

Canada's managed migration policy

Working for business, not people

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IN 2009, THE Conservative government oversaw the largest immigration raid in recent Canadian history, during which Canada Border Services Agency (CBSA) officers stormed farms, factories and homes to detain more than 100 non-status workers in Ontario. Two years later, the federal government announced the “four in and four out” rule that now bars the renewal of work permits for foreign workers who have been working in Canada for four years. As a result of this policy, an estimated 70,000 low-wage migrant workers are facing the possibility of expulsion from 2015 onwards. This is one of the largest mass deportations in Canadian history.

These mass raids and deportations are emblematic of a pattern of tighter controls, increased deportations and inflammatory anti-immigrant rhetoric by the Conservative government that further erodes the myth of benevolence in Canada's immigration policy. Canada currently accepts more migrants under temporary permits than those who can immigrate permanently. Permanent residency for refugees, skilled workers and family members is restricted, citizenship is becoming harder to get and easier to lose, while the migrant worker program is exploding.

From permanent residency to permanent precarity

The number of family-class immigrants dropped by 10,000 in the first four years of the Conservative government.² According to Avvy Yao-Yao Go, director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, 30 years ago, family-class immigrants “made up the majority of all immigrants. Today, they account for less than 20% of the total intake.”³

The Conservative government has instituted a quota of 5,000 applications (not acceptances) on the sponsorship of parents and grandparents.⁴ This comes after a complete two-year moratorium on reunification with parents or grandparents.⁵ To even qualify, the government has imposed stringent income requirements and families have to sign a 20-year financial undertaking. For two decades, sponsored parents and grandparents cannot access social assistance without returning it.

As an alternative to family sponsorship, the government is lauding its new “quick” super visa initiative, a temporary visa that requires the purchase of *private* Canadian health insurance. Approval rates for this super visa are substantially higher for applicants from the U.S. and Europe than for those in many countries in Africa, Asia and the Middle East.⁶

All this makes family reunification a privilege for the wealthy and those from western countries, preventing thousands of low-income racialized children from meeting their grandparents. It also further entrenches poverty for low-income immigrant families who are unable to afford child care and have typically relied on grandparents to perform child care and domestic labour.

For other family sponsorships, such as reunifying with partners or children, there are similar barriers. As of August 2014, children over the age of 18 can no longer come to Canada as a dependent family member. Sponsored spouses, where the couple has been together for less than two years and has no children together, must now arrive on a two-year conditional probation residency. If during those two years the relationship ends, the sponsored spouse can lose their permanent residency status. Immigrant women in abusive relationships become more vulnerable as their legal status is contingent on staying with abusive partners.

The situation is equally dire for refugees. According to a 2014 *Embassy* magazine report, the number of refugee claims has decreased by 50%.⁷ The *Toronto Star* further notes that the number of accepted refugees has dropped by 25%.⁸ Between 2006 and 2011, CBSA, which is tasked with immigration enforcement, carried out 83,382 deportations.⁹

Due to the Conservative government’s “Refugee Exclusion Act,” formally known as the *Protecting Canada’s Immigration System Act*, refugees contend with a discriminatory two-tier system based on nationality (see Carlaw chapter). Coun-

tries like Mexico are classified as “safe,” making it essentially impossible to seek asylum irrespective of one’s individual circumstances. Swept aside by successive immigration ministers as “bogus” claims, Canada fast-tracks deportations of refugees from these “safe” countries. The government has also imposed visa requirements targeting refugee claimants from Mexico and the Czech Republic by suggesting they are “system-abusers,” while announcing a biometric entry system for all visa holders.

The “Refugee Exclusion Act” also sanctions mandatory detention upon arrival for refugees classified as “irregular arrivals,” including children over the age of 16. This comes on the heels of the detention of 76 Tamil women and children aboard MV Ocean Lady. Another 492 Tamil asylum seekers aboard MV Sun Sea were incarcerated for months in jails and detention centers across B.C.’s Lower Mainland.

The Global Detention Project has documented an average of 11,000 migrant detentions per year over the past ten years, including up to 807 children detained each year behind razor-wire fences and barred windows.¹⁰ According to the End Immigration Detention Network, migrant detainees spent a total of 183,928 days (more than 503 years combined) in immigration detention last year simply for administrative offences.¹¹ Some are incarcerated indefinitely. Until migrant justice organizers launched a campaign to secure his release, one Iranian refugee was detained for six years because he refused to sign documents consenting to his own deportation.

According to a groundbreaking report, fewer migrants are being released from detention each year with a national release rate average of just 15%.¹² Over one-third of migrant detainees are crammed in provincial prisons, including maximum security facilities, where they sometimes spend up to 18 hours a day in cells.¹³

One of these detainees was 42-year-old Mexican refugee Lucia Vega Jimenez. An undocumented hotel worker in Vancouver, she was detained by CBSA after transit police racially profiled her based on her accent and believed “she wasn’t originally from Canada.”¹⁴ Even when Lucia showed CBSA officers her scars from past incidents of domestic violence, they proceeded with processing her for deportation. She hanged herself while incarcerated in CBSA custody and died shortly after. There have been at least 11 other documented deaths in immigration detention custody in Canada since 2000, the latest one in June 2015.¹⁵ Abdurahman Ibrahim Hassan, a 39-year-old Somali man, died in CBSA custody after being denied adequate medical care and then being “restrained” by officials.

On top of escalating deportation and detention rates, many refugees face limited legal options including very short timelines to file claims, with no right to appeal. Drastic cuts to the Interim Federal Health Program mean they have no access to basic health care.¹⁶ In a rare move for the profession, doctors across Canada occupied federal MP’s offices to protest these cuts.

According to Canadian Doctors for Refugee Care, these cuts “place the pregnancies of refugee women at serious risk, cause denial of treatment for sick children, and deprive refugees with cancer of coverage for chemotherapy.”¹⁷ Even though the Federal Court of Canada handed down a monumental decision calling the cuts unlawful and unconstitutional, the government is appealing the decision. The Harper government has spent more than \$1.4 million in taxpayers’ money on legal fees to fight this in court.

For the few refugees and migrants who do become permanent residents or citizens, the battle for secure legal status does not end there. The “Immigrant Criminalization Act,”¹⁸ formally known as the *Faster Removal of Foreign Criminals Act*, which passed in 2013, allows for deportations of thousands of permanent residents who have been convicted for minor offences, including traffic offences.¹⁹ Additional changes to the *Immigration and Refugee Protection Act* mean permanent residents who came as refugees can lose their status if the Immigration and Refugee Board decides they are no longer refugees.

Finally, the new “Stealing Citizenship Act,” formally known as the *Strengthening Canadian Citizenship Act*, makes it possible to revoke citizenship from dual nationals or even from Canadian-born children who have the possibility of accessing dual citizenship.²⁰ In a shocking precedent, Ottawa-born Canadian passport-holder Deepan Budlakoti is facing deportation. For almost half a year, Deepan was denied the right to work in Canada and he still remains in legal limbo with regard to his citizenship.²¹

Racialization of poverty

As the legal status of migrants becomes increasingly precarious, so too does their economic security. Buried within the Conservative government’s latest omnibus budget implementation act, passed into law in 2014, are provisions to deny social assistance to a majority of refugees. This law amends the *Federal-Provincial Fiscal Arrangements Act* that currently forbids provinces from imposing a minimum residency requirement before a refugee claimant can become eligible for social assistance. Provinces can now impose individual residency requirements for eligibility for social assistance benefits.

These changes deepen poverty for those who are already marginalized. Many refugees arrive in Canada after suffering violence and trauma. Their work permits in Canada often take months to process. To top it off, cuts to legal aid in almost every province mean refugees need financial resources to pay for the legal support necessary for their refugee hearings. Lack of social assistance for refugees is par-

ticularly punitive as it means that refugees will be forced to live without any source of income in a new country when they need assistance the most.

Amnesty International has argued that this “worsens the lives of refugee claimants, who are already in situations of extreme precariousness, and that restricting their access to social assistance violates Canada’s protection obligations under the Refugee Convention.”²²

Living with precarious legal status also means an increased likelihood of being in temporary or casual work, and a decreased likelihood of being able to assert labour rights. According to recent statistics by Food Banks Canada. Of the 833,098 individuals accessing food banks in 2013, over 11% were recent immigrants. This is more pronounced in major urban centers: according to a CBC report, “almost half the people lining up at the Fort York Food Bank in west-end Toronto are recent immigrants.”²³

The latest Canadian Labour Market and Skills Researcher Network study similarly finds that, primarily due to de-skilling, more than 36% of immigrants who have been in the country for less than five years live in poverty.²⁴ A recent male immigrant with a university degree earns 48% of what his Canadian-born counterpart earns.²⁵

This is further corroborated by statistics from the National Household Survey illustrating that immigrant families make up 36.6% of all low-income neighbourhoods and 40% of very-low-income neighbourhoods.²⁶ During the recent period of recession, both the unemployment rate and the poverty rate of very recent immigrants were more than double those of the Canadian-born population. Taken together, this points to a trend of increased impoverishment among recent immigrants.

Ideology of migrant exclusion

As current Immigration Minister Chris Alexander told Parliament, “By making changes to the system, our government is ensuring immigration is protected from those who are seeking to abuse taxpayer-funded health care, welfare, and other social benefits.”²⁷ Here we see the ideological foundation of these various changes.

Family-class immigrants and refugees are considered economic burdens draining the public system. Hence, their entry is either restricted or tied to conditions such as signing financial undertakings and denial of public health care and social assistance. Numerous studies indicate that migrants use social assistance less than the Canadian population.²⁸ Furthermore, such comments erase the immense subsidy to the Canadian economy that migrants provide: for example, grandparents performing child care and domestic labour so that mothers can enter the paid workforce.

Moreover, the idea that migrants are only worthy if they can contribute to the paid workforce is morally repugnant and dehumanizing. The Conservative government has ended the Federal Skilled Worker Program and has implemented a new “expression of interest” system instead. Like an online dating system, employers cherry-pick from a pool of immigration applicants those they want to come to Canada permanently as workers. Those who are favoured are wealthier English-speaking migrants with university degrees in one of only 24 accepted occupations.

Canada’s model of managed migration

It is this racism and classism that sanctions the migrant worker program of indentured labour. The number of temporary migrant workers in Canada has tripled from 101,100 to 300,210 over the past decade.²⁹ The number of non-permanent residents who entered Canada in 2013 (460,663) exceeded the number of permanent immigrants of all types landed that year (258,953).³⁰

Temporary permit programs do include high-skilled workers in the International Mobility Program whose rights are significantly better protected than the increasing number of workers coming under the “low-skilled” temporary foreign worker categories. Lower-skilled occupational categories are included in the Seasonal Agricultural Workers Program and the Live-In Caregiver Program (LCP), for example. Kendra Strauss reports:

The number of [Temporary Foreign Worker] positive labour market opinions doubled between 2005 and 2012 in sectors like manufacturing and mining, oil and gas, and increased more than seven-fold in construction. Even more striking, though, is the increase from 4,360 to 44,740 during the same period in accommodation and food services positions.³¹

Those under Temporary Foreign Worker work permits are indentured to a single employer. They do not have guaranteed access to social services or labour protections despite paying for them. They work long hours and are often paid less than minimum wage. They often have to live in housing provided by their employer and are not granted permanent residency upon arrival. Migrant workers are incredibly isolated as a result. As migrant worker Noé Arteaga puts it, “It’s modern day slavery.”³²

Women coming to Canada under the LCP are particularly impacted by the structural violence of the Temporary Foreign Worker Program (TFWP). Although employment standards stipulate a maximum work week of 40–48 hours, in reality being a live-in caregiver means she can be called on by the employer at any time. Women are exposed to labour violations including unpaid or excessive work hours, additional job

responsibilities, confiscation of travel documents, disrespect of their privacy, and sexual assault. As one migrant domestic worker remarks, “We know that, under the LCP, we are like modern slaves who have to wait for at least two years to get our freedom.”

Low wages and program requirements mean that caregivers cannot sponsor their children for three to seven years. Live-in caregivers also do not have the right to access post-secondary education.

In addition to the supply of cheap labour provided by migrant women under the LCP, the program serves a critical function in the economy. Canadian parents can pay a private daycare \$700 to \$1,000 per month per child.³³ By comparison, depending on the province, the cost of one live-in caregiver under the LCP is \$1,300 to \$1,800 per month. By facilitating the replacement of domestic labour for middle-class and rich women through the LCP, the state is absolved of the responsibility to create a universal child and elder care program that benefits all women and families.

An important report by the Metcalf Foundation argues that the plight of migrant workers is a “Made in Canada” problem. Migrant workers are underpaid, overworked and denied basic rights like decent housing, health and safety precisely because of immigration and labour laws and policies. “Since migrant workers don’t enjoy the same legal status and protections as permanent residents, they are at higher risk of abuse by employers who take advantage of their vulnerability,” writes Fay Faraday.³⁴ One of her report’s main recommendations is that all workers of all skill levels should have access to apply to immigrate and arrive with permanent residency status.

Canada’s model of managed migration, which favours temporariness over permanency, is not, as some might contend, a reflection of a “broken” immigration system. The denial of permanent residency to migrant workers — overwhelmingly persons of colour — is precisely what makes them precarious and exploitable. These workers represent the ideal workforce for state and capitalist interests: commodified and exploitable, flexible and expendable. “It’s not that global business does not want immigrant labour to the West,” author David McNally observes. “It simply wants this labour on its own terms: frightened, oppressed, vulnerable.”

Other countries are taking note. While Canada is often cast as a liberal counterpoint to aggressive U.S. immigration enforcement tactics, the U.S. has pointed to Canada as the model to implement for U.S. migration policy.

Employment authorization programs put forward as part of comprehensive immigration reform policy in the U.S. are based on the Canadian temporary foreign worker program. Immigration expert David Fitzgerald notes in the *Washington Post*:

People look to Canada as a model for their success at making temporary workers truly temporary. But the way they are prevented from staying is by socially isolat-

ing them to an extreme degree, controlling their movements and systematically preventing them from interacting with Canadian society. From a labour rights perspective, it's troubling, but it's appealing to policy-makers because it keeps the workers temporary.³⁵

Conclusion

The devaluation of migrant labour is reinforced by the devaluation of the racialized bodies performing that labour. Though their labour has secured billions of dollars in profit for industry and is a major subsidy to the economy, the naming of migrant workers as “foreign” or “temporary” signals their non-belonging. Such terminology has little to do with how long these workers have lived and worked and built community in Canada; rather, it signals their position as permanent outsiders. It is no coincidence that migrant workers are systematically underemployed and have lower earnings relative to Canadian workers and even recent immigrants with permanent residency status.

This reality stands as a stark counterpoint to the myth of Canadian benevolence and the veneer of Canadian multiculturalism. Indeed, for the few skilled workers Canada is willing to accept as permanent residents, the Conservative government has openly vocalized a preference for immigrants that are “culturally compatible” (read: white).³⁶

Canada has perfected a system of managed migration to ensure the steady supply of cheap labour while entrenching racialized citizenship. With growing anti-immigrant sentiment, fear-mongering about race-based demographic changes, and panics about job losses, migrant workers become the perfect pretext for maintaining a pool of cheap disposable labour. In addition to ensuring cheap labour, the ability to deny permanent residency to predominately racialized temporary workers ensures the undisturbed centrality of whiteness in colonial Canada. Racism underpins the many myths and justifications given for the increasing denial of permanent residency to migrants.

Endnotes

1 This work is based on previous writings including “No safe haven: Canada’s ‘managed migration’”; “Transient servitude: migrant labour in Canada and the apartheid of citizenship”; and “Why everyone should care about the Temporary Foreign Worker Program”. Published in *Rabble.ca*

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