest opportunities for the exercise of diffuse forms of power by the diaspora to advance source country interests within the Canadian system. The subsequent empirical chapters explore what impact the large, politically active Indo-Canadian diaspora has on the India-Canada migration power relation, and to what extent the Indian government values the diaspora as supplementary leverage in its migration relations with Canada.

ii. Politically significant diaspora

Second, the India-Canada case is noteworthy for the relative size of the Indo-Canadian diaspora and its political significance within Canadian domestic politics. According to the definition outlined at the beginning of this chapter, the term 'Indo-Canadian diaspora' designates a population that resides in Canada yet maintains identity and possibly material-based connections with India. India is the second largest source country of immigrants to Canada, and is positioned to soon overtake China as the largest, notes a Director-General at CIC (personal interview, 28 September 2009). While the UK and US have larger absolute Indian diaspora populations, Canada is home to one of the largest Indian diasporas in the world in

proportion to the population of the resident country. Approximately 1-million people in Canada self-identity Indian origins, sizable in relation to Canada's population of 31 million (Census of Canada 2006).[13] The concept of the 'Indo-Canadian diaspora' is favoured over that of 'Indian migrants in Canada', as this thesis is concerned not with the influence of a domestic ethnic group *per se*, but with how transnational connections between parts of this group and the sending state influence diaspora mobilisation in the host country in ways that affect bilateral migration relations. 'Diaspora', better than 'immigrant', captures this transnational dimension.

The Indo-Canadian diaspora is politically active within Canada, particularly with respect to electoral influence, as discussed in Chapter 4. In several ridings, Indo-Canadians constitute vote blocks courted by the major political parties, and the diaspora is successful in advancing Indo-Canadian candidates through the nomination process. Indo-Canadians of Sikh Punjabi origin are one of the only visible minority groups in Canada to achieve over-representation in Parliament compared to their numbers in the population at large – a far higher representation in federal office than Chinese-Canadians. This suggests significant diaspora influence within the Canadian polity, and represents a high value for one of the central variables in this thesis's theoretical framework, as discussed in the next chapter. While migration from India to Canada has been based historically on agricultural labour and family reunification, skilled migration surpassed family reunification migration from India in 2000 (Walton-Roberts 2003:243). The evolving skills and education profile of the Indian diaspora in Canada suggests the emergence of a group well positioned to articulate migration-related grievances and champion causes with

[13] The label 'of Indian origin' reflects a range of generations that have settled in Canada and may include those who migrated to Canada from countries of historical Indian indentured labour, such as Guyana, Surinam, Trinidad and Mauritius, amongst other Caribbean countries – the so-called 'twice removed' diaspora (Rahemtullah 2009).

a resource backing in Canadian politics. This influence is substantiated through analysis in Part I of this thesis.

Further, the Indo-Canadian diaspora has a proven track record of strong influence on India-Canada bilateral relations. During the 1980s and early 90s, the Indian diaspora in Canada was the 'single biggest irritant in bilateral relations', according to a former Indian Consul-General in Canada (personal interview, 2 November 2009). Isolated segments of the largely Sikh Punjabi diaspora in Canada emerged as one of the main centres advocating for an independent Punjabi state in the Free Khalistan movement.[14] Violent attacks on an Indian Consul-General in Vancouver and on a prominent Indo-Canadian Member of Parliament (MP) (personal interview, 30 October 2009) highlight the conflicts' transnational spill-over and illustrate the potent impact of a segment of the diaspora population escalating bilateral tensions. During this period, the Indian government voiced disappointment that Canadian authorities were not doing enough to weed out terrorism originating from within Canada's borders. The Canadian government articulated concerns regarding human rights violations and the perceived non-political recognition of Sikhs in India, notes a former Canadian High Commissioner to India (personal interview 21 September 2009). The 1985 Air India Bombing, the project of Sikh terrorist groups in Canada, similarly strained bilateral relations (Dobell 1990). The influence of the diaspora in chilling what were already luke-warm relations between Canada and India[15] is widely acknowledged by government representatives of both

[14] The movement reached its peak following the Indian military Operation 'Blue Star', ordered by Prime Minister Indira Gandhi, which saw the holy Sikh temple in Amritsar stormed to remove suspected terrorists in 1984. Following Indira Gandhi's assassination by her Sikh bodyguards four months after Blue Star, mass anti-Sikh rioting resulted in the deaths of thousands of Sikhs (Singh 1993).

[15] In 1974, India conducted nuclear tests using Canadian technology which violated a safeguards agreement. For several years following India's 1998 round of tests, there was a virtual freeze in India-

countries. This historical precedent suggests that the India-Canada case may be fruitful for exploring how the diaspora influences bilateral relations in the contemporary period.

As the thirty-odd years of what Canadian diplomats term the 'deep freeze' or 'the lost decades' (personal interviews, 21 & 24 September 2009) in India-Canada relations comes to an end, and as India emerges as a strategic international actor on the radar screen of the Canadian government, skilled parts of the Indian diaspora take on greater political significance in the receiving country. With Canada eager to deepen its political and economic ties with India, the Indo-Canadian diaspora becomes a valuable asset for both the Canadian and Indian governments to achieve closer relations. These are conditions conducive to exploring diaspora influence.

iii. Migration issues of interest to sending state

The India-Canada pairing is methodologically valuable because migration-related issues are central pressure points from India in its bilateral dealings with Canada, according to Canadian officials (personal interview, 24 September 2009). For instance, the issue of foreign credential recognition is a major agenda point for India in bilateral discussions. Both India and Canada note that the issue has an impact on the 'people-to-people' links declared in the India-Canada Joint Statement (PMO 2010) as a central pillar of bilateral relations. Be it students who encounter difficulty obtaining degree recognition in Canada, Indian professionals who encounter obstacles accessing the labour market in regulated professions, or the length of time taken to process family reunification applications, the issue of migration is a lynchpin for other facets of the bilateral relationship. Moreover,

Canada diplomatic relations, a tension which Canadian officials suggest affects bilateral relations to this day (anonymous personal interviews, September & October 2009).

compared to India's bilateral relationship with the US, where issues such as the civilian nuclear co-operation agreement or significant bilateral trade take precedence, migration issues may sit more prominently within the overall bilateral dialogue between Canada and India, suggests a senior Canadian civil servant (personal interview, 1 October 2009).

iv. Diaspora publicly viewed by sending state as asset in bilateral relations

As a final point of case study justification, India is particularly active amongst source countries in engaging with its overseas diaspora to further inter-state projects. At notable historical junctures, the Indian government has made use of its diaspora as a tool to overcome inter-state power asymmetries. International economic sanctions were imposed on India following its 1998 nuclear tests. The State Bank of India issued two bonds to overseas Indian citizens, the so-called 'Resurgent India Bonds' in 1998 and the India Millennium Bonds in 2000 (Orozco 2003), to help India overcome the economic effects of these sanctions. Based on appeal to cultural and identity bonds, as well as attractive returns to investment – an advertisement for Resurgent India Bonds featured the slogan: 'You don't need to be a financial wizard. You need to be an Indian' (Sengupta 1998) – the bonds quickly raised over £5 billion. In 1962, India appealed to its diaspora to assist in financing its ultimately unsuccessful military campaign in the 1962 border war with China (Lall 2001:169).

In the contemporary period, the Indian government publicly views its diaspora as an asset in building relations with other countries. The following excerpt from the Indian government's 2001 report of the High Level Committee of the Indian Diaspora suggests awareness of the transnational impact of the diaspora on inter-state power asymmetries:

> '[the diaspora have] even started playing a role in moulding public opinion in [receiving countries]. Members of the Indian diaspora are also playing an important role in mobilizing political support for issues of vital concern to India in their new countries. The USA, Canada and the UK are examples of that pro-active role. Because of their increasing economic strength, members of the Indian diaspora are also well situated to play a pivotal role in energizing and augmenting bilateral trade, investments, transfer of technology and tourism with those countries' (HLC 2001: viii).

The outsourcing boom and IT-led growth that India experienced beginning in the 1990s is widely acknowledged to have originated from the transnational links of successful Silicon Valley-based Indian diaspora members (Dhume 2002; Pandey et al., 2006; Saxenian 2002). These included individuals who occupied decision-making positions in multinational companies and set up research and development facilities to make use of skilled, low-cost teams in India (Huang and Khanna 2003; Kapur 2001). Largely in light of the diaspora's role in promoting economic and commercial development in India, the government is active in courting segments of the diaspora and promulgating a vision of the technologically savvy, 'global Indian' as an asset for the home country's development. The ways in which the diaspora serves as a non-conventional power resource for an internationally rising Indian state to further its inter-state objectives merit exploration in relation to the concept of migration power.

In sum, Canada is selected as a receiving state because features of its intake framework suggest that immigration priorities are particularly unsusceptible to sending state influence at the inter-state level. India is selected as a sending state that has emerged in the last 10 years as particularly pro-active in courting the influence of its diaspora to further inter-state projects. Within the India-Canada pairing at the inter-state level, migration is an issue that sits high on the bilateral agenda. At the transnational level, the Indo-Canadian diaspora is sizable with respect to the overall

Canadian population and is politically active, with a historically significant impact on inter-state relations. As the socio-economic and skills profile of the Indian diaspora rises, and as the Canadian government seeks to intensify trade and strategic engagement with India, one can expect the diaspora to take on greater influence in bilateral engagement. India's rising international stature offers an interesting case for exploring migration power between two countries and for exploring non-conventional population power resources of emerging states that have a sizable diaspora population abroad. The India-Canada pairing is an 'extreme case' chosen for the high values of the independent variables of diaspora influence and transnational sending state-diaspora interaction. These values create the most likely conditions under which the hypothesised outcomes regarding receiving state policy and ameliorated inter-state power relations will be observed.

What time period and which diaspora?

Although India-to-Canada migration has origins in the colonial era, with the first subjects of British India arriving in British Canada by ship in the late 1800s, this thesis is concerned with a contemporary snapshot of the impact of the Indo-Canadian diaspora on bilateral migration relations. While this thesis in parts draws upon historical evidence to frame its central argument, it is concerned with developments over approximately the last 10 years. This period has witnessed substantive change in the composition of the Indian diaspora, shifts to immigration and diaspora governance initiated by the Canadian and Indian states, and at least rhetorical evolution in India-Canada bilateral engagement. For purposes of drawing a line, the temporal focus of this thesis extends from the 2002 introduction of Canada's current Immigration and Refugee Protection Act (IRPA), 2001, to the present day 2011. Over the period 2002-2011, the nature of intake from India has shifted from a

majority of family reunification immigrants to a majority of economic immigrants. The 2008 introduction of Bill C-50 in Canada, which provides new immigration guidelines regarding the prioritisation of 'in demand' occupational categories is speculated to result in disproportionately more successful applicants from India, according to a Director at CIC (personal interviews, 21 September 2009). Moreover, the selected period captures the Government of India's 2004 creation of a dedicated Ministry – MOIA – to coordinate and create all policy related to the diaspora. This marks a shift away from the previous Non-Resident Indian Division housed within the Ministry of External Affairs. With respect to the bilateral relationship, both Indian and Canadian government officials point to the last 5-year period of engagement as one of historically unprecedented intensification. Thus, 2002-2011 captures theoretically significant variation on the increasingly skilled nature of the Indian diaspora, as selected for by Canada's new immigration rules, and an increasingly engaged Indian state aware of the diaspora as an important resource in deepening relations with other states.

This thesis' understanding of the diaspora as a population that resides in Canada yet maintains identity and possibly material-based connections with India is not concerned with individuals' immigration status or reasons for coming to Canada. Canada's immigration legislation IRPA, on the other hand, distinguishes between permanent and temporary residents according to their reasons for entry and stay in Canada. Permanent residents comprise refugees, family class and economic immigrants, while temporary residents consist of foreign workers, students and visitors. Indian migrants exist across all of these categories. Moreover, the Indo-Canadian diaspora includes 2nd and 3rd generation Canadian citizens who have nothing to do with IRPA categories. This thesis concerns all self-identifying Indo-

Canadians, be they citizens, short-term or long-term residents, who mobilise to contest the rules that govern entry and stay in Canada. In virtue of the composition of Indian migration to Canada, the migrant segment of the diaspora addressed in this thesis consists predominantly of permanent economic and family reunification migrants. Indo-Canadians who are citizens of Canada and do not fall under an immigrant category are also strongly represented with respect to sheer numbers and their influence within Canadian politics.

Research sources

In order to explore the relational concept of migration power, I sought the perspectives of three actors central to India-Canada migration power relations: the Indian diaspora in Canada, Indian government authorities responsible for emigration and diaspora governance, and Canadian politicians and government officials responsible for creating and enforcing immigration policy. The under-explored nature of my research questions and the proximity of these types of actors to the contemporary phenomena under study suggested the appropriateness of semi-structured interviews with key informants from these groups. The interview methodology literature identifies such informants as 'elite' interviewees because they hold influence – predicated on social, political or economic power – in greater proportion to their actual numbers in the population (Moyser and Wagstaffe 1987:9). Leaders of diaspora organisations, prominent individuals within the Indo-Canadian community and senior government bureaucrats and politicians in Canada and India are positioned at the top of socially significant hierarchies and so fit the bill. Elite interviewing is invaluable for studying power relations in which key individuals and organisations are central to decision-making, but may give rise to distinct methodological challenges, mentioned shortly.

I conducted interviews in Delhi with current Indian government officials in MOIA and with former officials from the Ministry of External Affairs. These individuals were valuable sources of first-hand knowledge regarding the motivations behind the creation and execution of a range of diaspora engagement policies. Moreover, those with Indian diplomatic experience of India-Canada relations, particularly former Consuls and High Commissioners posted in Canada, offered candid Indian perspectives of the diaspora's impact on bilateral relations. The level of candour amongst former officials, who included a former Foreign Secretary and the Secretary of the Indian government's High Level Committee on the Indian Diaspora, was no doubt enhanced by the fact these individuals were no longer official representatives. Their historical and unofficial insights significantly enriched the arguments of this thesis. My first research trip to Delhi in February 2009 included participation in a conference co-hosted by MOIA. During my second trip from October-November 2009, I was affiliated as a 'visiting doctoral scholar' on a collaborative project between MOIA and Jawaharlal Nehru University. These two developments facilitated my access to government interviewees.

My Canada-related research took place in Toronto and Ottawa in August and September 2009. Interviews were conducted with Canadian organisations that advance an India-specific agenda, with prominent Indo-Canadian individuals who share a professional or academic concern with the diaspora's political influence in Canada, and with immigrant-serving organisations that represent Indian, among other, newcomers and that interact regularly with the Canadian government at provincial and federal levels. Additionally, in-depth interviews were conducted with 12 senior-level bureaucrats from CIC and Canada's Department of Foreign Affairs and International Trade (DFAIT), as well as with 4 Indo-Canadian MPs, a former

Minister of Citizenship and Immigration and current and former Canadian High Commissioners to India. These diverse interactions afforded both 'big picture' insight regarding the speculated influence of the diaspora on Canadian migration outcomes, and detailed accounts of specific channels through which the diaspora seeks to further migration-related interests. I also obtained data regarding cases heard before the Immigration and Refugee Board of Canada (IRB) (Chapter 3) through two Access to Information requests I submitted to the Canadian government in April and May 2010.

Lastly, during the conceptual phase of developing my research questions on sending-receiving state power asymmetries, I conducted interviews in Geneva in June 2009 with international organisations whose mandates are relevant to the governance of international migration, such as the ILO, WTO, UNCTAD and Oxfam International. Interviews with the Indian and Filipino permanent missions to the WTO were valuable for exploring the trade-related dimensions of mobility and the negotiation strategies adopted by weaker, net-sending states in a multilateral forum.

While my primary research is strongly underpinned by semi-structured interviews, findings are more convincing when based on multiple sources of information, following a 'corroboratory mode' in which sources are triangulated to address the same research question (Yin 2008). The research design featuring primary data collection in both Canada and India was partly motivated by the objective of triangulating the same information regarding diaspora influence from a range of affected state and non-state actors. Multiple interviewees within a given government ministry, or interviews with individuals who have occupied the same official post at different points in time, were valuable for holding some institutional

variables constant when analysing responses. I consulted a range of official government documents and records, all of which are publicly available on the internet except two that were given to me confidentially. The documents include official press releases, policy consultation reports, submissions to Parliamentary standing committees, and Parliamentary voting records and debates. I sought to triangulate data derived from diaspora organisation interviews with the views of bureaucrats, where possible, and with online Indian and Canadian newspaper articles. Secondary literature, including multi-disciplinary work on the Indo-Canadian from anthropological, sociological and historical perspectives was valuable for corroborating interviewees' impressions of the evolving composition of the Indo-Canadian diaspora and periods of tension in bilateral India-Canada relations.

Face-to-face interviews allowed me to capture subtleties in response and to probe, in real-time, the motivations underlying policy developments in ways not possible had I had relied on questionnaire techniques. However, challenges raised by data collection from elite interviews had to be addressed. First, negotiating access to time constrained, geographically mobile interviewees, particularly in India, was a challenge that required framing my research in a brief and engaging manner for 'gatekeepers' and interviewees alike. In Ottawa, a senior civil servant was generous in coordinating interviews on my behalf with senior officials in CIC. In Delhi, gaining access took more patience. The positive effects of 'snowballing', in which one contact led to many further contacts, were particularly significant in Delhi.

Second, the elite interviewing literature suggests that a power imbalance characterises the interviewer-elite interviewee interaction (Winkler 1987). Sensitivity regarding wasting interviewees' time after they have agreed to take part in the

research and latent power differentials associated with elites' hierarchical positioning in society are speculated to contribute to the asymmetry. Power dynamics were not, however, an overt concern during my interviews. Informants were enthusiastic about the topic and generous with their time and referrals. In two isolated instances, an Indian representative in Ottawa was hostile to my research topic, while another in Delhi declined an interview because of the 'suspicious circumstances' through which I came to know of his (public) contact details. Apart from these conspicuous examples, interactions with elite interviewees were fruitful and I adopted a delicate interview technique to address the potentially sensitive topic of power asymmetries. To enhance candor, I emphasised the option of non-attribution of all or segments of the interview, an option virtually all interviewees took up.

Structure of thesis

The thesis proceeds as follows. Chapter 2 begins by outlines contributions and limitations of the existing literature on the international politics of migration to the central arguments of this thesis. The chapter then develops a theoretical framework for understanding how the sending state's contribution to the identity, interests and organisation of the overseas diaspora, combined with the influence of the diaspora on domestic political processes within the receiving state, bolsters sending state capacity to advance migration interests vis-à-vis the receiving state. The diaspora is posited as an independent yet intermediary power resource for the sending state in its bilateral migration relations. The new theoretical framework is then operationalised with respect to the India-Canada case.

Part I, which consists of Chapters 3-5, is concerned with the impact of the Indo-Canadian diaspora on Canadian immigration policy. It is devoted to rejecting

the null hypothesis that Canadian migration policy would have the same orientation toward Indian state interests in the absence of the diaspora. Chapters 3-5 address three modes of political behaviour – namely, before tribunal, electoral and lobby channels - through which the diaspora influences migration policy and political outcomes in Canada. The chapters identify a range of concrete outcomes attributable to diaspora influence that are in the interests of not only the diaspora, but of the sending state. By engaging in counterfactual reasoning and process-tracing, the chapter argues inductively that changes related to intake and incorporation rules, which reduce sending-receiving state power differentials, are highly unlikely to have come about in the receiving state in the absence of the diaspora. This suggests strong influence of the diaspora in advancing Canadian outcomes that are 'friendly' to Indian sending state interests. The three chapters argue that there are reasons to believe diaspora features associated with Indo-Canadian diaspora's capacity to make use of the political channels, and features of the receiving state political system which make Canada relatively 'open' to diaspora influence, are not inherent to the case but may characterise other diaspora-receiving state pairings.

Part II, which consists of Chapters 6-7, explores the sending state's role in influencing the diaspora's political impact on immigration policy in the receiving state through examining the sending state's contribution to diaspora identity, interests and organisational capacity. This chapter is devoted to rejecting the null hypothesis that in the absence of diaspora-sending state interaction, it is likely that Canadian migration policy would have the same orientation toward Indian state interests. Historical changes to the Indian government's attitude toward the diaspora suggest that India strategically mobilises or dampens transnational identities amongst its overseas populations to further projects deemed important internationally – such as

pushing for the credential recognition of Indian-trained professionals, and the public diplomacy goal of using the skilled diaspora to project an economically competitive, technologically savvy vision of the source country abroad (and vice versa). Chapters 6 and 7 argue that Indo-Canadian diaspora mobilisation and influence in the receiving state would be less beneficial to the sending state in the absence of sending state-diaspora interaction.

The Conclusion discusses the contribution of inductive findings from the India-Canada case to theoretical debates in political science and IR literature and considers the analytical purchase of the single-case study beyond the immediate India-Canada pairing.

1.4 Methodology: approach to causality within the single-case study

This section discusses methodologically the thesis' most likely single-case study approach to causality, and defines and justifies the parameters of the current research project.

Parameters of research

Single-case studies tend to follow a most likely or least likely case design, characterised, respectively, by an extreme value of the independent variable such that it produces the most theoretically likely or unlikely scenario under which the hypothesised outcome would occur. Extreme cases are chosen to maximise variance from the population on a variable of interest so as to offer compelling evidence for or against a theoretical proposition in the following way. If the least likely case turns out to validate the theoretical proposition, this constitutes strong evidence in support of the theory, because the theory holds even where support for it should be weak. If

the most likely case refutes the theoretical proposition, this constitutes strong grounds for rejecting the theory, as the theory does not conform with the evidence where support for it should be strongest (Eckstein 1975; King et al.1994; Seawright and Gerring 2008; Yin 2008).

This thesis, however, employs the most likely single-case design for the opposite objective. Rather than use it to cast doubt on the theoretical proposition regarding transnational influence on immigration policy and inter-state migration power relations, it is used to develop thick knowledge of the precise mechanisms that link events in the causal relationship, and thereby to support the theoretical proposition. Use of the most likely case is justified for this purpose because the research topic is under-explored and requires consideration of the least hard case to probe whether hypothesised relationships do, in fact, exist.

Note that if the most likely case validates the theoretical proposition – that is, if diaspora influence and diaspora-sending state interaction are found to ameliorate power asymmetries in inter-state migration relations in the India-Canada case – the relation cannot necessarily be extrapolated to other, harder cases. The most likely case's confirmation of the theoretical proposition does not produce generalisable, deductive insights for all other cases in the way that such confirmation in the theoretically specified hardest case would. [16]

[16] It is the positioning of the most and least likely cases within the universe of possible cases, and not the nature of empirical research conducted within them, that results in the hard case producing, through deductive logic, generalisable and law-like statements, and the easy case, via inductive reasoning, explaining the singular event. In the hard case as the easy case, the researcher generates inductive insights based on single case observations. In the hard case, these insights are generalisable owing to the case's positioning in relation to the population. In the easy case, we cannot move from potentially portable insights to generalisability until we have more information about other cases.

Nonetheless, the most likely case study as used in this thesis is methodologically valuable in two ways. First, it is sufficient for refuting the theoretical assumption that the formulation of migration policy is responsive solely to the calculations of an insulated receiving state. This is because disproving a universal theory requires only one counter example. The case most likely to provide evidence of the relation between transnational influence and altered receiving state migration policy provides the most strenuous test to disprove the 'autonomous, insulated immigration state' theory. In this way, the most likely case generates a theoretical contribution for other cases.

Second, the thick knowledge derived from counterfactual reasoning and empirically-grounded process tracing, discussed shortly, within the most likely case is central to the creation of a new theory regarding the influence of transnational elements on inter-state migration relations. This inductively derived relationship is therefore capable of contributing to causal inferences about more general outcomes regarding the relationship between transnational influence and power in bilateral migration relations. While later research may test the relationship derived in this thesis from the single case across a broader range of cases, the present concern is to refute an existing theory and to develop thick knowledge of causal mechanisms that both explain the singular case and establish probabilistic relations that contribute to causal inferences about general outcomes. By analysing diaspora influence on inter-state migration relations in the India-Canada case, this thesis aims to generate portable insights central to building up a new theory.

Single case studies are methodologically valuable for arguing that one line of reasoning is more plausible than alternate explanations. While large-n quantitative

studies and N>1 case studies follow the logic of comparison, the rigour of single-case analysis based on counterfactual reasoning and within-case observation rests on the theoretically and empirically-derived specification of what inferences should be drawn in the presence or absence of mechanisms that link variable x to y. Moreover, observations of mechanisms from individual cases are useful for interpreting causal relations suggested by large-n quantitative analyses.

Counterfactual analysis

This section outlines the counterfactual approach used in this thesis' single-case study. Counterfactual analysis posits an alternate world, as theoretically similar to the existing one as possible except in respect of one condition, to explore the consequence of that absent condition on the outcome variable (Lewis 1973). The counterfactual statement consists of an antecedent and consequent where, for purposes of analysis, the antecedent is known to be false. Counterfactual analysis tests the original proposition 'if x, then y', by testing the statement 'if not x, then not y'. If we can find convincing evidence that in the most theoretically similar alternate world in which x was not present, y would not obtain, counterfactual reasoning holds that we can demonstrate the truth of the original causal statement made about the real world (Brady 2008). 'If diaspora influence and diaspora-sending state interaction did not exist, receiving state policy would be less favourable to the sending state' is the counterfactual explored in this thesis.

Because counterfactual argumentation is driven by the logic of the theoretical relation between independent and dependent variables and not empirical testing, it does not rely on the comparative approach of multiple-n studies. Rather than require the observation of many instances of x and y, the counterfactual approach 'starts with

singular events and proposes that causation can be established without an appeal to a set of similar events and general laws regarding them' (Brady 2008:233). Thus, if the singular event of diaspora influence (x) bringing about friendlier receiving state policy (y) is observed, evidence suggesting that the policy would not have come about in the absence of the diaspora supports the proposition that the diaspora caused the friendly policy. A general, law-like statement that diaspora activity in the receiving state serves to reduce the negative externalities of immigration policy experienced by the sending state is not required for counterfactual analysis. When evaluating a counterfactual, 'we are more interested in the predictive power of a relevant theory under the specific conditions defined by the antecedent than its predictive power under a wide range of conditions' (Levy 2008: 639).

To complement the logic-driven counterfactual approach, this thesis also relies on an empirically-grounded mechanisms approach. A deficiency of the counterfactual approach, if used on its own, is that it is not able to establish whether x causes y or vice versa; it can only establish that x and y are causally related (Brady 2008). Process-tracing, however, can address the direction of causality problem, as it pairs cause with effect through empirically-observed pathways that link x and y beyond the mere co-occurrence of events. Brady et al (2006: 355) define a causal process observation as 'an insight or piece of data that provides information about context, process or mechanisms and that contributes distinctive leverage to causal inference'. The mechanisms that link x and y are the crux of the causal story that x brings about y. To convince someone that two events are not mere conjunctions, one would explain the mechanisms by which one event contributes to the other.

By adopting a mixed counterfactual and process-tracing or mechanisms approach, this thesis advances an argument regarding the probabilistic relation between diaspora influence and inter-state migration power asymmetries. Under the process tracing approach, the counterfactual is driven not merely by the theoretical absence of x, but by empirically observed connections by which x (transnational influence) contributes to y (friendly immigration policy).

Operationalising counterfactual analysis

This section considers how the research question under study will be explored through counterfactual analysis. The proposition to be tested is that the political activities of the Indo-Canadian diaspora, and the Indian sending state's engagement with the diaspora through diaspora policy, makes it more likely that Canada's receiving state migration policy will be 'friendly' toward India sending state interests. Receiving state policy has inevitable distributive consequences for sending countries. One immigration country's decision regarding who and how many migrants to admit, and what rights to extend to them, can confer a range of negative or positive externalities on sending states. Policy that is 'friendly' toward sending state interests is policy that has fewer negative externalities for the sending state. The term may be misleading insofar as it suggests intentionality on the part of the receiving state to incorporate another country's interests within its own migration priorities. Accommodation of other countries' interests is not an obvious consideration when an independent country formulates its domestic policy. Yet, while migration policy is not formally responsive to foreign interests, it is responsive to domestic pressures, which include pressure from diaspora groups whose interests often – but not always and not necessarily – align with and may be shaped by those of the sending state. As the conceptual framework in Chapter 2 details, owing to a

coincidence of some interests between the diaspora and the sending state, and owing to the role of the sending state contributing to the organisation of diaspora identity and interests abroad, receiving state policy that is responsive to diaspora pressure may be responsive indirectly to sending state concerns regarding immigration priorities. The label 'friendly' describes the outcome in which aspects of receiving state policy are *de facto*, albeit not by design, in the interests of the sending country.

The counterfactual statement posits the most similar world that is different only in respect of the absent hypothesised independent variables: if there were no Indo-Canadian diaspora and no diaspora-India sending state interaction, then Canada's migration policy would be less 'friendly' toward India's sending state interests.

The 'minimal rewrite of history' rule (Levy 2008) for creating counterfactuals is satisfied in the alternate world of Canada as a receiving state without an Indian diaspora. However, satisfaction of this rule depends on the particular diaspora-receiving state pairing considered. Envisioning Canada in the absence of a British or French diaspora would entail a fundamental rewrite of the founding history of the country and its associated institutions, and would have too many knock-on effects for variables beyond receiving state migration policy to fruitfully explore the outcome of interest.

One way to support the counterfactual that in the absence of the diaspora and diaspora-sending state interaction, receiving state policy would look less friendly to source country interests, is to refute a null hypothesis that contradicts the causal relationship posited in the counterfactual. This is an attractive approach for this thesis' single-case study because refutation of the null hypothesis requires only a

single case of contradiction. Refutation of the null hypothesis means a failure to reject the counterfactual hypothesis and thereby validates the proposition of interest.

The original proposition, counterfactual hypothesis and null hypotheses are as follows. For ease of flow, the statements are not written in the form 'if antecedent, then consequent', but can be re-phrased as such easily, as demonstrated once in parentheses:

> Original proposition:
>
> Indo-Canadian diaspora influence in the receiving state and transnational diaspora-India sending state interaction makes it more likely that Canadian migration policy will be 'friendly' toward Indian state interests.
>
> (If there is Indo-Canadian diaspora influence in the receiving state and diaspora-sending state interaction, then it is likely that receiving state policy is friendly.)
>
> Counterfactual hypothesis:
>
> In the absence of Indo-Canadian diaspora influence and diaspora-sending state interaction, it is unlikely that Canadian migration policy will be 'friendly' toward Indian state interests.
>
> Null hypothesis 1:
>
> In the absence of Indo-Canadian diaspora influence in the receiving state, it is likely that Canadian migration policy will be 'friendly' toward Indian state interests.
>
> Null hypothesis 2:
>
> In the absence of diaspora-sending state interaction, it is likely that Canadian migration policy will be 'friendly' toward Indian state interests.

Note that the null hypothesis is broken into two components to disentangle the respective effects of diaspora influence and diaspora-sending state interaction. Null 1 considers the effect of only the diaspora on receiving state policy. Refutation of this null hypothesis guides empirical investigation in Chapters 3-5. Null 2 assumes

the existence of the diaspora and aims to test whether diaspora-sending state interaction is an additional variable that influences the outcome. Refutation of this null hypothesis guides empirical investigation in Chapter 6-7.

The rejection of Null hypotheses 1 and 2 means that it is unlikely that the hypothesised effect of friendly policy will be present when the hypothesised causes of diaspora influence and diaspora-sending state interaction are absent. Rejection of the null hypotheses offers sufficient evidence to support the alternate counterfactual hypothesis. Support of the counterfactual validates the original proposition.

Probabilistic relationship

The relationship between transnational influence (x) – consisting of diaspora influence in the receiving state and diaspora-sending state interaction – and source country-friendly receiving state policy (y) is a probabilistic one, not a necessary one. The claim is not 'x is necessary for y' and therefore 'if not x, then not y', but rather the probabilistic assertion that 'if x, then more likely y' and thus 'if not x, then less likely y'. Receiving state migration policy could become friendly toward source-country interests for reasons unrelated to the diaspora and sending state interaction. For instance, Canadian employers demanding a greater supply of workers can bring about domestic pressure for the prioritisation of intake in certain labour market sectors that inadvertently benefits the sending state. Because the diaspora is not necessary for friendly policy, the rival hypothesis that migration policy is solely influenced by the autonomous interests of the receiving state must be entertained and refuted throughout this thesis. While it is logically possible for friendly policy (y) to occur in the absence of transnational influence (x), this thesis will argue that in x's absence, y is difficult to imagine. We can support the argument that a condition made

an outcome likely by demonstrating that the removal of that condition makes the outcome significantly less plausible.

Necessary conditions produce explicit and bold counterfactuals. Probabilistic relations produce less bold but still logical counterfactuals. The claim of conditional probability advanced in this thesis is that the probability of friendly policy given the diaspora and diaspora-sending state interaction is greater than the probability of friendly policy in their absence.

This conditional probability could be established statistically across a number of country cases by demonstrating that the probability of friendly policy toward a source country is higher in receiving countries with a significant diaspora from that source country than in countries without such a diaspora. This would involve identifying a proxy for friendly versus unfriendly policy toward a given source country among receiving states and a dichotomous measure for diaspora/no diaspora from the source country, and comparing countries to show that the presence of diaspora makes the occurrence of friendly policy more likely. Note, however, that even if one was to adopt this statistical approach, the pathways by which transnational communities influence receiving state migration policy and thus inter-state power relations would remain unknown. The single-case study gets to the heart of the under-explored mechanisms that underpin the relation of conditional probability between the independent and dependent variables.

2 Conceptualising power in the international politics of migration

2.1 Power in the context of migration

What is power?

This thesis explores two power relations central to the international politics of migration: the diaspora's influence over receiving state migration policy, and the sending state's influence over the diaspora's political mobilisation abroad.[17] Before delving into these power relations, it is necessary to consider what power means.

This thesis understands power to entail the ability of actor A to get actor B to behave in ways that B would not otherwise (Dahl 1957), through the deployment of material or ideational resources. Power is a relational concept in that it is generated from the relations that A and B have with one another and cannot exist in a social vacuum (Barnett and Finnemore 1999). The reasons for which B does something (motivation), and not just what B does (outcome), are central to understanding the power exercised by A (Lukes 1974); B is caused to alter its behaviour in response to either new incentives or constraints imposed by A, or a shift in underlying preferences brought about by A. Barnett and Duvall (2005) distinguish between power that operates through constraints placed on B's behaviour and power that operates through the constitution of B's preferences in ways that are advantageous to A. The authors also argue that the power of A over B can be either direct, expressed

[17] Given the nature of this thesis' argument, these power relations are analysed as one directional interactions in which the diaspora exerts power over the receiving state, and the sending state over the diaspora, but not vice-versa.

by A deploying its own resources to alter B's behaviour or conditions of existence, or diffuse, expressed through an intermediary that exists at some distance from A and B.

These multiple dimensions of influence are significant for suggesting that power has various forms of expression and various targets in migration relations that involve the sending state, the diaspora and the receiving state. Power in the international politics of migration is not reducible to the receiving state's largely unilateral capacity to create and enforce entry rules, border control and deportation policies, all of which shape the options available to migrants and sending states alike. Power can derive from the very social structures that privilege some actors over others and produce unequal capacities to influence others. Global production relations between Northern capitalist receiving states and Southern labour sending states are power relations that underlie economic migration and make possible certain types of economic actors and migration interests (Castles 2004a,b). As this thesis will demonstrate, constitutive power can also operate through the sending state's creation and deployment of cultural narratives and nationalist symbols to influence how the diaspora perceives its identity, and therefore interests, from abroad. Importantly, power in the international politics of migration need not operate only between states. Non-state diaspora actors exert pressure on immigration policy, and the sending state can wield influence over its diaspora transnationally. Forms of power that exist outside of purely state-state interaction provide an opportunity for states that are less powerful at the inter-state level to advance their interests in relation to international migration outcomes.

Keohane and Nye (2001) offer two alternate measures for capturing the power of actors: i. resources that give an actor the potential to affect outcomes, or ii. an actor's actual effect on outcomes. With respect to the analysis of power in subsequent chapters, this thesis adopts the latter approach, which lends itself more obviously to inductive empirical analysis. However, Parts I and II also address particular traits or resources that endow the Indo-Canadian diaspora and Indian sending state with capacity to secure advantageous outcomes. Because these resources are not inherent to the diaspora and sending state under study, the resources-based approach may lend itself to wider comparative approach across relevantly similar diasporas and sending states.

A range of transnational actors and transnational interactions unrelated to migration affect world politics (Khagram et al 2002; Nye and Keohane 1971; Risse 2002; Risse-Kappen 1995; Wapner 1995). Transnational watchdog groups that pressure governments to suspend diplomatic ties with states that violate human rights, multinational companies that aim to promote regional stability across the countries in which they operate, and the Catholic Church's influential role in arms control in Soviet and US security policy (Hanson 1990; Nye and Keohane 1971) are three examples of transnational actors modifying state behaviour in ways that influence international relations.

Distinct from these examples, the diaspora phenomenon under study involves people, not organisations, operating across borders. This has implications for the diaspora's political behaviour. First, the diaspora is characterised by minimal central control and cannot be assumed to act as a coherent bloc. Diaspora members are autonomous agents and their preferences and political activities are not the product

of organisational decision-making to the same extent as those of transnational civil society group such as Oxfam International (notwithstanding the internal politics and power relations that contribute to the stances of civil society organisations). Nonetheless, ideational ties to a real or imagine homeland, and to co-nationals abroad, play a central role in influencing diaspora interests. Under circumstances specified later in this chapter, such ties can lead to a convergence of interests within the diaspora group, and to a coincidence of some interests between the diaspora and the sending state. Despite a lack of top-down organisation, diaspora members do organise into issue-specific or ethno-specific associations to further common political objectives.

Second, diaspora agents operating within host countries as transnational agents have recourse to a wider range of resources to influence state behaviour compared to transnational organisations. For instance, diaspora members who have taken up citizenship or permanent residence in their host state may have direct access to elections or tribunals in the receiving state (analysed later in this thesis) to influence state decision-making. Transnational organisations can only influence such domestic political channels diffusely, perhaps through attitude change – an ideational mechanism also available to the diaspora. Thus, while both transnational diaspora agents and transnational organisations can alter domestic interests in ways that constrain governments' domestic policies and inter-state relations, transnational organisations are limited in their capacity to make use of domestic channels that can only be accessed by citizens or permanent residents. The diaspora can occupy the role of political agent within the receiving state and simultaneously, from a distance, maintain involvement in home state society, including, increasingly, a role within the political community of homelands.

Last, the diaspora creates links between two specific states in ways less common for genuinely transnational organisations. Groups such as Transparency International and Save the Children have interests distinct from those of a given state. This is, of course, also the case for the diaspora, a group composed of independent non-state agents. However, the nature of the relationship between the diaspora and the sending state - be it conflictual, as in the case of the post-1979 Iranian diaspora or the Cuban diaspora in the US, or characterised by a stronger level of coincidence of interests, such as that between the Indian state and the contemporary Indo-Canadian diaspora - is a defining feature of the diaspora group that has implications for how it relates politically to the host state on domestic and foreign policy matters. On the whole, transnational organisations are not characterised by similar identity-based links between 'home' and 'host' states. [18]

Existing approaches to power in the study of the international politics of migration

IR approaches to migration emphasise inter-state power, but overlook transnationalism

Compared to disciplines such as anthropology, sociology and geography, the discipline of political science and IR is a relative latecomer to the study of international migration. Consequently, with notable exceptions (Délano 2009; Ghosh 2000; Hollifield 2007; Koslowski 2000; Massey 1999; Meyers 2004; Østergaard-Nielsen 2003; Weiner 1985, 1996; Zolberg and Benda 2001; Zolberg 1981), the role of state interests and power remains sidelined from research on migration. Yet, state preferences and behaviour matter for understanding international migration

[18] In the case of multinational companies, the identity of the headquarter state may have more of an impact on inter-state relations – for instance, when the treatment of a US-based company abroad is a pressure point in broader bilateral relations. Yet, the 'threat of exit' multinational companies use to pressure for favourable national tax regimes underscores the potentially contingent nature of such an organisation's 'home' state.

outcomes. States' largely unrestricted capacity, in principle, to make rules that determine who can enter their country and on what basis result in a contested distribution of costs and benefits across migrants, citizens and sending and receiving states. These rules represent the institutional context within which regular migration takes place. Regular and irregular forms of migration call into question the ability of states to control their borders, a fundamental attribute of state sovereignty (Koslowski 1998).

Where IR approaches to migration have addressed the role of power, realism tends to be the dominant strain, which emphasises the lens of structural security and self-interest through which states perceive migration control objectives and make decisions regarding the admission of immigrants, conditions for entry and stay, and rights extended by the state (Cornelius et al 2004; Greenhill 2010; Loescher 2001; Rudolph 2006, 2003). There is a significant body of literature on the security implications of refugees for host states (Lischer 2005; Milner 2000; Stedman and Tanner 2003; Weiner 1995), including the potentially destabilising effects on fragile national regimes of large flows of migrants in a short time-span and the spill-over conflict they may bring with them.

While realism's security lens is valuable for exploring some aspects of migration, and while its currency may appreciate following 9/11 and renewed emphasis on keeping out potential migration-related threats, the approach is of limited purchase for exploring the non-security dimensions of migration. Further, realists' reified conception of state interests as fixed, uniform and fundamentally about material resources precludes often complementary approaches to the study of interests and power, including constructivist perspectives which highlight the role of

identity in accounting for how the 'national interest' is perceived and rooted in ideational foundations and normative understandings (Finnemore and Sikkink 1998; Wendt 1999). Underemphasised are forms of power that operate diffusely, via institutions or populations, and that operate constitutively, not necessarily in the form of one actor enticing or coercing another, but power as constituted through influence over identity and how actors understand their interests from these identities.

The broader problematic feature of IR approaches to migration (Hollifield 2007; Kritz 1983; Mitchell 1989; Rudolph 2006; Zolberg 1981) is the implicit assumption that the inter-state is the most significant plane for understanding power in the international politics of migration. Concepts that have been developed to explain states' interactions and to account for what makes the world 'hang together' in an international sense (Ruggie 1998) privilege the inter-state level of analysis and emphasise the state-state implications of the absence of an overarching rule-maker. However, a vision of world politics that is restricted to interaction between states fails to capture transnational structures across states that have a significant effect on inter-state relations. Attention to interactions that happen across national boundaries and involve at least one non-state actor has expanded with the shift away from state-centric IR approaches and an appreciation that, to use Nye's (2004) analogy, competition between states that occurs on several 'chessboards', to encompass transnational issues such as terrorism, climate change, infectious disease, and their associated actors. Yet, the salience of transnationalism has not sufficiently permeated IR literature that addresses migration. Whether on a regional or global level, power in the international politics of migration is perceived as largely a function of inter-state interaction and the asymmetric capacities of emigration and immigration states to regulate population flows. The power framework remains implicitly state-centric

and this accounts for the characterisation of receiving states as 'rule-makers', largely able to create and enforce the policies that govern immigration to their territory, and sending states as 'rule-takers', with little capacity to contest the regulation of cross-border population movement. However, as this thesis argues, power in the context of migration is not just about inter-state relations. Transnationalism matters.

Furthermore, where political science approaches apply the unit (state) as opposed to systems (inter-state) lens, much analysis focuses on the powerful receiving state and domestic sources of pressure to control immigration in line with economic and national security interests, and perceptions of national identity (Baldwin-Edwards and Shain 1994; Breunig and Luedtke 2008; Cornelius and Tsuda 2004; Freeman 1995; Hammar 2001; Joppke 1998a; Lahav and Guiraudon 2006; Schnapper 1994). Pioneering work (Brand 2006; Délano 2009; Gamlen 2010; Iskander 2010; Østergaard-Nielsen 2003; Shain and Barth 2003; Walton-Roberts 2004; Xiang 2004) recognises the need to understand international migration from a sending state perspective, including emigration states' efforts to shape emigration policy according to domestic, international and transnational imperatives.

Migrants themselves who move across borders politicise aspects of receiving states' immigration and integration policies, and can exert influence on the rules that govern international immigration. They register an impact on the relational power that exists between sending and receiving states in ways that are not adequately captured by inter-state proxies of power. Because the conventional 'rule-maker' versus 'rule-taker' dichotomy does not capture the impact of the transnational diaspora structures, which influence the balance of domestic interests and ultimately

receiving state decision-making regarding immigration policy, it offers a skewed picture for understanding bilateral migration power relations.

Migration studies emphasise transnationalism, but neglect power

Migration studies, on the other hand, tend to give pride of place to transnationalism, whether from the bottom-up migrant level perspective or the top-down globalisation perspective. The latter emphasises the transformative implications of transnational issues and non-state actors for the traditional Westphalian notion of a system of territorially- and population-defined discrete nation-states (Overbeek 2000). It highlights new or accelerated opportunities to migrate brought about by cheaper international transportation, advances in information and communication technology, and transnational networks which serve to bridge sending and receiving societies (Braman and Sreberny-Hohammadi 1996; Castells 2010; Faist 2004; Portes 1996). Globalisation literature (Held and McGrew 2002; Scholte 2005) suggests ways in which the causes of migration are profoundly influenced by global economic restructuring, including the opening of protected sectors of national economies to international competition.

Despite manifold contributions of this literature, the role of the state often recedes to the background, and with it the study of state imperatives, behaviour and power that matter for understanding the regulation of cross-border population movements. Apolitical arguments that marginalise the role of the state factor out intake and incorporation prerogatives exercised by receiving states, who remain their own principal gate-keepers (Zolberg 1989). They also neglect diaspora engagement strategies deployed by sending states to overcome inter-state power asymmetries. The fact that migrants themselves form complex transnational relationships that

transcend the international (Gamlen 2008; Faist 2000; Jacobson 1996; Sassen 1996; Vertovec 1999) adds an additional layer of complexity to the inter-state politics between sending and receiving states. The work of Betts (2008), Mainwaring (2008) and Paoletti (2010) offers insight into factors at the inter-state level that influence migration relations in international, regional and bilateral contexts, respectively. Nonetheless, the impact of transnational actors on inter-state power asymmetries is not explored in these studies.

With respect to bottom-up migration studies, some authors suggest that diaspora identity represents a challenge to hegemonic national identities proffered by the state (Cohen 1996; Koopmans and Statham 1999), which revolve around the coincidence of a confined population and a demarcated territory (Anderson 1983). Yet, there are reasons to contest the view that the concept of diaspora, a group designated by its lack of exclusive identification to one nation-state, cannot be explored meaningfully within an approach that puts the nation-state and its interaction with other states front and centre.

Skeldon (2001) calls attention to the problematic 'fetishisation' of diaspora which affords transnational links such prominence that the group is misrepresented as a homogenous, deterritorialised force of outsiders that poses a threat to insider identity premised on the bundling of political identity with resident territory. We should interrogate the assumption that migrant groups do not form substantive social, economic and political ties within the receiving state. Second, as Adamson and Demetriou (2007) suggest, 'diaspora' is a label which creates conceptual and identity-based links between sending and receiving countries in ways that the terms 'immigrant' and 'ethnic minority' do not, thereby affirming the salience of the state

system for exploring the notion of diaspora identity. Third, there is significant literature on the role of the nation state participating in the creation and maintenance of transnational diaspora identities (Smith 1998). Post-colonial leadership in India was concerned with nation-state formation not only with reference to what domestic institutions should look like, but with regard to the creation of a coherent national story and the definition of who should belong to and be excluded from the modern Indian nation. This state project has undergone historical metamorphoses and today seeks to extend bonds of nationhood extra-territorially to include in its vision of India the so-called 'global Indian citizen' (Walton-Roberts 2004). The selective (re)formulation of India as a nation of Indian people living within its borders and abroad contrasts sharply with the territorially demarcated nationalism articulated at the beginning of India's independence (Lall 2001). A constant, however, is the Indian state's participation in national-identity building, of which the fostering or dampening of transnational identities is constituent.

These points suggest caution in assuming that the diaspora represents a bottom-up challenge to hegemonic identities proffered by the nation state. The view that territoriality is not a necessary basis of political identity (Adamson and Demetriou 2007) need not preclude analysis of the diaspora within a state-centric approach and, centrally, need not preclude consideration of how the diaspora serves as a power resource in inter-state relations. This thesis will consider how the diaspora is used by state actors to further state interests, specifically how India deploys material and ideational resources, including appeal to shared cultural bonds and a natural connection with the motherland (Mathew and Prashad 2000; Walton-Roberts 2004), to influence the diaspora in Canada and further inter-state aims. The capacity of sending states to pursue their objectives through participating in the creation and

maintenance of the identities, interests and organisational capacity of an internationally mobile portion of their population requires understanding the diaspora and nation-state in ways that extend beyond the conventional political identity-territory conjunction. While the diaspora is capable of challenging the vision of nationalism offered by home states (Shain and Sherman 2001), it is also capable of imbibing and extending hegemonic national identities beyond state borders.

Not all migration studies literature challenges the role or concept of the nation-state. There is important and diverse work that addresses sending state perspectives on international migration (Castles and Delgado-Wise 2008; Green and Weil 2007; Green 2005; Khadria 2004). This scholarship is valuable for flipping the *im*migration perspective and conceiving of what a friendlier governance system might look like from migrant and sending state perspectives. This literature also illustrates how notions of citizenship and belonging are defined not just by the entry of foreigners, but by the exit of citizens (Green and Weil 2007). The extensive literature on brain drain, gain and recirculation (Docquier and Rapoport 2007; Kapur and McHale 2005l Saxenian 2005, 2002) draws attention to the impact of various types of trans-border movement on those left behind and on institutions in countries of origin. Yet, while such literature highlights the divergent impacts of and sending state interests in emigration, it does not, by and large, address the relative capacity and power resources of sending states to further their interests regarding migration policy.

A pertinent body of diaspora literature within the political field explores the impact of ethno-national diaspora identity and membership on international relations (Shain and Barth 2003; Shain 1994; Itzigsohn 2000; Sheffer 2003, 1986). Esman

(1994, 1986) illustrates the role of diaspora identity and solidarity as a political force in outcomes ranging from the violent – civil war, secessionist movements – to the civic – including the influence of diasporas on foreign policy. Some of the outcomes profiled by Esman involve diaspora influence over outcomes in symbolic homelands, such as American Blacks' pressure (through the conduit of US foreign policy) on South African developments during Apartheid. Others invoke diaspora pressure on homeland governments, such as efforts by the Indian diaspora in Uganda under Idi Amin to persuade the Indian government to intervene over threats faced by the diaspora in the host land. These diverse examples highlight the role of the diaspora as an autonomous actor in world affairs. They suggest that while there are conditions under which solidarity and shared interests between diaspora and homelands take hold, there are also examples of clear divergence between the diaspora's interests and activities and those of the sending state, as will be discussed shortly. Nonetheless, the question of how the sending state may draw on its diaspora to promote its interests in bilateral relations remains relatively neglected in this literature.

The above discussion highlights important insights offered by two separate sets of literature for understanding migration power relations. Yet, IR literature does not appropriately capture what power means in the context of migration. By neglecting the impact of transnationalism on inter-state power relations, we get a skewed picture of the relational power asymmetry between sending and receiving states. As subsequent discussion brings to light, the migration policy outcomes one would expect under pure state-state relations are not what one observes. On the other hand, migration studies literature prominently addresses the transnational dimensions of population movement, but largely overlooks how population control serves as a central power resource for states. The next section offers an alternate understanding

of power in the context of migration relations between sending and receiving states that incorporates these transnational dimensions.

2.2 Bringing transnationalism into our understanding of migration power relations

In its analysis of the contribution of transnational migration relations to inter-state ones, this thesis does not endorse the view that one set of relations is more important than the other. Rather, it asks what happens to our understanding of migration power relations, dominated by the inter-state receiving versus sending state asymmetry, when we bring transnationalism in.

Despite important literature on the role of the nation-state fostering transnational identities and contributing to the organisation of diaspora interests (Barry 2006, Gamlen 2008; Levitt and de la Dehesa. 2003, Walton-Roberts 2004), this author is aware of little scholarship that seeks to link such diaspora engagement activities to sources of sending state power in the international politics of migration. IR work on diasporas tends to focus on questions of security (Adamson 2006, 2004; Lischer 2005; Salehyan 2009) or implications for our understanding of the Westphalian state system (Adamson and Demetriou 2007; Elden 2005; Joppke 1998a; Wimmer and Glick Schiller 2002). Such work does not immediately shed light on how diasporas may seek recourse to existing political channels within host states to influence national preferences and policies, nor how such diaspora activism may be harnessed as a power resource by home states to further inter-state objectives. The diaspora's mobilisation around transnational identities and interests in the receiving state highlights novel opportunities for the sending state to pursue

migration-related interests through the management of populations beyond its territorial borders. This merits further exploration.

Pockets of work (Haney and Vanderbush 1999; Itzigsohn 2000; Shain 1994; Shain and Barth 2003; Smith 2003) theorise mechanisms of diaspora influence and consider conditions under which ethnic interest groups are more or less successful in advancing agendas within resident state foreign policy. The Jewish/Israeli lobby in the US (Mearsheimer and Walt 2006; Tivnan 1987) and noted African American pressure on the US government to sever ties with apartheid South Africa (Edmondson 1986) are notable examples. Much of this literature focuses on the diaspora's stake in political developments in the origin state – often a symbolic 'home' country – and analyses strategies by which diasporas seek to influence these developments through the conduit of resident state foreign policy. Other work shows that diaspora groups may bypass resident state institutions and participate directly, from a distance, in home state political developments such as democratic regime change or self-determination struggles (Levitsky and Way 2006). The ultimate entity to be influenced in these scenarios is sending state political developments.

This thesis, by contrast, is not concerned with the impact of the Indian diaspora on the Indian state through the conduit of Canadian foreign policy. Rather, it explores, in the opposite direction of influence, how the diaspora serves as a non-conventional power source for the sending state to alter immigration outcomes in the receiving state. Additionally, the concern of this thesis is migration politics specifically, not all realms of foreign policy relevant to relations between states. This thesis' contribution is to argue that emerging powers such as India compete with other states not only through inter-state military power resources and the use of

international economic institutions – approaches toward the later include distinctive negotiation strategies within the WTO (Hurrell and Narlikar 2006) and membership strategies toward new supranational groupings, such as the G20 – but by capitalising on their overseas populations to further international objectives.

Default framework for understanding power relations between sending and receiving states

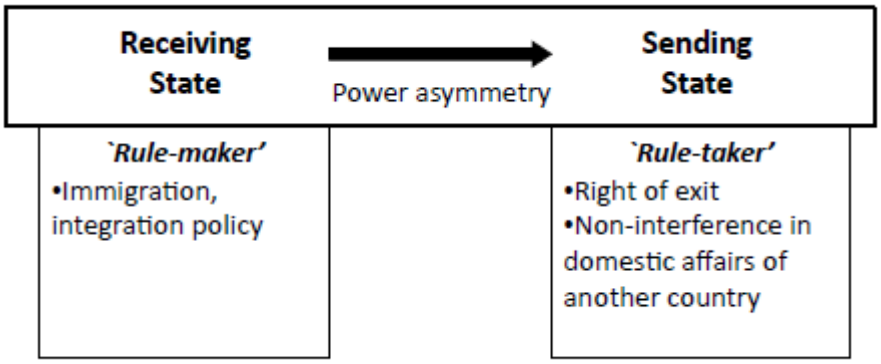
Betts (2011) outlines what this thesis understands as the 'conventional' model of sending state-receiving state power relations. He argues that in the absence of a top-down multilateral framework, states directly compete with one another to advance their own interests in relation to migration. This competition is reflected in the *ad hoc* and fractured migration governance arrangements between states, and within regions, which give scope for powerful receiving states to advance their economic and security interests related to migration by creating immigration policies that admit 'good' migrants and reject 'bad' ones.

On this conventional model, there is a fundamental structural asymmetry between sending and receiving states. Weaker sending states have little capacity to influence the policy choices of receiving states, while receiving states have the upper hand with respect to their largely unencumbered influence over the intake and incorporation rules that govern economic immigration into their territory.

On this model, any migration-related policy or political change is the product of autonomous, self-interested calculations on the part of the immigration state, insulated from any foreign pressure. Despite significant stakes in them, the sending state has limited capacity to alter rules that regulate international human population movements. The international norm enshrining right of exit largely underpins the

sending state's weaker position to contest who or how many people leave. The principle of non-interference in the domestic affairs of another state further constrains the capacity of the sending state to influence receiving state decision-making in relation to immigration. Notwithstanding a handful of international conventions the receiving state may have ratified which restrict its autonomy over the regulation of certain aspects of migration, such as migrant labour conditions, the immigration state can regulate economic migration as it sees fit.

Figure 2.1 Default model of power asymmetry between sending and receiving state



New framework for understanding the contribution of transnationalism to inter-state power relations

The default focus on formal interaction between states sidelines the contribution of transnational actors to the amelioration of inter-state power asymmetries. It thereby fails to capture the diffuse and often constitutive nature of sending state migration power which operates through the intermediary of transnational diaspora actors. Despite the overarching constraints posed by its sending country status, the emigration state is able to capitalise on its transnational population to overcome power asymmetries in inter-state migration relations.

Figure 2.2 New model of inter-state migration relations that incorporates transnationalism

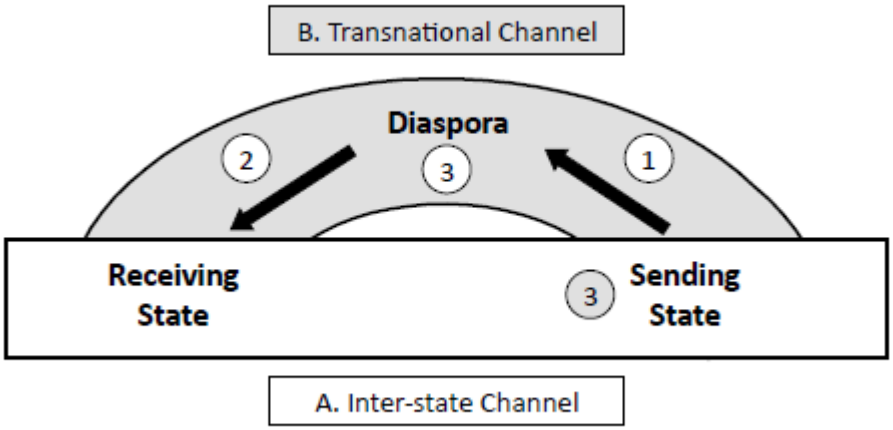


Figure 2.2 illustrates the positioning of the diaspora as a transnational resource for the sending state in bilateral migration relations with the receiving state. 'A' represents the inter-state power asymmetry between the sending and receiving state and on its own is the default model. 'B', comprising two sub-relations (between the diaspora and receiving state, and between the sending state and diaspora, denoted by the arrows) introduces the transnational dimension of migration relations. The numbers 1-3 in Figure 2.2 are addressed shortly.

The central contention of this thesis is that 'A' looks different in the presence of 'B' because 'B' serves to mitigate the power asymmetries in 'A'. Diaspora political activities in the receiving state and sending state-diaspora interaction contribute to receiving state immigration policy that is 'friendlier'[19] to sending state interests. This represents an amelioration of inter-state power asymmetries in which the sending state is comparatively powerless to advance its interests in relation to immigration policy outcomes. In this way, we can link 'B' to shifted power relations between states in 'A'.

[19] Recall from the Introduction that receiving state migration policy that is 'friendlier' toward sending state interests is policy that has fewer negative externalities for the sending state.

Three premises for diaspora as a transnational power resource

Three premises serve to link the arrows in Figure 2.2 and to validate the statement that 'B' has effects on inter-state migration relations that are not captured by 'A'. The premises conceptually position the diaspora as an independent yet intermediary agent in helping the sending state to overcome migration power asymmetries with the receiving state. The three premises are compatible with the view that the sending state-diaspora relation is not one of principal-agent, but one of two agents:

- 1. The organisation of the diaspora as an interest group does not happen automatically. The sending state plays an important role organising diaspora identity and interests.
- 2. The diaspora can influence receiving state migration policy. The influence of the diaspora is, *inter alia*, a function of its organisation. A more organised diaspora will have a greater impact on policy outcomes.
- 3. There is a pre-interaction coincidence of some interests between the diaspora and sending state such that some of the issues around which the diaspora mobilises in the receiving country are also those of interest to the sending state.

This framework allows us to explore how, owing to a pre-interaction coincidence of some interests between the diaspora and the sending state, and owing to the sending state's fostering of transnational identity and inculcation of home country awareness amongst the diaspora, the diaspora's mobilisation to contest migration-related rules and pursue its own interests within the receiving state can represent a transnational conduit for the sending state to advance its migration preferences in ways that serve to mitigate the sending state's unfavourable power relation with the receiving state.

The three premises do not apply to all cases. In the trade-off between parsimony and descriptive accuracy, this thesis prioritises the former. This is

particularly so with respect to the assertion of some level of interest convergence between the diaspora and sending state, and some level of interest equivalence within the diaspora group. These assumptions will be unpacked below and problematised more fully in Chapter 8 (Conclusion). Nonetheless, the three premises hold true for the Indo-Canadian case explored in Chapters 3-7 and offer a useful framework to explore distinct analytical questions within this single-case study. Moreover, Chapter 8 will outline conditions under which the theoretical framework detailed below may be applied to a range of cases for a wider comparative approach. The subsequent discussion flags several immediate cases to which the three premises may and may not apply, to be addressed systematically in Chapter 8. The three premises are discussed and qualified below. Premise 1 and its application to the case is discussed below, and addressed further in Part II. Premise 2 and 3 are dealt with more extensively in Parts I and II, respectively.

Premise 1: sending state contribution to diaspora identity and interests

Emigration states use a range of instruments to capitalise on the political and economic links of diaspora populations abroad and to involve expatriates in development in the home country. Diaspora polices ranging from preferential investment schemes for overseas citizens and consular services abroad to cultural awards and nationalist propaganda have been categorised in various ways. Gamlen (2006) draws a distinction between policies that 'build' versus 'integrate' the diaspora, while Østergaard-Nielsen (2003) distinguishes amongst economic, political and cultural instruments. I offer an alternate categorisaton shortly. Whichever categorisation one favours, a sending state's catalogue of diaspora policies can affect the nature and impact of diaspora mobilisation in the receiving state. By enhancing the diaspora's organisational capacity to engage politically in the receiving state, and

by inculcating an awareness of the home country and diaspora identity amongst the overseas population, a sending state's diaspora strategies can increase the likelihood of convergence between the interests of the sending state and those of the diaspora regarding receiving state migration policy that affects both parties.

The argument that sending state engagement with its overseas population influences diaspora mobilisation abroad to the advantage of the sending state is developed more fully in Part II. Through transnational diaspora policies that seek to alter the self-perception and so interests of an overseas segment of its population, the sending state is able to partly overcome costs associated with unilateral receiving state immigration rules.

I categorise the Indian state's diaspora engagement strategies as either 'extractive' or 'allocative'. This categorisation has application beyond Indian policies and is relevant for classifying the initiatives of a range of sending states that seek to cultivate ties with their overseas population in order to advance international, bilateral or domestic objectives. The following discussion focuses on skilled emigration. This is justified by the fact that the skilled stream has surpassed the family stream within Indian migration to Canada, and by the fact that India's allocative policies, central to this thesis' argument, are largely targeted to skilled segments of the Indian diaspora.

Both extractive and allocative policies seek to alter the consequences of skilled emigration and to reduce the vulnerability of the sending state to unilateral immigration and integration policy decisions of the receiving state, which 'select' for a certain type of human capital outflow. Extractive policies seek to obtain diaspora contributions toward the home state. They appeal to the diaspora's economic and

loyalty-based interests to further home county development and to encourage the diaspora to relate to India in desired ways. Allocative polices, on the other hand, employ a logic of giving things to rather than taking things from the diaspora. They seek to promote select transnational identities amongst the overseas diaspora with a view to influencing the nature of the diaspora's political engagement in the receiving state.

Extractive policy initiatives include development foundations to smooth philanthropic contributions, overseas investment facilitation centres and special financial products for the diaspora, such as foreign currency-denominated bonds. While philanthropic schemes often appeal to expatriate loyalty and a sense of obligation to the home country, investment schemes appeal, first and foremost, to investment gains. Attractive returns to investment, and not the prospect of investing in the homeland *per se*, were responsible for the State Bank of India's quick raising of £5 billion in foreign investment through issuing Resurgent India Bonds exclusively to overseas Indians (Sengupta 1998). Extractive policies seek to minimise the costs of emigration by aligning the economic or philanthropic interests of the contributing diaspora member with those of the recipient home state.

The power exercised by the sending state over the diaspora under extractive policies is constraining in nature. It seeks not to alter underlying preferences or beliefs, but to alter the diaspora's behaviour through the provision of incentives. Although extractive policies are a significant dimension of sending state influence over emigration outcomes, this type of sending state capacity is not central to the argument of this thesis.

More fundamental to the exploration of sending state power resources to mitigate inter-state asymmetries is the capacity of the sending state to persuade its diaspora to relate to the receiving state in desirable ways. This influence is exercised through allocative policies.

The extractive-allocative distinction is somewhat artificial, as the sending state fosters transnational identities and promotes source-country awareness from abroad with a view to ultimately gaining things from it. Nonetheless, allocative policies are concerned with the impact of diaspora identity and interests *abroad*, rather than their immediate impact on the home state. They employ a distinct form of ideational power to encourage the diaspora to perceive itself as an integral member of sending state society, constitutive, in the present case, of the Indian nation's family of 'global Indians'. The diaspora's identification with the sending state in turn informs its interests abroad, including its desire to advance source country-specific interests in the receiving state. In this way, the sending state's allocative policies maximise the beneficial impact of the diaspora on the receiving state. The power exercised by the sending state over the diaspora is constitutive, because it seeks to shape the underlying self-perceptions of the diaspora. It tends to be exercised through the intentional deployment of nationalist narratives and cultural propaganda targeted at the diaspora, as discussed in Chapter 6.

Thus, in addition to the coincidental overlap of some shared interests between the diaspora and the sending state asserted by Premise 3, Premise 1 suggests that there are conditions under which the sending state actively seeks to alter the diaspora's interests and identity. Sending state initiatives to foster a sense of diaspora membership within a collective can form the basis for a connection between

individuals within the group and for a link between the diaspora group and the homeland. This thesis agrees with Esman's dismissal of a purely instrumental vision of ethno-national identity as a tool constituted by elite minorities to further their own political and economic goals. It also agrees with his contention that diaspora identity is susceptible to collective action and political mobilisation (Esman 1994: 19). Esman argues that diaspora identity has the potential to eclipse other sources of collective identity and behaviour, such as class and occupation, because it is more easily susceptible to emotions of pride and loyalty, as actively fostered by the sending state. While this thesis acknowledges that unitary diaspora preferences should not be assumed, it also argues that heterogeneous group interests should not preclude analysis of diaspora groups that mobilise to advance common interests, and how such mobilisation may be influenced by sending states.

Sending state power under Premise 1 is restricted to the exercise of persuasive influence. Coercive power over the diaspora is precluded by two international norms. Just as this thesis relies on the international norm of right of exit as an analytical premise to illustrate the constrained capacity of the sending state at the inter-state level to control population flows, it relies on another international norm to conceptually frame the limits of sending state power at the transnational level to influence citizens once they have emigrated. The principle of non-interference in the domestic affairs of another country circumscribes the internationally accepted nature and degree of sending state involvement with its diaspora to further sending state interests abroad. Unlike extractive incentives that can be extended unilaterally by the sending state to encourage diaspora engagement back home, the sending state encounters more constraints in openly shaping the political interests and capacities of its overseas populations in virtue of the

diplomatic norm. This suggests that allocative policies must be more diffuse in their use of ideational forms of influence.

Premise 1 is applicable to those sending states which extend diaspora policies to a population beyond their borders. The scope does not extend to sending states that refrain from cultivating connections with their transnational populations, including those that view expatriates as 'traitors' or 'deserters', as was previously the case with the Indian administration (Naujoks 2009). Additionally, premise 1 is not applicable to sending states with which diaspora groups seek to sever connections. Diaspora mobilisation may be self-consciously antithetical to the vision of the nation-state promulgated by an authoritarian regime (Levitsky and Way 2006; Shain and Sherman 1998). These notable cases in which Premise 1 does not hold limit the scope of the model. However, as Gamlen's (2006) taxonomisation illustrates, diaspora policies are widespread and many states have some level of engagement with their deterritoralised populations.

The applicability of Premise 1 is also contingent upon diaspora characteristics. Any member of the diaspora is free to refrain from engaging with home state institutions while in the host country, given the non-coercive nature of diaspora policies. Those who do are unlikely to be susceptible to sending state diaspora policies that seek to influence identities and interests. Chapter 6 addresses variation regarding the susceptibility of segments of the Indo-Canadian diaspora to sending state engagement. Yet, despite noted limitations, Premise 1 holds wide purchase across a range of sending states and diasporas.

Premise 2: diaspora political influence in the receiving state

The diaspora can register a significant impact on the configuration of domestic interests regarding intake and incorporation in ways that influence immigration policy. Various conditions are hypothesised under which transnational actors successfully pressure states to change their policies. Risse-Kappen's (1995) framework proposes that the nature of the political institutions of the state, demand-formation in civil society, and policy networks linking the state to society determine the extent of non-state actors' influence on state policy.

Chapters 3-5 address the political mobilisation of the diaspora. These chapters apply a shared framework for understanding three channels of political behaviour through which the diaspora influences migration policy and political outcomes in Canada: i. the individual-tribunal channel (appeals mechanism); ii. the voter-legislature channel (electoral mechanism); and iii. the interest group-policymaking channel (lobby mechanism). These mechanisms of influence do not change the fundamental nature of the political institutions of the receiving state, but make use of existing political channels that are not directly accessible to the sending state as a foreign actor.

Chapters 3-5 analyse attributes that endow the Indo-Canadian diaspora with strong capacity to make use of receiving state channels to further group interests. The chapters identify concrete migration policy and political outcomes in the interests of the Indian sending state that would not have come about in the absence of diaspora political engagement with Canadian political processes.

The point should be emphasised that the diaspora does not act as a collective. Different interests and divisions are reflected within it, and these pertain to migration as an issue-area amongst other public policy realms. Nonetheless, some form of

shared identity is suggested by the decision to settle in a host nation, to maintain solidarity with the ethno-national diaspora group and source nation, and to believe in a collective history (Hall 2003) linked to a real or imagined homeland. Sheffer (2004:12) argues that such shared identities central to diasporic phenomenon 'determine the [diaspora's] main strategies and modes of operation vis-à-vis host countries [and] homelands' and 'create distinctive structural, organisational and behavioural similarities among them'.

As the empirical chapters of this thesis will illustrate, political mobilisation by the Indo-Canadian community occurs under the 'diaspora' banner. Those mobilising to advance migration-specific interests claim to speak for the broader ethno-specific community. This is not to assert that the leadership of diaspora organisations is representative of all interests within the group. However, political behaviour is conceived of by politically engaged diaspora members within the frame of community mobilisation.

Further, within the voter-legislature channel analysed in Chapter 4, the Indo-Canadian diaspora is viewed electorally by Canadian politicians as a swing voter group whose support, on the whole, stands to be won or lost through policy and ideological propositions. Politicians and parties seek to gain the diaspora's support by creating or profiling policies believed to benefit the group and avoiding or disguising policies perceived to disadvantage the group.

It is acknowledged that the Indo-Canadian diaspora is not a coherent bloc with unitary interests. Shades of variation in the diaspora's migration preferences were highlighted in debates surrounding the creation of Ontario legislation to improve labour market access for internationally-trained professionals, analysed in

Chapter 5. While all diaspora groups studied endorsed the removal or non-merit-based barriers to internationally trained professionals, some advocated for significantly stronger legislative reform than others. Analysis throughout Part I will argue that migration interests shared by the diaspora at a group level influence the balance or prevailing Canadian domestic interests and influence immigration policymaking.

Additionally, Chapter 3 highlights that certain preferences which exist at an individual level can be aggregated to represent a group preference. The desire of individual diaspora members to be reunited with Indian family members through Canada's family immigration stream is widespread, as supported by personal interviews with diaspora members and data on the disproportionate number of appeals submitted to Canada's immigration tribunal by Indo-Canadians to challenge refused family visa applications. Diaspora appellants act as individuals before this tribunal and do not submit appeals or otherwise mobilise as part of a collective. However, the disproportionate success of Indo-Canadians in overturning family visa refusals through the appeals mechanism at the case-by-case level is analytically relevant for purposes of this thesis insofar as the family reunification strategy is part of a broader group phenomenon. Group features associated with the Indo-Canadian diaspora's high capacity to access Canadian procedural resources to contest intake decisions are explored in Chapter 3.

Membership within the Indo-Canadian diaspora is only one facet of an individual's identity as a political actor. An individual can hold membership in more than one community. Profession, income, and resident state geography matter for interests and political mobilisation. Yet, this thesis contends that diaspora identity,

rooted in attachment to a real or imagined homeland, is an important dimension of identity that carries implications for group organisation and behaviour, including political causes deemed important for group mobilisation and political parties supported at a group level.

The coherence of a diaspora's group preferences bears on the effectiveness of its political mobilisation. As alluded to by Premise 2, the more fractured a diaspora with respect to sub-identities that spill over into divergent political preferences and political aims of mobilisation, the less influential the diaspora group as a whole within the receiving state. The ability to transcend fractured interests within the diaspora, to speak with a 'pluralistic but united' voice, as describes a board member of the Canada India Foundation (personal interview, 24 August 2009), is an organisational trait that confers influence.

The application of premise 2 is confined to receiving states that have democratic channels through which citizens can mobilise, contest and alter rules that pertain to migrant entry and integration. The premise and model are of limited applicability to receiving states that do not offer democratic pathways through which citizens, let alone permanent and temporary residents, can contest laws and regulations, and to states that curtail freedom of civil and political organisation.

Premise 3: coincidence of interests between diaspora and sending state

Distinct from Premise 1's assertion of the sending state's contribution to diaspora identity and interests, Premise 3 establishes a pre-interaction – that is, independent of sending state-diaspora interaction – coincidence between some migration-related interests of both the diaspora and the sending state. This relation is restricted to a set of cases described shortly.

India's interests in facilitating skilled emigration, including pressing for the removal of barriers to intake and incorporation (discussed later in this chapter), align with the micro-economic incentives of aspiring emigrants who seek higher returns to skills abroad and of existing emigrants who seek labour market integration in the receiving country. Many of the immigration and integration issues raised independently by the diaspora with the receiving state, such as foreign credential recognition, shortened family reunification delays and the reduction of visa application backlogs, overlap with those raised by the sending state in bilateral meetings with the receiving state.

Itzigsohn (2000:1142) highlights the coincidence of interests that emerges between first and second generation Latin American diasporas in the US and their origin states. Diaspora organisations seek to improve the living conditions and political participation of co-nationals in the receiving country. The sending state has interests in supporting such activities, as integration and relative prosperity of the diaspora secures contributions to the home state and helps to establish an influential interest group abroad potentially positioned to promote sending state interests. Premise 3 implies that the diaspora's advocacy for intake and incorporation conditions that contribute to its success in the receiving state indirectly furthers related sending state interests.

The interests of the diaspora and the sending state can converge or diverge. Under certain circumstances, skilled emigration itself can represent a divergence of interests. The sending state can experience negative effects associated with the loss of its best and brightest (notwithstanding diaspora policies it may undertake to mitigate these effects), while the emigrant stands to reap productivity and wage gains

abroad. As a more extreme example of divergence, the interests of diaspora groups that favour regime change, democratisation or the secession of their homelands are likely at odds with the interests of the existing sending state. Yet, there are also many examples of convergence between the interests of the diaspora and the sending state, particularly regarding the removal of barriers to the economic integration of emigrants abroad. Both the diaspora and the sending state stand to benefit from such an outcome and have overlapping interests in bringing it about. The sending state has self-interested reasons to support diaspora activities that improve the social and economic standing of the diaspora in the host state. This is because the success of the diaspora abroad secures more fruitful collaboration with the homeland and places the diaspora in a more influential position abroad from which to advance shared sending state interests. Additionally, the sending state may have public diplomacy interests in supporting source country promotional and educational activities carried out by the diaspora abroad, such as the anti-Semitism campaigns of the American Jewish Anti-Defamation League (Sheffer 2004: 187).

An overlap between diaspora activities and sending state interests is highlighted by the role of the Indian diaspora in the US – notably within business communities – who mobilised to build domestic American support for the US-India nuclear deal. It is widely reported in academic studies and media that the diaspora's influence in neutralising anti-proliferation sentiment in the US was instrumental to paving the way for the bilateral deal (Anderson 2006; Chaudhuri 2007; Kirk 2008). This example demonstrates a pre-interaction coincidence of interests between the diaspora and sending state because little to no influence on the part of India over the diaspora was needed for diaspora mobilisation to be synchronised with India's

bilateral interests. Involved Indo-Americans stood to profit personally through commercial interests and esteem gained from within the diaspora community.

The three channels of diaspora influence over receiving state migration policy analysed in Part I of this thesis, and the two distinct types of sending state influence over the diaspora and its reception abroad discussed in Part II, illustrate that the sending state has preferences to support and 'jump onboard' select existing political activities of the diaspora, as well as to initiate transnational dynamics itself amongst the diaspora to further specific objectives.

There are notable cases in which Premise 3 will not apply, and this limits the scope of application of the model. In the case of many African states that have comparatively small stocks of human capital and that tend to advocate for ethical recruitment schemes to stem brain drain, the individual-level interests of prospective skilled emigrants who seek higher returns to skills abroad and the national-level interests of the sending state to limit skilled out-migration diverge. Indeed, this divergence accounts for one of the major difficulties enforcing ethical recruitment schemes. Schemes which prohibit UK recruiters from poaching doctors from, say, Ghana is good for Ghana as a country insofar as skills stay in the country, but bad for Ghanaian doctors who are poorly paid, poorly resourced, have few opportunities for professional development (Stilwell et al 2003). These doctors may circumvent ethical recruitment schemes by migrating to third countries from where they are eligible for recruitment, such as South Africa. With respect to countries that seek to limit skilled emigration, there is an opposition, not a coincidence, of interests between sending states and prospective emigrants. Premise 3 is of limited applicability in these cases. Additionally, the assumption that the behaviour of the diaspora furthers the

preferences of the sending state does not hold in cases in which the diaspora self-consciously holds preferences that are antithetical to those of the country of origin, such as the Cuban diaspora in America, or the post-1979 Iranian diaspora. The reasons motivating emigration bear on the application of the premise. Additionally, the three-premise model as a whole is confined to voluntary migration flows, distinct from forced population movements. In the case of migrants who flee persecution in source states that are unable or unwilling to provide for their safety and civil and political freedoms, the interests or capacity of the state and the preferences of migrants do not overlap. This divergence motivates the very decision to emigrate.

Despite notable cases in which Premise 3 does not apply, there are a range of sending state-diaspora pairings for which the relationship specified in Premise 3 holds – notably, those involving emerging powers that stand to reap significant commercial and political benefits from stocking the knowledge base of industrialised receiving countries with skilled emigrants. States such as the Philippines aim to remove barriers to out-migration, value the overseas contribution of the diaspora and have interests in its overseas population doing well economically and socially and becoming involved politically in the resident state.

The three premises do not have to all apply all of the time in order for the theoretical and empirical analysis of this thesis to be valid. Rather, if the premises hold under certain circumstances touched on above and more systematically explored in Chapter 8, then the impact of transnational relations on inter-state ones is significant. With Przeworski and Teune (1970), this thesis acknowledges that not all analytic goals can be achieved simultaneously. Consequently, this chapter's framework strikes a balance, as all theories must, between parsimony and accuracy.

This thesis favours a theory with fewer explanatory variables over a broader, more qualified framework that captures more cases descriptively but offers diluted analytical power for the cases to which it does apply. Although not all premises can be applied across all cases, rendering the scope of the model non-universal, Chapter 8 shows that the applicability of the premises and so validity of the model extends beyond the India-Canada case.

A potential challenge of the framework's positioning of the diaspora as an extra-territorial power resource for the sending state's migration relations with the receiving state is that the one-directional arrows depicted in Figure 2.2 (running from the sending state to the diaspora and from the diaspora to the receiving state) are, in reality, bidirectional. The diaspora makes policy demands before the sending state, and the receiving state can influence the diaspora's interaction with the home state by, for instance, supporting diaspora groups engaged in philanthropy and development in the home state. The most challenging bidirectionality for purposes of this thesis' argument is the relationship between the diaspora and the receiving state. Is it diaspora influence in the receiving state that ultimately bolsters sending state influence over migration, or does the increasing significance of the bilateral relationship, given India's emerging status, create an impetus for the receiving state to engage with diaspora to further its own interests, thereby enhancing the political significance of the diaspora? In other words, is diaspora influence a power resource for the sending state or a side-effect of sending state power?

Most social relations, even if asymmetric, are bidirectional. The fact that bidirectionality exists in the real world need not pose a problem for the conceptual argument which isolates a one-directional relation to assess how the diaspora serves

as an intermediary migration power resource. In Part II, this thesis will argue that not only does the diaspora's influence allow the sending state to bolster its power position in bilateral migration relations, so India's rising international stature enhances the political clout of its diaspora in the receiving state, thereby enhancing the diaspora's influence on issues of Indian interest abroad. In both of these directions, the diaspora can be conceived of as a transnational power resource for the sending state. Bidirectionality of this sort need not pose a challenge to the central argument.

The theoretical framework established in this chapter will be built upon in subsequent chapters to substantiate the argument that competition between states occurs on several 'chessboards' in addition to the traditional inter-state military one (Nye 2004). With Nye, this thesis argues that as states seek to influence each other not just by flexing military muscles, but by competing economically and at the level of ideas, power becomes more diffuse. The control of human mobility, including the influence of populations abroad via diaspora policy, is central to the project of making use of human capital to compete in the global market place, to shape inter-state politics, and to contribute to an image of national competitiveness within the 'knowledge economy'. Such power resources do not belong to conventionally viewed strong states in the same way that hard military power does, but are increasingly at the disposal of actors conventionally viewed as weak on the inter-state playing field.

2.3 Operationalising the conceptual framework

Before discussing how the conceptual model will be operationalised in relation to the India-Canada case, it is useful to pause and consider how to represent

the sending state's interests in relation to emigration. If power is about the ability of an actor to get what it wants through influencing others, this begs the question of what the actor wants – what its interests are. The conceptual framework posits the diaspora as a transnational resource for the sending state to pursue its interests regarding migration outcomes. How can we understand these emigration state interests, and how do they apply to the Indian case?

India's interests in emigration

The point should be emphasised that not all emigrants are equal in the eyes of a sending state such as India. 'Skilled personnel movements', 'settler emigration' and 'irregular migration' are population movements which invoke considerably different sending state interests and responses. On the lower end of the skills spectrum, labour emigration from developing countries has been described as a 'safety valve' (Castles 2004a) for unemployment and surplus labour, allowing economic restructuring to proceed while minimising economic, social and political upheaval (Rudolph 2006). Moreover, the developmental impact of remittances, potentially most significant from lower-skilled emigrants (Faini 2007), may motivate Southern governments' negotiation of bilateral labour agreements (Lindley 2011). Remittances are a significant input into India's economic development. The country is the top worldwide recipient of official remittances, with approximately $52 billion received in 2008, accounting for 4.2% of GDP (Ratha 2009) and representing a significant source of household income and foreign exchange. These funds are heavily dependent on lower skilled labour migrants in the Gulf States (Prakash 1998; Weiner 1982). A precipitating factor of India's 1991 balance of payments crisis was a sudden drop in remittances as Indian workers in the Gulf States returned home en masse after Iraq's invasion of Kuwait (Sau 1992). One would expect India to have a

preference for the facilitation of low-skilled labour emigration and the promotion of channels to smooth remittance transfer.

On the upper end of the employment spectrum more relevant for India-to-Canada flows, skilled emigration can, under certain circumstances, undermine a sending state's capacity to access inputs central to its economic development and competition with other states (Faini 2007; Khadria 1999). As a Canadian official in Delhi states: 'from a development point of view, you want migration to leave your skilled people untouched' (personal interview, 25 February 2009). The systematic emigration of skilled professionals from a sending state with limited stocks of human capital can bring deleterious short- and long-term effects, including those identified by Kapur and McHale (2005): sector-specific effects, (e.g., a shortage of doctors, engineers, nurses); institution-building effects, because both the supply and demand for institutional reform is diminished if the most skilled and internationally marketable individuals emigrate disproportionately; and public purse effects arising from sending state subsidies for the human capital acquisition of those who leave the country during their most productive years.

Many developing countries with few professionals form preferences against the emigration of their doctors and engineers. Yet, a limited number of developing countries with significant stocks of skilled workers are positioned to capitalise on the positive upshots accruing from diaspora links. As Ghosh (2005:122) notes, developing countries 'may not be averse to the emigration of some of their skilled workers if…through transnational networking with the diaspora community, they can also adequately tap their skills, talents, business contacts and other resources and use them for national, including private sector, development'.

Tellingly, India does not advocate for ethical recruitment schemes to limit the poaching of scarce health professionals. According to a senior Canadian immigration official in Delhi:

> 'India is not saying 'don't take any of our doctors', it is saying 'you don't recognise our excellent doctors'. It is not a very predictable developing country position' (personal interview, 25 February 2009).

The head of Britain's National Health Service employment policy writes that the Indian Ministry of Health 'has been supportive of the opportunities we [the NHS] are offering doctors' and notes that the Indian Minister of Health and Family Welfare 'responded to a parliamentary question in July 2003 by saying that the overall availability of doctors in India is sufficient' (Mellor 2003: 928). The majority of Indian states have been removed from the UK Department of Health's list of developing countries restricted for the recruitment of health professionals (WFPHA 2005).

The official position of MOIA regarding emigration across all skill levels is to 'empower the emigrants from India' (MOIA 2011b), or, as stated in personal interview (25 February 2009), to remove hindrances to an individual's choice to emigrate. It has been expressed in interviews with Indian officials from MOIA that the issue of brain drain has largely 'fallen off the radar screen' (personal interviews, 13 November & 21, 25 February 2009). Emphasised instead are the gains India has reaped through diaspora connections and, more recently, the return of internationally experienced Indians who seek greater professional responsibility back home (Khadria 2003). India's gains from skilled emigration include the circulation of new knowledge, skills and international experience via transnational business and entrepreneurial networks, and the positive reputational effects of successful

emigrants for specific source country sectors. For instance, the high performance of Indian information technology (IT) engineers abroad is perceived to be a quality signal of elite Indian IT educational institutions. This reputation in turn which spawns international business connections and creates further immigration demand for 'made in India' engineers (Kapur 2001).

Indeed, the centrality of IT-related emigration to India's economic growth and to the promotion of a progressive, technologically-savvy vision of India and its human capital resources onto the world stage sets apart India's experiences of and interests in skilled emigration from those of many other Southern sending states. Indian IT workers who began migrating to California's Silicon Valley in the 1980s and 90s are widely acknowledged to have contributed to the IT-driven economic boom experienced by India in the 90s (Dhume 2002; Pandey et al, 2006; Saxenian 2002). By establishing start-up enterprises or heading the Research & Development sections of large multinational companies in the US, overseas Indians were able to access the Indian market for American companies, create technological collaboration and capitalise on the cheap talent of IT workers in India. These developments created the momentum for outsourcing to India and the geographic separation of capital-intensive and labour-intensive aspects of production to complement the more traditional movement of labour to capital (migration).

The unique significance of skilled migrants to India's economic growth suggests that the Indian government has strong interests in maintaining beneficial patterns of skilled emigration and pushing for the removal of barriers for Indian professionals to access international labour markets. For instance, the issue of domestic US restrictions to American companies that hire skilled foreign workers on

H-1B visas,[20] a large percentage of whom are Indian, was raised in the Indian Parliament in February 2009. The Indian Minister of External Affairs noted that 'India is the largest contributor of highly skilled workers to the US economy and any protectionist policy would hurt the interests of US companies the most' (Lok Sabha 2009). Such US restrictions, intended to encourage American companies to hire American workers, would negatively affect India's continued ability to capitalise on its strong overseas economic and commercial links with H-1B workers. The fact that US domestic legislation was raised in the Indian Parliament highlights the negative externalities experienced by the sending country from the receiving state's unilateral migration-related legislation. It also highlights the broad reach of migration-related policy, which here extends to labour market and bail-out regulation. For purposes of the current discussion, the example underscores an alignment between the interests of the Indian state, advocating for the removal of barriers to the emigration and economic integration of its professionals, and the micro-economic incentives of individual aspiring and actual emigrants, who seek access to higher returns to skills abroad.

The sanguine effects of skilled out-migration should not obscure the fact that costly effects do obtain, and that one would expect the Indian government to have interests in mitigating them. There is a particular quality bias amongst skilled Indian emigrants such that a disproportionate number of professionals and students who emigrate are at the extreme upper end of the distribution of human capital amongst the population – the so-called 'best of the best' with respect to educational and workplace performance (Kapur and McHale 2005). Those who are the most skilled,

[20] The restrictions concerned limiting the ability of American firms that hire H-1B workers to access government bailout money under the Troubled Assets Relief Program.

the most educated and the best performing are the most internationally marketable. Outflows from this group have a range of negative effects on institutions and those remaining behind in India (Khadria 1999; Sanyal 2001). Particular domestic groups in India, such as employers, may oppose skilled emigration for its effects in driving up wages that must be offered to make skilled positions in India internationally competitive (personal interview, 29 October 2010).

Given the varied effects of skilled emigration, we can assume from a rationalist perspective that the Indian state has preferences to minimise the costly effects of out-migration profiled in the brain drain literature, and to maximise the beneficial effects of skilled emigration and diaspora links, profiled in the brain gain or recirculation literature. Given these preferences, we can expect India to promote skilled emigration, seek to reduce barriers to intake and incorporation abroad, and institute diaspora policies to encourage and capitalise upon the contributions of expatriates to the home state.

With respect to India's identity-based concerns regarding the treatment of its overseas population, which may include those of Indian-origin who have taken up the citizenship of another country, Singer (1972:4) offers the following insight:

> 'As long as there are people in the world who think of other people living in another country as part of their particular group – as 'one of us' – what happens to those people will inevitably become a concern in international affairs…To the degree that they belong to a group with whom it is possible for people living in a variety of states to identify, their treatment will have international ramifications.'

The treatment of Indians abroad resonates with the domestic Indian population, as reflected in national media coverage, contestation from Indian families with relatives abroad, and internationally-informed constituents in India. The Indian

government therefore has domestic interests in protecting the conditions of existence of its overseas population.

Given the above account of India's interests in emigration, how does the framework developed earlier in this chapter help us to understand the capacity of India to advance its migration preferences in bilateral relations with Canada? The following sections apply two divergent frameworks for capturing India's power in migration relations with Canada and argue for why the new framework developed in this Chapter better accounts for India's influence.

Default framework applied to India-Canada case

The notion of power is important for understanding the rules that govern skilled migration from India to Canada. At first blush, the default model which focuses exclusively on the power asymmetry between Canada and India at the inter-state level (power relation 'A') seems to capture adequately migration power in this case study. The asymmetry in inter-state relations is clearly observable in the rules that dominate the governance of migration from India to Canada. Canada's immigration system, as with all immigration systems, reflects domestic priorities. On this model, despite significant Indian interests in migration outcomes, autonomous Canadian interests dominate the governance structures that regulate migration from India to Canada. The section below highlights these governance structures with a view to demonstrating that, intuitively, we might assume inter-state relations capture the whole of power relations in this receiving-sending state pairing. The subsequent section will show why this assumption is wrong.

To describe the rules that govern skilled migration from India to Canada, I follow Lahav's (2004) distinction and parse immigration governance into rules of

intake and incorporation. Recall, intake rules concern the nuts and bolts of entry – the numbers, basis of entry, strategies for regulation, and so on. Incorporation rules address questions about how immigrants are treated by the state once they arrive, including rights extended and methods of integration. These are not the policy categories used by Canada, which make a legislative distinction between permanent and temporary residents, but they provide a heuristic categorisation.

The key rules that govern skilled India-to-Canada migration are presented below in Table 2.1 according to the facet of mobility governed (intake versus incorporation) and the level of institutionalised decision-making (multi-, bi- or unilateral) at which the rules are created and enforced. I detail only primary institutions that enforce norms of behaviour, and do not include fora for information sharing and policy discussion, such as the Global Forum on Migration and Development in which both Canada and India participate. These sites of rule-making are discussed briefly to illustrate the lack of substantive overarching governance that characterises India-to-Canada population movement. In the absence of coherent international institutions, most of the rules that govern skilled migration from India to Canada fall under Canada's national immigration framework.

Table 2.1 Primary rule-making sites that govern skilled migration from India to Canada

		Facet of skilled mobility governed	
		Intake	**Incorporation**
Level of institutionali	**Multilateral**	WTO law – GATS Mode 4	[Neither India nor Canada are party to ICPMWF, nor to ILO Conventions Nos. 143, 97]

	Bilateral	Joint Study Group to consider possible Comprehensive Economic Partnership Agreement, 2009 Agreement for Scientific & Technological Collaboration, 2008	Double tax avoidance treaty between Canada and India, 1997 Bilateral Social Security Agreement in progress, 2010
	Unilateral	Canada's IRPA, 2001	Federal and provincial regulation, notably in the case of labour market integration

Starting in the upper left-hand square of the table, GATS Mode 4 of the WTO is the only binding multilateral provision that covers a specific type of international movement – the so-called 'temporary presence of natural persons', or 'service providers' such as consultants, athletes and musicians. Despite WTO reiterations that service provider mobility is not migration, the fact that service providers move across international borders and that their ability to provide services depends on this movement means that Mode 4 negotiations regarding the non-discrimination of foreign service providers are relevant to skilled migration governance. Although this site of rule-making could have significant implications for the capacity of receiving states, once having made voluntary commitments regarding the entry of service providers, to unilaterally change these rues, Mode 4 as it currently stands is extremely limited in scope.

In 2006, India submitted a Mode 4 Collective Request on behalf of 9 developing countries to 15 developed countries, including Canada, requesting specific measures to remove what it views are non-tariff barriers to services trade

(WTO 2006). These requests include a reduction of labour market needs tests, the removal of wage parity requirements, and common definitions and standards for different types of service providers. India's comparative advantage lies in the liberalisation of Mode 4, given its strong pool of skilled professionals with services to offer internationally. Yet, a Joint Secretary in the Indian Ministry of Commerce notes that India remains 'disappointed' by the limited concessions offered thus far by member states (personal interview, 20 November 2009) and notes that a major obstacle to the entry of its service providers lies in the failure of member states to distinguish between the temporary movement of service providers and permanent or short-term labour migration. The latter is subject to the unilateral immigration and labour market legislation of the receiving state. As a site of mobility-related rule making, member states' voluntary commitments under Mode 4 remain highly restricted and account for only 1% of total trade in services (Migration DRC 2005).

Turning to the upper right-hand square, the 1990 ICPMWF and two ILO conventions adopted in 1949 and 1975 pertaining to working conditions are more relevant for low skilled migration than the population movement of focus between India and Canada. Further, the two ILO instruments are argued to reflect the particular historical circumstances and largely Western European receiving country interests of the era in which they were adopted (Awad 2009). Conventions 97 and 143 are not ratified by any of the traditional 'immigration' countries Canada, the USA, Australia and New Zealand, highlights an ILO official (personal interview, 5 June 2009). Net sending states often refuse to ratify international agreements which limit their absolute authority to regulate migrants within their own borders. Neither Canada nor India has ratified any of the agreements in the multilateral incorporation

box. There is a lack of substantive overarching multilateral governance with respect to the rules that govern skilled migration or mobility from India to Canada.

Turning to bilateral rules of intake, there is no relevant instrument bearing on India to Canada migration. In November 2009, India and Canada signed an MoU to formulate a Joint Study Group to consider a possible Comprehensive Economic Partnership Agreement (DFAIT 2010b), which a DFAIT official states would include a chapter on temporary entry and labour mobility (personal interview, 25 September 2009). However, any mobility guidelines under an economic agreement must conform with Canada's national immigration legislation IRPA. The potential economic agreement would therefore not be an independent rule-making site. The same applies to the Science and Technology Co-operation Agreement concluded between Canada and India (2005). 'Visits and exchanges of scientists, technical experts and academics' are noted as a form of cooperative activity under this agreement 'subject to their applicable [national] legislation'. DFAIT is the government agency overseeing Canada's participation in the agreement, but DFAIT defers to CIC and existing immigration legislation on all migration-related dimensions of the agreement (personal interview, 24 September 2009).

With respect to bilateral incorporation sites of rule-making, India has recently initiated a slew of bilateral social security agreements with receiving countries which can, on a reciprocal basis, protect Indian professionals working abroad by exempting them from social security contributions under host country legislation (during short-term contracts) and allowing for the portability of pensions back home (at the end of long-term contracts). Indians who relocate or retire to India after working and contributing to social security abroad can therefore receive payouts of their pension

in India and not lose their social security contributions. This is believed to encourage return or circular migration and potentially represents less strain on India's public purse. Bilateral social security agreements also make companies more competitive on each other's territory, as employers have lower costs for overseas contracts if they need not make social security contributions on behalf of their employees overseas (MOIA 2011a). Canadian officials note that an SSA with India is in progress (personal interview, 24 September 2009), while Indian officials at MOIA note that such an agreement with Canada is concluded (personal interview, 13 November 2009). The second bilateral incorporation agreement between India and Canada concerns a double taxation avoidance treaty signed in 1997 which ensures, among other provisions, that taxpayers are not charged income tax in both India and Canada.

India-Canada co-operation in the bilateral realm of incorporation governance appears most forthcoming. The bilateral social security agreement, which does not challenge the receiving state's prerogative to decide who to let into the country, suggests that the sending state has some capacity at the bilateral level to further its interests where these align with those of the receiving state. The agreement represents a Pareto improvement in which sending country and emigrant interests are advanced, but not at obvious cost to the receiving state.

Apart from the highly limited voluntary commitments to which Canada chooses to bind itself under GATS Mode 4, and apart from honouring the tax avoidance agreement and the concluded/in progress social security agreement with India, Canada has largely unilateral authority to regulate the intake and incorporation of skilled migrants as it sees fit. Thus, the inter-state relation appears to be characterised by a strong power asymmetry in Canada's favour. Most of the

substantive rules that regulate the immigration of skilled Indians fall under Canada's national immigration framework. The inter-state power relation between India, the rule-taking emigration state, and Canada, the rule-making immigration state, is captured by 'A' in Figure 2.2 – the default framework for understanding power in the context of sending-receiving state relations.

New framework applied to India-Canada case

Despite its intuitive appeal, the inter-state relation does not sufficiently capture migration power in the India-Canada case. One can observe migration-related policy and political outcomes in Canada that one would not expect under pure state-state migration relations and that cannot be fully explained by the default model of inter-state migration power relations.

The subsequent chapters will consider a range of migration policy or political outcomes undertaken by the Canadian state. These would not have come about through purely inter-state relations wherein migration policy change is the product of autonomous decision-making of the insulated Canadian receiving state. Subsequent empirical chapters will show that these policy changes, which are in the interests of the Indian state, are made significantly more likely by the political activities of the diaspora in the receiving state, and by diaspora-sending state interaction.

These outcomes are listed below according to either intake or incorporation outcomes, although they are presented in Chapters 3-5 according to the mode of diaspora political behaviour used to bring them about (either tribunal, electoral or lobbying channels). The policy and political outcomes are actions taken by the Canadian state that are in the interests of the Indian state and that are unlikely to have come about under purely bilateral migration relations between Canada and India. By

capitalising upon its transnational relationship with the Indo-Canadian diaspora to alter rules that carry costly upshots, India is able to mitigate its inter-state power asymmetry with the receiving state Canada.

Table 2.2 Canadian policy and political outcomes attributable to Indo-Canadian diaspora influence and diaspora-Indian sending state interaction

Intake outcomes	Incorporation outcomes
Overturned visa refusals from Indian applicants	Ontario's Fair Access to Regulated Professions Act (FARPA), 2006
New Canadian visa office location in India	Canada's official apology to Indo-Canadians for historical immigration injustices

In order to show that the diaspora serves as a power resource for India in its inter-state migration relations with Canada, a counterfactual is needed to understand what Canadian immigration policy would have looked like without the diaspora. For each of the outcomes listed above, the empirical chapters will test the overarching hypothesis that the change was made significantly more likely because of the diaspora and because of diaspora-sending state relations, against the null hypothesis that the change was the result of autonomous, self-interested calculations of the receiving state independent of the transnational element. To argue that relation 'B' has effects on migration power relations that are not adequately captured by 'A', this thesis will engage in counterfactual reasoning described in the introduction to show that inter-state relations and the rules governing migration from India to Canada would be significantly different – and be worse for India – in the absence of diaspora activities and diaspora-sending state interaction.

2.4 Conclusion

This chapter provides a framework that integrates the concept of power, specifically transnational power resources, into our understanding of bilateral migration relations. The chapter presents a relational view of power which entails the capacity of one actor to get another to do what it would not otherwise do, and highlights the diverse targets and forms of expression of power. Power can operate not only directly, but diffusely, and through ideational resources which alter the constitution of actors' identities and so preferences. With notable exceptions, studies of migration from an IR perspective or within the transnationalism literature do not sufficiently capture what power means in the context of migration.

This chapter challenges the purely inter-state sending versus receiving state dichotomy as the basis for power in migration relations. It offers an alternate conceptual framework for bringing transnationalism into our understanding of power relations between sending and receiving states. This framework moves beyond a systems-level analysis to explore the impact of transnational relations involving non-state actors on inter-state power asymmetries in the context of migration.

The framework positions the diaspora as an independent yet intermediary agent whose political influence in the receiving state, in conjunction with its interaction with the sending state in ways that inform its identities and interests abroad, serves to mitigate the sending state's unfavourable power position vis-à-vis the receiving state. In this way, transnational diaspora politics allow a state actor that is weaker on the inter-state playing field to bolster its capacity to secure advantageous policy and political outcomes in the context of migration.

The power framework was operationalised with respect to the India-Canada case. The role of the Indo-Canadian diaspora in bringing about four tangible and significant migration policy or political changes which will be shown to advance the interests of sending state cannot be explained on a purely inter-state model of migration relations. These outcomes will be explored in the following chapters according to the mode of political behaviour through which the diaspora influences the constellation of domestic interests to achieve its ends. The empirical chapters will engage in counterfactual reasoning to support the central argument that inter-state relational power in the context of migration can be mitigated by transnational actors. It will also argue that migration policy change cannot be explained only by insulated receiving state calculations, but is responsive to the impact of non-state actors and their transnational connections to emigration states. The counterfactual approach adopted in subsequent chapters sits well with the characterisation of power presented at the outset of this chapter. Power is about effects that would not have happened otherwise. The subsequent chapters operationalise this concept with respect to transnational influence on receiving state migration policy, and show the sending state to be partly its own 'rule-maker' in advancing migration-related interests.

Part 1 The influence of the Indo-Canadian diaspora on Canadian migration policy

Part I Introduction

The three chapters that comprise Part I explore migration-related policy and political outcomes in Canada. These outcomes are in the interests of both the Indo-Canadian diaspora and the Indian state, and are highly unlikely to have come about in the absence of the Indo-Canadian diaspora's political activities in Canada. This thesis' definition of political and policy outcomes is broad. It includes not only the set of rules that govern the intake and incorporation of migrants, but also the procedural power under a given set of rules.

The diaspora, like any other citizen or group or citizens in a democratic state, has several avenues through which it can influence political and policy outcomes. For analytical purposes, I distinguish three channels of political behaviour through which migration outcomes are influenced. These channels are chosen because they entail distinct modes of diaspora engagement within the political process in Canada and profile the diaspora acting in a range of capacities, from an individual appellant before a tribunal to the mobilisation of interest groups before policymakers. Outcomes attributable to influence under each channel are measurable. Further, participation within the three channels can subsume other modes of political participation, such as engagement with the media, holding political office, and joining advocacy organisations. The three channels are:

- individual-tribunal channel ('tribunal channel')
- voter-legislature channel ('electoral channel')
- interest group-policymaking channel ('lobbying channel')

The diaspora's power under these channels does not derive from challenging the political order itself and altering the fundamental democratic channels by which intake and incorporation are regulated,[21] but from using existing channels, including through institutional reform, in ways that benefit the group.

Analysis of the above three channels guides empirical investigation of the India-Canada case in Part I. Chapters 3-5 explore discrete channels of power in a compartmentalised way. The influence of minority populations is subtle and this thesis seeks to disentangle the precise pathways by which the diaspora contributes to different policy outcomes. The three channels of political behaviour are the sub-cases of this thesis. The channels possess the analytical characteristics of discrete cases because they explore different policy outcomes (dependent variables) while holding the independent variable (diaspora influence) constant. Chapters 3-5 explore distinct avenues of diaspora influence over Canadian migration policy within a common theoretical and methodological framework.

The discrete outcomes under each case represent relatively small areas of policy change. Nonetheless, these outcomes are important because they highlight diverse routes through which the diaspora influences the balance of domestic receiving state interests regarding migration policies that affect the sending state. The domestic political channels used by the diaspora are inaccessible to the sending state. The empirical chapters of this thesis demonstrate that Canadian policy changes

[21] Revolutions, coups and terrorism are not modes of political behaviour relevant to this thesis' argument.

which further the interests of the diaspora and the Indian sending state are strongly attributable to diaspora influence and would not have come about on a purely inter-state model of migration relations. Even if the outcomes analysed do not constitute radical policy change, the central argument that the rules that govern migration from India to Canada would be less favourable to the sending state in the absence of Indo-Canadian diaspora influence is supported. The analytically significant contribution of Part I of this thesis is to show that in the absence of diaspora influence, the power asymmetry between the sending state and the receiving state in relation to various facets of migration governance would not be ameliorated in the ways we observe when the transnational dimension of migration relations is incorporated.

Each of the sub-cases of Part I seeks to reject the following over-arching null hypothesis and offer compelling evidence to support the alternate hypothesis:

- Ho: Migration-related policy and political outcomes would look the same (i.e., favourable to the diaspora and the sending state) in the absence of the Indian diaspora.
- Ha: Migration-related policy and political outcomes would look different (i.e., unfavourable to diaspora and sending state) in the absence of the Indian diaspora.

The implicit assumption that select Canadian migration policies are favourable to the Indo-Canadian diaspora and Indian sending state will be substantiated over the course of Part I. To link diverse Canadian policy outcomes in each of the three cases to diaspora influence, Chapters 3-5 engage in process-tracing and counterfactual reasoning, as described in the Methodology section of the Introduction. What criteria form the basis for rejection of the null hypothesis and offer compelling evidence to support the alternate hypothesis? That is, how do we know diaspora influence when we see it in each of these three channels and how, according to our understanding of power as the ability of actor A (diaspora) to get

actor B (Canadian state) to do something it would not otherwise do (alter migration policy), can we understand these policy outcomes not to have occurred in the absence of diaspora influence? The evidentiary burden for evaluating the counterfactual varies across the cases. Under the tribunal channel, the criterion for assessing diaspora power is relatively straightforward. Because use of this channel requires the existence of appellants, as per the procedural rules set out by the Canadian immigration tribunal, we can argue that in the absence of diaspora appellants, policy outcomes in the interests of the Indian state achieved by the diaspora through this channel could not logically obtain. The criterion for identifying diaspora influence is therefore defined by the institutional rules of the channel. Under the other two channels, however, the type of evidence that counts for assessing the null and alternate counterfactual hypotheses is less straightforward. Under the lobby channel, this thesis relies on the existence of organised interests opposed to the policy direction favoured by the diaspora to suggest that alternate policy preferences would have prevailed in the absence of diaspora intervention. The presence of influential opposition is the basis for arguing that diaspora influence mattered for the final policy decision. In the case of influence under the electoral channel, the existence of electoral groups with competing policy preferences that politicians target, and assumptions about the differential voting power of groups, allow us to draw conclusions about how the absence of an electorally influential diaspora group affects the policy stances adopted by parties and MPs.

The three cases explored in Chapters 3-5 follow the same template. A descriptive analysis of how the channel works and an assessment of how it serves as a potential source of influence over Canadian policy outcomes are presented, followed by an inductive discussion of the Indo-Canadian diaspora's use of the

channel to advance specific migration policy outcomes. The chapter then accounts for how these outcomes advance the interests of not only the diaspora, but also the Indian sending state. The chapter reflects on why the policy or political outcome is unlikely to obtain in the absence of diaspora activities under the channel. It concludes with a discussion of the general applicability of inductive analysis from the single-case study to a broader range of cases. There are reasons to believe that characteristics which make the Indo-Canadian diaspora politically influential in the channel are not inherent to the particular group, but are characteristics that could have wider applicability to other diaspora groups in other contexts. Variation amongst attributes such as diaspora composition and organisational capacity, identified as relevant traits through inductive reasoning, suggests potential variation regarding diaspora impact on receiving state migration policy. The reasoning that certain traits or resources confer a group with disproportionate influence over policy rests on the view that not all citizens are equally powerful before democratic institutions. The chapters also reflect on features of receiving state political systems that may make some more open than others to diaspora influence under the channel. Although each chapter touches on reasons to believe that identified attributes of the Indo-Canadian diaspora and Canadian receiving state can generate claims to be tested deductively across multiple diaspora-receiving state pairings in future research, the primary concern of Part I is to demonstrate inductively how Indo-Canadian diaspora influence works in the Canadian host state and to offer evidence that migration policy in Canada would look substantively different, and less favourable to the sending state, in the absence of the diaspora.

3 Tribunal channel

3.1 Introduction

Chapter 3 is concerned with the impact of the Indo-Canadian diaspora on Canadian immigration outcomes under the IRB, Canada's administrative tribunal for immigration appeals. The chapter analyses the procedural right of citizens and permanent residents to appeal refusal decisions of the Canadian state regarding family sponsorship visa applications. Discussion then turns to features of the Indo-Canadian diaspora that allow it to use this channel effectively. The chapter identifies two outcomes attributable to diaspora influence within the tribunal that are in the interests of the Indian state. Evidence is marshaled to reject the null hypothesis that these two policy outcomes would have occurred in the absence of the diaspora. The Chapter concludes by reflecting on the prospects for deriving generalisable hypotheses for a broader range of cases based on inductive reasoning from the India-Canada case.

3.2 How the channel works

The IRB is Canada's largest administrative tribunal. It aims to resolve immigration cases 'efficiently, fairly and in accordance with the law' (IRB 2011a). The Immigration Appeal Division (IAD) of the IRB hears appeals from Canadians whose applications to sponsor foreign family members for permanent residence in Canada have been rejected by Canadian visa officers. Such family sponsor appeals,

which often involve spousal sponsorship cases, are widely used by the Indo-Canadian diaspora and are consequently the focus of this chapter.

The procedural right to appeal a Canadian visa officer's refusal is granted not only to Canadian citizens, but to permanent residents (i.e., foreign nationals) who have not been successful in sponsoring an eligible family member. By providing for Canadian representation for the failed visa applicant, the appeals channel allows for diaspora members to overturn a decision of the receiving state to refuse admission to a (family class) foreign national. The mere existence of this channel challenges the view that an insulated receiving state visa officer has absolute authority to deny visa issuance. The capacity of the diaspora to overturn visa refusals on behalf of family members on grounds that i. the decision was wrong in law or fact, that ii. there was a breach of a principle of natural justice or that iii. humanitarian and compassionate circumstances should prevail (IRB 2006b) means that any diaspora member holding Canadian citizenship or permanent residency has recourse to challenge the sovereign decision-making of the Canadian receiving state to reject family category immigrants.

The decisions of adjudicators within the IAD can represent either the straightforward application of unambiguous Canadian immigration legislation to a particular appeal, or can necessitate the interpretation of IRPA in an area where immigration law is ambiguous and in need of clarification. In the latter instance, rule-making power is vested in the IAD, as in all courts of law (Gibson et al 1998; Tate and Vallinder 1995). The fact that the law cannot be fully defined and exhaustive in its application to every immigration case, and the fact that the appeal challenges the visa officer's initial application of general immigration rules to the particular case,

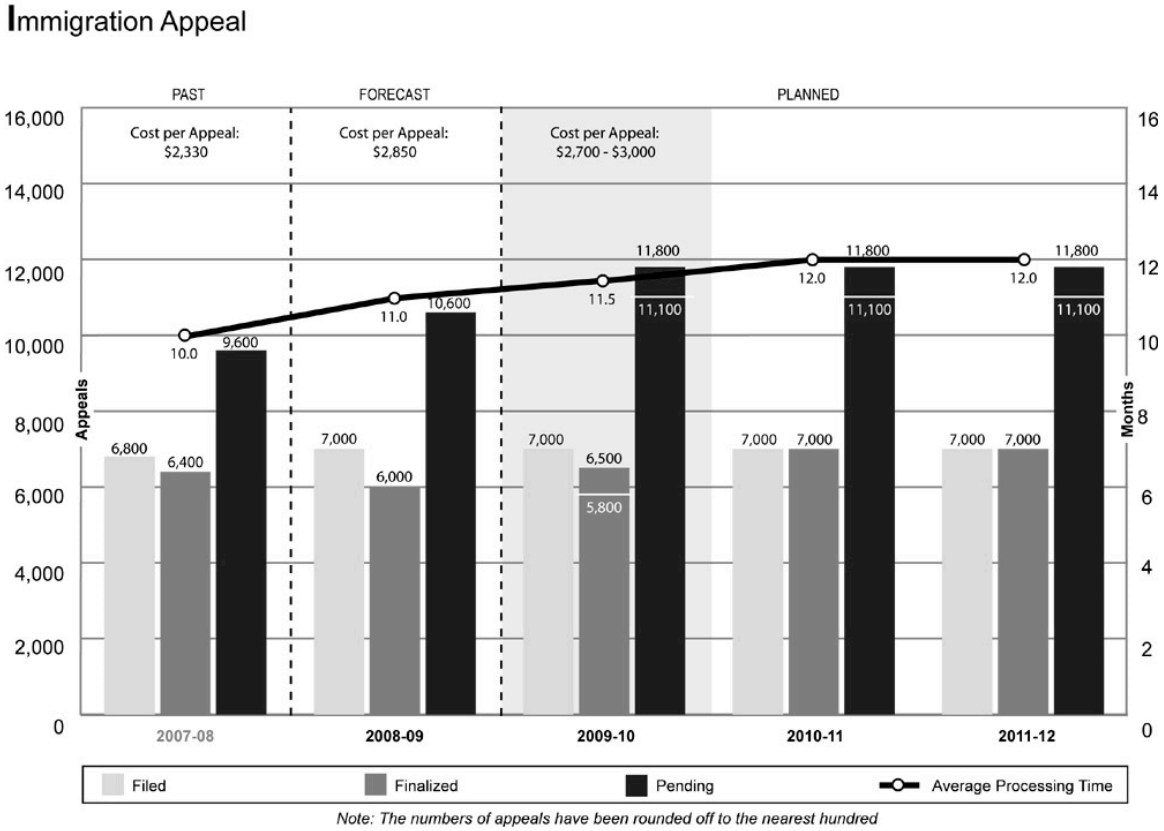
means that the tribunal is given powers of interpretation to resolve the case. The tribunal cannot exercise this rule-making power on its own, but requires appellants in the form of diaspora members to bring forward appeals on behalf of refused foreign national family members. As will be discussed under the 'outcomes' section, the tribunal is a source of power for diaspora appellants and their foreign family members. The diaspora is able to access and better define its rights before IRPA through the tribunal because its appeals within the IRB ensure that the application of immigration rules to sponsorship cases considers features that are specific to the source country, and makes transparent the reasoning for a given case. Moreover, the appeals process can result in the overturning of the initial refusal of the receiving state and can thereby facilitate the goal of family reunification. The nature of appeals brought before the IAD affects the scope of interpretation available to the tribunal. If a particular diaspora group appeals disproportionately, the tribunal's interpretation of immigration law is grounded disproportionately in evidence and reasoning specific to the associated source country, as will be discussed shortly.

The backlog of family sponsor appeals before the IAD and the introduction of an early resolution process[22] to help cope with the case load indicates that the tribunal is not an obscure mechanism, but a popular and significant site of decision-making. Institutionally independent of CIC and the Canada Border Services Agency, the IRB is a domestic channel through which the diaspora can influence outcomes regarding the admission of some categories of immigrants.

[22] The IAD's Alternative Dispute Resolution 'offers an informal, less confrontational and more consensual approach to dealing with sponsorship appeals' (IRB 2003). It allows for the sponsor to meet with a Canada Border Services Agency representative outside of the formal IRB tribunal to convince him/her of the need for an appeal. If this agency is not persuaded, the case is then referred to a hearing before the IAD (Kingwell 2008).

From 2008-9, the IAD received 7,400 new appeals, finalized 6,300 appeals and saw its outstanding case inventory increase from 9,500 to 10,666 (IRB 2009). The number of appeals pending is projected to increase.

Figure 3.1 Actual and projected immigration appeals before the Immigration Appeal Division, Immigration and Refugee Board of Canada, 2007-2012



Source: IRB 2009

Not all appeals before the IAD pertain to family sponsor cases.[23] Nonetheless, family sponsorship represents a significant proportion of appeals and the IRB is expected to continue to receive high numbers of family sponsorship appeals given 'the growing trend of family sponsorships' (IRB 2009). The IRB notes that its family appeals work is consistent with the government's commitment to family reunification and upholds the social component of IRPA.

[23] In addition to hearing family sponsor appeals, the IAD hears appeals from permanent visa holders and protected persons who have been ordered removed from Canada, as well as from permanent residents outside Canada who are alleged to have not fulfilled their residency requirement in Canada.

The capacity to access the appeal procedure within the IAD is dependent upon the existence of a diaspora member in Canada, as only a Canadian citizen or permanent resident can file an appeal on behalf of the foreign national family applicant. Thus, the sheer existence of such a member represents a necessary condition for the baseline level of influence through this channel. We can expect a range of diaspora groups to make use of the institution in ways that seek to further their family reunification goals. The subsequent section will discuss how features beyond the mere existence of a diaspora population allow the Indo-Canadian community to access the tribunal and successfully appeal unfavourable decisions.

3.3 Diaspora capacity to make use of the channel

The Indo-Canadian diaspora exercises considerable procedural power in its capacity to use Canada's democratic appeal institution to secure favourable immigration outcomes for eligible Indian relatives. The diaspora possesses several features beyond the mere existence of a group of citizens and/or permanent residents that endow it with considerable capacity to access and successfully use the Canadian tribunal to influence decisions that would keep eligible relatives out of the country. If the appeal is allowed by the IAD, the application is referred back to CIC, which is not a full guarantee that the visa will be issued, but a guarantee that refusal cannot be made on the same grounds as before.

Two access to information requests submitted to the Canadian government have allowed me to obtain data on Indo-Canadians' absolute and relative access to IRB and the group's family sponsorship appeals. This evidence will be presented later to bolster the argument that the Indian diaspora's strong capacity to influence migration policy outcomes through the individual-tribunal channel is not only a

function of the group's i. large size and ii. high proportion of family class applicants, but is also related the Indo-Canadian diaspora's iii. high likelihood to appeal refused family visas and iv. its tendency to appeal successfully.

These four features of the Indo-Canadian diaspora are addressed briefly below to highlight the diaspora's capacity to use the tribunal channel to define group rights and overcome unfavourable visa decisions regarding the intake of family sponsors.

i. Large, recent diaspora

As noted, the significant presence of first-generation citizens or permanent residents in Canada from India translates into an absolute advantage for the group to contest rejected family sponsor applications. Although a rejected family immigrant from any country has access to Canadian appellant representation through the Canadian resident who sponsored the application, the large Indian diaspora has greater access as a group to the Canadian appeal mechanism than a smaller diaspora. The Indian diaspora is among the largest diasporas in Canada (Census of Canada 2006).

With respect to sheer numbers, Census Canada 2006 reports 1, 316, 770 respondents reporting 'South Asian' ethnic origin, with 962,670 of these reporting 'East Indian' origin. For the sake of rough representation, and with reference to other studies of the Indian diaspora in Canada (Bhargava et al 2008), this thesis uses the estimate of 1-million for the Indian-origin population in Canada. This is significant in relation to the overall Canadian population of approximately 31-million and provides a large potential population of Canadian-based appellants for Indian family sponsorship appeals before IAD. Moreover, Indo-Canadians are among the top three

'recent diasporas'[24] in Canada (along with diasporas from China and the Philippines), which I identify as consisting of members who are or have been landed immigrants at some point in their lives. Such first-generation Canadians are hypothesised to retain greater links to their home country and are more likely to sponsor family members from abroad. The first-generation diaspora from India consists of approximately 500,000 people and represents a significant pool of appellants to contest unfavourable family sponsorship decisions of Canadian visa officers.

ii. High proportion of family stream applicants

Not only is India the top source country with respect to the number of family immigrants entering Canada, the percentage of family immigrants within total immigration flows from India is high, representing close to half of intake in this category (CIC 2008; Asia Pacific Foundation of Canada 2009). If we assume a correlation between levels of accepted and refused family applications, then we can infer from the high proportion of Indians admitted through the family intake stream that Indians are highly represented in appeals. In order to reject the Indian diaspora's significant power of appeal, one would have to either argue that the diaspora does not regularly appeal rejected family sponsorship applications, or that it is less successful when it does so. I argue that not only is this unlikely, but that the Indian diaspora appeals more often and is more successful in the appeals process than other diaspora groups.

[24] With reference to older diasporas in Canada, the 2006 census notes that 11 ethnic origins had passed the 1-million mark. The largest groups who reported an ancestry other than Canadian, include the English (6.6 million), French (4.9 million), Scottish (4.7 million), Irish (4.4 million), German (3.2 million) and Italian (1.4 million) (Census of Canada 2006).

iii. Stronger inclination to appeal

One can expect the Indian diaspora to have a considerable group inclination to contest the initial government decision that is unfavourable to their family reunification goals. Personal interviews with Canadian MPs and CIC bureaucrats support the view that the Indian diaspora is more politically engaged, vociferous and aware of channels of recourse to challenge policy decisions than other visible minority groups (personal interviews, including 29 & 30 September 2009). One can reasonably expect these traits to be associated with a strong propensity to access the universal tribunal procedures to appeal rejected family sponsorship cases.

Familiarity with or training in the use of democratic institutions from the source country noted by interviewed leaders of Indo-Canadian diaspora organisations (personal interviews, 26 August & 14 September 2009) are suggested to contribute to the Indian diaspora's high inclination to access the democratic appeals institution to challenge the unfavourable government decision. Given the central role played by family sponsorship in the formation of Canadian Punjabi communities (Johnston 1989), one can imagine strong levels of community awareness regarding the family sponsorship and appeals process, and a high propensity to make use of the appeals tribunal in case of rejected family sponsorship applications. The access to information request submitted to the IRB, discussed shortly, provides data to support these statements.

iv. High success rate in appeals

Lastly, in addition to its sheer size, significant proportion of family stream applicants and strong propensity to appeal, there are reasons to expect the Indian diaspora to exhibit a high success rate in appeals.

The noted interpretive nature of the appeals process means that two relevantly similar cases may not always receive equal treatment before the tribunal. The appellant's ability to argue, in the case of spousal sponsorship, that a marriage is, on a balance of probabilities, genuine, depends on his or her ability to synthesise information, distinguish the relevant from the irrelevant and communicate in persuasive ways to support the appeal. Such a defence process confers greater advantage to appellants from diaspora groups that are better educated, proficient in English or French (despite the tribunal's provision of a translator), and able to access documentary evidence to support the appeal.

The Indian diaspora is highly educated. The Indian-born population in Canada is significantly more likely to have a university degree than the Canadian average – 26% versus 15% (Statistics Canada 2007). A strong bureaucratic tradition of documentation in India allows for greater access to marriage licenses, financial information, and other records that contribute, on balance, to a greater likelihood of successful sponsorship appeals.

Personal interviews with former visa officers in Delhi underscore the high success rate of family appeals involving Indian applicants, notably in spousal cases. One former officer now in CIC headquarters in Ottawa describes his experiences with appeals on Indian cases:

> 'You know that when you reject an application, this person has a sponsor in Canada…The sponsor has access to the notes of the case and the refusal letter and twelve months of further evidence to appeal to the IRB. Nine times out of ten, the refusal is overturned' (personal interview, 25 September 2009).

3.4 Outcomes attributable to diaspora influence

Two concrete migration outcomes in Canada favourable to both the diaspora and sending state are attributable to the activities of the Indian diaspora under the individual-tribunal channel.

It should be emphasised that these outcomes do not relate to the creation of the appeals mechanism. The impetus behind the creation of the IRB has been discussed in relation to the due process and natural justice concerns of the Canada state (Hawkins 1991; y Griego 1994), although transnational pressures nonetheless had an impact on the present-day shape of this receiving state institution.[25] The question at hand is how outcomes within the tribunal are significantly different owing to the diaspora's capacity to access the existing procedural rules regarding appeal of visa officers' decisions. Two major outcomes under the IRB that would not obtain on a purely inter-state model of migration relations between Canada and India are:

- A higher influx of family sponsored applicants from India.
- The prominence of Indian cases amongst persuasive IAD decisions in ways that provide the Indo-Canadian diaspora with (a) greater opportunity to define its group rights in relation to sponsorship claims, and (b) greater consistency and predictive power regarding evidence deemed important in appeals, which improves group capacity to successfully contest subsequent cases.

[25] The landmark Singh decision in the Supreme Court of Canada (Singh v. Minister of Employment and Immigration 1985) is a key example of foreign nationals successfully contesting their treatment before Canada's refugee determination system, housed within the IRB. This ruling registered a significant impact on the present-day shape of the IRB. In 1985, seven refugee claimants, six of whom were from India and named Singh, took the former Ministry of Employment and Immigration to court and argued that the refugee determination process, which did not offer the claimant an oral hearing, violated s.7 of the Canadian Charter of Rights and Freedoms (the right to life, liberty and security of the person) - and s.2(e) of the Canadian Bill of Rights (the right to a fair hearing in accordance with the principles of fundamental justice). *The ruling in the Singhs' favour illustrates the influence of a small group of foreign nationals substantively altering the intake apparatus of the receiving state.*

The first outcome represents the procedural, rule-application power exercised by the diaspora over migration appeal outcomes within the Canadian system. This power is not grounded in changes to the universal tribunal rules so as to advantage the diaspora, but is related to diaspora traits that confer greater appeals access and success upon the Indo-Canadian community. The application of procedural rules is not, in practice, universal but has group specific outcomes that benefit the Indo-Canadian diaspora. This effect has been largely discussed above. In the absence of traits that make the diaspora more likely than average to appeal refused family applications successfully, fewer family sponsored applicants from India would enter Canada. Only those family members whose first application was successful would be admitted into the country. Further, this would reduce the stock of subsequent sponsors in Canada who, once having acquired permanent residency or Canadian citizenship, may seek to bring their family members into Canada.

The second outcome, by contrast, speaks to the rule-making power exercised by the diaspora in light of adjudicators referring to Indo-Canadian appeals to establish guidance for decision-making in subsequent family appeals. Rather than make use of universal rules under the individual-tribunal channel, the diaspora's appeals activities contribute to the clarification of general immigration principles to particular Indian cases. The prominence of Indian cases setting 'precedent' within the IAD benefits the Indian diaspora by clarifying the application of Canadian immigration rules to an India-specific context. As discussed below, adjudication that examines the rules of not only the Indian state's Hindu Marriage Act (1955), but local customary law in India at both the state level and as it applies to particular castes allows the diaspora to define precisely how the rules that govern marriage in India map onto determinations made by Canadian officials in the sponsorship

context. Although all diaspora groups stand to benefit from clarification regarding how generic rules apply to particular cases, the weight of India-specific evidence in persuasive cases involving an Indian applicant most benefits the Indian diaspora in clarifying their group rights before immigration legislation. Literature on courts establishes that groups and individuals use these institutions to define and gain access to their rights (Epp 1998; Keleman 2003).

A second type of power conferred upon the diaspora from precedent-setting cases involving Indian applicants is the greater consistency in the adjudication of relevantly similar cases. This consistency is a source of power because it allows appellants to better prepare for and succeed in subsequent appeals if they know what considerations have been deemed relevant in previous similar cases. Lack of precedent allows for greater discretion regarding the application of general rules to the specific case. Greater consistency and predictability regarding the adjudication of Indian cases means greater capacity for the Indian diaspora to successfully contest future appeals.

The contribution of Indian cases to precedent within the IAD is observable in a legal resource of the IRB which summarises the family sponsorship provisions of Canada's immigration legislation IRPA. Although the document does not constitute a formal legal opinion, it is a resource for appellants and claimants which discusses the legislative purpose of IRPA and how IRPA has been interpreted by the tribunal in the sponsorship context. Chapter 5 of the reference (IRB 2008) pertains to spouses, common-law and conjugal partners. Of 62 references in Chapter 5 to specific cases from known countries which contribute to the clarification of legal principles in the

context of sponsorship appeals before IPRA, 31 are from Indian applicants. These cases are broken down by country of applicant in Table 3.1 below.

Table 3.1 Appeals cases by country of applicant cited in IRB legal resource, Chapter 5

Country	Total	Percent of known cases
India	31	50%
China	4	6%
Iran	3	5%
Pakistan	3	5%
Vietnam	3	5%
Guyana	2	3%
Hong Kong	2	3%
Philippines	2	3%
Sri Lanka	2	3%
Bangladesh	1	2%
Belgium	1	2%
Chile	1	2%
England	1	2%
Kuwait	1	2%
Lebanon	1	2%
Morocco	1	2%
Saudi Arabia	1	2%
Ukraine	1	2%
USA	1	2%
Known Total	62	
Unknown	28	
Grand Total	90	

Note: The country of origin of unknown cases cannot be inferred from the IRB's search engine of decisions.

More than appeals from any other country, Indian cases are overwhelmingly cited in the legal resource to clarify the application of Canadian immigration law, particularly regarding marriage validity, to particular spousal sponsorship cases. Consider the following Canadian immigration principles that are clarified through three Indian spousal appeals.

Canadian immigration legislation holds that formal and essential requirements of marriage must be demonstrated in a spousal application to bring a foreign national into Canada. Formal requirements entail compliance with local marriage laws in the source country. Essential requirements refer to 'the state of

being married' and include 'such things as prohibited degrees of relationships as prescribed by law, fraud, duress, and capacity' (IRB 2008:6)

The Grewal appeal[26] illustrates the tribunal's interpretation of formal validity in an Indian-specific context. Grewal's application to sponsor his wife for permanent residency in Canada was refused on grounds that their marriage contravened provisions of the Indian government's Hindu Marriage Act (1955), the relevant local law for assessing formal validity. The appellant had not reached 21 years of age, as required by the Act. However, because the Marriage Act does not contain any sanction for non-compliance with the age requirement, the marriage was, in fact, valid under local law and the appeal was allowed. This case is used in the Chapter 5 legal resource to illustrate the principle that not only does local marriage law apply for deciding whether the marriage complies with formally validity, but 'if it does not, then the then the effect of this defect must also be decided in accordance with that same law' (IRB 2008: 6).

With respect to essential validity, a range of appeals from Indian applicants are cited to clarify prohibited degrees of relationship, including whether under the Hindu Marriage Act a woman is permitted to marry her (former) husband's brother and thereby be eligible for sponsorship as a spouse to Canada. The evidence considered which allowed the appeal in Saini[27] but dismissed the appeal in Badhan[28] highlights attention paid to local Indian customs in determining whether a marriage meets essential validity. In Saini, the appeal was allowed because a custom existed amongst the Jat Sikhs in the Punjab to permit a divorced woman to marry the brother of her former husband. In Badhan, however, despite evidence of customary law in

[26] Grewal, Ravinder v. M.C.I. (IAD MA3-00637), Beauchemin, May 4, 2004.
[27] Saini, Jaswinder Kaur v. M.C.I. (IAD T98-07659), D'Ignazio, August 26, 1999.
[28] Badhan, Lyle Kishori v. M.C.I. (IAD V95-00432), Boscariol, September 3, 1997.

the Punjab allowing a man to marry his brother's widow, there was no evidence that such a custom existed within the Charmar caste to which the appellant belonged. The marriage was deemed invalid on essential grounds and the appeal was dismissed. These appeals are amongst several involving Indian applicants cited in the IRB's legal resource to clarify the application of Canadian legislation to family sponsorship appeals.

The significance of Indian cases before the IAD highlights not only the procedural rule-application influence of the diaspora in overturning rejected visa applications, but the diaspora's capacity for rule-making precedent. While all cases before the IAD have the potential to provide precedent regarding how relevantly similar case will be adjudicated in the future, Indian cases are disproportionately represented amongst such precedent-setting cases.

This over-representation is a source of rule-making, or rule-clarifying, power which is of greatest benefit to the Indian diaspora compared to other groups. Despite the universality of hearings procedures, IAD hearings, in practice, disproportionately consider evidence and clarify sponsorship principles in the context of the laws and customs of India, the source country from which the largest proportion of the applicants hail. While valuable to all appellants for developing clarity in a particular realm of sponsorship law, such clarification is most relevant for elucidating the rights and evidence relevant for Indian applicants and their sponsors.

The Indian diaspora's power in the context of the IAD is thus not merely procedural. It extends beyond the diaspora's disproportionate capacity to access procedures for overturning specific cases to include its disproportionate rule-making powers to clarify the application of rules to India-specific cases. This results in

precedent and decision-making consistency that allows the diaspora to more successfully contest subsequent cases.

3.5 Interests of the diaspora and sending state in outcomes

Let us first consider the interests of the Indian state regarding a higher influx of family sponsors from India and the greater definition of rights and consistency for the Indian diaspora and prospective immigrants through the prominence of Indian applicants in rule-clarifying cases before the IAD.

Immigrants accompanied by their families in the receiving country are more economically productive[29], and economically productive individuals are more likely to make substantive contributions to India while overseas, including via remittances to remaining family members and through entrepreneurial and technological collaboration. As an Indo-Canadian MP argues, a permanent migrant accompanied by family members from India is more economically productive than a temporary migrant from India because of social support systems (personal interview, 29 September 2009). He notes that it may take an immigrant 4 years or longer to qualify (including retraining and re-certifying) as a doctor in Canada; over this period, family and community support makes these individuals less socially and economically vulnerable. An Indian Consul posted in Toronto highlights the difficulty faced by Indian siblings who wish to immigrate to Canada to join their family. The Consul spells out productivity gains that would accrue to Canada by offering inducements, rather than barriers, to such immigration, and appeals to the integration and social ends that family reunification stands to further (personal

[29] Lone-parents and unattached individuals have the least favourable income situations for their age groups. While this is the case among both immigrants and non-immigrants, the effect is exacerbated for immigrants (Dempsey 2006:2).

interview, 17 September 2009), which may ultimately have positive economic upshots for the sending state. This runs against the often implicit view that sending states fear family reunification because it will dry up remittance flows (Ketelers 2008). For economic and social integration reasons, the Indian state has interests in the higher influx of family reunification migration to Canada achieved through the diaspora's IRB appeals. The questions of whether 'nostalgic' expatriate populations increase demand for consumer goods from the home country and thereby benefit the sending country export industry is still open to debate (Newland 2010).

The Indian state also has an interest in removing the 'limbo state' of applicants waiting for news on whether visa applications to join family in Canada have been successful. This is because Indians in such a limbo state delay making large purchases on cars, furniture and televisions, as corroborated by personal interviews with eight Indian nationals who reflected on their experiences during the several months – in one case, years – spent waiting to hear whether their Canadian applications were successful (personal interviews, 19 October 2009). On a large scale, such delays are deleterious to the Indian economy. The alternate dispute resolution introduced in the IAD to expedite case processing means, in theory, a faster removal of applicants' 'limbo state', an outcome in the interest of the Indian state. If the appeal is rejected, planned expenditures that were put off may be made, benefiting the Indian economy. If an appeal is allowed and the Canadian visa is issued, the applicant no longer contributes to the Indian economy directly, but has the opportunity to make significant contributions from overseas. The Indian state has reasons to favour both types of resolutions to overcome the 'limbo' that accompanies Indian nationals awaiting news on their emigration status.

Lastly, even if a spouse or dependent child is ultimately successful in her application to join family members in Canada, large extended family is typically retained in India. Because successful family sponsorship need not represent the severing of familial attachment to the home country – which might contribute to reduced involvement in India amongst the diaspora – the Indian state does not have such grounds to oppose sponsorship. For the above reasons, a higher influx of family stream immigrants into Canada, as secured through the diaspora's use of the IRB appeals mechanism, is in the interests of the Indian state.

Consider the diaspora's opportunity to better define its group rights and clarify the application of Indian marriage law to Canadian sponsorship. The Canadian appeals mechanism defers to the legal and customary context of India to assess the validity of marriage, and does not impose Canadian norms. The Indian state has an interest in its marriage laws being recognised when its citizens are assessed for eligibility to immigrate to Canada as a spouse. The clearer the specification of Indian law and custom regarding formal marriage validity, the better the marriage rights of Indians are understood and upheld within the Canadian immigration context.

Further, the greater consistency regarding the adjudication of visa cases means that Indian citizens are not at the whim of individual Canadian visa officers. Indian applicants and Canadian appellants have recourse to appeals decisions grounded in transparent reasoning used in similar cases. The very existence of the appeal mechanism is in the interests of the sending state, which is relatively powerless as a foreign actor to contest a Canadian visa officer's decision to refuse to admit an Indian national.

With respect to the Indo-Canadian diaspora's interests of the diaspora in the above outcomes, previous discussion largely addressed why clarification of the application of IRPA to Indian marriage law in the context of spousal applications, and greater consistency gained through IRB appeals, is desirable for the diaspora and contributes to its capacity to successfully pursue future appeals. As to why the ultimate aim of increasing family sponsorship is in the interests of the diaspora, a distinction should be drawn between individual and collective interests. For individual diaspora members, the overturning of refused sponsorship applications contributes to the personal goal of family reunification which motivated the initial application. As to the interests of the diaspora group in greater levels of family reunification, a rational choice approach would suggest that those who have attained immigration status will oppose the entry of more immigrants who represent job and wage competition. On this view, we might expect the Indian diaspora in Canada to have a group preference against further immigration. However, the primary motive for the Canadian state granting admission within the family stream is social. Even though sponsored relatives of working age will likely end up in the labour market, in interview the diaspora attaches high social priority to family and demonstrates favourable attitudes to co-nationals seeking to enter Canada. Diaspora interviewees speak of 'our spouses' (personal interview, 21 February 2010). This suggests that the Indian diaspora can be expected to value improvements to the quality of life of others in their community brought about by family reunification and to possess a group preference for family reunification broader than ensuring their own family members are able to enter the country.

3.6 Counterfactual reflection

Visa control – notably the ability to deny visa issuance - is a central attribute of a sovereign receiving state and 'a huge part of the bilateral relationship', according to a DFAIT official, between Canada and India (personal interview, 24 September 2009). Canada's largest visa office is in Delhi, employing over 170 staff. On the inter-state model, India has no capacity to contest the decisions of an individual Canadian visa officer and to defend its citizens against potentially arbitrary or wrong in fact cases that prohibit individuals from migrating to their country of choice and reuniting with family members.

Yet, the above discussion demonstrated that the visa officer does not, in fact, have the last say. This is because the receiving state is not insulated from pressure on refused foreign national visa cases. The Indo-Canadian diaspora exercises significant capacity to appeal the receiving state decision on behalf of foreign nationals, and to bring about outcomes that are in the interests of diaspora family members, the Indian applicant and the Indian state. The diaspora's capacity to advance immigration policy outcomes that benefit the source country challenges the inter-state has unfettered power to refuse entry and is insulated from pressure to account for its migration decisions.

In the absence of the diaspora, the IRB appeals mechanism would still exist. Intake decisions regarding rejected applicants from India would remain uncontested, as the Indian state would have no recourse, as a foreign actor, to access the tribunal. Less the diaspora, the outcomes of a higher influx of family sponsored applicants and the greater definition of group rights and case consistency would not obtain, as the requisite domestic actors to achieve these outcomes would not be present. We can

therefore reject the null hypothesis that in the absence of the diaspora, the migration outcomes would look the same. On a purely inter-state model, the sending state has little leverage via bilateral relations to influence Canada's visa rejections for Indians with family members in Canada. We can support the alternate hypothesis that policy outcomes under the tribunal channel would be different in ways that disadvantage the sending state.

Diaspora influence through the tribunal channel is a significant resource for the sending state to indirectly advance its migration preferences in bilateral migration relations with Canada. The diaspora's ability to manoeuvre within the domestic landscape means it can gain access to appeals procedures and contribute to rule-clarification for subsequent Indian applicants. The size of the Indian diaspora, in combination with the high proportion of family stream immigrants, the group's strong inclination to appeal and its high likelihood of success, suggest that the Indo-Canadian diaspora is a powerful group within Canada's tribunal process. Despite universal rules of access, not all groups in Canada benefit equally before the IRB. Indo-Canadians disproportionately take up their procedural rights and overturn unfavourable visa decisions. In the absence of the Indo-Canadian diaspora, domestic Canadian mechanisms to contest the application of intake rules to Indian visa applications would go unused. The visa officer's decision to reject an application would be final and the sending state, its citizens and families in Canada would incur significant costs.

3.7 Generalisability

This section will consider how the four attributes identified to contribute to the Indo-Canadian diaspora's capacity to use the appeals mechanism have potential

applicability to other cases beyond the Indian diaspora-Canada host state pairing. The relationship between these diaspora attributes and policy influence within the immigration appeals channel can be tested deductively in further research across a range of diasporas in Canada, as well as across diasporas in host states other than Canada that possess a similar appeals mechanism, such as Australia.

First, the immigration appeals mechanism can be accessed more by diaspora groups that have a significant existing presence of citizens or permanent residents in Canada. For instance, the Japanese diaspora in Canada, by sheer fact that they are a more populous group with a larger number of family sponsorship cases and therefore likely rejections, are able to make use of the appeals mechanism more often than the Mauritian diaspora, which is small, has fewer family sponsorship applications and rejections, and therefore fewer opportunities to appeal. One would expect the number of family appeals submitted to the IAD by a diaspora group, and thus its capacity to access the tribunal to contest refused intake decisions, to grow as the diaspora population grows.

As Table 3.2 below indicates, the top three 'recent' diasporas in Canada are the Chinese, Indian and Filipino, in descending order. Recall, recent diasporas are understood here to consist of first-generation Canadians.

Table 3.2 Immigrant population by place of birth, Census of Canada 2006

Place of Birth	Immigrant Population
China	466,940
India	443,690
Philippines	303,195
Total	6,186,950

Source: Census Canada 2006

These top three groups occupy a significantly larger share of the overall permanent resident population in Canada than other source country. We could therefore expect the Chinese, Indians and Filipino diasporas to have greater group access to the tribunal, owing to their sheer numbers, compared to smaller diasporas.

Second, a diaspora that has a high proportion of family stream migrants within its overall intake is in a stronger position to make use of the appeals procedure. This is because the IAD does not hear appeals on refused applications of economic migrants. A diaspora that is larger in size and/or has a disproportionately high number of family sponsor applications and rejections will have greater opportunity to contest intake rules owing to greater group capacity to provide Canadian representation to failed foreign national family applicants. These group specific outcomes obtain even though the appeals channel is a universal mechanism open to all diaspora appellants and foreign national applicants.

In absolute terms, Table 3.3 shows that India tops the charts for family category immigrants from Asian source countries. Recall that Canada's top three source countries are Asian source countries.

Table 3.3 Family category immigrants to Canada from main Asian source countries, 2004-2008

	2004	2005	2006	2007	2008
India	8,878	12,544	14,498	11,717	11,575
China	9,054	9,151	10,001	9,772	7,532
Philippines	3,988	3,476	4,390	4,023	3,856
Pakistan	4,078	3,435	3,945	2,954	3,479
Vietnam	1,674	1,575	2,705	2,118	1,332
Sri Lanka	1,516	1,424	1,628	1,426	1,354
South Korea	708	807	782	774	878
Bangladesh	699	621	995	790	557
Japan	612	629	656	749	752
Hong Kong	563	185	527	513	445
Taiwan	347	334	373	386	421

Source: Asia Pacific Foundation of Canada 2009

Not only does India have the largest absolute number of family immigrants among top source countries, Table 3.4 below illustrates that as a percentage of total immigration from the source country, India's proportion of family class immigrants is far higher than that of the other top source countries China and the Philippines. In 2008, whereas family immigration from China was only a third the size of economic immigration from China, and only a fifth the size in the case of Filipino immigrants, the family and economic streams of immigration from India were close to equal in size.

Table 3.4 Top Source Countries of Canadian immigration by Percentage of Immigrant Category

	2005	2006	2007	2008
China				
Family	21.6	30.2	36.2	25.7
Economic	72.1	63.2	56.1	69
Refugee	5.6	5.4	5.8	3.5
Other	0.6	1.2	1.9	1.7
India				
Family	37.8	47.1	45	47.2
Economic	58.5	48.6	50.5	49.3
Refugee	2.8	3.3	3.3	1.7
Other	0.8	1	1.2	1.8
Philippines				
Family	19.8	24.8	21.1	16.3
Economic	78.7	72.7	76.9	81.4
Refugee	0.2	0.3	0.2	0.2
Other	1.3	2.2	1.8	2.1

Source: Asia Pacific Foundation of Canada 2009.

Despite China sending a larger absolute number of immigrants to Canada than India, we would expect the Indian diaspora to be better positioned to access the appeals mechanism owing to its higher family class composition. This expectation is born out by data received from an Access to Information Request (2010) submitted regarding IRB data. Of the 38,851 family sponsor appeals filed between 2001-2009, those from Indian applicants represent 22%, while those from Chinese represent only 12%. The considerably stronger representation of Indian appellants over Chinese

ones can be explained partly by its composition across migrant categories. While China is the largest absolute source of immigrants to Canada, the stronger family class migration represented by the Indian diaspora translates into a greater group capacity to access the appeals mechanism.

Third, apart from a diaspora's sheer numbers and high proportion of family migrants, if two diasporas experience an equal number of refused family sponsorship applications, but one group is more likely to contest the visa officer's refusal, this group has a greater capacity to use the IRB to advance its family reunification interests. Literature on barriers to accessing courts highlights that capacity to recognise one's rights and to understand available means of redress (Cappelletti and Garth 1978; Sarat 1984), and not merely time and financial resources, make some individuals more inclined to access their rights. The political participation of newcomers in the receiving country has been linked to levels of prior democratic socialisation of immigrants in their source country (Cho 1999). There are reasons to believe such correlations extend to the diaspora's use of the tribunal system in Canada.

A diaspora's or rate of appeal can be represented by the number of family sponsor appeals registered divided by the size of family immigration in a given year. The resulting figure, expressed as a percentage bolded in Table 3.5, shows that the Indian diaspora has a proportionally greater propensity to appeal than the Chinese diaspora. This supports the hypothesis that diasporas from source countries with a tradition of political participation and democratic institutions will be more inclined to use the government appeals mechanism. Thus, based on data obtained from an Access to Information Request (2010), Indians make more family appeals than the

Chinese not simply because of their larger size of family class migration, but owing to their greater inclination to appeal. (Without access to information to the contrary, I assume that rates of rejected family applications for Indians and Chinese are constant). The bolded percentage figure in Table 3.5 can be interpreted as follows: for every 100 family immigrants from the source country who arrived in Canada in that year, *X* number of appeals were filed on behalf of applicants from the country.

Table 3.5 Family appeals versus family immigration to Canada for Indian and Chinese applicants

	2004	2005	2006	2007	2008
India					
Family appeals	821	980	1257	1176	850
Family immigrants	8878	12544	14498	11717	11575
Appeals/immigrants	**9%**	**8%**	**9%**	**10%**	**7%**
China					
Family appeals	290	196	202	367	832
Family immigrants	9054	9151	10001	9772	7532
Appeals/immigrants	**3%**	**2%**	**2%**	**4%**	**11%**

Source: Appeals data obtained from Access to Information Request (2010) and immigration data from Asia Pacific Foundation of Canada 2009.

Last, the process by which an appeal is won does not represent an inevitable application of the law, but contains contingent and discretionary elements which favour diaspora appellants with particular attributes. A family stream application can be refused on a number of grounds including, in the case of a spousal sponsor, the allegation by a visa officer that the marriage to a foreign national is either not legal or is one of convenience to gain Canadian immigration status. Appeals on such cases require the sponsor to provide evidence that the marriage is legal or genuine in nature. The following evidence may be considered by an IAD adjudicator when hearing appeals of an alleged disingenuous marriage:

> 'How you met your spouse and how your relationship developed; the circumstances of your engagement and marriage, including the knowledge and involvement of your families; what you did after you got married, including the contact you have had with your spouse;

> what you know about each other; what you plan for your future together; and any other information that may help the Member decide your appeal' (IRB 2006a).

The nature of this evidence suggests that not all appellants have equal capacity to argue the facts of the rejected case. The ability convince the adjudicator and defend the application against reasons for refusal provided by the Canada Border Services Agency or CIC depends on factors such as education level, language proficiency and potential cultural traits related to defending oneself before a government tribunal, all of which vary according to sponsors' source country. Interviewed Indo-Canadians point to a strong tradition of political activism from their source country prior to arrival in Canada (personal interviews, 14 & 16 September, 30 October 2009). Further, Indian immigrants are strongly proficient in English – one of the two official languages in which IRB hearings are conducted – with 85% possessing good knowledge of English (Census of Canada 2006). This represents an advantage for the Indian diaspora to argue convincingly and achieve a successful appeal.

The expectation, based on the above hypotheses, that the Indian diaspora is more successful than average in the appeals process is consistent with data on allowed versus dismissed family appeals before the IRB, as obtained via the access to information requests. As Table 3.6 below indicates, since 2001 the Indian diaspora has grown to become more successful than the average family appellant in securing 'allowed' appeals. Moreover, the diaspora's success rate has generally improved over time from 2001-2009, as one would expect based on this chapter's earlier discussion of the Indian diaspora's rule-clarifying power within the tribunal, which allows the group to more successfully contest future appeals. Lastly, total appeals by all source country applicants tend to be more successful than not – a trend which has

increased steadily since 2001. This suggests that the tribunal is a meaningful channel for the diaspora to contest and potentially overturn the visa refusals of receiving state officials.

Table 3.6 Success rate of family appeals before the IRB – applicants from all countries versus India

	ALL			INDIA		
Year	Allowed	Dismissed	Success Rate	Allowed	Dismissed	Success Rate
2001	1667	1219	**58%**	455	363	**56%**
2002	1366	1227	**53%**	305	342	**47%**
2003	1959	1208	**62%**	444	240	**65%**
2004	1766	1295	**58%**	454	190	**70%**
2005	1784	1057	**63%**	614	184	**77%**
2006	2211	1253	**64%**	850	232	**79%**
2007	2234	1333	**63%**	718	252	**74%**
2008	1965	1119	**64%**	479	209	**70%**
2009	1993	1132	**64%**	393	173	**69%**

Source: Access to Information Request (2010).

There are reasons to believe that attributes which are hypothesised to endow the Indo-Canadian diaspora with considerable influence before the tribunal channel are fruitful for exploring the bases of influence of other diasporas under appeals mechanisms. The Indo-Canadian diaspora's capacity to advance migration interests through the IRB is premised on attributes that are not inherent to the group, but that may be shared by other diasporas. Based on this Chapter's inductive analysis, we can hypothesise that a diaspora that is large, consists of a large proportion of family stream migrants, that is more inclined to contest immigration application refusals and is more likely to succeed when it does so will exercise greater group influence under the appeals process. These hypotheses introduce variation on the dependent variable of policy impact. Although not the focus of inductive research in this thesis' India-Canada case, such hypotheses form the basis of a future deductive research agenda based on multiple diaspora-receiving state cases.

3.8 Conclusion

Chapter 3 explored the influence of the Indo-Canadian diaspora under the Canadian immigration appeal channel. The outcomes of a greater influx of Indian family applicants and the opportunity to define the application of generic immigration legislation to an Indian-specific context are not only in the interests of the diaspora, but of the Indian sending state. The counterfactual analysis argued that in the absence of the diaspora's rule-application and rule-clarifying power before the Canadian tribunal, the outcomes not have obtained. Data gleaned from access to information requests submitted to the Canadian government support inductive claims retarding attributes that enhance the diaspora's capacity to bring about noted policy changes. The Chapter's suggestion that attributes of the Indo-Canadian diaspora are relevant for generalising diaspora influence was not with a view to engaging in an explicit comparison across cases, but to highlighting the potential applicability of inductive analysis from the India-Canada case for a broader range of cases. In addition to diaspora traits noted above that make some diasporas better positioned than others to access Canada's tribunal, variation in receiving state features make some host states more open than others to diaspora influence through this mechanism. Beyond the sheer existence of an immigration appeals tribunal, variation across receiving states according to the type of appeals heard at a tribunal (e.g., deportation focus over family sponsorship focus) and the nature of the appeals process (e.g., in-person hearings versus paper reviews) has implications for the degree of immigration states' openness to diaspora influence before tribunals. Chapter 8's discussion of the scope conditions of the single-case study will address these bases of variation.

As to what evidence counts for attribution of policy outcomes to diaspora influence under this channel, the criterion is relatively straightforward. Given the procedural rules of the IRB which do not allow foreign actors to appeal family sponsorship cases without a domestic (Canadian) appellant, the implications of the absence of the Indo-Canadian diaspora are clear: the Indian applicant would not have recourse to Canadian representation that is necessary to contest the visa refusal, and the associated rule-application and rule-clarifying outcomes associated with diaspora activity within this channel would not obtain. Evidence for assessing the counterfactual under this channel is clear-cut because, unlike the other channels, the tribunal rules stipulate a necessary condition for use of the channel. We can persuasively argue that in the absence of this necessary condition (i.e., the diaspora family member in Canada) the associated policy outcomes in the interest of the Indian state would not obtain.

4 Electoral channel

4.1 Introduction

Chapter 4 addresses the electoral influence of the Indo-Canadian diaspora on migration-related policy and political outcomes. It identifies three features of the diaspora that account for the group's influence under the voter-legislature channel – residential concentration, strong political mobilisation, and swing voter attributes – before analysing four Canadian migration-related outcomes that are made significantly more likely by the diaspora's electoral influence. The Chapter demonstrates how these outcomes advance the interests of both the diaspora and the sending state. The counterfactual question of whether each of these outcomes would have obtained in the absence of diaspora influence is entertained. The Chapter concludes with a reflection of how the three attributes identified to enhance the Indo-Canadian diaspora's capacity to further its migration interests through the voter-legislature channel hold analytical purchase beyond the immediate diaspora-host state pairing.

4.2 How the channel works

Politicians and parties have electoral incentives to respond to the interests of voters. Because MPs are in theory responsive to the preferences of voters when considering policy change, all voters possess a baseline capacity to influence MPs decisions as legislators, regardless of constituency and voting characteristics. This

baseline electoral influence exists, in theory, for all diaspora members in Canada who are citizens and so have voting rights. However, not all voters count equally. This chapter argues that the Indo-Canadian diaspora possesses particular voter and constituency features that endow it with stronger than average capacity to further its migration-related policy and political interests through the voter-legislature channel. Because the nuts and bolts of citizenship and immigration policy in Canada are addressed primarily at the federal level, the Chapter focuses on voters in federal constituencies in Canada and the responsiveness of federal parties and MPs elected to the House of Commons.

Many different kinds of data are drawn together in this Chapter to make the case that the Indo-Canadian diaspora wields considerable electoral influence in Canada. These include policy statements which suggest parties and politicians court the Indo-Canadian vote and, in so doing, are sensitive to the impact of Canadian migration rules on the community's party preferences. The Chapter also considers information gleaned from personal interviews with Indo-Canadian diaspora members (voters) and with four of Canada's nine Indo-Canadian MPs regarding the diaspora's political clout and instances where this influences the political behaviour of elected representatives, such as the proposal of Private Members' Bills and statements made in House debates. Further, the discussion below makes use of Census data at various points, including to describe a relationship between Indo-Canadian residential concentration and hotly-contested constituencies. It should be noted that the aim is not to systematically analyse data on voting patterns of the electorate or voting patterns of representative MPs. This Chapter favours an eclectic, illustrative approach to the data which does not seek to establish causal relations, but rather to describe features associated with the diaspora and the receiving state's electoral

system which suggest that the vote and migration preferences of Indo-Canadians are courted more than those of other communities.

4.3 Diaspora capacity to make use of the channel

Canada's federal immigration intake legislation consists of universal rules that cannot be tailored to source countries so as favour particular diaspora groups in Canada. Yet, universal rules have distributive consequences for particular source countries and associated diasporas, and politicians are sensitive to these effects. The Conservatives 'have made it no secret they want to stop giving away the 'ethnic vote' to the Liberals', notes a CIC official (personal interview, 1 October 2009). A central way for parties to appeal to influential Indo-Canadian voters' policy preferences is to propose or highlight universal immigration rules that have positive distributional effects for Indo-Canadians and their co-ethnic group in India, primarily family members who aspire to immigrate to Canada. There is strong evidence of the incumbent Conservative party capitalising upon immigration policy achievements and proposing new migration-related policies that benefit the Indo-Canadian diaspora in order to court the Indo-Canadian vote. This was particularly visible when the Conservatives were at risk of a potential (although never materialised) vote of no-confidence initiated by the Liberals in 2009 in response to Bill C-50 and its implications for immigration intake, amongst other non-migration policy areas (The Hill Times Online 2009).

Prime Minister Harper and Immigration Minister Kenney sought several opportunities (Croome 2009) to attend prominent Indo-Canadian gatherings, including the India-Canada Foundation gala (CIF 2008a), to pitch Bill C-50 and emphasise the goal of prioritising highly skilled workers' entry into Canada under

the policy's new prioritised professions model – a disproportionate number of which are filled by Indian professionals, according to a senior CIC official (personal interview, 21 September 2010).

Statements made by Kenny on a Ministerial trip to India in 2009 suggest sensitivity to and courting of Indo-Canadian communities by appealing to their immigration-related concerns. Kenney emphasised the 'degree of Canada's commitment to India' and re-affirmed that 'Canada needs immigration' (CIC 13 January 2009) before profiling concrete policy achievements specifically in the interests of aspiring migrants from India regarding the number of visas issued to Indians, labour market integration and family reunification. Consider excerpts of Immigration Minister Kenney's speech delivered in India:

> 'What is happening right here in India demonstrates that our actions are working. For 2008, our New Delhi office issued more than 19, 000 visas, well in excess of what was anticipated for this year…we are both reducing our application backlog and helping people in India to immigrate to Canada.'
>
> 'When visiting Indo-Canadian groups in Canada, I often hear from newcomers of the need to understand what qualifications they need before they come to the country.…This is why our Government has invested in the Canadian Immigration Integration Project here in India…to help internationally trained immigrants learn about the requirements of the labour market in Canada.'
>
> 'Family reunification remains an important objective...Here in India, for example, 80 percent of applications for spouses wishing to join their partners in Canada are finalized in six months or less' (CIC 13 January 2009).

This Ministerial trip and subsequent one in 2010 were reported in Canadian, Indian and Indian diaspora media (Canadian Newcomer; Indo Asian News Service 2009; Ismaili Mail 2009; Thai Indian News 2009; The Economic Times 2010). It was closely watched by Indo-Canadian diaspora organisations that had expressed

concerns about Bill C-50 and effects of the new immigration policy on group interests.

The statements made by Minister Kenney on his trip to India are not intended to appeal to the Indian state or foreign nationals interested in immigrating, but are part of Kenney's broader efforts to consolidate votes among ethnic communities in Canada which hold strong policy interests in how Canada's immigration system treats co-nationals, particularly family members. The influence of Indo-Canadian voters was also tangible in the Canadian Prime Minister's last minute change of itinerary during his official visit to India in 2009. Although his original official visit included a trip to Hyderabad, a high-tech base in the south of India and region with which Canada has attempted to cultivate trade relations, pressure from Indo-Canadian MPs in the Prime Minister's delegation who highlighted the impact on ethnic communities back home was thought to be behind the decision to cancel the Hyderabad trip and instead visit Amritsar in the north (Kaur 2009; Maniquet 2009) - the Sikh holy city in the Punjab with which a large proportion of the Indo-Canadian diaspora identifies links. A former Indian High Commissioner to Canada reflected on the Canadian Prime Minister's changed Indian itinerary: 'Punjabis hold many important constituencies…this is a case of domestic Canadian politics mapping onto the bilateral visit:' (personal interview, 19 November 2009)

Despite the universality of Canada's immigration rules, politicians are aware of India-specific effects and will be shown to be keen to offer and highlight pro-India migration policy and rhetoric within a broader programme of targeting the Indian diaspora for electoral gain. What accounts for the Indo-Canadian diaspora's electoral

influence? The discussion below considers three features of the group which enhance its influence before elected representatives.

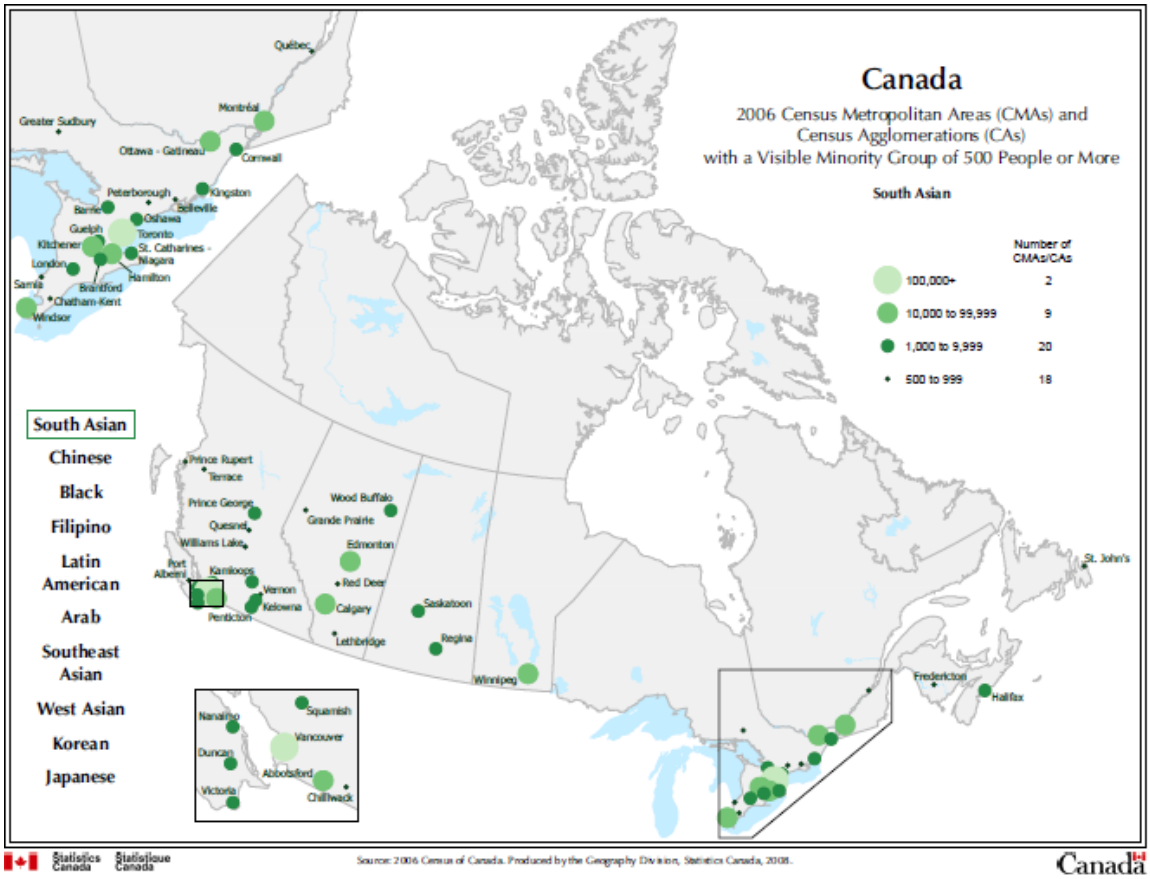
i. Residential concentration

Indo-Canadians represent one of the largest Indian diaspora in the world in relation to the resident country's population.[30] The tendency of the diaspora, particularly those of Sikh origin, to cluster densely in suburban areas outside of Toronto, Ontario – notably Brampton and Mississauga – and in British Columbia (Matheson 2006; Bagga 2006) enhances the group's political influence. Clustering is particularly prevalent amongst family reunification migrants who tend to immigrate into the same constituency as the sponsoring family member, owing to network and social support effects and employment opportunities.

Figure 4.1 below from Statistics Canada differentiates cities and census agglomerations with South Asian populations over 500. Seventy percent of those of South Asian origin, the majority of whom are immigrants, are based in and around Toronto and Vancouver, the two areas magnified in Figure 4.1 (Tran et al 2005).

[30] Although the US is home to a much larger Indian diaspora in absolute numbers – those identifying Indian ethnic origin in the US number 2,765,815 (US Census Bureau 2007), compared to approximately 1-million in Canada – Canada's smaller overall population results in a higher concentration of Indo-Canadians relative to the domestic population.

Figure 4.1 South Asian concentration in Canada, 2006



Source: Atlas of Canada 2006 (using 2006 Census of Canada data).

A political consequence of the strong Indo-Canadian residential concentration depicted in Fig. 4.1 is the high representation of Indo-Canadian MPs in the House of Commons. Of the 9 Indo-Canadian MPs out of a total of 308 in the Commons, most have attained office strongly on the basis of Indo-Canadian voting support. Indo-Canadians of Punjabi Sikh origin are one of the only visible minorities[31] over-represented in Parliament compared to their proportion in the overall population of Canada. This is significant given that equal representation of visible minorities is notoriously difficult to attain in first past the post electoral systems (Bird 2004; Black

[31] Canada's Employment Equity Act (1995) defines visible minorities as 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.' This definition, which includes individuals of Indian and South Asian origin, is used by Canada's national statistics agency and is the one used throughout this thesis.

and Hicks 2006). Punjabi is the fourth most widely spoken language in the Canadian House of Commons (Rana 2004).

A simple measure of the representation of visible minorities in elected federal office involves dividing the proportion of visible minority MPs in the House of Commons by the proportion of visible minorities in the Canadian population at large (Andrew et al. 2008). A result of 1 indicates mirror representation of the group in elected office. A value greater than 1 indicates over-representation and any value less than 1 indicates under-representation. The numerical representation of Indo-Canadians in elected office is 0.9241, indicating near mirror correspondence between the proportion of Indo-Canadian MPs in Parliament and those who identify as of Indian-origin in the general population. This is an exception to visible minority under-representation in elected office in Canada at the municipal, provincial and federal levels (Biles and Tolley 2004).

The electoral weight of Indo-Canadian vote banks is strongly emphasised in interviews with Canadian politicians and bureaucrats, as well as diaspora groups. Indo-Canadian interviewees agree that Indo-Canadian MPs are successful in tapping into a vote bank that values shared ethnic background or language, including 'segments of the diaspora that are hot on regional or linguistic bases, such as the Sikhs' (personal interview, 14 September 2009). As one interviewee captured this source of support:

'Voting on ethnic lines is an early phase of the political participation of minority communities – I vote for people who look like me, sound like me, etc, because I think they will understand my needs. South Asians are informed, but they

still like to see themselves represented in Parliament' (personal interview, 10 September 2009).

Table 4.1, which highlights the correlation between Indo-Canadian MPs and concentrated South Asian ethnic representation in their constituencies, confirms that with two notable exceptions[32], Indo-Canadian MPs represent strongly South Asian constituencies. For purposes of interpreting Table 4.1 below, note that on average, South Asian representation within the Canadian population as a whole is about 4% (Census of Canada 2006). It should also be noted that most individuals identifying South Asian origin in Canada are immigrants,[33] and that the majority of South Asian immigrants are Indian immigrants.[34]

Table 4.1 Indo-Canadian MPs in the current (40th) Parliament and South Asian representation in constituency

MP	Constituency	Party	% South Asian
Sukh Dhaliwal	Newton-North Delta, BC	L	43%
Gurbax Singh Malhi	Bramalea-Gore-Malton, ON	L	39%
Ruby Dhalla	Brampton-Springdale, ON	L	32%
Navdeep Singh Bains	Mississauga-Brampton South, ON	L	28%
Nina Grewal	Fleetwood-Port Kells, BC	C	25%
Devinder Shory	Calgary Northeast, AB	C	23%
Ujjal Dosanjh	Vancouver South, BC	L	15%
Deepak Obhrai	Calgary East, AB	C	3%
Tim Uppal	Edmonton-Sherwood Park, AB	C	2%

The pertinent issue when assessing the influence of Indo-Canadians on migration and integration rules is not mere statistical representation in positions of elected office, but whether Indo-Canadian MPs make a difference to Canada's migration politics and bring tangible benefits to the group. Electoral logic would

[32] Two exceptions to Indo-Canadian MPs who derive strong electoral support from Indo-Canadian voters are Ujjal Dosanj and Deepak Obhrai.
[33] The 2006 census (Census of Canada 2006) reports the self-identifying South Asian population to consist of 370,540 non-immigrants and 867,450 immigrants.
[34] The 2006 census (Census of Canada 2006) reports population by place of birth. Of the 719,275 born in Southern Asian, those born in India represent 443,690.

suggest that MPs representing constituencies with dense Indian diaspora populations must be responsive to their migration-related preferences. This holds not only for 7 of the above 9 Indo-Canadian MPs representing concentrated Indian diaspora populations, but for non-Indo-Canadian MPs who represent constituencies with a high proportion of Indo-Canadians. One way in which statistical representation maps onto substantive representation is through immigration-related Private Members' Bills introduced by MPs representing large Indo-Canadian constituencies. These Bills, which politically publicise problems experienced by Indo-Canadian immigrants and prospective immigrants, will be discussed later in this chapter under the section 'Outcomes'.

ii. High political mobilisation.

In addition to the electoral influence of sheer numbers and residential concentration, Indo-Canadians exhibit high political mobilisation. This is evidenced by the group's success within the nomination process for candidacy within political parties – a success which also reflects the eagerness of the main federal parties to field Indo-Canadian candidates in constituencies with a high concentration of Indo-Canadians. Table 4.2 below highlights the candidates fielded for the 2008 election by the Liberal Party, Conservative Party, and New Democratic Party in the 9 constituencies in which Indo-Canadian MPs are currently incumbent. Constituencies with a higher percentage of South Asians roughly correlate with a greater representation of South Asian-origin candidates competing for the riding. Bird (2007) notes that the outreach committees and recruitment drives of Canadian federal parties to sign up new members in advance of nomination competitions target ethnic communities because they are 'easier to mobilise and turn out large numbers of supporters on nomination day' (2007:3).

Table 4.2 Confirmed Candidates (2008 election) of three main political parties in the 9 constituencies in which Indo-Canadian MPs are currently incumbent.

Federal Constituency	South Asian ethnicity	South Asian origin candidates	Candidates
Newton-North Delta, BC	43%	2 of 3	DHALIWAL, Sukh (L)* PANDHER, Sandeep (C) TOWNSLEY, Teresa (NDP)
Bramalea-Gore-Malton, ON	39%	2 of 3	AMBLER, Stella (C) MALHI, Gurbax S. (L)* PUNIYA, Jash (NDP)
Brampton-Sringdale, ON	32%	3 of 3	DHALLA, Ruby (L)* GILL, Parm (C) SINGH, Mani (NDP)
Mississauga-Brampton S., ON	28%	3 of 3	ATAULLAHJAN, Salma (C) BAINS, Navdeep (L)* PANDHER, Karan (NDP)
Fleetwood-Port Kells, BC	25%	1 of 3	FERNANDO, Nao (NDP) GREWAL, Nina (C)* LOCKE, Brenda (L)
Calgary Northeast, AB	23%	3 of 3	DEY, Vinay (NDP) KANG, Sanam S. (L) SHORY, Devinder (C)*
Vancouver South, BC	15%	1 of 3	CHAMBERS, Ann (NDP) DOSANJH, Ujjal (L)* YOUNG, Wai (C)
Calgary East, AB	3%	1 of 3	KENNEDY, Bernie (L) OBHRAI, Deepak (C)* VAUGHAN, Ian (NDP)
Edmonton-Sherwood Park, AB	2%	1 of 3	LABELLE, Brian (NDP) SZOSTAK, Rick (L) UPPAL, Tim (C)*

Source: Elections Canada 2008. Table lists candidates fielded by 3 main parties: Liberal Party (L), Conservative Party (C), and New Democratic Party (NDP). * indicates incumbent.

Cultural explanations have been offered as to why Indo-Canadians are more politically mobilised than other visible minorities, including more likely to run for candidacy and more likely to contact MPs to pursue remedy for individual immigration cases. Indo-Canadian MP interviewees point to a tradition of political activism and democratic participation in the source country, including appeals made to MPs in India to gain access to government services (personal interviews, 29 September 2009). According to another Indo-Canadian MP, running for political office is perceived within the Indo-Canadian community as a legitimate route to status, and is actively encouraged: 'once you show you're involved in the Punjabi

community, leaders in the community are eager to say you should think of running for office' (personal interview, 30 September 2009). There is additional speculation that Punjabi Sikhs may be particularly active in Canadian federal politics to counter negative historical associations linking extreme factions within their communities to terrorist activities in the wake of the Khalistan movement and Air Indian bombing (Matheson 2006).

Moreover, an Indian Consul in Toronto notes that Indo-Canadian voter turnout is encouraged by Gurudwaras [Sikh Temples], among other religious and community institutions, which serve as strong community mobilisers. He states that 'there are subtle enticements to go vote en masse, as a block, within these [Sikh] communities...look at all of Brampton' (personal interview, 17 September 2009).

Lastly, language proficiency, high educational attainment and relatively high income levels of Indo-Canadians compared to other newcomers endow the diaspora with strong organisational capacity to articulate policy preferences. Political awareness and the ability to quickly rally support or opposition behind a given candidate or MP means that politicians and parties have strong incentives to heed the interests of the Indian diaspora when considering policy or political issues related to immigration, including the adoption of universal laws that would disproportionately disadvantage prospective immigrants from India and their families in Canada. This influence in the electoral system is exceptional amongst immigrant groups, where typically lower levels of political awareness, civic participation and enthusiasm about involvement in political life (Gimpel et al 2007) tend not to incentivise politicians to target their interests.

iii. Swing voter attributes

A final attribute that endows the Indo-Canadian diaspora with considerable influence under the voter-legislature channel is the tendency for Indo-Canadians to be positioned within federal constituencies as 'swing voters', or those whose support is most likely to be won or lost. One can expect MPs and parties to be more responsive, via policy incentives, to the preferences of swing voters than to voters who represent the core base of constituents of opposing parties (Bartels 1998; Dixit and Londregan 1996, Lindbeck and Weibull 1987). Two factors contribute to the tendency for Indo-Canadians to be positioned as swing voters.

a. Non-partisan

First, the voting behaviour of Indo-Canadians is increasingly less premised on ideological affiliation to one party over another and is more responsive to how the three main federal parties target voters by positioning themselves, through policy described shortly, as capable of representing Indo-Canadian interests. This trait is a source of electoral power for the diaspora as politicians and parties pay heightened attention to the policy preferences of those who do not vote solely along partisan lines (Cox and McCubbins 1986). The non-partisan nature of a large segment of diaspora voters is highlighted by the following description of a former High Commissioner of Canada to India and current senior civil servant in Ottawa:

> 'Punjabis traditionally supported Liberals and served as a vote bank, as the Liberals appeal to most immigrant groups on grounds of their multiculturalism and the mosaic approach…However, Punjabis are personally conservative, and Conservatives may seek to tap into these personal alliances. Thus, it is now the case that Indo-Canadian communities are hotly contested between the two parties' (personal interview, 21 September 2009).

Indo-Canadians MPs explain the appeal of their party with reference to values that are important to Indo-Canadians. The following two accounts from a

Conservative and Liberal MP, both Indo-Canadians representing strongly Indo-Canadian constituencies, demonstrate that Indo-Canadians are portrayed as ideologically 'winnable' for either of party:

> 'Indo-Canadians support the Liberals owing to values…This is why Indo-Canadian business people, who prefer a more laissez-faire government and prefer less social intervention still [support the Liberals]… They realise that social infrastructure in Canada was what allowed them to succeed when they arrived in Canada' (Liberal MP, personal interview, 29 September 2009).
>
> 'Although Indo-Canadians have traditionally supported the Liberals, Conservative values are closer to new Canadians' values' (Conservative MP, personal interview, 29 September 2009).

The suggestion that both the Liberals and Conservatives are able to win Indo-Canadian votes on appeal to fundamental group traits indicates that the diaspora does not clearly slot into the core support base of either party, but possesses mixed traits that can be targeted by either party.

b. highly represented in hotly contested ridings

Second, the position of Indo-Canadians in electorally competitive constituencies is a source of electoral influence. Based on simple descriptive statistical analysis of elections data from the 2008 federal election (Canadian Election Study), we can observe that constituencies with an above-Canadian average proportion of Indian-born residents are characterised by a significantly lower margin of victory for the elected MP, suggesting a more competitive constituency. By comparing the means of constituencies with above average and below average proportions of Indian-born residents, we can observe that the margin of victory is on average 6.25% lower in above-average Indian constituencies (at a 99% confidence level). In a bi-variate regression of marginal victory on percentage of Indian-born, we can observe that on average for every 1% Indian-born the constituency rises, the

margin of victory drops by 0.86%. Because such a basic regression does not control for any other factors but simply observes how the values of two variables move with each other, one can not derive a causal relationship. However, the description that there is a correlation between high-levels of Indian born residents and tightly contested constituencies is sufficient to argue that Indians are disproportionately represented in marginal constituencies, and so that their vote may be courted more than those of other groups residing in less competitive ridings.

4.4 Outcomes attributable to diaspora influence

The point should be emphasised that the Indian diaspora in Canada is far from a homogenous group. Indo-Canadians are represented across the income and educational spectrum – although on average Indian-born Canadians are higher educated (by highest degree attained) than the Canadian-born (Statistics Canada 2007). With respect to political stripes, Indo-Canadians support and are courted by all three main federal political parties – the Liberals, the Conservatives and the New Democratic Party. This section does not purport to claim unitary preferences amongst the diaspora regarding immigration policy. The group's non-unified immigration-related interests are apparent in its diverse responses to the immigration implications of Bill C-50, legislation which led to the prioritisation of specific occupational categories for economic immigration to Canada. For instance, the Canada India Foundation firmly supports the Bill, arguing that the Canadian government should 'not to let in everyone knocking at the door' (personal interview, 24 August 2009) but match immigrant supply to skill demand. In contrast, the Council of Agencies Serving South Asians strongly opposes the Bill's prioritisation of temporary workers over what it terms 'nation-building' permanent immigration

(personal interview 10 September 2009). Nonetheless, despite such variation, strong elements within the diaspora exhibit shared preferences and use the electoral system and MP representation to advance group-related immigration ends. Diaspora members also advance individual goals regarding particular visa cases through their elected representative. An individual's membership within a diaspora community that controls a significant block of votes increases the political salience for MP's to address the individual visa case. This will be further discussed below.

Four specific migration-related policy or political outcomes can be traced to the influence of the diaspora under the voter-legislature channel. These outcomes would not obtain under either a purely inter-state model of India-Canada migration relations or in a scenario in which the Indo-Canadian diaspora was less electorally influential.

A greater number of MP 'representations' to the Delhi visa office than any other Canadian visa office worldwide

Any Canadian citizen has the opportunity to raise a visa case with her MP. The constituency office reviews the case and may file what is referred to as a 'representation' - a complaint registered regarding the outcome of an immigration application on behalf of constituents - with the relevant High Commission or Consulate where the application was refused.

A disproportionately high number of MP representations to challenge rejected visa applications are filed to the Delhi office compared to other international Canadian visa offices. CIC commissioned an internal study to determine how many representations are received by Canadian missions around the world. According to a senior official from the CIC department that commissioned the study, 'there is India

and then there is the rest of the world' (personal interview 28 September 2009). The study found that the Indian mission receives 5000 representations per year, which is more than the total number of representations received by all other Canadian missions worldwide. A Canadian official based in the Delhi visa office corroborates:

> 'we receive 5000 emails a year simply from Canadian parliamentarians about visa cases, as opposed to probably a fifth of that in our office at Beijing, which is similar in scale. So Indo-Canadians are a big influence in domestic Canadian politics' (personal interview, 25 February 2009).

Statistics are not available on the rate of overturned initial visa rejections as a result of MP representations. Nonetheless, the sheer number submitted to the Delhi office by Canadian MPs suggests the political significance of the Indo-Canadian diaspora and its strategy to contest intake decisions at a case-by-case level. As a former High Commissioner to India notes, Canadian MPs constituency offices are flooded with thousands of visa cases each year, particularly from Punjabi communities which control a large share of votes. Canadian MPs, whether of Indo-Canadian origin or otherwise, 'want to make sure they are pro-active' (personal interview, 21 September 2009) in addressing these communities' concerns.

This picture is substantiated by personal interviews with three Indo-Canadian MPs, two of whom estimate that 80% of case work in their constituency offices is devoted to immigration issues (personal interviews, 29 September 2009). Whereas pressure on other public policy issues such as tax policy tends to be raised through mechanisms such as public awareness campaigns or writing op-ed articles, one MP notes that constituent pressure on immigration issues entails face-to-face petitions with the MP.

The Indo-Canadian diaspora has a disproportionately high tendency to petition MPs regarding rejected visa applications for many of the same reasons, discussed in Chapter 3, behind the diaspora's greater propensity to contest decisions via the IRB, as discussed in Chapter 3. With respect to the impact of the diaspora's electoral significance on representations, a former Canadian diplomat posted in India notes suggests that MPs have greater electoral incentives to favourably review and submit representations from the Indo-Canadian community compared to other communities that are less significant in controlling votes (personal interview, 21 September 2009). A former Delhi visa officer notes that an Indo-Canadian MP from 'let's just say, Bramalea-Gore' (a strongly Indian constituency in Ontario) sent 1100 emails in a single year regarding visa cases. However, 'you knew those ones were just procedure because he then made 2 dozen phone calls during that year for the ones that really mattered.' (personal interview, 25 September 2009) The procedural representations suggest electoral reasons for the MP to demonstrate to the community that representations have been filed.

Visa office location

The opening of a visa office in Chandigarh, Punjab, is directly attributable to the influence of Indo-Canadians under the voter-legislature channel. The Chandigarh office of the Canadian High Commission opened in 1997 and first began issuing visas in 2004. Canada is the only country to operate a visa office in Chandigarh. (CIC 2009b).

On a purely inter-state understanding, decisions regarding the location of a new international visa office are guided by insulated receiving state calculations such as diversifying intake from within a given source country and achieving other

strategic objectives (e.g., setting up in a catchment area that will attract more skilled worker applications for high-demand sectors in the host state).

However, the opening of the Canadian visa office in Chandigarh does not fit with this model of autonomous, insulated receiving state decision-making. First, the Chandigarh office is only 250 kilometres from the High Commission's existing main visa office in Delhi, Canada's largest which employs 170 staff (personal interview, 16 October 2009). Given the vast geography India occupies in the South of the country, this is a remarkably proximate location to choose for a second visa office. Second, immigrants who hail from the North of India are typically less skilled, agricultural workers. The skilled workers, including IT professionals central to the knowledge economy Canada regularly describes as cultivating, hail from the South, whereas immigrants who hail from the North tend to cluster in the agricultural sector. A more skilled intake would be captured by visa offices placed in locations such as Hyderabad and Chennai. Moreover, the financial capital Mumbai, about 1500 kilometres from Delhi, remains un-served by a Canada visa office (Thai Indian News 2008). Thus, it is difficult to explain the decision to open a second visa office in Chandigarh with reference to the noted strategic interests of the receiving state.

The decision to open the Chandigarh office is described as '100% political' by two CIC bureaucrats, who note the location has nothing to do with the logic or efficiency of Canada's intake operations in India. According to a Director-General in CIC (personal interview, 28 September 2009), a previous Prime Minister had pledged, in response to diaspora pressure around election time to extend visa issuance services to this office. The Prime Minister's opponents made the same pledge. The CIC official noted that no other country with visa office presence in

India has a secondary office, 'let alone down the road'. He further argued that Canada's two Chinese visa offices in Shanghai and Beijing represent very different catchment areas.

Another CIC official who formerly served as visa officer in Delhi states:

> 'The visa office is a very visible piece of real estate in Chandigarh. Why there than elsewhere, say down south? Now, I'm not going to say I have any inside information on the political influences that came to bear on this decision [author's note: said facetiously], but I would have to say it wasn't merely coincidental' (personal interview, 25 September 2009).

The population mix and corresponding interests within the Canadian diaspora inform which immigration-related issues become electorally significant. A former Canadian High Commissioner to India suggests that Punjabis in Canada prioritise and value links back to the Punjab, not necessarily to the whole of India (personal interview, 21 September 2009). This could be attributable to historical internal tensions between the state of Punjab and the rest of India. The Indo-Canadian Sikh community's preference to have a visa centre within the state of Punjab, and not only within the capital of the country, is a weighty preference in domestic electoral politics in Canada.

Although Canadian immigration policy, including decisions of where to expand operations, is described officially as solely reactive to demand (personal interview, 21 September 2009), political calculations and electoral influence can intervene in the ultimate decision. The opening of the visa office in Chandigarh is an outcome in which the electoral influence of Indo-Canadians agitated against independent Canadian immigration goals that would have favoured a location in the South of the country to attract a broader skills mix of applicants. The Indo-Canadian

diaspora's demonstrated influence on the international operational footprint of CIC in India has implications for the subsequent nature of intake attracted from the sending country, as the opening of a new visa office in a particular catchment area does not merely respond to demand, but also serves to create further demand for immigration to Canada.

When asked to account for why the new office was opened in Chandigarh, an Indo-Canadian MP stated 'capacity overload in the Delhi office' and 'difficulty of travel from Punjab to Delhi' (personal interview, 30 September 2009). However, CIC officials note that all overseas visa offices are overstretched and under-resourced; 'you just hear about the Indian office more' (personal interview, 28 September 2009). Complaints about difficulty accessing a visa office access are more electorally significant when they come from a politically vocal, residentially concentrated community such as the Indo-Canadians. With respect to the second point, it has been stated by CIC officials formerly employed in the Delhi office (personal interview, 25 September 2009) that, owing to better transport links to Delhi than to Chandigarh, many Punjabis still travel to the Delhi office to apply for visas.

Official apology

In 2008, Prime Minister Harper offered a formal apology to the Indo-Canadian diaspora for the actions of the Canadian government in its 1914 dealing with the Komagata Maru incident (CBC News 3 August 2008). Immigration Minister Kenney announced that the government would provide $2.5 million in federal grants to Indo-Canadian organisations for projects to commemorate the incident and the related Continuous Journey clause that negatively affected the Indo-Canadian community.

In 1910, the Canadian government adopted the Continuous Journey clause which required immigrants to come to Canada by continuous journey from their homeland. A separate provision required 'Asiatic' immigrants to pay a $200 fee upon arrival. These measures were designed to limit immigration from South Asia, as ships en route to Canada would typically stop over in Hong Kong on a non-continuous journey. A Punjabi Sikh chartered a Japanese ship, the Komagata Maru, and attempted to offer a continuous journey from the Punjab to Canada for hundreds of Indian emigrants (Johnston 1989). Nonetheless, the predominantly Sikh passengers were prevented from disembarking upon arrival in Vancouver. The ship and passengers remained in the harbour for 2 months. Following unsuccessful attempts by Canadian police and immigration officers to board, the ship was returned to India. Upon its return to the Calcutta port, riots erupted which saw 20 of the passengers killed by British Indian police. The incident highlights Canada's explicitly racist and inconsistent immigration policy and the negative consequences for a particular discriminated group. The apology to Indo-Canadians over Komagata Maru was amongst a string of official apologies made to minority groups in May 2008. The only other immigration-related apology was that made to Chinese-Canadians for the immigration Head Tax.

What is the political motivation behind such an apology? Official apologies are rare. They may open the door to claims for compensation, which is generally something the government is careful to avoid, although they may also be a tool to avoid more substantial reparation. Beyond the question of compensation, there is the concern of opening the gates: once one group gets an apology, 'where do we draw the line?' asks a CIC multiculturalism official (personal interview, 1 October 2009). Many non-Western and non-Northern European groups have been adversely affected

by Canada's pre-1967 immigration policy which had explicitly racist national quotas for certain groups. Why, after 9 decades, did the government hand-pick the Indo-Canadian community, among a slew of other historically discriminated against groups, to offer an official apology?

The groups targeted in the 'series of rapid-fire' (El Akkad 2008) apologies in May 2008 live in some of the most hotly contested constituencies in Western Canada. The opportunity for a party to single out an electorally influential group to offer public recognition and funding for community events was a political one capitalised upon by the Conservative party a few months before the general election in 2008. The Indo-Canadian apology was delivered in Surrey, BC, home to large number of Sikh voters (Hainsworth 2008).

The political opportunism surrounding the official apology close to election time is palpable in how the disappointment amongst some Indo-Canadians that the apology was not made in the House of Commons was politically capitalised upon. The federal leader of the New Democratic Party (NDP), a party competitive in Sikh ridings in Western Canada, supported the demand for a 'complete and sincere' apology in the House. The Chairperson of the Punjabi NDP Advisory Committee remarked: 'if the Liberals had taken care of this, we wouldn't be demanding action today from another government intent on ignoring a community' (Thai Indian News 6 August 2008). The Liberals, too, jumped on the opportunity. Following her successful May 2008 Private Member's Motion (M469) demanding an official apology for the Komagata Maru incident, Indo-Canadian Liberal MP Ruby Dhalla submitted a further motion in September 2009 requesting that the Conservative government designate an official commemoration date for the Komagata Maru

incident, and re-deliver the apology in the House of Commons, stating 'anything less is an insult to the Indo-Canadian community' (Dhalla 2010). Demands from diaspora organisations regarding a formal apology were dismissed by the Conservatives as Liberal puppetry. A communications director of the Conservative Immigration Minister was keen to highlight the previous Liberal ties of the diaspora leader of the Descendants of Komagatamaru Society (Vancouver Sun 2008).

The motivation and timing behind the Conservative administration's apology for Canada's historical immigration discrimination, and the populist stance taken by parties in its aftermath points to considerable electoral influence of Sikh-Canadians in hotly contested ridings in Western Canada and the political capital to be gained by showcasing support for the community.

Moreover, electoral motivations behind the decision to single-out the Indo-Canadian diaspora for apology are consistent with Minister Kenney's previous overtures to the community. The political agenda behind the Minister's ' '14 ethnic group consultations per week' (personal interview, 23 September 2009) on issues of immigration and integration is widely noted by bureaucrats in CIC:

> 'he wants votes…ethnic minority communities have historically voted Liberal but are increasingly looking toward the Conservatives. Harper sees Kenney as consolidating that vote in Vancouver, Toronto, Montreal' (personal interview, 23 September 2009).

According to another civil servant, the Minister's consultations extend beyond merely showing up to events and functions. '[Minister Kenney] has spearheaded involvement in cultural communities…pioneering stakeholder meetings…addressing their needs and issues' (personal interview, 1 October 2009).

The official apology offered to the Indo-Canadian diaspora should be interpreted in light of broader electoral calculations.

Private Members' Bills

This outcome pertains to Private Members' Bills that attempt to address and publicise immigration-related concerns of Indo-Canadian and other electorally significant immigrant constituents.

Private Members' Bills, introduced by non-cabinet MPs in the House of Commons, can propose amendments to Canada's immigration legislation, including provisions regarding grounds for visa rejections, appeals and eligibility to immigrate. The following four Private Members' Bills to amend the Immigration and Refugee Protection Act are examples of how constituents' concerns about the treatment of foreign nationals before Canadian immigration rules reach a Parliamentary forum.

Bill C-492[35] (denial of temporary resident visa application), proposes that a foreign national whose application for a visitor visa has been rejected should be allowed to receive detailed reasons for the refusal, to have a subsequent application heard by a different visa officer and to resubmit the application within a year without having to pay another fee.

Bill C-34536 (appointment of special counsel) proposes that when the Federal Court of Canada hears evidence in the absence of the accused regarding the inadmissibility of a foreign national to enter or remain in Canada for security reasons, a special council should be appointed to represent the public interest and ensure a fair hearing.

[35] First reading of Bill, 3 March 2010. MP: Olivia Chow, Trinity-Spadina
[36] First reading June 22, 2006. MP: Navdeep Singh Bains, Mississauga—Brampton South

Bill C-394[37] (sponsorship of relative), was a defeated bill to allow a Canadian citizen or permanent resident to sponsor, once in her lifetime, a relative who is not currently an eligible family class member – this would include non-dependent children, aunts, uncles, cousins and siblings.

Bill C-433[38] (appeals), proposes that a foreign national be granted to right to appeal to the IAD if her application for permanent residency is rejected on the grounds laid out in IRPA s.38(1)(c) – namely, health grounds that a medical condition might reasonably be expected to cause excessive demand on health or social services, with exceptions to refugee and some family class applicants.

These four Bills are significant because they seek to reduce the costs imposed on aspiring or refused immigrants before IRPA and/or to endow foreign nationals with greater capacity to contest the rules that govern their intake into Canada, a realm assumed to be within the domain of insulated receiving state authority.

There is reason to be critical of the substantive political influence of Private Members' Bills. These Bills are not a significant instrument for creating new legislation. Since the start of the 37th Parliament (Jan 29 2001), 2405 Private Members' Bills have been introduced and only 21 have passed into Canadian legislation. None of the passed Bills proposed amendments to IRPA. Most Private Members' Bills fail to progress beyond a first reading in the House. Yet, as Hyson (1974) noted in 1974, they remain extremely popular. The number of Private Members' Bills per Parliamentary session has increased since the period studied by Hyson. Why do Private Members' Bills persist when they are not useful vehicles for bringing about legislation?

[37] First reading on 7 December 2006. MP: Peggy Nash, Parkdale-High Park
[38] First reading on 19 June 2009. MP: Judy Wasylycia-Leis, Winnipeg North Centre

Private Members' Bills serve important political aims beyond the enactment of legislation, and carry diverse legislative objectives such as the opportunity to negotiate, debate and publicise an issue and mobilise or respond to public opinion (Audcent 2006). Private Members' Bills are regularly accompanied a communications strategy by MPs that includes press releases, media interviews and manifestos. Moreover, for purposes of this discussion, Private Members' Bills are politically significant because they better represent specific constituency interests than government bills, which are introduced as part of the government's policy platform and appeal to a wider range of constituencies. Further, the preferences of individual MPs and the constituencies they represent is easier to gauge from Private Members' Bills than from MPs' voting behaviour in the House of Commons, which is strongly influence by party discipline – particularly in the case of a minority government where, as an Indo-Canadian MP suggests, every vote may be perceived as a potential confidence vote (personal interview, 29 September 2009). Lastly, unlike MP questions and contributions to citizenship and immigration debates in the House of Commons, Private Members' Bills contain succinct, substantive proposals for policy reform.

How are the immigration concerns of the residentially concentrated Indo-Canadian diaspora addressed through Private Members' Bills? The following example illustrates how a particular Private Members' Bill served to publicise and politicise the Indian diaspora's specific immigration concerns.

Bill C-283[39] (2004), introduced by MP Gurmant Grewal, proposed that a person whose application for a Canadian visitor visa had previously been rejected should be allowed to enter Canada if a Canadian citizen or permanent resident acts as a sponsor and guarantees (via posting a bond) that the visitor will return home upon expiration of the visa. This was a rare Private Members' Bill that went through a Second Reading and was referred onto the Parliamentary Standing Committee on Citizenship and Immigration. Although the Committee's report ultimately recommended the Bill not be further proceeded with, as it was found inconsistent with legal obligations under IRPA (Standing Committee on Citizenship and Immigration 2005), the House debate of the Bill was a politically meaningful opportunity for MPs to highlight their commitment to problems faced by the Indo-Canadian community. It is notable that the Indo-Canadian Conservative MP who introduced the Bill represented a highly concentrated South Asian constituency (43% South Asian population) and one that swung from Conservative to Liberal in 2006. Consider relevant excerpts from the House of Commons debate below.

> Mr. Grewal, Bill Sponsor, Conservative MP:
>
> 'Businessman Darmohan Gill in my riding needed a live-saving kidney transplant. A matching donor could not be found in Canada, but one was found in India. Mr. Gill was advised by doctors not to travel because of health considerations and the donor was repeatedly denied a visa.'
>
> 'According to CIC data, only about 23% of the people who apply for visitor visas are turned down, but I doubt those figures…One can just stand outside our High Commission in New Delhi any single day and check for oneself. No more than 20% are successful. I have seen this myself and our constituents repeatedly tell us that this is the case.'
>
> 'When I was first elected in June 1997, it took 22 months to process a family class immigrant from New Delhi. The former minister testified

[39] First reading 15 November 2004. 'An Act to amend the Immigration and Refugee Protection Act and the Immigration and Refugee Protection Regulations.' MP: Gurmant Grewal. Newton-North Delta.

> before the citizenship and immigration committee last fall that it now takes 58 months for family reunification, that is, 22 months then versus 58 months now. It is unbelievable. How dare the Liberals claim to be "immigrant-friendly"?'
>
> Hon. Telegdi, Liberal MP:
>
> 'My [Liberal Party] colleague…has mentioned that he has a Kleenex box in his office for when he has those heart-rending cases that come to his office and he cannot assist them. That situation exists with all members of Parliament. I will use the example of a young couple in their early thirties with two young children who came to Canada from India…' (38th Parliament of Canada 2005).

Although the Private Members' Bill proposes amendments that pertain equally to all prospective immigrants to Canada, it is noteworthy that virtually all examples of particular visa cases referred to in this debate by a range of MPs involve applications from Indians. The experiences of the Indo-Canadian diaspora and frustrations regarding rejected family class and visitor visa applications are central to partisan rhetoric and competition amongst parties eager to showcase what they are doing to address intake issues that matter to constituents. As the 'generalisability to other cases' section notes, the political significance of Private Members' Bills is not captured by comparing the number of Bills introduced and the number enacted. Private Members' Bills are one channel through which residentially concentrated diaspora's concerns about the treatment of foreign nationals are publicised by MPs and capitalised upon within a Parliamentary forum.

4.5 Interests of the diaspora and sending state in outcomes

The disproportionate number of representations regarding rejected Canadian visa applications submitted to the Delhi office by MPs is in the interests of diaspora members, who use their elected representative to advance individual goals related to family visitation or reunification. The strong political incentives for MPs in dense

Indo-Canadian constituencies to take up individual visa cases with the Delhi office also further group interests in that they can lead to a politically influential remedy for family visa decisions that that negatively affect the community. The outcome is also in the interests of the Indian state, as it entails recourse for Indian citizens, through the relevant family connection in Canada and the domestic political incentives of the representative MP, to overcome potentially unfounded or unfair visa refusals. This offsets the limited capacity of the Indian state to secure fair treatment for citizens before another country's immigration system.

The opening of the Chandigarh visa office is primarily in the interests of the large Sikh segment of the diaspora which is eager to remove barriers (of travel to Delhi) for family members who wish to apply for Canadian visas from the state of Punjab. The government's fulfilment of this long-standing group demand underscores the attention paid by Canadian politicians to electorally influential Sikh constituents in Canada. With respect to the Indian state's interests in the Chandigarh office, more foreign visa offices in India facilitates the mission of MOIA, conveyed in personal interview with an MOIA official, to 'remove barriers to the individual's choice to migrate' (personal interview, 25 February 2009). We might expect the Indian state to prefer visa offices located in catchment areas that draw a large proportion of skilled applicants, so as to reap benefits from subsequent entrepreneurial networks and technological collaboration associated with higher skilled workers. However, the Indian state also has strong interests in facilitating the lower skilled emigration made easier by the Chandigarh office. Further, the Punjab state, with which Indo-Canadian Sikh MPs have historically stronger relations than the federal capital Delhi – as suggested by a Canadian diplomat and Indo-Canadian MP (personal interviews, 24 September & 1 October 2009), benefit from the

formalised regional links to Canadian immigration in the form of a reduction of surplus labour and the receipt of remittances, which are suggested to be more significant amongst lower-skilled migrants (Faini 2007).

The official apology of the Canadian government to the Indo-Canadian community regarding the Komagata Maru incident demonstrates sensitivity to the diaspora's experiences and demands by acknowledging and taking responsibility for historically unjust treatment of Indians in Canada. As Nobles (2008) argues, such official apologies make an implicit promise that the future will be different. The apology represents a symbolically important outcome for the diaspora. With respect to the interests of the Indian state, apologies made domestically in Canada to diaspora groups can have implications for Canada's foreign relations with associated source countries. The Canadian government's apology over its mistreatment of a group of Indians sends a diplomatic signal of reconciliation following historically tense bilateral relations, and was noted as such by Indian diplomats posted in Canada (personal interview, 22 September 2009). For Canada to acknowledge wrong done to Indian nationals affirms India's status as of significant international interest to Canada and signals that Canada is taking steps to improve the inter-state relationship. Moreover, the domestic Indian population cares about the treatment of its co-nationals abroad. Canada's apology for the historical mistreatment of Indian nationals abroad is in the source country's interests of acknowledging and remedying the mistreatment of its citizens abroad.

Lastly, the Indo-Canadian diaspora has an interest in Private Members' Bills that publicise the group's immigration-related concerns. Even if these Bills do not result in changes to immigration legislation, they highlight challenges faced by

ethno-specific groups, raise awareness amongst bureaucrats and legislators as to the effects of Canada's immigration system and can mobilise public support for immigration reform. The Indian state, which has limited capacity to intervene in legislative debates domestic to Canada, has an interest in Private Members' Bills which propose changes to make Canadian intake rules more 'friendly' for prospective immigrants.

4.6 Counterfactual reflection

The above four policy or political outcomes in the interests of the Indian state and diaspora are far less likely to have come about in the absence of an electorally influential Indo-Canadian diaspora. Although it is logically conceivable that a Canadian visa office would open in Chandigarh in the absence of a vociferous and powerful diaspora, the strong indication is that, on a purely insulated receiving state model of migration decision-making, Canadian interests would favour a location in the south. A Director-General of CIC emphasises the point: 'The under-representation of CIC in the South of India is a big issue from an operational standpoint.' (personal interview, 28 September 2009). Were the Chandigarh office not to have been opened, the Punjab state would not benefit from the enhanced remittances that high emigration areas (Jadhav and Singh 2006), as encouraged by the opening of a proximate visa office, promote. The electoral significance of the Punjabi segment of the diaspora in Canada made the existing visa office location significantly more likely. The political significance of the Punjabi diaspora's demands and the lack of organised opposition to the new visa location, formed collectively sufficient conditions for the outcome.

With respect to MP representations, were the diaspora not an electorally significant group, the representative MP would have fewer political incentives to favourably review and submit visa cases to the Delhi office. The community's stronghold on certain constituencies notches up the electoral significance of addressing the individual case.

Further, it is unlikely that the official apology and grants for recognition programmes for the Indo-Canadian Sikh community would have been entertained independent of the same electoral calculations which were on display during subsequent debate amongst political leaders as to whether the incumbent party's official apology was appropriate. The highly political nature of the Immigration Minister's 'outreach' activities with ethnic minority communities has garnered him the nickname amongst CIC bureaucrats 'Mr. Curry in a Hurry' (personal interviews, 1 October 2009). Minister Kenney's courting of the Indian diaspora suggests that despite the *de jure* universality of Canada's immigration framework, there is scope for Canadian politicians to offer migration-related policy benefits that single out electorally influential diaspora groups.

The emergence of Private Members' Bills which seek to address grievances experienced by immigrants before Canadian immigration rules cannot be explained with reference to insulated economic, security and national identity calculations of the receiving state. Indeed, several of the Bills noted above would allow migrants to challenge the authority of the receiving state to determine who to let into the country and on what basis. For instance, the proposal that foreign nationals be given the right to detailed reasoning regarding grounds for visa refusal and be entitled to re-apply with a different visa officer challenges the autonomy of the receiving state regarding

who to admit onto its territory, a central facet of state sovereignty. It is difficult to imagine such proposals for immigration reform being advanced in the absence of an electorally significant diaspora with interests in altering immigration rules to make them friendlier for family members and visitors.

While it is logically possible for the four outcomes to obtain less diaspora influence under the voter-legislature channel, this Chapter has argued that residential concentration, strong political mobilisation and the positioning of the diaspora in the electorate with respect to swing voter characteristics, lend greater weight to the diaspora's preferences and make it significantly more likely that their articulated policy and political preferences come about.

In the absence of the diaspora as a significant domestic actor in Canada, the Indian state would have little recourse to advance the above outcomes in its interests. Non-interference in Canada's domestic affairs means limited power of the sending state to influence receiving state migration politics with respect to issues that have repercussions for India. By virtue of its powerful electoral position within the domestic political system of the receiving state, the diaspora is able to advance the above outcomes of shared interest with the sending state.

4.7 Generalisability

Politicians have electoral incentives to respond to the interests of voters. However, not all voters count equally. Electoral representation literature theorises various conditions under which the preferences of certain groups are more powerful in affecting policy outcomes (Bartels 1998, Rodden 2010). This section will consider how the three identified attributes that enhance the capacity of the Indo-

Canadian diaspora to make use of the voter-legislature channel hold potential applicability to other cases.

First, the electoral influence that comes from residential concentration is not particular to the Indo-Canadian diaspora. Any minority group that that is residentially concentrated and develops a critical mass within a constituency has greater electoral influence to advance group aims than a diaspora with the same overall population that is dispersed more evenly across constituencies. At least one MP must carry the interests of the concentrated diaspora group within his/her constituency.

One would expect immigration and integration-related issues, key concerns of newcomers, to feature prominently in the platforms and policy activities of MPs in immigrant-concentrated constituencies. An immigrant who settles, for instance, on the East Coast of Canada as oppose to in a constituency with a high concentration of other landed immigrants, will exercise less electoral influence advancing policy preferences through a representative MP.

The effect of such residential concentration on MP's political behaviour is evidenced in the relationship between the content of immigration-related Private Members' Bills introduced by MPs and the level of immigrant concentration within their constituencies.

Since Jan 29 2001,[40] 24 Private Members' Bills have been introduced to amend IRPA. It is possible to categorise the content of these 24 Bills according to those which are favourable to foreign nationals who attempt to enter or remain in

[40] As Canada's Immigration and Refugee Protection Act was created in 2001, the focus on Bills from the 37th Parliament-current 40th Parliament captures proposals that seek to amend present-day legislation.

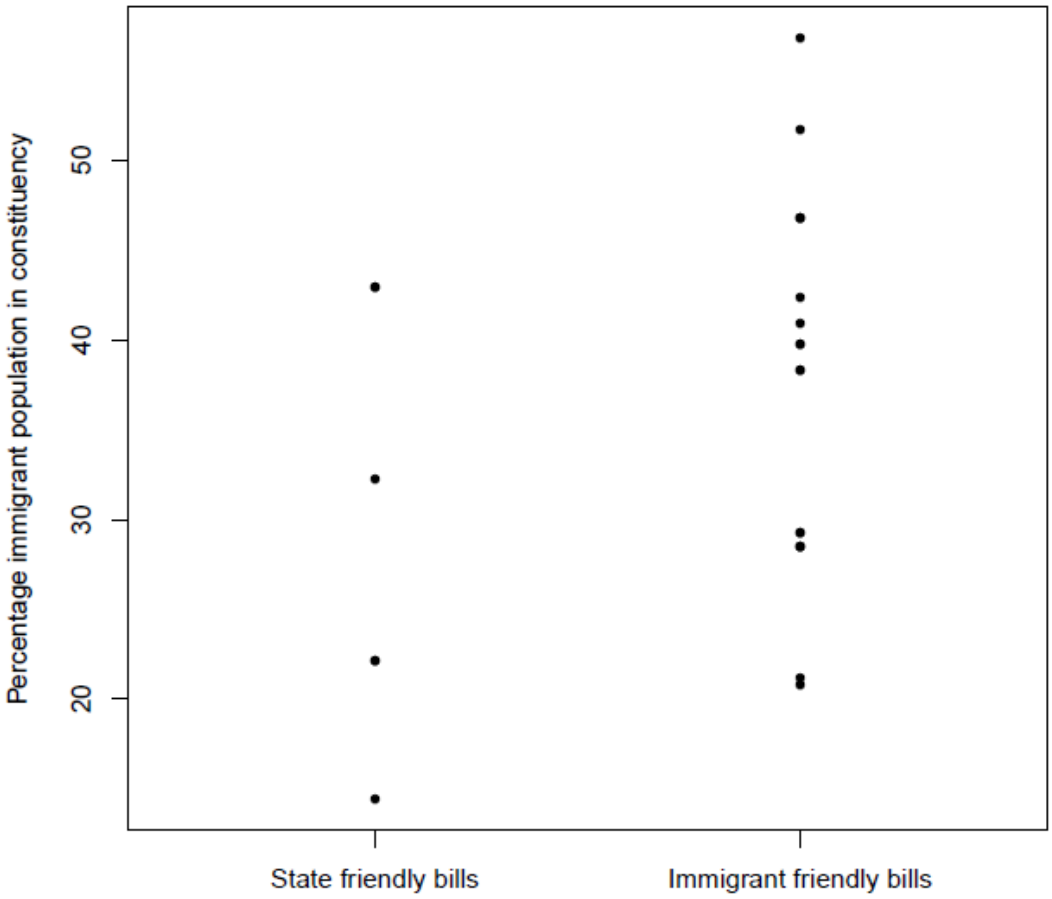
Canada versus those which seek to confer greater power upon the state to create or enforce intake rules that restrict the capacity of foreign nationals to contest their treatment under IRPA.[41] Based on thorough review of the 24 proposed amendments, the 'immigrant-friendly' versus 'state-friendly' categorisation is mutually exclusive and exhaustive.

We can observe the following relationship between the content ('immigrant-friendly' versus 'state-friendly') of the Private Members' Bill and the composition of the constituency represented by the MP sponsoring the Bill: If an MP introduces a Bill, the probability that the Bill is favourable to immigrants is significantly higher if the MP represents a constituency with a large proportion of immigrants,[42] while the probability that the Bill seeks to confer greater power to the state over intake rules is significantly higher if the MP represents a constituency with a low proportion of immigrants. Figure 4.2 below depicts this relationship visually.

Figure 4.2 Content of Canadian Private Members' Bills v. Immigrant Population in Constituency

[41] An example of a 'state-friendly' proposal is contained in Bill C-434, which allows a Canadian visa officer to require a visitor visa applicant to provide a security deposit as a condition of the issuance of the visa, and stipulates the immediate removal of the foreign national from Canada in the event of non-compliance. This proposal creates new grounds for denying the issuance of a visitor's visa and so bolsters the power of the state over intake rules. By contrast, Bill C-410 - which states that the decision to issue a temporary residence permit to a victim of trafficking should be independent of the victim's participation in an investigation in respect of that offence – is 'immigrant-friendly'. It seeks to remove justifications for not issuing a temporary residence permit, thereby improving the prospects that a victim of trafficking will be able to stay in the country.

[42] According to Census Canada, 'Immigrants are persons who are, or have ever been, landed immigrants in Canada. A landed immigrant is a person who has been granted the right to live in Canada permanently by immigration authorities.' (Census of Canada 2006) Thus, immigrants include both recent arrivals and those who have resided for a number of years in Canada and who have taken up Canadian citizenship.



All ‘immigrant-friendly’ Private Members’ Bills since 2001 have been introduced by MPs representing high immigrant constituencies – defined here as those with immigrant populations above the national constituency average of 20%. Although none of these Bills has been enacted, the argument that IRPA reform favourable to immigrants is politically publicised in the presence of a concentrated diaspora is substantiated. The capacity to amplify policy concerns through representative MPs is not confined to the Indo-Canadian diaspora. The correlation between high immigrant constituencies and the proposal of ‘immigrant-friendly’ Bills suggests that the residential concentration of other diasporas in Canada leads to political advocacy by MPs for intake rules that are favourable to prospective and denied immigrants. Private Members’ Bills are one mechanism through which the

treatment of foreign nationals before Canada's immigration legislation is incorporated within the domestic electoral politics of the receiving state. It is noteworthy that to the right to take up residence anywhere in Canada – which is guaranteed to all permanent residents, and which has led to their disproportionate concentration in select urban and suburban constituencies – is not guaranteed to Canadian immigrants under the Provincial Nominee Programme. This programme aims to distribute immigrants more evenly across Canada. Migrants under the programme are tied to a province and particular employer. At a larger scale, this type of immigration could affect the residential concentration and thus electoral influence of immigrant communities. However, provincial nominee programme migrants represent a small proportion of overall intake[43] and are unlikely to significantly alter the trend of immigrant clusters within particular provinces in the near-term.

With respect to the second inductively derived dimension of Indo-Canadian influence, high levels of political mobilisation are not inherent to the Indo-Canadian diaspora, but may be exhibited by a range of diasporas in various receiving states. High mobilisation is a source of influence in advancing migration-related interests because MPs and parties respond most to voters who are politically engaged. Grossman and Helpman (2002) and Persson and Tabellini (2000) demonstrate that parties have incentives to target groups with high levels of turnout, while others have shown that the preferences of informed voters 'count more' (Strömberg 2004) than those of less politically aware voters. Cho (1999) demonstrates that socioeconomic status interacts with democratic socialisation from the homeland to influence immigrants' political participation in the receiving country. Indo-Canadian

[43] In 2008, provincial and territorial nominees accounted for 22,418 of the 247,243 new permanent residents in Canada (CIC 2009a).

participation in democratic institutions from homeland is distinct from the experiences of the sizable but less politically mobilised Chinese-Canadian community, a group with high income levels but whose policy and political preferences do not 'spill out onto the streets' in the same way as those of the Indo-Canadian community, suggests a prominent figure in the Indo-Canadian community (personal interview, 14 September 2009). The figure for numerical representation of Chinese-Canadians in elected federal office is 0.226, indicating strong under-representation of this visible minority group in the House of Commons.[44] Although the Chinese-Canadian diaspora is residentially concentrated and represents a larger absolute population than the Indo-Canadian diaspora, it does not display the same levels of political mobilisation, and exercises less group influence within the electoral channel.

Moreover, because political mobilisation of segments of immigrant populations takes place via ethnic networks (Gimpel et al 2007, Togeby 1999), diasporas that exhibit strong affiliation to their cultural group may be more likely to exhibit large and rapid voter mobilisation. An Ethnic Diversity Survey of the Canadian census concluded that 'the South Asian community is one of the most unified when it comes to the value they attach to…the maintenance of social networks within their cultural group' (Tran et al. 2005). Further, language proficiency, high educational attainment and high income levels confer organisational capacity and an ability to articulate policy preferences. None of these features is unique to the Indian diaspora in Canada. Diasporas in a range of

[44] Recall the figure for Indo-Canadians is 0.9241, indicating near mirror correspondence between the proportion of Indo-Canadian MPs in Parliament and those who identify as of Indian-origin in the general population.

democratic receiving countries that display such traits will be more influential within the electoral system of the host country.

Lastly, diasporas that possess swing voter characteristics are better positioned to exert influence under the voter-legislature channel. Politicians and parties respond to voter groups that are most likely to change their support in response to policy initiatives – those who may be mildly sympathetic to the opposition but can be converted with policy benefits (Dixit and Londregan 1996; Lindbeck and Weibull 1987) - or perceived benefits, in the case of highlighting how existing universal policy has group-specific benefits.

Inductive analysis identified two features of the Indo-Canadian diaspora that make the group more likely than average to represent voters whose support can be won or lost and who are therefore most targeted by parties: lack of ideological weddedness to a party (i.e., would consider voting for more than one party) and high representation in hotly contested ridings. These attributes are not inherent to the Indo-Canadian diaspora, however, but are possessed by other groups.

With respect to ideology, one might expect 'recent' diasporas to be less partisan by virtue of arriving recently to Canada. This is because partisan affiliation appears to be related to length of engagement in the domestic political process. Voters become less flexible regarding party affiliation over the course of their lives (Converse 1969; Jennings and Markus 1984; Lupu and Stokes 2010). With respect to residential concentration, most immigrants in Canada cluster in urban and suburban constituencies. As the Private Members' Bill discussion highlighted, this has implications for a range of diaspora groups' capacity to address immigration related concerns through at least one MP who has electoral incentives to represent their

interests. Diasporas that display traits associated with swing voters will be more courted by mainstream parties through rhetoric and policies than the core supporters of opposing parties, meaning that their migration policy interests matter more.

4.8 Conclusion

Four distinct Canadian policy or political outcomes that are in the interests of the Indo-Canadian diaspora and the Indian sending state were identified in this chapter: MP representations to the Delhi visa office, visa office location, an official apology, and Private Members' Bills. Indo-Canadian diaspora influence under the electoral channel is not, strictly speaking, a necessary cause of any of these outcomes. However, the diaspora's electoral influence significantly increased the probability that these outcomes obtained.

The disproportionate electoral influence of the Indo-Canadian diaspora derives from interaction amongst group characteristics identified in the chapter. These traits are not inherent to the Indo-Canadian diaspora, but may shed light on generalisable factors that affect various diasporas' ability to make use of the Canadian electoral channel to influence migration outcomes.

Residential patterns are a key factor that affects a diaspora's capacity to make influential use of the electoral channel. A highly concentrated diaspora population (often more pronounced in recent diasporas and a trait that can be reinforced through family immigration) combined with residence in hotly contested constituencies (usually urban or suburban, in the case of Canada) amplifies the electoral weight of a sizable diaspora population. The coherence of diaspora voting behaviour, including a diaspora's tendency to vote as an ethnic bloc, levels of voter turnout and the

perceived ease with which the group's vote can be won or lost bear on different diasporas' capacity to make influential use of the same channel to further migration demands. Additionally, because citizenship is a necessary condition to vote and run in Canadian elections, variation in rates of naturalisation across new diasporas in Canada are a source of variation in diaspora influence through this channel.

Naturalisation rates, and so newcomers' full access to the political community, vary not only across diasporas, but also across receiving states. Differences in states' pathways to citizenship and the acquisition of full political rights make some countries more open than others to diaspora influence through the electoral channel. Brubaker (1994) explains higher naturalisation rates of immigrants in France compared to Germany with reference to France's *jus soli* citizenship principle – where citizenship is either automatic by birth on the territory or comparatively easily available through naturalisation – versus the German *jus sanguinis* basis of citizenship – where access is considerably more difficult for those who do not have ethno-cultural ties to the nation (Koopmans and Statham 2000: 19). Such differences bear on the openness of the political community as a whole to migration- and integration-related demands of new and second-generation diasporas. Cornelius and Tsuda (2004) document considerable variation across liberal democracies in the political rights bestowed to newcomers. The relative ease with which newcomers to Canada can access institutional political rights suggests a high degree of receiving state openness to diaspora influence. Variables that make some diasporas better able to use domestic political channels and that make some political systems more open to diaspora influence are discussed further in Chapter 8.

5 Lobby channel

5.1 Introduction

The role of interest groups in political representation literature is addressed both positively and normatively, where the latter examines, *inter alia*, the issue of whether minority group empowerment through the lobbying channel unjustifiably threatens the interests of democratic majorities (Diamond 1994: 11/12). The question of whether ethnic lobbies confuse or balkanise the external interests of the resident country (Kirk 2008; Shain 1995) falls under this line of inquiry. This chapter offers a positive analysis of how society and the state relate under the interest group-lobby channel, specifically how the Indo-Canadian lobby seeks to advance diaspora and ultimately home state interests regarding Canada's immigration-related policy. The chapter will analyse features associated with the diaspora's influence under this channel and explore a Canadian migration-related legislative outcome that was catalysed by diaspora lobby efforts. The existence of strong organised interests directly opposed to the legislative reform favoured by the Indo-Canadian diaspora and a coalition of other diaspora and immigrant serving organisations suggests that alternate policy preferences would have prevailed in the absence of the diaspora coalition's contestation. The presence of influential opposition makes this policy outcome a 'hard case' for exploring diaspora lobby influence on Canadian provincial policy and for examining the conditions under which one set of interests – focally, those of internationally-trained professionals – prevailed over a competing set of domestic interests in relation to the issue of foreign credential recognition and access

to regulated professions in Ontario. In the absence of diaspora lobby activities, a necessary catalyst behind the creation of new legislation in Ontario entitled the Fair Access to Regulated Professions Act, or FARPA, would have been absent. The Chapter will address how the legislative reform benefits not only the Indo-Canadian diaspora and a range of other diaspora professionals, but also the Indian sending state. It will conclude with a reflection of the generalisability of features associated with Indo-Canadian lobby influence to a broader range of cases.

5.2 How the channel works

Interest group activities to influence the decisions of legislators have been written about extensively (Grossman and Helpman 2002; Scholzman and Tierney 1986; Heinz et al 2003). The targets and tactics of lobbying depend on the characteristics of the particular political objective at hand as much as on the characteristics of the interest group (Baumgartner and Leech 2001) and its access to policymakers. The repertoire of lobby activities can include funding or bribing to provide resources to parties or candidates (e.g., campaign donations in return for policy favours), information provision to overcome imperfect knowledge amongst policymakers and the public regarding the policy environment and voter mobilisation (e.g., promising the votes of a group in return for policy favours).

Canada's Lobbying Act (1985) defines lobbyists as those who engage, for payment, on behalf of any person or organisation, in a range of specified communications with public office holders. This chapter uses the term 'lobbying' in the less formal sense to describe the policy advocacy activities of organisations which seek to advance policy-related interests by engaging with policymakers, independent of the receipt of payment.

Nonetheless, the organisation of interest groups to undertake lobbying activities does not happen automatically, given collective action problems, but requires resources and the provision of group-only incentives (Olson 1971). Organisational strength, the nature of the issue taken up, including potential issue-linkages and positioning vis-à-vis political leadership, and the porousness of policy networks, are conditions addressed later in this Chapter that are relevant to the Indo-Canadian diaspora's capacity to achieve influence under the lobby channel.

5.3 Diaspora capacity to make use of the channel

Consider the following three indications of Indo-Canadian lobby influence in relation to Canadian migration-related rules.

1. Hailing the impending landmark nuclear agreement ultimately signed in 2010 between Canada and India, the Canada India Business Council and Canada Indian Foundation bring attention to Canadian visa regulations which prohibit Indian nuclear scientists from entering the country on national security grounds, given the lack of assurance they will not work on military applications in India. 'This is a barrier for Canada…other countries must have gotten around it' voices a Canada Indian Foundation representative (personal interview, 24 August 2009). The India-Canada Business Council later draws attention on its website to a Globe & Mail article which claims that 'according to a government source, Immigration Minister Jason Kenney has promised the Indian government he would issue special permits to the scientists' (Clark 2009).

2. In a 2008 press release, the Canada Indian Foundation urges the Immigration Minister to improve immigration services in India by opening two new visa processing centres in Mumbai and in Chennai. The press release notes:

> 'More can and must be done to facilitate skilled accreditation of immigrants if Canada is serious about attracting the best and the brightest. CIF [Canada India Foundation] will continue to keep a vigilant eye on the actions of the government to ensure that Canada's best interests are served by our immigration policies' (CIF 30 April 2008).

3. In November 2009, Immigration Minister Kenney announces new visa rules at an Indo-Canada Chamber of Commerce event: business visa applications from Indian citizens will be processed within 24 hours. Minister Kenney states at this event 'we have also decided to double the number of Indian students coming to Canada' (The Economic Times 22 November 2009). DFAIT (2010a) notes that Canada's 'Business Express' programme with 55 Indian partner companies is able to approve over 99% of business visa applications, most within 2 working days.

These three examples highlight either the process or outcome of Indo-Canadian diaspora lobby influence to advance India-specific rules within the context of Canada's overarching source-country neutral immigration framework. FARPA is the main Canadian policy outcome attributable to diaspora lobby influence discussed later in the Chapter.

Three features are central to understanding the Indo-Canadian diaspora's capacity to pursue migration-related policy change through the lobby channel: i. organisational strength, ii. (lobbied) issue and stance, and iii. access to government. These features are identified through empirical analysis and are informed by Haney and Vanderbush's (1999) discussion of the effectiveness of ethnic interest groups.

Risse-Kappen's (1995) analysis of three conditions relevant to transnational actors' success in shaping state policy – the nature of demand-formation in civil society, the relative centralisation versus fragmentation of the political institutions of the state, and the quality of policy networks linking state and society – is largely compatible with Haney and Vanderbush's discussion.

Organisational Strength

Two types of diaspora organisations lobby the Canadian government regarding immigration and integration rules. The first is the Indo-Canadian business or industrial lobby, a loose coalition of organisations that seeks to push Canadian foreign policy, especially as it relates to international trade, in a pro-India direction. These organisations tend to address immigration as a policy area tangentially, insofar as it affects broader lobbied interests such as trade in services (which requires the cross-border movement of 'service providers'), nuclear-related trade (which may involve research-related visits of nuclear scientists), and the general removal of barriers to investment-related travel from India to Canada. The India-Canada Business Council and the Indo-Canada Chamber of Commerce are examples of such organisations. Select lobby groups such as the Canada India Foundation, engage with Canadian immigration policy – notably, 'with legislators at the federal and provincial levels in the spheres of immigration professional accreditation' (CIF 2011) – directly as one of its central activities within its broader mandate of fostering support for stronger India-Canada relations.

The second cluster of groups heavily involved in migration-related lobbying in Canada are not Indo-Canadian diaspora organisations *per se*, but immigrant serving organisations which represent a number of first and second diasporas and

typically unite under umbrella organisations for purposes of policy advocacy. The Council of Agencies Serving South Asians is one such umbrella. It represents smaller organisations such as the South Asian Women's Centre, the South Asian Legal Clinic of Ontario and South Asian Family Support Services. A non-ethno or region-specific organisation is the Ontario Council of Agencies Serving Immigrants. Compared to the Indo-Canadian business lobby, immigrant serving organisations advocate on behalf of diasporas not only from a wider range of source countries, but from a wider range of socio-economic strata, employment backgrounds and immigrant categories (i.e., economic, family reunification and refugee). Financial resources, access to information, including the ability to commission research and adopt coherent policy stances on and across issues, media savvy public relations and communications, and a range of professional, policy and voter networks contribute, in varying degree and combination, to the strong capacity of both types of lobby groups to advance migration-related interests before Canadian policymakers.

Consider the Canada India Foundation, an organisation entirely self-funded by its 35 by-invitation-only members. In addition to its highly educated, media savvy professional membership which places the organisation in a leadership position to articulate policy demands, the Foundation's strong financial resource base is central to the organisation's two-pronged strategy of influence to target political leadership and public opinion (personal interview, 24 August 2009). Canada India Foundation gala dinners and international conferences bring together Indian and Canadian politicians and policymakers and sensitise them to issues of Canada India Foundation concern. Individual members of organisation identify Canadian politicians sympathetic to Indo-Canadian interests and engage in political fundraising for their campaigns (personal interview, 24 August 2009). The group sponsors 10 Indo-

Canadian students annually to work with Canadian MPs during the summer. Discussing this initiative, the founder of Canada India Foundation states:

> 'Our aim is to make Canadian leaders aware about [sic] India…As our success shows, lobbying always pays. We have got three new Canadian trade offices in India through lobbying and we have got Canada to vote for India at the Nuclear Suppliers Group last month' (Thai Indian News 21 October 2008).

Financial resources are necessary for these diverse forms of influence. Financial clout is also central to Canada India Foundation activities that aim to shape public opinion. The Canada India Foundation recently signed a $10-million MoU with Ontario's Waterloo University to launch the Chanchlani India Policy Consortium, a joint initiative to strengthen Canadian research in Indian politics, economy and culture (CIF 11 November 2009). The namesake Foundation member also pledged $1-million to establish the annual Chanchlani Global Indian Award. The first awards have been presented to internationally reputed businesspeople Sam Pitroda and Ratan Tata, a move which heightens the public profile of the award and the organisation. Financial clout rather than large numbers are the basis of the organisation's lobby influence. As one member described the organisation, the Canada India Foundation 'does not have a large membership base and does not aspire to' (personal interview, 24 August 2009).

In contrast, immigrant serving umbrella organisations such as Council of Agencies Serving South Asians (CASSA) and Ontario Council of Agencies Serving Immigrants (OCASI) achieve political presence through a wide support base and their capacity to represent a united voice on policy issues for smaller, front-line immigrant serving organisations. CASSA 'seeks to make the government aware that there are massive communities behind whatever CASSA's asks are, that CASSA is

not merely a special interest group' (personal interview, 10 September 2009). The coalition engages in grassroots mobilisation, coordinating town hall meetings and public awareness campaigns to encourage communities to take up issues with their elected representatives. 'Our rallies and petitions just prior to meetings [with government officials] are all for a reason' states the same CASSA member, citing the power of numbers and the responsiveness of politicians to the framing of immigration issues in the media. Further, CASSA has a strong research focus. It commissions policy papers and makes detailed submissions to parliament on a range of integration and intake issues, such as Bill C-18 (2002), An Act Respecting Canadian Citizenship, and the immigration implications of Bill C-50 (2008). CASSA was a vocal advocate regarding the integration of internationally trained professionals and played a central role contributing pressure for legislative reform on the issue of access to regulated professions in Ontario, an outcome discussed shortly with benefits that extend beyond the organisation's South Asian-specific constituency.

In addition to influence premised on numbers, in the case of CASSA, or on financial clout, in the case of the Canada India Foundation, the organisational strength of diaspora groups engaged in lobbying is enhanced by what Olson terms the 'selective incentives' (1971: 133) organisations provide to members beyond the outcome of lobbying activities. The provision of member-only benefits bolsters organisational strength by overcoming collective action failure associated with creating, maintaining and joining a lobby organisation were members and non-members alike to reap the benefits of policy change brought about by lobbying. The Canada India Business Council highlights that in addition to its members benefiting from the group's advocacy and engagement with 'stakeholders' in DFAIT, the

Canadian High Commission in Delhi, and the Indian High Commission in Ottawa, members receive an array of member-only benefits, such as issue-based research, sectoral information sessions, networking opportunities and access to exclusive events with Indian Cabinet Ministers and CEOs (CIBC 2011). Groups with high organisational strength provide a range of member-only incentives necessary to motivate individuals to join the organisation and contribute to its influential support base.

The above characteristics displayed by Indo-Canadian organisations are traits associated with interest group influence generally, and are not particular to the effectiveness of ethnic lobbies. In addition to displaying the above features, influential lobby groups that mobilise around an Indo-Canadian agenda are both 'mainstream', or integrated within resident state society, and possess a core base and peripheral members – the diaspora 'community' leadership of diaspora organisations claims to represent – who maintain strong identification with the homeland and who have interests in the effects of receiving state policy on the diaspora community and home state. The Canada India Foundation stresses its mainstream nature, describing itself as a Canadian organisation populated by Indo-Canadians. 'What's in it for Canadians' (personal interview, 24 August 2009) is how the Canada India Foundation frames its approach when considering policy advocacy that relates to India. The subsequent 'issue and stance' section will further describe the diaspora strategy of appealing to resident country interests and values.

Issue and stance

The way in which Indo-Canadian lobby organisations position their lobbied issue matters for influence amongst policymakers. First, inductive analysis from the

India-Canada case suggests that the ability of diaspora organisations to create links between their policy demands and an issue that is already on the radar screen of policymakers enhances the political traction of the lobbied issue. For instance, the Canada India Business Council and Canada India Foundation efforts to raise awareness of visa rules that prohibit nuclear scientists from entering Canada on national security grounds directly links a demand for visa regime change to another policy area that has salience with Canadian policymakers: bilateral nuclear co-operation and the recently concluded agreement between Canada and India. As Haney and Vanderbush articulate, groups that are able to 'push on an open door' (1999: 345) or advocate for policies the government already favours have greater resonance in policymaking circles.

The capacity to issue-link and highlight how *status quo* visa rules are an obstacle to the government's existing policy goals enhances the political salience of the lobbied issue.

Further, casting the migration-related policy demand in a non-special interest light appeals to a broader range of interests and allows diaspora organisations to develop coalitions with mainstream organisations which broaden their power base. The appeal to Canadian interests, values and symbols broadens the terms of reference of policy advocacy is observable in the regulated professions policy reform discussed later in this chapter. It is also observable in the case of the Canada India Foundation and how it positions the need for a strategic partnership between Canada and India 'as critical to Canada's future'. The Foundation describes visa reform not in relation to the specific business interests of its members that stand to be furthered, but in terms of improving the competitiveness of Canada's immigration regime in attracting

talent. CASSA's advocacy against the rising ratio of temporary foreign workers as opposed to permanent resident immigrants entering Canada appeals to the perceived negative consequences of reduced 'nation-building' immigration, and not to the impact of reduced levels of settlement funding for immigrant serving organisations such as CASSA. Claiming to represent and speak for the interests of the receiving country as a whole when lobbying on issues that affect group interests is crucial to developing coalitions with domestic actors and appealing to the policy interests of receiving state decision-makers.

Last, weak and divided opposition on a given policy issue, including the capacity of ethnic lobbies to position their demands in such a way that creates division, can enhance the impact of diaspora policy advocacy. As a broad rule, the general public in Canada is not as well mobilised on immigration issues as immigrant groups, which have first-hand experience of immigration rules, belong to ethnic networks that are linked to strong mobilisation capacity, raise immigration reform as an electoral issue, and tend to reside in hotly contested, geographically concentrated constituencies. The lack of a similarly well coordinated, concentrated and informed 'anti-immigration' lobby in Canada (Reitz 2004: 112) suggests a strong default position of influence for well position, well organised lobby groups.

An organisation may gain political influence by casting its stance as 'oppositionless' (Haney and Vanderbush 1999: 345), or, in the case of the following example, by casting the opposition as threatening 'Canadian interests'. The Canada India Foundation escalated tension over the denial of Canadian visas to retired and serving India security personnel on the grounds noted by a Canadian visa officer in his rejection letter, that certain forces are 'notoriously violent' and engage in

'systematic torture' (Westhead 2010). The national convener of the Foundation took to the airways arguing that the visa denial is not attributable to policy of the Canadian government, which 'thinks highly of India and eagerly wants to engage with New Delhi', but to a dated, 'systemic anti-India bias by the Canadian bureaucracy' and its 'old anti-India mindset of 15 or 20 years ago'. (Times of India 28 May 2010), visa issuance). The convener had previously called for the appointment of political envoys rather than bureaucrats to the position of Canadian High Commissioner to India, again insinuating that the bureaucracy's old-fashioned mindset puts Canada at risk from losing out on full engagement with India. The Canada India Foundation's efforts to exploit perceived distance between the Canadian bureaucracy and cabinet in relation to India, to cast the source of perceived opposition as dated and to hold the government to account regarding the 'message' that visa agents from the Canadian diplomatic mission in Delhi send to Indian officials. Isolating the opposition and branding its position as contrary to Canadian interests is a strategy which can increase the political leverage of an organisation's lobbying.

Access to government

The proximity of Indo-Canadian interest groups to policymakers is influenced by the relative centralisation or fragmentation of the political institutions that govern a particular issue. Risse-Kappen's (1995) contention is that if political institutions are highly centralised in the hands of a small group of decision-makers, civil society may be too comparatively weak to balance the power of the state. An alternate contention, however, is that fragmented institutions make it difficult for interest groups to identify and target policymakers with substantive influence over a given issue. If decision-making power over a given issue is concentrated in a single ministry, the

very fact that power resides in one place and that policy change requires fewer actors could make it more susceptible to influence.

In Canada, as with most countries, 'migration' does not exist as a discrete policy field. Responsibility for different aspects of human mobility is dispersed across different government agencies. CIC, Canada Border Services Agency and HRSDC are three federal institutions which have jurisdiction over some facet of the rules that bear on intake or incorporation. Moreover, constitutional jurisdiction over immigration in Canada is shared between the provinces and the federal government. Settlement programmes are funded at the provincial level, economic intake happens not only through federal programmes but also via provincial nominee programmes, provinces have their own regulatory bodies which address province-specific credential assessment for regulated professions, and the federal government has the final say on safety, security and health criteria for admitting immigrants or denying entry. The various loci of decision-making authority could present a challenge for advocacy organisations to identify the most effective target to pressure for reform.

Yet, while there are many federal and provincial institutions that bear on the governance of different facets of immigration to Canada, there exists significant ministerial discretion over the policy area as a whole, with the nuts and bolts of intake and citizenship set at the top by the cabinet. This was most recently on display with the 2008 passing of Bill C-50, which legislates ministerial discretion regarding the prioritisation of occupations for entry into Canada. CASSA objected to discretionary power in the hands of the Minister (Saunders 2008), endorsing the view that concentration of ministerial power limits the potential influence of civil society over the rules that govern immigration. Yet, Green and Green (1995) suggest just the

opposite – that the concentration of immigration-related power within the Canadian executive is in fact highly susceptible to the special interests of immigrant groups. The authors offer three post-war instances of immigrant lobby groups successfully altering Canadian policy. Notably, a 1959 order-in-council from the executive attempting to curb unskilled immigration from non-Western European countries was reversed shortly after it was issued owing to unforeseen mobilised opposition targeting the cabinet from geographically concentrated new immigrants in the country. A more contemporary example was discussed in Chapter 4. The ministerial level decision to open a visa office in Chandigarh went largely against the interests of the bureaucracy and was strongly swayed by political pressure from electorally significant Sikh communities. In this instance, ministerial discretion was susceptible to lobby influence and the electoral weight of immigrant communities. The indications of lobby influence noted at the beginning of the Chapter further support this view. The fact that a single Minister and small group of advisors wield considerable authority means that lobby resources can be marshalled more effectively in a single direction rather than dispersed across a range of actors who individually hold less power on the issue. For groups with sufficient resources and organisational strength to access them, centralised executive-level decision-making structures may, in fact, be more porous than fragmented ones.

Interest group proximity to policymakers is further enhanced when, as Haney and Vanderbush (1999) argue, a symbiotic relationship exists between the two parties. The lobby efforts of ethnic interest groups can provide justification for policymakers to undertake immigration or foreign policy reform. Lobbying may be actively encouraged (Watanabe 1984) by bureaucrats who seek to expand their institutional significance (Niskanen 1971, 1975). A senior Canadian diplomat

suggests that the Canada India Foundation's proximity to policymakers is enhanced by the apparent symbiotic relationship that exists between the Foundation and the current Conservative administration of the Canadian government:

> 'They [Canada India Foundation] consist mainly of Gujaratis. This is a point of influence because the Conservatives believe that Punjabis are too influential in Canada vis-à-vis engagement with India. For instance, the treatment of CM [Chief Minister] Modi in Gujarat is seen largely as a throwback to the Liberal era[45]. It's thought Canada's interests are not best served by this policy of non-engagement with Gujarat. This is one of the pressure points of India-Canada Foundation, so they gain influence on this front, too. They're active on the nuclear issue, keen to re-open [engagement], and this aligns with government priorities' (anonymous personal interview, October 2009).

Canada India Foundation advocacy is an asset for the Conservative leadership to further its own foreign policy priorities vis-à-vis India.

A more reactive role of interest groups in collaborative relationships with policymakers is expressed by an official at CIC who articulates that because immigration policy is set at the top, politicians and bureaucrats rely on civil society organisations on the ground to provide feedback of the intended and unintended consequences of policy decisions.

5.4 Outcome attributable to diaspora influence

The specific outcome attributable to the influence of the diaspora under the lobby channel is the creation of Ontario's Fair Access to Regulated Professions Act (FARPA), 2006, also known as Bill 124. FARPA is the first legislation of its kind in Canada to hold professional regulatory bodies accountable to certain standards of transparency and due process regarding the creation and application of rules that

[45] Canada adopted a policy of no senior political engagement with Gujarat following alleged complicity of Gujarati political leadership in the Muslim-Hindu riots of 2002. The Liberals issued a travel ban prohibiting Modi from entering the country (Westhead 2011).

determine access to their profession. The legislation's aim is to ensure that Ontario's 34 regulated professions adopt 'fair, objective, transparent and impartial' licensing processes 'so that internationally trained individuals get to work in their fields of expertise sooner' (Office of the Fairness Commissioner).

The Act introduces a Fair Registration Practices Code, reporting and auditing requirements for Ontario's regulated professions and an access centre for internationally trained professionals. It also establishes an Office of the Fairness Commissioner to assess practices and ensure compliance (Türegün 2008). The changes introduced by FARPA have been emulated in legislation under consideration in other provinces, such as Manitoba and Nova Scotia (see 'Legislation' in Bibliography).

The sources of pressure leading to the creation of FARPA the diverse immigrant professional communities it most immediately benefits extend far beyond the Indo-Canadian community. However, Indo-Canadian groups were strongly represented within the influential coalition formed between internationally trained professionals, immigrant serving associations and others endorsing public interest efficiency and fairness arguments. This coalition was a driving force behind the Ontario policy change at both pre-legislative and legislative phases.

The three features discussed in the previous section – issue and stance, organisational strength and access to government – will be used as a framework to explore the creation of the Act and the influence of a range of immigrant-related organisations in bringing it about.

Issue and stance

The debate central to and preceding FARPA was one between immigrant professionals, an 'out-group' seeking labour market access, and regulatory bodies, an 'in-group' seeking to maintain control over access to regulated profession and over the rules that govern inclusion versus exclusion. Yet, both sides cast the issue broader than a narrow conflict of labour market interests to invoke concerns of the broader Canadian public. One side couched its arguments in terms of economic efficiency and fairness considerations. It appealed to wasted international talent and the squandered economic potential of immigration, particularly in light of doctor and other skilled professional shortages in Ontario. It also opposed the injustice of labour market discrimination that is not based in merit. Those on the other side of the debate appealed to the upholding of Canadian standards to protect public welfare and the preservation of professional regulatory autonomy to do so. The invocation of Canadian values by immigrant and non-immigrant organisations alike increased the political weight of the terms of contestation and expanded the types of interests drawn into the debate. For instance, the Law Society of Upper Canada argued that the Act would threaten 'the principles of independence and self-regulation, constitutionally protected features of the justice system' (Türegün 2008:24/5). The Chinese Canadian National Council, on the other hand, argued that Canada's immigration policies should embody the 'humanitarian values that are commonly shared by Canadians' (Standing Committee on Citizenship and Immigration 2005). The Council also argued that registration requirements for foreign trained professionals should be brought in line with the Canadian Charter of Rights and Freedoms and the Human Rights Code, on grounds that discrimination according to place of training is strongly correlated to discrimination according to place of origin (Türegün 2008:21). A specific conflict of interests regarding labour market inclusion

and exclusion was expanded into a debate about fundamental Canadian principles, including the provincial government's obligations to newcomers balanced against its duty to protect public safety.

The invocation of public interest arguments was conducive to the formation of coalitions which broadened the support base of both sides, but particularly bolstered the influence of immigrant professionals. The issue of exclusion more than inclusion cut across professional boundaries and concentrated most on Ontario's sizable population of foreign trained immigrants (as opposed to 'natives' who had gone abroad for training and had returned to practise their profession). A range of organised groups successfully mobilised the support of vast constituencies. These groups included: (a) front-line immigrant serving organisations, such as the umbrella groups OCASI, CASSA; (b) issue-based coalitions such as the 'Fair Access Coalition' (which represented 67 agencies including the South Asian Women's Centre) and the coalition Policy Roundtable Mobilizing Professions and Trades (whose members included the Association of International Physicians and Surgeons of Ontario); and (c) independent immigrant professional associations such as the Indian Institutes of Technology Alumni Canada. These pro-reform organisations commissioned research, pitched stories to ethnic and mainstream media and made policy submissions during the legislative process to support their case for greater migrant access to regulated professions.

Immigrant professional groups and immigrant-serving organisations displayed stronger capacity to join forces with like-minded groups to challenge the *status quo* than did reactionary profession-specific regulatory bodies, each of which hold different requirements and standards for assessing international applicants.

While regulatory bodies gained general sympathy from Canadian actors broadly opposed to state intervention and the erosion of professional regulatory authority – notably, initially the Conservative Party – this group was strongly 'out-coalitioned' by a broad range of immigrant professionals and their supporters who championed economic efficiency and fairness arguments.

Moreover, to use Haney and Vanderbush's phrase, immigrant professionals and their supporters were largely 'pushing on an open door' (1999: 345) with respect to policymakers' interests. The multifaceted issue of immigrants' labour market underperformance had been on the radar screen of policymakers for considerable time, with a series of related initiatives undertaken by the Ontario government beginning with the 1989 establishment of the provincial Task Force of Access to Professions and Trades (Samuel 2004). Additionally, a corpus of academic and policy literature on the lost potential contribution of immigrants' foreign-earned human capital to the Canadian economy was well established and publicised. Foreign credential recognition was increasingly picked up by the media as central to poor immigrant performance in the labour market. Print and broadcast media were replete with and continue to present anecdotes of PhDs and MDs driving taxi cabs and delivering pizzas (Canada E-Zine 2005; Fiorito 2009; National Post 1 December 2009;). Lastly, the public was broadly sympathetic to the plight of excluded immigrant professionals. According to an Angus Reid survey conducted in 2008, two years following the enactment of FARPA, 85% of rrespondents believed that too many immigrants in Canada were not working in their fields of study or expertise, and 75% believed that the qualifications of too many immigrants simply went unnoticed by employers. A convergence of sympathetic policy, media and public opinion environments created conditions conducive to the formation of an influential

pro-immigrant professional coalition and a community largely receptive to its policy message. The 'timing was right' for policy change, reflects a representative of a South Asian immigrant-serving agency (personal interview, 10 September 2009).

Organisational strength

As noted above, two types of organisations were central to the pro-immigrant professional coalition that developed in advance of and during the legislative processes surrounding Bill 124: Immigrant professionals organised within ethno- and profession-specific associations, and front-line immigrant serving organisations united under umbrella advocacy organisations.

Strong organisational capacity was central to the lobby influence of these two types of organisations. Immigrant professionals have high education levels, strong English language proficiency and the capacity and motivation to articulate demands and provide information relevant to the policy environment (personal interview, 23 September 2009). The recent critique by the Association of International Physicians and Surgeons of Ontario (2009) of a Parliamentary Standing Committee's 2009/10 report on accelerating the integration of internationally-educated health care professionals is illustrative. Immigrant-serving organisations active on the issue of access to professions have long-term familiarity with relevant policy environments. As early as 2003, CASSA commissioned an 'Access to Professions and Trades Scan' study undertaken by PROMPT to inform the policy development and advocacy process. Questions addressed in the study include the following:

> 'Who are the key players on the issue of access to professions and trades? Who are the champions of this issue within government? What ministries/departments have responsibilities that impact on APT [Access to Professions and Trades] issues and what are their specific mandates? Which inter and intra governmental/departmental relations

> pose challenges? Which inter and intra governmental/interdepartmental relations create opportunities? What initiatives currently exist or are underway? Who else is doing policy development and advocacy on APT [Access to Professions and Trades] issues?'(PROMPT 2003)

Thus, in addition to the power of sheer numbers and a broad coalition of support, immigrant professional associations and immigrant serving organisations displayed a strong capacity to access, create and disseminate policy-relevant research in furtherance of their central demands.

Access to government

As Türegün (2008) notes, the pro-immigrant access coalition was influential at both the pre-legislative phase and during the legislative process itself. At the pre-legislative phase, members of the coalition generated momentum to position the issue of access to professions as in need of a major public policy response. Even before the creation of FARPA, regulatory bodies responded to lobby activities (Ontario Regulators for Access 2004), including with concessions such as improved international assessment programs. Lobbying activities did not stop once the issue reached the legislative arena. The 'Fair Access Coalition' of 67 immigrant serving organisations was formed following the tabling of Bill 124, and made a submission to the Standing Committee overseeing the Bill. OCASI pushed for the a draft of the Bill to contain stronger government intervention. Türegün's study suggests that intense campaigning by the pro-immigrant coalition following the tabling of the Bill in June 2006 made 'a significant difference to the content of the legislation' by strengthening its fair access provisions.

FARPA's introduction of some level of provincial oversight regarding the rule-making and rule-application procedures of regulatory bodies governing

admission to their profession represents a shift from fragmented regulation in the hands of independent professional bodies toward a greater degree of centralisation. The removal of professional bodies' unrestricted regulatory autonomy represents, in principle, a shift of power toward the provincially legislated Office of the Fairness Commissioner. This centralisation aims to hold regulatory bodies' accountable for coherent and transparent entry rules. Despite its cited flaws[46], this first legislation of its kind in Canada is a significant gain for immigrant professionals seeking to access regulated professions in Ontario and the pro-immigrant access coalition.

5.5 Interests of the diaspora and sending state in outcome

FARPA is not only in the immediate interests of internationally-trained professionals – and arguably the Canadian public as consumers of professional services – but is in the interests of the Indian state. Indeed, the issue of foreign credential recognition has been on the agenda of the Indian state in bilateral meetings with Canada for years, according to personal interviews with Canadian officials in both CIC and DFAIT (personal interviews, 21 & 24 September 2009). A senior diplomat from the Indian High Commission in Canada ranks it as the top issue in bilateral relations between India and Canada, describing restrictive foreign credential assessment as 'a non-tariff barrier to Indians coming to Canada' (personal interview, 22 September 2009). Individuals who are professionally trained in India but cannot use their skills abroad represent a waste of sending state education resources, and a major opportunity cost with respect to fewer diaspora links from afar. This is because a physician or engineer who is unable to access their profession overseas offers

[46] The Act can be criticised for its lack of comprehensiveness, as it covers only the professions and not the trades. Moreover, FARPA focuses on the relatively narrow issue of credential recognition and does not address other obstacles to immigrant access to the professional labour market, such as ability to practice and attitudinal barriers.

diminished prospects for diasporic collaboration with the source country. An indication of the significance of the issue of credential recognition for the Indian state is the much touted breakthrough in the Comprehensive Economic Cooperation Agreement India concluded with Singapore in 2005: a mutual recognition agreement was successfully negotiated in which doctors and nurses from select Indian institutions are able to work in Singapore without the need for credential assessment processes.

In the absence of the Indian diaspora, amongst a range of other groups, tapping into public interest arguments, creating coalitions with domestic actors, and using policy-relevant information and grass-roots campaigning to persuade bureaucrats and politicians, home grown pressure for provincial legislative change would not have coalesced and the issue of foreign credential recognition would remain characterised by a sending state-receiving state impasse. As an Indian diplomat posted to Canada indicates in personal interview, the Indian consulates may raise the issue of foreign credential recognition with Canadian counterparts, but there is 'not much we can do beyond talk', as the issue is internal to Canada's domestic affairs – indeed, internal to its provinces which have autonomy in this sphere. India is unable to use bilateral diplomatic channels to contest the regulatory power of provincial regulatory bodies whose rules controlling access to their professions nonetheless carry significant costs for the source country.

Bill 124's introduction of oversight and accountability regarding the regulation of one facet of entrance to the professions is in the interests of the sending state because as it removes the most visible barrier to professional immigrants' ability to make use of their talent in the resident country, and thereby serves to

maximise professional collaboration with and economic contributions to the source country. The Ontario legislation can be seen not only as a victory for internationally trained professionals, but for associated source countries, whose resources devoted to the educational attainment of eventual emigrants are more likely to yield transnational benefits.

5.6 Counterfactual reflection

The above discussion noted the role of immigrant-serving organisations and immigrant professional associations generating pressure for legislative reform. The counterfactual reflection must similarly entertain the influence of organised immigrant groups broader than the Indo-Canadian diaspora: would FARPA have obtained in the absence of immigrant group mobilisation?

This question raises the problem of how to distinguish ethnic lobby influence from more general structural influences when both are pulling in a similar direction. This dilemma is discussed by Kirk (2008) in his analysis of the role played by Indo-Americans in the negotiation of the US-India nuclear agreement. Sympathetic policy, media and public opinion environments were conditions conducive to policy escalation of the issue of foreign credential recognition and contributed pressure for reform. How can we delineate ethnic lobby influence from the convergence of these other sources of pressure? The Chapter approaches these broader structural influences as necessary pre-conditions for ethnic lobby influence to take full effect. The lobby served as a catalyst which, when surrounded by favourable policy and public opinion climates, formed collectively sufficient conditions to bring about legislative reform. Of course, not all events preceding reform were necessary for reform to take place. For instance, even though the provincial Conservative and NDP

parties supported the Liberals in passing the legislation, given the Liberal majority the Bill would have passed in its final December 2006 reading without any support of the other parties.

The pertinent question is whether the Liberals would have introduced and voted for the Bill in the absence of immigrant mobilisation? The answer is no. Two specific sets of conflicting labour market interests were a necessary foundation onto which a wider range of actors were brought into the reform equation. The broader debate that developed between economic efficiency and fairness considerations versus Canadian standards and regulatory autonomy would not have come into existence were it not for a narrow set of directly opposed labour market interests and the capacity of both labour market insiders and outsiders to develop coalitions to widen their support bases and the terms of debate. Forceful lobbying from immigrant professionals and immigrant serving organisations was necessary to galvanise the broader debate and position the issue as in need of policy reform. In this way, excluded immigrants and their mobilisation were necessary for legislative change.

Diaspora lobby influence can be delineated from broader structural conditions pulling in the same direction by parsing influences into sufficient and necessary conditions. Without immigrant mobilisation, the necessary catalyst for generating a wider debate and capturing the interests of policymakers, researchers and the public would have been missing, considerably reducing the impetus for policy change. Collectively, a conducive structural climate of government attention on the issue, public sympathy and a body of well developed research, combined with the persuasive advocacy of a range of diaspora and immigrant organisations produced conditions sufficient for the creation of FARPA.

5.7 Generalisability

The three factors of organisational strength, issue and stance, and access to government discussed in relation to the Indo-Canadian diaspora's capacity to make use of the lobby channel hold analytical purchase beyond the immediate case and are relevant to the generalisability of diaspora lobby influence on host state policy. Diaspora organisation, policy issue and receiving country features are highlighted briefly below as areas for future deductive research across a range of cases.

Variation in the composition of the diaspora and the nature of migration has significant implications for a diaspora's organisation and lobby influence. Diasporas which exhibit group traits such as high educational attainment and income levels will have greater recourse to resources that enhance lobby influence. The Indian diaspora in Southeast Asia versus in that in the US vary considerably on these points, with corresponding implications for the Indo-American diaspora's relatively high levels of organisation and its capacity to make use of the resource-intensive lobbying channel (Anderson 2006; Carter 2003). The rising educational and socio-economic profile of the Indian diaspora in Canada over the past 20 years partly accounts for its heightened motivation and ability to engage effectively in policy advocacy. 'You need two hands to clap' (personal interview, 22 September 2009) describes a senior diplomat at the Indian High Commission in Canada, linking economic prosperity to variation in the Indian diaspora's lobby power across a range of democratic source countries.

Internal polarisation within a diaspora group matters for its levels of lobby influence. The Indian diaspora in Canada is remarkably fractured along linguistic, religious and regional lines, with a range of associated organisations more and less

active in policy advocacy. A coherent diaspora voice on policy issues that transcends sub-source country identities could be hypothesised to translate into greater group influence on policy issues.

With respect to incentives to organise around a source-country specific agenda, the permanence of migration matters. Permanent residence immigrants may have less motivation to lobby for policy that affects the source country compared to those who envision eventually returning to or cycling back through the homeland. Further, the organisation of diaspora groups is affected by integration policies of the receiving state and the extent to which the maintenance of culture, language and source country connections are socially accepted or encouraged (Abd-El-Aziz et al 2005:2).

A second dimension of diaspora lobby variation concerns the lobbied issue and stance. Variation in the ability to link lobbied issues to existing politically salient policy goals, the ability of groups to frame debate and establish coalitions in terms broader than immediate special interests, and the potential to exploit weak and divided opposition suggests that some issues and stances are more likely to be the object of effective lobbying than others. Migration-related policy demands that can be persuasively phrased in light of receiving state interests appear more likely candidates for reform. That said, the perceived need for diaspora lobbies to emphasise resident country interests and identities may vary according to assimilation pressures experienced in the host country and how susceptible ethnic lobbies are to charges of disloyalty.

A final dimension of lobby influence variation concerns differences across receiving states and the permeability of political decision making environments to

interest group lobbying. In his comparison of the Jewish lobby targeting Canadian versus US foreign policy, Goldberg (1990) stresses the impact of different decisional environments. Some commentators argue that Canada's parliamentary democracy is less open to lobby influence than America's Presidential-Congress system, where individual congressmen hold considerably greater power than Canadian MPs and where the tradition of lobbying closely with or on behalf of foreign governments is well established. Other suggest the difference is less a matter of lobby influence a more a matter of different points of lobby access to the decision making process. Stanbury (1978) argues that the Canadian system favours lobbying techniques that give interest groups access to early stages of decision-making, such as pre-parliamentary and possibly parliament-cabinet stages, while the US system favours access to later phases of legislation creation and implementation. This issue merits further exploration with respect to diaspora interest group access and influence within the lobby channel.

The significance of the bilateral relationship between the sending and receiving country also has implications for the influence of ethnic lobbies on migration and other policy reform. The extent to which the resident state views the diaspora as a tool to advance its own bilateral goals will affect the diaspora's success in accessing policymakers.

Features associated with Indo-Canadian diaspora influence are not inherent to the diaspora group, but are contingent upon a range of factors that hold analytical purchase beyond the immediate case. Variation in ethnic lobby influence according to diaspora, lobbied issue and resident country decision-making structures suggests fruitful avenues for future research.

5.8 Conclusion

Based on inductive analysis, this chapter identified three features central to the Indo-Canadian diaspora's capacity to advance migration-related policy change via the lobby channel: organisational strength, issue and stance, and access to government.

With respect to this last point, different receiving states have different levels of openness to diaspora influence through the lobby channel. As Cornelius and Tsuda (2004) suggest, the degree to which immigration policymaking is conducted by elected representatives – or is nonetheless politicised within bureaucracy-dominated policymaking through substantive consultation processes with advocacy groups – bears on how open it is to interest group pressures. In Canada, although the bureaucracy can be characterised as 'micro-managing' intake, say, by specifying in-demand occupations, consultations with civil society, including immigrant-serving organisations, are prevalent. Moreover, the Immigration Minister is assuming an increasingly central role in immigration policymaking. Bureaucrats in CIC claim they have 'taken a backseat' (anonymous personal interviews, 2009), given the outreach and consultation activities Minister Kenney conducts with diaspora groups. The moniker 'Mr. Curry in a Hurry' offered by some CIC officials alludes to the political nature of these consultations. Moreover, Bill C-50, whose immigration governance implications were controversial and highly politicised, concentrates discretionary power in the hands of the Minister. For these reasons, Canada's immigration policymaking regime may be characterised on Cornelius and Tsuda's metric as increasingly open to diaspora lobby influence.

The porousness of the policy network and the number of access points for diaspora groups to influence policy will vary across receiving states according to the degree of fragmentation that characterises the governance of migration. At the extreme, decentralised end, Cornelius and Tsuda (2004:17) highlight that Japan's immigration policymaking regime is comprised of 17 ministries and agencies. Such decentralisation may offer more entry points for lobby influence, or it may dilute lobby efforts because no one agency hold concentrated decision-making power. Such questions are fruitful for exploration in future research. Chapter 8 will systematically consider features of diaspora capacity and receiving state political channels that may guide future research across multiple cases.

The chapter focused on the influence of immigrant organisations in the creation of FARPA. Several diasporas, including the Indian diaspora within ethno-specific and professional associations, created political momentum for the initiation of FARPA. The policy debate featured two specific opposing interests and groups – excluded international professionals seeking access to the labour market and wage protectionist professional regulatory bodies. However, general public interest arguments beyond this insider-outsider debate were appealed to by both sides to widen the debate and include new actors within respective support bases. The 'timing was right' for the lobby activities of professional and ethno-specific associations regarding foreign credential recognition, given broadly aligned sympathies of the public, media and policy research. Moreover, the issue was on the radar screen of the government and the advocacy of the pro-immigrant coalition represented an opportunity for policymakers to advance directly related objectives regarding the labour market performance of immigrants.

The counterfactual reflection section took up the question of how to distinguish diaspora lobby influence from other sources of pressure when both pushed largely in the pro-reform direction. It concluded that in the presence of a conducive climate of government attention on the issue, public sympathy and a body of well developed research, immigrant mobilisation was the necessary catalyst to position the issue of access to the professions as in need of significant policy change. In the absence of diaspora lobby activities, a necessary trigger for the convergence of sources of pressure for reform would have been missing, and the impetus for FARPA would have been substantively diminished. Strong countervailing pressures opposed to the creation of FARPA suggest the significant influence of immigrant interest group lobbying. Lastly, the generalisability section noted three dimensions of variation relevant to diaspora lobby influence on receiving state policy which can be further explored deductively across a range of cases at a later stage of research.

Part I Conclusion

Part I presented a systematic framework for exploring diaspora power over migration policy and political outcomes in Canada. The diaspora's influence was disaggregated according to three channels that link society to the state in relation to migration policy issues – the tribunal, electoral and lobby channels. Influence under these channels was analysed in a compartmentalised way because the impact of minority populations on policy is subtle and its study benefits from disentangling precise pathways by which diaspora actors alter outcomes. Moreover, the three discrete sites of political behaviour formed the sub-cases and chapters of Part I. The intervening variable of diaspora influence was held constant to explore different

policy outcomes (dependent variables) and discrete analytical problems involving diaspora influence within a common theoretical and methodological framework.

It should be emphasised that the diaspora's influence over intake and incorporation rules in Canada is greater than the sum of its parts. Because the diaspora's interests and organisational capacity interact across the three channels, the diaspora's cumulative impact is greater than simply the addition of disaggregated influence as presented in each chapter of Part I. For instance, the diaspora is effective in advancing the objective of family reunification because the group uses multiple political channels to further its goal. At the individual level, cases of visa rejection are overturned by the diaspora not only via the IRB (tribunal channel), but through the electoral channel: MPs may submit representations to the Delhi visa office on constituents' behalf or may issue Private Members' Bills in Parliament to publicise family reunification challenges faced by diaspora constituents. Diaspora organisations also make use of media channels and lobby politicians on Canada's family reunification policy, highlighting the negative impact on the Indo-Canadian community of visa processing delays, restrictions on family member eligibility and intake targets (Dhillon 2011). The cumulative power of the diaspora over migration outcomes is therefore not fully appreciated by considering its activities under any single channel. The diaspora's mobilisation under different channels can converge on a single policy issue and amplify pressure for policy reform.

Outcomes made significantly more likely by diaspora influence were analysed in Part I as follows. Chapter 3 identified a higher intake of family sponsored applicants from India, the definition of Indo-Canadian diaspora group rights before the IRB tribunal and greater decision-making consistency by IRB adjudicators as

outcomes brought about by the Indo-Canadian diaspora's influence under the appeals mechanism. In Chapter 4, the group's electoral influence was responsible for MPs submitting a disproportionate number of representations regarding rejected visa applications to the Delhi visa office. The location of Canada's new visa office in Chandigarh (which affects the nature of intake from India), and the official apology extended by the Conservative government to the Indo-Canadian community over historically unjust immigration policy are also outcomes attributable to diaspora influence. In Chapter 5, the lobby activities of a range of ethno-specific and other associations strongly representing Indo-Canadian professionals contributed to the public pressure and political momentum that led to the creation of provincial legislation in Ontario to improve access to regulated professions for the internationally-trained.

Part I should be defended against the charge that the above outcomes are small in scale and suggest only marginal diaspora influence. Radical overhaul of existing policy is not necessary for the central argument of this thesis. The diverse policy outcomes identified in Part I are analytically relevant for demonstrating that migration policy changes in Canada have occurred owing to diaspora influence, and that these changes – which, as Part II will elaborate upon, mitigate the powerlessness of the Indian sending state to advance its own migration interests vis-à-vis Canadian migration policy – would not have come about on a purely inter-state model of migration relations. Policy influence on the margins is still influence and all outcomes analysed in Part I underscore the capacity of the diaspora to introduce transnational interests and identity to domestic pressure for Canadian migration policy change. The diaspora's power does not derive from altering the fundamental

democratic channels by which intake and incorporation are regulated in Canada, but from making use of existing channels in ways that benefit the group.

The three chapters that comprise Part I considered actual outcomes attributable to the diaspora's political mobilisation in Canada. However, influence can also be understood through the lens of outcomes that never came about. Such an approach would invert the evidentiary burden to explore the influence of the diaspora in preventing Canadian migration policy unfavourable to diaspora group interests from coming to fruition.

Non-outcomes are challenging to identify and ascribe causes to. Nonetheless, non-outcomes are particularly relevant for exploring diaspora influence under the electoral or lobby channel, where the same policy outcome may further one group's interests and hinder those of the diaspora. One can expect that policies which negatively impact an electorally influential group would be avoided or downplayed for political gain. In light of the large number of concentrated votes commanded by the Indian diaspora in hotly contested ridings, it is highly unlikely that at election time parties would propose such unfavourable (to the diaspora) policies as closing a visa office in India or prioritising for immigration intake occupational categories that disfavour Indian applicants. The attention devoted by politicians to the positive upshots of Canadian migration policy for the Indian-Canadian community (see Chapter 4), suggests their awareness of the group-specific impacts of Canada's immigration policy. A conspicuous non-outcome attributable to the electoral influence of a segment of the diaspora was the last-minute change to Prime Minister Harper's itinerary during his 2009 visit to India. A planned visit to Hyderabad, the hi-tech centre in the south of the country significant for trade links, was cancelled

and replaced with a trip to Amritsar, the holy city of Sikhs (personal interview, 19 November 2009), who constitute a major vote bloc in Canada. As a leading Canadian newspaper reported at the time: 'There is no politics more local than a Canadian prime minister visiting India' (Ibbitson 2009).

Non-outcomes in the realm of migration policy are generally difficult to chart, particularly without access to insider information regarding which policy options were considered and discarded and why. This thesis acknowledges that influence which prevents some decisions from being made may be as significant for assessing diaspora power as outcomes which did come about. Yet, given the evidence available and this thesis' understanding of power tailored to analysing concrete outcomes,[47] Part I focused exclusively on upshots that did obtain.

The impact of diaspora mobilisation is challenging to isolate from a Cabinet-level effort to deepen Canada's economic and political engagement with India, which conceivably includes migration-related initiatives. This issue of delineating diaspora agency from broader enabling structural influences was noted in Chapter 5 and shared by Kirk (2008) in his discussion of the US-India nuclear deal and how to differentiate Indian diaspora lobby influence from broader shifts in American foreign policy. A variety of structural forces are at play behind the Canadian government's impetus for renewed engagement with India following historical distance, including India's ongoing economic liberalisation, its strategic alliance with the US, its increasingly prominent place in world affairs, and its trade potential which Canada has been slow to act on. When such broader forces push in the direction of greater Canadian state engagement with Indian capital and Indian talent, how can we parse

[47] Recall from Chapter 2, this thesis understands power as the ability of actor A to get actor B to do something it would not otherwise do.

this effect from diaspora influence in bringing about 'India-friendly' migration outcomes under the tribunal, electoral and lobbying channels?

The counterfactual approach used in Chapters 3-5 sought to isolate the impact of the diaspora's political activities on Canadian policy outcomes. The approach asked whether sufficient sources of influence would exist in the absence of diaspora activities to bring about observed outcomes. The fact that diaspora mobilisation under the three channels runs largely with the grain of Canadian foreign policy priorities vis-à-vis India need not mean that diaspora influence is any less significant, but it does make it more challenging to delineate. In many instances, the diaspora's opportunity to advance 'India-friendly' migration outcomes is enhanced by the fact that such outcomes are broadly 'onside' with respect to Canadian priorities to strengthen engagement with India. This is observable in the case of CIF's lobby activities. The organisation's advocacy in favour of prioritising skilled Indian immigration resonates strongly with the Canadian government's existing priorities to use economic immigration as a tool to attract assets central to a competitive 'knowledge economy'. The prospects of successful lobbying are heightened because structural influences are broadly aligned. Haney and Vanderbush arrive at a similar conclusion when they note that the ability to 'push through an open door' (1999: 345) (i.e., sympathetic existing government priorities) increases the likelihood of ethnic lobbying success.

The approach adopted in Chapter 5 to delineate diaspora agency from structural conditions pulling in the same direction was to parse influences into sufficient and necessary conditions. With respect to the legislative outcome of FARPA, diaspora influence was a necessary catalyst, but insufficient on its own, to

bring about the policy reform. A conducive climate of government attention on the issue, favourable public opinion and a body of well developed policy research and media coverage, combined with the persuasive advocacy of a range of diaspora and immigrant organisation coalitions, produced collectively sufficient conditions for the creation of FARPA.

In order to analyse the contribution of transnational migration relations to inter-state ones, this thesis considers two distinct but related power relations. Part I has analysed the 'domestic' power relation (the influence of the diaspora on the receiving state), and Part II will address the 'transnational' power relation (the impact of the sending state on the diaspora's political mobilisation abroad). The Indo-Canadian diaspora can be viewed as both a domestic actor in Canada and a transnational one, linking India to Canada by introducing source-country related pressure into domestic migration politics. Part I demonstrated that by inserting transnational identities and interests into domestic contestation strategies, diaspora mobilisation in the receiving state advances outcomes that one would not expect on a purely inter-state model of a rule-making receiving state and rule-taking sending state.

Part II will explore how the diaspora's use of domestic political channels in Canada that are not accessible to the sending state is nonetheless strongly influenced by the sending state's transnational engagement with the diaspora. The upcoming section will address how sending state influence over facets of diaspora identity, interests and organisational capacity offer opportunities for the Indian state to advance its interests through the conduit of the Indo-Canadian diaspora's political activities within the Canadian state.

Part 2 How the Indo-Canadian diaspora serves as an intermediate power resource for the Indian sending state

Part II Introduction

The diaspora's political mobilisation in the receiving state has the potential to serve as a channel through which the sending state can, by influencing the diaspora's identity, interests and organisational capacity, or by influencing how the diaspora is perceived by domestic receiving state actors, advance its own interests in migration policy.

The conceptual framework developed in Chapter 2 positions diaspora influence as an intervening variable for the sending state to exert power over receiving state policy under qualified circumstances. Part I explored how the dependent variable of Canadian migration policy is affected by the intervening variable of diaspora influence; Part II analyses how the intervening variable of the diaspora's political impact in Canada is influenced by the independent variable of sending state diaspora policy. Part II analyses the precise channels through which the sending state contributes to the diaspora's influence abroad in ways that make a difference to migration policy outcomes in the receiving state. Taken together, Parts I and II of this thesis demonstrate how the diaspora serves as an intermediary agent for the sending state to mitigate its migration power asymmetry with the receiving state at the inter-state level.

Diaspora engagement policies of the Indian state will be shown to enhance the Indo-Canadian population's political influence in Canada through two broad avenues. These avenues are not formal institutions in the same way as the tribunal, electoral and lobby channels discussed in Part I. They nonetheless constitute distinct, if diffuse, pathways through which the sending state's deployment of material and ideational resources influences the political impact of the diaspora in the host country to the advantage of the sending state:

- Channel 1: sending state influence over diaspora political mobilisation (diaspora identity, interests and organisational capacity)
- Channel 2: sending state influence over receiving state actors' attitudes toward the diaspora

Analysis of sending state influence directed toward these two targets guides investigation in Chapters 6 and 7, respectively. The chapters argue that the sending state's transnational incorporation of overseas Indian citizens and select foreign nationals within a re-imagined 'global Indian nation' through a range of material and ideational initiatives, influences both how the diaspora understands its identity and so preferences abroad, and how the diaspora and sending state are perceived by receiving state actors.

Recall the conceptual distinction drawn in Chapter 2 between the Indian state's extractive versus allocative diaspora policies. The former encourage segments of the diaspora to relate to India in desired ways, often via financial or technical contributions, while the latter seek to cultivate amongst segments of the diaspora a sense of attachment to the source country, partly with a view to influencing the diaspora's political engagement in the host country in ways advantageous to the sending state. This thesis is most concerned with the sending state's allocative

policies. Such policies employ a logic of 'giving things to' the diaspora in ways that will be argued to enhance the inclination of a segment of the overseas community to create and sustain organisations that mobilise politically around a source-country specific agenda. Allocative policies will also be shown to contribute to favourable attitudes amongst select domestic receiving state actors in relation to migrants from India and perceptions of the source country itself.

While Part I linked diaspora influence to specific Canadian migration outcomes, analysis in Part II does not map sending state influence onto concrete Canadian policy and political outcomes. The contribution of the sending state to the diaspora's political influence in the receiving state is diffuse and not amenable to an approach that directly attributes policy change to the Indian state. Instead, Part II focuses on how the sending state's mediation of selective transnational identities, including its increasingly flexible approach to a limited form of diaspora citizenship, diffusely contributes to diaspora traits which enhance the group's capacity to make influential use political channels in the receiving state, and favourably sway attitudes of receiving state actors.

To explore the effect India's institutionalised engagement with its diaspora on the group's political influence in Canada, Part II seeks to reject the following over-arching null hypothesis and offer compelling evidence to support the alternate hypothesis:

- Ho: The mobilisation and/or political impact of the diaspora in the receiving state would look no different in the absence of sending state diaspora policy.
- Ha: The mobilisation and/or political impact of the diaspora in the receiving state are enhanced in ways advantageous to the sending state in the presence of diaspora policy.

How can we recognise persuasion exercised by the sending state over the diaspora's political impact in Part II? The evaluation of evidence in Chapter 6 relies on the premises that i. the preferences of a group can be influenced constitutively through altering the group's underlying self-perception and that ii. group mobilisation to translate shared preferences into political demands is not spontaneous, but requires resources. Moreover, these resources can subtly influence the direction of mobilisation. Given these premises, the sending state's engagement in allocative activities to strategically influence diaspora identities and provide incentives for group mobilisation around particular agendas offers evidence of the sending state's role organising the interests and activities of the diaspora abroad. The pathways by which specific diaspora policies influence diaspora interests and organisational capacity are distilled from personal interviews with individual members of the diaspora, representatives of diaspora organisations and policymakers in the receiving and sending state. The hypothesis that diaspora mobilisation is significantly influenced in nature and magnitude by allocative policies is further supported by primary documents, such as sending state manifestoes, and secondary literature. In Chapter 7, this thesis relies on the assumption that a range of forces influence the attitudes of domestic actors toward immigrant and ethnic groups. In the absence of sending state efforts to 'brand' its diaspora with desirable traits, less favourable views toward the diaspora could gain momentum and dilute the political impact of the diaspora in the receiving state. Evidence which points to both the sending state's active cultivation of favourable associations with the diaspora and the uptake of favourable attitudes by receiving state actors offers a correlative basis of support regarding the role of the sending state in enhancing how the diaspora is perceived and its potential influence in the host state.

6 Sending state influence on diaspora mobilisation

6.1 Introduction

The diaspora is analytically distinct from other domestic interest groups in Canada because its identity, interests and organisational capacity are partly organised by the institutional and ideational structures of another state. Although the discussion of diaspora influence in Part I is valuable in its own right for illustrating precise pathways through which an interest group advances its migration-related preferences within Canadian domestic political processes, and for highlighting how these preferences coincide with those of the Indian sending state, it is not sufficient for completing the argument of this thesis concerning sending state power over migration outcomes through the intermediate power resource of the diaspora. Part I illustrates a mere co-occurrence of migration outcomes of benefit to both the sending state and diaspora, as secured by the diaspora in the receiving state. This chapter examines how the diaspora's political activity in Canada is influenced by the sending state through allocative policies which actively aim to increase the likelihood that diaspora interests converge with those of the sending state and increase the desire amongst the diaspora to form and maintain organisations that mobilise around an Indian-specific agenda.

Because a central feature of membership within a diaspora community is lack of exclusive identification to one nation-state, there has been a tendency to underplay the role of states in nurturing transnational forms of social identity and political

membership. Some literature presents that diaspora as a group which threatens the conventional understanding of territorially-defined membership within a single nation-state. However, conceptions of transnationalism that challenge the notion of the nation-state system fail to perceive how emigration states pursue nation-building projects by cultivating ties with an internationally mobile segment of its population (Smith 1998:198). This chapter explores how the Indian state plays an essential role in encouraging transnational diaspora identities and seeks to extend the domain of the 'national' via diaspora governance to incorporate overseas populations, including even foreign citizens with ancestral origins in the home state, as national subjects in order to further specific political aims.

The chapter begins by describing three pathways through which the sending state's allocative diaspora strategies influence the political mobilisation of the diaspora in ways beneficial to the sending state. It then considers the specific material and ideational resources deployed by the sending state for this purpose. Six diaspora policy initiatives of the Indian government are analysed with a view to illustrating the sending state's contribution to diaspora interests and organisational capacity in the receiving state. These initiatives are shown to contrast with India's previous stance of distance toward its diaspora, highlighting the sending state's historically contingent response to emigration and its active role in mediating (alternately dampening and encouraging) transnational identities to further specific political objectives over time. The chapter then considers the diffuse influence of sending state allocative strategies on select attributes of the diaspora that facilitate the group's political influence in the receiving state under the three channels identified in Part I of this thesis. A section devoted to counterfactual reflection argues that in the absence of sending state diaspora policies, the diaspora would be

less well equipped to influence migration-related policy in the receiving state. The argument is not that sending state policies are necessary for diaspora influence, but rather that they enhance the likelihood that diaspora political mobilisation is influential, and influential in ways that further sending state objectives. The Chapter concludes by reflecting on the generalisability of inductive reasoning from the India-Canada case for a broader range of cases.

6.2 How the channel works

Unlike the highly visible tribunal, electoral and lobbying channels of political behaviour through which the diaspora influences migration policy and political outcomes in Canada, the sending state's influence over its diaspora relies strongly on ideational resources, such as the use of national narratives and symbolic gestures, to register an effect upon the identities of the diaspora in ways that inform their political preferences and mobilisation while abroad. This Chapter draws on constructivist traditions within IR that attempt to explain factors that shape states' preferences and behaviour with reference to identities and ideas. Constructivist approaches posit that actors' interests have ideational foundations and should not be analysed independently of normative understandings that influence perceptions (Crawford 2002; Finnemore and Sikkink 1998; Wendt 1999). Such insights have been applied to understand the role of non-state and transnational actors in shaping norms in the realm of human rights and colonialism in ways that influence the state behaviour and the politics between states (Keck and Sikkink 1998; Risse et al 1999). The transnational channels through which state and non-state actors' identities are constituted, and the impact of these identities on preference formation, is particularly salient for analysis in this Chapter. Diaspora identities are formed through social

interactions that take place across borders. Transnational sending state strategies which seek to alter diaspora behaviour focus on shaping the self-perception, and thereby interests and behaviour, of autonomous diaspora actors. This is characteristic of what Barnett and Duvall (2005) call constitutive power, which entails one actor altering the identity and thereby interests of another. While this Chapter's analysis is situated within the wider constructivist tradition in IR that focuses on the impact of identity and ideas on interests, it focuses attention on under-emphasised transnational pathways through which identity constitution and so preference formation of non-state actors takes place.

While the sending state's transnational forms of ideational power may be more difficult to chart than power exercised via incentives or threats, the sending state's use of constitutive forms of influence is nonetheless accompanied by tangible material rewards and sending state expenditure which is deployed with the aim of altering the underlying identity of the diaspora. Because a major aim of sending state influence over the diaspora is the advancement of sending state objectives in the receiving state, we can understand diaspora outreach as not only an exercise of influence over the diaspora, but over the receiving state. The sending state's power over the receiving state operates diffusely because it operates through the intermediary of diaspora subjects and is not exercised by the sending state directly over the receiving state.

One of the central changes brought about by international emigration to the citizen-state relationship is the state's diminished capacity to wield coercive power over its citizens once abroad. The principle of non-interference in the domestic affairs of another country, in tandem with pragmatic challenges of controlling

populations beyond national borders, mean that the sending state cannot exercise the same level of coercive authority over citizens who leave the country compared to those who remain behind. In order to influence its population abroad, as well as to cultivate connections with non-citizens who have ancestral origins in the source country, the sending state must resort to the use of persuasive power in its interactions with the diaspora to advance preferred emigration outcomes. Persuasive forms of power involve actor A's manipulation of actor B's self-perception and underlying knowledge of the world in ways that induce B to voluntarily alter its behaviour in ways advantageous to A. The fact that B chooses a course of action it believes will best further her interests does not preclude the exercise of power over B through the constitution of its identity and so manipulation of the choice set it finds desirable.

Given the non-coercive nature of the sending state's allocative diaspora strategies and the reliance of these strategies on identity-influencing forms of persuasion, an emigrant can choose not to self-identify as a member of the diaspora and can largely refrain from engaging with home state's diaspora institutions while abroad. Yet, diaspora policies are able to bypass the resident state and can represent a unilateral extension by the sending state of policies which can register significant effects for the receiving state regarding the nature and magnitude of transnational political mobilisation within its borders. This chapters asks how, in the face of the unique constraints and opportunities presented by transnational persuasive forms of influence, the sending state is able to exercise power over the self-perception and political mobilisation of the diaspora, and how this influence advances sending state interests in relation to emigration outcomes.

Diaspora mobilisation invokes three components: identity, interests and organisational capacity. In the context of this thesis' argument, interests pertain to the immigration and integration issues on the radar screen of the diaspora. Organisational capacity concerns the desire and capacity of the diaspora to act collectively and translate group interests into political demands. Both interests and capacity are importantly constituted by identity. The relationship between identities and interests speaks to a broader debate in the study of political science between rationalist versus constructivist approaches. From a rationalist perspective, actors define their interests through a cost-benefit analysis based on a fixed set of preferences, whereas from a constructivist perspective, actors' interests are influenced by the way in which ideas and norms shape perceptions over time. These two broad approaches offer different and often complementary insights for understanding the range of factors that influence the formation of the preferences of states and populations, including diaspora', in relation to international migration. While this thesis remains largely agnostic with regard to championing one research agenda over another, this section incorporates constructivist insights to argue that one of the variables that influences diaspora interests in relation migration outcomes is identity – identity which is/will be shown to be affected by sending state engagement strategies. Ideational resources deployed by the sending state influence the diaspora's perception of its identity – as belonging to a transnational population with links to the sending state – and thereby influences its preferences from this identity related to furthering diaspora and source-country interests while abroad.

In the absence of the sending state's allocative diaspora policies, there would be less likelihood of convergence between the interests of the diaspora and sending state in relation to migration policy and political outcomes, and less inclination

amongst the diaspora to establish and maintain organisations that unite around a source country-specific agenda. Let us conceptualise these three realms of sending state influence over diaspora identity, interests and organisational capacity before exploring particular policies through which this influence is operationalised by the Indian state.

i. Diaspora identity

By inculcating an awareness of the source country and fostering a sense of membership within the source nation, the sending state can influence the self-perception of the diaspora, which registers an impact on how the diaspora understands its interests. Concern for issues such as the fate of co-source country nationals, and the impact of receiving state policy on the sending state, will be stronger if the individual perceives greater attachment to the source country and to other diaspora members.

The sending state contributes to the interests and capacity of the diaspora primarily through influencing its underlying identity. Diaspora identities are shaped by a range of actors and influences located within the sending and receiving state, including the leadership of diaspora organisations, and even settlement funding or 'rewards' made available by some receiving states to newcomers who identify particular racial or ethnic origins. As Gutiérrez notes, diaspora 'identity and composition are in permanent evolution, constantly reinvented by ethnic elites, the rank and file, or outsiders' (Gutiérrez 1999: 548). This chapter assesses the contribution of the Indian sending state to transnational identities of its overseas population in Canada, the sending state's active cultivation of bonds of cultural attachment to selectively incorporate some individuals beyond its borders within its

vision of the 'global Indian nation', and how such institutionalised diaspora engagement alters the diaspora's domestic political preferences and political mobilisation in the receiving country. The Indian sending state's evolving response to emigration and diaspora policy reveals its active role engaging in identity politics, and redefining the political community and vision of belonging to the nation for specific political purposes. As citizenship and naturalisation regimes highlight, state control over membership in the nation is not the exception but the norm of state behaviour. The question addressed in this chapter is how India as a sending state defines and maintains membership selectively vis-à-vis the diaspora – through which policies, which material and ideational resources are called upon and, crucially, to what effect?

ii. Diaspora interests

This thesis identifies two routes – one direct, one diffuse – through which sending state efforts to influence diaspora identities and so preferences via allocative policies serve to bolster sending state power in its migration relations with the receiving state. The direct route involves the Indian state using fora for diaspora interaction to directly raise inter-state concerns with the diaspora and encourage the group's political activism on these issues in the receiving state to contribute a domestic dimension of sending state leverage to inter-state issues. By appealing to bonds of shared identity and a dialogue of overlapping interests, the sending state encourages diaspora leadership to take up specific issues within the host country political process. This influence is made possible by the political and moral authority that the sending state enjoys once it has cultivated amongst segments of its diaspora a sense of attachment to the sending state. The second way in which the sending state's selective cultivation of transnational links with its diaspora serves to advance its

bilateral migration interests is more diffuse. The diaspora's mere sense of affiliation to the source country, as enhanced or created by allocative policies, leads to a greater awareness of the externalities experienced by the source country externalities from receiving state migration policy, and can result in the diaspora contesting rules without being directly approached and encouraged to do so by the sending state administration. We can expect the interests of a segment of the diaspora receptive to the sending state's efforts to foster a sense of membership within the Indian nation to converge on policy issues in the receiving state that yield sending state costs. In sum, the sending state influences the interests of the diaspora either directly, by actively encouraging the diaspora to steer its receiving state political energies in a pro-sending state direction, or diffusely, by fostering a sense of allegiance to the sending state, which sensitises the diaspora to issues of sending state concern. In both cases, the sending state achieves its influence over the diaspora through persuasion and reinforcement of the transnational incorporation of a segments of its overseas population within the political community of the sending state.

By developing this channel of persuasion through policies described in a subsequent section, the sending state is able to increase the likelihood that the diaspora is aware of the implications of receiving state policy for the sending state and is on the same page when mobilising to contest these issues domestically. This means that in the presence of sending state-diaspora interaction and domestic mobilisation of the diaspora is more likely to align with and further the inter-state interests of the sending state.

iii. Diaspora organisational capacity

Diaspora policy aimed at inculcating a sense of extra-territorial membership within the nation increases the desire among a segment of the diaspora to create and sustain organisations that mobilise around source-country specific agenda.

Diaspora organisations, as with other interest groups, do not organise spontaneously, but require incentives and group rewards to overcome collective action problems (Olson 1971). The sending state provides material and ideational incentives necessary to motivate individuals with shared interests to undertake collective behaviour. Ethnic categories and diaspora identities can be politically defined by host and home states, respectively. Affirmative action programmes of the receiving state target social identities and thereby encourage organisation around these bases of affiliation. The sending state's identity-building initiatives incorporate the 'diaspora' even those of Indian ethnic origin who have never set foot in India, but who can identify certain types of 'Indian origin', thereby influencing the identities of diaspora members who seek rewards for so identifying. State-defined categories of ethnicity which emphasise certain affiliations over others and offer material rewards serve as incentives for group mobilisation around the rewarded identities and not alternate bases of affiliation. Material and ideational incentives for diaspora actors to organise within the receiving state political system around an identity and agenda rewarded by the sending state are described shortly.

Moreover, the mobilisation opportunities of organisations depend on the political structures that link society to policymakers (Risse-Kappen 1995). In the case of diaspora organisations, this includes not only the host country's institutional framework, but also the sending country's initiatives to cultivate links with its

overseas population and offer rewards for mobilisation from afar. As Waldinger and Fitzgerald (2004) note, 'states and the politics conducted within their borders fundamentally shape the options for migrant and ethnic trans-state social action'. Allocative policies extended across borders to cultivate a diaspora consciousness enhance the diaspora's organisational inclination. Koopmans and Statham (1999) argue that organisational capacity is related not only to political structures, but to discursive or cultural opportunities. The notion that home country policies can encourage transnational mobilisation by conferring rewards on the basis of certain political or social identities conforms with Gutiérrez's (1999:550) observation that ethnicity can be contingent and strategic: 'when members of the group so identified perceive economic or political awards associated with the adoption of that affiliation…it is highly probable that there will be mobilisation on the basis of the rewarded identity'.

There are a variety of diaspora organisations in Canada that unite around an Indo-Canadian theme, ranging from arts and cultural organisations, alumni organisations, professional and industrial associations, social justice organisations, and chambers of commerce and trade. Curtis and Zurcher (1974:357) distinguish instrumental from expressive organisations. The former aim to achieve an outcome beyond the continued existence of organisation, while the latter are concerned with satisfying social needs through group participation, often centred on recreational and cultural activities. This thesis is concerned with diaspora organisations that have a political agenda in the instrumental sense, and the impact of the sending state on the creation and/or political mobilisation of such groups.

The possession of shared interests alone between the sending state and diaspora will not achieve results in the interests of the sending state. The diaspora's impact in the receiving country is realised through its capacity to organise politically and engage with domestic channels analysed in Part I. The contribution of the sending state to the diaspora's organisational capacity activates or enhances the political potential of segments of the population and increases the domestic impact of the diaspora in Canada in directions favourable to sending state interests.

6.3 How the sending state makes use of the channel

Although the role of the diaspora mobilising domestic support around issues of sending state interest is publicly lauded by prominent Indian officials at diaspora celebrations, the nature of support offered by the Indian government to the political identities and activities of the diaspora in the resident country must be subtle. A former Secretary in the Indian Ministry of External Affairs notes that there is a fine line between encouraging the diaspora to advocate for India's interests abroad, and upholding the principle of non-inference in the domestic affairs of the receiving state. The Indian state appears to set a clear boundary regarding funding diaspora organisations. The former Secretary notes: 'We do not provide any money to fund diaspora groups to lobby on our behalf. Our fund-giving is confined to official lobbies we hire. Nonetheless, there is a thin line we carefully draw' (personal interview, 2 November 2009). A scholar on India to Canada migration suggests that it would not be well received for any government to be seen as going out of its way to…[encourage] the diaspora to advocate for stances toward India from within their countries …so it must be done in a subtle way' (personal interview, 30 October 2009). Indeed, Indian state initiatives described shortly that influence diaspora

identities, interests and organisational capacity are diffuse in nature and deploy ideational resources in tandem with material rewards. Further, sending state intentions tend not to be overtly stated in diaspora policy manifestos. As Délano (2010:247) cautions, we must discern public from non-public aims of migration policy. Non-public sending state intentions are discernible through the sending state's instrumental promotion of some diaspora identities over others, the effective mainstreaming of associated interests, and the way in which officially articulated stances toward membership within the 'Indian nation' have fluctuated historically over time to cultivate or eschew transnational identities to further projects deemed important by the sending state.

This section identifies several diaspora policy initiatives of the sending state which influence the identity, interests and organisational capacity of its overseas population. The subsequent section entitled 'diffuse influence' describes the pathways by which these sending state initiatives contribute to diaspora attributes which enhance the influence of the group's mobilisation in Canada. The Indian sending state's allocative policies at once incorporate individuals living outside of the country – including some who may never have set foot in Indian – within an extra-territorial vision of the nation while selectively constituting 'outsiders' through a range of exclusionary practices that seek to achieve specific political objectives.

Officially articulated stances toward membership within the 'Indian nation' have fluctuated historically over time to cultivate or eschew transnational identities. India's evolving response to emigration and diaspora policy reveals its active role in engaging in identity politics and redefining a particular vision of belonging to the nation for specific political purposes. The initiatives described shortly to influence

the diaspora's interests and organisational capacity, largely by influencing its self-perception and identity, represent radical departure from state's historical stance of distance, if not resentment, toward its overseas population. Before exploring contemporary diaspora policy initiatives, let us briefly illustrate the changing role of the state in mediating transnational identity for specific political objectives.

A primary concern of post-colonial nation-building projects is to forge a common sense of identity amongst groups living within colonially demarcated borders. This project took on great significance in India, a 'nation of nations' deeply divided along regional, sectarian and ethno-linguistic lines (Rudolph and Rudolph 2001). Prime Minister Nehru's vision of a unitary nation-state led him to prioritise fostering bonds of nationality within India's borders, largely to the exclusion of recognising the diaspora (Xavier 2009). This was a marked shift from the stance adopted just prior by leaders of the anti-colonial nationalist movement who sought to rally ideological and financial support for an Independent India by strengthening links with Indians abroad.

India's continued participation in the Commonwealth after Independence made it politically incumbent upon Nehru to encourage overseas Indians to identify with their resident country rather than to encourage expatriate Indians to remain loyal to India. Moreover, Nehru's at least rhetorical focus on defeating remaining sites of colonialism and was best achieved by encouraging Indians abroad to integrate within their host countries (Rana 2009) and potentially to contribute to nationalist political movements. Nonetheless, during India's disputes with Pakistan and China, Nehru reportedly argued that overseas Indians had dual responsibility to their resident country and to India, which was argued to include contributions to India's military

projects. (Lall 2001:169). When it was politic for the Indian state to strengthen ties with overseas Indians, ties were strengthened. When domestic nation-building and foreign policy objectives were furthered by a policy of disengagement, the sending state actively distanced itself from the diaspora. Two statements made by Indian diplomats in the 1970s reflect the resentful attitude of the government toward the diaspora common by this time. According to an article written by a former Indian Foreign Secretary, one referred to the diaspora as 'Bharat se Bhaga Bharatiya' (the Indians who fled India), and another Indian diplomat posted to London responded 'I am accredited to St. James Court here, and not to the local Indians' when asked about how much attention he gave to the diaspora (Dubey 2008: 75).

Over the course of economic liberalisation in India, a piecemeal process initiated in the early 1990s, the Indian state began to encourage economic forms of transnational engagement. A series of reforms ushered in during 1991-1992 relaxed stringent regulations concerning the type and amount of investment in India permitted by overseas Indians. The easing of foreign exchange restrictions, a hangover of the 'license Raj' system, made it easier for Indians abroad to repatriate money (Falzon 2003: 676). In fact, it was The Reserve Bank of India that coined the term 'non-resident Indian' (Walton-Roberts 2004:58).

In 2001, the government commissioned the 'High Level Committee on Indian Diaspora'. The Committee's lengthy report of policy recommendations laid the framework for present-day institutions which engage with and recognise the diaspora, including the dedicated Ministry of Overseas Indian Affairs established in 2004. The report argues that diaspora policy need not only be a tool for securing remittances, investment, and business networks, but can serve as a transnational

resource for achieving influence bilaterally with powerful sending states. As the preamble notes: 'The Indian community in the United States constitutes an invaluable asset in strengthening India's relationship with the world's only superpower…It is necessary for India to create the necessary structures to facilitate this interaction' (HLC 2002: xxi). This report and the initiatives described shortly which followed it, signal a recognition by the sending state, after years of distance toward its diaspora, that its interests stand to be furthered by the creation and maintenance of the narrative of the 'global Indian', in which sections of the diaspora are strategically incorporated within the re-imagined Indian nation and encouraged to perceive themselves as a central element of Indian cultural and political society..

The Indian government's relatively recent attempts to foster more intimate connections with overseas Indians suggest the evolving role of the state in identity politics, reflective of the government's changing response to broader processes of international engagement. India as a sending state has appropriated the concept of diaspora which was historically threatening. This evolution should not be seen in light of only domestic and transnational imperatives to secure remittances, collaboration and other extractive benefits from its populations overseas, but in light of changes to foreign policy priorities, sending-receiving state relations and to the use of unconventional transnational resources in inter-state relations to further projects India deems important. Let us know explore five diaspora initiatives of the Indian state.

Overseas Citizenship of India

The Indian state draws a distinction between its citizen and non-citizen diaspora in the following way. A Non-resident Indian (NRI) is an Indian citizen who

holds an Indian passport but normally resides outside of India. A Person of Indian Origin (PIO) is a foreign national i. who has previously held Indian citizenship (but has given it up to adopt the citizenship of another country), ii. whose parents or grandparents were born in or were permanently resident in India (as defined by the Government of India Act (1935) and other territories that became a part of India at independence in 1947) or iii. whose spouse is a citizen of India or a PIO as defined above. Anyone who is or has ever been a citizen of Pakistan or Bangladesh is ineligible for PIO status.

Following recommendations of the Indian government's High Level Committee on the Indian diaspora, the Indian Citizenship Act (1955) was amended in 2005 to introduce the Overseas Citizenship of India (OCI) scheme for a limited subset of PIOs. Although often misconstrued as a dual citizenship provision, the Constitution of India does not allow the simultaneous holding of Indian citizenship and citizenship of a foreign country. Thus, OCI does not confer political rights of citizenship: those with OCI cannot vote, cannot run for political office and do not receive an Indian passport. However, the OCI scheme provides a life-long, multiple-purpose, multiple-entry visa to enter India. Other benefits include parity with NRIs (citizens of India) in respect of economic, financial, and educational facilities, as well as travel and recreation facilities, such as entitlement to domestic air fare tariffs. Despite the OCI's 'half-way house' status between diaspora non-recognition and full citizenship, the initiative is significant for introducing a new form of limited diaspora citizenship and incorporating select foreign nationals symbolically and via material benefits within the Indian community. OCI is also significant for its efforts to offer a more singular vision of the diaspora by removing the most obvious distinctions

between NRI and PIO status and emphasising a coherent identity centred on cultural attachment to the homeland.

Nonetheless, OCI is a highly exclusionary identity-building practice of the sending state which selectively defines and rewards certain foreign nationals as belonging to the global Indian community. There are two bases for exclusion from the Indian state's territorially-flexible OCI scheme: those eligible for OCI are defined as 'PIOs of all countries i. except Pakistan and Bangladesh, provided ii. the country of nationality allows dual citizenship in some form or other under the local laws.' (MOIA 2009b). In practice, this means that PIOs residing in only the following 16 countries are eligible for the OCI scheme: USA, Canada, United Kingdom, Netherlands, Italy, Ireland, Portugal, Switzerland, Greece, Cyprus, Israel, Australia, New Zealand, France, Sweden and Finland (MOIA 2009b). There is no representation of an African, Gulf region or developing country, despite the significant number of overseas Indians in these countries. The 16 chosen states are politically and economically influential, and correspond to a particular historical wave of Indian emigration to these regions, which tends to map onto the diaspora's socio-economic status. Rather than extend OCI to well established diaspora communities in South Africa, the Horn of Africa, or Caribbean states, India targets the diaspora residing in North America and western Europe. Although the official justification for this selection is that the 16 above countries recognise reciprocal citizenship arrangements (somewhat ironic, as India does not itself recognise dual citizenship), the sending state privileges interaction with and the extension of citizenship to those diasporas that are most highly skilled, often entrepreneurial or professional, and located within politically influential receiving states. As Dickinson

and Bailey (2007:771) observe, the criteria defining the ideal NRI or PIO reflect 'how India wants to be perceived in the world'.

Although other diaspora policies are extended toward lower skilled diaspora who reside in the Gulf and elsewhere, these tend to take the form of extractive policies to encourage and smooth the remittance of savings. Allocative, identity building initiatives tend to be targeted to middle-class, recent migrants in Canada, the USA and the UK, among other northern states.

With respect to the exclusion of Pakistanis and Bangladeshis from flexible diaspora citizenship arrangements, the Indian state's rules on OCI defer to the Indian constitution, promulgated in 1949, which defined Indian citizenship. By necessity of Partition, India excluded from citizenship those who after the first day of March 1947 migrated from India and opted to identify with the new Pakistan (HLC 2001:529). Citizens from Bangladesh (East Pakistan until 1971) are treated similarly under the Constitution. Yet, official communications on the OCI scheme suggest that security concerns rather than constitutional grounds are the primary basis for preventing nationals of countries 'inimical to India to freely enter India to carry on their nefarious activities' (HLC 2001:529). The exclusion of Pakistanis from dual citizenship is repeatedly noted by the Indian government in discussions of national security and provisions to ensure that those granted diaspora citizenship will not compromise India's national security (HLC 2001: 528). A former Foreign Secretary points to an 'obsessive concern' with security in relation to fears that dual nationals 'with influence and contacts in all parts of the world…could undermine India's security' (personal interview, 23 October 2009). Lall highlights that the effect of this definition of OCI is to exclude citizens of Pakistan and Bangladesh, some of whom

who have actually lived part of their lives in India, in favour of some US citizens who have never been to India and only hold connection through the citizenship of a grandparent (Lall 2001:2).

Beyond putative constitutional and security justifications for the exclusion of Pakistanis from OCI, one might imagine deeper ideational forces at play behind India's select extra-territorial inclusion (and exclusion) of some non-citizens. The PIO card – the precursor to OCI and which still exists today and provides *inter alia*, a non-lifetime multiple-entry, multi-purpose visa to access to India – was introduced by the Hindu nationalist BJP party (in power from 1998-2004). As the BJP's (2009) election manifesto highlights, a view of India that extends 'beyond national borders' is central to the party's 'Hindu world view.' The Hindu Right, represented by a cluster of political and cultural organisations of which the BJP is the political arm, expresses fears of Muslim encroachment and plays up the threat posed internally and externally by extremist Islamic terrorism. It promotes the principle of pitribhumi in part to argue that Hindus are the only real patriots of India. The PIO card, which excludes Pakistanis and Bangladeshis, was seen to tacitly endorse the notion that Hindus have a 'natural' claim to India. The secular nationalism endorsed at an official level by the Indian state was, most prominently during BJP rule, eclipsed by a transnational attempt to establish a 'de-territorialized Hindu nation' (Walton-Roberts 2004:61) through selective incorporation of diaspora within the 'Indian nation'. Following Congress' victory in 2004, diaspora policy initiatives have scaled up – the introduction of OCI and the creation of the dedicated overseas Indian ministry occurred under the new administration. Although diaspora policies have taken on a secular tone, the focus continues to be cultivating links with those of

Indian origin in select resident countries who are envisioned to advance sending state interests internationally.

Nonetheless, the creation of what appear to be overarching principles to determine foreign citizens' eligibility for limited diaspora citizenship should not obscure specific exclusionary objectives that may drive the creation of these 'rules'. Neither citizenship nor residence is necessary for belonging to the PIO category. 'Indian origin' as defined by state rules is rather front and centre (Van der Veer 2002:98) and this allows greater flexibility to define and target the 'desired' diaspora population – notably, professional, middle-class overseas Indian populations located in influential Northern receiving states.

The creation of OCI has been interpreted as the result of pressure exerted by the diaspora, particularly the North American diaspora, on the Indian government for formal recognition within the political community. However, we should bear in mind that the sending state's amendment of the citizenship act and waiving of visa requirements to create OCI also serve as independent state tools to regulate the meaning of 'Indian diaspora', to reinforce incorporation of only some 'desirable' non-citizens within its extra-territorial vision of the 'global Indian nation'.

OCI encourages the diaspora in strategic receiving states who may not have independently affiliated with the sending state when abroad to create or officially solidify these home country links so as to benefit from the material rewards conferred by OCI. OCI registers an effect upon the diaspora's identification in the receiving country, and reaffirms the diaspora's partial membership within another state's political community. Walton-Roberts shows how cultural discourses of 'belonging', the construction of 'Indian-ness' and the notion of national attachment

to the motherland are deployed to encourage NRI investment (Walton-Roberts 2004:59). This thesis argues that such identity-influencing initiatives are not simply about extracting investment, but about creating a sense of affiliation to the sending state that will influence the diaspora's political identities in Northern receiving countries to further India's bilateral and international objectives. Levitt contends that in order to ensure the long-term support of transnational migrants, states have begun to 'articulat[e] new versions of long-distance nationalism that endow migrants with special rights, protections and recognition' (Levitt 2001:204). These diaspora contributions extend beyond immediate contributions to the home state in the form of investment or remittances, to include the political influence of diasporas abroad.

The government's appeal to PIOs to re-establish bonds with India is not a universal call, but a highly targeted initiative. Not only are some countries of diaspora residence targeted through the flexible notion of diaspora citizenship, but a range of allocative initiatives beyond OCI favour and promote certain diaspora identities and interests within these receiving countries.

Pravasi Bharatiya Divas

The Pravasi Bharatiya Divas (PBD) is a high profile diaspora convention hosted by the Indian government annually its inception in 2003. PBD brings together diaspora 'delegations' from various receiving countries and political leadership from India to celebrate diaspora achievements and, according to a former diplomat in the Indian Ministry of External Affairs, to strategise diaspora engagement policy (personal interview, 6 November 2009). The Indian President and Prime Minister are on hand to deliver addresses and hand out awards to influential diaspora members. Speaking events and exhibition booths provide opportunities for business and policy

networking. PBD is not only an opportunity for celebration, but an institutionalised platform for direct interaction between influential PIOs/NRIs and federal and state government officials. A former foreign secretary notes that although the Indian government is very interested in the lobby activities of Indians in their resident countries, it is unable to 'cherry pick individuals to support', so 'uses the PBD to support diaspora initiatives and invites select associations and federations' (personal interview, 23 October 2009). A former Indian diplomat notes that through PBD-based networking, select diaspora leaders and organisations are 'constantly fed with latest information from the Indian side, including its policy priorities', and are taken on board Indian government initiatives (personal interview, 6 November 2009).

Moreover, prominent politicians of Indian origin from various receiving countries are invited to attend the PBD event. At the 2009 convention, Ruby Dhalla, Indo-Canadian MP, shared a plenary session on 'India as an Emerging Power: The Diaspora Factor' with India's Minister of External Affairs (PBD 2010). Such invitations allow for direct interaction between Indian and Canadian politicians in an informal (i.e., non-state) forum. Other PIO politicians in the Canadian delegation invited by the Indian state to the 2009 convention included the Ontario provincial Minister for Small Business and Consumer Services, and the Secretary to the Ministry of Foreign Affairs. Previous PBDs have featured the attendance former Canadian provincial premiers. Indian leadership appears to view foreign politicians of Indian origin as potential tool for furthering Indian interests internationally. The Indian Prime Minister announced at the 2008 PBD that his government has initiated a scheme to interact with Parliamentarians of Indian origin, noting that he was personally 'struck by their [PIO parliamentarians'] enthusiasm for promoting better, closer links with India through innovative local efforts' (PMO 2008). MOIA's list of

'prominent overseas Indians' features only parliamentarians and elected politicians. At the inaugural 2003 PBD, India's then Minister of External Affairs, suggested that PIO parliamentarians should use their office to contribute to India's development, and should represent not just local constituents but Indian interests on specific issues such as India's nuclear programme and targeted industrial development (Mani and Varadarajan. 2005:54).

An Indo-Canadian MP note that in addition to PBD, the Indian government is keen to arrange visits of Indo-Canadian MPs to meet with Indian policymakers and parliamentarians (personal interview, 29 October 2009) Although I do not have access to records of these meetings, one can imagine that immigration and integration issues such as foreign credential recognition and visa denials and visa processing delays raised by Indian policymakers in formal bilateral talks with Canada (personal interview, 22 September 2009) are similarly raised with Indo-Canadian MPs to sensitise them to barriers faced by Indians before Canada's migration legislation.

Beyond generating issue-specific awareness amongst invited politicians and diaspora organisations, PBD is a 'spectacular display of nationalism' (Mani and Varadarajan. 2005: 70) which seeks to imagine the diaspora within a modern, global vision of the Indian nation. A multitude of diaspora experiences are consolidated by the sending state under the singular diaspora banner; regional and class-based affiliations are downplayed in favour of a rhetoric of inclusion and the purportedly universal desire amongst the diaspora to cultivate cultural, economic and political ties with their homeland. Yet, the PBD invitations extended by the sending state to select individuals and organisations, and official rhetoric regarding the sending

state's source of pride in its diaspora – namely, the ability of its overseas population to succeed 'spectacularly' and to 'rise meteorically' (HLC 2001) in host societies owing to dedication and hard work – suggest the sending state privileges diaspora identities associated with professional, high-skilled emigrants. These identities are most aligned with India's international ambitions and the image the sending state wishes to portray on the world stage. The sending state imputes desirable traits of some successful diaspora members onto the whole of the Indian population abroad and omits its non-successful experiences in host countries, such as notorious labour exploitation among lower skilled workers in the Gulf and parts of Southeast Asia.

Despite emphasising the inclusive nature of its desire to reach out to its 'children', and attempting to construct a singular narrative of the diaspora's attachment to the Indian nation no matter what its historical emigration experiences, the sending state accords pride of place to cultivating links with the professionally successful, politically influential, modern diaspora in the USA, Canada, and the UK – and not with those diasporas that are part of previous waves of emigration linked to indentured labour in the Caribbean or lower-skilled labour in the Gulf. The government notes the role of diaspora populations involved in knowledge-based industries, particularly IT related sectors, in single-handedly changing the image of the diaspora as well as the source country internationally (HLC 2001). As the HCL is eager to highlight, this modern wave of emigration and the diaspora's attainment of positions of influence abroad coincides with India's 'resurgence as a global player'. It is this new professional, middle-class diaspora that is re-imagined within the exclusionary national practices of the modern global Indian nation and is portrayed as a strategic asset to India, representing and furthering the international ambitions of a rising emigration state onto the world stage.

PBD is a forum for affirming the Indian state's selective relationship with its professionally eminent diaspora by celebrating them as national subjects, 'Vishwa Bharati', or 'Global Indian' (Mani and Varadarajan. 2005) intrinsic to the vision of the modern Indian nation. The sending state exercises constitutive power in selectively representing and promoting diaspora interests and identities that are best suited to the state's international objectives. For instance, inviting to PBD professional association, business groups, entrepreneurs and those involved in high level policy making, over social advocacy or community organisations, the sending state privileges interaction with diaspora groups with certain bases of affiliation, and promotes and publicises select diaspora accomplishments. A central tool for mainstreaming some diaspora identities and achievements over others is the sending state's creation and sponsorship of diaspora awards, discussed next.

Pravasi Bharatiya Samman Award

The Pravasi Bharatiya Samman Award is the highest honour conferred by India upon overseas Indians. The award is presented at PBD day by the Indian President to an NRI or PIO who has 'enhanced India's prestige in the country of residence', notably through 'contribution towards better understanding abroad of India and support to India's causes and concerns in a tangible way' (MOIA 2010).

The government approves a handful of overseas diaspora associations to make nominations for the award. In Canada, these are largely business and professional organisations, including the Canada India Foundation and the Indo-Canada Chamber of Commerce. The selection of such nominating bodies ensures, *de facto*, that a certain type of candidate, professional and/or entrepreneurial in identity, is nominated without explicitly making this affiliation an eligibility requirement.

Award winners since the 2003 inception of the scheme are largely prominent business people and elected politicians. Less high profile achievements related to settlement, welfare and integration work are not similarly awarded. Ujjal Dosanjh (former provincial premier) and Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs) are two prominent Indo-Canadian MPs who received the award in 2003 and 2009, respectively. Obhrai is viewed as an asset by the Indian state for his role establishing links between India and Canada, including as founding president of the India-Canada Parliamentary Friendship Group. The Indian government is keen to publicise and award his contributions. Articles about MP Obhrai posted on his official website profile his receipt of the Award, including under the title 'Indians in the Corridors of Canadian Power' (Gavai 2009).

Diaspora awards that recommend some for their contribution to India over others contribute to the creation of a 'model' PIO/NRI. The sending state's emphasis on the economic success or political influence of awardees mainstreams diaspora individuals and groups who possess economic and/or political clout and essentialises what is means to be a successful overseas Indian. Identities and contributions related critiques of existing political or economic structures, or simply less glamorous work in which many overseas Indians are engaged – including the so called '3D' or 'dirty, demanding and/or difficult' work (Castles 2002; Stalker 1994) that immigrants disproportionately take on – are not showcased by sending state initiatives. In its report, the High Level Committee cherry picks high profile professions to celebrate the international achievements of the diaspora and to associate the overseas population with the international ambitions of the Indian state: 'it is no coincidence that the last two decades have seen the emergence of members of the Indian diaspora as elected leaders, politicians and eminent professors and other professionals,

managers and entrepreneurs, in their adoptive homelands. This period has coincided with India's resurgence as a global player and a country of stature in the comity of nations' (HLC 2001: vii). The report does not similarly celebrate the multitude of diaspora taxi drivers and shop owners in Canada and other receiving states.

Through exclusionary PBD and Pravasi Bharatiya Samman Award initiatives which showcase select diaspora achievements, the sending state establishes a 'model emigrant' who reflects innovative, scientific, hard-working, competitive traits with which the sending state wishes to be associated internationally. Subsequent discussion will consider how PBD and related award activate the political potential of diaspora organisations and individuals who are positioned to mobilise influentially around an India-specific agenda in their respective home countries. Such initiatives serve not only as a platform for high-level leadership in the Indian government to inform diaspora members of policy priorities and sensitise them to issues of Indian concern abroad, but at a more diffuse level, activate the political potential of susceptible members of the diaspora and offer incentives for building and sustaining diaspora organisations that align with sending state interests.

'Know India' and 'Tracing the Roots' Programmes

Other allocative initiatives of the government serve a similar function. The 'Know India Programme' of MOIA is a 3-week costs-paid trip to India for diaspora youth to be exposed to Indian life, including 'the progress made by the country in various fields e.g. economic, industrial, education, Science & Technology, Communication & Information Technology, culture', not to mention India's 'emergence as an economic powerhouse.' MOIA has recently instituted a Tracing the Roots Programme to assist PIOs in identifying their ancestral villages and

potential relatives in India. These programmes are not extractive, as they do not seek immediate contributions from the diaspora to home country development, but are allocative in that they seek to build curiosity, pride and a tangible attachment with the homeland. Much like cultural outreach activities of Indian Consulates and High Commissions, these initiatives offer incentives for individuals to self-identity as members of the diaspora in prominent receiving countries, and serve to build future leaders within Indian communities abroad, including second generation diaspora youth whose sense of affiliation to their ancestral home is argued to wane (Tölölyan 2007:650) or at least take on a distinct form from that of the first generation diaspora (Levitt and Waters 2006). These soft, identity-building exercises are accompanied by significant material expenditures, suggesting that the state anticipates concrete gains to follow from these initiatives. The policies contribute to the awareness of the source country among the overseas diaspora and increases the desire amongst some within the group to mobilise under the diaspora banner to take up causes abroad to further India's development.

Global Advisory Council of People of Indian Origin

The Prime Minister's Global Advisory Council of People of Indian Origin is comprised of PIOs from a range of backgrounds who are recognised leaders in their respective fields. The prestige that membership on this council confers may operate as an incentive for successful diaspora members to consider or deepen links with India. More significantly, the council, ' a high level platform for the Prime Minister to draw upon the experience, knowledge and wisdom of the best Indian minds wherever they may be based' (PMO 2008), profiles the select segment of the diaspora with which the sending state wishes to be associated internationally. The proximity of the unelected global 'policy advisors' to the PM and their potential level

of influence on Indian policy further bolsters the clout of diaspora advisors in their respective resident countries, and may lend greater leverage to political mobilisation or advocacy activities in host countries.

With initiatives from as OCI and PBD to the Global Advisory Council, the Indian sending state actively seeks to extend the realm of the national beyond its own borders and construct the diaspora as national subjects who represent and further the state's international ambitions.

6.4 Diffuse influence

Diaspora influence in the receiving state under the three channels identified in Part I – lobby, electoral and tribunal channels – was shown to be the product of interaction between the diaspora's interests and its organisational capacity, in tandem with a handful of unrelated attributes such as residential concentration (electoral channel) or a large group proportion of family class migrants (tribunal channel).

This section will consider how select attributes that facilitate the diaspora's political mobilisation under each of the three channels in the receiving state are enhanced by sending state efforts, discussed in the previous section, to influence the self-perception, interests (directly and diffusely) and organisational capacity of the diaspora.

Note that the focus of this section is not the sending state's contribution to policy or political outcomes identified in Part I, but rather its influence on diaspora attributes that allow the overseas population to successfully access domestic political channels in ways ultimately advantageous to the sending state. Why the focus on diaspora attributes rather than policy outcomes? First, the influence of the sending

state is diffuse and difficult to chart, so this thesis refrains from making causal statements that link sending state diaspora engagement initiatives to specific policy outcomes in the receiving state. Second, by focusing on how allocative policy of the sending state enhances diaspora capacity to make use of receiving state channels of political behaviour rather than on migration outcomes particular to the Canada context, the inductive analysis may extend more readily to other cases of diaspora influence in a democratic receiving state. By demonstrating a relationship between sending state policy and diaspora identity, interests and organisational capacity abroad, this thesis argues that in the absence of the sending state, the diaspora would be less well equipped to influentially contest receiving state migration-related policy in ways advantageous to the sending state.

Channel 1 - tribunal

Chapter 3 identified four attributes which endow the Indo-Canadian diaspora with strong group capacity to contest migration outcomes via recourse to the administrative tribunal: large diaspora size, large proportion of family migrants, stronger than average inclination to appeal and stronger than average success in appeals.

Awareness of the channel is a major factor that affects the diaspora's inclination to appeal. The sending state's ideational and material incentives, including initiatives to gather the diaspora in annual conventions and encourage community-building abroad, enhance the diaspora's collective organisation and may increase likelihood the diaspora will share information communally about the existence of the tribunals and the resources needed to successfully contest an intake decision before the IRB. Sending state initiatives increase the diaspora's sense of

affiliation and obligation to other co-nationals who are experiencing difficulty bringing family members into the country, and reduce the chances the diaspora views co-nationals struggles with visa refusals as distant, isolated phenomena that affects 'others'. I do not have evidence which suggests that Indian officials in Consulates encourage the diaspora to make use of the Canadian tribunal to contest visa decisions. However, it is not unfathomable that the sending state could support the diaspora in seeking redress through the receiving state court system. In another diaspora-sending state pairing, the successful overturning of the UK's retrospective changes to the High Skilled Migrants Programme via the diaspora's legal challenge in the high court (BBC 8 April 2008 and 5 March 2008; Stewart 2008) was supported by Indian officials (anonymous personal interview, November 2009). As a foreign actor, the sending state is not empowered to access the receiving state's court or tribunal system, but it is empowered to support the diaspora in so doing. The diaspora's propensity to share information and seek redress via the institutionalised tribunal channel, and to be successful in so doing, are enhanced by the sending state's provision of incentives that encourage the diaspora to self-identify and mobilise as a united group.

Channel 2 – electoral

Chapter 4 identified three attributes that enhance to the diaspora's capacity to make use of the electoral channel of political influence: residential concentration, high political mobilisation and swing voter attributes. While this thesis does not purport to argue that the sending state plays a role in encouraging attributes such as residential concentration, allocative policies do influence identity and interests in ways that matter to the diaspora's use of the voter-legislature channel.

With respect to the sending state's direct influence on diaspora interests under this channel, a former Indian diplomat posted to Canada states that sending state officials attempt to persuade diaspora members to raise intake and incorporation issues domestically within Canada:

> 'the Indian government interacts with [diaspora] populations and says, look at this issue, you should take up this issue with your…[elected] representative – to show that such restrictions are ultimately not in the interests of the country [Canada], and not in the interests of India' (personal interview, 2 November 2009)

An official posted to the Indian Consulate in Toronto notes that with respect to integration issues such as foreign credential recognition, or the helmet law exemption for Sikh motorcyclists who wear turbans, the Indian government recognises its limited capacity to intervene. Beyond raising credential recognition as a 'pressure point' in bilateral discussion, there is little the sending state is empowered to influence regarding issues domestic to Canada, despite the fact that restrictive foreign credential recognition carries significant repercussions for immigrant livelihoods and diasporic contributions to the sending state. However, the sending state is empowered to encourage the diaspora to mobilise domestically and engage politically with these issues on its own. The official suggests that 'the diaspora and [Indian] government help each other in raising issues' and that the sending state encourages the diaspora to 'mobilise from within to influence mainstream Canada' (personal interview, 17 September 2009). The encouragement of prominent individuals in the diaspora to take up specific issues with their elected representative occurs via sending state consulates and cultural outreach programmes, among other informal platforms for issue-based interaction.

With respect to more diffuse forms of sending state influence, the conferral of OCI encourages the diaspora to self-identify with the sending state and enhances its awareness of Indian issues from abroad. The Indian diaspora in Canada has the third highest uptake of OCI across all resident countries to which the scheme is extended, behind the US and UK: four percent of the Canadian diaspora has taken up OCI as of 31 March 2009, compared to 5% and 6% of the diaspora in the UK and USA, respectively (MOIA 2009b, calculations my own). While this may appear an insignificant proportion, the measure for uptake under-estimates the ideational impact of OCI, which is not confined to those who apply to the scheme and receive its benefits, but includes all diaspora members who are aware of the OCI scheme and are influenced diffusely by India's symbolic incorporation of foreign nationals within the Indian nation. Institutionalised recognition of the diaspora cultivates a sense of attachment to India, enhances the diaspora's perception of allegiance to co-nationals and their grievances in the receiving state, sensitises the diaspora to the effects of receiving state policies on the home country, and may focus diaspora attention on issues of sending state concern when the diaspora assesses which issues are most important on voting day, during political campaigns and in interaction with elected representatives.

Beyond influencing the interests, directly and diffusely, of diaspora members who vote for and interact with MPs in the receiving state, the sending state contributes to the interests of receiving state legislators themselves. As noted, Indo-Canadian MP are invited as prominent guests to the annual PBD convention, are conferred awards honouring their tangible contributions to issues of Indian concern abroad, and are invited to visit to India outside of PBD (personal interview, 29 September 2009). The sending state's influence on diaspora attributes under Channel

2 is therefore not restricted to influencing the identities and preferences of the diaspora electorate, but also consists of targeting Canadian legislators of Indian origin.

Inviting elected PIO representatives to PBD and placing them in prominent positions ensures a venue for the sending state to raise specific issues of Indian concern with Canadian parliamentarians. Canadian MP Ruby Dhalla was a prominent guest speaker at the 2009 PBD. She was vocal in introducing the Private Member's Motion that led to formal apology from Conservative government to Indo-Canadians regarding the Komagata Maru incident (Dhalla 20 May 2008). In the Canadian Parliamentary session (40th Parliament, 2nd session) immediately following her January 2009 attendance at PBD and participation in a plenary session shared with India's Minster of External Affairs, MP Dhalla submitted Private Members' Bill C-428 (2009), An Act to Amend the Old Age Security Act, to reduce from 10 years to 3 years the residency requirement for the entitlement of immigrants to a monthly pension. This Bill raised the political profile of grievances articulated by her diaspora constituents and the sending state regarding the rights extended by the Canada to Indian newcomers. Without insider information, one cannot ascribe a causal link between Dhalla's interaction with political leadership at PBD and her subsequent activities as a legislator in Canada, but it would not be surprising if the former influenced Dhalla's submission of the Private Members' Bill. MOIA officials independently highlighted her Private Members' Bill in personal interviews as an example of the active influence of PIO MPs in Canada.

Additionally, the sending state's conferral of awards to elected Canadian representatives – notably, the 2009 award given to Canada's Parliamentary Secretary

to the Minister of Foreign Affairs (Obhrai 9 January 2009) – may have a diffuse impact on the self-perception of legislators and subtly draw their political attention within Canada to issues of concern to the sending state. It is likely no coincidence that the sending state targets highly influential political figures for the conferral of this award.

There is a debate in the Canadian political representation literature (Biles 1998; Ogmundson and McLaughlin 1992; Simard 2001) regarding how ethnic origin influences elected officials' political behaviour and the contents of minority politicians' decisions as legislators. Some studies suggest that minority politicians are no more likely than non-minority politicians to reflect the interests of their minority constituents and advocate for diversity-friendly policies (Siemiatycki and Salooje 2003: 268). Some even suggest that minority politicians are less likely to represent minority interests, owing to a perceived burden of impartiality and the need to be seen as not catering to special interests. Other studies, however, note that visible minority MPs are more likely to raise questions of citizenship and immigration, and issues pertaining to ethnicity, in House of Commons' debates (Bird 2007). Given the vote blocks they often represent, visible minority MPs may be influential with respect to influencing party platforms on issues that matter to newcomers, given their connectivity to such issues via their constituents.

The previous discussion adds a new dimension to these debates – namely, the possibility that the ethnicity of MPs may be available for exploitation by an ancestral home state keen to tap into or foster a perceived common identity to further their its own bilateral interests. Beyond the minority constituencies they tend to represent, how is the ethnic origin of MPs an additional source of variation regarding their

political behaviour? The Indian state engages in persuasion of foreign legislators who self-identify as diaspora members. By inviting Canadian Parliamentarians of Indian origin to high profile conventions, ensuring the opportunity for informal interaction with political leadership in India, and conferring awards upon foreign legislators for their tangible contributions to Indian interests, the sending state seeks to influence the behaviour of diaspora MPs. This may be done directly, by raising specific issues of sending state concern and encouraging Canadian MPs to look for avenues domestically in which Canadian and Indian interests can be jointly furthered, or diffusely, by incorporating legislators of Indian origin symbolically within a nation beyond the one they represent as an elected official and thereby enhancing the inclination of Indo-Canadian MPs to advance policy that has scope for mutually advancing sending and receiving state interests. Such influence can be manifested in diaspora MPs' Private Members' Bills, through contributions to House Debates on issues that affect interest of the diaspora, sending and receiving state, and in political advisory roles to Ministers. The significance of ethnic minority representation, therefore, does not simply pertain to the link between the MP's political behaviour and the interests of her domestic constituency, but can include how the ethnic identity of the MP may be used by the source country as a basis for non-formal (i.e., non-inter-state) interaction and the extension of persuasive forms of influence.

Channel 3 – lobby

With respect to sending state support of diaspora organisations engaged in informal lobbying activities, two former Ministry of External Affairs officials state that it is highly unlikely the Indian government funds any diaspora groups or individuals to advocate on India's behalf. However, the Indian government does provide another resource which greatly enhances the organisational capacity and

influence of diaspora organisations engaged in lobbying: information. Chapter 5 argues that the provision of information to policymakers and the public is constitutive of many lobbying activities. By providing select diaspora individuals and organisations with insider access to Indian policy priorities, the sending state enhances the diaspora's capacity to purposefully engage with the receiving state in ways that synchronise with and add domestic leverage to the inter-state objectives of the Indian state. Consider the following example.

The Canada India Foundation is an organisation established by Indo-Canadians in 2007 to promote closer bilateral relations between the two countries and to advocate for increased Indo-Canadian involvement in the Canadian public policy process. The organisation's by-invitation-only membership totals just 35 individuals (personal interview, 24 August 2009) and consists of entrepreneurs, business executives and senior professionals. The Foundation's activities include 'engagement with legislators at the federal and provincial levels in the spheres of immigration, professional accreditation and national security'. The organisation profiles a range of conferences, private dinners, receptions and so on that it has hosted for influential Canadian and Indian politicians, including the Canadian Prime Minister, the Leader of the Official Opposition, the Foreign Affairs Minister and the Indian Minister of Overseas Indian Affairs. A recent closed-door meeting with Canada's Minister for Immigration, Citizenship and Multiculturalism was noted in personal interview with a member of the Canada India Foundation.

The Canada India Foundation has a secure funding base from its members and does not receive financial support from the Indian government. Nonetheless, its domestic influence is enhanced by the sending state's provision of information

resources to Canada India Foundation leadership. The Foundation's source of influence amongst Canadian politicians is identified by a member as its 'connectivity with India-Canada issues' (personal interview, 24 August 2009), which is grounded in the organisation's access to Indian policymakers and non-public information regarding the sending state's bilateral objectives and strategies with regard to its relations with Canada. The organisation's privileged access to Indian policy information is highlighted by, for instance, the dinners and private meetings the Foundation has held with 6 cabinet ministers from India, and conference invitees who include senior officials within the powerful Indian Planning Commission.

In addition to the provision of insider policy information, the sending state enhances the influence and organisational capacity of the Canada India Foundation in another way. Olson (1971) argues that the provision of 'non-collective services' beyond lobbying activities are needed to induce individuals to mobilise within a lobby group. Lobbying on its own is an insufficient offer for potential members to create, join or sustain such an organisation because the fruits of lobbying can be reaped by those outside of the group who incur none of the costs in bringing about the outcomes. Additional incentives that are accessible only to members are needed to overcome such collective action failures. The group's connectivity with the sending state offers significant opportunities for the group to provide the type of member-only incentives needed for organisational mobilisation. For instance, the Canada India Foundation offers members exclusive access to conferences with sending and receiving state policymakers on topics of concern to its professional and industrial membership; it's 2009 Canada India Energy Forum brought together political officials and senior business executives from the energy sector to 'exchange ideas on strategies for engagement and sector specific market intelligence' (CIF

2009). Access to such intelligence is made possible by the Foundation's strong network with sending state officials. The capacity to capitalise on these connections and offer non-public regulatory and market intelligence to members enhances the organisational strength of the organisation.

The Canada India Foundation is not a lobby organisation on behalf of India. It is an independent organisation with an autonomous agenda. Nonetheless, India selectively supports autonomous organisations whose mandates further their own interests. By contributing to the Foundation's information resources and enhancing its ability to provide non-collective services to its members, the sending state enhances to the influence and organisational capacity of a receiving state group whose activities align with sending state interests.

The material incentives and symbolic inclusion of the diaspora by the sending state also increases the likelihood that segments of the overseas population will self-identify as members of the Indian diaspora. Because such self-identification is a necessary pre-condition for the organisation of ethnic interest groups, the allocative strategies of India which enhance the tendency for individuals to collectively self-identify as members of the diaspora increase the likelihood that groups will organise under an Indian banner and pursue India-related causes.

Interviewees suggest that such self-identification amongst the overseas Indian population is increasing. An Indian diplomat at the Toronto Consulate suggests that second-generation Indo-Canadians born and raised in Canada are increasingly inclined to identify Indian roots given that 'India is now a buzz-word' (personal interview, 17 September 2009). Part of this 'buzz' is attributable to the active

cultivation of transnational bonds of cultural belonging, and the pride the sending state actively attempts to instil among its second-generation diaspora.

A former Consul-General posted to Vancouver several decades ago argues that groups which 20 years ago would not have called themselves 'Indian' are today mobilising around this title. 'It's powerful to be called Indian today' because the country is no longer perceived as 'a backwater' (personal interview, 2 November 2009). India's efforts to project a technologically savvy vision of the country onto the world stage enhance the likelihood that those with links to India will seek to mobilise around this dimension of their identity. The former Consul notes that Ismailis – a Muslim community that originated in Iran, migrated to the Indian subcontinent in the 1830s, moved in large numbers to East Africa in the late 1800s, and now has significant presence in North America (Braziel and Mannur. 2003: 9) – were previously reluctant to highlight connections with India but are now more keen to describe their Indian origins when interacting with other Canadians. As another interviewee notes in relation to the wakening of this previously dormant diaspora identity, Ismailis seek association with India because of the status India is currently enjoying and portraying onto the world stage:

> 'If a country is perceived as powerful, then everything associated with this country, be it the bindi (nose piercing), style of clothing, and so on, becomes fashionable…Economic power leads to a desire for association with this country, and this is expressed in fashion, culture, in organisations identifying as India-related' (personal interview, 30 October 2009).

The suggestion that even people of non-Indian origin increasingly desire association with India could support the alternate hypothesis that it is India's rise of the international stage and not the sending state's diaspora policy which contributes to a general desire for links to India amongst both Indian and non-Indian populations.

This alternate explanation will be argued against in the subsequent 'counterfactual reflection' section. It is sufficient here to state that India's selective portrayal of its achievements abroad, including efforts targeted toward a diaspora population, play an integral role in enhancing the desire for Indian-origin populations to create and sustain organisations that mobilise around Indian identities and causes.

A receiving state policymaker in DFAIT who regularly interacts with Indian diaspora organisations in his official capacity supports the link between Indian diaspora engagement strategies and the organisation of diaspora groups that lobby policymakers in Canada. He argues that the increased tendency of such groups identify as 'Indian' in consultations with the Canadian government has much to do with the role India has taken in cultivating ideational links:

> 'If India wasn't saying 'look at us, we are an emerging power', it wouldn't be as significant to call yourself Indian. It's now prestigious for groups to organise under an Indian-based affiliation, to call themselves Indo-Canadian rather than Canadian… On the side of diaspora mobilisation in Canada, the activities of the Indian state are very significant' (personal interview, 24 September 2009).

Lastly, the organisational responsiveness of segments of the diaspora to the selective incentives and ideational inclusion extended by the sending state is supported by the perspective of an Indian diplomat in Canada. He argues that the sending state's awards and esteem are coveted by prominent individuals in the Indo-Canadian diaspora and that this desire for recognition from India motivates individuals to create organisations devoted to India-Canada relations and become involved in receiving state politics in ways that confer such recognition:

> 'There are 150 Indo-Canadian associations in the Greater Toronto Area where people create a club and want to be president just for…the status it confers, for being able to say that the Minister invited me to this function' (personal interview, 17 September 2009).

Recognition from the sending state and the ability to enjoy selective rewards appear to be mobilising incentives for segments of the diaspora to create and sustain organisations whose mandates align with sending state interests.

The level of interest and support demonstrated by the sending state in the lobby activities of select diaspora organisations and individuals (Channel 3), and its efforts to influence the diaspora to take up key issues with receiving state elected officials, or initiatives to persuade MPs themselves (Channel 2), is justified and facilitated by identity-based links.

Although this section has not attributed political outcomes in the receiving state to sending state diaspora polices, it has demonstrated how the sending state enhances attributes that allow the diaspora to make use of the three channels of political influence identified in Part I. The sending state's transnational activities bypass institutional structures of the receiving state and contribute to the organisational capacities, identity and interests of the diaspora within the receiving state's political system in ways that advance sending state interests.

6.5 Counterfactual reflection

Literature on immigrant and ethnic mobilisation suggest that groups' collective political behaviour is affected by a range of 'situational determinants' (Bousetta 2000: 230). Yet, most existing literature identifies political opportunity structures in receiving state societies as the primary factors that encourage or constrain political action of ethnic or immigrant organisations. This chapter posits that sending state allocative policies contribute an important discursive element to the opportunity structure which influences the collective political behaviour of the

diaspora in the receiving state. The counterfactual argument is that in the absence of sending state allocative policies, the inclination amongst the diaspora to establish and maintain organisations that unite around a source-country specific agenda and the likelihood of convergence between the interests of the diaspora and the sending state in relation to migration policy would be significantly diminished. Minus the sending state's contribution to diaspora interests and organisational capacity, the diaspora would not be as well equipped to access the channels of political influence in the receiving state profiled in Part I in ways advantageous to the sending state.

The relationship between sending state input and enhanced diaspora mobilisation and influence in the receiving state is, granted, a probabilistic relationship and not one of necessity. The counterfactual does not suggest that the diaspora would be powerless in the receiving state less sending state activities. Rather, it argues that central attributes which allow the diaspora to make use of domestic political channels in Canada would be significantly under-developed in the absence of the sending state's highly targeted initiatives.

With respect to the first tribunal channel and the greater inclination to appeal that is ultimately fostered by sending state initiatives, the counterfactual scenario posited is not that the diaspora would fail to keep other diaspora members informed of the tribunal, but rather that in the absence of the sending state, the sense of affiliation and allegiance to co-nationals would be less pronounced, resulting in a lower probability that diaspora individuals would unite around a perceived shared objective of informing fellow members of avenues for redress regarding unfavourable immigration decisions.

With respect to the diaspora's political mobilisation under the second electoral channel, the diaspora could of course take up issues that affect their own interests and that happen to overlap with sending state interests - such as foreign credential recognition, or visa processing delays - independent of interaction with the sending state and its allocative initiatives. However, the encouragement of such behaviour by the sending state – either directly by encouraging members to take up certain issues with elected receiving state officials or diffusely, by fostering a sense of affiliation that encourages susceptible diaspora members to imbibe and advance causes of interest to the sending state – strongly enhances the likelihood that the diaspora's behaviour within the voter-legislature channel coincides with sending state interests.

This is further bolstered by the sending state's influence over Canadian legislators of Indian origin. One could ask whether it is Canadian MPs' independent activities to forge stronger relations between Canada and India that garners recognition, awards and prominent invitations from India, or whether these activities are made more likely because of sending state outreach initiatives. Regardless of the starting point in the cycle, we can imagine that the sending state's celebration of the achievements of Indo-Canadian MPs enhances the likelihood that they consider the impact on Indian interests when engaged in relevant Canadian policymaking and that such efforts result in sending state recognition. Importantly, this chapter does not argue that sending state esteem and recognition replaces the influence of constituencies when it comes to MPs political behaviour. Rather, ethnic identity as tapped into by the sending state can serve as an additional layer of influence on the political behaviour of Canadian legislators. In the absence of sending state initiatives to interact with Parliamentarians of Indian origin, it is possible that Canadian

legislators could still pursue India-friendly policy. However, the likelihood that the MP is aware of and explores avenues for mutual benefit between the two countries is greatly enhanced in the presence of sending state strategies.

With respect the lobby channel, in the absence of rewards and special incentives offered for individuals to self-identify and for organisations to mobilise around a particular diaspora identity and advance a source country-related agenda, it is unlikely that such organisations would still be created and sustained. Advancing a pro-source country agenda would appear significantly more difficult without some level of co-operation from the source country, including formal acknowledgement or recognition of the legitimacy of the diaspora to mobilise support for sending state outcomes abroad and the incorporation, symbolically and materially, within the sending state political community. This is a matter of likelihood, however, and not of necessity, for it is possible to self-identify as Indian and to work for Indian causes without any interaction initiated by the sending state. Nonetheless, the resources required for mobilisation would need to be more creative and potentially premised on receiving state rewards.

In the absence of interaction with the sending state and its allocative policies, there would be less likelihood of convergence between the interests of the diaspora and sending state, and fewer diaspora organisations created and sustained that align with or further sending state objectives. The counterfactual argument is not that the diaspora would lack the interests and organisational strength to make use of receiving state channels of political influence in the absence of allocative policies. Recall, the theoretical framework presented in Chapter 2 posits that a convergence of some interests between the diaspora and the sending state is a product of both a pre-

interaction coincidence of certain interests between the two parties, as well as post-interaction influence by the sending state over the diaspora. The pre-interaction coincidence of interests would remain in the absence of allocative polices, but those identities and interests brought to life by sending state efforts would remain dormant. Moreover, in the absence of sending state incentives to inspire a segment of the diaspora to translate group interests into collective political behaviour, the diaspora's organisational strength in the receiving state would be diminished: the diaspora is likely to occupy a stronger position within receiving state political institutions in the presence of sending state material and symbolic resources than in their absence.

An alternate hypothesis for the diaspora's influential mobilisation in the receiving state has nothing to do with the sending state: political influence in the receiving state is about the social positioning, including economic clout, of the diaspora in the receiving state. As the socio-economic profile of the diaspora rises, and as its skills profile shifts towards a more professional or business-oriented composition, the group will have greater resources and be better positioned to advance its interests under the three channels of political influence. Granted, diaspora political influence is related to many factors beyond interaction with the sending state, ranging from the accessibility of institutional structures that link society to policymakers in the receiving state to the composition of the diaspora and financial resources the group has at its disposal for use under the lobby and electoral channels. Acknowledging diverse sources of influence, this chapter has sought to isolate mechanisms by which the sending state contributes to the diaspora's mobilisation abroad. The sending state is keenly aware of the clout and positions of influence achieved independently by a segment of diaspora abroad. This indeed motivates the sending state to selectively engage with influential members to advance issues of

sending state concern abroad. The diaspora's influence independent of sending state contributions need not challenge the notion that the sending state interacts with select overseas populations in an attempt to enhance the diaspora's capacity to further sending state interests internationally.

6.6 Conclusion

This chapter moves beyond Part I's analysis of how the diaspora influences receiving state migration policy in ways beneficial to the sending state to advance the argument that the sending state actively contributes to the diaspora's influence abroad. Part I demonstrated that diaspora influence is the product of interaction amongst various attributes, including organisational capacity and interests. This chapter illustrated the important role played by the sending state enhancing attributes that allow the diaspora to mobilise influentially within receiving state political channels. The power exercised by the sending state over the diaspora trough material and ideational resources is different in nature than diaspora influence exerted over receiving state migration policy. This is largely because sending state influence is identity-based and relies on constitutive channels. Despite their non-coercive nature, allocative diaspora policies bypass the resident country and represent a unilateral extension by the sending state of domestic policy. This policy registers effects on the receiving state in relation to the nature and magnitude of transnational political mobilisation that takes place within its borders. In this way, diaspora policies represent a form of power exercised by the sending state over not only the diaspora and its mobilisation activities, but also over the receiving state via the introduction of transnational pressure into domestic receiving state political channels the intermediary agent of the diaspora. This chapter highlights that analysis of the

relationship between immigrant mobilisation and the state should extend conceptually and empirically beyond receiving state institutional structures to include the role of sending state institutions contributing to identities and thereby influencing the interests and organisational capacity of the diaspora as a domestic actor in the receiving state.

While transnationalism literature can approach the state as incompatible with the notion of the diaspora, insofar as diasporas are seen to threaten the territory-identity convergence central to a system of discrete nation-states, this chapter considered how the state initiates and manages activities that cultivate transnational identities, and how this sending state response to emigration affects the political mobilisation of a receptive segment of its population overseas. The state can lead and sustain transnational processes, and need not be eroded by them.

It can be asked, nonetheless, whether a 'grand plan' characterises India's diaspora engagement policy and, if it does not, whether the absence of a unified approach undermines the argument that India uses allocative diaspora policy to influence strategically its diaspora.

Multiple ministries in India have jurisdiction over different issues that bear on the diaspora, including the Ministry of Overseas Indian Affairs (MOIA), the Ministry of Labour and its Protector of Emigrants, the Ministry of External Affairs, the Ministry of Home Affairs, the Ministry of Commerce and Industry and even the Reserve Bank of India, which coined the term 'non-resident Indian' in the 1970s. These agencies contest and represent politically the issue of emigration in different ways, linking the exclusivity of dual citizenship to security interests, linking high skilled mobility to trade negotiations, linking the diaspora's philanthropy and

overseas collaboration to home country development, to national Indian identity, to geopolitical influence, to economic competitiveness, and so on. While MOIA is the official focal point for coordinating the various dimensions of diaspora policy, a retired Indian diplomat formerly posted to Canada notes that 'diplomatic missions in the resident country are naturally the first point of contact for the diaspora and [therefore] day-to-day interaction with the diaspora occurs through the Ministry of External Affairs (MEA)' (personal interview, 2 November 2009). Coordination between the MEA and MOIA is described by the official as 'less than desirable'. Moreover, a former Indian Foreign Secretary notes that although all emigration and diaspora related issues were moved out of the MEA and into MOIA following the latter's 2004 creation, some issues which bear directly the diaspora, such as India's negotiations on Mode 4 (service provider mobility) in the WTO, remain exclusively under the jurisdiction of other ministries, such as Ministry of Commerce in the case of WTO negotiations. Fractured jurisdiction across diverse Indian ministries could cast doubt on the view that the sending state pursues coherent aims through its diaspora policy.

This thesis does not claim that India's engagement with its diaspora is characterised by a single plan equally subscribed to by all sending state ministries. While there may exist some aggregation of interests across different ministries' mandates and objectives, there are just as likely government agencies with divergent interests that require resolution through the exercise of power. Intra-sending state power relations are not a focus of this thesis. What we can observe in the contemporary period under study, however, is an unambiguous trend of increased Indian government emphasis on diaspora engagement in select receiving states, the creation of a large number of new diaspora institutions – including a dedicated

ministry – and the use of consistent symbols and rhetoric to incorporate select segments of the transnational population within a vision of the Indian nation. The Indian government's 2001 commissioning of the High Level Committee Report, which laid the groundwork for the present MOIA and other institutional arrangements that govern diaspora relations, marked a turning point. At this juncture, the widespread characterisation of the diaspora as national deserter, prevalent in the 1970s and 80s, shifted to that of development hero and political asset. Following the government's 2001 report, highly intentional efforts to engage with the 'global Indian' have steadily increased, from the creation of MOIA and its increasing breadth of initiatives (MOIA 2009), to the proliferation of associated arms-lengths institutions. Despite the noted fractured governance which characterises different facets of Indian emigration, allocative and ideational efforts to connect politically and culturally with the diaspora for specific purposes – the primary focus of Part II of this thesis – are largely coordinated by MOIA. MOIA manifestoes present consistently the sending state's officially-stated interest in furthering India's interests abroad via diaspora engagement. Where ideational activities are carried out by agencies other than MOIA, such as through public diplomacy initiatives of the Ministry of External Affairs and the efforts of public-private agencies such as the India Brand Equity Foundation, these efforts are in line with the publicly stated goals of MOIA.

Iksander (2010) points to the iterative and improvisational nature of much of the diaspora and emigration policy design process in the cases of Mexico and Morocco. Yet, she notes that regardless of whether final outcomes were predicted by these states upon initiating engagement strategies, specific calculations regarding control over domestic and emigrant populations motivated the creation of the policies

and reflect state creativity in responding to new or accelerated population movements.

The notion of a homogenous 'sending state interest' with regard to any issue is a simplification. Chapter 2 highlighted diverse economic, security and identity-based sources of state preference formation with regard to emigration and diaspora relations. Nonetheless, complexities associated with national interest formation should not preclude analysis of the pathways through which sending states may seek to relate to receiving states partly through their overseas populations to further inter-state objectives.

A final point should be flagged here in relation to sending state engagement strategies that influence the diaspora abroad. Transnational influence also operates in the opposite direction and the diaspora registers a significant impact on the sending state. The provision of OCI, as well as India's negotiation of social security agreements with a range of receiving states to protect overseas India workers, are strongly motivated by concerns articulated by the diaspora. The convergence of interests between the sending state and diaspora does not consist only in the diaspora being persuaded to take up select issues, but in the sending state being encouraged to do so as well. Nonetheless, for purposes of the argument considered in this thesis, the focus in this chapter is how the interests and capacity of the diaspora are influenced diffusely by the sending state. The following chapter will assess the impact of sending state policies on how host state actors receive the diaspora and its political mobilisation. Empirical investigation in Chapters 6 and 7, in tandem with Chapters 3-5, contributes to an understanding of how the diaspora serves as an intermediate

transnational power resource for the sending state in its bilateral migration relations with Canada.

7 Sending state influence on the attitudes of receiving state actors

7.1 Introduction

The previous chapter argued that the sending state's allocative policies enhance the political mobilisation of the Indo-Canadian diaspora in Canada in ways favourable to India. This chapter argues that sending state diaspora policies also indirectly shape how the diaspora is received by the host state and influence host state policy preferences regarding migrants from the source country.

Sending state-friendly policy – that is, Canadian migration policies which disproportionately benefit applicants from India – are not solely related to the diaspora's effective use of the three channels of political influence outlined in Part I, but are made more likely by the sending state's active framing of the diaspora and its attributes in a favourable light. Sending state efforts to associate its overseas population with progressive, technologically savvy traits contribute to favourable attitudes toward the diaspora amongst three types of receiving state actors: policymakers, employers and the 'general public'. These attitudes increase the likelihood of immigration policies designed to target 'desired' Indian immigrants, albeit within Canada's points-based intake system which is officially source-country neutral.

While acknowledging the challenges of measuring attitudes, both as an outcome in its own right and as a contributing factor to policy outcomes (Facchini

and Mayda 2008), this chapter seeks to refute the null hypothesis that pro-sending state immigration policies would have been just as likely to obtain in the absence of sending state diaspora 'framing' activities, and to argue that the likelihood of such policies is enhanced by the source country's cultivation and exploitation of the diaspora's reputational capital, which I understand as the value of non-tangible assets (or liabilities) associated with the diaspora that contribute to receiving state actors' estimation of the group.

The subsequent two sections outline the concept of sending state diaspora 'branding' and detail specific techniques India deploys to communicate a desirable image of its diaspora to overseas audiences. The 'diffuse influence' section of this Chapter then accounts for how sending state framing activities shape receiving state policy preferences toward select migrants from India. Concrete pro-sending state policy outcomes identified in this section would be less likely in the absence of sending state diaspora 'branding' initiatives which contribute to favourable attitudes toward existing and prospective Indian immigrants amongst three types of domestic actors in Canada. The chapter concludes with a reflection of whether these policy outcomes would have obtained in the absence of sending state diaspora framing efforts, and discusses the conditions under which we can expect sending state initiatives to influence receiving state actors' perceptions.

7.2 How the channel works

An immigrant group's integration process within the receiving country society has been argued to be influenced not just by local and national factors, but by 'transnational contexts' (Délano 2010) which exist beyond the nation-state and influence immigrants' modes of incorporation and the host society's reception of the

immigrant group. This Chapter focuses on the impact of the Indian sending state's transnational diaspora engagement activities on the reception of the diaspora in Canada.

India's diaspora 'branding' efforts seek to associate with its overseas population select desirable attributes such as entrepreneurialism and technological know-how. India's efforts to showcase internationally its human capital strengths have coincided with a recent wave of skilled Indian migration to North America. Branding initiatives can enhance the status of the diaspora in the receiving state and serve as a tool for the sending state to project a progressive image of India's rising clout onto the world stage, which in turn further promotes the image of the diaspora abroad. The impact of branding efforts on the attitudes of domestic Canadian actors, and how these attitudes matter for migration policy, are discussed under the 'diffuse influence' section of this chapter. The present concern is to unpack the concept of diaspora branding.

Diaspora branding is inspired by the concepts of 'nation branding', discussed in marketing and communications literature (Anholt 2002; Fan 2006) as the process by which government agencies or companies cultivate positive associations with a nation often for purposes of tourism or export market development. The closely related 'country-of-origin' effect which denotes the influence on customers' perception of a product's desirability based on the associated source country also inspires the concept of diaspora branding. This chapter does not dwell heavily on the marketing analogy and does not seek to reduce diaspora subjects to inanimate marketed objects. Nonetheless, the 'made in India' stamp' (personal interview, 13 November 2009), as one MOIA official phrased it, that accompanies an engineer or

IT professional from a handful of elite institutions in India is an image actively developed and capitalised upon by diverse sending state agencies to promote a competitive vision of the source country and its human capital reservoirs abroad.

The diaspora brand, as with the nation brand, is part of a broader strategic attempt to represent the source country internationally. It is reinforced through a variety of channels or 'act[s] of communication between the country and the rest of the world' (Fan 2006: 6). India's acts of communication put the country's people power – its human capital resources and 'demographic dividend' (personal interviews, various November 2009) of a young, large population – front and centre. Just as the aim in nation branding is to create a simple, differentiating idea, often around emotional qualities, which can be applied in a range of contexts to promote a favourable image of the country and enhance its desirability, so India's diaspora branding aims to associate emotionally appealing qualities of innovation, progress and international competitiveness with its overseas population. Successful segments of the diaspora are profiled as 'brand ambassadors' to convey a progressive image of the source nation onto the world stage. Through a range of communication strategies described in the next section, the sending state promotes not a tangible or functional good, but desirable associations with the Indian diaspora and its root culture and nation. These associations enhance attraction to both the overseas population and sending state in ways that will be shown, under the diffuse influence section of this chapter, to advance sending state interests regarding rules that govern intake and incorporation of Indian migrants in the receiving state.

Let us consider how the sending state contributes to the diaspora's desirable reputation amongst domestic actors in the receiving state.

7.3 How the sending state makes use of the channel

The 'India Shining' campaign was a recent nation branding initiative used by the political party BJP which made central use of the diaspora to promote the country to foreign investors and to encourage multinational companies to set up hubs in India. The brand tapped into the economic momentum and commercial promise heralded by India's human capital resources. The kick-starting of the Indian IT industry by Indian diaspora entrepreneurs in Silicon Valley who began outsourcing operations to India, was central to the campaign. 'India Shining' then became an election slogan for the BJP party in 2004 (ICMR 2004). However, the profiling of materially successful middle class Indians served to highlight the vast gulf between wealthy Indians and the majority of impoverished Indians (Das and Zajonc 2009). The campaign ultimately backfired and is widely acknowledged to have been a decisive factor in the 2004 defeat of the BJP government (BBC 28 May 2004), illustrating the potential domestic and international consequences of nation-branding efforts. The government's current and more inclusive 'Incredible India' brand is a tourism campaign which showcases a broader spectrum of Indians and India, touting the spiritual yet progressive values of the brand destination and its population. 'Incredible India' (2011) has been splashed across foreign media, including high profile television advertisements during the 2010 Oscars, Grammy's and 2010 Canadian Olympics, and full page advertisements in prominent international newspapers and magazines.

Yet, while tourism and nation brands rely on international media to carry their message, the diaspora brand is carried largely by the entity being branded – that is, by select diaspora populations themselves and the range of initiatives undertaken by sending state agencies to showcase, as distinctive features of the global Indian

nation, diaspora 'ambassadors' who portray India's stocks of human talent internationally. Diaspora branding is largely carried out through the range of allocative policies described in Chapter 6. These not only influence the identity and interests of receptive diaspora members, but contribute to favourable impressions of the diaspora amongst host country actors. For instance, the conferral of awards to prominent Indo-Canadian politicians, the PBD convention in which a delegation of high achieving Indo-Canadians unite under the banner of India, and the Prime Minister's Global Advisory Council are allocative policies of the sending state which garner significant media coverage in Canada and enhance perceptions of the diaspora's value in the receiving state.

Manifestoes produced by the sending state, such as annual reports of MOIA and promotional brochures and media kits surrounding PBD, selectively portray and capitalise upon diaspora traits presumed desirable by receiving states:

> 'the overseas Indian community is recognised and respected for its hard work, discipline…and for successfully integrating with the local community. Overseas Indians have transformed the economies of and have come to occupy a pride of place in the countries of destination and have added in considerable measure to knowledge and innovation' (MOIA 2009:2).

One can question the extent to which the readership of such sending state manifestoes includes receiving state publics. However, messages conveyed by MOIA officials in formal meetings with receiving country counterparts (personal interviews, 25 February & 13 November 2009) appear to echo those presented in sending state manifestos. Additionally, an Indian strategy to promote demand for India-specific immigration appears to be that of highlighting similarities between Indian political and social institutions and those of Northern receiving states. A Joint Secretary from

MOIA states that he conveys the following in official meetings with receiving state immigration officials:

> 'you [given receiving country] want to partner with people who are more like you, with a country with democracy, free press, free judiciary, English language. If you source from third world countries, which you're going to have to, India is comparatively highly desirable' (personal Interview, 25 February 2009).

Nincic and Russett (1979:68) argue that perceptions of similarity affect the 'degree of public hostility or friendliness' toward different nations, and by association, toward different immigrant or ethnic groups. The sending state seeks to enhance the level of friendliness felt toward the diaspora amongst receiving state policymakers by highlighting presumed shared cultural values associated with strong work ethic and innovation when 'pitching' the value of prospective immigration from India with receiving state representatives.

Positive framing of the Indian diaspora is not confined to the activities of MOIA, nor is its target restricted to policymakers; human capital branding is central to the ideational activities of other Indian sending state agencies whose mandates include commercial engagement and public diplomacy. The India Brand Equity Foundation, a public private partnership between the Ministry of Commerce and Industry and the Confederation of Indian Industries, accords human capital resources, both in-country and abroad, pride of place in its communications targeted at international business and investment communities. 'India's talent drives Brand India', 'Leading on the Strength of Intellectual Capital and the Unbridled Spirit of Entrepreneurialism', 'leveraging talent for productivity', 'leadership in knowledge based industries' are choice phrases on the Foundation's website that seek to link India's competitive edge to its human talent base. In his address at the Pan IIT

alumni conference in 2008, the Indian Prime Minister spoke of India's destiny as 'a knowledge super power' noting that IIT alumni diaspora are 'universally acknowledged to be leaders in their fields of endeavour…[having] played an important role in technological break-through around the world and in changing the image of India in the West' (IBEF 2008).

The Ministry of External Affairs public diplomacy division, created in 2006, to influence global opinion on issues of Indian concern (MEA, Annual reports 2010) and, as the Times of India describes its mission, to promote 'a better image of the country commensurate with its rising international standing' makes use of the middle-class, internationally successful segments of the Indian diaspora as key public diplomacy tools to project 'India rising'. The Indian and Canadian Prime Ministers announced recently that the 'Year of India' will be celebrated in locations across Canada in 2011 (PMO 2010). An earlier joint statement noted the importance of citizens of both countries becoming better acquainted with each other through culture… and tourism.' (PMO 2009). This Canada-centred campaign will serve as platform for the Indian government to further promote the dynamism of the sending country and its diaspora internationally.

The diaspora is appropriated by the sending state as a national symbol (Xiang 2008) to serve public diplomacy goals of projecting an image of a progressive human capital resource base onto the world stage. Yet, sequencing irregularities are suggested in official sending state communications regarding the relationship between the diaspora's success and India's rising international stature. The Prime Minister's IIT speech suggests that the diaspora's success is responsible for changing the image of India internationally, while the government's High Level Committee

Report suggests rather that India's rise alters the perception of the diaspora in the receiving country: 'India's emergence as a modern society, destined to play a role in knowledge based industries, particularly in the field of information technology, has helped to change the image of the Indian diaspora globally. It is no longer considered as an economically disadvantaged, silent minority in many of the lands of its permanent settlement' (HLC 2001: vii).

These two feedback processes are not mutually exclusive. Nonetheless, the essentialist view that there are a specific set of characteristics universally possessed by all members of the diaspora must be viewed cautiously, with objectives of the communication borne in mind. The High Level Committee report's claim of Indian 'value systems which have helped them [the diaspora] rise meteorically in American society' (HLC 2001: 176), fails to mention that non-highly skilled Indians were largely denied access to the US by immigration rules – to say nothing of the reality that not all diaspora members have achieved the professional success showcased by the government. The selective representation and cultural essentialism characteristic of the communications described above says much about the Indian state's instrumental cultivation and exploitation of diaspora reputation to advance the sending state's standing internationally. The next section will address how sending state efforts to promote favourable impressions of the diaspora result in Canadian migration-related policy that benefits the diaspora and Indian state.

7.4 Diffuse influence

Studies which seek to operationalise soft power tend to treat favourable attitudes as the dependent variable and to explore what resources contribute to soft power (Furia 2006; Huang and Ding 2006). The sending state branding efforts

described above address the sending state's contributions to the diaspora's soft power, or what Nye (2004) terms its 'power of attraction' in the receiving state. The present focus is to treat favourable attitudes as an independent variable to explore what outcomes soft power results in. Recall that Keohane and Nye (2001) offer two alternate approaches for measuring the power of an actor: i. resources that give an actor the potential to affect outcomes, or ii. an actor's actual effect on outcomes. If we view soft power as not simply about attraction as a potential resource, but about how the power of attraction leads an actor holding favourable attitudes toward another actor do something it would not do in the absence of these attitudes, we can ask if sending state-friendly migration-related policy in Canada is made more likely because of positive Canadian attitudes toward India and Indians. While Nye suggests that 'attraction often leads to acquiescence' (2004:6), he notes that the consequences of soft power must be assessed on a 'case-by-case' basis. The nature of 'acquiescence' also requires elaboration. Accordingly, the discussion below lends insight into the contribution of favourable impressions of the diaspora amongst three types of domestic Canadian actors– policymakers, employers and the 'general public' - toward policy outcomes that benefit the Indian diaspora and sending state.

Policymakers

Even within the context of Canada's points-based system which does not have official scope for source-country specific rules, policymakers' prioritisation of policies that disproportionately enhance the intake of skilled Indians is sensitive to sending state efforts to promote Indian workers' comparative advantage and to portray aspiring migrants as valuable additions to technological innovation and economic competitiveness of the receiving state. Such Canadian policies discussed below include the CIC's pursuit of an 'India strategy' to diversity the intake of

Indian migrants such that a greater proportion of highly reputed skilled applicants from the South are attracted, and a pilot scheme to fast-track the entry of IT workers, a disproportionate number of whom are Indian. Additionally, increased policy consultations with the Indian diaspora in Canada and the increasing lobby clout of prominent diaspora organisations are receiving state outcomes that can be partly traced to the influence of sending state diaspora branding initiatives upon Canadian policymakers with jurisdiction over different facets of migration policy.

A CIC official directly attributes an India-specific immigration strategy to encounters between Indian political leadership and the Canadian Immigration Minister and civil servants: 'Its only after the Minister and provincial Deputies of Immigration went to India that it was discussed there is now a need for an India strategy, that it is now time to engage the diaspora.' (personal interview, 25 September 2009). CIC's nascent India strategy focuses on attracting a broader geographic mix of Indian migrants to Canada – focally, encouraging applicants from Southern India, the region of several IT industry hubs such as Hyderabad and Chennai. The rationale for this strategy of diversifying intake away from a dominant catchment area in the North of India, as described by Canadian officials, invokes the descriptive language and entrepreneurial traits showcased by the sending state:

> 'Canada needs to capitalise on the entrepreneurialism, the high-tech dimension in the South' (personal interview, 25 September 2009)
>
> 'We want the new talent from the South', (personal interview, 24 September 2009).

Canada's new Bill C-50, 2008, which provides immigration guidelines regarding the prioritisation of 'in demand' national occupational categories, is speculated by a senior CIC official to result in disproportionately more successful

applicants from India (personal interviews, 21 September 2009). This is attributable to alignment between Indian applicants' professions and prioritised occupations in Canada. It is conceivable that sending state branding encourages the framing of Canadian policymaking, even within a rules-based system, in ways that single out the desired segments of prospective Indian immigration to facilitate entry into Canada. A pilot project developed by CIC in collaboration with other federal agencies expedites the entry of foreign IT workers into Canada, a disproportionate number of whom are Indian. It is conceivable that favourable attitudes of policymakers toward skilled Indian IT workers made such a pilot scheme more likely.

Although I lack inside access as to how widespread favourable attitudes toward the Indian diaspora are amongst Canadian policymakers, interviews with policymakers in CIC and DFAIT suggest that most have imbibed the rhetoric of India's 'cutting edge human capital'. As one interviewee put it:

> 'Canada is interested not in engaging with the 'old guard' in India, but in the new, young, dynamic leadership community, the IIT grads, the outward oriented, dynamic population…Student exchanges are a central way of doing this' (personal interview, 24 September 2009).

Whether such articulated preferences are related to received wisdom from positive American experiences with the skilled Indian diaspora, or receptivity to sending state branding initiatives, it is notable that policymakers use language to describe the diaspora nearly identical to that promoted by the sending state. This may suggest, as one policy maker reflected, that the sending state plays a role in influencing receiving state policymakers' perceptions of who it is most strategic to engage with. It may be the case that skilled immigrants from a range of countries possess the dynamism, entrepreneurial ethos and so on that are associated with the Indian diaspora. However, source country branding plays a strong role in influencing

which diasporas are perceived by receiving state policymakers to possess desirable traits and therefore to target by tailoring the composition of intake, promoting student exchange programmes and prioritising pilot schemes which ensure strong levels of skilled Indian intake. These concrete policy outcomes are informed by Canada's perceived material interests, which are susceptible to influence from the sending state's cultivation of and capitalisation upon the reputational capital of its successful diaspora.

Further, several Canadian policymakers from both CIC and DFAIT suggest in interview that increasing demand within their ministries for policy consultations with the Indian diaspora is not only related to diaspora pressure, but has much to do with Canadian policymakers' observation that American interests regarding the commercialisation of research and development, and high level trade with India, have been advanced through the country's engagement with the Indo-American diaspora:

> 'We [Canada] saw it [USA] was benefiting handsomely from consulting with Indian diaspora…so we copied the US' (anonymous personal interview, September 2009).

While Canadian policymakers' observation of success south of the border may operate independently of sending state initiatives, the American example is one trumpeted by various Indian government agencies engaged in diaspora and nation branding. The India Brand Equity Foundation recently released a report attempting to quantify the contribution of Indians to the American economy (IBEF 2009). The success of the Indian diaspora in the USA and the international perception of this success is amplified by sending state efforts to link receiving state commercial and technological success partly to contributions of the skilled Indian diaspora.

Lastly, the capacity of diaspora organisations well connected to Indian policymakers to attract high-level Canadian policymaking audiences offers further support of the impact of India's diaspora and nation branding activities on the receiving state. As an Indian Consulate official suggests:

> 'the clout of India is obvious in the success of organisations such as Canada India Foundation. They have received the Prime Minister, Ignatieff [leader of the opposition], Dionne [former leader of the opposition]. How can an organisation only 2 years old, only 30 members of industrialist have so much success and cause so much interest among Canadian politicians? It is the clout of India, and the money of such organisations as CIF [Canada India Foundation] who have an intention to put their foot forward in the policy realm' (personal interview, 17 September 2009).

The Canada India Foundation's access to Canadian politicians is enhanced by favourable attitudes of Canadian policymakers toward India and the promise diaspora professionals are believed to hold for advancing Canadian economic interests. These favourable attitudes are no doubt strongly informed by India's impressive economic growth, its trade potential, and the perceived central role of the diaspora as intermediaries to overcome information and trust deficits to realise this potential. Nonetheless, perceptions of material interest are strongly shaped by branding initiatives, which seek to link economic competitiveness to favourable diaspora professional and personal traits.

While Canada's universalist immigration system precludes source-country specific rules, all rules have distributive consequences on particular source countries. Source country-specific consequences highlight opportunities for the sending state to exercise diffuse forms of influence, notably branding activities which enhance the favourable perception of Indian migrants in the eyes of immigration policymakers, to advance its specific migration interests - here, the promotion of skilled emigration, as

discussed in Chapter 2 - within the receiving state's apparently source country-blind intake system.

Employers

The reputational capital of Indian IT workers, particularly those who have graduated from one of the prestigious IITs, is a lynchpin of sending state efforts to foster associations of technological competence with the professional population abroad and within the country. With respect to the impact of branding activities on Canadian employers in non-regulated professions, the centrality of 'knowledge economy' professionals to the sending state's international promotional activities means that an IT worker's reputation, in some senses, precedes him. In this way, sending state promotional activities can serve to reduce the risk and uncertainty perceived by an IT employer when hiring a worker with foreign credentials.

An analogy to the marketing concept of 'country of origin' effect is useful here. The perception of origin country is argued to influence consumers' preferences for or against a product (Bilkey and News 1982). In marketing terms, the country of origin is an 'image variable', or characteristic associated with the product which is distinct from its functional attributes (Erickson et al 1984). In a similar vein, the 'image variable' of the associated source country is an independent influence on employers' attitudes toward Indian workers in select profiled sectors, in addition to the professional capacities of Indian employees as observed by their employers through first hand experience. Between two equivalently talented employees from different sending countries, employers may be more inclined to trust the quality signal of the 'made in India' stamp over a less branded source country because sending state branding activities have made this prospective employee and his touted

value a more 'known' commodity. Moreover, sending state efforts may reinforce favourable first-hand impressions of employees with Indian credentials, which further stimulates demand for such workers. An employer's inferential step from specific experiences with an employee to group traits (e.g., 'this is a talented Indian IT worker' to 'other Indian IT workers must be talented') is partly attributable to external information/images provided by the sending state, and would be less likely in the case of an employee from a source country that has not so actively cultivated the image of its human capital resources.

How does an enhanced impression of Indian workers amongst susceptible employers contribute to migration policy outcomes? Employers exert pressure on migration rules in Canada by lobbying for particular professions to be included as National Occupational Categories. These categories form the basis of eligibility requirements for economic migrants to enter Canada. The HRSDC, the federal agency which develops the National Occupational Categories, holds consultations with industry representatives and government-supported sector councils (partnerships that include business, labour and research actors) to identify occupational categories that require changes – be it the creation of new or emerging occupations and the identification of possible gaps. In addition to employers pressuring HRSDC on the need for more internationally-trained IT workers, the Canadian Information and Communications Technology Council pushes HRSDC in a similar direction. Stressing the current IT skills shortage, the council argues that 'internationally educated professionals are well positioned to fill vital roles in Canada's ICT [Information and Communications Technology] sector…the integration of highly qualified IEPs [internationally educated professionals] into Canada's ICT labour market is essential to ensuring Canada maintains a highly competitive and innovative

ICT sector' (ICTC 2010). Favourable attitudes of Indian IT workers, as enhanced by sending state branding activities and the precedent of American companies with strong links to skilled Indian workers, contribute to employers and associations lobbying HRSDC for the modifications to 'in-demand' occupational categories.

In sum, sending state activities that cultivate favourable associations with Indian workers can cause employers to perceive fewer risks in hiring from a reputable 'brand', and can favourably sensitise employers to the general group of workers in that sector from the source country. In turn, employers and sector councils exert pressure on migration rules during consultations over occupational categories to be included as National Occupational Categories, which are the basis for economic intake rules into Canada.

Public

A final group susceptible to the diaspora's soft power, as enhanced by the sending state, is the catch-all 'general public', the domestic receiving state population targeted by the public diplomacy and branding initiatives of the sending state. The general public can be thought of as the group represented by the random sample of those living in Canada whose attitudes are measured by the opinion polls discussed shortly. This group conceivably includes employers and policymakers.

Several attitude-measuring studies suggest that individuals' immigration preferences are not solely or even primarily influenced by economic self-interest, but are strongly swayed by cultural and ideological factors. Hainmueller and Hiscox's (2010) nationwide US survey shows that both high and low-skilled natives prefer high skilled immigrants over low-skilled ones. This challenges conventional labour market competition theories which hold that domestic workers will be most opposed

to immigrants with similar skill levels to them. The survey results accord with Fortin and Loewen's (2004) view that 'symbolic politics', in addition to, *inter alia*, economic self-interest and education levels, influence attitudes toward immigration. The authors argue that immigration preferences, 'rather than being given over entirely to economic calculations… can be structured and influenced by symbolic triggers', which tap into underlying values.

The notion that symbolic politics can shape individuals' perception of self-interest and so policy preferences in relation to immigration suggests an ideational realm within which sending state diaspora branding activities can influence receiving state publics' attitudes toward the Indian diaspora and prospective Indian migrants in ways that influence policy preferences.

From the following selection of opinion polls we can observe warming Canadian attitudes toward India and Indian migrants. This trend roughly correlates with the sending state's initiation and acceleration of branding efforts beginning in 2000. However, the one-off surveys do not pose consistent questions over a series of years and so do not allow for absolute comparisons over time. The usual caveats regarding the measurement of attitudes and attitude change toward a group also apply.[48] Although the below observations do not permit causal inferences, they are nonetheless useful as descriptive accounts of a warming picture of Canadian attitudes toward India and Indian immigration to Canada. Attitudes toward a source country have been shown to be closely linked to attitudes toward its diaspora (Kirk 2008; Yun and Kim 2008), so both measures are of present interest.

[48] Variation regarding how well formed or conscious attitudes are at the time they are surveyed, and response effects related to question wording, order, response scales and self-reporting pose methodological challenges for the use of surveys to measure attitudes (Tanur 1982).

An Angus Reid (2009) survey of 1000 Canadians indicates that Canadian opinion of India is far more favourable than that of neighbouring Pakistan, with 36% of respondents holding a positive view of the former and only 7% holding a favourable view of the latter. Although opinions of India as a country are split (another 36% of Canadian respondents hold a negative view of the country), Canadians feel more positively toward India than they do toward Mexico (34% favourable), Russia (26% favourable) and China (25%). China is the top source of immigration to Canada.

Moreover, according to a Pew Global Attitudes Survey (2007) which polled 1004 Canadian respondents, Canadians have strongly positive opinions regarding the impact of immigration from Asia, with 77% stating that Asian immigrants are a good thing. It should be noted that immigration is broadly viewed positively, with 78% of respondents also believing that immigration from Mexico and Latin America is desirable.

These moderately favourable contemporary views contrast with negative Canadian perceptions of Indians, specifically, measured in 1991. Berry and Kalin (1995) use data from a 1991 survey conducted on behalf of the ministry formerly known as Multiculturalism and Citizenship Canada of 3325 respondents to analyse Canadian attitudes toward various ethnic and immigrant groups. The authors constructed a comfort level measure of natives' attitudes toward various newcomers or ethnic groups. 'Indo-Pakistanis' and 'Sikhs' were the least preferred on the comfort spectrum. At the other end of the spectrum, in moving from most to less preferred were the British, French, Italian, Ukrainian, German, Jewish, Portuguese, Chinese, Native Americans, West Indian Blacks, Arabs and Muslims. Respondents

were more comfortable with ethno-cultural groups already in Canada than prospective immigrants from the same source country. This difference was most acute for Sikhs.

Sharma (1997: 170) refers to a 1975 Gallop poll which asked Canadian respondents whether they favour immigration restrictions from particular countries. 'Of those who favoured such restrictions, 23% specifically mentioned India or Pakistan, 7% countries in the Caribbean, and 5% 'coloured immigrants in general'. The author notes that 'similar findings were returned ten years later in Toronto when Toronto Star conducted a series of surveys.'

The above surveys describe a potential shift in feelings toward Indian immigrants. Increasingly favourable Canadian attitudes toward Indian immigrants correlate loosely with the initiation of sending state diaspora branding activities starting in early 2000. This is not to suggest causation, as warming attitudes correlate with a range of other variables, such as an increase of Indian immigration to Canada – greater interaction with immigrants correlates with more positive attitudes toward them – and a changing composition with respect to Indian immigrants' educational and socio-economic profile. Multiple persuasion sources may account for attitude change and these sources are not discernable from the above surveys. Nonetheless, Nye's operational definition of a country's soft power is the popularity of a country as gleaned from opinion polls (Nye 2004:18). With noted limitations, opinion polls can also serve as the basis for measuring the diaspora's power of attraction and can provide correlative grounds for linking Canadian attitudes to Indian branding efforts to influence Canadian attitudes.

Rather than constitute a positive source of pressure on policy outcomes, the political significance of favourable public attitudes toward the diaspora is best understood as the neutralisation of potentially unfavourable perceptions of the diaspora which could present challenges to the Canadian government's efforts to deepen relations with the sending country and court members of the diaspora and Indian migrants. In this diffuse manner, favourable impressions amongst the receiving state public reduces domestic barriers to the advancement of receiving state policy that is in the interests of the diaspora and sending state. Policymakers not only respond to public opinion, but seek to influence it 'through the media and various framing techniques' to create support for or neutralise opposition to their policies. The generally presumed link in democracies between public opinion/voter preferences and public policy (Kapur 2009) operates in both directions. Yet, India's transnational efforts to influence foreign public opinion and preferences regarding migration policy are not grounded in the state's immediate electoral calculations, but in a more diffuse project to facilitate a domestic policy environment in other countries that is favourable to sending state interests.

The influence that derives from diaspora branding does not work against the interests of the receiving state. The policy outcomes noted above that are more likely in the presence of branding activities are naturally those which benefit the resident country. As an MOIA official emphasises:

> 'the immigration policy of a country would never be based on the interests of an expat[riate] group. However, the expat[riate] diaspora can articulate views that are in the best interests of the receiving state' (personal interview, 13 November 2009).

Yet, branding influences immigration state policymakers' perception of which outcomes are beneficial for national interests. By associating internationally

competitive and emotionally appealing notions of innovation and progress with the diaspora, the sending state enhances the standing of the diaspora in the eyes of receiving state actors and bolsters the social position from which the overseas population advocates for policy reform. Policymakers, employers, and the public at large are more open to, if not actively in pursuit of, policies that diffusely prioritise the intake of skilled migrants from a source country that has cultivated a desirable diaspora reputation. The argument central to this chapter is that the sending state's allocative policies enhance the favourable reception of the diaspora, and this favourable reception enhances the likelihood of pro-diaspora migration policies.

7.5 Counterfactual reflection

One can approach the counterfactual reflection from two angles to ask whether favourable attitudes toward the diaspora would exist in the absence of the sending state's branding activities – treating favourable attitudes as the dependent variable – or to ask whether pro-sending state policy outcomes would obtain even if Canadian policymakers, employers and the public did not perceive the diaspora favourably – treating favourable attitudes as an independent variable. In other words, i) how would attitudes toward India and the Indian diaspora be different in the absence of sending state branding initiatives and ii) how would this influence immigration-related policy outcomes that facilitate skilled Indian entry to Canada?

The counterfactual argument is not that diaspora branding is necessary for favourable attitudes amongst receiving state actors, nor that favourable attitudes are necessary for pro-diaspora immigration policy.

With respect to the first link, many factors affect the diaspora's image in the receiving state. Feelings of similarity and, as Yun and Kim (2008:567) suggest, 'socioeconomic status, recency (sic) of immigration, [and] degree of assimilation into the mainstream culture' influence perceptions of ethnic groups. Given the many inputs that affect the diaspora's reception in the host country, the role played by diaspora branding may be modest. Indeed, the diaspora's soft power is largely a product of the group's own contributions to receiving state society. Nonetheless, the Indian state's diaspora branding activities trump up qualities of hard-work, integration, and economic contribution which may independently contribute to a favourable perception of the diaspora in the host state. In the absence of India's ideational strategies to brand the diaspora in a particular light, it is likely that Canadians' perception of the Indian diaspora as innovative and entrepreneurial would not be so wide-spread.

Policymakers and employers are more likely to pursue policies that diffusely prioritise the intake of skilled Indian migrants – and thereby benefit prospective migrants and the source country, which seeks to capitalise on the transnational networks of its skilled diaspora – in the presence of India's allocative policies and efforts to cultivate and exploit the diaspora's reputational capital. One can imagine less interest on the part of bureaucrats and high level politicians to formulate India-specific immigration strategies to facilitate the entry of well-reputed Indian professionals and students, or to engage so prominently with organisations such as the Canada India Foundation in the absence of India's multi-pronged efforts to promote its human capital resources. The same holds for employers' demand for Indian workers in IT-related sectors. One can imagine a diminution of enthusiasm

amongst employers lobbying HRSDC for Indian applicant dominant occupational categories which form the basis of eligibility requirements for economic immigrants.

Under what conditions would Indian influence over civil society perceptions of the diaspora in a host state not be significant? Receiving state characteristics matter for India's transnational capacity to favourably 'brand' its diaspora. Just as values about nationhood and the role of foreigners in the political and social fabric of a country influence preferences regarding immigration levels and rights extended to newcomers by the state, so these ideas suggest which host societies may be more receptive to sending state efforts to selectively associate the diaspora with desirable traits. Some states are premised upon varieties of ethnic nationalism (e.g., Germany) or civic nationalism (e.g., United States). Some states have developed socially with relative degrees of racial homogeneity (e.g., Japan), while others place symbolic value on diversity and multiculturalism in their founding myth. These cultural identities play a defining role in how states perceive and institutionally respond to migration (Meissner 1992). They also suggest conditions under which host societies would be less 'open' to Indian efforts to influence perceptions of its diaspora. Host societies that are characterised by more historically open border and that are more inclusive in their national narratives and integration norms can be expected to be more receptive to the selective warm feelings that a sending states attempt to cultivate in relation to specific ethnic and immigrant communities. The Indian state's efforts to enhance the association of favourable attributes with the Indian diaspora may meet with less resistance in urban parts of Canada than similar efforts targetted toward more homogenous communities, including in other parts of the country.

With respect to whether favourable attitudes toward the diaspora are necessary for domestic actors to have interests in policy outcomes that enhance skilled Indian entry, it is possible that non-India-specific interests – related to increasing the skills composition of migrants, addressing labour shortages by hiring international workers, etc – result in preferences for policies that disproportionately benefit Indians. This suggests that favourable attitudes toward the diaspora are not necessary for policies that diffusely favour the diaspora. Yet, in cases where India-specific attitudes motivate policy preferences, such as when CIC devises an India-specific strategy and chooses it explicitly over another sending country strategy, and prioritises policies that select for skilled Indian migrants, it most unlikely that such policies would obtain in the absence of favourable impressions regarding the contribution of skilled Indian migrants to Canadian interests.

However, this raises the question of whether it is interests or favourable impressions that are doing the influencing. If Canadian policymakers perceive that attracting a certain type of Indian migrant is in the country's interest, it could be argued that branding activities are superfluous. Similarly, if policy makers perceive that engaging with the Canada India Foundation is in Canada's interests, given the organisation's resources and potential role in facilitating Canada's economic and political engagement with India, then the impetus for engagement could be argued to rest with Canadian interests and have nothing to do with branding activities of the sending state. In the paraphrased words of Ogoura (2006), the soft power of attraction does not matter, interests do: 'Sovereign nations in the international community act not on the basis of likes and dislikes but in accordance with their own interests.'

In response, it should be noted that interests are influenced by perceptions of attractiveness. The idea of India as an emerging knowledge power is an appealing, competitive image that Canadian policymakers repeatedly highlight when discussed how Canada stands to benefit from re-engagement with India after historical distance. The desire to engage with select diaspora organisations is informed by underlying beliefs about the value that India and segments of the Indian diaspora hold for Canada. The sending state's exploitation of the diaspora's reputation influences Canadian actors' beliefs about the value of the expatriate population and the source country. These beliefs cannot easily be divorced from perceived interests as they play a strong and constitutive role with respect to several Canadian immigration policy priorities.

We could expect India's soft efforts to brand itself and its human capital resources in a positive light to be less influential over Canadian government perceptions during historical junctures at which India's international behaviour ran against the grain of Canadian interests, as was clearly on display following India's 1974 nuclear tests that used Canadian technology and violated a safeguards agreement, and more recent 1998 tests. Were the Indian state to have engaged in positive source country and diaspora branding at these moments, it likely they would not have registered a significant impact. Branding influence may be most significant when it can serve to amplify existing warm feelings; it may be less influential as an antidote against sending state behaviour that is perceived internationally as irresponsible. The legitimacy with which the sending state government is viewed by the receiving state can therefore be hypothesised to influence the success of the former's branding efforts.

An alternate hypothesis to the argument presented in this chapter is that the attitudes of domestic actors toward foreign countries and associated diaspora groups are informed by individual-level experiences with migrants from that country, not by how a sending state frames the group. Yun and Kim (2008) demonstrate that exposure to ethnic groups informs attitudes toward ethnic groups' associated homelands.

In response, it is the case that Canadians who have greater interaction with immigrants tend to have more favourable attitudes toward them, and toward immigration more generally. For instance, Canadians who have most contact with 'Pakistanis or East Indians' are those who most strongly disagree with the statement that 'overall, there is too much immigration in Canada' (Environics Focus Canada 2006).[49] This observation could support the notion that attitudes toward immigrants and source countries are primarily the product of 'lived-in', concrete interaction with individuals from associated ethnic and immigrant groups, and are not strongly influenced by a narrative of the group offered by government agencies of a foreign country. However, individuals do receive considerable 'second-hand' information or interpretations regarding immigrant groups through conduits such as media, acquaintances' encounters, cultural celebrations, and so forth. These secondary sources can influence the perception of ethnic groups and source countries in the absence of face-to-face interaction. This supports the argument that sending state cultural celebrations abroad, such as the 2011 'Year of India' in Canada, and targeted tourism and diaspora branding efforts register some impact upon the perceptions of receiving state audiences, despite the challenges associated with measuring such

[49] Additional correlating variables (urban location, employment sector, education levels of respondents, etc) do not make the relation between immigrant contact and attitudes toward immigrants straightforward

impact. Increased levels of Indian immigration to and settlement in Canada bring increased first-hand exposure and enhance the opportunity for the existing Canadian population to confirm of reject received perceptions of a particular ethnic or immigrant group. Moreover, if the identities, interests and organisational capacity of a segment of the diaspora are influenced by sending state allocative activities (as argued in Chapter 6), then the sending state has a further indirect impact on how receiving state actors perceive the diaspora. Indeed, Yun and Kim (2008) argue that ethnic relations in receiving countries are one dimension of the source country's soft power.

A final competing hypothesis is that Canadians' increasingly favourable attitudes toward the diaspora and India are linked to India's rising international stature and economic clout. How can power derived from India's rising status be disentangled from the influence the Indian diaspora enjoys as a result of branding activities of the sending state? This thesis contends that India's rising status and its branding activities are not unrelated power phenomena. First, segments of the Silicon-Valley based Indian diaspora are widely acknowledged to have contributed to the IT-driven economic boom experienced by India in the 1990s (Dhume 2002; Pandey et al, 2006; Saxenian 2002). By establishing technological collaboration and capitalizing on the cheap talent of IT workers in India, these diaspora professionals created the momentum for outsourcing and significantly contributed to India's present-day international stature. Second, diaspora branding is closely related to the Indian government's communication of its international rise, its 'destiny to become knowledge superpower' (IBEF 2008), as the Indian PM recently phrased it. Concomitant with high profile diaspora achievements in the late 1990s, the Indian government began to profile its pools of technologically savvy young professionals

as an asset for the country's economic competitiveness. India's concrete economic growth made more credible, but no less reductionist, the state's attempts to bestow upon its diaspora inherently progressive, competitive attributes. Because India uses skilled segments of its diaspora to project an image of sending state progress and power in the knowledge economy onto the world stage, it is difficult to discern to that extent favourable reception of the diaspora in the host state is attributable to branding strategies and to what extent it is attributable to the self-profiled rise of India as an emerging power. This thesis argues that the two factors are ultimately part of the same package.

Sources of soft power and the diffuse contribution of soft power to tangible outcomes are difficult to chart. This renders the counterfactual of whether favourable receiving state attitudes would obtain in the absence of sending state branding activities and whether pro-sending state policies would have come about in the absence of favourable attitudes distinctly less bold than those produced by a necessary relation between cause and effect. Nonetheless, as with counterfactual reflections addressed in previous chapters, the argument here is not that branding activities are necessary for favourable host state attitudes toward the diaspora, nor that such favourable attitudes are necessary for policy outcomes that benefit the diaspora. Rather, sending state activities significantly enhance the likelihood and magnitude of favourable attitudes toward the diaspora in ways that concretely benefit sending state interests in relation to migration policy.

7.6 Conclusion

International migration, more directly than many other policy areas, fuses issues of state identity with those of state policy. Receiving state beliefs regarding

the role of newcomers influence immigration policy responses. Sending state ambition to project an image of progressive human capital resources internationally influences diaspora engagement and branding policy. As this chapter argues, India's allocative diaspora policies aim to influence not only the overseas diaspora population, but the perception of actors in the receiving state who make a difference to migration policy. Even under an avowedly source-country-neutral points system, Canada's interests and policy responses to migrants from particular source countries are influenced by perceptions of the attractiveness of diaspora groups. These perceptions are strongly shaped by branding activities.

While diaspora populations can transcend or counter the sending state's vision of nationalism once abroad, they can also promulgate official national narratives and serve as a sending state tool to project a particular image of the home state onto the world stage. As Carter contends, 'much of the diaspora literature…fails to acknowledge that diasporas can also reproduce the essentialized notions of place and identity that they are supposed to transgress.' (Carter 2005:54).

Sending states pursue ideational projects through diaspora policy. India bolsters its soft power and that of its diaspora by associating desirable 'Indian' traits with successful segments of their overseas population. Special value is accorded to skilled migrants in this international project because skilled professionals represent the advanced, progressive force of high-technology (Xiang 2008). This chapter demonstrated that diaspora branding improves India's ability to secure favourable immigration outcomes; India cultivates favourable attitudes toward the Indian diaspora and prospective immigrants from India amongst receiving state actors whose perceptions make a difference to migration policy outcomes. India both

actively nurtures and piggybacks onto the reputational capital of its diaspora so as to enhance the status of its overseas population in receiving states and to use favourable diaspora associations to project a vision of a progressive sending state onto the world stage. As nations compete to attract foreign investment, tourism, and establish markets for export, one strategy to differentiate oneself from competitors is to promote a human capital brand centered on high-tech, progressive attributes. Diaspora policy is central to establishing this competitive identity. India uses diaspora policy to enhance the clout of its overseas population in ways that further inter-state projects and to project an attractive and competitive image of the sending state onto the world stage.

Part II Conclusion

Part II explored the relationship between Indian sending state policies and the Indo-Canadian diaspora's political influence in Canada. It established that the sending state exerts significant influence over the identity, interests and organisational capacity of the diaspora, and over select receiving state actors' perception of the diaspora. In so doing, this thesis moved beyond an analysis of simply the political power of the diaspora in the receiving state,[50] as addressed in Part I, to explore emigration state power over the diaspora and its mobilisation abroad. Parts I and II taken together demonstrate that the diaspora's political contestation in Canada serves as transnational resource for India to further migration outcomes that it would be unable to advance on purely inter-state bilateral migration relations with the receiving state. The diaspora's political behaviour under the three

[50] The issue of how a diaspora advances migration outcomes that facilitate the immigration and integration of new members of its group is an interesting line of inquiry in its own right.

channels of domestic influence in Canada mitigates inter-state power asymmetries between India and Canada with respect to migration relations.

Part II characterised sending state power over the diaspora, over select receiving state actors and ultimately over Canadian migration policy, as 'diffuse'. What makes sending state influence in Part II diffuse, compared to the direct nature of diaspora influence analysed in Part I?

The sending state's power over the receiving state operates through an intermediary. Rather than the sending state (A) exerting influence over the receiving state (B) directly, A influences the diaspora intermediary (C) in order to alter B's migration-related decision-making. Barnett and Duvall (2005) characterise the 'C' in such indirect power relations as an institutional intermediary. While it is true that the sending state's relationship with the diaspora often relies on institutions of diaspora engagement, this thesis prefers to understand diaspora populations as the primary intermediary through which power operates between the sending and receiving state. This is because institutions which regulate diaspora engagement do not exist at a distance from the sending state and so are not independent rule-making bodies. Further, many institutions of diaspora engagement primarily seek to influence the identity of intermediary diaspora subjects.

India's instrumental diaspora engagement initiatives seek to activate the political influence of select diaspora populations. The aim in so doing is to diffusely affect receiving state decision-making to the advantage of the sending state. The Indo-Canadian diaspora's instrumental value for India is suggested by the type of diaspora organisations and activities lauded by India, the sending state's rhetorical and material delineation of outsiders from insiders who belong to the global Indian

nation, and historical fluctuation in the nation-state's vision of belonging to alternately incorporate or eschew transnational identities to further inter-state projects. In addition to understanding sending state power over the receiving state as diffuse, given the diaspora intermediary, one can also understand sending state influence over the diaspora to operate diffusely. India's engagement with its diaspora does not map onto particular outcomes, but enhances diaspora attributes in ways that indirectly bolster the diaspora's capacity to contest receiving state migration policies.

Beyond its diffuse nature, the sending state's power over the diaspora can be further differentiated from the diaspora's power over receiving state outcomes in another crucial dimension. To use Barnett and Duvall's (2005) distinction, the sending state's power over the diaspora is largely constitutive, while the diaspora's influence over receiving state actors is largely constraining. Sending state strategies outlined in Part II are constitutive because they seek to influence identity, and so preferences from these identities. As Chapter 6 defined, persuasive forms of influence exercised through diaspora engagement entail the sending state's manipulation of the diaspora's self-perception in ways that induce the diaspora to voluntarily alter its behaviour to the advantage of the sending state. The fact the diaspora chooses a course of action it believes will best further its interests does not preclude the exercise of power over the diaspora through the constitution of its identity and manipulation of the choices it finds desirable. While some diaspora engagement strategies are highly visible and include the provision of material resources, such as OCI and PBD, other resources, such as national narratives, are ideational and less visible. Moreover, the influence of material diaspora engagement policies extends beyond concrete benefits such as awards conferred to recipients.

Their impact extends to diaspora members whose identity is diffusely influenced through the symbolic incorporation of segments of the transnational diaspora population within the Indian nation.

Chapter 6 analysed how the sending state's ideational efforts to influence the diaspora's self-perception and its sense of belonging to a transnational community inform the group's political mobilisation abroad. The chapter outlined the evolving role of the Indian sending state in identity politics and discussed India's appropriation of the historically threatening concept of 'diaspora' to further contemporary objectives in inter-state migration relations. Chapter 6 moved beyond a corpus of literature which considers how ethnic interest group mobilisation is affected by receiving state opportunity structures to consider how transnational allocative policies of the sending state influence the behaviour of select diaspora populations.

While Chapter 6 suggested that a defining difference between the diaspora and other domestic Canadian actors is that the diaspora's identities and interests are partly organised by the institutional and ideational structures of another state, Chapter 7 argued that domestic actors in Canada are not immune to sending state nation-building projects. The economic (and security-related) impacts of immigration are not prescribed objectively to receiving states, but are perceived by a range of actors within them subject to norms and ideas that influence attitudes toward newcomers. Beliefs about specific migrant groups can be influenced by sending state 'branding' strategies to cultivate favourable associations with the transnational population. The degree to which sending state images and associations are internalised by receiving state actors can influence perceptions of material interest in

relation to immigration and may contribute to different policy responses of receiving states.

Sending state support can influence the symbolic standing of immigrants by altering receiving state actors' evaluation of newcomers (Bloemraad 2005). Chapter 7 showed this is all the more so when transnational sending state support takes the form of linking the diaspora to 'emerging power' traits of innovation and competitiveness – a feedback process that at once enhances the clout of India and the status of overseas Indians in Canada. Many of the strategies which target diaspora self-perception (Chapter 6) also seek to cultivate the diaspora's reputational capital and present a strategic image of the source country's human capital before receiving state audiences (Chapter 7). The sending state therefore influences the perceptions of not only the diaspora but also the receiving state in ways that shape domestic Canadian interests.

Through diffuse channels of influence, the sending state is able to preserve the principle of non-interference in Canada's domestic affairs while nonetheless strongly affecting the political activities of a subset of domestic actors within it. Transnational persuasion allows for officially upholding the principle – for instance, by refraining from financially supporting political diaspora organisations – while diffusely influencing populations that contest domestic political decision-making.

The diaspora can be characterised as a transnational resource for the sending state to secure more favourable migration relations with the receiving state. The diaspora's activities serve to mitigate the sending state's relative powerlessness to advance migration interests before the receiving state's migration rule-making powers. The diaspora's introduction of transnational considerations into receiving

state policy channels analysed in Part I, in tandem with the sending state's influence over the diaspora's political mobilisation abroad discussed in Part II, demonstrate that migration power relations are not confined to the inter-state. Transnational diaspora relations offer the sending state a unconventional resource to advance its migration outcomes and mitigate its power asymmetry with the receiving state.

8 Conclusion

8.1 Summary

This thesis integrates transnational and inter-state perspectives to explore emigration state power within a bilateral migration relationship. Without disregarding the significance of inter-state relations, this thesis sought to highlight important effects of transnationalism on migration outcomes that cannot be explained on a purely inter-state model of migration relations. It examined novel opportunities that relations across national boundaries afford a structurally weaker emigration state to mitigate power asymmetries vis-à-vis the receiving state in relation to migration.

Empirical investigation of Canadian immigration policy outcomes illustrates the limitations of a purely inter-state model for conceptualising sending-receiving state relations and emigration state power. A range of policy decisions undertaken by the Canadian state that are in the interests of the Indian state are difficult to account for without reference to diaspora influence and diaspora-sending state interaction. The Indo-Canadian diaspora's influence through the tribunal channel (Chapter 3) to overturn visa refusals and increase family intake numbers demonstrates that Canada is not an all-powerful rule-maker insulated from diaspora and diffuse sending state pressure, but is a porous receiving state susceptible to transnational pressure over its migration decisions. Attention paid by Canadian politicians to the migration-related demands of Indo-Canadian voters (Chapter 4) results in policy and political outcomes 'friendly' to diaspora and Indian state interests. These outcomes would be significantly less likely to come about in the absence of an electorally influential

diaspora, let alone on a purely inter-state model of Canada-India migration relations. Less the lobby activities of the diaspora, a necessary domestic catalyst for Canadian policy reform concerning foreign credential recognition (Chapter 5) would have been absent. New legislation, which addresses a prominent migration-related issue long on the agenda of the Indian state in its bilateral relations with Canada, would not have come to pass. By engaging with Canada's domestic political processes and introducing transnational considerations to domestic policy decision-making, the Indo-Canadian diaspora is able to advance migration-related outcomes that are in its interests, as well as those of the Indian sending state.

Part I of this thesis explored the precise pathways within the tribunal, electoral and lobby channels through which the Indo-Canadian diaspora influences the balance of countervailing domestic interests in Canada. Part II outlined the diffuse mechanisms through which the sending state's influence over the diaspora's political behaviour abroad increases the likelihood that the group's political activities serve to advance sending state interests. The diaspora's role in bringing about policy outcomes that further the interests of the Indian state is not coincidental, but is strongly influenced by transnational efforts of the sending state. Through Part II's analysis, this thesis moves beyond a discussion of the political power of the Indo-Canadian diaspora to explore the Indian state's power over the diaspora – focally, it influence over facets of diaspora identity, interests and organisational capacity, as well as over select Canadian actors' attitudes toward the diaspora. By incorporating analysis of a transnational element of international migration relations, comprising sending state influence over the diaspora and influential diaspora mobilisation in the receiving state, this thesis offers a less skewed picture of the migration power

asymmetry between Canada and India and more fully captures the sending state's power resources within a bilateral migration relationship.

Power is operationalised in this thesis as whether actor B would have behaved in a given way in the absence of actor A's efforts.[51] This understanding of power entails a counterfactual proposition consistent with the central methodological tool used in this thesis to explore how the diaspora serves as an intermediary resource for the sending state in its migration relations with the receiving state. The counterfactual approach asked whether select Canadian migration policy changes would have come about in the absence of the diaspora's influence over Canadian policy, and in the absence of India's influence over diaspora mobilisation in Canada.

While the causal proposition explored in this thesis is not one of necessity – that is, the 'causes' are not strictly necessary for the observed Canadian policy 'effects' – the counterfactual approach established a probabilistic relationship. Observed Canadian policy would be extremely unlikely to come about less Indo-Canadian diaspora influence and less diaspora-sending state interaction. This probabilistic argument is substantiated by the evidence, is honest, and conforms with the main contention of this thesis that the diaspora influences migration policy to the advantage of the sending state. In addition to challenging the application of the default understanding of the receiving state as an insulated rule-maker in bilateral migration relations, the counterfactual approach used in the single-case study allows for the formulation of probabilistic statements that can be tested deductively across a wider range of cases at a later stage of research. This is discussed shortly.

[51] In Part I of this thesis, A can be understood to represent the diaspora, and B the receiving state. In Part II, the sending state can be viewed as A, the diaspora as B. As it pertains to this thesis' overall argument regarding sending state power in the bilateral migration relationship, the sending state would be denoted by A and the receiving state by B.

The counterfactual methodology adopted in this thesis is more rigorous that other efforts to measure diaspora power. For instance, Goldberg (1990:12) offers a 5-point 'index of influence' to categorise the power relationship between ethnic interest groups and receiving state foreign policy. A group, he argues, exerts no influence when the government adopts or maintains policy 'diametrically opposed' to that favoured by the group, and exerts high levels of influence when government policy is 'virtually indistinguishable' from that advocated for by the group. However, because alignment can exist between group demands and government policy in the absence of any power exerted by the former over the latter, Goldberg's approach says little about influence. This thesis offers a more rigorous methodological approach to power and policy attribution. It traces precise pathways through which we can understand sending state and diaspora influence to make a difference to Canadian policy outcomes. The counterfactual approach is particularly illustrative when strong countervailing pressures suggest that a policy outcome would not have obtained in the absence of observed diaspora intervention, as with the outcome of Canada's visa office in Chandigarh (Chapter 4). Yet, it also works in less obvious cases to demonstrate that despite the existence of structural conditions conducive to policy change, diaspora influence was a necessary catalyst in generating momentum for reform. This is the case with respect to the legislative reform FARPA (Chapter 5). Process-tracing and counterfactual analysis allow us to distinguish Goldberg's coincidentally beneficial outcomes from the influence of actors in bringing about these outcomes.

In the absence of the diaspora, observed policy outcomes that are 'friendly' to Indian sending state interests would be significantly less likely to obtain. In the absence of sending state-diaspora interaction, segments of the Indo-Canadian

population would not be as well positioned to make influential use of Canadian political channels to the advantage of the Indian sending state. In the absence of the overall transnational relation, India's unfavourable power asymmetry with Canada in relation to rules that govern migration to Canada would not be ameliorated in the ways observed.

The control of population flows is integral for the accumulation of human capital and innovation, inputs increasingly central to the economic growth on which influence in the international system is premised. As power becomes more diffuse and as transnational issues sit next to classic inter-state issues to determine power (Nye 2004), the control of human mobility as a factor of production and growth is increasingly central to states' power politics.

Migrant receiving states compete to attract 'good' migrants and keep out 'less desirable' ones. While emigration states do not have the same capacity as immigration states to control flows, many nonetheless compete to make their citizens internationally marketable and capitalise upon their overseas populations to further international projects. This thesis has explored how influence over mobile populations is a power resource for India. Emerging economic powers such as India make use of their demographic dividend and pools of human capital to stock the technological know-how base of receiving countries with new people, skills and ideas, and in turn reap benefits from reputational effects and political and material links with their overseas populations.

8.2 Scope conditions (and future research)

It is important to reiterate that the theoretical model developed and applied in this thesis traded off some level of complexity and descriptive accuracy in favour of parsimony. The three assumptions laid out in Chapter 2 – regarding the sending state's transnational contribution to the identity and interests of its overseas population, the existence of a pre-interaction overlap of some immigration and integration-related interests between the diaspora and the sending state, and diaspora mobilisation which influences immigration outcomes in the receiving state – hold in the India-Canada case and in a range of potential cases outlined below. In order for the causal story and empirical contribution of this thesis to be valid, it is not the case that all three of these premises must apply in all cases of sending-receiving state pairings. Rather, where the premises apply, the phenomenon under study – the role of transnational influence in mitigating bilateral migration power asymmetries – is valid and significant.

The India-Canada case was characterised in the Introduction as a 'most-likely' case, methodologically valuable for the ideal conditions it offers to explore an under-researched topic and to probe whether hypothesised relationships do, in fact, exist. What comparative insights can a case that is most likely to provide evidence in support of a proposition (the diaspora affects migration policy to the advantage of the sending country) offer for other, by definition 'less likely', cases? This section addresses several of the scope conditions (Foschi 1997) under which the statements derived from the India-Canada case are hypothesised to hold true. These scope conditions were incorporated within this thesis' theoretical assumptions, so apply to all conclusions derived within this theory in the single-case study. The conditions also illuminate variables within the India-Canada case that may allow for a wider

comparative approach across cases in future research. Variables that are likely to matter in other cases for defining the impact of an emigration state on a diaspora, of a diaspora on an immigration state, and ultimately of an emigration state over migration relations with an immigration state, can be broken down across three relationships, as discussed below.

Relationship 1 – diaspora influence over receiving state

Under this relationship, we can draw two distinctions relevant for a wider comparative approach: variation across the capacity of different diasporas within a given receiving state to make use of the same political channel to further group migration interests, and variation across different receiving states' political systems that make some immigration states more open than others to diaspora influence. Table 8.1 below offers the beginnings of a comparative framework for exploring these two bases for variation in the impact of a diaspora group on receiving state immigration policy. The factors identified are discussed below the table under channel headings.

Table 8.1 Factors that affect a diaspora's political influence in a receiving state under three political channels

	Diaspora capacity	**Receiving state openness**
Tribunal	Diaspora composition – proportion of family stream migrants – proportion of permanent migrants Democratic socialisation from source country (inclination to appeal) Education, language (success in appeal)	Existence of tribunal Type of appeals heard (e.g., deportation v. family reunification) Nature of appeals process (e.g., paper review v. in-person hearings)
Electoral	Naturalisation rate Residential patterns – concentration within constituencies & within hotly contested constituencies Voting behaviour – coherent 'bloc' – voter turnout – partisanship	Pathway to citizenship Representation of minorities within electoral system – majoritarian v. proportional
Lobby	Organisational capacity – internal polarisation – ability to frame policy-relevant demands – ability to form coalitions, including with host state civil society organisations	'Politicisation' of immigration policymaking – elected politicians v. bureaucracy Access points for lobbying within decision-making environment – fragmented v. centralised bureaucracy – Parliamentary v. Presidential systems

Tribunal

Different receiving states have different levels of openness to diaspora influence through the appeals mechanism. The sheer existence of such a mechanism is a source of variation across receiving states. Neither the Netherlands nor Germany, for instance, has a dedicated appeals mechanism for migration cases. Amongst receiving states that do have an immigration tribunal, such as Canada, Australia and the US, the type of appeals heard before it and the process by which they are heard have implications for how available the mechanism is for diasporas to challenge immigration decisions and further group interests.

The US Board of Immigration Appeals housed in the Executive Office for Immigration Review is considerably less open to diaspora contestation than the Canadian mechanism within the IRB. First, the majority of appeals that reaches the American Board 'involve orders of removal and applications for relief from removal' (US BIA 2010). These deportation hearings are dominated by national security concerns and are not an avenue for diasporas to purse the admittance of new immigrants. By contrast, family sponsorship appeals, which make up a much larger proportion of cases before Canada's tribunal, are explicitly adjudicated with reference to social and humanitarian goals of the immigration system. The IRB offers greater opportunity for diaspora groups to challenge visa rejections and influence intake than does the American institution. Second, the American Board's decisions are based almost exclusively on a 'paper review' of cases. The courtroom proceedings that characterise Canada's appeals process offer greater opportunity for appellants to influence the inherently interpretive appeals process in which decisions rarely represent the straightforward application of unambiguous legislation to a particular case.

Within a given receiving state, different diasporas are differently equipped to make use of a receiving state's relative openness through the appeals mechanism. A diaspora that consists of a large proportion of family stream migrants, and a large proportion of permanent residents – provided, as in the case of Canada, this is a necessary criteria to register appeals – will be better positioned at the group level to further immigration preferences through the tribunal. For instance, the seasonal agricultural worker programmes Canada has historically maintained with Mexico and Caribbean countries are filled by temporary migrants who have fewer political rights, including access to channels for contesting intake decisions, than permanent residents. The Canadian tribunal channel is not accessible to temporary immigrants. Factors that affect a diaspora's inclination to appeal and its success in appeals – ranging from prior democratic socialisation from the source country to high education levels and strong language proficiency – mediate its group capacity to effectively use the tribunal.

Electoral

Newcomers' access to the political community, including access to electoral channels, varies dramatically across receiving states. Differences in states' pathways to citizenship and the process by which full political rights can be acquired make some countries more open than others to diaspora influence through the electoral channel. Koopmans and Statham (2000:19/20) identify three types of citizenship regimes relevant for the present discussion:

- 'exclusive' citizenship regimes are characterised by high institutional and cultural barriers to naturalisation. Examples include Germany and Israel and their *jus sanguinis* bases for naturalisation.
- 'assimilationist' regimes such as France offer comparatively easier institutional access to naturalisation through *jus solis* principles, but

expect a level of cultural assimilation and offer little formal recognition of cultural differences.

- 'multicultural' or 'pluralist' regimes such as Canada and the UK offer comparatively easy institutional access to citizenship combined with a recognition of the right of ethnic minorities to maintain a distinct cultural identities.

One would expect greatest openness to diaspora electoral influence amongst countries in the last category which offer relatively low barriers for first-generation immigrants and second-generation offspring to access institutional voting rights and which are characterised by a national political culture that accepts or encourages the maintenance of distinct minority identities and interests, including those related to the treatment of immigrants and foreign policies that affect homelands. Additionally, future research could explore the impact of majoritarian versus more proportional electoral systems on the openness of receiving states to diaspora minority influence and how these different systems, by facilitating or limiting diaspora involvement and representation in the political life of the receiving state, lead to different policy outcomes (Powell 2000).

With respect to diaspora variables that make some groups more influentially placed than others before a receiving state's electoral channel, rates of naturalisation, typically a necessary condition for first-generation diaspora members to participate in elections, vary across diaspora groups. This may be influenced by whether sending states allow for dual citizenship or require the renouncement of home state citizenship in the event of naturalisation abroad. The latter requirement may reduce the numbers who opt for (exclusive) host state citizenship, thereby increasing the number of permanent residents within the diaspora who have fewer political rights and whose interests may not figure as prominently within politicians' electoral

calculations. Citizens of China and India automatically lose their homeland citizenship if they naturalise abroad. Saudi Arabia can criminally penalise citizens who take up another country's citizenship. Although this need not lead to lower levels of naturalisation compared to diaspora groups allowed dual nationality, it suggests one way in which sending state factors can affect diasporas' access to the receiving state political community.

Residential patterns are an additional factor discussed in Chapter 4 that accounts for why some diasporas are better positioned than others within the same receiving state to make use of electoral channels to further migration preferences. A diaspora that is highly concentrated within a constituency (a tendency amplified by family migration), and particularly within hotly contested constituencies, may have greater electoral weight than a diaspora of the same size with more diffuse residential patterns. A diaspora that tends to vote as an ethnic bloc, a tendency linked to 'extensiveness of group identification and commitment to group-linked political goals' (Black 2001), discussed later in this chapter, one that exhibits high voter turnout through extensive ethnic mobilisation networks (such as Gurudwaras in the case of Indo-Canadian Sikhs) and one that has relatively lower levels of exclusive party attachment are features of voting behaviour which may make some diasporas more electorally influential than others. There is interaction between diaspora capacity under electoral and other channels, and the openness of a receiving state's political system. A diaspora's political preferences and strategies are responsive to institutional arrangements of the host country. Ireland (2000; 1994) illustrates how variation in residence and naturalisation rules across France and Switzerland leads to different types and levels of political participation for similar migrant groups.

Lobby

As Cornelius and Tsuda (2004) highlight, the degree to which immigration policymaking is 'politicised' is a factor that shapes the differential openness of receiving states to interest group pressure and diaspora lobby influence. 'Politicisation' includes consideration of whether policymaking is conducted by elected representatives rather than insulated bureaucrats, or whether within bureaucracy-dominated policymaking there exist substantive consultation processes with civil society groups. We may expect immigration policymaking in South Korea or Japan to be comparatively less open to lobby influence because it is less controlled by members elected to legislative bodies and rests more in the hands of technocratic officials. Further, compared to Canada's bureaucratic tradition of immigration decision-making – albeit a tradition which is lessening in the face of a more interventionist Immigration Minister – the South Korean or Japanese bureaucracy may be less open to lobby influence in light of fewer institutionalised consultative mechanisms.

In addition to variation regarding how insulated immigration policymaking structures are from civil society pressure, receiving state susceptibility to lobby influence can be affected by the degree to which migration decision-making is fragmented across government agencies. Risse-Kappen's (1995) contention is that if political institutions are highly centralised in the hands of a small group of decision-makers, civil society groups may to too comparatively weak to check state power. In practice, however, migration in most receiving states is governed by a range of different ministries. In Canada, in addition to CIC, Canada Border Services Agency and HRSDC are agencies with federal jurisdiction over some facet of immigrant intake or incorporation. Canada's shared constitutional jurisdiction between the

provinces and federal government on this issue of immigration adds an additional level of decentralisation. While Risse-Kappen suggests such decentralisation offers greater permeability for interest groups, the various loci of decision-making could defuse lobby efforts. Across EU states, the adoption of common migration policies may limit the openness of states to nation-based pressure groups. Yet, it may also provide an opportunity for transnational mobilisation, as witnessed in the case of pro-immigrant organisations' pressuring various EU institutions on the issue of the free movement of and social rights granted to third-country nationals (Geddes 2003). Future research could explore whether and how varying levels of fragmentation of migration governance across receiving states affect the nature and impact of lobby groups.

Additionally, 'longitudinal' analysis of Canada's increasing Ministerial discretion over immigration and integration policy could explore how lobbying access and influence is affected by a concentration of decision-making power in the executive. Lastly, as Ireland (2000), Goldberg (1990) and Stanbury (1987) suggest, differences in party systems and styles of government – all three authors draw a comparison between Parliamentary and Presidential systems – play a role in structuring how lobby channels are open or closed to minority groups and the points of access to the decision-making process. This merits exploration with respect to diaspora influence. The discussion above offers preliminary hypotheses to be tested deductively in future research.

Chapter 5 largely addressed conditions under which some diasporas are more strongly positioned to influentially lobby the receiving state on migration-related policy. To reiterate variables associated with strong organisational capacity, a

diaspora characterised by lower levels of internal polarisation, is able to access and formulate policy relevant information, and that can form strategic coalitions to broaden its support base, including with host state civil society such as pro-immigration labour unions and employers groups, will be strongly positioned to develop a united voice on policy issues and capitalise on a receiving state's relative openness to lobby influence. With respect to coalition-forming, much of the domestic lobby pressure against American restrictions to the US H-1B visa scheme (which disproportionately disadvantaged Indian IT workers) was dominated not by the Indian diaspora but by allied American companies. The policy stance advocated for by the diaspora transcended 'ethnic' interests. A similar transcending of group specific interests was attributable to diaspora lobbying success in the case of Ontario's foreign credential recognition legislation FARPA, described in Chapter 5.

The three channels of diaspora influence analysed in this thesis are non-exhaustive. The diaspora undertakes many forms of collective action. One can imagine democratic avenues beyond the tribunal, electoral and legislative channels through which diasporas may contest rules that pertain to intake and integration. For instance, the court system of the receiving state (conceived of more broadly than the administrative tribunal analyzed in Chapter 3) is an additional channel used by the Indian diaspora in the UK to contest the government's suspension of the Highly Skilled Migrants Programme and the government proposal that a replacement points-system take effect *retroactively*. A Joint Secretary of MOIA describes the impact of the proposed retroactive application for skilled Indian students, particularly medical students:

> 'here were thousands of Indian students who'd done 4 years of studying in the UK and were told because of this [discontinuation of

> the programme], you pack up and go. There was no transition arrangement' (personal interview, 25 February 2009).

The fact that India and the UK do not recognise each other's medical training would have compounded the negative effects for these students who would lose recognition of the study undertaken in the UK if they chose to re-start their medical degrees in India. The diaspora successfully challenged the proposed retrospective application of the UK's new immigration policy by lodging an appeal through the British High Court (BBC 8 April 2008 and 5 March 2008; Stewart 2008). The diaspora's recourse to the British court system highlights the judicial activism of new citizens who can bring the receiving state government to court over its treatment of immigrants in ways inaccessible to foreign sending state representatives. Although the court system was not explored in this thesis' inductive analysis, it is a channel relevant to other cases and can be explored within this thesis' 3-premise framework regarding the role of the diaspora in mitigating inter-state power asymmetries.

A starting point for the above discussion regarding a future comparative approach to define the impact of diaspora mobilisation on receiving state immigration policy is an assumed common interest in migration outcomes amongst a similarly situated diaspora group. The theoretical framework applies to diasporas characterised by some level of shared group interests. This thesis has flagged the fact that in-group diversity and contestation of interests occurs, but has not systematically explored the implications of competing identities and competing sources of preference formation within the diaspora for mobilisation within the receiving state. There is a need for future research which unpacks such diversity within the diaspora, and assesses the effect of competing sources of identity and preference formation within the Indo-Canadian diaspora and other cases.

In a related vein, this thesis largely sidestepped discussion of intra-ethnic politics when considering the influence of Indo-Canadian diaspora organisations on Canadian immigration decision-making. The leadership of diaspora associations is not representative of the entire diaspora, but promotes some interests while silencing others. Chapter 6 argued that the sending state privileges interaction with diaspora members who organise around certain bases of affiliation. As Bousetta (2000: 230) highlights, in addition to political mobilisation directed toward 'increasing…power over public decision-making bodies', collective ethnic political behaviour also concerns 'hidden forms of infra-political mobilisation aimed at increasing control of and power over community organisation.' Immigrant groups not only advance political objectives by mobilising within groups and coalitions before receiving state political institutions, but engage in intra-group maneuvering to further control bases of mobilisation, issues deemed important to contest and other facets of group organisation.

This thesis acknowledges that myriad actors and sites of contestation are involved in the politics of international migration and diaspora relations. However, the central arguments of this thesis concern sending state power and the nature of the diaspora's engagement with receiving state institutions. This thesis has not set out to address all facets of the diaspora's political agency, including Bousetta's 'infra-politics' in the receiving state, or, for instance, the diaspora's influence over the source state's political priorities. Rather, the focus has been on one piece of the puzzle represented in Figure 2.2: the 'arrows' or power relations running from the sending state to the diaspora and from the diaspora to the receiving state. 'Arrows' that run between these actors in the opposite direction, and 'arrows' that operate

within the diaspora population itself (i.e., intra-diaspora power relations) are topics for other research.

Relationship 2 – sending state and diaspora

A second set of conditions suggested by the single-case study as likely to matter in other cases for defining the impact of transnationalism on inter-state migration relations can be found under the sending state-diaspora relationship heading.

Most importantly, this thesis' framework applies to sending state-diaspora pairings characterised by some level of coincident preferences, rather than conflictual ones. The motivation for emigration, the self-identification of the diaspora, and the existence of sending state engagement with the diaspora are factors that bear on whether we can expect a greater degree of coincidence of interests. Recall that Chapter 2 confined the application of this thesis' three-premise model as a whole to voluntary migration flows, distinct from forced population movements. In the case of migrants who flee persecution in source states that are unable or unwilling to provide for their safety and civil and political freedoms, the interests of the state and those of migrants do not overlap. This divergence motivates the very decision to emigrate.

Given that the diaspora has agency, it can act contrary to the interests of the sending state. The assumption that diaspora behaviour abroad furthers the preferences of the sending state need not always hold. Indeed, some diaspora groups self-consciously hold preferences that are antithetical to those of the country of origin, such as the post-1979 Iranian diaspora or the Cuban diaspora in America. The complexity introduced by sending state-diaspora pairings characterised by a

conflictual relationship merits further exploration beyond the framework offered here.

The self-identification of the diaspora has implications for the extent to which a sending state can influence the preferences of a segment of its overseas population. Because sending state influence over the diaspora is not coercive in nature but persuasive, operating through identity-based channels, such influence cannot be understood to affect those individuals within the overseas population who do not identify with the sending state and who do not consider themselves members of the diaspora. According to the understanding of 'diaspora' designated at the outset of this thesis, membership within a diaspora entails a self-identified connection, be it material or ideational, to the state or origin.

An individual who chooses not self-identify as a member of the diaspora is unlikely to be susceptible to the forms of sending state influence discussed in this thesis. For instance, a small minority of Sikh Indo-Canadians continue to desire a separate Khalistani homeland (Fair 2005). These individuals would likely not view themselves as members of the Indian diaspora, but perhaps as members of the 'Sikh' or 'Punjabi' diaspora, or simply as 'Canadian', and exist beyond the scope of transnational sending state influence. More generally, the transnational reach of diaspora policy does not extend to overseas populations who favour the secession of their homeland, who mobilise around agendas of regime change and/or democratisation struggles, whose emigration has been motivated by opposition to the existing political order in the home state, or simply those without political inclinations vis-à-vis their home state but who have left and have no desire to re-engage from a distance. Channels of sending state influence over diaspora identity,

interests and organisational capacity are generalisable to self-identifying diaspora members who maintain some relationship with the sending state and are susceptible to feelings of loyalty and pride in the source country upon which the sending state seeks to capitalise.

Amalgamation pressures experienced by diasporas in various receiving state contexts often lead to home country-specific diaspora identities becoming translated into pan-ethnic identities abroad. For instance, Mexicans may identify as Hispanics or Latinos in the USA (Gutiérrez 1999: 550), and Zimbabweans possibly as members of the 'African diaspora' in the UK. There is a strong tendency for the Indo-Canadian diaspora to identify not as 'South Asian', but as 'Indian'. This tendency has roots in the post-colonial independence of the sending state and the carving out of India as a separate state from its South Asian neighbours Pakistan, and later Bangladesh. Like most sending state diaspora policies, the Indian state actively encourages the cultivation of a source-country specific identity, not a regional identity. Moreover, the diaspora has a tendency to refer to itself as Indian in Canada as it stands to benefit from the greater clout in the receiving state associated with the rising status of India (discussed in Chapter 7), in addition to reaping sending state awards such as public recognition, preferential visa schemes, and so on. We can expect that where identity is fluid and open to multiple bases of allegiance, rational diaspora actors who retain some connection to their sending state will take up most 'competitive' diaspora identity to which they can make a cultural claim and reap the greatest rewards. Links to the sending state may be stronger amongst the first generation diaspora in the receiving state compared to the second (Levitt and Waters 2006). We may fist generation diaspora members to be most receptive to sending state

influence, although this may be tempered by sending state initiatives that explicitly target second generation diaspora youth.

This thesis' analysis and conclusions are confined to sending states that view their diaspora as an asset. They are not generalisable to states which view expatriates as traitors or deserters, as India did up until the 1970s and 80s. Moreover, the degree and nature of sending state efforts to influence the identities and interests of the diaspora located in specific receiving countries is contingent upon what the sending state envisions to reap in return. Allocative diaspora policies are not ends in themselves, but are instrumental forms of engagement to ultimately advance a sending state agenda. The Indian diaspora in the Caribbean – composed largely of the ancestors of former indentured labourers – is not a group that the Indian state prominently targets in its diaspora engagement strategies. Owing to a combination of the historical wave of emigration, the socially marginalised position of the population, its development in isolation from the sending state and the community's strong integration in the host state, including widespread inter-marriage with local populations, the Indo-Caribbean diaspora has not been as significantly targeted by Indian state diaspora outreach activities. Just as some sending states are more interested than others in their overseas populations (Sheffer 1986), a given sending state may exhibit greater interest in one part of its overseas population than another.

The assumption of a degree of interest equivalence between the diaspora and the sending state does not apply to all diaspora-sending state relations all of the time. As noted, several dimensions of this thesis' theoretical framework aim for parsimony over descriptive accuracy of all potential cases. As a heuristic abstraction, a

convergence of some level of interest serves as an important premise to guide an exploration of how states and diasporas interact under certain conditions.

Relationship 3 – receiving state and sending state

A final condition suggested by this thesis' analysis that may be relevant for extrapolating the impact of transnational relations to other cases of inter-state migration power asymmetries is a starting point for much of the previous chapters' discussions. This framework has analysed, and applies to, bilateral relations between a receiving and sending state that are characterised by an inter-state asymmetry within the issue-area of migration. It is most relevant for analysing relations in which migration is an issue that occupies a prominent place within overall bilateral dialogue. This condition is most likely met in the case of predominantly one directional migration flows between two states, such as India-Canada, Mexico-US and Turkey-Germany migration. One would expect less pronounced inter-state asymmetries if the flow between two countries was less lopsided and if the sending state was, within the same inter-state context, also a receiving state positioned to impose its own unilateral rules that introduce costs for the other state and its emigrants.

This thesis has analysed a *migration-specific* power asymmetry between two states that is mitigated through transnational relations. The question remains as to when and how other issue-areas play into migration-specific power – that is, whether and in what ways inter-state asymmetries in other dimensions, such as military or economic resources, affect the migration-specific asymmetry. For instance, is the migration asymmetry affected in different ways if the sending state is a Southern state and the receiving state a Northern state, in the case of India-Canada relations, as

opposed to migration relations between two Northern states, such as Canada-UK migration, or relations between a Southern receiving and Southern sending state, representing flows which account for nearly the same volume as South-North migration? Does migration within the South to a regional hegemon such as Brazil or South Africa represent an analytically distinct power asymmetry to that of South-North migration? Does a colonial history between sending and receiving states influence power relations in migration? Future research in this direction that incorporates a comparative approach can elucidate where the India-Canada case sits on a spectrum of other sending-receiving state pairings and can further specify the conclusions that can be derived from the single-case study.

This section has outlined a range of conditions that can guide our understanding of how and when diaspora-sending state interaction and diaspora political behaviour in the receiving state can influence inter-state migration asymmetries. The theoretical framework developed and applied in this thesis has not aimed to provide an all-encompassing basis for understanding all of these relationships all of the time. Rather, it offers a parsimonious scaffold for guiding exploration in the India-Canada case. The above discussion lays the groundwork for the development of a future deductive research agenda. The scope conditions outlined are a useful instrument for understanding where the India-Canada case is located amongst others, and for specifying the circumstances under which we may be able to generalise statements derived inductively from the single-case study. Several cases that are included and excluded by the scope variables are noted above to give an indication of the portability and limitations of this thesis' framework.

8.3 Contribution to the literature

This thesis made complementary use of rationalist and constructivist traditions in IR to shed light on different aspects of the phenomenon under study. The sending state's deployment of ideational resources to influence the self-perception of the diaspora, and thereby the constitution of the group's interests, invokes constructivist insights regarding the role of ideas and norms in shaping perception and behaviour. A constructivist focus on the source and formulation of actors' identities and preferences lends insight into the motivation of diaspora groups that take up policy issues in the receiving state in part because they have effects for the sending state. Rationalist approaches, on the other hand, offer insight into the political strategies of diaspora and sending state actors given their preferences.

This thesis added to constructivist approaches by showing how transnational influence can serve as a mechanism by which states constitute the identities of populations abroad as a means to influence inter-state power relations. This is a contribution to constructivists' strong inter-state focus on the relationship between identity constitution and preference formation in world politics (Crawford 2002; Risse et al 1999; Wendt 1999). Moreover, this thesis' analysis moved beyond the international-domestic divide focused on by many IR scholars (Milner 1997, Drezner 2003) by illustrating a mechanism that connects but also transcends these two levels. The transnational, the international and the domestic are diverse and interacting analytical levels at which states' preference formation occurs in relation to the transboundary issue of international migration.

This thesis remains agnostic with respect to championing one research agenda over another and has sought to incorporate insights from a range of literatures

and approaches. Nonetheless, limitations of existing political science and IR approaches to the study of migration were acknowledged. This thesis argued that realism does not have the last word on power relations between the sending and receiving state because it does not have the right tools to capture the transnational dimensions of international migration and the impact of identity-based forms of persuasion exerted by a state on its population abroad. India's position as a sending state furnishes it with new capacities vis-à-vis Canada that purely inter-state approaches cannot account for. The norms of right to exit and of non-interference in the domestic affairs of another country do limit the capacity of the sending state to influence migration outcomes through bilateral diplomatic interaction with the receiving state. However, India's position as a sending state provides it with unmatched capacity to make use of the diaspora population in the receiving state to further inter-state interests. By analysing the diffuse, ideational and transnational impact of the sending state, we gain an appreciation of unique emigration state resources and the leverage available to countries that are able to exert control over populations beyond their borders. Such analysis allows us to move beyond a view of international migration relations that focuses solely on interactions between states to consider transnational relations which structure the spaces in between state rule-making structures and which influence state-state migration relations.

Further, this thesis resisted a tendency within migration studies literature to distance transnational migration outcomes from inter-state power relations and to under-emphasise the role of state behaviour in influencing transnational actors. Complementary to an analysis of transnational relations that fall outside the scope of state-state interaction and compatible with the acknowledgement that diaspora members are subjects whose migration-related decisions are not reducible to state

behaviour, this thesis sought to place the state central to analysis of diaspora political activity and transnational links. It examined state interests in relation to the control of population movements and explored a state's transnational strategies to influence diaspora populations across national boundaries in ways that bolster its position in inter-state interaction.

Whereas IR approaches to migration have generally focused on the inter-state and migration studies largely on the transnational, this thesis aimed to bring the transnational and the inter-state together to ask how transnationalism influences inter-state relations. This thesis welcomed the inter-state focus on power, yet expanded its reach to examine diffuse and ideational forms of influence, not simply compulsory power that is applicable to the receiving state's unilateral immigration policy. This thesis took on board transnationalism's concern with relations across states, yet aimed to explore the centrality of state interests and behaviour to transnational identities and activities.

This study contributed to an understanding of the transnational dimensions of Keohane and Nye's (2001) concept of interdependence. It showed that interdependence between states is not only affected by interactions that happen at an inter-state level, but is affected by the sensitivity of one society to another caused by relations across states that involve at least one non-state actor.

Keohane and Nye (2001) argue that states A and B are interdependent when mutually costly effects are experienced in their bilateral interactions. The more powerful of two interdependent actors is the one that experiences the fewest costs in state-state interaction.

The authors' two types of interdependence – sensitivity and vulnerability interdependence – are useful for framing sending-receiving state power relations, but also for highlighting what the concept of transnationalism can offer our understanding of interdependence. Sensitivity interdependence refers to how quickly changes in one country bring about changes in the other country, and the significance of these costly effects. Vulnerability interdependence is premised on the ability of the affected country to offset the costly effects through policy change. As Keohane and Nye's example illustrates, if a country imports most of its oil, its sensitivity interdependence with the exporting country is revealed when exporters hike their prices. Yet, the importing country's vulnerability interdependence depends on its capacity to adopt measures to minimise these costly effects, such as rationing oil use or finding alternate energy sources.

Applying this frame to migration relations, sending countries are sensitivity interdependent to receiving states given largely unilateral immigration policies that, on the whole, restrict a form of migration (lower skilled) often most valuable for sending countries and facilitate, on a limited scale, those forms of migration (high skilled) that have mixed consequences for sending states. When an immigration state actively woos skilled immigrants through selective intake criteria, in tandem with the economic incentives of higher productivity and returns to skills, an emigration state's sensitivity interdependence is revealed by, say, the number of engineers and doctors who leave the country and the impact of such absence on those remaining behind. The receiving state appears to have the upper hand with respect to the ability to impose migration rules with costly effects on the sending state. However, assessments of a sending state's vulnerability interdependence must consider its strategies to offset the costs of emigration. As this thesis has demonstrated, these

strategies can take a transnational form, such as policies to diffusely encourage the diaspora to advance immigration policies that further sending state interests. If transnational relations can influence migration rules that bear on the distribution of power between states, then this affects the nature of inter-state power asymmetry between sending and receiving states.

Beyond the immediate diaspora case, what does transnationalism add to our understanding of interdependence in world politics more generally?

Transnational relations that occur across states can be understood as a source of interdependence between states. That is, transnational interactions can make societies more sensitive to occurrences within each other's borders and result in costly inter-state effects. Trade, communications and finance are realms in which, although much activity is sustained by relations between states, much also takes place through transnational interactions outside of government control. These transnational interactions nonetheless have impacts on interdependence between states. For instance, strained relations amongst EU member states regarding bailouts of the Greek and Irish governments demonstrate inter-state costs that obtain from economic crises that are transnational in origin. Writing presciently in 1971 of the impact of global communications on protest movements, Nye and Keohane (1971:337) note:

> 'groups in different societies, such as…students, military officers, or racial minorities can observe each other's behaviour and copy it when it seems appropriate…[They] may suddenly develop similar political demands and tactics without distinct contact with one another.'

Democratisation struggles occurring in parts of North Africa and the Middle East at the time of writing highlight the role of transnational communications in

making one state's domestic politics sensitive to that of another, and in turn influencing regional stability and inter-state relations.

The above examples are those in which transnational activity implies a *loss* of state control, which in turn affects inter-state relations. However, transnationalism can also offer new resources for states to gain control and proactively seek to influence each other diffusely, through controlling non-state transnational actors. This thesis' analysis of a sending state's use of transnational diaspora relations to alter a receiving state's migration decision-making illustrates that transnationalism can serve as a *power resource* for a state to alter interdependent relations with other states. By contributing to the organisation of diaspora identities and interests abroad, a state may indirectly influence another state's domestic sources of preference-formation and perception in relation to decision-making. In this way, the diaspora population can serve as an intermediary resource for sending states to influence interdependent relations with receiving states.

This thesis focussed on migration relations between states. The salience of migration on the international agenda is rising. Yet, the purchase of the framework presented here extends beyond migration as an issue-area. The opportunities created by transnational relations for a weaker state to mitigate inter-state asymmetries are analytically relevant to other transboundary issues characterised by a 'rule-maker'-'rule-taker' impasse at the inter-state level. For instance, the issue of EU accession and other cases of regional integration characterised by a power imbalance in which a powerful in-group of states sets the membership rules for aspiring, 'rule-taking' joiners could benefit from analysis that incorporates the impact of transnational

pressure groups and weaker states' capacity to make use of these conduits to advance regional and inter-state interests.

One can also expand the concept of 'transnationalism' to include a broader range of cases in which transnational relations may be used to partly overcome inter-state impasses. Rather than understand transnational relations as those involving at least one non-state actor, one can favour Risse-Kappen's (1995) alternate understanding which involves relations across borders in which at least one actor pursues her own agenda independent of national decisions. This definition could then encompass transnational networks of government officials who belong to national agencies but who operate in decision-making groups that exist outside of inter-governmental negotiations. Such transnational networks are prevalent in the governance of climate change, anti-terrorism and food safety, to name a few realms. Using this thesis' general framework of the impact of transnational relations on inter-state ones, one could explore whether transnational networks of government officials are empowering for weaker states, offering developing countries new strategies to further their positions on transboundary issues (Slaughter 2004), or whether these alternate governance modes are dominated by the interests of strong states and private actors (Sassen 1996). Do inter-state asymmetries simply map onto transnational governance networks, or do we observe a mitigation of such imbalances through transnational processes akin to those explored in this thesis in the context of migration governance?

Andonova et al's (2009) study of transnational climate governance suggests that transnational networks such as Cities for Climate Protection and the UK-California initiative are created in response to inter-state impasses – namely, the

variable involvement of states in 'traditional' multilateral, inter-state arrangements such as the UN Framework Convention on Climate Change and its Kyoto Protocol. Do transnational governance networks offer novel opportunities to manoeuvre around inter-state impasses and potentially affect interdependent state relations, or do they merely reflect and entrench the *status quo* asymmetry?

The inter-state power implications of transnational relations are not confined to migration as an issue-area. This thesis analysed one realm in which transnational diaspora relations equip some states with resources to partly manoeuvre around conventional inter-state migration asymmetries, to avoid confronting stronger states on a bilateral or multilateral playing field. The extent to which similar asymmetry-mitigating effects obtain in non-migration issue-areas noted above is open for exploration. This thesis has challenged the view that an examination of inter-state relations can fully elucidate a weaker actor's control over transboundary phenomena. Its analysis of relations between states that incorporates transnational dimensions of influence has uncovered unconventional power opportunities that transcend structures of inter-state relations and offer a distinctly less skewed picture of power asymmetries in the international system.

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Cited agreements, cases, legislation and bills

Agreements

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Canada & Republic of India. 2005. Agreement for Scientific and Technological Cooperation between the Government of Canada and the Government of the Republic of India.

Canada & Republic of India. Signed 2010, not yet in force. Agreement between the Government of Canada and the Government of the Republic of India for Co-operation in Peaceful Uses of Nuclear Energy.

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Cases

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Singh v. Minister of Employment and Immigration. 1985. Supreme Court of Canada. (1 S.C.R. 177).

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Saini, Jaswinder Kaur v. M.C.I. 26 August 1999. (IAD T98-07659), D'Ignazio.

Badhan, Lyle Kishori v. M.C.I. 3 September 1997. (IAD V95-00432), Boscariol.

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Government of Nova Scotia. Bill 126. Fair Access to Regulated Professions Act. First reading: 24 April 2008.

Government of Ontario. Fair Access to Regulated Professions Act. 2006. (S.O. 2006, c. 31).

Government of India. Hindu Marriage Act. 1955 (25).

Government of India. Government of India Act. 1935 (26 Geo. V &1 Edw. VIII Ch.2).

Government of India. The Citizenship Act. 1955 (57).

Bills (Canada)

Bill C-492 (denial of temporary resident visa application). First reading 3 March 2010. MP: Oliva Chow, Trinity-Spadina.

Bill C-428. An Act to Amend the Old Age Security Act (residency requirement). First Reading 18 June 2009. MP: Ruby Dhalla, Brampton-Springdale.

Bill C-434. First reading 27 February 2002. MP: Chuck Cadman, Surrey North.

Bill C-433 (appeals). First reading 19 June 2009. MP: Judy Wasylycia-Leis, Winnipeg North Centre.

Bill C-410. First reading 2 March 2007. MP: Marlene Jennings, Notre-Dame-de-Grace-Lachine.

Bill C-394 (sponsorship of relative). First reading 7 December 2006. MP: Peggy Nash, Parkdale-High Park.

Bill C-345 (appointment of special counsel). First reading 22 June 2006. MP: Navdeep Singh Bains, Mississauga-Brampton South.

Bill C-283. First reading 15 November 2004. MP: Gurmant Grewal, Newton-North Delta.

List of interviews

INTERVIEWEE	DATE	LOCATION
Government of Canada		
Minister-Counsellor, Immigration, Canadian High Commission to India, Delhi	25/02/2009	Delhi
Former Canadian Minister of Citizenship and Immigration	09/06/2009	Geneva
Senior Director, Citizenship and Immigration Canada	21/09/2009	Ottawa
Former Canadian High Commissioner to India	21/09/2009	Ottawa
Director, Citizenship and Immigration Canada	23/09/2009	Ottawa
Officer, South Asia Relations, Department of Foreign Affairs and Trade Canada	24/09/2009	Ottawa
Senior Trade Policy Officer, Department of Foreign Affairs and Trade Canada	25/09/2009	Ottawa
Director, Citizenship and Immigration Canada	25/09/2009	Ottawa
Director-General, Citizenship and Immigration Canada	28/09/2009	Ottawa
Senior Executive, International Development Research Centre Canada	28/09/2009	Ottawa
Director, Canadian Foreign Credential Referral Office	29/09/2009	Ottawa
Senior Advisor, Canadian Foreign Credential Referral Office	29/09/2009	Ottawa
Navdeep Singh Bains, MP (Liberal), Mississauga-Brampton South	29/09/2009	Ottawa
Sukh Dhaliwal, MP (Liberal), Newton-North Delta	29/09/2009	Ottawa
Devinder Shory, MP (Conservative), Calgary North-East	29/09/2009	Ottawa
Tim Uppal, MP (Conservative), Edmonton-Sherwood Park	30/09/2009	Ottawa
Senior Policy Analyst, Multiculturalism Policy, Immigration and Citizenship Canada	01/10/2009	Ottawa
Director-General, Citizenship and Immigration Canada	01/10/2009	Ottawa
Integration Branch, Citizenship and Immigration Canada	01/10/2009	Ottawa
Senior Policy Advisor, Citizenship and Immigration Canada	01/10/2009	Ottawa
Senior Executive, Metropolis Project, Citizenship and Immigration Canada	01/10/2009	Ottawa

Canadian High Commissioner to India	16/10/2009	Delhi
India Field Manager, Canada Integration Immigration Project	19/10/2009	Delhi
Client Counsellor, Canada Integration Immigration Project	19/10/2009	Delhi

Government of India		
Under Secretary, Ministry of Overseas Indian Affairs	21/02/2009	Delhi
Joint Secretary, Ministry of Overseas Indian Affairs	25/02/2009 and 13/11/2009	Delhi
Deputy, Permanent Mission of India to the World Trade Organization	11/06/2009	Geneva
Former Indian Ambassador to South Asian Association for Regional Cooperation	02/09/2009	Toronto
Consul, Consulate-General of India in Toronto	17/09/2009	Toronto
Deputy Commissioner, Indian High Commission in Canada	22/09/2009	Ottawa
Former Indian Foreign Secretary	23/10/2009	Delhi
Former Secretary, Indian Ministry of External Affairs, Member of high level committee on Indian Diaspora, former Indian Consul-General in Vancouver	02/11/2009	Delhi
Director-General, Indian Council of World Affairs, Former Secretary, Indian Ministry of External Affairs	06/11/2009	Delhi
Former Indian High Commissioner in Canada	10/11/2009	Delhi
Former Indian High Commissioner in Canada	19/11/2009	Delhi
Joint Secretary, Indian Ministry of Commerce	20/11/2009	Delhi

Indo-Canadian diaspora members/organisations		
Board Member, Canada India Foundation	24/08/2009	Toronto
President, IIT Alumni of Canada	26/08/2009	Toronto (Scarborough)
Professor Emeritus, member of IIT Alumni of Canada	26/08/2009	Toronto (Scarborough)
Administrator, The Indus Entrepreneurs, Toronto Chapter	27/08/2009	Toronto - phone and email
Q.C., Professor of Common Law, University of Ottawa	10/09/2009	Toronto
Chair, Canadian Advisory Council, The Shastri Indo-Canadian Institute	14/09/2009	Toronto (phone)

Former member, National Indo-Canadian Council	16/09/2009	Toronto (phone)
Professor Emeritus, Concordia University	28/09/2009	Montreal (email)

Ontario-based immigrant-serving organisations		
Ontario Council of Agencies Serving Immigrants' 1-day regional meeting	09/09/2009	Toronto
Executive Director, Council of Agencies Serving South Asians	10/09/2009	Toronto
Policy & Public Education Coordinator, Ontario Council of Agencies Serving Immigrants	15/09/2009	Toronto (phone)

International organisations		
Director, International Migration Programme, International Labour Organization	05/06/2009	Geneva
Policy Adviser, Trade and Investment, OXFAM International	08/06/2009	Geneva
Director, Development Division, World Trade Organization	08/06/2009	Geneva
Programme Co-ordinator, International Centre for Trade and Sustainable Development	09/06/2009	Geneva
Deputy Director-General, World Trade Organization	10/06/2009	Geneva
Head, Trade Negotiations and Commercial Diplomacy Branch, UNCTAD	11/06/2009	Geneva

State or regional representatives		
Senior Policy Advisor for Immigration, Ministry of Justice, Directorate for Immigration, The Netherlands	21/02/2009	Delhi
Secretary, Migration Policy, British High Commission in India	03/03/2009	Delhi
Deputy Head, International Aspects of Migration and Visa Policy, Directorate General, Justice, Freedom and Security, European Commission	21/02/2009	Delhi
Second Secretary, Permanent Mission of the Philippines to the World Trade Organization	11/06/2009	Geneva

Other		
Executive, Overseas Indian Facilitation Centre, Confederation of Indian Industry	22/02/2009	Delhi
Professor and Director, International Migration and Diaspora Studies Project, Jawaharlal Nehru University	various 02 and 09, 2009	Delhi

General Manager, Chinese Professionals Association of Canada	26/08/2009	Toronto (Scarborough)
Assistant Professor, Centre for Asian Research, York University	28/08/2009	Toronto
Professor of Economics, Council for Social Development	29/10/2009	Delhi
Director, India International Centre	30/10/2009	Delhi
Emeritus Professor, Economics, Delhi University	11/11/2009	Delhi
8 Indian clients, Canada Integration Immigration Project 1-day session	19/10/2009	Delhi