



Fast

# FACTS

CANADIAN CENTRE FOR POLICY ALTERNATIVES – MANITOBA

June 15th, 2018

## Our City's Undocumented: A Case for Access Without Fear

**R**eports about refugees walking across the Canada-US border beginning in the spring of 2017 renewed concerns about immigration policy and undocumented migrants in Winnipeg. In fact, the vast majority of migrants to Canada enter legally, through official ports of entry, and with documentation that is presented to and checked by border officials. Although walking across an international border is irregular, those who did so in 2017 were met by RCMP or Canada Border Services Agency officials, and their status as refugee claimants was both verified and documented. In short, these migrants did not enter illegally, their status as refugee claimants is legal, they are documented and their movement in Canada is tracked by border officials. But this does not mean that they have walked into all of the rights and entitlements of full Canadian citizenship. On the contrary: their status is legal but precarious, just as is the case for many of those who enter through Canada's temporary work, student, and other immigration avenues.

In recent years, Canadian immigration policy has become increasingly reliant on temporary migrants though programs such as the temporary foreign worker program (TFWP). Federal statistics indicate that 116,540 workers with temporary status entered Canada in 2000. By 2014, this number had risen to 567,977 individuals. All of these workers entered Canada legally, presented documentation and became part of Canada's system for tracking newcomers and temporary migrants (whether visitors, students, or participants in the TFWP).

Inherently, temporary status increases vulnerability and the potential for loss of status. People may lose their status (i.e. become undocumented) in a variety of ways.

### Temporary Workers

Temporary foreign workers are tied to a single employer and place of employment; they are at risk of losing their status as a result of lost or missing paperwork, employer misconduct, or breakdown of the employment relationship.

### Refugees

The refugee application process is lengthy and can involve precarious status at various points. If a refugee claimant fails to fulfill certain requirements on time, if their paperwork is missing or incomplete, or if their claim is denied but they are not immediately removed, they may lose their status.

### Visitors and Students

Visitor and student visas are issued to people who want to enter Canada for a temporary purpose. Some people become undocumented when they remain in Canada after their permits have expired (i.e. because of a lack of finances, conflicts in their home countries, gaps in processing paperwork to regularize their status, and many other reasons).

### Permanent Residents

Permanent residents can lose their status if they fail to maintain

there is an alternative.

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residency requirements, if a sponsorship relationship breaks down when a sponsor becomes unable or unwilling to provide for the basic needs of their sponsored spouse, or if they are convicted of an offense, no matter how minor.

Although it is difficult to find reliable statistics, it is estimated that there are up to 500,000 undocumented migrants living in Canada (RCMP 2007). The number of undocumented residents in Winnipeg is likely to increase as Canada's immigration program continues to rely on temporary, precarious immigration status for many. Most migrants who become undocumented are actively seeking to regain or regularize their status. Regardless of their official legal status, migrants contribute to our community in a range of ways, including by paying taxes like PST, GST, and in many cases employment insurance, CPP, and income tax.

#### **The Impacts of a Lack of Status**

The negative consequences of lack of status include :

- Mental health concerns- undocumented migrants live in a state of fear and stress that they will be detained and deported. This contributes to social isolation, anxiety and depression, as well as physical illnesses associated with stress.
- Barriers to accessing health care – those without status are not eligible for public health care and as a result often avoid or delay health care contributing to an increased severity of health issues.
- Poor working conditions – undocumented migrants usually work in low-waged, unsafe working environments and are unable to seek assistance from government bodies that protect workers' rights.
- Lack of access to education – school administrators and staff as well as undocumented parents are largely uninformed regarding children's legal right to education, regardless of their immigration status. This may result in children being denied enrollment as well as parents not enrolling children in school.
- Lack of access to police services-

when those without status are victims or witnesses of crime, they are unable to contact the police for fear of being detained and deported in the event that the police inform federal immigration officials.

Women are impacted by a lack of status in a range of ways, including access to maternal health care, education, protection from domestic and other forms of violence.

#### **Access Without Fear Policies**

A number of municipalities, such as Toronto, Hamilton, Vancouver and Montreal have adopted Access Without Fear policies to ensure that people without status can access city services, including police services, without fear of harm, detention or deportation. Immigration status is not a condition of eligibility for most municipal services which are normally available to all "residents" of the city. Yet due to the precariousness of undocumented migrants' experience, their access to these services is severely constrained, further marginalizing a group of people who are already in a vulnerable position.

An Access Without Fear Policy ensures that city staff do not ask for immigration status in the provision of city services. The policy also ensures that the City will not provide information about immigration status to other levels of government, unless required by law.

The City of Winnipeg has an important leadership role to play by making our city a truly Welcoming Community for all residents, a point made in the recently released report *Winnipeg without Poverty: Calling on the City to Lead*, endorsed by over 90 community organizations. It is vital that services such as paramedic, fire, police, transit, water, recreation, library and more be available to all residents, regardless of immigration status.

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References available upon request.