

Jason Foster Speaking Notes
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Introduction

I recognize the issue of TFWs is not core aspect of this research, which is looking more at permanent immigration. However, they are linked for two reasons.

First, the majority of TFWs have the desire to remain permanently and have hopes that the TFWP is an avenue toward permanent residency. Second, governments at all levels have been sending mixed messages about the TFWP and the IMP as possible avenues to permanent immigration. Brokers also intentionally mislead these workers about the hopes of permanent residency. They are creating false hope amongst migrant workers.

So there is a connection, I believe.

So what I hope to do is spend a few minutes looking at the four main research focuses of the project and how they apply to TFWs and so-called undocumented TFWs.

Method

Over past decade I and my research colleagues have engaged in multiple research and advocacy projects around TFWs. We have likely interviewed over 60 TFWs and their advocates across these various projects. More recently I have been examining what happens with TFWs whose permit expire.

Some of you may remember that in 2011 the Conservative government passed the so-called 4-in-4 out rule, where a TFW could stay for no longer than four years at a stretch. At the time many TFWs had been in Canada for almost a decade. While now repealed, it created an environment where for 18 months, workers permits expired with no hope of renewal. Combine that with the economic downturn where the number of work permits available plummeted, meaning even those not hitting the 4 year maximum couldn't get a new permit.

Many went home. Many chose to stay. Those that stay take on a precarious existence under the cloud of deportation at any time.

In this study we are currently in the field. We have interviewed about 27 TFWs whose work permit expired asking them about their experiences in Canada, in particular what has happened since they have become undocumented. The work is ongoing and so what I present here is preliminary.

Employment

The first theme has to do with employment. As TFWs came to work, employment is the biggest element of their lives in Canada. Their residency status creates a great deal of vulnerability for TFWs, especially those with a closed permit – which restricts them to a single employer and they don't have the same mobility rights as the rest of us.

Their actual work experience naturally varies, but there is widespread abuse by employers – not paying agreed to wages, no overtime pay, non-work related duties, and OHS violations. A targeted inspection campaign by the AB government a few years back found that 75% of employers using TFWs were found to be violating employment law in some fashion.

In part these are not good jobs they come to fill – violations common in these industries regardless of status of worker. But temporary status does make them more vulnerable as they have fewer options in terms of standing up for their rights.

Issues of language, awareness of the law and social isolation also increase vulnerability. When they become undocumented – I prefer term precarious status – it becomes worse.

We see two issues. Some continue working with employer but often more informally – paid cash, etc. Some continue to see deductions for taxes and so on without any prospect of being able to get a refund or access benefits. For those who are working their working conditions worsen – primarily due to complete lack of avenue to defend rights. At the mercy of the employer.

For example one woman we interviewed was being paid only \$50 per week to work 6 days a week as a caregiver because the family new she had no options.

Those not working really struggle to find work, and their situation can become quite dire. Access to formal employment is closed to them. The slip into the dark corners of the labour market. Odd jobs, day labour. Sometimes engage in illegal activities to earn money.

Health

The second them is health. Physical and mental health are basic human rights. TFWs have precarious access to services to protect their health, undocumented workers even worse.

TFWs get access to Alberta health care, but lose it when their permit expires. Hospitals can't refuse to treat someone who presents to them with a health issue. But they can and do two things. One is bill the worker for the hospital services. One of our interviewees gave birth and had to stay in the hospital a couple days. After she was given a bill \$40,000 that she has no resources to pay. You can maybe appreciate how that restricts access to health care.

Second, there are reports that health care professionals will contact border services and report the undocumented worker. This reality suppresses the ability/willingness of undocumented workers to seek treatment for health ailments.

Informal networks have emerged to serve the more basic and needed health care needs – but like all informal, unofficial service delivery, it is spotty, uneven and requires workers being in the know about them.

There are also serious mental health consequences – Dr. Bukola will talk in more detail, I suspect – but I can point to a couple of pervasive mental health consequences of migrant labour. One is the effects of social isolation/community exclusion. They are away from home and family, not linked to broader community in Edmonton. Transnationalism also a barrier – a sense of being in two places yet in neither place at the same time. Their reliance on employer also problematic. They develop a sense of being “here to work”.

They build informal networks, often among other TFWs and/or within their ethnic community, but there continues a marginalization from the broader community.

Becoming undocumented makes that even worse – suddenly you can’t trust community members, must hide your status. Our interviewees talk about trying to “lay low”. One participant ended the interview being conducted in a large park because she saw parents of her child there and was worried they would ask questions of why she was talking to someone like me.

The stress of being undocumented is a common refrain. The dual stresses – of finding a way to earn money, access services – a common stress for all working people – is compounded by fear of being reported. Workers report a variety of negative outcomes related to this stress and fear, including anxiety, depression, disruptions to eating, sleeping and so on.

Youth Engagement

The third theme is youth engagement. My research doesn’t look at youth specifically, but I do want to raise the issue of the children of TFWs and undocumented workers. Some come to Canada with children, but more frequently have a child while they are living here. That means the child is a Canadian citizen, but because they are tied to the parent also share in the precarious status.

Many of the undocumented we interviewed made the decision to stay because of their children – wanting them to grow up in Canada. But it can be complicated. One participant had children with a Canadian citizen. They have since split up. Even though she has full custody and is responsible for all child care, the father receives the child benefit from the federal government, because he is a citizen and she is undocumented.

The focus usually is on impacts on the worker, but let’s briefly consider impact on a child of an undocumented worker. They are born into a socially isolated house with a stressed parent. The family obviously has money troubles as well. Work on children and their outcomes points clearly to these all being strong risk factors.

This phenomenon is of recent enough occurrence that the children are not yet adolescents, which means there is time still to do something, but imagining hundreds of young adults whose only

experience of Canada is social exclusion, economic marginalization and fear of authority gives one pause.

Settlement Processes

Settlement services, the fourth theme, are – except for a couple provincially funded programs –non-existent for this population. It is a window to how the government views TFWs. Even though here for 10 years or more, they deem them as not needing settlement because they aren't staying permanently. No consideration of their life while they are here or helping them succeed in the community. An indication they really are disposable in the eyes of governments and employers.

Caring agency workers often try to offer what they can anyway off the side of their desk, so to speak, but again it is spotty and limited. Even access to legal information about what options they have and assistance with applications for the few avenues available to them is scarce. Often interviewees ask us what we know or if we can help. There is a desperation to figure something out and very few community resources to help them.

UW sometimes find themselves without status due to misunderstanding the rules of the system or being deliberately misled by immigration consultants or recruiters. Which is why there is a need for greater settlement services.

Conclusion

My overall impression talking to the men and women who come here to perform work on the faint hope that they will find permanent residency here, is that they are resilient, strong, determined, and creative. They are not passive victims. They are honest, hard-working people who face the most incredible of obstacles to achieving what most of us in this room possess without even needing to think about it.

There are many challenges facing immigrants of all types. And all newcomers share in some struggles I have outlined. Yet there exists a huge canyon between how the government and society perceives and treats those that it deems “real” immigrants and those that have arbitrarily been classified as temporary.

Permanent vs. temporary. It is a distinction of no consequence in the daily lives of the people living it.