



IN THE SHADOWS

LIVING AND WORKING
WITHOUT STATUS IN ALBERTA



Jason Foster and Marco Luciano

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In the Shadows: Living and Working Without Status in Alberta

Jason Foster and Marco Luciano
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Executive Summary

The first years of the 2000s were marked by a rapid growth in the number of migrant workers coming to Canada. In response to demands from employer groups, the federal government's expansion of the Temporary Foreign Worker Program (TFWP) to lower-skill occupations led to significant employer interest in using temporary foreign workers (TFWs) to address their labour market needs. The number of TFWs in Canada more than quadrupled in 12 years to just under 400,000. Alberta, with its super-charged economy at the time, was the most active province in recruiting migrant workers. At the peak, 77,000 migrant workers lived in Alberta, making up 3% of the province's workforce.

A series of policy changes by the federal government combined with an economic downturn in Alberta in 2015 led over the past five years to tens of thousands of migrant workers—many of whom had been living in the province for many years—having their work permits expire with no prospect of renewal. When faced with the situation of losing status, migrant workers are faced with a choice. Many choose to return home with the hope of possibly returning one day. Others choose to stay in Canada despite not having a valid work permit. Very little is known about who the workers that choose to stay are, how many there are, and what their life is like.

This report examines the lives of undocumented migrant workers living in Alberta. It discusses the results of a research study of 32 undocumented workers living in northern Alberta. It outlines the circumstances that led to their loss of status and describes their work and living conditions. It also explores their reasons for staying and their hopes for the future.

Status Precarity

The study finds that migrant workers face significant challenges when coming to Canada, even with valid permits. Many pay large fees to recruiters, sometimes over \$10,000. When they arrive, many experience exploitation and racism at the hands of employers and their “legal” status is frequently at risk.

The most common reason for losing status is that they did not have employment at the time of expiry, and thus were not eligible for a new permit. Others fell into undocumented status because their employer failed to get a new approval to employ temporary foreign workers. Some workers knew months in advance their status would run out, but for others it came as a surprise due to an unexpected turn of events.

The overarching reason why these workers choose to stay in Alberta without status is a commitment to support their family as best they can. Some saw few economic opportunities back at home, while for others Canada represented the best place to earn income to send home to their families.

Finally, many of the workers had children who were born in Canada (and thus are Canadian citizens). For this group, staying in Canada was the only way their children could exercise their citizenship rights.

These migrant workers make every attempt they can to regain status, and have developed three broad strategies: obtaining a different type of visa; utilizing Immigration, Refugees and Citizenship Canada processes for extending status; and applying for a permit under humanitarian grounds. Their attempts to regain status leave them vulnerable to immigration consultants, many of whom charge thousands of dollars to help them navigate these processes.

Working Without Status

Work becomes very precarious for undocumented migrant workers. Formal employment is basically closed off and the workers subsist through casual, informal, cash-based work found through community networks and connections. Common work included housecleaning, babysitting, cooking meals, and casual labour jobs. Given their vulnerable situation, working conditions were often difficult. Common complaints were not being payed, being shortchanged in pay, and unsafe working conditions.

Living Without Status

Undocumented workers have difficulty accessing basic services such as health care and education. Because they do not have a valid health care card, the workers report foregoing treatment for minor ailments. For major health issues that can't be ignored, they are able to access care through emergency rooms, but are then faced with bills for thousands of dollars for that care. The workers also expressed fear that their children will be kicked out of school due to their lack of status, even if the child is a citizen. Income support, such as Employment Insurance and child benefits, were cut off when the workers became undocumented, even if they otherwise were eligible. Access to other services, such as banking, municipal services (library, recreation facilities), and obtaining identification cards or driver's licenses is precarious.

The workers reported significant stress and negative health effects due to their lack of status. Many withdrew from community activities, most experienced stress due to financial difficulties, and all reported fear of being reported to authorities. This fear and stress led to weight loss, depression, lack of sleep, and overall worsened health.

Despite the hardships, the undocumented workers interviewed for the study retained a resilient hope that the future will turn out okay. They continued to believe they would build a better life for their families. They also expressed a sense of unfairness and injustice in their situation and shared a belief that things will get better for all migrant workers in the future.

Recommendations

The report makes 27 recommendations aimed at federal, provincial, and local governments. They are divided into two categories of action. Thirteen recommendations are aimed at immediate steps that can be taken to improve the lives of undocumented workers in Alberta. Fourteen recommendations focus on systemic changes that are required to reform Canada's immigration and temporary migration systems to make them more fair and just for all.

1. Introduction

We are in the Age of Migration.¹ The latter half of the 20th century and the first two decades of the 21st century have been marked by the mass movement of people across borders. It is estimated that 258 million people are working and living in countries that are not where they were born.² Unlike the international flow of capital, which proceeds essentially unimpeded and encouraged by governments, the movement of people is complicated. Migrants experience myriad barriers and government resistance to their movement across borders. If they successfully make it to their destination, they find they have fewer rights than other citizens and are vulnerable to abuse and exploitation by employers and others.

In particular, the use of migrant workers has become an international system of dislocating workers to meet the immediate needs of the international economy. The system has many components but it is mostly a flow of workers from the Global South to the Global North. Many nations have built their economies around exporting workers to other countries.³ The receiving countries are becoming increasingly dependent upon a steady flow of migrant workers to perform work less desired by their local populations.⁴ It is a system designed to mostly benefit those in the Global North.

In Canada, until recently, our direct experience of migration has been limited. Media stories of the US president threatening to build a wall to prevent Central American migrants from crossing the southern US border, of boats of migrants being turned away at Italian ports, or of Haitians walking through a wintery forest to reach the Canadian border evoke powerful and dramatic images of so-called “illegal migration.” Deeply ingrained in Canadians’ perception of “illegal” (or irregular) migration is the person attempting to enter a country secretly to escape war or persecution or to find economic opportunity not available at home.

That is one form of irregular migration. It is a form with which Canada, and Alberta, have little experience. Compared to the US and Europe, the issue of migrants entering the country without appropriate status is relatively insignificant in Canada. For this reason, the debate over so-called “illegal migration” has been muted here.

But there is another way to be living and working in Canada without appropriate status. A person can arrive in Canada through “legal” means, by possessing a valid residency or visitors permit, but then become “illegal” if they stay beyond the expiry date of their permit. It is not possible to accurately count the number of irregular migrants in this situation in Canada, but estimates range from 200,000 to 500,000.⁵

The number of people over-staying their permit has spiked in the past five years. That increase was sparked by the rapid growth and subsequent

1 Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th ed., Rev. & updated. (New York: Guilford Press, 2009).

2 United Nations, Department of Economic and Social Affairs, Population Division, “International Migration Report 2017: Highlights” (New York, NY: United Nations, 2017).

3 International Labour Conference and Internationales Arbeitsamt, eds., *Towards a fair deal for migrant workers in the global economy: International Labour Conference, 92nd session 2004; sixth item on the agenda, Report / International Labour Conference, 92,6,6* (Geneva: Internat. Labour Off, 2004).

4 Martin Ruhs and Bridget Anderson, eds., *Who Needs Migrant Workers? Labour Shortages, Immigration, and Public Policy* (Oxford: New York: Oxford University Press, 2010).

5 Basia D. Ellis, “The Production of Irregular Migration in Canada,” *Canadian Ethnic Studies* 47, no. 2 (2015): 93–112.

shrinking of the Temporary Foreign Worker Program (TFWP). The TFWP has become an important, if controversial, component of Alberta's labour market over the past 20 years. Since a series of rule changes in the early 2000s expanded the program to lower-skilled workers, Alberta employers have embraced the use of temporary foreign workers (TFWs) to meet their labour needs. Alberta has the highest number of TFWs per capita in Canada.⁶ At its peak in 2013, 77,000 TFWs were living and working in Alberta.⁷

However, due to a series of rule changes by successive federal governments and a downturn in the Alberta economy over the past five years, tens of thousands of TFWs have found themselves without valid work permits. In 2018, 32,000 TFWs were living in Alberta, a drop of 60% from 2013.⁸ When factoring in the churn of the TFWP (new workers arrive every year, replacing some of the workers who leave every year), it can be estimated that up to 80,000 individuals in Alberta have had their work permit expire in the past five years.

The reality is not all those workers leave when their permit expires. Many choose to stay in the hopes of finding a new permit, or to continue working to support their families. It is not possible to determine how many workers are living in Alberta without status, but community advocates estimate the number may be as high as 10,000 to 20,000 people.

The men and women who chose to remain in Alberta are officially part of the second type of irregular migrancy—losing status while in the country—but their story is different than many. They came to Canada to work, hired by Canadian employers. They abided by all the rules established by the federal and provincial governments. And then the rules changed.

New rules limited the number of years they could remain in Canada. Other changes restricted access to permanent residency for many. The economic downturn meant employers didn't need them anymore and laid them off. New jobs were scarce because the federal government made getting new work permits more difficult.

When their permits expired, many returned home, but many decided to stay. Why would someone stay in Alberta without status? How do they survive here without legal residency status?

This study aims to answer those questions. Its goal is to shed some light in the lived experiences of migrant workers living in Alberta without status. It will examine the circumstances that led to these workers losing their status and remaining in Alberta. It will explore their experience of living and working in Alberta without a valid work permit. It will examine both their vulnerability to exploitation at work and their challenges to access basic human needs such as health care and education.

6 Immigration, Refugees and Citizenship Canada, "Facts and Figures 2017" (Ottawa, Ont.: Immigration, Refugees and Citizenship Canada, 2018).

7 Ibid.

8 Immigration, Refugees and Citizenship Canada, "Temporary Residents: Monthly IRCC Updates" (Ottawa, Ont.: Immigration, Refugees and Citizenship Canada, 2019), <https://open.canada.ca/data/en/dataset/360024f2-17e9-4558-bfc1-3616485d65b9>.

Most importantly, this study aims to bring the lives of these men and women out of the shadows, to introduce Albertans to the people living among us, and to offer ideas for how we can work to make their lives better.

A Note on Terminology

There are numerous terms for the population covered by this report. For many years, people living and working in a country without legal permission were commonly called “illegal immigrants” or “illegal migrants.” In recent years these terms have fallen out of favour as they individualize the issue and imply there is something inherently wrong about the people themselves, rather than just their residency status. Many international agencies choose to refer to the state of living without legal permission as “irregular migration” and to those in that status as “irregular migrants,” reflecting their place outside the “regular” migration and immigration streams.

Another common practice is to refer to this group as “undocumented workers” or “workers without status.” Migrant worker advocates point out that these terms are not strictly accurate as many of these workers have some form of residency status, for example visitors visas, but do not possess work permits. They prefer the term “migrant worker with precarious status.”

A further complication is the use in Canada of the term “temporary foreign worker” instead of the more widely accepted “migrant worker.” This anomaly is due to the name of the program through which these workers enter the country. However, it is widely used in the media and public discourse and thus is the phrase with which Canadians are most familiar.

For familiarity and ease of use, from this point forward this report will, in general, use “migrant worker” to refer to individuals who are in Canada on temporary residency permits for the purpose of working. Further, it will use “undocumented worker” to refer to migrant workers who are working without appropriate legal permission, even though it is acknowledged that many do have residency documentation. The experience of being an undocumented worker will be referred to as living or working “without status.” “Temporary foreign worker” will be used only when discussing the Temporary Foreign Worker Program (TFWP) specifically.

2. Background

The History of Migrant Labour in Canada

Canada has had migrant worker programs since the late 1960s, with the creation of the Seasonal Agricultural Workers Program (SAWP), which brings in farmworkers from the Caribbean, Mexico, and Central America. In 1973, the Non-Immigrant Employment Authorization Program (NIEAP) was established, for the first time creating a class of temporary resident tied specifically to non-permanent employment. Before the NIEAP, migrants did not need to seek permission to work in Canada and could apply for permanent residency at any time. The program is noteworthy because it placed a series of restrictions on the rights of these temporary residents, including limited access to permanent residency and labour mobility restrictions. The Temporary Foreign Worker Program (TFWP) evolved out of the NIEAP and has maintained most of the restrictions established by the original program.⁹

The TFWP and its predecessors marked a significant change in Canadian immigration policy away from permanent settlement and integration to temporary, employment-based residency. The program has been criticized for its racialized nature due to its reliance on non-white migrants,¹⁰ and for creating a category of second-class residents with fewer citizenship rights than other Canadians.¹¹ Other criticisms have included the employer-driven nature of the system and a lack of adequate enforcement of program rules.¹²

The TFWP is actually a series of programs, or streams, tailored for specific occupations and classifications of workers. There are streams for farmworkers (the SAWP), for live-in caregivers, and for high-skilled occupations. High-skilled occupations are defined as managerial, professional, and technical jobs requiring university, college or apprenticeship education (officially, National Occupational Classification (NOC) codes 0, A, and B). In addition, there are specialized streams for workers coming to Canada under NAFTA and other trade deals. Until 2002, there were no provisions for migrant workers in lower-skilled occupations.

For most of its history the TFWP was a relatively small, stable program aimed at meeting specific labour market demands for farmworkers, live-in caregivers, and select high-skilled occupations in high demand or with international labour pools (such as university instructors, artists, and technical occupations). Through the early 1980s, approximately 40,000 migrant workers—commonly called Temporary Foreign Workers (TFWs) in Canada—resided in Canada each year. This number rose gradually to about 70,000 in the 1990s. At that time, about two-thirds of TFWs came to Canada through the high-skilled occupation streams, with the rest being farmworkers and live-in caregivers.¹³

9 Nandita Sharma, "On Being Not Canadian: The Social Organization of 'Migrant Workers' in Canada," *Canadian Review of Sociology/Revue Canadienne de Sociologie* 38, no. 4 (July 14, 2008): 415–39, <https://doi.org/10.1111/j.1755-618X.2001.tb00980.x>.

10 Ibid.

11 Leah Vosko, *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment* (Oxford; New York: Oxford University Press, 2010).

12 Ibid.

13 Foster.

The program underwent significant transformation in the early and mid-2000s in response to demands from employer groups. In 2002, the Liberal federal government, in response to employer pressure for greater access to migrant workers, established the Low Skill Pilot Project (LSPP), which opened the program to low-skilled occupations, which require little or no education and training (NOC C and D). The new project expanded program eligibility to a wide range of new occupations and industries previously excluded. The intended purpose of the expanded program was to serve as a “last resort” for employers facing labour shortages.¹⁴ An employer had to obtain a Labour Market Opinion (LMO) from the federal government to be eligible to hire migrant workers under the program, and the LMO process was supposed to evaluate whether a labour shortage existed.

A further policy change, enacted in 2006 by the newly elected Conservative federal government, created a list of specific occupations “under pressure” that were eligible for a fast-tracked approval process and lowered Canadian-based recruitment obligations. This list of fast-tracked occupations originally applied to Ontario, Alberta, and British Columbia only, reflecting those provinces’ booming economies at the time, but was soon expanded to other provinces.

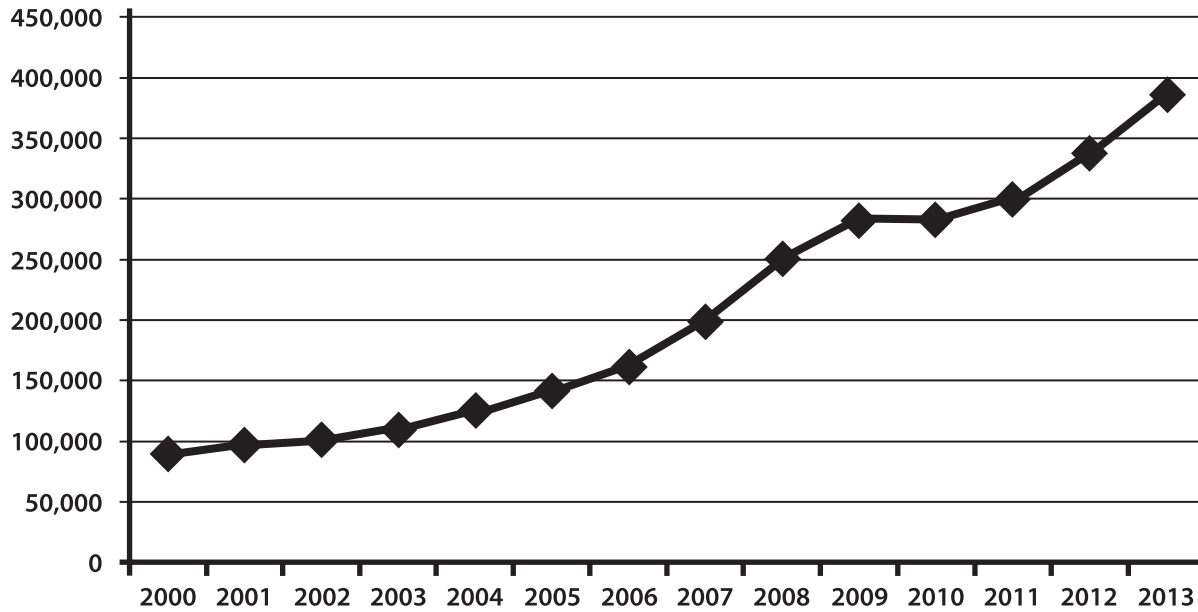
The result of these changes led to a rapid expansion of the TFWP. The number of migrant workers resident in Canada climbed from 89,700 in 2000 to 386,400 in 2013, an increase of over 430%¹⁵ (see Chart 1). This number represents approximately 2% of Canada’s labour force.

Lower-skilled workers made up the largest portion of the influx. Before the 2002 changes, the most common occupations under the program were entertainment-related and specialized medical and scientific fields. By 2008, the six most common occupations were (in order): food counter attendants, cooks, construction labourers, light duty cleaners, musicians, and food and beverage servers.¹⁶ The workers’ country of origin also shifted from predominantly developed, English-speaking nations to developing nations such as Philippines, India, China and Mexico.

14 “Interview with the Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism,” *Canadian Issues/Themes Canadiens*, no. Spring (2010): 10–13.

15 Citizenship and Immigration Canada, “Facts and Figures 2012” (Ottawa, Ont.: Citizenship and Immigration Canada, 2013).

16 Foster, “Making Temporary Permanent: The Silent Transformation of the Temporary Foreign Workers Program.”

Chart 1. Temporary Foreign Workers Resident in Canada, 2000–2013

With the expansion of the program came reports of employer abuse and exploitation of low-skilled migrant workers.¹⁷ Stories regularly appeared in the media telling of unpaid wages, substandard and expensive employer-provided housing, employment standards and occupational health and safety (OH&S) violations, and verbal, physical, and sexual abuse. The new class of migrant workers were more vulnerable than the high-skilled workers, and lower levels of education, language and cultural barriers, and poverty made the new arrivals less able to resist employer mistreatment. Their vulnerability was compounded by their limited labour mobility—low-skilled workers’ permits specified the employer, meaning they could not legally switch jobs and were essentially “tied” to a specific employer. Further, provincial governments failed to enforce safety and employment laws for this group of workers.¹⁸

Other critics expressed concern that the use of migrant workers was suppressing wages for all workers and that migrant workers were “stealing” jobs from Canadians. While there is little evidence overall that migrant workers were taking jobs from other Canadians, in some industries the use of migrant workers did negatively impact other vulnerable groups of workers.¹⁹ Similarly, there is incomplete evidence on whether migrant workers reduced wages across workers. Finally, the LMO process was shown to be inadequate in evaluating the existence of a labour shortage and a lack of enforcement of program rules led to significant misuse of the program by employers.

17 Delphine Nakache and Paula J. Kinoshita, *The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail over Human Rights Concerns?* (Montreal: Institute for Research on Public Policy, 2010).

18 Alberta Federation of Labour, “Entrenching Exploitation: The Second Report of the AFL’s Temporary Foreign Worker Advocate” (Edmonton: Alberta Federation of Labour, 2009).

19 Jason Foster and Bob Barnetson, “Who’s on Secondary? The Impact of Temporary Foreign Workers on Alberta Construction Employment Patterns,” *Labour / Le Travail* 80, no. 0 (November 1, 2017), <http://www.lltjournal.ca/index.php/llt/article/view/5867>.

The expanded program also created tensions due to its continued restrictive access to permanent residency. The vast majority of migrant workers arriving under the TFWP program were not eligible to apply for permanent residency and the paths that did exist, such as Provincial Nominee Programs (PNPs), had few available spaces. Further, PNP streams increase TFWs' vulnerability due to the requirement of employer support for the application.²⁰ Many workers had believed, often due to being misinformed by recruiters, that coming under the TFWP was a step toward settling in Canada permanently. Upon learning that permanent residency was unlikely, many migrant workers became angry and frustrated.

Due to a handful of policy changes, the role and impact of the TFWP transformed within a matter of a few years. After decades of playing a small role in addressing specialized labour shortages and facilitating labour mobility for international professionals, the TFWP was thrust into the role of providing a secondary, very flexible source of labour for employers. This new, oversized role brought with it significant controversy and very real human rights implications.

Recent Changes to the TFWP

The waves of controversy that plagued the program between 2005 and 2014 spurred a series of reactive policy changes by successive federal governments, many of which swayed back and forth between making the program more responsive to employers and restricting the size and scope of the program. Between 2011 and 2017, the program rules changed multiple times, often quite dramatically. Table 1 summarizes the significant changes to the program during that period.

Many changes, such as the prevailing wage rule, were short-lived, while others worked at cross-purposes. Overall, the changes, by intention or accident, had the effect of making it more difficult to hire and retain low-skilled migrant workers and easier to hire high-skilled migrant workers. Caught in the middle of the fluctuating policy announcements were the migrant workers who came to Canada under one set of rules only to find the rules had changed.

20 Jill Bucklaschuk, "Considering the Workplace Experiences of Temporary Foreign Workers in Manitoba's Hog-Processing Industry," in *Farm Workers in Western Canada: Injustices and Activism*, ed. Shirley Ann McDonald and Bob Barnettson, First edition (Edmonton, Alberta, Canada: The University of Alberta Press, 2016), 101–20.

Table 1. Changes to TFWP Rules, 2011–2017

| Year | Key Changes | Purpose |
|------|--|---|
| 2011 | <ul style="list-style-type: none"> Implemented Cumulative Duration limit (i.e., “four-in-four-out” rule) | Limited TFWs to four years eligibility, then must leave Canada. |
| 2012 | <ul style="list-style-type: none"> Employers allowed to pay TFWs 15% less than “prevailing wage” Creation of accelerated LMO application process | <p>Provided flexibility to employers in wage setting.</p> <p>Shortened wait times for employers applying to hire TFWs to 10 days</p> |
| 2013 | <ul style="list-style-type: none"> 15% wage rule scrapped Accelerated LMO application scrapped Additional rules and requirements for LMO application New powers to revoke LMOs Employers required to have a “plan” to phase out TFWs Employer LMO application fees increased to \$275 Worker Work Permit fees increased to \$150 | <p>Backtracking on 2012 changes due to public outcry.</p> <p>Established additional criteria and rules for employers to make it more difficult to hire TFWs.</p> <p>Created new enforcement powers to address employers misusing the program.</p> |
| 2014 | <ul style="list-style-type: none"> Splits TFWP into two programs for lower-skilled and higher-skilled New focus on wage level, rather than NOC classification for operating TFWP Revamped LMO process with more rigorous requirements, renamed Labour Market Impact Assessment (LMIA) Refusal of LMIA for low-wage occupations in regions of high unemployment Created Accelerating LMIA process for select occupations and short-duration work periods Increased LMIA fee to \$1,000 Introduced cap on TFWs to 10% of employer’s workforce Requirement of a “transition plan” to reduce reliance on TFWs Reduced maximum duration of work permits to one year (from two) | <p>Created two programs: TFWP for TFWs requiring an LMIA (lower-skilled); and International Mobility Program (IMP) where a LMIA is not required (generally higher-skilled, related to trade agreements, etc.). Rules for TFWP were made more stringent and relaxed for IMP.</p> <p>Designed to reduce specific employers’ dependence on TFWs through financial disincentives and a cap, while making the process faster for applicants.</p> <p>Emphasized short-term employment arrangements, discouraging longer-term commitments to TFWs.</p> |
| 2016 | <ul style="list-style-type: none"> Cumulative Duration limit (i.e., “four-in-four-out” rule) removed. | TFWs no longer required to leave Canada after four years. |
| 2017 | <ul style="list-style-type: none"> Enhanced enforcement provisions Creation of a “Global Talent Stream” to fast-track short-term employment of high-skilled workers | Small tweaks to the program to increase compliance and facilitate short-term employment arrangements. |

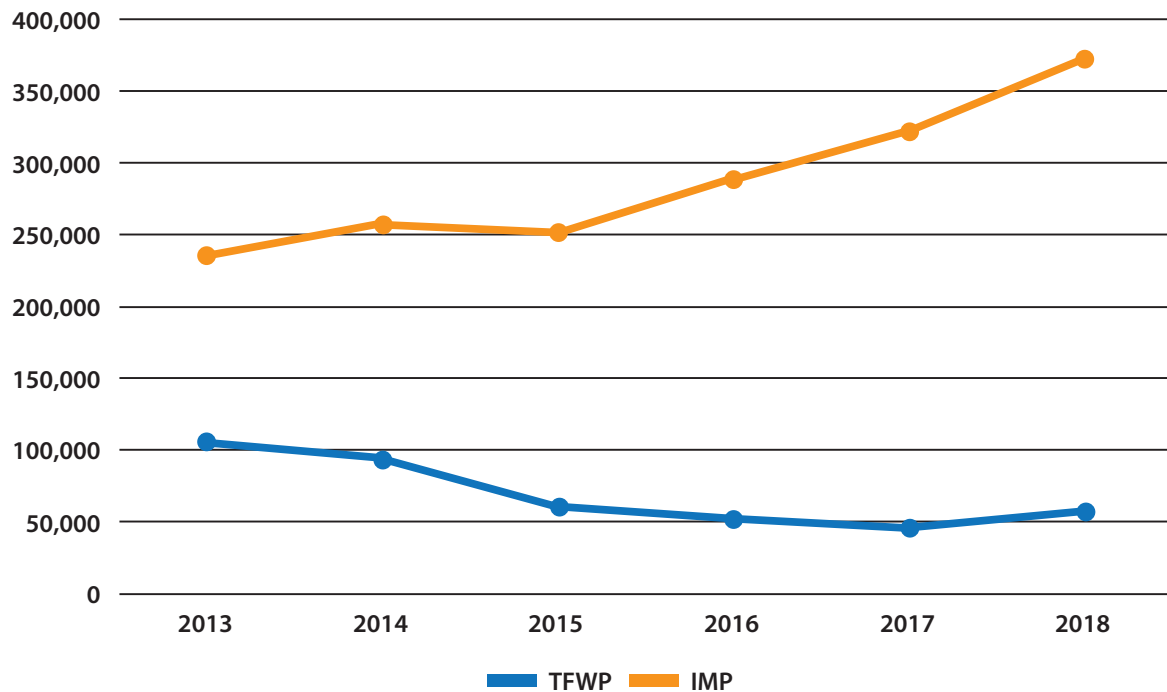
Many of the changes would prove to have a significant impact on creating the circumstances that lead to migrant workers becoming undocumented. The most important change was the imposition in 2011 of the “four-in-four-out” rule. This rule meant that migrant workers, many of whom had been living and working in Canada for many years, could not get a work permit, even if work was available, after four years. The first wave of migrant workers banned from permit renewals came in the spring of 2015.

The removal of the four-in-four-out rule in 2016 lifted that particular stress point for migrant workers, but other changes combined to restrict employment opportunities for migrant workers already in the country. The cap on the number of TFWs an employer can hire, along with more stringent Labour Market Impact Assessment (LMIA) requirements and higher application fees shrank the pool of employers interested in hiring migrant workers and increased the number of LMIA applications that were rejected. Whether this is a positive or negative outcome for the labour market as a whole is a topic that can be debated, but from the perspective of the migrant workers present in Canada, the situation they faced was markedly different from when they arrived. The rules had been changed on them seemingly overnight.

The TFWP Today

Today, public and media interest around the TFWP has died down. However, the program—more accurately the two programs—continue to play a significant role in Canada’s labour market. Hundreds of thousands of migrant workers continue to work and live in Canada, with thousands arriving and thousands leaving every year.

Splitting the program into two has had sweeping impacts on how employers manage migrant labour. The TFWP has shrunk, in part due to the economic downturn in parts of the country, while the International Mobility Program (IMP) has continued to grow. The TFWP went from a high of just under 104,000 workers in 2013 to 56,000 in 2018. In contrast, the IMP has climbed from 235,000 to 373,000 over the same period. The numbers of workers in each program is shown in Chart 2.

Chart 2. Number of Workers Living in Canada, by Program, 2013–2018²¹

There are three key differences between the TFWP and the IMP. The first, as mentioned, is that employers do not need to apply for an LMIA under the IMP, a significant benefit in terms of time and money. Second, workers under the IMP receive open work permits—which means the name of the employer is not listed on the permit, so the workers have fuller mobility in the labour market. The bulk of workers under the IMP are employed in managerial, professional, and technical occupations; however, there are large numbers of construction workers, retail and food service workers, and other moderate-skilled occupations.

The third key difference is the demographic configuration of workers in each program. The IMP includes workers from countries where Canada has trade agreements (such as NAFTA and the Canada-EU CETA) or reciprocal employment agreements, young workers on “working vacations,” students, and spouses of migrant workers. As a consequence, workers under the IMP are more likely to come from English-speaking and economically advanced nations. In 2017, 70.8% of workers with an IMP permit came from developed nations, with 36% coming from the one of the US, UK, France, Australia, or Ireland.²² Notably, more than half of the IMP workers are classified as “providing significant benefit to Canada’s economic and social interests,” a vague category with no clear criteria for eligibility. Overall, little is known about employers and workers under the IMP, as the program has fewer reporting requirements than the TFWP.

21 Immigration, Refugees and Citizenship Canada, “Facts and Figures 2017”; Immigration, Refugees and Citizenship Canada, “Temporary Residents: Monthly IRCC Updates.”

22 Immigration, Refugees and Citizenship Canada, “Facts and Figures 2017.”

The TFWP continues to be dominated by farmworkers, live-in caregivers, construction labourers, and a range of food service workers. In 2017, 88.9% of TFWs came from less-developed nations.²³ The diverging demographics of each program suggests a racialization process is underway, where the IMP is largely the reserve of citizens of the Global North while the more restrictive TFWP is populated by vulnerable, racialized workers of the Global South.

The IMP offers significant advantages to employers through its less-cumbersome requirements and lower levels of transparency. Consequently, employers have been shifting to the IMP as the preferred route to hire migrant workers.

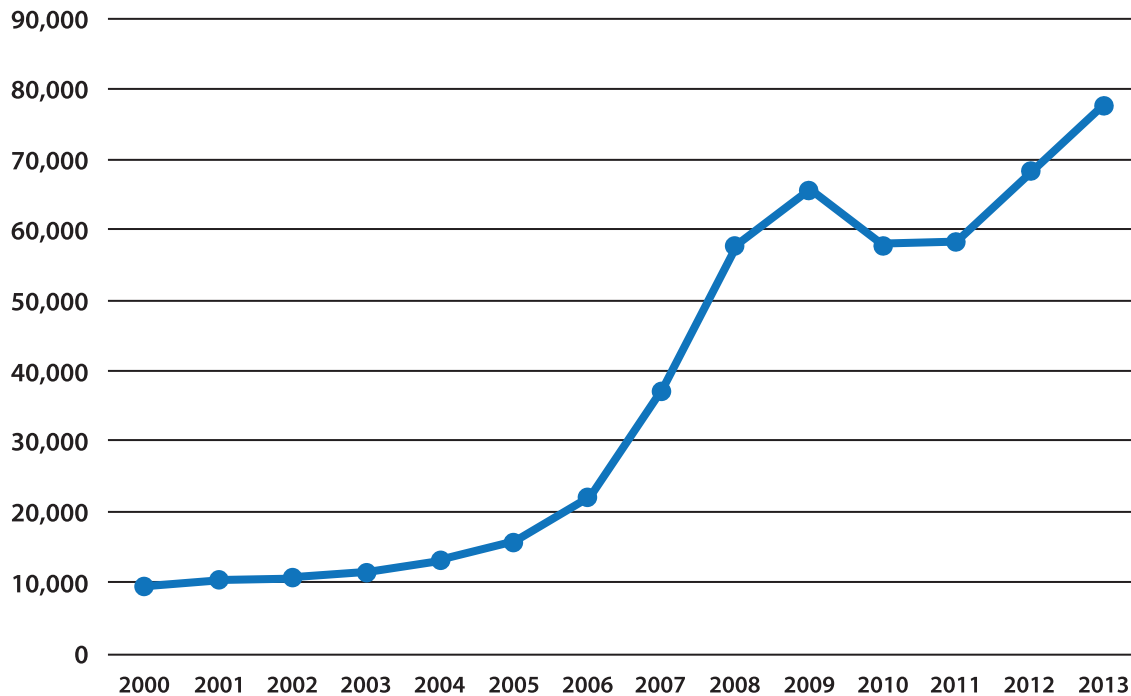
This shift is significant for the issue of undocumented migrant labour for two reasons. First, workers who came under the old rules of the TFWP are not eligible for the new IMP categories, either because they came to work in low-skilled occupations not included in the IMP, or they came from countries with no trade or reciprocal agreements in place. Second, as more employers opt for the IMP streams, the available employment opportunities for migrant workers shrinks, making it less likely they can obtain an open permit under the IMP, leaving them restricted in their labour mobility under the TFWP.

Alberta and Migrant Workers

Alberta employers have been enthusiastic users of the TFWP over the years, especially after the program expanded in 2002. Chart 3 shows the number of TFWs living in Alberta from 2000 to 2013. At the time of the 2014 reforms, Alberta was the province most reliant on migrant workers, who made up 3.3% of the provincial workforce, compared to the national average of 2%. Labour shortages due to the construction boom in the Alberta oil sands are cited for the heavy use of migrant workers, although research has raised questions about how significant the shortages were during this time period.²⁴

23 Ibid.

24 Kevin McQuillan, "All the Workers We Need: Debunking Canada's Labour Shortage Fallacy," SPP Research Papers (Calgary, Alberta: School of Public Policy, University of Calgary, 2013); Alberta Federation of Labour, "Beyond Chicken Little: Understanding the Need for Measured Reforms to Alberta's System of Skill Training" (Edmonton, Alberta, Canada: Alberta Federation of Labour, 2006).

Chart 3. TFWs Resident in Alberta, by Year, 2000–2013²⁵

During this period, the most common occupations hired by Alberta employers included construction trades and labourers, retail clerks, light housekeeping, cooks, and food servers.²⁶ The demographic composition of migrant workers in the province reflected national patterns, with high representation from Philippines, India, Central America, and Eastern Europe.²⁷

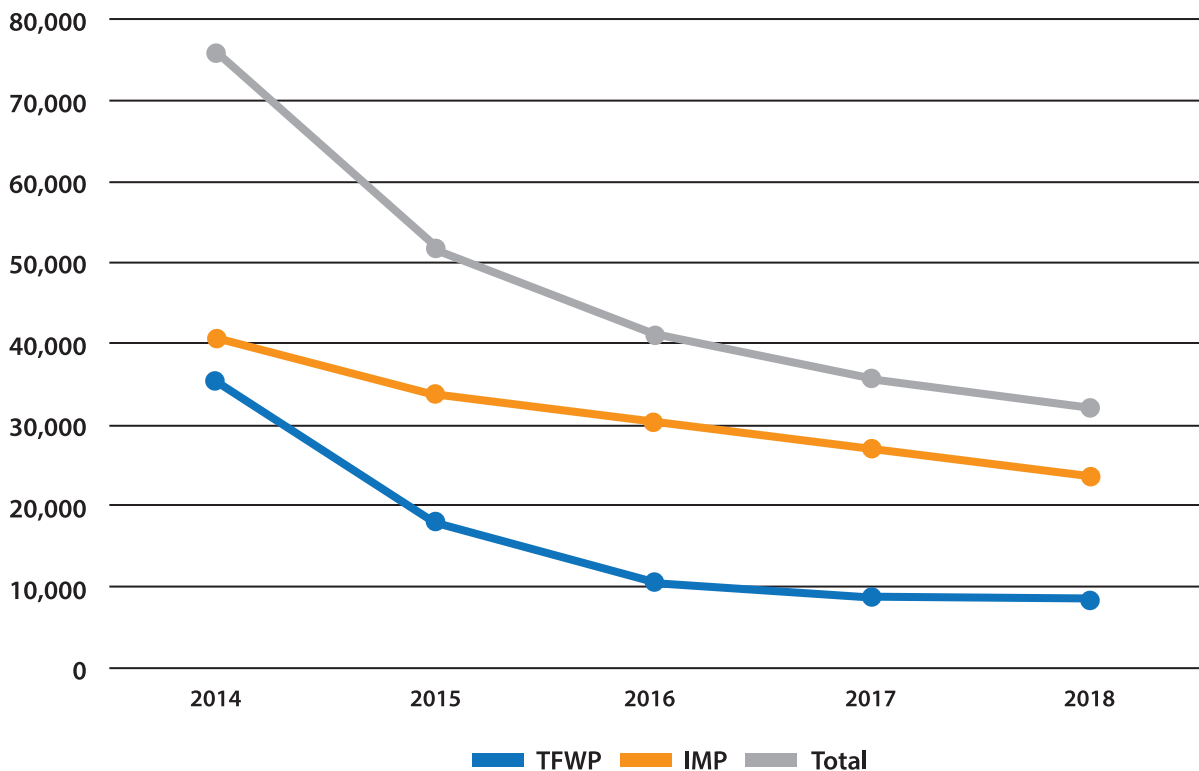
The 2014 program overhaul, combined with the 2015 economic downturn, dramatically altered the use of migrant workers by Alberta employers. The number of migrant workers with work permits in Alberta plummeted from a high of 77,000 in 2013 to just 32,000 in 2018 (see Chart 4). The drop was particularly steep in the TFWP, where the number of workers dropped 76%, to just 8,460 in 2018.

²⁵ Immigration, Refugees and Citizenship Canada, "Facts and Figures 2017."

²⁶ Ibid.

²⁷ Ibid.

Chart 4. Migrant Workers Residing in Alberta, 2014–2018²⁸



In 2018, there were 32,000 fewer work permits under the TFWP than at the program’s peak five years earlier. There were an additional 17,000 fewer permits under the IMP. Given the churn that is part of migrant labour programs, it can be estimated that 50,000 workers under the TFWP and 30,000 under the IMP have had their permits expire in the last four to five years in Alberta.

This context is important to understand the rise in the number of undocumented migrant workers living in Alberta. Given the higher skills and greater mobility of workers under the IMP, it can be anticipated they were more likely to return home or find work elsewhere. However, the 50,000 workers under the TFWP are in a different situation. As will be explored, these workers have a higher motivation to remain in Canada and fewer prospects of employment elsewhere, making them more likely to stay after their permit expires. That means there is a potential pool of approximately 50,000 workers who may become undocumented. There are no reliable estimates of how many undocumented migrant workers are currently living in Alberta, as Immigration Canada does not track exits. Given the context, however, the number is most likely in the thousands.

²⁸ Immigration, Refugees and Citizenship Canada; Immigration, Refugees and Citizenship Canada, “Temporary Residents: Monthly IRCC Updates.”

Alberta employers embraced migrant labour during the economic boom to address short-term labour needs. When the economy crashed in 2014-15, employers in the province were just as quick to shed themselves of this flexible workforce, assuming they would return home. However, the picture is more complex than that. The choices the newly unemployed and undocumented migrant workers faced were daunting, and many decided their best prospects were to remain in Alberta. The expendable workforce didn't disappear as quietly as Albertans anticipated. Many still live among us. The next section of the report tells their story.

3. Working and Living Without Status

Thirty-two undocumented migrant workers were interviewed for this report, 17 women and 15 men. Twenty-nine participants originally came from Philippines, while the remaining three came from Mexico, Chile, and Ukraine. All were living in northern Alberta at the time of the interviews. The details of recruitment and other methodological considerations can be found in Appendix 1.

The workers' occupational history before coming to Canada is quite diverse, ranging from construction labour, factory work, self-employment to skilled jobs. However, upon arrival in Canada the majority of the participants worked in some form of lower-skilled retail or fast-food employment. Some of the men worked as construction or landscaping labourers, which are lower-skilled occupations in those industries. This pattern is in part due to the recruitment process, but also reflects what work a large number of TFWs in Alberta were hired to perform. Many participants had multiple employers and switched occupations in Canada. It is worth noting that six participants were migrant workers in other countries prior to arriving in Canada. A handful of participants either did not report their original occupation or it was not possible to discern a specific occupation from their answer. Appendix 2 lists the demographics of each participant, including their original and Canadian occupations.

As explained in Appendix 1, the large number of Filipino/a participants is due to use of informal community networks to recruit participants. Migrants Alberta, the partner organization in this research, is an organization founded to advocate for Filipino migrant workers and has deeper roots in that community than others, leading to a disproportionate number of Filipino/a participants. Efforts were made to reach out to other communities, but with less success.

Participants were not asked their age. From those who volunteered an age and from visual observation, the majority of participants were in their 30s and 40s. Formal educational attainment was also not a question asked systematically and so there is sporadic evidence of education levels attained.

All but two of the interviewed workers arrived with a valid work permit under the TFWP. One came under the International Experience (i.e., working holiday) stream and one had a visitor's visa (they were awaiting final approval of their work permit). None came under the new IMP.

More than half of the participants (17) arrived in Canada between 2012 and 2014, meaning at the time of the interviews they had been living in Canada for three to five years. Nine had been here more than five years, with the earliest arriving in 2007. Another six had been in the country for less than two years. This finding suggests these workers were not among the first

waves of low-skilled TFWs, but their arrival corresponds with the peak usage of the program by Alberta employers. It also suggests that many of them had time to build relationships, establish connections with community, and develop a sense of belonging.

Status Precarity

One of the first observations when talking with undocumented workers about their experience in Canada is that the process of coming, working, and staying in Canada is not straightforward. The participants experienced multiple complications and difficulties in obtaining work permits, navigating employment, and living in the community. The notion that the process of gaining status and losing it is a clean one, or that it is about moving from stable status to non-status, is quickly rendered false. The participants' status was frequently precarious and they were often dependent on many actors, from brokers to immigration officials to employers, for their continued residency in Canada. The line between “legal” and “illegal” is often quite blurred.

Arrival and Working With Status

Even the process of obtaining a work permit, coming to Canada, and starting work was often not straightforward. Expensive recruitment fees, bureaucratic delays, challenging travel, and dishonest employers all made trying to get to Canada very difficult.

About half of the participants paid a recruitment agency to find an employer and procure a work permit. The other half were either directly recruited by an employer or utilized informal networks (e.g., assistance of friends/relatives already in Canada) to navigate the system. Of those who used an agency, they paid between \$3,000 and \$12,000 (Canadian) in fees, with most reporting \$8,000 to \$10,000. Some borrowed money to pay the fees—a decision that would often become a large complication when things did not work out as promised or hoped.

The workers reported being enticed by promises of high wages, and many were told they would be able to apply to stay in Canada permanently (statements that are false for this classification of workers).

“Well they said that the money that we pay them, we can easily get the money [back] because the [wage] rate is high and we are going to be paid like a thousand dollars every paycheque. So we can easily get the money that we just spend for paying them for the placement fee.”
(Interview 4)

“Yeah they told me that, because I am a high-skilled, I have the chance to become permanent resident here.” **(Interview 1)**

Upon arriving in Canada, many found that the job to which they came was drastically different than promised, or had disappeared entirely. Common issues included being paid a lower wage than stipulated on the LMIA, being provided only part-time hours (full-time employment is a requirement of the TFWP), having the job classification changed to a lower-skilled position, or issues with housing.

“The company who I worked [for] the first time in Calgary, they said they were going to provide accommodation and they were going to help us ... but they didn't fulfill that. And also the salary. In our LMO it stated that we need to get \$11.65 ... but you know what? When we landed here I started at \$10.25.” **(Interview 27)**

“Supposedly my position was Maintenance Service Technician but in my contract it was Maintenance Service Clerk.” **(Interview 29)**

“[When] I'm about to come, my employer refused to take me. However, my papers are complete. When the time I'm about to come, the employer refused I just gathered my courage to come to Canada even though I know that there's going to be no employer.” **(Interview 7)**

“So they just gave us only 20 hours a week. And then aside from that they ask us to cut trees on his farm because that time is winter season. And it's really slow in the restaurant. So we cut trees without safety [equipment].” **(Interview 1)**

When asked about working conditions, many reported being well-treated and having a good relationship with their employer. However, this experience was far from universal. Many reported repeated employment standards violations and other forms of abuse and mistreatment. Common issues were unpaid overtime, demands to perform work not a part of their duties, verbal harassment, and denial of legislated break periods.

“I did some work which is not part of my job. I clean their floors with steel brush and clean the legs of the chairs.” **(Interview 25)**

“We are working 140–160 hours and sometimes we’re only getting paid 110 hours. He keeps saying he’ll pay next paycheque but it never happened and our rate is too low, \$8.50 or \$9.50 and the place we were renting is owned by our employer.” (Interview 28)

“If you are a contract worker and especially if you are new they let you work overtime but they’re not paying you the overtime, so you just deal with it because you’re new here in Canada. If you lose your job, you can’t find [another] job right away ... [because] you need to find someone who will give you an LMO.” (Interview 12)

“For example, ... when we passed the time for lunch we are not allowed to take a break. For example, my break time is 12 o’clock. When it is busy, when I passed the time when I’m supposed to take a break, he will not allow me to take a break. And sometimes we are not allowed to eat anymore. I have a co-worker [who] will give me some patty. They will give me patties and I will go to the washroom and eat there. So I could have lunch.” (Interview 15)

The sometimes-rocky employment relationship and uncertain economic times meant a significant number of the participants had to find new work while in Canada, but switching employers for a TFW is not an easy matter. While their work permit remains valid—meaning they continue to live in Canada legally—they cannot legally work for another employer until they receive an updated permit with the new employer’s name on it. That requires finding an employer with a valid LMIA, or eligible to receive and willing to acquire an LMIA. This transition was a common point of status precarity. Decisions of what employment to take, where to live, and what working conditions to accept were driven primarily by the need to keep status. The periods of time in-between employment were marked by economic hardship, precarious living arrangements, and uncertainty.

“So ... when I raised the concern [about employment violations] to my agency, the employer got mad. And he terminated us. Before the three months probationary period. The Filipino community help us to move to Scarborough. They let us stay at one of their apartments. So while staying there, I keep on go travelling around Toronto [applying for jobs]. I apply to the Wendy’s restaurant there. ... They hired me but the processing we need to submit for the LMO. Unfortunately, LMO got refused. ... But the General Manager really wanted to help me so he told me, would you mind [transferring] to another part of Canada like Alberta. Then I grab it because my status is running out already.” (Interview 1)

"In 2009 I resigned at Tim Horton's and then I think for seven months I have no work. I do some cleaning. I do some baby sitting. So after that I found an employer in Terwilleger [who could get an LMIA]."

(Interview 15)

"During the time of recession, our company he said, 'You all go home. It is up to you if you want to go home to the Philippines and ... we will hire you back again.' That's what they said. We have friends who are working ... in Calgary. ... We asked them if we could apply to their company. They asked their employer and they said yes we can apply. So we went there. ... We were given legal papers again." (Interview 23)

The interviews paint a picture of a precarious economic and social existence for migrant workers in Alberta marked by vulnerability to employer mistreatment and unease about job fortunes. The interviews also reveal a group of workers who are actively making decisions to maximize their opportunities in Canada. They are often working with a limited and less-than-desirable palette of options, but they seek out the best possible route. The interviews reveal a determination and resiliency among this group of workers, a point that will be discussed further below.

Loss of Status

Every participant had their work permit expire at some point. For some, the expiry came after multiple successful applications for new permits, while for others it came at the end of their first permit. Many knew for months they were facing expiry, while for others it came as a last-minute surprise due to an unexpected turn of events. Regardless of how it occurred, in each case the worker had to grapple with the difficult decision of whether to return home or remain.

About half of the participants had been in Canada more than two years since the expiry of their permit, with the bulk of those losing the permit in 2015. The other half had faced the decision more recently, with a handful losing status only a couple of months before being interviewed. This result is not unexpected, as 2015 marked both the year when the full impact of policy changes was felt and the Alberta economy took a serious downturn.

The reasons for permit expiry are almost as varied as the number of participants, but we can identify three broad categories for how and why the permits expired: lack of employment; lack of employer eligibility for an LMIA; and poor health. For all participants, the expiry followed a change in circumstances since their arrival in Canada.

The first reason for non-renewal was that at the time of the permit expiry,

the worker did not have employment. Without a job there was no way to apply for a new permit or permit extension. Eleven of the participants found themselves without employment at the time of their permit expiry. Most had been unable to find a new employer after either being laid off by the previous employer or quitting due to poor working conditions. Some were not working at the time due to health or personal concerns, such as recently giving birth. It is interesting to note that legal protections for Canadian workers who are sick or on maternity leave do not extend to migrant workers seeking an extension of their work permit.

The second, and most common, reason for falling out of status is because their employer's LMIA expired and the employer was either unable or unwilling to get a renewal. These workers were still working but the permit was not renewed. Twenty participants' permits expired in this fashion.

Roughly half (10) of those workers were given no reason why their employer did not apply/failed to receive an updated LMIA. One worker's situation reflects a common experience. He reports that his construction employer applied for an extension of their LMIA in late 2014, but the application was denied. The worker was never informed why it was refused and the employer refused to try again.

Because these workers were never told the reason for the LMIA refusal, it can be hard to interpret the underlying cause of the expiry. It is most likely that the federal government refused new LMIA's due to the worsening economic conditions in Alberta at the time, making employers ineligible for new LMIA's. However, it is also possible that employers were ineligible for other, policy-related reasons. There is also the small possibility that they were denied for violating TFWP rules related to employment conditions.

The other half of this group knew why their permit was not renewed, and it was directly attributable to policy changes to the TFWP. Two policies in particular led to non-renewal. One was the four-in-four-out rule. A handful of longer-term TFWs hit the four-year-maximum mark in 2015 and 2016, before the policy was revoked. Some lost their permit even though their employer had a valid LMIA. *"It was refused ... even [though] there's an LMIA, because of the four-in-four-out"* (Interview 3). The other policy was the graduated cap on employers' use of TFWs to no more than 10% of their workforce. A few participants were told they couldn't remain because of the cap. *"I think they applied for a LMIA for 10 to 20 [TFWs] but they [were not approved]. That's why the employer did not want to get it anymore. Because ... they did not meet the cap"* (Interview 6).

The decision regarding renewal often came down to subtle occupation classifications. One worker (Interview 26) reported that the employer's LMIA application was denied because it was determined to be a low-skill occupation. The employer applied for a Food Service Attendant position, but for another TFW in the same workplace doing essentially the same work, they used the classification Food Service Supervisor, and the latter application was approved. Small differences in formal NOC codes, rather than in the work being performed, were the key factor in the refusal.

This group of workers were most directly impacted by the changes to the TFWP over the preceding years. Their personal situation had not changed—they were engaged in active employment, their employer apparently wished to continue employing them, and they were abiding by the requirements of their permit. Yet the rules changed around them and they found themselves no longer with the option of working in Alberta. In a handful of cases, at the time of expiry the employer had been in the middle of supporting a permanent residency application for the worker. These applications are aborted upon the loss of the work permit, leaving these workers in limbo.

The third reason for denial was health factors. One worker was informed their application was denied due to a health condition. A couple years earlier while working in Alberta, the worker experienced heart issues and had a pacemaker implanted. Upon trying to renew their permit the pacemaker became an issue. *“According to the supervisor that processed our papers, the pacemaker was making it hard to get a work permit for me. That is what he said” (Interview 24)*. It is not possible to verify if the health condition was the official reason for the denial.

While isolated, this case is significant as it points to a vulnerability experienced by migrant workers. Health can complicate their residency status in Canada. This one worker was denied a permit extension due to a health condition. Others lost their status because they were off work due to childbirth or other health issues. This vulnerability is in stark contrast to permanent residents, who are afforded employment protections in such circumstances. It is important to note that illness is unpredictable and unrelated to a person's contribution to the community. It is troubling that something as routine as a pacemaker can lead to status precarity.

The combination of policy changes and the economic downturn created a sudden turn in the fortunes of migrant workers in Alberta. These workers found out that regardless of how long they have been here, how hard they worked, or whether they could still contribute to the community, the new environment meant they were no longer permitted to work in Alberta. They had played by the rules, but matters beyond their control made those rules irrelevant.

Reasons for Staying

As discussed earlier, it is widely believed that most migrants who lose their residency status choose to return home rather than navigate the difficult waters of living without status. However, this group of workers chose to stay and it is useful to understand what motivated their decision to remain. Each participant was asked why they chose to stay despite losing status.

There was a single overarching theme to their answers: a commitment to support their family in the best way they can. This theme was expressed in three different ways, depending on the individual's circumstances and frame of mind: a lack of prospects back home; to support their family back home; and building a life for Canadian-born children.

First, many workers compared the precarious existence in Alberta to life back home, expressing that despite its hardships, the former was preferable. They pointed to the lack of employment opportunities, low pay, and dangerous working conditions as factors in deciding to remain.

“Because I am a breadwinner before. So that’s why I want to stay here because I know there’s a lot of opportunities here. If I am going back home, there’s no more future for me there. I cannot go back anymore to my work.” (Interview 1)

“Back home there’s no future there.” (Interview 12)

“In my country, Philippines, there is no way of getting a new job. And there is no way for us to survive. Like my country now it is [not] going too well. It is not safe. There are many wars that are going on. So I don’t know if we are going to be safe if we go home.” (Interview 4)

The flipside of that sentiment is the belief that working in Canada is the best way for them to support their family back home. The participants feel a strong motivation to provide financial support to their families. There is a disregard for their own well-being in the expression of the need to support their families.

“I decide to [stay] because I need money for my family because they go to school. That’s why I want to stay here. To support my family.” (Interview 2)

“I have to support my parents. If I go home, what will happen to them?” (Interview 24)

"I will do whatever it takes for my child so I can send them to a reputable school even though the consequence is I will starve here. I will sacrifice here for as long as I can provide for my family in the Philippines so they can eat three times a day. I know they are not prone to sickness. If they get sick, I can have the means to send them money for their hospital bills. I am good if I can provide everything for them. I don't have to think about myself here. For as long as my children are in good condition. I don't think so much of my situation here if I am having difficulty or not. I just think about my family in the Philippines and most especially my child that I can give them a good life. That is the reason why I still sacrifice to stay here." (Interview 9)

Finally, many chose to stay because they want to build a better life for their child(ren) in Canada. Twelve participants (11 women, one man) had children while living in Canada. They are aware that their children are Canadian citizens and possess all the rights of citizenship. They are committed to finding a way to ensure their children get to enjoy those rights, which requires, in part, not leaving the country.

"My dream is here in Canada for my child even if it is not for me. It is for my child. I want my child to have a better future in Canada." (Interview 7)

"I just want my daughter to live here and to have a right to go to school. She's Canadian. ... She deserves to be here." (Interview 8)

"Sometimes it [has] crossed my mind about if my child and me just go home. I am just worried about my child. Maybe in the future my child will ask me, 'I am Canadian born why you did not find any ways [to stay]?' If I am only thinking about myself, I could have gone back home." (Interview 25)

One of the reasons staying for a child born in Canada is such a powerful motivator is because of the perverse practices regarding Canadian-born children of migrant workers. Canada has a longstanding policy that people born in Canada automatically become citizens. This applies to children of migrant workers. However, if the migrant worker parent leaves the country or is deported, the impact on a dependent child is complex. While many arrangements are possible (i.e., the child remains with a family member in Canada), the most common practice is that the child leaves with the parent, regardless of the child's citizenship status. The child's right to return with a Canadian passport will only have practical effect once they are a young adult. In practice, migrant parents of Canadian-born children know the only practical option for their children to make use of their citizenship rights, such as access to health care and education, is to remain in the country.

The workers' responses to why they stayed reveal another characteristic of these men and women; they expressed determination and willingness to sacrifice to achieve their goals. Most people would shrink from the choices they were required to make, but their commitment to the goal of supporting their family and building a better future is strong enough to overcome the natural fears and anxieties that come with such precarity.

Efforts to Regain Status

Being without appropriate legal status is a state of affairs no person wants to be in. Every worker interviewed made multiple attempts to regain their worker status or obtain another form of status to allow them to remain in the country. These efforts took a number of forms.

First, it must be noted that some participants never became officially undocumented. Three workers, knowing their work permit would expire soon, applied for other types of visas before the expiry and remained living in the country on those new visas. A handful of others were successful in obtaining new visas shortly after the expiry of their permit. These examples demonstrate the fluidity of residency status in Canada and why caution should be exercised in using the term “undocumented.”

There were three broad strategies adopted by the workers to regain/obtain legal residency status. The first is obtaining a different kind of visa. Six workers were successful in obtaining a visitor's visa, allowing them to remain in Canada (although prohibited from working). Three others obtained student visas by working with private, for-profit colleges that provide expensive technical diplomas. None of the three completed the programs. A dozen others applied for a visa and either were denied or at the time of the interview had not yet heard a decision. Obtaining a different visa was seen by the workers as a temporary measure. It was a way to remain in the country legally while finding a new source for a work permit or permanent residency.

“To be honest, I don't want to study here as international student. It's expensive and I don't want to spend money just to study because I already have my degree in the Philippines. Yeah so you just want to shift to another visa just to get your status back, you don't want to get out of status and you're trying to make your status okay.” (Interview 13)

“I tried to apply as a tourist because I cannot apply on study permit. I was pregnant last year ... I could not think of any way to stay and all I can think of is to apply for tourist [visa]. Although there is another option of applying for student visa but I cannot afford the 'show money' [upfront tuition] that is really enormous.” (Interview 25)

The second strategy was to utilize the myriad processes under Canada's immigration system that can extend status. Two processes are of particular relevance to migrant workers: Implied Status and Restoration of Status. When a temporary resident applies for a new visa or an extension of an existing permit they are considered to hold Implied Status during the period in which Immigration, Refugees and Citizenship Canada (IRCC) is processing the application. Implied Status means they can continue to live in Canada under the terms of their last permit until a decision is rendered. Processing times at IRCC can be three to six months long, meaning Implied Status is not an insignificant extension of legal status. Restoration of Status is an application that can be made if the resident's permit expired less than 90 days previously to have the permit restored and, in effect, extended. The criteria and conditions of restoration are not well articulated.

Almost all the participants used these processes to extend their legal status and they used them in strategic ways. A number of workers reported applying for visas or restoration for the purposes of achieving Implied Status. In other words, they knew their application would likely be rejected, but the processing period provided a reprieve. Many submitted multiple applications in succession for this purpose. Restoration was valuable for those who were unable to take action before the expiry of their permit.

"I apply for restoration status. Somebody help me to apply. Right now I am legally okay in Canada. Before I was not ... my status was already expired. ... [It is] just about time to submit another application. ... It doesn't matter if the government deny my restoration status because I'm going to submit the other application." (Interview 8)

"While waiting for the [permit application] file number, we are also waiting for our visitors visa result. ... [The visitors visa was denied] so they said we can reapply for our visitors visa. ... We are [also] in 90 days of restoration. ... We reapplied for a new visitors visa. It took us four months to get the result." (Interview 4)

The third strategy was to apply for what the workers colloquially refer to as "Humanitarian," referring to a process where the minister of immigration can grant permanent residency to a person without status on "humanitarian and compassionate grounds." The decision is solely in the discretion of the minister and very few applications are granted. This application was seen by the workers as a strategy of last resort, given that the odds of success are slim. It is also one final method to extend Implied Status for a few more months.

“We are losing hope. My last resort was to apply for Humanitarian because I don’t have a choice.” (Interview 9)

“Someone told us to apply for Humanitarian. I know that is the last option. And if there is other way, that’s legal to stay here then we will do that.” (Interview 3)

A relevant component in the participants’ efforts to regain status is their experience with immigration consultants. Most participants at one point approached an immigration consultant to assist with applications and navigating the IRCC system. Many of the strategies employed by the workers came from the advice of consultants. Workers’ experience with consultants was mixed, but most report at least one negative experience. First, consultants were expensive, with fees ranging from a few hundred to a few thousand dollars. Most participants report paying more than \$2,000 for assistance in navigating application processes.

Second, the consultants’ track record at delivering promised services was spotty. While some acted professionally and effectively assisted the workers, many did not perform contracted work, or submitted incomplete or poorly completed applications that were rejected for technical, rather than substantive, reasons. Refunds were rare. There are few effective mechanisms for migrant workers to hold consultants accountable, and therefore they are vulnerable to exploitation and fraud.

“We got an agent but [they] defrauded us. ... Actually we paid already, a high amount. But ... I paid for services and in the end they did not do anything. It was us, I did [the paperwork].” (Interview 19)

“All in all, I paid \$4,000–\$6,000. Three-thousand dollars for an application for LMIA. ... He said it is for an application for LMIA all the way to a work permit but then ... it got canceled and we didn’t get refund. They didn’t give it back and then Restoration and Implied is a different payment. ... \$900 for restoration then almost \$1,000 for Implied.” (Interview 26)

Consultants often partnered with employers and other organizations, ostensibly using their networks to aid migrant workers, but often in an effort to coordinate exploitation. Through cooperation with consultants, employers attempt to download their financial obligations, such as paying LMIA fees, to workers. One worker’s consultant, after multiple issues related to fees, including requiring them to pay the employer fees, arranged employment where the worker’s paycheques would be forwarded directly to the consultant:

“I have an agent ... but he wants me to pay him first but I don’t have money, I don’t have a job, he charge too [much]: work permit \$300, LMIA is \$1,000 then his charge is \$1,000. He wants me to pay \$2,500. ... I borrowed money, so I pay him \$1,400 so he can process my LMIA but nothing happened because he didn’t process my papers. If it’s not paid in full, he give it to someone who pays complete. ... [Then] my agent said he’ll renew [my visitors visa] but asking for bigger charge. ... I paid \$800. ... [then he says] if your visitors visa expire I’ll process your Humanitarian. He asked me for \$400. ... I told him that’s too expensive, I don’t have money, I’m not working. He said he’ll give me employer. I’ll work there but he won’t pay you cash, he’ll pay under my agent’s name. He said my pay will go directly to his name as payment for processing my papers for Humanitarian. I said no.” (Interview 12)

In another case, a consultant worked with a private, for-profit college to arrange placement in a hospitality management program that ultimately ended up being a scam—something the worker didn’t learn until they had paid the tuition:

“It was recommended by the agency. So the agency that’s handling my documents and everything, is saying that [Private College]—they are tied up with [Private College] for the course that I am looking for so that I would be able to get the student visa so I can apply for a post graduate work permit. ... This agency was ... saying we’d need to take an entrance exam to [Private College] for the Hospitality Management course. So I did that, up front they told us that you need to pay \$2,500 Canadian dollars for us to help you processing the papers. ... I successfully got the entrance exam passed. ... [Tuition was] I think \$18,000 plus books, but the books they didn’t tell us how much is the total. So all in all, when you computed all the receipts, you would pay to this school around \$23,000 to \$24,000 Canadian dollars for a two-year course. ... When I found out that the course was not licensed I made a decision ... I didn’t finish the course because I need to find a way for me not to lapse my legal status here in Canada.” (Interview 13)

Migrant workers employ every strategy they can to maintain or regain residency status in Canada. This is part of their determination. However, their desperation and the complexity of the system also leaves them vulnerable to abuse at the hands of immigration consultants.

Working Without Status

Migrant workers in Canada are vulnerable to exploitation at work due to their limited citizenship rights, marginalization in the community, and dependency on the employer.²⁹ When migrant workers lose their formal working status, their vulnerability to exploitation increases. Undocumented migrant workers have greater difficulty finding and keeping work and, when they do find work, experience difficult working conditions. When confronted with exploitation, undocumented migrant workers have little to no recourse through formal enforcement processes due to their status precarity.

Finding and Keeping Work

After the expiry of their work permit, only three participants remained with the same employer. All of the others were severed from their employment (if they still had employment at the time of expiry). Eleven had not worked since losing their status, including two who had become students. The rest, 21, had found various forms of other work, mostly informal, casual employment paid on a cash basis.

Some chose not to work because they feared getting caught working without status. Many of those opting to not work have some other form of visa (student, visitor) which prohibits working but allows them to live in Canada and they don't want to risk that visa. *"I don't have work because it's illegal for me to work, right" (Interview 1)*. Others want to work, but struggle to find anything. *"I call my ... old boss. And he give me job. Another job. Just only one month. That's good. Then he told me I cannot hire you because you don't have papers now. ... It is hard because I don't have papers. That's why it's hard to find a job" (Interview 2)*.

Formalized employment relationships are largely out of reach for these workers. Most employers shy away from the idea of employing someone "illegally." Losing one's work permit means losing access to the world of formalized work. Many do not make the transition and end up not working at all.

But for most migrant workers, not working is simply not an option and they seek out whatever work they can find. A few find work with a formal employer (i.e., a business), usually working for cash. Most, however, end up in the informal sector, doing tasks for cash for friends, neighbours, and family members. Common jobs included house cleaning, babysitting, cooking and, for men, casual labour jobs.

29 Nakache and Kinoshita, The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail over Human Rights Concerns

“Just my Filipino friends, they’re helping me. I’m watching their kids, they’re paying me and then I pay my rent.” (Interview 12)

“Two times in a month, I clean a house. And then I work with the friend. She has a spa business. And I helping her with some massage appointments.” (Interview 8)

“Now what I do is I am selling. I make candies or snacks and I sell it to them. Or sometimes I make a suggestion to them that if you have special occasion just give me a call and get me as your cook and you just pay me like 10 dollars something like that.” (Interview 21)

“Sometimes one of our Mexican supervisors have pity on me, even paying under the table they are asking for us to go to work. He [takes] pity on our situation.” (Interview 24)

In their responses there is a clear sense that the workers are not happy with working informally, but they see no viable options. As one participant put it:

“I only work part time [as a] house cleaner with my friend just to live here, just to earn money for my rent and for my basic necessities. . . . This is my first time to do cleaning my entire life. I really need to do this because I don’t really have another choice. I don’t have any choice to live here and I don’t have any choice how to earn money and this is the only thing I know how to earn money. And those are the people looking for a cleaner. So I know it’s really hard but I really need to do this because I don’t really have any other choice. If I only have a choice to work at an office or any establishment I will do that and I will stop working as a cleaner. Unfortunately, since Canada is really strict for that one, it’s really hard for me to survive.” (Interview 13)

As is the nature of informal work, few workers have consistent hours or maintain the same work over an extended period of time. Working without documentation is a process of constantly seeking out possible jobs that may last a few days or offer only a few hours a month. Workers utilize their informal networks to fill unmet needs, usually around domestic life. Interestingly, much of the work is not performed for middle-class Canadians, but for people within their community and networks.

For migrant workers without status seeking and keeping work is a daily struggle to pick up remnants of work that fall through the cracks of the formal labour market. It is, unquestioningly, a process of marginalization and of survival.

Working Conditions

Lacking formal protections, migrant workers working in the informal economy experience a range of working conditions. Some participants expressed satisfaction with their working experience post-expiry: *“It’s okay. It’s safe”* (Interview 10). A reoccurring focus was on whether the wage was decent and paid on-time. *“My salary is never delayed. It is always on time. Everything that they give me is right”* (Interview 24). Underlying this sentiment is an expression of low expectations—workers don’t expect the work to be a positive experience. *“It is hard but you need to accept that”* (Interview 3).

Participants commonly expressed frustration at the unfairness of the relationship. Payment of wages is a particularly difficult issue, and many indicated they struggled to get paid in a timely manner for the work they performed. Others told stories of being paid less than promised or being forced to accept unfairly low wages.

“He’s not good with paying me. The other workers get paid twice because they have papers but then there’s two of us who are getting paid by cash and we don’t get paid on time, sometimes after a month no pay. ... I’m having difficulty because I have to pay rent, buy bus pass [and] food. I always asked him when I’m getting paid when my co-worker asked me, ‘You haven’t got paid yet? We got paid twice already.’ I would say...no not yet. ... My landlady is getting mad because my rent is always late.” (Interview 12)

“The lady who I used to live [with]. ... I work as a nanny. She just pay me a little bit money every week. I work like 50 hours a week. It was a lot of job. I was up really from 7 am to 5 pm. And she just pay me like \$150 for a week. It was an insult. ... And she says, it’s okay because you and your daughter are living here, you eat here, you aren’t paying rent. So it’s okay, \$150. And I took it because she says she is going to get me the work permit. That’s what she is saying in the first place. So that’s why I get involved with her.” (Interview 8)

One of the central concerns is that the lack of status gives the worker no recourse if the employer rips them off. One participant retold an experience of working on a painting job for 10 days and being paid only \$100 for the entire period, with the employer skimming the rest for themselves. When asked why, they responded, *“[They] know that I don’t have status that’s why”* (Interview 5). When asked how they reacted to this mistreatment, the worker said, *“I just only say thank you and then yah that’s the way. ... That’s the first lesson that I have learned here in Canada. If you don’t have any status and then any bully ... they can do to you [what they want]”* (Interview 5).

Workplace safety was raised by a couple of participants. They expressed concern about corners being cut around safety, and again reflected that there is little they can do to prevent it.

“I work there at the construction demolition. It’s not safe. Even if you have a mask, I could still smell and sniff asbestos.” (Interview 18)

“Right now I am working as a demolition team with house buildings. But I experienced again that I have one supervisor which he cannot speak in English. And it is very hard for me to explain the safety like [wearing masks]. And they don’t even have safe practices so I’d rather walk out with this kind of boss. Yeah, that’s unsafe.” (Interview 5)

Living Without Status

The challenges of being without status in Alberta do not stop at the workplace door. There are a variety of things that permanent residents take for granted that for undocumented migrant workers become very precarious. Access to health care and education are among the biggest challenges undocumented workers face, as they become ineligible for government-funded programs and services. Other community-based services and activities also become harder to access, for formal and informal reasons. Finally, the fear and stress of living without status exacts a toll on the workers’ physical and mental health. In many ways, migrant workers pay a huge price when they choose to remain in the province after their permit expires.

Access to Health and Education

One of the significant consequences of losing status is the loss of a valid Alberta health care card and, therefore, access to Alberta’s publicly funded health care system. Accessing health services remains possible for undocumented workers, but significant barriers exist. Emergency rooms and hospitals have an obligation to treat patients regardless of their residency status. However, if the patient does not have a valid provincial health number, the hospital will bill for their services. Similarly, doctors are permitted, but not obligated, to see non-status patients, and are allowed to bill for the visit. Many pharmacies require a valid health number to process prescription drugs.

The participants in this study reported that access to health care is one of the biggest challenges to living in Alberta without status. The challenge takes a number of forms. First, they reported reluctance to seek medical assistance due to the costs.

"Sometimes I endure the pain. Sometimes I am having a fever or my teeth are in pain or whenever I am not feeling well, I just endure the pain. I just treat it by medicine. Because I have no choice." (Interview 24)

"I take care of myself. If I don't feel good sometimes, I just ignore it." (Interview 12)

"If I don't feel well, I don't go to work. That is what I do." (Interview 23)

One worker who has a thyroid condition stocked up on their medication just before losing status. When asked what they will do when the supply runs out they responded, *"I'm gonna get them from some friends that are going to Mexico and then they are going to bring it to me" (Interview 8).*

The workers would avoid seeking treatment for minor conditions, but when the issue was serious they would have to present themselves to an emergency room. When they did go to the hospital, no worker reported being denied health care due to their status. Instead, they were presented with hefty bills upon discharge. Visits to a doctor also came with a charge.

"The hospital charged me more than \$5,000 plus I paid \$1,000 cash for the doctor. My child also got billed. But when my child got his health card, they were able to remove the bill for my child." (Interview 7)

"In September 2015, I give birth. I don't have a health card because it was expired. So the hospital charged me. ... \$5,100 for just one day. ... Because they told me the next day, they [would] discharge me. They told me, you need to go out now because you don't have health card and so that your bill will not go up. So if you are strong now and feel like going home then we will going to release you." (Interview 1)

"One time when I visit doctor. ... I paid \$100 but now I [don't] take the pills because I can't because I must get a prescription. I can't buy prescription because ... doctor must always check high or low ... All my life take pills and now I can't. It's very dangerous for me, nervous. I'm nervous every day." (Interview 32)

The most common reason for going to the hospital was to give birth. Participants reported being charged between \$5,000 and \$46,000 for giving birth in a hospital. Most did not have the money to pay the bill and were either facing a collection agency or have negotiated a monthly payment plan. One respondent suggested how these payment plans are arranged:

“They were asking me how much can I afford to pay monthly. ... I told them maybe I can pay \$50 per month. They said they cannot accept that much. I asked them how much is your minimum? They said I have to pay at least \$150 per month. I said I cannot afford that. They did not allow it. So I have monthly payment of \$150 now” (Interview 25).

Many of the new mothers reported initially being billed for the care provided to their new babies, even though they were automatically citizens. In 2016 the Alberta government reversed the practice of billing for children and authorized reimbursement for those charged. Mothers who gave birth following this change reported their baby’s care was free, but they were still billed for the birth.

Often the loss of status meant the suspension of an ongoing treatment. One worker was undergoing regular chemotherapy treatment for cancer at the time they lost their status and had to choose between stopping treatment or paying directly for the therapy.

“During that time my chemotherapy was every three weeks. ... There is one session which is the last session and my work permit was about to expire and my restoration was almost over. I still have one more chemotherapy at that time. I begged from them. They are charging me so high. It is like \$4,000 every session. ... I also begged Alberta Health Care if it is possible for them to extend [my card].” (Interview 21)

A few participants did find access to free health care. One reported their doctor refused to take a payment:

“The doctor also gave me free medicine. I do not have any doctor’s fee. ... they didn’t ask for a single penny. [They said] because you told me that you do not have papers. How can you pay me? So it’s okay. You don’t need to pay me. That’s what the doctor said.” (Interview 3).

Another learned through informal networks of an unofficial free medical clinic that helps migrant workers. However, these experiences are in the minority. Most migrant workers either pay for health care or go without.

Access to education is a more selective issue, relevant only to those workers who have school-aged children. But for those parents, the fear of losing access to school loomed large. Officially, schools are only provided funding for children of Alberta residents. This requirement means the parents' status is relevant to a school principal, whose school can only get funding for the student if the parents are legal residents of Alberta. Migrant workers reported that principals frequently asked for their work permits to demonstrate their child's "eligibility" for funding, even if that child was born in Canada. The legal obligation of schools to educate a young child of an undocumented worker is unclear, and thus the source of the fear. There was a widespread belief that principals can refuse to enroll a child of an undocumented worker.

"The first thing I worry about is that if they know I don't have a status. ... I know my status is linked with [my daughter] even if she's Canadian, right. If they know I am not status maybe they will deny her to go to school. And that's what I don't want." (Interview 8)

"I am thinking that any time [the principal] might force me to stop sending my child to school." (Interview 9)

Health care and education are basic human rights. Alberta and Canada are proud to point to the fact that all residents receive quality health care and all children receive a quality education. Except that is not entirely true. Migrant workers who have lost their status have precarious access to these basic rights. Their ability to receive care can switch mid-treatment. This study did not find anyone who was formally denied access to health care or education for their children, but it did find a widespread fear of denial and restricted access to health care due to financial concerns.

Community Services and Involvement

A myriad of services and supports in the province are reliant upon having valid identification—from the library to driver's licenses to banking. Most Albertans take access to these services for granted, given that all we have to do is pull out our ID. But what happens when your ID exposes your lack of status? When a migrant worker loses their status, their access to these kinds of services also becomes precarious. Remaining involved in the life of the community can also be a challenge, for a variety of reasons.

One of the most significant supports that become precarious are income supports. Participants reported losing access to a range of income supports that they had a right to access before their permit expiry, including Employment Insurance (EI) benefits and child benefit payments.

“For two months [I received child benefits], ... but they stop when my work permit expires. They said they will continue if I get new work permit.” (Interview 12)

“When my work permit expired, I have no more EI.” (Interview 19)

“I was able to get [child] benefits until I finished my contract and before my work permit ends. On October I did not received anything anymore. ... Then from that they did not gave me any child benefit.” (Interview 9)

It is important to note that these are programs to which the workers were entitled to receive benefits. Migrant workers contribute to EI through payroll deductions and receive benefits if they meet the minimum thresholds. The Alberta and Canada child benefit programs are anchored on income and family status and are intended to assist parents in raising their children. They are funded through tax dollars, which migrant workers pay. The loss of these supports due to permit expiry undermines the principles upon which these programs were built.

Having a valid driver’s license is an important part of navigating life in Alberta. It is not just that it provides the right to drive—which is often key to employment and community engagement—it also acts as a key proof of identity for accessing other services. Undocumented workers struggle to acquire or renew their driver’s license, leading to a cascade of barriers to accessing services.

“When I came here, I was able to get the driver’s license class 7. But when it expired I was not able to get another driver’s license because they are asking for my work permit before I can renew my license.” (Interview 7)

“If you want to drive and you want to learn how to drive, you are not allowed because you don’t have a valid ID and you don’t have status.” (Interview 24)

Access to financial services is also precarious. While about half of the participants reported no issues accessing a bank account, many do not have a bank account, as they do not have sufficient ID to set one up. Others have an account but are afraid to use it in fear it will track their movements and/or trigger notification to the authorities. Others don’t access banking services because they have insufficient funds to make it worthwhile or choose to use cash only. They also experience challenges accessing other financial services, such as international wire transfers, due to a lack of identification.

"Yes, I do still have money, my savings, but I asked my sister-in-law to keep it for me." (Interview 30)

"I still have a bank account. It's still okay. It's activated. But you know it's empty." (Interview 15)

"For example the Western Union ... when we tried to send money [with] Western Union if you don't have any ID then we cannot send money." (Interview 19)

"I am also afraid to make any transaction because anytime they can report me to the authorities. ... Sometimes my cousin will send me money but not through my bank account. But I use my friend's bank account. They said that if the immigration will see that there is money coming in on your bank account, they might suspect that I am working under the table. That is one factor that I am afraid of." (Interview 9)

Accessing other services can also be problematic. At various times participants described difficulties getting a library card and buying a municipal recreation centre pass or a low-income transit pass. Even accessing services from non-profit agencies sometimes proved difficult. One participant claims to have been turned away from an agency due to a lack of identification:

"Just recently I went to [non-profit agency]. But they are asking for police certificate and two valid ID but I do not have any of those documents. I do not have any police certificate. They needed two valid ID but I do not have any valid ID." (Interview 7).

For many migrant workers without status, staying active in the community serves as an important lifeline, and many went to church and sought out social activities within their cultural community. Others volunteered at a local organization. Many expressed how volunteering and engaging in local activities was a solace in their lives.

"So I want to socialize to be part of the community. So that temporarily I will forget about my problems. Everything that happened to me before." (Interview 1)

"Every Sunday I attend mass and play basketball with the Filipino group." (Interview 29)

"I was in a choir in the community church. Also I was a server and a member of our prayer [circle]." (Interview 4)

"I started to go at a group at a multicultural centre. It's for moms that are language Spanish speakers." (Interview 8)

But for every participant who talked about their efforts to stay active, there was a participant who was afraid to get involved.

"For now I don't have any papers, I don't feel safe. My actions are limited. Things that I do is limited." (Interview 16)

"My child and me are just locked inside the house. I mingle with some people but they have the same status like me. They are also undocumented. So we all share how we feel and our stress and fear. In that way, we are less stressed because we all feel the same way and what we fear." (Interview 9)

One participant described trying to volunteer at a local charity but was rejected due to their lack of status. *"I wanted to volunteer as a cook. But I cannot show ID because I am undocumented. They wanted me to volunteer. The coordinator wanted me. ... But they are asking me for ID. I showed my passport but they were looking for Canadian ID." (Interview 18).*

Falling out of status has a cascading effect on access to a range of services and community activities. Many of those effects are unanticipated, the result of precarious identification or fears of being identified. Key financial supports are removed and access to other important services are made more precarious. The result of these compounded effects are a degree of isolation and marginalization from the community. Despite the barriers, undocumented migrant workers make efforts to stay connected with other people, but even those basic human connections can be rife with fears of exposure.

Fear, Stress, and Health Effects

Living without status also means living with a constant state of anxiety over the prospects of being caught, trying to find work and pay bills, and the overall precariousness of life. Almost every participant expressed feeling stressed and fearful over their situation, and many reported physical and mental health effects as a result. Fear and stress are related to their precarious residency status, of course, but are also connected to income insecurity and community marginalization.

All participants acknowledged living with high levels of stress in their day-to-day life. It arises from a mixture of uncertainty and worry that the situation will not change. Often there is an element of self-judging and blame in their expressions of stress.

"I used to cry. Stressed. You know, our life is so affected and [when] the other people know you they discriminate [against you]. Especially when they know your situation." (Interview 3)

"All I am feeling right now is stressed about my situation. I am thinking of my status and everything. Most especially during the time that I have to pay bills, I contact dad and tell him about the situation. I am really having difficulty. I feel so poor." (Interview 25)

"It is not good. I am so stressed. I feel like I am useless and hopeless. Sometimes I think of giving up. Sometimes I am getting crazy thinking so much about so many things that I don't have any option and I have limited things to do." (Interview 9)

Constantly looming over the workers' heads is the prospect of authorities learning their status and deporting them. This overarching fear leads to rising levels of distrust, both of authority figures such as police and other people in the community. They fear drawing attention to themselves will lead to exposure. They know that being stopped by the police, even for routine matters, may lead to a request for identification which they cannot produce. It is a pointedly fearful situation for them.

"[At work] sometimes I got police customers, sometimes I'm nervous and scared. You don't know if they're from immigration, and [if] they'll send me home." (Interview 12)

"To tell you honestly, no I don't feel safe. We are so afraid that what will happen, what if somebody will tell [my status] to somebody and that somebody will tell immigration." (Interview 4)

“Sometimes I am feeling nervous if there is a pull-over. You know the first thing that the police officer will check is your identification.”
(Interview 24)

“The policeman, yeah, if the policeman stop [you], show, please, papers.”
(Interview 32)

All of this stress and fear leads to physical and mental health effects. Income insecurity also leads to health issues due to lack of nutrition, lack of exercise, and other factors. Many participants reported feeling physical consequences such as weight loss, a lack of sleep, and worsened health. Many talked about depression and other mental health concerns.

“Well I’ve lost weight a lot. Of course, you cannot eat properly. . . . Before there is no problem in eating, [getting] groceries and stuff. But now you have to pay for tomorrow or for another day. It is very limited. The food [is] very limited.” **(Interview 4)**

“I can’t sleep. I’m always scared. I’m always tense.” **(Interview 15)**

“First, is depression, because you have no income, no work. You’re always thinking [about], especially my situation here and back home, my family. It’s hard not having to work.” **(Interview 29)**

One of the least recognized consequences of living without status is the toll it takes on physical and mental health. There is a very real threat of deportation that looms over everything these workers do. Living with stress and fear every day, combined with income insecurity, leads to significant health concerns—concerns that largely go unaddressed due to the workers’ inability to access health services.

The Future

Undocumented migrant workers very much live from day to day. They are fully occupied seeking work, meeting basic necessities, caring for their children, and trying to support their families back home. Yet, they came to Canada with a purpose, with a goal of making their future and their children's future better. As such, the final thing that should be examined is how these workers' experience of living with precarious status has shaped their hopes for the future. Do they still envision staying in Canada permanently? Do they still want to bring their families over to build a new life? Or have their goals become more modest in the face of the barriers they face? Their responses say much about their resilience in the face of significant obstacles.

Hopes and Dreams

Each participant was asked about their hopes for the future. Their answers were simultaneously convergent and divergent. While there were noticeably different tones in their answers, there were also some common threads. Three themes emerged from their responses.

First, most retained their initial hopes to build a better life for their families. This broad goal of supporting their families and turning their sacrifice into something positive continued to pervade their ambitions. They continued to see this as a possible and achievable goal.

"My hopes actually are for my kid. I want to raise her well. ... My baby really deserves a better future here. So that's why I want to stay here because I don't want to remove that. Because she can have a better future here than in my country. I am not thinking about myself. I am thinking about her. Because her future is here not in the Philippines."
(Interview 1)

"My family that is the number one. My goal is for my family. I want to give them a good life." **(Interview 2)**

"I hope I'll be able to be reunited with my family, my kids, because I know that Canada is our future." **(Interview 3)**

But for some, the longer-term goal needed to be put on hold so they could deal with more immediate matters, namely regaining status. It is not that they had given up on their hopes for their family; regaining status was expressed as a necessary step to get back on the path toward their goal. That said, for many, there was a narrowing of expectations due to their situation.

"Future? Ha ha ha. I hope I get my papers. That's my dream."

(Interview 2)

"I'm not really into any dreams right now because my priority is my papers and my wife's papers." (Interview 28)

"All I want is to have legal status here. Like, for example, a work permit. ... All I want is a legal status. At least an open work permit."

(Interview 19)

Finally, for some of the workers, a tone of fairness and justice entered the framing of their hopes. Instead of shrinking due to their circumstances, it is as if their experience in Canada had broadened their horizons. Their hopes were no longer just about themselves, but about all migrant workers. There appears to be a recognition of how the system isn't working and needs to change, and they had incorporated this awareness into their own hopes and aspirations.

"Our appeal [is] for all of us that don't have any status here in Canada. That [Canadians] would try to listen and understand our situation. If they could only give us a chance to prove ... that we could be a big helper in the country. That we could work hard. And for giving us that opportunity they could save a lot of lives. ... If they could just open their hearts and see how are we travelling and how are we trying to get status or to get a legal job. If they can give us a chance to prove [to] them. Then maybe there are no more families that will be hungry. And there will be no families that will be apart again." (Interview 4)

"You did everything you can. ... You went [through] all the process. ... All I want is to stay here. I'm not going to go home. It's our right. It should be our right to stay." (Interview 19)

The workers interviewed have a hope for their future that remains steadfast. However, their experiences in Canada have shaped that hope, created nuance for what it means and how to achieve it. For some it means hunkering down and doing what needs to be done, while for others it means standing up and speaking out about the broader context of migrant labour in Canada.

Prospects for Regularization

The study participants demonstrated a resilience in their hopes for the future, and retained a faith that things will work out alright. But will things work out the way they hope?

No one knows what will happen to each of these individuals, whether they will regain status and deliver the brighter future for their families they dream of, if they will end up being forced to leave, or if they will continue in this status limbo. But we can comment on the overall prospects of an undocumented migrant worker gaining some kind of permanent residency in Canada.

In short, the odds are against them. Canada's immigration rules are stacked against workers living in Canada with precarious status, and recent changes to the TFWP and creation of the IMP also restrict options available.

CIC has a number of immigration streams, but most are economically focused, aimed at attracting entrepreneurs, business people, and high-skilled workers based on a points system. There are also streams for family reunification, refugees, caregivers, and pilot programs for rural and agricultural immigrants. There is also a quota of spots devoted to Provincial Nominee Programs (PNPs), under which provincial governments can determine the criteria for acceptance.

Unfortunately, migrant workers are not eligible for most immigration streams. The most relevant streams for these workers include the Canadian Experience Class (CEC), Federal Skilled Trades Class, and the PNP. The CEC is targeted toward high-skilled (NOC 0, A and B) temporary foreign workers looking to remain in Canada. The Skilled Trades Class is aimed exclusively at workers in the ticketed construction trades. PNP (in Alberta called the Alberta Immigrant Nominee Program) policies differ by province, but generally prefer higher-skilled workers as well. There is also the aforementioned humanitarian and compassionate grounds.

There are a number of barriers facing undocumented migrant workers looking to gain permanent residency status. First, all of the programs require either that the application be filed outside the country or that the applicant have a valid work permit. Undocumented workers do not dare leave the country to file an application because they may not be allowed to return, thwarting the very purpose they chose to stay for. The lack of a valid work permit is also a roadblock. Some streams allow applications from those with student visas, but this remains an elusive possibility.

Second, access to these streams is anchored by occupational skill level. All of the economic streams award points for the level of skill required for an occupation. The accepted NOC-code occupations are all higher than how these workers were classified when they entered the country. The reality is that most undocumented migrant workers do not fit into the formal NOC code occupations covered by these streams.

Finally, the more flexible options—PNP and humanitarian—are severely restricted in the number of spaces available. As mentioned, very few humanitarian applications are accepted. The PNP programs operate on a hard cap, and Alberta's allotted number of spaces currently sits at 6,000 annually. In addition, Alberta's program explicitly excludes workers who do not currently have a valid residency permit.

In short, Canada's immigration system is structured against the class of workers in this study. If you are an entrepreneur or a high-skilled worker, Canada's doors are wide open. However, if you are a lower-skilled worker, there are very few avenues to permanent residency.

This arrangement needs to be seen in context. These workers were actively recruited by Canadian governments and employers to come to Canada to solve our labour market issues. Many were (falsely) promised that being a TFW was a good path to permanent residency. On this premise they came, they followed the rules, they worked hard and tried to contribute. But when the economic and political dynamics shifted, Canada changed those rules. Now they are unwelcome, with no immediate prospects of gaining a new work permit and no likely path to permanent residency. In the past few years, as successive governments have worked to further open our borders to the "right" kind of immigrant, they have methodically shut the door to thousands of migrant workers currently living in our country. Those workers did exactly what we asked them to do, yet their reward is a map to the exit door.

4. Conclusion

Canada has a very mixed role in the international migrant worker system. We rank number eight in the total number of migrants living within our borders,³⁰ but we have relatively few undocumented workers compared to many countries in Europe, the Middle East, and Asia. Canada's policies regarding migrant workers are relatively benign; working conditions are safer than many countries, basic civil rights are extended to migrant workers, and there are some pathways—however rare—to permanence. However, just because Canada does not rate as one of the worst offenders in the migrant worker cycle does not mean our hands are clean. In many respects, Canadians are blind to the role we play in sustaining this unjust system of international migrant labour.

This study has aimed to show that the cavalier approach taken by the federal and provincial governments has real and human consequences on thousands of men and women living in our province. The approach is cavalier because the well-being of the migrant workers recruited to come to Canada was secondary to meeting the short-term needs of employers and reacting to political pressure. Canada's policies encouraged these workers to come and then left them to fend for themselves with unscrupulous recruiters, employers, and immigration consultants. Once their presence here was inconvenient, the door to permanent residency was closed and they were told to go home.

In the abstract it is easy to see these men and women as statistics, as a “stock” (the official IRCC term for the number of migrant workers in Canada) of flexible labour that comes and goes. That is why this report also aimed to humanize the men and women who opted to stay after losing their status. They don't match the picture most people have in their heads about so-called “illegals.” They are real human beings with daily struggles, hopes and dreams for the future, and a steely determination to survive. It is much harder to say they should just go home after hearing their stories.

The experiences of undocumented workers in Alberta are a consequence of failed policies. Canada's approach to migrant labour has never been a well-thought-out plan. It has been a series of hasty, reactive, short-sighted decisions where the long-term consequences are not considered and the human costs are invisible. Governments found themselves buffeted by the gales of political storms because they failed to anchor their policies in long-term principles of what our migrant labour policy should be. There is a grave need for a rethink how Canada and Alberta handle migrant labour. It is long overdue to ask ourselves what role should migrant workers play in our labour market, and, more importantly, what Canada's role should be in the international system of migration. It is also long overdue that we consider the consequences of our decisions on those most affected—the migrant workers themselves.

30 United Nations, Department of Economic and Social Affairs, Population Division, “International Migration Report 2017: Highlights.”

The reality is that successive governments broke a promise made to these migrant workers. They were told they were welcome and needed in Canada. It was implied that if they worked hard and things worked out they might be allowed to stay permanently. Yet, when the consequences of bad policy and poor enforcement became impossible to ignore, the message changed. Suddenly the migrant workers were to blame for their exploitation, they were at fault for the downturn in the economy, and the welcome mat was removed.

The answer is not as simple as saying we will close the doors and end migrant labour. The reality is that our economy relies upon a supply of migrants to strengthen our labour market. The question is when should those migrants be permanent immigrants, and when does temporary migrant labour make sense? We have never asked that question.

Further, we actually face two questions. The first is, what does Canada's migrant labour policy look like going forward? How do we want to handle ourselves in the future? But there is a second, more pressing, question: What do we do with the migrant workers currently living and working in Canada? It is one thing to decide whether we will accept more migrant workers in the future. It is entirely another to rule on the fate of real people living in our communities today.

Our first task needs to be how to rectify the situation we have created for undocumented migrant workers currently living in Alberta and Canada. Only then is there space to consider how we should proceed going forward.

5. Recommendations

The experience of undocumented migrant workers in Alberta is simultaneously systemic and deeply individual. These workers find themselves in their situation in large part due to national and international systems that drive them from their home country, feed them false promises of residency in Canada, and then punish them for trying to fulfill their dreams of a better future. But they also have distinctly human and individual experiences of trying to survive day to day, working to support their family, and battling to keep their hope of a better future alive.

To respect the dual nature of migrant worker experiences, any policy recommendations must parallel their experiences. There is a pressing need for immediate solutions to help alleviate the situation they find themselves in today. But addressing only their immediate needs will inevitably fall short in tackling the fundamental issues related to migrant labour in the 21st century—or at least Canada’s role in perpetuating those issues.

All levels of government have a role to play in alleviating the experiences of undocumented migrant workers. Indeed, all have a moral obligation. Crafting solutions to help migrant workers is not politically popular, and there are sure to be many voices claiming that helping these people will only make the problem worse or that they don’t deserve our help. It is easy to hide behind stereotypes and outdated stories of illegal migration as an excuse not to act.

This report has revealed a different picture. It has shown a group of people who aren’t out to take advantage of the system, but who are instead stuck in a system that doesn’t work for them. It has shown a group of people who share the same hopes and dreams as all of us, but who find their pathway to realize those common aspirations is much more complicated. It has shown a group of people in all of their humanity—their need for health care, stable employment, community connection, and a sense of security. It has shown a group of people who are just like us.

Consequently, the recommendations in this report are divided into two categories. The first are practical, in-the-moment things we can do to make the lives of undocumented workers slightly better. But those measures alone are not enough. Therefore, in the second category are recommendations aimed to change Canada’s role in the international migrant worker system, and to make Alberta’s and Canada’s policies more fair and equitable.

Federal Government

Immediate Action

1. Amend rules to ensure migrant workers continue to receive income-support benefits, including Employment Insurance, child benefits, and the Interim Federal Health Program regardless of residency status.
2. Implement a regularization program for workers currently residing in Canada without legal immigration status to allow them to re-regularize their status.
3. Create a one-time window for access to permanent residency for all migrant workers currently living in Canada.
4. Increase enforcement of employer violations of LMIA conditions and provincial employment laws when employing migrant workers.
5. Amend legislation governing immigration consultants to increase standards, enforcement, and penalties to ensure that consultants cannot victimize migrants looking for legal status. Such legislation should also regulate consultancy fee rates.

Systemic Action

6. Conduct a thorough review of Canada's migrant worker programs to determine the appropriate role for temporary migration in the labour market and the programs' relation to permanent immigration. The review should be guided by the following principles:
 - Canada is part of an international economic and political system that exploits the vulnerability of migrant workers from the Global South for the benefit of the Global North, and Canada should be working to minimize its role in this system.
 - Long-term labour needs should be addressed by permanent immigration rather than temporary migration.
 - The use of temporary migrant labour should only be to address short-term labour market needs.
 - Migrant labour should not be exploitative or abusive, and migrant workers should have access to the same rights of mobility, health, and well-being as permanent residents. This includes reasonable opportunity to secure permanent residency in Canada.

7. In the immediate term, revamp Canada's migrant worker programs to better recognize the vulnerability of migrant workers coming to Canada. Reforms should include:
 - Issuing open work permits to all migrant workers in Canada to prevent employer abuse and to provide full mobility rights in the labour market.
 - Equality of treatment between lower skilled and higher skilled migrant workers—the same rules should apply to both groups.
 - Tighter restrictions on LMIA processes to ensure employers requesting migrant workers have exhausted every avenue possible to attract workers currently residing in Canada.
 - Increased resources for enforcement of program rules, targeted at employers who violate program requirements, fail to provide quality housing, or violate employment regulations.
8. Expand the Canadian Experience Class stream for permanent residency to include all occupational categories, regardless of skill-level.
9. Prohibit employers and agencies from charging workers recruitment fees for employment in Canada, regardless of the agency's country of operation. Penalties should include blacklisting repeat offenders.
10. Establish Migrant Worker Offices in the highest-traffic source countries to assist potential migrant workers with immigration processes to reduce their reliance on recruitment agencies and to ensure workers receive accurate information about working in Canada.
11. Remove language requirements for migrants applying for permanent residency who have at least two years of experience working in Canada, thus demonstrating a working knowledge of English.
12. Reaffirm that children born in Canada of migrant workers are full citizens of Canada, including the right to not be deported or separated from their family. Parents should be afforded the right to remain united with their children in Canada, either through permanent residency or extended temporary residency.
13. Ratify the United Nations Convention on the Rights of All Migrant Workers and their Families and begin to bring federal legislation and program policies into alignment with the convention.

Provincial Government

Immediate Action

1. Ensure that all medically necessary insured services are provided free of charge to all residents of Alberta, regardless of residency status.
2. Allocate per-student education funding to all eligible students, regardless of their parents' residency status.
3. Invest further resources into targeted enforcement of employment-related regulations to ensure more employers of migrant workers are subject to inspections and penalties, where appropriate.
4. Provide permanent, sustained funding to community agencies to provide settlement-style services to migrant workers, regardless of status.
5. Extend eligibility for income-support programs (including Assured Income for the Severely Handicapped) to all Alberta residents, regardless of status.

Systemic Action

6. Enact legislation enshrining the right to equal access to health care and education in Alberta, regardless of residency status.
7. Enact legislation regulating immigration consulting, establishing clear standards of practice, fee schedules, and penalties for violation of those standards.
8. Expand the role of the Temporary Foreign Worker Advisory Office to actively provide information to migrant workers about their employment, residency, and human rights in Alberta.
9. Issue Government of Alberta identification cards to migrant workers, regardless of status, upon presentation of proof of identity and evidence of current residency.
10. Lobby the federal government for increased spaces under the Alberta Immigrant Nominee Program.

Local Governments

Immediate Action

1. Municipalities should implement policies minimizing the amount of information required for residents to access municipal services such as low-income bus passes, library and recreation centre access, and community social services.
2. School boards should enact “don’t-ask-don’t-tell” policies regarding enrollment of children of migrant workers.
3. Municipal police services should refrain from routine identification checks (“carding”) of residents not violating any laws, and should declare that failure to produce a valid residency permit will not be reported to Canadian Border Services or Citizenship and Immigration Canada.

Systemic Action

4. Municipalities should declare themselves as a “Sanctuary City” to communicate that migrant workers are safe in their jurisdiction.

Appendix 1: Methods

The research for this report was conducted in two phases. Both phases received ethics approval from the Athabasca University Research Ethics Board, and were conducted in conformity with the university's ethics protocols.

Phase One consisted of consultations and discussions with community advocates, agency staff, former migrant workers, and immigration professionals about their experience working with migrant workers. The purpose of Phase One was to define the research questions and design the research project. The participants co-constructed the study based upon their experiences and what they believed we needed to learn about working and living without status.

Unstructured interviews were conducted with 18 individuals. The outcomes of those individual interviews were used to structure the discussion of a full-day roundtable attended by 12 community advocates. The roundtable explored the experiences of undocumented migrant workers and the structural factors that inform that experience. The group provided direction regarding the research questions, the research methods, the role of the researcher in the project, and desired outcomes for the community. The authors produced a draft summary report of the discussions and circulated it among all participants for feedback. An edited, final version was re-circulated to the participants. This report formed the basis of Phase Two.

Phase Two consisted of direct contact with undocumented migrant workers. To conduct the research project, the authors partnered with Migrante Alberta, a community-based migrant worker advocacy organization with strong roots in the Filipino community. The authors and Migrante staff and activists were co-collaborators through all phases of the project. Migrante paid a migrant worker to recruit participants and to conduct most of the interviews under the supervision of the authors. A second research assistant was employed to find potential participants from other ethnic communities. However, no participants were successfully recruited through those efforts.

A total of 32 interviews were conducted in the summer and fall of 2017. Participants were workers who came to Canada with a work permit issued under the TFWP and who chose to remain in Canada after their permit expired. Recruitment was conducted using informal community networks and via snowball techniques. Initial recruitment focused on individuals with whom Migrante had contact and built up a trust relationship. Subsequent participants were identified via participants. A key component in building trust with participants was the use of a migrant worker in recruiting and conducting the interviews. Interviews were conducted at a private location selected by the participant.

No attempt was made to recruit on the basis of nationality, gender, or occupation. The disproportionate number of Filipinos is due to the recruitment strategies employed. All participants were residing in northern Alberta—the majority in Edmonton—at the time of the interview. However, many first arrived in other locations and moved to northern Alberta at some point. Twenty-four of the interviews were conducted in the workers' first language, Tagalog, and eight were conducted in English. All interviews were audio recorded, translated if necessary, and transcribed. Participants were provided a \$25 gift card and transit tickets, if required, for their participation.

Given the vulnerable status of the participants, the authors took several steps to protect their privacy and prevent any harm. No identifying information, including name, was gathered. If contact information was required to arrange the interview, it was destroyed immediately upon completion of the interview. Consent was obtained orally. Interviews were conducted in private locations. Transcripts were kept on an encrypted, password-protected computer in the possession of the principal investigator.

Appendix 2: Participant Demographics

Table 2. Participant Demographics

| Country of Origin | Gender | Original Occupation | Occupation in Canada |
|-------------------|--------|-------------------------------|---|
| Philippines | Female | Restaurant Manager | Fast Food Clerk |
| Philippines | Male | Fisher | Construction Labourer |
| Philippines | Female | Technician | Fast Food Clerk |
| Philippines | Male | Construction Worker | Construction Labourer |
| Philippines | Female | N/A | Fast Food Clerk |
| Philippines | Male | Factory Worker (Taiwan) | Retail Clerk/Fast Food Clerk/Furniture Assembly |
| Philippines | Male | Telecommunications Technician | Telecommunications Technician |
| Philippines | Female | Factory Worker (Taiwan) | Fast Food Clerk |
| Philippines | Male | Security Guard | Retail Clerk |
| Philippines | Male | Car Dealership Supervisor | Fast Food Clerk |
| Philippines | Female | Call Centre Operator | Retail Clerk |
| Philippines | Male | Heavy Duty Mechanic | Heavy Duty Mechanic |
| Philippines | Male | Restaurant Server | Fast Food Clerk |
| Philippines | Female | N/A | Retail Clerk |
| Mexico | Female | N/A | Fast Food Clerk |
| Chile | Female | Engineer | Housekeeping/Dishwasher |
| Philippines | Male | Restaurant Manager | Fast Food Clerk |
| Philippines | Female | Factory Worker (Taiwan) | Fast Food Clerk/Supervisor |
| Philippines | Female | Student/Small Business Owner | Fast Food Clerk/Retail Clerk |
| Philippines | Female | N/A | Fast Food Clerk |
| Philippines | Male | Chef | Fast Food Cook |
| Philippines | Male | N/A | Retail Clerk |
| Philippines | Female | Factory Worker (Taiwan) | Bakery Assistant |
| Philippines | Female | Live-In Caregiver (Hong Kong) | Live-in Caregiver |
| Philippines | Female | Bakery Supervisor | Restaurant Server |
| Philippines | Male | Golf Course Attendant | Landscaping Labourer |
| Philippines | Male | Factory Worker (Qatar) | Landscaping Labourer |
| Philippines | Female | Computer Coding | Fast Food Clerk |
| Philippines | Female | Clerical Assistant | Laundry Worker/Fast Food Clerk/Retail Clerk |
| Philippines | Male | Machine Operator (Taiwan) | Retail Clerk |
| Philippines | Male | Car Dealer | Fast Food Clerk/Retail Clerk |
| Ukraine | Female | Farmer | None |



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