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## Temporary or Transitional?

### **Migrant Workers' Experiences with Permanent Residence in Canada**

**Delphine Nakache and Leanne Dixon-Perera**

Policy changes are needed to facilitate the transition to permanent residence for the growing numbers of temporary foreign workers who seek to remain in Canada.

Nos politiques d'immigration doivent être modifiées pour simplifier le parcours vers la résidence permanente des nombreux travailleurs temporaires étrangers qui désirent s'établir au Canada.



*Diversité, immigration et intégration  
Diversity, Immigration and Integration*

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## Summary

Although more and more temporary migrant workers are becoming permanent residents in Canada, their experience with immigration opportunities remains under-studied. This study aims to fill that gap by examining the lived experience of migrant workers — in skilled and low-skilled occupations — who transition to permanent residence. Authors Delphine Nakache and Leanne Dixon-Perera rely on interviews and focus group discussions with 99 participants (including current and former migrant workers who have become permanent residents, nongovernmental organizations, employers and public servants) to address the following research questions: What factors lead migrant workers to seek permanent residence? What challenges do they face in their transition to permanent residence, and how do they overcome them? What are the implications of two-step migration for settlement?

A considerable number of the migrant workers interviewed indicated that their decision to seek permanent residence was not made before they arrived in Canada. Their decisions were influenced by recruiters abroad, friends, family, settlement agencies and employers. Federal and provincial governments' policies have especially important implications for those decisions. For example, the federal policy that allows migrant workers to stay in Canada for no more than four years at a time (the “four-in, four-out” rule) has encouraged workers to pursue permanent residence but has created risks — including seeking work underground — that may outweigh the potential benefits. Once the decision to immigrate is made, however, migrant workers are usually not willing to give up, despite the difficulties they face.

During their transition to permanent residence, migrant workers encounter several types of obstacles. Especially difficult are language proficiency requirements and the often-stringent rules of employer-driven streams that are an important part of most Provincial Nominee Programs. Applying for permanent residence entails challenges such as navigating existing immigration programs and intransigent decisions by some immigration officers. In addition, prolonged family separation during the transition to permanent residence has negative impacts, especially for workers in low-skilled occupations who had to leave their families at home to come to Canada.

Temporary workers do not have access to federally funded settlement services. Some provincial governments and other players are filling this gap, but research participants agreed that migrant worker legal services and language training need to be urgently addressed.

To facilitate linkages between temporary labour migrants' experience and pathways to permanent residence, the authors recommend removing the “four-in, four-out” rule, extending the right to family accompaniment to migrant workers in low-skilled positions, reassessing language requirements for migrant workers who transition to permanent residence, and providing language training for migrant workers upon arrival. They also put forward two policy ideas for further study and discussion: reconsidering the reliance on employer sponsorship and introducing a federal pathway to permanent residence for workers in low-skilled occupations.

## Résumé

De plus en plus de travailleurs migrants temporaires deviennent résidents permanents du Canada, mais leur parcours vers l'obtention de ce droit d'établissement reste largement méconnu. La présente étude vise à corriger cette lacune en se penchant sur l'expérience de travailleurs migrants qualifiés ou peu qualifiés. Delphine Nakache et Leanne Dixon-Perera ont ainsi mené des entrevues et des discussions de groupe, interrogeant 99 personnes (anciens travailleurs migrants devenus résidents permanents et travailleurs migrants actuels, employeurs, fonctionnaires et membres d'organismes non gouvernementaux) pour traiter de trois questions : Quels facteurs incitent les travailleurs migrants à demander la résidence permanente ? Quels obstacles rencontrent-ils et comment parviennent-ils à les surmonter ? Quelles sont les conséquences de ce processus d'immigration en deux étapes pour ce qui relève de l'établissement des travailleurs migrants ?

De nombreux travailleurs migrants interrogés ont indiqué qu'ils n'avaient pas l'intention de devenir résidents permanents du Canada avant leur arrivée. Leur décision de s'établir a été influencée par les recruteurs de leur pays d'origine, leurs proches et amis, les services d'établissement et leurs employeurs. Les politiques fédérales et provinciales y jouent un rôle déterminant. Par exemple, la mesure réglementaire fédérale relative à la période cumulative d'un maximum de quatre ans (qui autorise une période de travail maximale de quatre ans au Canada et ne permet pas aux migrants de recommencer à travailler au pays avant que quatre autres années se soient écoulées) en a incité beaucoup de travailleurs à demander la résidence permanente, mais a créé des risques susceptibles de neutraliser ses avantages, en favorisant, entre autres, le travail au noir. Cependant, malgré les difficultés qu'ils rencontrent, les travailleurs migrants baissent rarement les bras une fois qu'ils ont pris leur décision de s'établir au Canada.

Parmi ces obstacles figurent principalement les exigences linguistiques à remplir et les compétences à maîtriser, qui, en vertu des Programmes des candidats des provinces, sont le plus souvent axées sur les besoins des employeurs. Pour faire la demande de résidence permanente, ces travailleurs doivent en outre naviguer entre les programmes d'immigration et subir parfois les décisions d'agents d'immigration inflexibles. Enfin, les longues périodes de séparation familiale durant ce parcours ont des effets nuisibles, surtout chez les travailleurs peu qualifiés dont les proches sont restés au pays.

Les travailleurs temporaires n'ont pas accès aux services d'établissement financés par Ottawa. Bien que certaines provinces et certains organismes comblent en partie cette insuffisance, il est urgent d'améliorer la formation linguistique et les services juridiques offerts aux travailleurs migrants, selon l'ensemble des participants à la recherche.

Pour faciliter la vie des travailleurs migrants temporaires en quête du statut de résident permanent, les auteures recommandent de supprimer la « règle du maximum de quatre ans », d'assouplir le droit d'accompagnement familial pour les travailleurs exerçant des métiers peu spécialisés, de réévaluer les exigences linguistiques de ceux qui font une demande de résidence permanente et d'assurer leur formation linguistique dès leur arrivée. Elles proposent aussi d'étudier deux idées : le réexamen du parrainage des employeurs et l'introduction d'un programme fédéral de transition vers la résidence permanente pour des travailleurs exerçant des métiers peu spécialisés.

# Temporary or Transitional? Migrant Workers' Experiences with Permanent Residence in Canada

Delphine Nakache and Leanne Dixon-Perera

More and more migrant workers, many of whom are considered temporary, are becoming permanent residents in Canada. This is an expansion of “two-step migration,” which is understood as the transition of migrants from temporary to permanent resident status within a given country. While in some countries, such as Australia, the majority of onshore immigrants are former international students, making “study-immigration” the main pathway of the two-step permanent residence (PR) process, the prevailing pathway in Canada is that of “temporary work-immigration” (Baglay and Nakache 2013).

The increase in two-step migration has profound policy implications. For example, is it still accurate to conceive of temporary migrant labour programs in Canada as truly temporary when a higher number of migrant workers do not simply fill short-term labour needs and then return to their country of origin? Or, knowing that some provinces are interested in migrant workers in low-skilled occupations who would like to remain in Canada, what should be the response of the federal government? Should there be additional federal pathways to PR for migrant workers in low-skilled occupations? Or, considering the larger role played by employers in migrant workers' applications for PR, should current employer-driven immigration processes be reconsidered? With these important policy questions in mind, and given that migrant worker experience with immigration opportunities in Canada remains largely understudied, we undertook an empirical study of transition to PR by examining the lived experience of migrant workers (in both skilled and low-skilled occupations) who are accessing PR.

We relied on the perspectives of a plurality of actors through qualitative interviews and focus groups (including current and former migrant workers who have immigrated to Canada, non-governmental [NGO] workers, employers and civil servants) to answer the following research questions: What factors lead migrant workers to seek PR? What issues/challenges do migrant workers face in their transition to PR and what support do they use to meet the challenges? What are the implications of two-step migration processes for settlement?

In the following sections, we first provide background information on the most recent changes to Canada's Temporary Foreign Worker Program (TFWP), the increase in immigration opportunities for migrant workers and the related growth in Provincial and Territorial Nominee Programs (PTNPs). In this first section, we also describe our research (its relevance and methodology) and briefly analyze and compare practices in Alberta, Manitoba and Ontario regarding migrant workers' transition to PR. We then present our research findings, which are divided into three sections: motivations behind migrant workers' decision to come to Canada for work and subsequently remain in the country, barriers to accessing PR and how these are overcome, and the importance of settlement services for migrant workers. In our conclusion we make policy

suggestions, especially regarding how current pathways to PR could be improved and whether additional pathways should be offered, particularly for migrant workers in low-skilled occupations.

## Background

In December 2013, 386,406 temporary migrant workers were employed in Canada, representing about 2 percent of Canada's national workforce of 19 million. This is a considerable increase from the average of 80,000 to 100,000 migrant workers in most years prior to 2002 (ESDC 2014, 4-5). In addition, a larger proportion of migrant workers have held jobs in low-skilled (i.e., National Occupation Classification (NOC) C and D)<sup>1</sup> occupations since the inception of the Low-Skill Pilot Project in 2002 (formerly known as the Pilot Project for Hiring Foreign Workers in Occupations Requiring Lower Levels of Formal Training [NOC C and D]; Lowe 2012; Nakache and Kinoshita 2010, 5). However, the expansion of the TFWP cannot be entirely attributed to implementation of the Low-Skill Pilot Project. While the latter grew from 1,304 migrant workers in 2002 to a high of 39,813 in 2013, during the same period the number of migrant workers present under International Arrangements (i.e., multilateral trade agreements such as the North American Free Trade Agreement [NAFTA]) grew from 16,215 to 40,487. As for the Canadian Interests stream (i.e., individuals and spouses coming in under youth exchange programs, via intra-company transfers, and for research and study purposes), the numbers rose from 35,627 in 2002 to 212,937 in 2013 (ESDC 2014, 4-5).<sup>2</sup>

In June 2014, following a series of reports and newspaper articles suggesting that migrant workers were taking jobs away from Canadians (Gross 2014; Parliamentary Budget Office 2014),<sup>3</sup> the federal government began an overhaul of the TFWP.<sup>4</sup> Interestingly, while roughly two-thirds of Canada's migrant workers in December 2013 were on work permits exempt from Labour Market Impact Assessment (LMIA), which include open work permits (see appendix A), the overhauled TFWP targets employer-specific or "tied" work permit holders — that is, migrant workers who enter Canada at the request of an employer, following a positive LMIA.<sup>5</sup> Employers of LMIA permit holders are required to make the transition to a Canadian workforce and reduce their employment of migrant workers. If employers are offering a wage below the provincial/territorial median hourly wage (i.e., the position is "low-wage"), they are subject to a worksite cap that limits the number of hours worked by migrant workers to 10 percent of the total hours worked by all employees.<sup>6</sup> If employers are offering a wage at or above the provincial/territorial median hourly wage (i.e., the position is "high-wage"), they are required to submit transition plans with their LMIA application (i.e., either identify the steps they are taking to reduce their reliance on migrant workers — including recruitment, retention or retraining of Canadians — or provide proof that they are helping a migrant worker in a skilled occupation transition to PR) (ESDC 2014, 8-12).<sup>7</sup> Also, low-wage migrant workers are limited to one-year work permits (as opposed to the previous two-year permit). Regardless of wage, employers must now pay an increased fee of \$1,000 per position.<sup>8</sup>

The June 2014 reform also reduced the cumulative duration that low-wage migrant workers can work in Canada from four years to a number of years not yet specified (it is expected to be two) (ESDC 2014, 12).<sup>9</sup> Finally, following the June 2014 overhaul, Employment and Social

Development Canada (ESDC) no longer accepts LMIA applications from employers in areas with an unemployment rate of 6 percent or higher in specific low-skilled (NOC D) occupations in the accommodation, food services and retail trades (ESDC 2014, 12). Clearly, these changes affect primarily low-wage/employer-specific permit holders.

It is important to note that seasonal agricultural migrant workers (who are also on “tied” work permits) have been exempted from these measures, because, according to ESDC, “there are proven acute labour shortages in this industry and the unfilled jobs are truly temporary” (ESDC 2014, 26).<sup>10</sup> On the other hand, by explicitly barring certain low-wage NOC D positions from the TFWP in regions where the unemployment rate is over 6 percent, the new restrictions presumably target specific groups of workers, such as food counter attendants, kitchen helpers and light duty cleaners. Although the message from the federal government’s overhauled TFWP is unequivocal — that is, the number of low-wage/employer-specific work permit holders is now restricted and they are not expected to settle in Canada — the reality is that an increasing number of these workers do in fact gain PR.

In Canada, the prevailing two-step migration pathway is that of “temporary work-immigration.” In 2012 (the last year for which detailed transition data are available), 79,200 temporary residents transitioned to PR, almost double the number who did so in 2002 (42,000). Transitions accounted for 31 percent of PR admissions and for 43 percent of all economic immigrant (principal applicant) admissions (in 2002 the latter proportion was only 15 percent). Temporary migrant workers accounted for the largest increase: in 2012 migrant workers made up 48 percent of all transitions, while in 2002 they constituted only 23 percent. If we consider transitions into the economic immigration category only, in 2012 three out of four (75 percent) were made by migrant workers (CIC 2014b). Between 2002 and 2013, there was a 360 percent increase in the absolute number of migrant workers gaining PR, from 9,500 to 43,740.<sup>11</sup>

Except for the former Live-in Caregiver Program (LCP), all federal immigration program streams allowing the transition from temporary to PR status from within Canada — namely the Canadian Experience Class (CEC), the Federal Skilled Trades Program (FSTP) and the Federal Skilled Worker Program (FSWP) — have traditionally been geared exclusively to workers in skilled (NOC 0, A and B) jobs (for more on this, see Baglay and Nakache 2013; Nakache and D’Aoust 2012). This situation leads many to believe that there is no immigration opportunity for migrant workers with jobs in low-skilled (NOC C and D) occupations, except for those in caregiving occupations.<sup>12</sup> However, with the notable exception of Seasonal Agricultural Workers Program (SAWP) workers,<sup>13</sup> migrant workers in NOC C and D occupations are not legally “barred” from applying for PR from within Canada. In this regard, it is notable that in 2013, 18 percent of migrant workers who transitioned into the economic immigration class (principal applicants) held jobs in NOC C and D occupations. Most notably, former LCP workers did not account for the largest number of these workers. In fact, a considerable share of the successful applicants took advantage of one of the existing PTNPs.<sup>14</sup>

Further compounding the two-step migration reality, since January 2015 all applicants under the FSWP, FSTP and CEC must use Express Entry, a new electronic application management

system. Under Express Entry, interested applicants must complete an “online profile.” Based on this profile, candidates are ranked against others in a pool and “only those who get an ‘Invitation to Apply’ from CIC [Citizenship and Immigration Canada] will be able to apply” (CIC 2015a). Express Entry ranks applicants under the economic class on a 1,200-point scale, with 600 points awarded to those with a job offer supported by an LMIA. This means that a migrant worker in a skilled job supported by an LMIA is at an advantage to be invited to apply over an applicant from abroad who does not have an LMIA job offer from a Canadian employer.

PTNPs are governed by federal-provincial agreements that allow provinces and territories to select immigration applicants who would meet local economic needs. Depending on the stream and category, nominee applicants may apply from abroad or from within Canada. However, given that numerous PTNP streams are employer-driven — i.e., applicants require a letter of support for nomination from an employer — a large share of such applicants apply from within Canada as current migrant workers (or former international students) with an established employer relationship. The immigration process under PTNPs involves two stages: (1) potential immigrants submit an application to the province or territory where they wish to be nominated; (2) once the province/territory has nominated them, the application is referred to CIC, which conducts security, criminal and health checks. Currently, all provinces and territories, with the exception of Quebec<sup>15</sup> and Nunavut, have PTNPs.

Over the years that PTNPs have been in existence (since 1999<sup>16</sup>), these programs have grown a great deal, from 477 permanent residents (or 0.9 percent of the economic stream) in 1999 to 47,628 (or 29 percent of the economic stream) in 2014 (for principal applicants, spouses and dependants) (CIC 2015b, 2014a). As a result, PTNPs are now the second-largest source of economic immigration to Canada. In 2012, 37 percent of all transitions from temporary to permanent residence (for principal applicants) took place through PTNPs. In 2005, the proportion was only 9 percent. Interestingly, migrant worker/PTNP transition (principal applicant) was the most frequent type among all transitions into the economic immigration category in 2012 (10,400, or 24 percent; see CIC 2014b, 18). Moreover, between 2008 and 2012 an average of 54 percent of principal applicant nominees had previously been on a temporary work permit as “foreign worker” or “international student” (52 percent in 2008; 56 percent in 2009; 51 percent in 2010; 50 percent in 2011; 62 percent in 2012<sup>17</sup>).

The great diversity of PTNP streams and criteria is key to understanding these programs (there are currently over 50 different immigration categories under various PTNPs; for more on this topic, see Seidle 2013). Thus, while all provinces/territories usually have a Skilled Worker Stream, some also have streams for workers in low-skilled (NOC C and D) occupations, each based on its own identified objectives and needs (for more on this topic, see Baglay and Nakache 2013; Nakache and D’Aoust 2012). As will be discussed below, immigration opportunities for migrant workers in low-skilled positions vary greatly across Canada. In Manitoba, one of the three provinces covered by our research, 53 percent of migrant workers nominated by the province between 2009 and 2013 were employed in NOC C and D occupations. In Alberta and Ontario, the two other provinces studied, the percentages of these workers for the same period were 30.5 and 0, respectively.<sup>18</sup>



### **Alberta, Manitoba and Ontario: Major policy differences in immigration opportunities for migrant workers**

Most PTNPs offer PR pathways for migrant workers. There are, however, major differences in the relevant policies/practices.<sup>19</sup>

In Manitoba, migrant workers are considered a source of permanent immigration, “thus contributing to the province’s annual immigration targets” (Moss, Bucklaschuk and Annis 2010, 33).<sup>20</sup> Manitoba actively promotes migrant workers becoming provincial nominees: after only six months working in the province, migrant workers are encouraged to apply to the Manitoba Provincial Nominee Program (Manitoba PNP), and upon successful nomination they can apply for PR and then proceed to sponsor their spouses and children. The Manitoba PNP does not make any distinction between NOC levels. Thus, any migrant workers applying under the Employer Direct Stream, provided that they have six months’ work experience with the same employer, have a valid work permit and are offered a permanent full-time position by their employer, are eligible for nomination by the provincial government.<sup>21</sup>

In Manitoba, the term “transitional worker” is even used to indicate the commitment of the community to facilitating settlement (Bucklaschuk, Moss and Annis 2009). As one municipal civil servant put it: “We’re using the Temporary Foreign Worker Program but our practice is to not refer to them as temporary workers — they’re transitional workers...And that’s pivotal, because [t]ransitional means, ‘I’m building the capacity for permanent residency here.’”<sup>22</sup> The least we can say, therefore, is that a strong linkage has developed between federal labour migration programs and the Manitoba PNP.

In Alberta, there is growing recognition of the necessity to retain migrant workers who are needed on a more permanent basis. An Alberta civil servant explained to us that the province has “massive labour shortages of permanent full-time workers,” which means that a large proportion of migrant workers are filling permanent full-time positions on a temporary basis: “Most of our foreign workers are in permanent positions and we need to have them here permanently.”<sup>23</sup>

The Alberta PNP has an Employer Driven Stream allowing migrant workers with the offer of a permanent, full-time job from an Alberta employer to apply for nomination and then access to PR. Migrant workers under the Employer Driven Stream must qualify under one of two categories: (1) Skilled Worker Category (occupations listed at NOC skill levels 0, A or B); (2) Semi-skilled Worker Category (certain occupations at NOC skill levels C or D). Workers in the Skilled category may apply for *any* skilled position provided they have a job offer from their employer and related work experience (in Canada or abroad). However, only some occupations under NOC skill levels C and D are eligible under the Semi-skilled category (there is a restricted list of “eligible industries” and “eligible occupations” for each industry). In addition to the requirement of a permanent, full-time job offer from an Alberta employer, migrant workers in low-skilled jobs must meet criteria for their specific industry. For example, candidates in the hotel and lodging industry must have a total of three years’ work experience in a job directly related to the hotel and lodging industry (abroad and/or in Canada) and be employed in Alberta for a minimum of six months before applying to the Alberta PNP.<sup>24</sup> Thus, as shown elsewhere

(Nakache and D'Aoust 2012), PR opportunities for migrant workers in low-skilled occupations do exist in Alberta, but they are more limited than for migrant workers in skilled positions.<sup>25</sup>

As discussed earlier, the June 2014 federal changes to the TFWP make it more difficult for migrant workers in low-wage/low-skilled positions to work and remain in Canada. However, Alberta is not ready to give up the opportunity to have migrant workers of all skill levels settle in the province and has been able to negotiate with the federal government some bridging measures for workers pursuing permanent immigration in Alberta.<sup>26</sup> A spokeswoman for the Alberta government has publicly acknowledged that these exemptions for Alberta are “good news,” adding: “We want the TFWs who are currently in our province to have a stronger chance at permanent residency. We want them to be able to call Alberta home, so that employers can also utilize that workforce” (Stephenson 2015). This illustrates that connections between the federal TFWP and the Alberta PNP have become clearer. As one Alberta employer noted: “I think that the program matured in western Canada. It became not the Temporary Foreign Worker Program [but] the Foreign Worker Program. The whole point of it is to get these people as citizens as soon as possible, especially for the ones that want to stay.”<sup>27</sup>

Moving to our third province of study, the Ontario PNP had a target of 5,200 nominations in 2015, which is very low compared with the number of other economic immigrants who come to Ontario. However, in the last 10 years Ontario has experienced a decrease in the number of economic immigrants who settle in the province. This can be partially explained by the growth in PTNPs in western Canada and the smaller number of permanent residents admitted through the FSWP (Ontario tended to be the destination of choice for economic immigrants under this program). In this context, migrant workers in skilled jobs are increasingly permitted to transition to PR through the Ontario PNP to fill “specific” labour gaps in targeted occupations.<sup>28</sup> Ontario has an employer-driven stream, called Opportunities Ontario, for skilled migrant workers. Those seeking nomination under this stream are eligible to apply only if their employer has first applied for prescreening of a position, the position has been approved and the employer sends them a job offer for a full-time, permanent position. Interestingly, while migrant workers must have at least two years' work experience in a related occupation but not necessarily in Canada, 80 percent of migrant workers using that stream have previous work experience in Canada. Under the Ontario PNP, there is no opportunity for low-skilled (NOC C and D) migrant workers to immigrate, and there is no plan to change this policy in the near future.<sup>29</sup>

In sum, Manitoba has invested in migrant workers as a source of permanent immigration and welcomes PR applications from migrant workers of all skill levels. In Alberta, there is increased recognition that pathways to PR should encourage applications from migrant workers who respond to the province's long-term labour needs. However, migrant workers in low-skilled jobs have fewer options for permanent immigration than do migrant workers in skilled positions. In Ontario, pathways to PR for migrant workers are available only to those in skilled occupations who are seen as filling labour shortages in very specific (in-demand) sectors.

### **Our study**

Migrant workers' lived experience in Canada as “vulnerable,” “exploited,” “precarious” and at risk of abuse by their employers has clearly been documented and established in the literature. (See, for example, Anderson 2010; Bauder 2006; Fudge 2011; Fudge and MacPhail 2009;

Goldring, Berinstein and Bernhard 2009; Goldring and Landolt 2013; Nakache and Kinoshita 2010; Polanco Sorto 2013; Preibisch 2010; Sharma 2006; Vosko 2013, 2014; and Vosko et al. 2014. For a detailed literature review, see Hari, McGrath and Preston 2013.) However, few studies have examined the connection between temporary and permanent migration or, more specifically, migrant worker experience with immigration opportunities within Canada. A small number of studies have addressed opportunities and challenges regarding two-step migration policy for temporary migrant workers in general (Baglay and Nakache 2013; Baxter 2010; Hennebry 2010; Lowe 2012; Nakache and Blanchard 2014; Nakache and D'Aoust 2012; Valiani 2009), while others have examined two-step migration for specific types of temporary residents, including the experience of international students (Kelly 2012) and indirect pathways for internationally educated nurses (Walton-Roberts and Hennebry 2012). This body of work has addressed the difficulty for temporary migrants in navigating pathways to PR given the varying policies and regulations from province to province and the large number of departments and agencies (federal and provincial) involved in these processes.

However, very little is understood concerning migrant workers' intentions to stay, pre- and post-arrival in Canada, and it is unclear if any general statements can be made surrounding their interest in gaining PR.<sup>30</sup> Research has begun to document complicated and ambiguous examples of transition to PR, but typically as a topic within another study rather than as a focused analysis of the transitions themselves (Abboud 2013; Jowett 2014; Polanco Sorto 2013). In addition, post-transition experience with economic and social integration has been examined — for example, concerning former live-in caregivers (Atanackovic and Bourgeault 2014; GATES 2014). A common criticism in this emerging literature is the larger role being played by employers in PR applications, which may leave workers hostage to abusive employers (especially when migrant workers' work permits are tied to one job and one employer — see, e.g., Aboim, 2009, 2012; Baxter 2010; Nakache and Blanchard 2014; Reitz 2010; Valiani 2010). At the same time, scholars and employers alike are increasingly advocating for more immigration opportunities for migrant workers in low-skilled occupations (see, e.g., Faraday 2012; Hennebry 2012).<sup>31</sup> There is a dearth of literature examining the immigration intentions and lived experiences of migrant workers (in both skilled and low-skilled jobs) who are transitioning to PR. In addressing this research gap, our study focuses on the perspectives of a range of actors and explores the following research questions:

- What factors lead migrant workers to seek PR (i.e., what are the motivations behind the decision to come to Canada for work and subsequently remain in the country)?
- What issues/challenges do migrant workers face in their transition to PR and what support do they use to overcome the challenges?
- What are the implications for settlement of two-step migration processes? What are the responsibilities of state and nonstate actors in this regard?

The study employed a qualitative and exploratory research approach. We collected and analyzed data from a variety of primary sources (e.g., interviews and focus groups) and secondary sources (e.g., statistics from government databases, government and external stakeholder reports, scholarly publications, grey material).

Primary field research was conducted between February and October 2014 and included 99 research participants from three provinces (Manitoba, Alberta and Ontario). The participants came from three groups: migrant workers (both current and former), employers, and external stakeholders. The breakdown is as follows: 48 current migrant workers; 22 former migrant workers (who successfully accessed PR); 4 civil servants (at the municipal and provincial levels, including 1 former civil servant); 2 labour union representatives (1 current and 1 former); 11 NGO workers (i.e., nongovernmental service provider organizations [SPOs] working with migrant workers); and 12 employers (including 1 employer representative from the Canadian Federation of Independent Businesses). In October 2014, informal discussions were also held with provincial civil servants in Ontario on issues surrounding temporary labour migration and pathways to PR. Given time and funding constraints, we could not include participants from all provinces. The emphasis on Manitoba, Alberta and Ontario is justified by the very different ways in which policies regarding pathways to PR have manifested in these provinces, a point that is discussed above.

The insights and lived experiences of migrant workers are a key component of our data, as migrant workers themselves are best positioned to answer questions about opportunities and challenges in obtaining PR. While Manitoba and Alberta offer or have offered provincially funded migrant support services, Ontario does not provide direct support services to migrant workers (for more on this topic, see our section titled "Settlement Services for Migrant Workers"). Therefore, migrant worker recruitment was not executed in the same manner in the provinces under study; it was initially more difficult to execute in Ontario (see appendix B). Migrant workers were required to meet two criteria: (1) have held or now hold a work permit; and (2) have PR status or be in the PR application process currently. There was no restriction regarding their country of origin, their occupation or the year in which they began working in Canada. As a result, participants varied greatly in terms of source country, immigration category used to apply for PR and length of residence in Canada. Also, the diversity of locations for each province allowed for the documentation and analysis of both rural and urban experiences (see appendix C).

Some clarification is needed regarding how we summarize the information on migrant worker participants in appendix C. Appendix C identifies the streams in which migrant workers first arrived in Canada and the immigration streams that former migrant workers successfully used to transition to PR. However, it does not capture the complexity of trajectories from migrant worker to permanent resident. This is because many of our migrant worker participants transitioned between different types of work permits during their work period (between LMIA and LMIA-exempt, or between low-skilled and high-skilled) and used a variety of immigration programs, with and without success. Furthermore, given that the number of migrant workers interviewed in the low-skilled stream is disproportionate to the representation of this stream in the total population of migrant workers in Canada, we identify a potential bias in our research in terms of participant selection. Nevertheless, given the widespread false assumption that *all* migrant workers in low-skilled occupations lack access to PR (with the exception of caregivers), and given the very limited literature on this specific population, our intention was to shed light on the reality of this under-researched (yet growing) group of workers.

We also deliberately excluded migrant farm and domestic workers from the study. These workers arrive under sector-specific streams — SAWP and LCP, respectively — which have special employment-related conditions and rules regarding the pathway to PR.<sup>32</sup> Furthermore, given their longstanding tradition within Canada's temporary labour migration landscape, SAWP and LCP have been well researched relative to the experiences of migrant workers who do not participate in these streams.<sup>33</sup> The transition-to-PR experience of other migrant workers in Canada, who represent a wide range of types of labour and who vary in skill level, sector and work type (i.e., LMIA or LMIA-exempt), is much more poorly documented, especially given the variety of scenarios that can result from the PR streams available to them.

During the field research, we conducted 36 one-on-one semistructured interviews with migrant workers (10 former and 26 current).<sup>34</sup> We also held 7 focus groups with a total of 34 migrant workers: 2 focus groups in Edmonton, 1 in Calgary, 1 in Fort McMurray, 1 in Brandon and 1 in Huntsville (see appendix C). All interviews and focus groups were digitally audio-recorded and transcribed. The information was then coded and organized by theme. In accordance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (2nd ed., 2010), to minimize risks to migrant workers (who are considered a vulnerable population) all migrant worker participants in interviews and focus groups are treated as anonymous. It should be noted that some workers asked that their real names be used, to ensure that their voices be heard and their experiences recorded in a concrete manner. However, we informed them that our ethics board required anonymity for all migrant workers in order for us to receive clearance to conduct research.

In order to ensure a comprehensive understanding of the strengths and weaknesses of current pathways to PR for migrant workers, as well as the potential expansion of these channels, we also collected the perspectives of key stakeholders. Because of the sensitive nature of the topic and the fact that we may have been perceived as having a “pro-migrant” position, most of the employers who agreed to meet with us belonged to a particular subset of employers: those with a clear commitment to their workers and strong human rights values. Thus, we are aware that the employers interviewed for the study are not representative of all employers. However, given their well-informed view on labour migration programs and pathways to PR, the employers we interviewed were a critical source of information, especially since their perspective in this area is not well covered in the academic and grey literature (Drolet et al. 2014).

Employer and external stakeholder recruitment was conducted in each region using snowball sampling and the assistance of individual informants in the three provinces. Most interviews with employers and external stakeholders were audio-recorded. The responses of these participants were not intended to be anonymous; however, the identities of those who indicated that they wished to take part anonymously will not be revealed.<sup>35</sup>

## The Promise of Permanent Residence

**T**he common misconception of migrant workers as categorically “temporary” in Canada fails to consider those workers who arrive with the intention of applying for PR. Furthermore, while temporary work may be seen as an immigration strategy, there are also workers who plan to merely

work in Canada but change their minds after arriving. As discussed in the preceding section, migrant workers are transitioning to PR at higher rates now than ever before. However, very little is known about their immigration intentions. In this section, we seek to fill that gap. We first clarify the timing of migrant workers' decision to seek PR. We then explore the reasoning behind their intention to seek PR — which factors motivate workers to make such a decision. Finally, we address what PR means to migrant workers, its importance and its implications for their lived experience in Canada.

### **Temporary work as an immigration strategy?**

A significant number of migrant workers interviewed for the study (including those in low-skilled positions) told us that their decision to immigrate using the TFWP as a first step was not made prior to their arrival in Canada. This finding is important, because it suggests that various factors are likely to change migrant workers' minds once they are in the destination country.

Interestingly, migrant workers' timing of their decision to seek PR (before or after arrival) varies widely, one factor being country of origin. For example, we found that Filipino workers possessed high levels of knowledge before arrival about the possibility of obtaining PR through two-step migration. A spokesperson for a settlement agency in Fort McMurray with a large Filipino client base commented:

*Lots of my clients...75 percent of my clients are from the Philippines...but I tell you they have three families to feed, not only one family: they have the grandmother, they have the sister and they have their own family. So these people...never want to go home...When they do the assessment, 101 percent never want to go home. And you see the assessment, what is your plan in life? To apply for permanent residency...All the assessments that I have done, nothing changes. Nobody says, after my four years I am going home...They come to Canada especially to work and to become permanent resident.<sup>36</sup>*

A Filipino former migrant worker who had successfully transitioned to PR explained how calculated his immigration strategy was from the start (back in the Philippines):

*It was my plan originally in my mind to get into Canada regardless of whatever means or ways...so, basically, I phoned all the agencies, that are, you know, getting people and getting to Canada. And there's only one agency that I went through that trained people even if you are not familiar with that field. So because — the only thing that I think that they are going to [provide training for is] the food industry. So that's it. So no other industry, like technical or something, or computer engineer, there's not. So I tried it. I went through the training...and then I went through the documentation, and after, like, a year and a half, I got my visa to work as a temporary foreign worker — low-skilled. So, basically, when I came here, it's already in my mind that I want to stay longer, at least for five years.<sup>37</sup>*

The need to prove oneself to an employer through hard work in Canada is also evident in their knowledge of the potential to transition, as described by a former migrant worker from the Philippines:

*When we were hired, we knew that it's really the discretion of management if they will sponsor us or, you know, process our papers. Because we have to prove ourselves also. Like, okay, you've been given this, but you have to prove yourself...There was this motivation that we have to work hard and strive, because who knows?<sup>38</sup>*

But the intention to enter Canada as a migrant worker and stay as a permanent resident is not limited to workers from the Philippines. For example, one participant from India on a post-graduate open work permit described working and immigration as a clear trajectory, beginning with the decision to leave home:

*I planned to stay here. I thought that I'm going to get a job and stay here and get a better future in Canada.*<sup>39</sup>

Like him, many migrant workers who intended to seek PR prior to arrival in Canada conceptualized their intention as a “goal” or “dream.” But for some workers, obtaining PR was much more than an ambition: it was an *expectation*:

*The main thing they [recruiters] told us was that there was a permit for two years. But we had the opportunity to apply and become a permanent resident and bring our family. But the main thing they told us was two years. But we were expecting to apply for permanent residence also.*<sup>40</sup>

For this worker, the expectation of being able to apply for PR was such that, when describing how he convinced his wife that this was a good plan for their family, he admitted that he would not have come to work in Canada if there had been no opportunity to immigrate:

**Participant:** *We could have a good life here and I could save some money...I could come back and make a life here, but we can go to Canada together and have a new life together.*

**Interviewer:** *So if you had no immigration opportunity, so if they say, okay, it's only a job opportunity for one year, let's say. We're going to make some money.*

**Participant:** *If they said, yeah, then I would have said no.*<sup>41</sup>

Other participants came as migrant workers only — “to come and see” — without any expectation or even knowledge of PR. A young female migrant worker from Greece was unfamiliar with PR options prior to arriving in Canada:

**Interviewer:** *When you came from Greece, obviously it was an opportunity for a job, but did you think you could live here? Was that your mentality?*

**Participant:** *No, no. I came and I have in mind that I have to see how the things are here. And then I would decide if I would like to stay or go back.*

**Interviewer:** *Okay, so you came to try it out. Were you familiar with possibilities of trying to get PR?*

**Participant:** *No.*

**Interviewer:** *So you treated it as a contract.*

**Participant:** *Yeah. I didn't know about the permanent residence before.*<sup>42</sup>

For workers who had come under the International Experience Canada (IEC) program for a work-holiday experience, the prospect of travelling and doing something different was cited as the initial reason for coming to Canada. Two young adults from Argentina and India who successfully transitioned to PR confirmed this original outlook:

*I came with my partner and we had finished university back there. And our idea was that, before we get stuck and settle down with a job and stuff, is to take a year off and get some travelling experience...Our plan was not to stay, not at all. That all changed at some point during the trip.*<sup>43</sup>

*When I was a child, I wanted to go abroad and get more opportunity and get the most skills and I wanted to do something different. So that's why I came here. It's not my purpose “I want to get immigrant” — it's not my purpose...But I like it over here so that's why I applied. I don't want to go back to India now.*<sup>44</sup>

While the factors influencing decision-making will be discussed in detail below, a comment by a 24-year-old Ukrainian woman highlights how much weight they carry in quickly changing a migrant worker's mind:

*It was my first time to go abroad and I was younger and younger in the family, so I was planning just to go, get experience, and come back after one year with that experience and start something back home. And then, after a couple of months as a food counter attendant, like, my employer comes up to me and she thought that she would like to give me a position of supervisor. So, and then she told me that I had to renew my contract as a supervisor, so she asked if I want to stay in Canada. Of course I want to stay, because I like it, I want to bring my family here and make sure that everybody lives better.<sup>45</sup>*

In sum, not all migrant workers come with the intention of staying, but an array of overlapping factors plays out to inform their decision to seek PR. We now examine some of these factors.

### **Motives for immigrating**

Different motives for immigrating are rarely mutually exclusive. Among the variety of factors that influence migrant workers' decision to immigrate, two were identified by our participants as the most important: "doing this for the family" and Canada as a "great country to live in," a "land of opportunity." However, both individual and institutional players also influence migrant workers' decision to seek PR, either pre-arrival, in the country of origin, or during employment in Canada. These players can be recruiters abroad, friends, family, settlement agencies or employers. Federal or provincial government policies also have implications for migrant workers' decision to immigrate, as illustrated by the "four-in, four-out" rule.

#### *Family support and reunification*

Our clearest finding concerns migrant workers' strong family ties, in Canada or abroad (i.e., marital status and/or child dependants), as a motivating factor in seeking PR. If a migrant worker has left a family behind or has built a family since arriving in Canada, the decision to apply for PR is made first and foremost "for the family." Whether the goal is family reunification (especially for workers in low-skilled occupations<sup>46</sup>) or greater financial stability for family members in Canada and/or the country of origin, family carries the most weight among all factors. A high-skilled single mother from Mexico spoke of her child's role in her decision to settle in Canada:

*I didn't move to Canada for economic situation. I had a very good job, I had a house and I had a car. My reality and everyone else's reality is different...I wanted to move to Canada first of all because it was a good place for kids. When I did my research and read about it, I was a single mom and had a daughter, so I wanted a quality of life with a job that was nine to five so I could get it over with and come home to be with my daughter. So that was my priority.<sup>47</sup>*

For those who were not as financially stable back home, the long-term goal of better supporting their children was significant in the decision to seek work and PR in Canada:

*My case is actually a very common among Filipinos. It's about family. So when the income is no longer that as good, and you have less time with your family, and you can no longer support the basic, so you have to look after the future and everything.<sup>48</sup>*

A migrant worker in a skilled job in Ontario who became pregnant and gave birth during her temporary work period in Canada was influenced most by the birth of her child, with respect to PR, while also considering other factors:

**Participant:** *The vision was, okay, let's see if I like living in this country...Now we have lots of doubts, we really don't know where we are going to live in the next years. We sometimes think about Canada because for my baby it's a good place to grow up. The education and the health*



*are really good and these are the basic needs...to be covered.*

**Interviewer:** *So would you say that your child is a big impact on going for PR?*

**Participant:** *Yes...We don't know what will happen in the next 20 years, but in the future she has options and can decide where to live.<sup>49</sup>*

For those who have previously worked on a temporary basis in other countries, Canada is perceived as a facilitative country for family reunification. One migrant housekeeper in Ontario, who had previously worked in the Gulf region, explained:

*I came from Saudi Arabia. I worked as a nanny for almost six years. But it's hard for me, because I take care of other kids, which means I can't take care of my kids, right?...I apply in Canada because I know there is no discrimination in Canada, that's the first thing I want. And the thing is, I could get my kids, you know? They said...after six months they could process my papers. So it's easy for me to get my family.<sup>50</sup>*

The importance of family was underscored during a focus group with former migrant workers who had obtained PR:

**Participant 1:** *What I have now, it's better. It's better for my children. Now it's my first one, it's permanent, and another it's Canadian. It's better for both! And they have more opportunity.*

**Participant 2:** *Everything for the kids.*

**Participant 3:** *Everything.*

**Participant 4:** *For the kids.*

**Participant 1:** *Everybody coming for the kids.*

**Participant 2:** *You're ready to pay the price just because of the kids.<sup>51</sup>*

The reasons behind the decision of migrant workers without strong family ties, such as those who are single and childless upon arrival and throughout the application process, are more diverse and less predictable. However, it is important to recognize that those with dependent families are also influenced by multiple factors that typically reinforce the main goal of family support and reunification.

#### *Perception that Canada is better in many ways*

All participants spoke of difficult circumstances in their home countries (or in countries where they had previously worked) relative to life in Canada as a key reason for seeking PR. The main contextual themes include escaping violence, crime, corruption, racism and discrimination, poor economic conditions and high rates of unemployment. A sense of security was a common reason why workers preferred life in Canada, as highlighted by several participants from Central America:

*Canada has a lot of nice, pretty places. I felt like I have more freedom here. You can go wherever you want. There is no problem to go out at night. Nothing will happen to you...I feel safer...Our country is really super-dangerous, and that was one of the main reasons. I wanted to give my son a better future, to get him away from all the things that can happen there.<sup>52</sup>*

*In my case, for example, it's mostly for safety. My country is very unsafe. I have a daughter. She is two years old. And I think that she's the future, and I think this country is much better in that way. It's very safe, and there is more opportunity.<sup>53</sup>*

Although some academics have illustrated the racism faced by migrant workers in Canada (e.g., Marsden 2011; Perry 2012; Satzewich 1991), many workers remarked that they appreciated the *lack* of racism in Canada relative to other countries where they had worked or lived. In fact, for some this was one of their main reasons for seeking PR:

*I apply in Canada because I know there is no discrimination in Canada, that's the first thing I want.*<sup>54</sup>

*I always heard good things about Canada and about the people. Everybody is nice over here, there is not much racism compared — there is a lot of racism in Europe. And over here I haven't found racism since I've been here, pretty much. And that's one place where I would like to live in, also to be able to raise a family. I have a seven-year-old child and my wife.*<sup>55</sup>

*In South Africa, there was this kind of noticeable thing, like, interracial relationships and we always kind of — it would be a thing, right? Whereas here nobody even seems to notice. Like, nobody notices that you are different, that your kids are mixed or whatever, so that's fantastic.*<sup>56</sup>

*I'm originally from Colombia. I went to Spain, then I got my nationality there and lived there for the last 11 or 12 years, but the economy went real bad, as everybody knows...It is basically impossible to get a job, and if you are not born there, like in my case, there is a little bit of racism towards finding an employment, a lot of racism. Basically, whoever is a native gets the employment first. Even if you're a citizen, it doesn't matter. People look out for their own or whatever, that's their excuse...and basically I was a supervisor. Eventually I was brought down as a simple labourer, and then later they just fired me just to make room for family members or someone who was born in Spain.*<sup>57</sup>

A participant from Brazil drew on the notion of freedom to describe her motivation for staying in Canada, exemplifying how factors such as personal safety and nondiscrimination coincide:

*The freedom that we have here is awesome. We can walk down the streets with our phones and our watches without being afraid. There are no fences or walls in the houses...We respect the differences...The freedom itself is what I fell in love with. The respect for others and the support it gives...it's awesome.*<sup>58</sup>

Participants citing poorer labour prospects in their home country, including high rates of unemployment or low remuneration, had been drawn to the opportunity to work and live in Canada. In the long term, as future permanent residents and citizens, migrant workers wanted a more promising future, with a better job and higher wages enabled by a more stable Canadian economy:

*In Spain we can't have a job — there is a rate of unemployment at 27 percent. Unemployment rate for people under 35 is more than 50 percent. If we went back to Spain, then, there is nothing to do there. Yes, of course, I have health coverage. I think they have changed their rules, because we have been abroad too much time, but we didn't have income there.*<sup>59</sup>

Finally, more generally, migrant worker motivation to seek PR is the perception of Canada as a “land of opportunity,” a place where migrant workers “can make true [their] dreams.”<sup>60</sup>

#### *Key players in the home country and in Canada*

The questionable conduct of recruitment agencies, including charging workers exorbitant fees to come to Canada, has been documented (Faraday 2014; House of Commons, 2009). Our objective here is simply to show that, in migrant workers' home countries, institutional recruitment players such as home country governments and the International Organization for Migration (IOM) can play an early role in intention to immigrate. For example, participants from Honduras and El Salvador described the advertising that their ministries of labour had undertaken in local newspapers and on television to promote immigration to Canada:

**Participant:** *In Honduras? Well, it was the newspaper. So in the newspaper it appears in the news saying there is an opportunity to go to Canada, all the specification and requirements, and it says you need basic English and all these supporting documents.*

**Interviewer:** *Were they talking about immigration opportunity?*

**Participant:** *Yeah, they said, yeah: If you come here, you have the chance to stay here and even bring your family.*<sup>61</sup>

**Participant:** *In 2008 I went to work minister in my country...I saw one advertisement that said, "You want to live and work in Canada? You can apply." So I apply. That was in 2008. I never applied again. I never saw another advertisement. In 2012 they called me and said, hey, you want a job? Four years later! And I say, is this a joke! Because when I applied, I was single then, I didn't finish my studies, and I didn't have work. So four years later, I am married, my university completed, and I said, well, maybe this is my opportunity.*<sup>62</sup>

The influence of home country governments and the IOM on migrant workers' decisions is significant, given that they are perceived as trustworthy and legitimate immigration partners, especially relative to private recruitment agencies. Members of a focus group with current migrant workers in Manitoba described their decision to immigrate based on government advertisements in their home country:

**Participant 1:** *I was reading the newspaper and I saw the advertisement and I saw that I had all the requirements, so I thought, I'm going to apply, why not? Because there are too many companies, that they use those — but they are not real — pay thousands of dollars and they disappear. So I applied. I need a letter from my employer. So I went the next day to get the letter, and I went again. I wrote the English test. So they told me, we're going to call you later. Then two weeks off, they call me — so you are selected, so you are going to have a next meeting.*

**Interviewer:** *The IOM? It is involved?*

**All participants:** *Yes!*

**Participant 1:** *They are working together, the two countries, so they do it together.*

**Participant 2:** *That's why we thought it was trustful. We could trust.*<sup>63</sup>

Once in Canada, migrant workers who have come with the intention of working and no clear immigration strategy are greatly influenced by personal contact with friends or family, staff at settlement agencies and even employers. The role of the employer is multifaceted with respect to how and why migrant workers obtain PR, due largely to the nature of employer-driven PR programs. This process is discussed in detail below. It is important to note here that employers can be like other key local contacts, in that they might present the idea of nominating a worker for PR or encourage workers to apply to stay in Canada if they have not yet made a decision. The following comments illustrate employers' influence in the decision to immigrate, especially for migrant workers who arrive in Canada with no intention of staying:

*I only came here with the job. And it was really heartbreaking for the first couple of weeks but I went through with it. And then, three months after, my employer is asking me about nomination or something. And I said no, because I haven't decided yet and I haven't talked to my husband regarding settling here. Because all I wanted was a job, to support the basic of my family. And then it took me, like, two years, or almost three, to decide, because I have to convince my husband. And I really weighed everything, from the struggle I experienced from my company, down to living the way of life in Canada. Because I am in the battle, so I have to make sure that when my family comes here, everything is already settled. I know everything, I don't want them to come with me and even me I don't know what I'm facing. So for my family, I really have to be prepared.*<sup>64</sup>

**Interviewer:** *Did [your employer] encourage you to stay permanently?*

**Participant:** *Yes. Basically, he said, if you need my signature anywhere, I would be happy to sign it. He approached us about staying; it was not us who asked. He is very caring, and*

*that's the way he runs his business. Some people think the customer is always right, whereas he feels that, well, I have to have my staff happy and engaged.*<sup>65</sup>

Changing immigration policies and programs can also influence migrant workers' reasons for seeking PR. For example, it was widely perceived among our research participants that it is easier to apply from within Canada than from abroad. In addition, the creation or termination of provincial or federal PR programs or policies is likely to affect the decision to immigrate. However, one federal policy that affected every research participant in a low-skilled (NOC C or D) occupation, and some in skilled (NOC B) occupations, was the four-year cumulative duration policy, known as the "four-in, four-out" rule.

On April 1, 2011, the federal government introduced a limit on the cumulative duration of a migrant worker's stay in Canada.<sup>66</sup> Under this rule, foreign nationals cannot be issued a work permit if they have accumulated a total of four years' work in Canada unless an additional period of four years has elapsed. There are two broad exceptions. A work permit can exceed the four-year limit if (1) "the foreign national intends to perform work that would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents"; or (2) "the foreign national intends to perform work pursuant to an international agreement between Canada and one or more countries, including an agreement concerning seasonal agricultural workers" (CIC 2011, 2013). Specific categories and occupations are defined as the exceptions: NOC 0 and A (skilled); LMIA-exempt jobs under international agreements, Canadian interests, self-support, and humanitarian reasons; applicants under SAWP; PR applicants who have received a positive selection decision or approval in the PR category for which they have applied; and provincial nominees applying for an employer-specific work permit who have received positive nomination.<sup>67</sup> In essence, then, the four-in, four-out rule disproportionately affects some skilled (NOC B) and all low-skilled (NOC C and D) work subject to an LMIA, excluding SAWP.

The four-year rule is based on a twofold policy rationale: "To prevent [foreign nationals] who are working temporarily in Canada from losing ties with their country of origin due to prolonged periods of stay in Canada, and to encourage workers and employers to explore appropriate pathways to permanent residence" (CIC 2013). This policy rationale is inherently contradictory. The government established a maximum duration of employment to enforce the temporary nature of the program and at the same time created an incentive for workers to transition to PR.

Our research clearly confirms the latter, a finding that is timely given that the first group of workers has begun to be affected by the provision (on April 1, 2015). Several of our interviewees in low-skilled jobs had been in Canada prior to 2011 and had renewed their work permits with ease up to that time. Our research participants (workers, employers, representatives of settlement agencies) confirmed that when the limit was introduced it was urgent that these workers find ways to transition to PR before April 2015. However, the limit itself presents a multitude of challenges when it comes to transitioning to PR. Since the federal government offers PR pathways only to skilled (NOC 0, A and B) migrant workers, those impacted by the limit (especially NOC C and D workers) are forced to seek other options to transition quickly — that is,

provincial avenues. But provincial nominee programs are largely undermined because the effectiveness of streams available to migrant workers in NOC B, C or D occupations is jeopardized by the four-year limit. For example, the employer-driven stream of the Alberta PNP requires at least two years' work experience. Recent developments between Alberta and CIC have shown that this requirement, combined with a backlog, impeded workers in low-skilled (NOC C and D) jobs in securing nomination selection before being forced to leave the country in 2015.<sup>68</sup>

The cumulative duration rule also places pressure on migrant worker protection and leaves room for abuse, especially for those workers who hold employer-specific work permits: the workers know they have limited time to gain work experience before hitting the four-year wall, so they will not jeopardize their PR prospects by changing employers and having to start over when they have only four years in total to transition. Alternatively, if an employer is not willing to help a migrant worker's transition to PR, the worker may feel compelled to find an employer who is willing, which can be a stressful move because of the four-year limit. As one research participant put it:

*So he [migrant worker and friend] has to move and find an employer who would process his papers, at the same time give him work permit and everything. Because he said, his employer before would not do it...So far, I've heard employers that would not process the papers...They will just give us work permit, so it's okay — but what if the ruling is already there? The four-year maximum. So they have to go back. And their worry is that when they go back home, it will take another four years to come back to Canada because that's the policy, that's the rule...It's really a lot of stress. Even in my case, I would also be worried every day.<sup>69</sup>*

NOC B workers in particular fall into a conflictual situation: like skilled NOC 0 and A workers, they have access to federal pathways to PR but are subject to this provision, which compromises their ability to effectively use such pathways. Participants across all three provinces indicated that four years is not sufficient for NOC B workers, especially considering language requirements and the need for language training, to smoothly transition through a federal PR pathway such as CEC (this point is discussed in the next section).

Finally, many stakeholders expressed the concern that Canada will see a growth in the undocumented foreign worker population as a result of the cumulative duration rule; we cannot confirm that this population has in fact increased since April 2015, as no official public data are available. However, many of these workers have begun to build lives and families in Canada. They have accumulated a great deal of debt to come and work in Canada and have few or no job prospects in their country of origin. It is unlikely that all of them will return home. Practically speaking, there are also concerns about how to "tie up loose ends" once workers reach their four-year limit, such as Employment Insurance (EI) and Canadian Pension Plan (CPP) contributions (from which they have not yet benefited), unpaid wages, tax rebates, and the financial means to return home. Concerns about the Canadian-born children of affected migrant workers cannot be overstated, including how to handle child support, custody and so forth. Furthermore, it is possible that migrant workers applied for PR but that the transition was unattainable due to myriad factors, including the four-in, four-out rule, which had put pressure on them to transition in the first place.

In sum, the four-in, four-out rule makes it appealing for migrant workers completing skilled (NOC B) and low-skilled (NOC C and D) work to apply for PR (even if they originally did not intend to do so), but it also complicates their attempt to transition. Thus, this rule, which is an immense source of stress for applicants, may be the most problematic factor in a migrant worker's transition to PR.

### The importance of achieving permanent residence

Once the decision to immigrate is made and the immigration process has begun, migrant workers are not willing to give up despite the difficulties and challenges they face:

*At the beginning, my mentality was, okay, I am going to stay for one year — this is my visa; I am content with that. But after a while, when you are struggling so much, and when you go from here to here, you don't want to lose the whole thing, you want to fight for it because you realize that things got better in time.<sup>70</sup>*

The participants who succeeded in obtaining PR confirmed that, regardless of the challenges, it was a worthwhile endeavour:

**Interviewer:** *Is PR worth the three, four years of waiting time?*

**Participant:** *I would say it's still worth it, because you know you're doing this not because of yourself, but because it's a long-term plan for your family. So I would say, go, and encourage them.<sup>71</sup>*

They said that obtaining PR brought a sense of freedom, peace of mind and security relative to their experience as a migrant worker. The themes of freedom and "new life" run through their narratives:

**Interviewer:** *So you should get your PR soon. What does that mean for you?*

**Participant:** *Freedom. Like, I don't mind work here, but I don't feel the same way as Canadians.<sup>72</sup>*

For those who had difficult work experiences while on employer-tied work permits, PR made them feel like a new person:

**Participant:** *I am human again. I have freedom. That's the feeling.<sup>73</sup>*

**Participant:** *It's like this is the reality, this is the real life...By having a citizenship or permanent residency certificate that you can, you know, live freely, you have an option, a choice, you have freedom ...So it's basically the start of your real life.<sup>74</sup>*

**Interviewer:** *So what will PR mean for you?*

**Participant:** *Oh, so happy. Yes, I imagine too many good things to me...my PR, to study, back to engineer, so maybe find a job, start to get a better life...Canada is an amazing country when you have your papers.<sup>75</sup>*

In conclusion, an array of overlapping factors influence migrant workers' decision to seek PR, either before or after arriving in Canada. However, once migrant workers have decided to apply for PR, getting PR means everything to them, and they are not prepared to give up.

### Transitioning to Permanent Residence: Risks and Challenges

**F**or migrant workers, the transition to PR is rarely an easy process. To cite just one example, two research participants from Chile had arrived in Canada in 2009 on a Working Holiday Visa and at the time of the interview (2014) were employed as housekeepers in a hotel in Fort McMurray under a closed work permit. They had applied to the Alberta PNP under the Alberta Work Experience Category Pilot in autumn 2013 (where they could self-nominate for

provincial nomination).<sup>76</sup> This is how one of them described their immigration experience in Canada:

*In the middle of the process you want to give up...At the same time, you say, I've been waiting so long for this that to give up is like wasting all this time, because you have been giving and giving to the system. You have been giving your taxes and your work. You are in a position that no one wants to be, but you have been doing this so it's your way to help the government to run. When is the payback? You're going to leave when the payback is not coming because you are too tired?<sup>77</sup>*

Although some participants had fewer challenges with their PR application, almost all described the process as “stressful,” “worrying” or “exhausting” and, most importantly, believed that the transition was not as easy as it could or should be. Among the myriad complicating factors, such as sense of isolation and lack of social support, unscrupulous immigration consultants, costly and cumbersome application processes (e.g., difficulty collecting necessary documents in support of the PR application such as police records and proof of settlement funds), this section focuses on three types of challenges that migrant workers encountered during their transition to PR. First, they faced difficulties in *accessing* PR due to several stringent PR requirements; here, we primarily discuss the impact of employer-driven PR streams and language proficiency requirements. Second, they experienced challenges in *applying* for PR, such as navigating immigration programs and intransigent decisions by immigration officers. Finally, family hardship and breakdown as a result of long periods of separation is addressed as a significant challenge.

### **Meeting the requirements for transition to permanent residence**

For many migrant workers relying on employer support for PR, the nature of employer-driven processes meant that their transition partly relied on luck, such as having a “good” or “bad” employer. We use this binary of “good” and “bad” not because we dismiss the spectrum of employers found in practice, but because this is how the migrant workers in our study typically conceptualized the employer in their narratives. Migrant workers who have “bad” employers face added difficulties in obtaining PR and are put in high-risk situations as a result of employer-led PR pathways. Language requirements can also be a roadblock, even if the applicant meets all other criteria.

#### *Issues surrounding the employer-driven process*

Most immigration programs for migrant workers are employer-driven: either a job offer from a Canadian employer or full-time paid work experience in Canada is a precondition for transitioning from temporary to permanent resident status. Clearly, since an employer-driven system ties workers to a specific job, having a “good” or a “bad” employer is critical for a successful transition. “Bad” employers can be understood as those who manipulate the system to their own ends: they will not hesitate to take advantage of migrant workers’ dependency on them. “Good” employers can be understood as those who offer a supportive framework to facilitate the transition experience of migrant workers. Interestingly, employers’ view on what it means to be a “supportive employer” in this context varied greatly among participants. While some employers believed that it is important to be able to handle employees’ immigration paperwork free of charge, others indicated that they were happy to give some support to their employees (e.g., by getting the packages together) but that it was important for their employees to do the paperwork themselves:

*Basically, what I have told people is that we are prepared to sponsor you but you need to own it and you need to be responsible for the paperwork. There is a huge portion that I need to provide, but they need to work with me to make sure that they are getting what they need from me.<sup>78</sup>*

An interesting case is Maple Leaf Foods, the main employer of migrant workers in Brandon (Manitoba). All migrant workers at Maple Leaf are unionized, and the collective agreement between Maple Leaf and United Food and Commercial Workers (UFCW) 832 includes a section on Temporary Foreign Workers:

*33.01. The Company agrees to provide administrative support to Foreign Workers with the completion of their Immigration paperwork, including all appropriate work permit renewal applications and forms required for permanent residency.<sup>79</sup>*

It is also interesting to note that some employer participants realized that they risked losing their employees once they achieved PR but were prepared to take the risk. Some even told us that a “good” employer is someone with whom employees want to stay and that it is the responsibility of employers to do everything they can to keep “good” employees, including former migrant workers who have become permanent residents. A food service employer in Alberta explained how they had retained all their migrant workers:

*Every single person who has achieved permanent residency in my business has remained in employment with me, except for one person who went away for a year and a half and has now come back. Ignoring that, then, my success rate has been 100 percent. I consider myself an activist business owner. I'm present in my business every day and I know all 225 of my staff by their first name. I have encouraged every foreign worker to take advantage of every program that is available to them in an effort to try to stay. Every time they need a letter written, I write it. Every time they need — even for simple things, like, if they go back home for vacation, I write them a letter that they can present to Border Services upon their return in case there is a problem...We make opportunities available for them for positions of managers, assistant managers, supervisors, so that they can earn money and their self-respect of knowing that they are treated like anyone else. I think it has engendered some loyalty in the people who work for us in the effort to remain in my company.<sup>80</sup>*

Migrant workers who had a “good” employer did not complain about the employer-driven immigration system. The example of Maple Leaf Foods is particularly relevant here, because jobs in the pork-processing industry are viewed as “physically challenging.”<sup>81</sup> Despite the harsh working conditions, a huge majority of migrant workers at Maple Leaf did not complain about the type of work, because, as one participant explained, “there was no surprise here.”<sup>82</sup> They worked hard but they had “something in return,” and they were particularly appreciative of the support they received from their employer during their PR application process:

**Interviewer:** *When you were applying for PR, did you have a lot of support?*

**Participant:** *Really, yes. We did have a person who helped us. She helped fill out the applications, she told us what papers we needed, whenever we were missing a paper she did something... for us, she put them on a wall so we always went to check if everything — every day we went by.*

**Interviewer:** *Was it a Maple Leaf person or —?*

**Participant:** *She worked for Maple Leaf.*

**Interviewer:** *And she spoke Spanish?*

**Participant:** *Yes.*

**Interviewer:** *So you were able to communicate easily.*

**Participant:** *Yes.<sup>83</sup>*

**Interviewer:** *The PR application, how was it?*

**Participant:** *I think it's all right. I didn't meet any difficulties. I sent out all the documents they need and then I just waited...*

**Interviewer:** *You were confident that this would work?*



**Participant:** *I think, yeah.*

**Interviewer:** *Who took care of your immigration papers?*

**Participant:** *It's the Chinese lady who works at Maple Leaf. She provided us with the documents we need and authorizations, documents...we only paid for the application fee.<sup>84</sup>*

Some participants were even grateful to Maple Leaf for allowing them to settle in Canada and did not want to “betray” their employer by leaving their job before the end of their employment contract:

*I was thinking maybe I will get my [PR] papers in May. But I want to stay in Maple Leaf to accomplish the two years, to be loyal, because they brought us. They gave us the opportunity.<sup>85</sup>*

Participants who did not have such a “good” employer indicated that they would prefer not to have the employer involved in the immigration process. We found examples of this for migrant workers in both skilled and low-skilled occupations. It was also true for migrant workers who did not have an “exploitative” employer but still felt that they were not sufficiently supported by their employer in their PR application. For example, a migrant worker in a skilled position (engineer) announced to his company that he planned to apply for PR (through the CEC program), but his company remained silent for a long time after this announcement:

*So they kind of made me nervous, right? I am thinking, like, maybe they are not telling me because they are expecting to lay me off or something...Their attitude made me very nervous...I felt like maybe if I could have kept it a secret from [them] I would have...been safe in Canada.<sup>86</sup>*

Workers who had a “bad” employer were negatively affected by the employer-led system on many fronts. One participant (a professional painter) told us how his life in Canada suddenly changed when he moved from a decent to a “bad” employer:

*Actually, this employer moved to the States. And he sold that franchise company to another guy. So the new boss, he was bad, he was really bad. But I say, you know what, if you want to have PR and want to be Canadian, you better hold on. Everybody left but me! But after five years, I got my PR.*

We asked him how he felt when he achieved PR:

*Woo-hoo! A release. Because of that feeling, I'm attached to this company, and I cannot move to another company because I want to achieve the residency...And you feel like a slave at some point. I mean, this work, you are not a slave, really, but that situation that they need you and you need them. They can do extra things, like, abusive things, and you hate that...yeah, abusing, like, “tomorrow you are working Saturday.” And like, come on, we were working Friday up until 12 in the midnight and he wants me to show up 7 o'clock the next morning in another building. So when [I got my papers], I said, “You know what, I'm leaving you! I'm leaving you! I got my papers!” And he was, like, “No, you cannot leave me, you cannot do this!”<sup>87</sup>*

One participant who had to remain in difficult conditions for the sake of PR experienced a build-up of stress during the application process, and a worsening of his medical condition:

**Interviewer:** *So your contract is for a baker, but actually you bake but you do all kinds of things?*

**Participant:** *Yeah. Bake, painting, garbage...He put me too much stress. Finally, I make 32 kidney stones, they took me to the hospital and I get surgery...The stress is too much and every time he called me, “You are coming, we changed the schedule”... And when I show to him, really, I have a CT scan already and after the kidney stone one mass in my kidney so you can give me part-time because I have to rest. He took my papers, throw them to the floor and said to me,*

*"Your health is not my business"...I didn't quit, because I was applying for my PR...so I didn't want to quit them...The people think that...it's easy to come to Canada and to start to work like that. But it is not really, no, because you have to work like a slave and you have to support too many things...So if the employee says you have to do that...you have no choice. This is the point.<sup>88</sup>*

Another participant (a migrant worker in a skilled job in the construction sector) pointed out that "bad" employers know the rules and manipulate them to access cheap and docile labour, because they know that migrant workers are "trapped" working for them:

**Participant:** *After two weeks of work I was called by the head officer..."Well, the owner is not too happy with you, you don't work fast." I'm, like, "I've been working real fast, my co-workers, my supervisor had said nothing." She was, like, "Yeah, but he says he's gonna have to fire you, to let you go." I'm, like, "Why?" "Yeah, because he's not too happy...but he has a deal for you. If you wanna stay he'll lower your salary [from \$30] to \$24 an hour." She's, like, "Yeah, because he wants to help you out, so he's gonna keep you for \$24." I'm, like, "Well, what if I don't accept this?" She says, "Well, if you don't accept...we're gonna have to give a notice to Immigration that you're not working here any more, that we fired you, and they're going to probably deport you or you're not gonna be able to bring your family." So I'm not stupid. I knew they were not gonna deport me, because I was here legally and I had a two-year work permit...but she knew I was gonna accept, because I was between a rock and a sword at that moment. She said, "We're gonna do it like this...so we have no problem with Immigration or anything like that. What we're gonna do, you work [as if] you get paid \$30 an hour and you're gonna get \$300 [on the payroll] but you're gonna get paid \$240 in reality." ...So now I'm doing 103 hours and they pay for 73 hours.*

**Interviewer:** *At \$30 an hour?...so they put the rate the same but in reality —*

**Participant:** *They actually pay me \$24...And that's gonna screw me over at the end of year. I'm gonna be paying more taxes, because the government thinks I'm getting paid \$30 an hour and really I'm getting paid \$24, and I'm not getting paid the 10 percent vacation, either, that it said, it stated...So they have everything playing in their favour, basically. The rules of the government or whatever basically favours the employer 100 percent and the employee is, basically, at the employer's mercy whatever they wanna do, if it's a bad employer, and get screwed. If they don't give me the papers, they're — basically, it's a paper they supply to say you are experienced, that you are a good worker, the company has to give you that. If they don't decide to give me that, what am I supposed to do? Go back to here because I'm not gonna stay here.*

**Interviewer:** *Well, the other option would be to get another job offer with another employer that hires LMOs —*

**Participant:** *It's very hard...So is it worth it for me to take that risk? Because I have a family.<sup>89</sup>*

According to NGO representatives, it is very difficult for migrant workers to act against an employer during the PR application process:

*We really cannot tell them what to do. Ultimately it is their choice. We give them the options... Employment Standards is one way...but most of them, even though they have the information, they have the resources, they don't want to do it. They don't want to lose the chance of getting PR and they don't want to start the process all over...They'd rather take it until they can get their PR...Some of them actually don't complain, either, because they protect the other workers who are there and their chance of becoming PR as well. Because if they go and complain to the... of course they wouldn't want to nominate anybody any more and stuff like that.<sup>90</sup>*

*We have had clients who say, "I know that he is breaking the law, I know that this is wrong, but I only got three months left, I am just going to keep my mouth shut and ride along, because I really want my PR." So having to make the choice between exercising your legal rights and freedoms in Canada or getting PR, like, what a horrible situation to be in, where you have to choose between those two things.<sup>91</sup>*

In sum, for employers who are fair with workers, employer-driven immigration is not an issue. It can even be an asset, as illustrated by the example of Maple Leaf Foods. However, too many workers remain in difficult or even exploitative conditions for the sake of securing PR. To add to the complexity, both Alberta and Ontario require, in their provincial employer-driven immigration stream, that the migrant worker have a “valid” work permit. A provincial officer must verify that the worker is actually doing the job indicated on the work permit. For example, if time sheets are included with a migrant worker’s PTNP application and the provincial officer sees that the applicant is working overtime but is not being paid for this, that is considered a violation of Employment Standards and the PR application will be cancelled by the province. Similarly, if a provincial officer sees that an employer is not paying the wage that is supposed to be paid, then the worker’s application will be refused.<sup>92</sup> In one case, a migrant worker had his application to the Alberta PNP rejected because he was not working full-time, as stipulated on his work permit. Here is how he felt when he received the refusal letter:

*I wanted to punch someone... they make it hard for me. I never do no problem, never. I follow the law. I'm a good guy, I'm behaved... So, believe me, it doesn't make me happy at all. I've been giving to Canada for almost five years of my life.<sup>93</sup>*

NGO workers consider this provincial rule to be extremely problematic and unfair to the worker:

*If your employer is not paying — for example, if I am supposed to be paid \$20 per hour as an [LMO work permit holder] and if my employers only pay me \$18 an hour, then my nomination doesn't get approved. Is it my fault that I am not being paid \$20? No, it's not. What am I being penalized for?...Really, it is always the workers who...end up paying for something that they have no control over. Because the employer can find any excuse to fire you. If you complain, if you say that the wage is less than the others, that Employment Standards can make them pay or whatever, the employer can come up with any excuse to say, “No, no, no, he was late all the time, he was never doing any of his duties.” And I have seen cases like that. So at the end of the day, they can still get fired.<sup>94</sup>*

An Alberta civil servant explained to us that when the province finds that an employer has broken the law, and hence the candidate’s application is cancelled, they always specify in their refusal letter to the candidate what recourses are available to them (e.g., they can launch a complaint with Employment Standards). However, this source admitted that migrant workers, given their vulnerability, are less likely than other workers to file a complaint against their employer (for more on this topic, see Nakache and Kinoshita 2010, 25). Moreover, the civil servant explained that the government of Alberta does not have the power to penalize anybody: it gives Employment Standards the information regarding employers who are violating a work permit condition but cannot control what Employment Standards does with this information. The civil servant admitted that it is the migrant worker who is being penalized in such a situation and that this is one of the reasons why they may well implement a program allowing migrant workers to self-nominate for PR.<sup>95</sup>

In conclusion, given the power imbalance between employers and migrant workers, it is difficult for migrant workers to stand up to any employers, either during or after the PR application process. It is also highly problematic that migrant workers are paying a high price for their employers’ misbehaviour (i.e., having to endure difficult working conditions for the sake of achieving PR, having their PR application withdrawn because the employer has not respected a condition of their work permit). In June 2014, the federal government, to its credit, announced plans to implement an employer

compliance system to ensure that employers follow the rules of the TFWP and IMP. It remains to be seen how this will play out in practice as it relates to worker protection. Will protections be built into the framework to ensure that migrant workers are not deterred from reporting abusive employers for fear of losing their legal right to work in Canada? The fear of losing status is compounded by the carrot-and-stick approach of some employers toward migrant workers who need employer support to transition to PR. We do not yet know how the introduction of penalties or bans with respect to abusive employers will impact employer-driven PR processes.

#### *Language requirements*

Proficiency in a host country's language(s) as human capital and a key determinant of economic success for immigrants has been widely confirmed in both Canadian and international immigration research (Boyd and Cao 2009; Chiswick and Miller 2003; Hall and Farkas 2008; Hwang, Xi and Cao 2010). Federal immigration programs recognize this: PR applicants must demonstrate that they meet the threshold set by CIC (the benchmark depends on program and skill level) for proficiency — in either English or French — in reading, writing, speaking and listening. In July 2012, furthermore, CIC imposed the rule that provincial nominee applicants in low-skilled (NOC C and D) occupations must prove that they meet the minimum requirement of Canadian Language Benchmark (CLB) 4 in English.<sup>96</sup> Since PR applicants under CEC or PTNP can be migrant workers already working in Canada, it is not clear how this group of prospective permanent residents fit into the view that high levels of language proficiency are essential to gaining meaningful employment upon arrival in Canada. Our findings reveal the complexity of migrant workers' relationship to language requirements in the transition process. On the one hand, the vast majority of our migrant worker participants deemed some degree of proficiency in English to be crucial to their success in Canada. On the other hand, language requirements were seen as having several negative effects on the PR transition experience.

While acknowledging the importance of English skills for prospective permanent residents, we point out that the migrant-worker-to-permanent-resident experience is fairly new. Many migrant workers successfully transitioning to PR in Canada already have jobs, negating the argument that the language requirements are intended to facilitate employment. We also find that high levels of English proficiency increase the likelihood of employment mobility, but only after the migrant worker has achieved PR. Migrant workers with high levels of English proficiency are more likely than those with limited English skills to leave their job once they achieve PR, especially if they hold an employer-tied low-skilled position. Finally, from a provincial nominee perspective, one-size-fits-all federal language requirements have even been detrimental to transitional models for migrant workers, especially in those rural areas where attracting and retaining immigrants is crucial for local development.

The vast majority of research participants in each of the three provinces agreed that some level of English proficiency is one of the key factors facilitating short- and long-term integration into the Canadian workplace and into Canadian society:

*English is the main tool here. If you know English, you can have many doors [opened], that's one of the main points, you work hard, you study, you can succeed.<sup>97</sup>*

**Interviewer:** *If you could give someone advice who was in your same position three years ago, what would you say?*

**Participant:** *English. Don't come here with no English. You are going to freak out. You need the language for everything. I would advise anyone first to learn the language. Without the language, with language barrier, no matter how good you are, you are with a language barrier. No one will understand you. No one will see that you are good... With no language, you are lost here.*<sup>98</sup>

This point was made in both urban and rural locations, even in Toronto, where ethnically sheltered communities might be seen as reflecting the diminished importance of proficiency in English. A current migrant worker from Spain commented:

**Interviewer:** *And would you say [that] even in Toronto, where you can find a number of Spanish communities... English is still quite important?*

**Participant:** *It doesn't matter. In order to get a job, you will probably need to speak English. In order to go to the grocery store, you will need to speak English. In order for everything, you need to master the language.*<sup>99</sup>

The importance of English skills for migrant workers is evident when it comes to their transition to PR. Language requirements for PR and standardized language testing were identified as key challenges in the transition process. The main concerns about language testing are its high cost, differential outcomes depending on type of test taken (whether a British or a Canadian accent is used), lack of exemption for applicants from English-speaking countries, and technical aspects such as computer-delivered testing requiring typing skills. One non-migrant worker participant noted:

*Why is it that the way of taking the test is through typing? You mean to say that cooks type, food attendants type? They won't type...If you are not introduced to typing, how can you answer if you do like this? It takes time, it takes pressure. So that's the way they cannot pass it. So lots of them have already tried twice to pass it, because it is a time pressure thing and they don't know how to type.*<sup>100</sup>

Even though migrant workers stressed the importance of English proficiency, they found the language requirements an unfair barrier in the PR application process. Many spoke of the ways in which the requirements hindered their transition experience — difficulty studying due to severely limited time, resources and training programs; delays in family reunification, leading to family breakdown — making for a stressful and sometimes discouraging experience. For those who knew they would be facing the four-year limit, the language requirement added to the “time I don't have,” especially when they fulfilled all of the other requirements of the PR stream (e.g., work experience, employer support). Even migrant workers with high levels of English proficiency acknowledged this issue, having witnessed the difficulties faced by their co-workers with lower levels of English:

*Lots of people feel that pressure, that they have to learn more English, improve their English, because they have [limited] time. Because they know they have two years to apply for their provincial nominee letter, so they are forced to study. And they have just two years. So if they can accomplish their English mark or in the test so they can apply for the nominee program.*<sup>101</sup>

A Portuguese-speaking staff member at the FCJ Refugee Centre in Toronto who assisted the Centre's Portuguese migrant worker client base (most of whom were NOC B construction workers) explained that two federal requirements, the PR language requirement for CEC and the migrant worker cumulative duration limit, created major challenges for workers attempting to transition to PR:

*The biggest challenge...is language, always language. In terms of those who come here with the work permit and they are looking into avenues for PR, they just have zero language in the English*

*skills, and I have tried my best to create a program here so that they can start learning English, but there is just no way of teaching English in a couple of months. So what will happen is, after a year...they will come to me and they'll say, "I have worked here for 12 months, I am looking into PR and see options," and by that time it's already too late...It will take more than a year to receive the response, so then they will have to do two processes. They will have to extend their work permit, which is not a guarantee and most of them don't like their employers because they are subject to exploitation, most of the time, so they want to change employers, but they can't. In order to legally stay here, they have to extend and do their PR, so two different fees, two different processes — such a headache for them. And on top of that, they have to take time off work because they generally work a 60-hour week...**That is their biggest challenge. Everything else, they qualify. They qualify for CEC always — they always do. It's just the language they don't.**<sup>102</sup>*

Given the anxiety surrounding the prospect of transitioning, migrant workers can become so discouraged that they give up. None of the FCJ Refugee Centre clients who had difficulties with language requirements were successful at achieving PR:

**Participant:** *I think it's so stressful that they can't handle it, and they go back home or they just...stay here and they become nonstatus.*

**Interviewer:** *So what would be the proportion of the clients that you have seen that were not able to go until the very end of their immigration process?*

**Participant:** **100 percent of them...I haven't had one who has finished the process... none of them have been able to get PR here.**<sup>103</sup>

Although “good” employers are more likely than “bad” ones to retain their employees after they have achieved PR, English proficiency is a factor in labour mobility. Migrant workers with higher levels of English proficiency, especially those in low-skilled positions, are more likely to leave their job once they transition to PR. Conversely, former migrant workers with lower levels of English are less likely to move between jobs, as explained by a participant from China who had achieved PR:

**Participant:** *If I have a good English, I would quit definitely and find another job.*

**Interviewer:** *And how does that feel?*

**Participant:** *I feel it's okay.*

**Interviewer:** *It's okay? You don't feel frustrated?*

**Participant:** *First of all, I know my English is not good, so I shouldn't feel frustrated.*

**Interviewer:** *So you feel you have to improve and that's all right?*

**Participant:** *Yeah —*

**Participant:** *I know it's a process. I think here, like, English is the one to show you have the ability, but without English, like, you have to wait patiently, wait the opportunity.<sup>104</sup>*

In Manitoba communities that are not immigrant “final destination” cities, such as Brandon, the more stringent language requirements have implications for the Manitoba PNP transitional model, in which migrant workers are seen not as temporary but as future citizens. Since the strategy is to retain migrant workers permanently, the province has placed a heavy emphasis on language training from day one, to facilitate their integration into the population. Thus, in Manitoba, unlike elsewhere in Canada, migrant workers with a low level of English proficiency have opportunities to improve their language skills in the medium or long term. However, the language requirements change the way in which migrant workers must now be recruited, and hence could threaten integration outcomes. One Brandon City official noted:

*It's beginning to cause problems. Up to now the hiring models that have worked really well for the pork-processing plant and for community integration are not working from the language side. As a result, we're having to look at a new country of origin for recruiting that has English as their foundation rather than focusing on individuals that possess the attributes for successful employment at the plant. This shift...is a game changer, because now we no longer know: will they come in with the same dual intent, or, if it is dual intent, [do the individuals actually have] any plan to stay in a small urban centre, or are we just the stepping stone? So for us now, everything that we've learned and honed and built success on for all intents and purposes is gone.<sup>105</sup>*

As the example of Brandon shows, introducing a language requirement for lower-skilled PTNP streams could lead to employers sourcing labour only from English-speaking countries at the front end. Employers who rely on transitioning migrant workers in low-skilled positions to PR confirmed this practice in Manitoba, and have started to recruit migrant workers from English-speaking countries such as Ireland.<sup>106</sup> From a federal PR perspective, similar issues arise even for migrant workers in skilled occupations. In fact, a recent lawsuit on behalf of more than 150 migrant workers in the construction industry in Ontario, from Italy, Portugal and Poland, claims that said foreign nationals have been discriminated against on the basis of language given that they are not required to speak English to qualify for work in Canada, but in order to be considered for PR under the FSTP or CEC, they must pass a language proficiency test (Keung 2015b).

In conclusion, English proficiency evaluation for migrant workers in the form of standardized testing done within a relatively small time frame can place immense pressure on prospective permanent residents. Furthermore, it is not clear why the current benchmarks for and expectations about English proficiency are warranted for this group of transitional migrant workers. Given the growth in employer-driven immigration streams, many migrant workers successfully transitioning to PR already have jobs, negating the argument that one of the purposes of language requirements is to facilitate employment. Moreover, English is not the only tool for integration, so it is important to facilitate PR transition for migrant workers who do have jobs in Canada, either by requiring that they demonstrate a certain level of English prior to arrival or by giving them more opportunities to study English upon arrival. One alternative would be to reassess benchmarks in order to be more facilitative toward this group, if language training is not offered to nonpermanent residents. There is great risk to employers and new immigrants alike if language issues for this significant “transitional group” of new immigrants are not taken into account from both a short-term and a long-term perspective.

### **Challenges faced by migrant workers in the permanent residence application process**

Several of our research participants found that eligibility criteria under nominee programs and the CEC program were not straightforward, lacked clarity and were frequently changed. In some cases when instructions for PR applicants were unclear or even missing, CIC officers in charge of the applicant's file did not take this into consideration and made intransigent decisions. An additional challenge was long periods of family separation, mainly with regard to migrant workers in low-skilled occupations.

#### *Confusion and complication in applying for permanent residence status*

Each PTNP has a website with application forms and instructions, but the information provided is not always straightforward or sufficiently detailed. Furthermore, while some provinces

include policy and procedural guidelines on their PTNP websites (mainly Manitoba, Nova Scotia and Saskatchewan), most do not provide detailed information about their procedures. And for the few provinces that supply applicants with guidelines and manuals, the documents cannot be considered as having legal authority (for more on this topic, see Nakache and Blanchard 2014, 549).

Several participants applying under the Alberta PNP reported that information provided on the Alberta government's website was unclear. When they attempted to contact Alberta officials for clarification, they sometimes obtained very little information. As one current migrant worker explained:

*There are critical questions that are not clear and you have to call them. And they say go to the Web page. Yes, but I already read that and it's not clear there — maybe for a lawyer it's clear but not for me.<sup>107</sup>*

An NGO worker noted inconsistencies in the responses of provincial officials:

*Sometimes you call for the same question three different times [and] three different officers will reply three different ways of doing it. So you can imagine how challenging it is to get...the answer you are looking for through the call centre.<sup>108</sup>*

This problem was exacerbated by a lack of communication on the part of Alberta officials regarding the status of migrant workers' applications:

*I was afraid that I was denied at some point because you never know, right? You call and you say, hey, can you give me some information? And they say, oh, it's in processing. Oh, thanks! Thanks for the information! [sarcastically] And, yeah, when they have coming the notification and they say, now, you have to submit this, and this is going to be delayed because you didn't submit this document. And you say, wow — by the way, I already waited six months. You tell me [that] because of a small document of nonsense I have to wait another six months? That's the only thing: you have to be really patient.<sup>109</sup>*

The challenges of collecting and navigating information about the Alberta PNP are creating an environment of uncertainty for PTNP applicants. In fact, several participants said that they felt they had no recourse but to turn to immigration lawyers or consultants to assist them with their application. A migrant worker in a skilled occupation expressed how he felt about the PR process:

*I don't know if my English is not good enough or whatever, but it's very hard for the forms, the applications, the process. Basically, it forces you to get a lawyer, or, if not, if you don't get a lawyer, it's very hard to apply for...residency...it's very hard.<sup>110</sup>*

At the same time, many participants explained that they were distrustful of third parties (immigration lawyers and consultants) and believed that obtaining reliable and trustworthy information from nonprofit organizations was essential for a safe and successful transition (this point is elaborated in our section titled "Settlement Services for Migrant Workers"). One participant explained:

*The first time that [my dad] applied under the Alberta provincial nominee program, they denied, so everything came back with a letter saying that he must have two years' experience of construction or leather-interior system mechanic — that's a trade. But that was weird, because my father has had experience for more than 16 years. So we were, like, why are they saying that my father wasn't having experience? He's been working here in Canada [for three years] and also*



*he got plus 16 years' experience back in Mexico. So it's not sense. And we went with a lawyer. It was expensive, so the first two months that he was helping us, he was getting only money [from us and] he didn't do anything at all...My father was paying \$4,000 every session with him, so we're there for three sessions and it was a lot...So for some reason I came [to an SPO] and she told me, did he apply for [Alberta PNP]? I said yes. He got denied? I said yes. Why he doesn't go and send them a letter that he got more than that, more than two years of experience? So we fill out forms and everything, we send them. And that was on October 2011. And then...we got the nomination, on December, so it was Christmas time...that was our Christmas present.<sup>111</sup>*

Participants also mentioned the frequent changes to PNP policies and programs, which were disheartening for many. The literature raises concerns about selection criteria and processing procedures under nominee programs, which change often and without notice. PTNP participants can miss important deadlines or be misinformed about necessary documents or forms, which could be fatal to their application (Baglay and Nakache 2013; Nakache and Blanchard 2014, 549; Nakache and D'Aoust 2012). In this research, we found that frequent changes to the CEC eligibility criteria also have negative implications for migrant workers' PR applications. For example, one migrant worker who applied to the CEC as a Specialty Foods Baker (NOC B) spoke about the numerous barriers faced in the PR application:

**Participant:** *When I applied, they say, "If you are NOC B, so you can get [a CLB] between 4 and 5." And then I get on my score a 4.5. When the officer checked my application, he told me, "The minimum is 5 now." So 4.5, they refused my application. So they say to me, "You don't have the novice skills required from the Canadian Experience Class"...blah blah blah, "so your score is 4.5, so we need 5 now."*

**Interviewer:** *And when you applied, it was 4?*

**Participant:** *Yeah, between 4 and 5. Now they changed to 5. So I say, okay. And then I called the CIC office and I told them, "When I applied, I see that it was between 4 and 5, and I got 4.5 — that's why I sent my application." And then they told me, "Okay, you can appeal. But, really, I don't recommend you do that, because it is going to take you longer because the immigration officer has all the power to decide who is coming to Canada and who is refused."*

**Interviewer:** *He suggested to you not to appeal?*

**Participant:** *Yeah, they said me not to appeal [and instead told me], "Well, try to improve your English and then send again your application. Because the [officer] has [all] power if...the laws have changed it, right? That is why [the officer] refused your application, so [the officer] can do nothing. So you lost your time. I recommend you try and fix your points and then apply again."*

**Participant:** *And then they refuse again...I don't know. My luck is...I take my English test... Now it is 5.6, so more than they need...Now when I sent it, they rejected it...They sent me back the old application [because they told me that I used the previous NOC for specialty baker (5262) and that this NOC is now 6332]. I didn't know that...because they gave me my work permit in 2012 [but with] a NOC code from 2006. And now, for that, they refuse my application. Immigration, they are supposed to know the right code.*

**Interviewer:** *So did you call them again?*

**Participant:** *Yeah, I called them again and I said, "Why do you refuse my application? If you check my work permit, it is the NOC code [that I used for my application]." I gave it and didn't change my NOC...because I was thinking...if you see a different NOC, a different work permit... there was no match. "Maybe you think I am tricking you or something like that..." That's why it didn't change. [They] said to me, "No, it changed. Doesn't matter what it says on your work permit." So I changed it and I sent it again. So I hope this is the last time. I sent it two weeks ago. It's hard sometimes...because...they are always right. They never make a mistake. So if you try to explain, "Why you do that?" so they give you the other way. The hardest way, right? So do it again.<sup>112</sup>*

Another participant made a PR application under the CEC as a "Fast Food Supervisor." However, her application was considered by the CIC immigration officer as being for a "Manager." She explained what happened:

**Participant:** *When you describe yourself for a NOC classification, in one of the applications you have to put NOC and then the number. So you have to put 2006 or 2011. Okay. So I classified myself as a 2006, as it says online, but the person who considered my file [took the NOC] for 2011. So that my NOC occupation number 6311 for 2006 is [as] a “food supervisor” but for 2011 it is “manager.” And then he texted me that my skills, English, is not enough...So, for example, applying under the NOC B, they request 4.5 for your English test, and mine was 6. And for the managers, you have to have 7...He considered me for manager, and he said that I had to have 7, but I had 6.*

**Interviewer:** *So you received the decision and then what did you do?*

**Participant:** *I was under the impression...I go through again with my application and I go through again online to see where I made a mistake. Then I am thinking, okay, maybe they changed the regulations for the Canadian Experience Class. And I look again and it says 4.5, so I was just shocked. I was just ready to go home. I say, okay, maybe this is not my country, maybe I have to go back home, maybe I have to try another country. Because I tried and...I fill all the requirements.<sup>113</sup>*

Upon receipt of the negative decision, this participant was advised by CIC to request, in writing, a reconsideration of the refusal, since she had not made a mistake. However, after a couple of days she received a negative response from the CIC immigration officer who had first reviewed her file. She explained how she felt when her application was denied:

**Interviewer:** *So did you talk to a lawyer at this stage?*

**Participant:** *No, I have no one here. I didn't talk to anyone...It is my right as a human being...right? Well, we were here talking about it with everybody and we think that maybe he actually noticed that mistake but he doesn't want the Immigration in a bad light, if we can say that...I don't know, maybe he decided, “I am right and she is wrong.”<sup>114</sup>*

It is important to note that when candidates receive a negative decision from CIC, they are entitled to apply to the Federal Court for leave to judicially review the refusal. Judicial review is an administrative legal process intended to ensure that decision-makers have not exercised their power arbitrarily or unreasonably. None of our research participants who received a refusal from CIC realized that they had the right to seek remedial relief, and hence not a single one exercised this right. This is cause for concern, especially in light of recent findings suggesting that errors by CIC officers are not infrequent. A 2013 internal government review of the CEC found that 23 percent of decisions rendered by CIC officers had “significant” eligibility concerns; and in January 2015 three internal government reviews identified a “high error rate” in the processing of PR applications by CIC officers. The Canada Employment and Immigration Union blamed the errors on the rising number of “casual employees” hired to replace well-trained permanent staff and on the fact that it has become a challenge “to keep up with all the changes that come every other week, [especially when employees must] meet the quota and process X number of applications during [their] 7.5-hour shift.” PR applicants should be informed that they have recourse and that errors can be addressed (Keung 2015a).

In sum, frequent changes to immigration programs, especially when made without notice, create an environment of uncertainty for migrant workers and can even jeopardize their PR application. To resolve this problem, spokespersons from settlement agencies have recommended a “direct connection” between federal and provincial governments and their agencies: a government representative would inform the agencies about the most recent changes and how they should proceed. This would be a simple first step in addressing the confusion and complications in the PR application process.

*Prolonged family separation*

Currently, only spouses of migrant workers in skilled (NOC 0, A, and B) occupations can obtain an open work permit. This provision is likely based on the rationale that those in higher-wage positions can better support themselves financially; or that, from a federal perspective, workers in low-skilled jobs are not encouraged to transition to PR and integrate into Canadian society.<sup>115</sup> Several of our migrant worker participants with jobs in low-skilled occupations, who had no choice but to leave their families at home when coming to work in Canada, described the hardships involved in maintaining relationships with their spouses and children:

*It's very hard economically and emotionally, especially being alone over here and for them not being at their own house. They're staying at my mom's house, but it's not the same, especially for my child not having his room, he's used to that so it's very hard for him not to see me.*<sup>116</sup>

*It's hard. Because for, like, how many years you are living with your wife and with your kids and you left your kids in the Philippines. And the first day, like, when I go to bed, it's, like, there's no other beside me. So it's, like, oh, really, this is the real life here in Canada.*<sup>117</sup>

Another migrant worker told us:

*I know a lot of my co-workers that maybe they will separate. I don't know how Canada cannot make us bring our families. So I think that there are a lot of marriages broken for this reason.*<sup>118</sup>

In addition, it was not rare to hear about a migrant worker starting a new family in Canada. This results in a very complicated situation, from a family law perspective, if the worker has to return to the home country after failing to achieve PR or wants to reunite with his or her children.<sup>119</sup>

While some participants described extreme hardship, they felt it was worth it if they could manage to achieve PR and bring their family to Canada. One woman from the Philippines had left her son when he was only 15 months old and had been in Canada for 7 years, trying to get PR in order to reunite her family:

**Participant:** *And now he's turning 8 years old this coming September. And then I went home two times already. Every time I go home, he always asks me, "Mommy, when I can go with you? I want to see the Canada." I just say, soon, soon, soon. I just keep praying. It's hard.*

**Interviewer:** *So you just saw him twice?*

**Participant:** *Yes. But every day I Skype.*

**Interviewer:** *...But physically, I mean, you were able to go back twice?*

**Participant:** *For coming 7 years this November.*

**Interviewer:** *And so who is taking care of him?*

**Participant:** *My mother is with him.*

**Interviewer:** *Are you worried about that? Because this is something we keep hearing, from people we talk to. They say, "They don't know me." Are you worried that one day they might not go back to you? How do you feel?*

**Participant:** *No. Because every time I talk to them, we always keep explaining that we're here, it's for you. It's really tough, but if we are in the Philippines we cannot give what they want. They cannot go to the private school, all the stuff they need.*<sup>120</sup>

In sum, the justification for limiting family accompaniment for migrant workers on the basis of skill level is not convincing given the impact of prolonged family separation on the PR transition experience.

## Settlement Services for Migrant Workers

**B**ecause migrant workers have traditionally been viewed as “foreign nationals” coming to fill short-term job vacancies and then returning to their country of origin, federally funded settlement services are not available to them until they transition to PR. The government expects employers to “take an active role in ensuring [migrant] workers find their place in the community, as employers benefit directly from their presence in Canada” (Association for Canadian Studies 2010, 11). In addition, as required by the federal Low-Skill Pilot Program, a number of key initial settlement needs must be met by employers, such as ensuring that adequate and affordable housing is available and that migrant workers have health care insurance (Association for Canadian Studies 2010, 11). However, employers’ assistance with any additional settlement needs varies and is entirely at their discretion. Research has illustrated the negative consequences for migrant workers of the lack of settlement services (combined with other specific aspects of temporary work permit programs), such as social exclusion and social isolation (see, e.g., Cundal and Seaman 2012; Foster and Taylor 2013). It is also being increasingly acknowledged that, when migrant workers experience these difficulties (i.e., as Temporary Foreign Workers), the effects linger even after the transition to PR (see, e.g., Atanackovic and Bourgeault 2014; Goldring and Landolt 2012, 28). We will now briefly describe how different provincial governments and other key players have stepped in to provide orientation and settlement support to migrant workers. We will then address the special needs of migrant workers in their transition to PR and identify current service gaps in this area.

### **Settlement measures for migrant workers in Alberta, Manitoba and Ontario: An uneven landscape of support**

With the exception of Quebec, which has sole responsibility for delivering integration and settlement services within its own borders,<sup>121</sup> the federal government sets eligibility criteria for settlement programs and for managing the delivery of these programs in all provinces and territories. However, the settlement service framework varies a great deal among the provinces.<sup>122</sup> It is worth noting that federally funded settlement services are not provided by public servants; they are delivered by nongovernmental service provider organizations (SPOs) through quasi-contractual agreements. In addition, some SPO-delivered services are funded by provincial governments, foundations or other nonprofit organizations such as the United Way (Seidle 2010b).

With respect to service provision for migrant workers, the provinces examined in this study differed greatly. In Alberta, the provincial government directly provides some services to migrant workers. There are also specific SPO-delivered services for migrant workers, funded by the provincial government or by foundations. In Manitoba, for more than 15 years the federal-provincial settlement service framework gave the province considerable discretion over how services were implemented, funded and delivered. As a result, the Manitoba government developed a comprehensive support system for migrant workers, involving several key players (municipalities, unions, employers etc.). Since the federal government’s resumption of control over settlement and integration policies following its 2012 announcement, services have been restricted to permanent residents, although the province is trying to find ways

to fill the gaps. Ontario has only a relatively small grant program for nonprofit organizations working with newcomers, from which funds can eventually be used to support delivery of services to migrant workers at the discretion of the grantee agency.

#### *Alberta*

Alberta has a comanagement agreement with the federal government for settlement and integration services. Here is how it works in practice:

*Each year CIC and [the province of Alberta] send out a joint request for proposals. Service providers have to submit only one proposal in which they identify the overall funding being sought. CIC and [Alberta] officials together review each proposal and decide if it merits being funded. If so, they determine the level and how the funding will be shared between CIC and [the province of Alberta]. CIC and [the province of Alberta] then conclude separate agreements with service providers whose proposals have been accepted. **Because Alberta's rules are not as restrictive, services can be provided to clients that are not eligible for CIC programs.** (Seidle, 2010a, 15)*

Under this comanagement model, the Alberta government can provide services to migrant workers, and it opts to do so both directly and indirectly. *First*, the Alberta government provides information on the rights of and recourses available to migrant workers who have complaints, through two Temporary Foreign Worker Advisory Offices (one in Calgary and one in Edmonton), a helpline, and an online fraud-reporting tool. These services “tend to focus on helping workers understand their rights and responsibilities while providing an outlet to report abuse and making referrals to immigrant service agencies” (AAISA 2015, 5). *Second*, in June 2008, the government started to offer funding to nine SPOs across the province to provide services specifically for migrant workers (including their spouses and children) on nonemployment issues. The objective of these Temporary Foreign Worker Support Services is “to help [migrant workers] adapt to living and working in Alberta.”<sup>123</sup> For example, the agencies can provide orientation for daily living such as how to take the bus, how to dress in cold weather, and banking and buying groceries. As one research participant noted, although these SPOs are not mandated to help migrant workers with employer standards issues, since they do see clients with such issues, they attempt to refer them to the appropriate service.<sup>124</sup> The level of funding has remained constant since 2008, but it is now distributed to fewer agencies across Alberta.<sup>125</sup> The services provided are information-based but may include referrals for housing, drivers' training, education, legal guidance, interpretive services, and assistance with EI, Workers' Compensation and human rights (AAISA 2015, 5; Cundal and Seaman 2012, 210; Nakache and Kinoshita 2010, 30).

Finally, there are also nonprofit organizations in Alberta providing legal assistance for migrant workers that are *not* funded by the province. These organizations do not target migrant workers (or immigrants) specifically, but do incorporate such assistance into their mandates. The Calgary Workers' Resource Centre, a charitable organization funded by the United Way of Calgary and Area, the Alberta Law Foundation, and donations from individuals and organizations, assists migrant workers with filing EI and disability insurance applications, claims, and complaints and appeals (AAISA 2015, 5). The Edmonton Community Legal Centre (ECLC), which is funded by the Alberta Law Foundation and donations from individuals and organizations, provides legal information and advice free of charge to migrant workers (among others).<sup>126</sup>

### Manitoba

In the 1990s, British Columbia and Manitoba expressed interest in assuming responsibility for the management of federal settlement programming. In 1998, the two provinces were successful in reaching agreements by which federal funds were transferred to them for the implementation and delivery of settlement activities. However, in April 2012, the federal government informed the Manitoba and British Columbia governments (without prior consultation) that it would be reassuming responsibility for the management of federally funded settlement programs by April 1, 2013, and April 1, 2014, respectively.

When we conducted our field research (in spring 2014), the federal decision had had a direct impact on migrant workers: SPOs that had been serving migrant workers were explicitly told by the federal government that they were no longer allowed to do so.<sup>127</sup> Service providers unanimously expressed how difficult and heartbreaking it was for their team to have to turn their back on migrant workers who had come to their offices on a regular basis.<sup>128</sup> An interpreter in Brandon who worked closely with migrant workers explained:

*I'm just thinking about the [SPOs that] can no longer assist people who are not permanent residents, when absolutely everybody knows that the vast majority of these people are going to become PR...That's silly.<sup>129</sup>*

Migrant workers described these changes as “sad” and “unfair”:

**Participant 1:** *We cannot study, we cannot do anything.*

**Participant 2:** *Like, before, even we could go to [SPOs]. But now since this year, no more we cannot go.*

**Interviewer:** *How does that feel, not to be able to see anyone for help?*

**Participant 1:** *Sad.*

**Participant 3:** *So sad.*

**Participant 1:** *Yeah, it's unfair.*

**Participant 2:** *Because somehow, somehow, we say the government has the responsibility for us, right? Because somehow, we are part of the community. We are working for Manitoba, right? We pay taxes, so we are entitled for all of those benefits. But they just let us alone and, you know, you lead your own way. They have to be supportive all the way, like, on the way to get permanent residence, so we can still have all the benefits.*

**Participant 4:** *I pay taxes, as any Canadian or any resident here. It would be fair to have those services.<sup>130</sup>*

The settlement service change imposed by CIC also undermines the efforts of local stakeholders in assisting with the long-term settlement of migrant workers in Manitoba. Within the City of Brandon, for instance, key stakeholders had been working together toward a comprehensive settlement program focused on the “successful integration for permanency”<sup>131</sup> of migrant workers.

In the last decade, the City of Brandon has played an active role regarding migrant workers. It has acted as a facilitative body, ensuring communication among stakeholders and bridging gaps between businesses, service providers and the community with regard to integrating migrant workers. A representative from the City raised concerns that the 2012 CIC decision might compromise their successful efforts:

*It used to be the province, now CIC since November [2013]. So...we're exploring a new relationship with CIC, and it's a very different approach. With the province, we shared dual-intent as*

*our guiding principle. Now, what we're trying to do is maintain our dual-intent at a municipal level, within the confines and restrictions of a CIC model...Thus, the challenge for Brandon now is...how do we meet labour challenges and still achieve the goal of permanency for transitional workers? All the years of local investment and community collaboration aimed at the successful integration of transitional workers provided us a proven model that met the employer, community and provincial needs. These leanings and investments enabled us to move from continually trying to catch up to newcomer needs, to being able to proactively respond in a coordinated and strategic fashion, meaning increased success for all.<sup>132</sup>*

Migrant workers hired by Maple Leaf Foods in Brandon receive assistance with language training. In addition to providing administrative support to migrant workers with their immigration paperwork, Maple Leaf has signed a tripartite agreement with UFCW Local B32 and the provincial government. The agreement stipulates that the three parties must each contribute one-third to a trust fund for English-language classes, which are provided by the UFCW.<sup>133</sup> Following resumption of federal management of settlement services, it remains to be seen if the tripartite agreement will stand.

In sum, while migrant workers of all skill levels have a clear path to PR through Manitoba's nominee program, the 2012 CIC decision has had negative repercussions for the province's "relatively inclusive approach to settlement service delivery" (St-Aubin and Bucklaschuck 2014, 2). According to a Manitoba civil servant, the government is now "beyond the unhappiness and frustration" and is actively "trying to fill the gap somehow":

*Is it the right decision for us? Maybe not, because we were used to having local service providers and local civil servants closer to the realities and needs of Manitoba and trying to address that... but it is what it is, it's done.<sup>134</sup>*

Thus, the province of Manitoba is offering information sessions to migrant workers, twice a week and in different languages (on protection for migrant workers in the province, on how to apply to the Manitoba PNP, among other topics). In addition, the province's Immigration Information Office has a telephone service to respond to migrant workers' questions and concerns. Although Manitoba is no longer in a position to fund NGOs to offer settlement services to migrant workers, it at least provides informational services to migrant workers through its own provincially funded programs.

#### *Ontario*

Ontario has a Newcomer Settlement Program whose objective is to support the delivery of services to individuals who are not eligible for federally funded settlement services. This program therefore potentially includes migrant workers. However, as indicated by an Ontario civil servant, the annual funding is only \$7 million, so, relative to Ontario's broader settlement funds, it is "a small piece of the pie."<sup>135</sup> Due partly to this fund, nonprofit centres like the FCJ Refugee Centre in Toronto can meet with migrant workers to address their multiple settlement needs and provide them with general information for navigating immigration programs.<sup>136</sup> While migrant workers may be eligible for provincially funded immigrant settlement services, due to limited funding, these services are not widely available and hence are not reaching all migrant workers. However, migrant workers in Ontario can access and benefit from the free legal aid system, where they can pursue Employment Standards and file work-related complaints, often in a range of languages.

In Ontario, as in other provinces, there are SPOs assisting migrant workers in specific areas, such as health care support. For example, a current migrant worker described to us how, after she had lost her provincial health care coverage, Access Alliance (a charitable organization in Toronto) saw her safely progress through her pregnancy with the assistance of local midwives.<sup>137</sup>

### **Specific needs of migrant workers regarding pathways to permanent residence and how they are addressed by service provider organizations**

Despite important provincial variations in the provision of settlement services, SPO representatives across the three provinces indicated that an increasing number of migrant workers were coming to them for PR-related questions. For all of them, in fact, information about immigration had become the main reason for migrant workers to visit their organization. Moreover, there was widespread agreement among research participants that there is an urgent need for legal services and language training for migrant workers.

#### *Questions regarding permanent residence: The main reason for migrant workers to visit SPOs*

According to service providers, reasons for migrant workers to visit SPOs are related more to their PR pathways than to current work issues. In some cases, migrant workers want only to learn about their eligibility and options for PR. It was made clear by several of our research participants that migrant workers in low-skilled jobs, in particular those who have been separated from their family for a long time, are interested in family reunification options. Other migrant workers seek advice regarding a specific obstacle with their PR application (e.g., a denial at the provincial or federal level; an employer-related problem — the business closed, the worker was laid off or fired or was abused by the employer). As the mandate for migrant workers varies among SPOs, service providers are not able to offer them consistent help. In Alberta, for instance, provincially funded SPOs will provide only general information to migrant workers regarding their options for PR; in the best-case scenario, they will show them how to navigate provincial/federal websites.<sup>138</sup> The ECLC, which is funded by sources other than the provincial government, has greater flexibility in assisting migrant workers with their personal application:

*A lot of times we will do some of the preliminary prep work — inform them on [where to] find the forms, how to gather the support[ing] documents, maybe explain what they could include in a cover letter that would be compelling with the application et cetera. But we really encourage them to...fill the application...and, once they are ready, to [come back to] have [it] reviewed [by us]. That works really well for some clients and not so well for others, so for the ones that you can tell are really struggling or have a language barrier...what we'll do is have them do as much as they can and highlight or indicate which boxes they have no idea how to answer...then book them and have a lawyer and say, "Okay, they mean this...they mean that...this is what you need to put..." Because I would rather spend the time upfront and have them submit an application that is as strong as possible...<sup>139</sup>*

#### *SPOs as "safe spaces"*

The vast majority of service providers who took part in our study indicated that they saw their role as important: "they are a safe space," where migrant workers can discuss their problems freely, without fear of deportation.<sup>140</sup> Another point that came up frequently is that service providers are seen as a reliable and trustworthy source of information for migrant workers, especially relative to private immigration consultants or recruiters. An employee of a settlement agency in Alberta stated:



*The only way we are able to give them the right information [regarding immigration] is because we collaborate with the province and CIC in order to give them the correct information...for these changes that are coming for the policies, we invite the Alberta Immigrant Nominee Program and sometimes CIC to come and give information sessions. Of course, being there, we are able to absorb the information and so any time a foreign worker comes and asks similar questions, then we would be able to relay that. But if the client asks questions that we are not sure of, then we call CIC directly and ask the question...We tell our clients that we are not immigration consultants but the reason why we are doing that as well is that we do not want them to be targeted by the immigration consultants that are charging too much for them and considering their meagre income. We also encourage them to do it by themselves; we empower them to do it, because they should know what they are doing.<sup>141</sup>*

This point is particularly relevant in Alberta, where recruitment agencies are increasingly involved in activities surrounding PR applications — and not just initial recruitment for work. We heard several stories of migrant workers being recruited abroad by a recruitment agency on behalf of an Alberta employer who later, once they were eligible to apply for PR (and their employer had agreed to act as sponsor), “strongly” advised them to use that same agency to process their immigration paperwork. Several migrant workers who had been hired by the same employer stated in one-on-one interviews that they felt they had no choice but to use their employer’s recruitment company to process their immigration papers, despite the fact that this company was known to delay immigration applications by making purposeful errors for additional staggered fees. In Alberta, in contrast to Ontario and Manitoba, recruiters are permitted to charge migrant workers immigration fees (even if they have no right to be involved in the recruitment process).<sup>142</sup> It is beyond the scope of our study to address in detail the complex issues surrounding unscrupulous recruiters (for more on this topic, see Faraday 2014; House of Commons 2009). However, the risk of abuse is high when migrant workers feel that using their employer’s recruitment agency to process their immigration paperwork is their only option. Allowing SPOs to assist migrant workers with their PR application is one way to reduce that risk.

#### *Service gaps*

A serious service gap identified by our participants was the lack of free legal services for migrant workers, which means that migrant workers’ only option is to pay out-of-pocket for a lawyer (or an immigration consultant) to help them with their immigration application:

*[When there is a legal matter] I have nobody to refer them. Where can I refer them? I say, “I’m sorry, I am not able to help you,” because I cannot refer them...No legal aid because they are temporary foreign workers. I have to refer them to Edmonton, and Edmonton will refer them to [Fort McMurray]...oh, my gosh, it’s a red tape. And clients cannot wait for that, so they opt to go to these lawyers and they charge so expensively...That’s why my clients do not like to go [to Edmonton]. It is too far, they’re spending too much.<sup>143</sup>*

*When you are a settlement agency, every client that comes to you, you feel their life and their experiences and you are affected by it. You want to give everything that is going to help them. Most of the concerns that really breaks my heart is their access to legal rights.<sup>144</sup>*

*These agencies don’t give you much help. So I’m thinking now to apply for the residency and it’s going to be a hassle and cost \$4,000 to go to a lawyer and get all this done.<sup>145</sup>*

The fear of being abused by third parties constantly consumes migrant workers:

**Interviewer:** *So, actually, in terms of settlement agencies, you are not familiar with any?*

**Participant 4:** *No.*

**Interviewer:** *Do you think there should be more services available to you?*

**Participant 1:** *The only thing is, we are afraid of paying.*

**Interviewer:** *There are bad immigration lawyers?*

**Participant 1:** *Exactly. We don't know which one is okay or not.*<sup>146</sup>

Our objective here is not to discount the value of ethical, reputable, competent immigration lawyers and consultants, but to illustrate that migrant workers need access to legal services free of charge:

*What I'm thinking is, what about if they will assign someone else here just maybe to talk to, to ease the situation? If that person is so desperate, just to talk to this person and listen to what they have to say. Then it is good thing. At least it will lessen the burden.*<sup>147</sup>

*[Migrant workers cannot afford to be charged with higher fees], they cannot afford that. So sometimes they are just stuck...If any agency would be doing pro bono for them, that would be very helpful.*<sup>148</sup>

As discussed earlier, one of the requirements for a successful PR transition is some level of language proficiency, which differs according to program and skill level. However, achieving the required benchmark can prove to be a challenge without adequate access to English as an Additional Language (EAL) classes. In some companies where the UFCW operates (such as Maple Leaf Foods in Brandon), the collective agreement specifies that the employer must provide migrant workers with access to a language program.<sup>149</sup> Despite this exceptional practice, migrant workers have difficulty improving their language skills, because of the restrictive nature of their work permit (for instance, they cannot take a course longer than six months) and also because they are not eligible for federally funded EAL classes. In our study, both service providers and employers recognized that language skill training is essential to integrating migrant workers into the community. They could not understand why the federal government raises the bar so high regarding language requirements for migrant workers applying for PR yet fails to give them an opportunity (either in time or in education) to improve their language skills:

*I have no problem with people having to pass an exam for permanent residency, so long as we facilitate their learning or at least provide avenues for them. Even if they have to pay for it, they should at least be able to get it.*<sup>150</sup>

*In my opinion, if PRs are given the chance to take English courses, then why not also give it to temporary workers? Because we say they are temporary, but most of them are eligible to become permanent residents in the future. Why not give them the opportunity to do it themselves, and so when they take this challenging requirement for the government, then it will be at least easier for them?*<sup>151</sup>

Several of our research participants pointed out that migrant workers would probably be willing to pay a reasonable amount to take a structured English course, if this allowed them to pass the English test.

To sum up, despite provincial variation in the provision of settlement services for migrant workers, there was strong consensus among our research participants that greater assistance to migrant workers is crucial for a safe and successful transition experience. Given that recruiters can also conduct the private "business" of immigration, migrants need safe spaces where they can access reliable information and support, including legal services. In addition, now that the federal government has raised the language bar for migrant

workers wishing to apply for PR, these workers should have access to publicly funded language classes. All levels of government should acknowledge the settlement needs of migrant workers who are actively pursuing PR: their contribution and their integration into Canadian society merit a careful re-examination.

*Given that [migrant workers] are allowed to apply to transition to permanent resident status, then, how do we reconcile the fact that some future permanent residents are, for a period of time, denied services that can positively contribute to their long-term settlement? Excluding [migrant workers] from settlement services may hinder their efforts to successfully settle, contribute to inequities within the newcomer population, and place further strain on settlement service providers who will have to turn away people in need of assistance. (St-Aubin and Bucklaschuk 2014, 2)*

## Conclusion: Policy Recommendations

**I**ncreasing numbers of migrant workers, including those in low-skilled occupations, are pursuing pathways to permanent residence. Immigration policy development ought to seriously consider this paradigm shift. Migrant workers who pursue PR should be conceptualized as transitional rather than only temporary. We need policies that facilitate their transition rather than complicate it, as is now the case. Our research findings reveal the linkages between temporary labour migration and PR: as it now stands, there is a clear disconnect between the two policy spheres, even though concerned clients and stakeholders are often forced to navigate them concurrently. Given that these linkages are likely to increase, it is crucial that the federal and provincial governments establish more coherence between migrant worker reforms and PR policies and programs. In this regard, we offer several policy recommendations that address key issues identified in our study. Some recommendations may be easier to implement than others; however, each deserves some reflection given the findings of our research. The findings confirm the complexity of navigating multiple ever-changing immigration programs and policies, so we are not suggesting that there is an easy fix. We have divided our recommendations into two sets: those that are relatively concrete and attainable, and those that require further study and discussion.

### Concrete policy recommendations

*Eliminate the four-in, four-out cumulative duration rule*

The four-in, four-out rule, which limits the amount of time a migrant worker can work in Canada, stresses that “temporary means temporary” for migrant workers and that they must obtain PR in Canada or return home once they have accumulated four years of work. However, placing a temporal limit on the migrant worker’s stay, rather than on the employer’s use of the program, does not signal that “temporary means temporary” but, rather, enables employers to continuously replace workers. In addition, the federal government in 2014 placed a cap on the number of low-wage migrant worker positions that an employer can request, so the initial rationale for cumulative duration may no longer apply. Furthermore, even though the four-in, four-out rule has encouraged migrant workers to pursue PR, which could be seen as a benefit, there are many risks associated with successful transition to PR — risks that likely outweigh any potential benefits of the policy. Our results show that the four-in, four-out rule does in fact jeopardize the transition in many cases, and even undermines provincial nominee programs.

Finally, it is possible that some workers will not return home for the four years but will instead work underground. Such workers could be placed in vulnerable, even desperate, situations.

Although we cannot substantiate the contention that there will be an increase in irregular migrants as a result of the four-in, four-out rule, the lives of migrant workers may well be made much more difficult, especially with regard to navigating immigration options. We recommend that the four-in, four-out policy be eliminated, and that better and safer legal avenues be provided for temporary migrants to work and immigrate. If a time limit must be instituted to reduce Canadian employers' reliance on foreign labour, it should be imposed on employers' use of the program, rather than on migrant workers.

*Right to family accompaniment for migrants authorized to work in low-skilled positions*

We recommend that the right to family accompaniment be extended to migrant workers in low-skilled (NOC C and D) positions. This means spouses and workers of all skill levels would be entitled to open work permits.<sup>152</sup> For migrant workers who may make the transition to PR, the option to bring their family at the beginning of their work period is crucial to short- and long-term integration. Roots in the community are more readily established by a family unit than by an individual, especially with children at school, which encourages long-term settlement. Family separation and breakdown as a result of delayed family reunification (e.g., when migrant workers in low-skilled jobs have to wait a long time to achieve PR and sponsor their family) can affect post-transition settlement outcomes. Since migrant workers of all skill levels can in fact access PR, if on an inconsistent basis throughout the country, limiting the right to family accompaniment to one group is unacceptable. Not all migrant workers would necessarily bring their families immediately upon arrival, but the choice to do so is integral to a smooth transition to PR.

*Facilitative language requirements for transitional migrant workers*

Language proficiency, though important, is not the only tool for successful integration. Migrant workers who already have jobs in Canada may not need, in the same way as applicants from abroad do, high levels of language proficiency for integration. Given that migrant workers are becoming permanent residents at increasingly high rates, we recommend that the federal government reassess language requirements and set different benchmarks for transitional migrant workers who apply from within Canada. The federal government should also offer free language training to jump-start migrant workers' language skills upon their arrival in Canada.

*Free in-person immigration information for migrant workers*

It is essential that migrant workers be given access to a greater range of settlement services through government-funded organizations, in order to ensure that those who are actively pursuing PR have a relatively smooth and safe transition. An important service gap for migrant workers who are pursuing PR is the lack of free legal assistance. A large number of migrant workers are being billed thousands of dollars by recruitment agencies for poor immigration services. Broadening migrant workers' eligibility for free legal services would help them to overcome challenges to PR and long-term settlement.

We recommend that CIC and provincial governments provide in-person information sessions regarding PR opportunities for migrant workers. We also recommend that more federal government funding be directed to SPOs that offer legal assistance to migrant workers, which will allow SPOs to continue with their legal services and expand their client base.

## **Policy recommendations requiring further study and discussion**

### *Federal pathways to permanent residence for workers in low-skilled occupations*

By introducing federal pathways to PR for workers in low-skilled (NOC C and D) occupations, Canada would attract individuals who already have jobs (Canadian work experience) and are familiar with Canadian culture and customs. Accessibility to certain PTNPs for only a limited number of these workers has resulted in inconsistent PR opportunities across Canada. However, it is not clear how a federal pathway would interact with PTNPs — as a replacement, as a supplement, or otherwise. It would also be worthwhile to explore more thoroughly the post-transition experience of former migrant workers in low-skilled occupations to better understand how their transition might be facilitated by the federal government.<sup>153</sup> Finally, to reflect anticipated PR transitions, in setting annual immigration levels the federal government should take more account of the level of migrant worker entries.

### *Reconsider employer-driven immigration processes for migrant workers*

Relying on employer support for PR (mainly through a full-time job offer from the employer) is highly problematic for a smooth transition to PR. Employer-driven immigration processes rely on chance — that is, on the hope that migrant workers will have a “good” employer who will not take advantage of employees by using a carrot-and-stick approach to PR. We recommend that the design of employer-driven immigration processes be re-examined. First, there is an assumption that employers are best positioned to nominate migrant workers for PR because they have permanent jobs to offer in labour-starved sectors where Canadians do not work. However, there is no guarantee that migrant workers will remain in their position once they transition to PR. Second, while employers clearly are knowledgeable about immediate labour needs, there is no reason why they should have what amounts to a decision-making power with respect to Canada’s long-term immigration needs. There is some concern that immigration selection is being shaped by employer needs rather than by societal needs. Third, it is not fair for prospective permanent residents to have to rely heavily on their relationship with their employer because their immigration options can be severely compromised if anything goes wrong. We recommend an alternative where workers self-nominate for PR, by demonstrating their work experience accumulated in Canada with pay stubs or other employment records. Employers can choose to be supportive during the immigration process by, for example, assisting with paperwork but should not be obliged to do so.

Finally, we recommend that employer-specific or “tied” work permits be reconsidered. If the government’s objective is to satisfy the labour needs of important industries or regions, then migrant workers could be given sector/regional work permits as an alternative. If migrant workers lose their job for reasons beyond their control (a pending Employment Standards issue; lay-off due to business closure), a sector or regional work permit would mitigate their vulnerability while they are in limbo looking for another job, especially if they are in the process of transitioning to PR. If a sector or regional work permit is not offered, then migrant workers who lose their job for reasons beyond their control could be issued an interim work permit. This would give migrant workers the will to report abuse of Employment Standards, because without this facilitation they risk becoming unemployed if they do so.

## Appendix A: Work Permit Arrangements among Migrant Workers

<b>Migrant workers in Canada on December 1, 2013, by type of work permit</b>		
<b>Work permit authorization</b>	<b>Number</b>	<b>Percentage of foreign workers</b>
<i>Subject to a labour market opinion, or LMO</i>	126,816	32.8
Live-in Caregiver Program	16,927	
Seasonal Agricultural Worker Program	27,889	
Low-Skill Pilot Project	39,813	
Other workers requiring an LMO	42,187	
<i>Not subject to an LMO</i>	259,590	67.2
Canadian interests	212,937	
International arrangements	40,487	
Others not requiring an LMO	6,166	
<b>Total</b>	<b>386,406</b>	

Source: Elgersma (2014, 1); ESDC (2014, 4-5).  
 Note: Work permits that are LMIA-exempt include IEC, which accounted for 43 percent of workers under IMP in 2013. IEC consists of 32 reciprocal agreements with other countries to offer young people travel authorization and temporary work permits for up to one year. The second-largest category, which accounted for 20 percent of workers under IMP in 2013, includes international trade agreements (e.g., NAFTA and trade agreements with Chile, Peru and Colombia). Other IMP categories are work permits for international students who have graduated and received a postgraduate work permit, as well as open work permits for spouses and common-law partners of migrant workers in NOC 0, A and B positions and full-time international students (as of June 1, 2014, off-campus employment for eligible students is work permit-exempt, pursuant to s. 186(v) and s. 186(w) of IRPR).

## Appendix B: Migrant Worker Recruitment

### Alberta

In Edmonton and Calgary, both provincially funded SPOs and nonprofit organizations acted as recruiters and local research facilitators. These included the Calgary Catholic Immigration Society (CCIS), which organized and scheduled focus groups and interviews at its office, and the ECLC in Edmonton, which offered space for our interviews with its clients.

In Fort McMurray, we partnered with a research team at the University of Alberta, led by Professor Sara Dorow (Department of Sociology), under the Canadian research initiative On the Move Partnership, of which Delphine Nakache and Sara Dorow are co-investigators.

### Manitoba

We engaged with a Manitoba local coordinator, Jill Bucklaschuk (PhD candidate at the University of Manitoba), who had well-established contacts in the field, as the content of her doctoral research aligns with our project. Ms. Bucklaschuk used the same recruitment model that was used in Alberta and requested assistance from the UFCW local in Brandon and the Immigrant Centre in Winnipeg for the recruitment of migrant workers. The UFCW and the Immigrant Centre also provided safe and comfortable spaces for migrant workers to participate in our interviews and focus groups.

### Ontario

As Ontario has no provincially funded support agency for migrant workers, we engaged with a local nonprofit organization, the FCJ Refugee Centre, which serves migrant workers under a broad mandate to help refugees and other uprooted people regardless of their legal status. In addition to participant recruitment through its client base, FCJ offered its office for interviews. In Muskoka, individual informants assisted us in establishing a focus group in Huntsville with migrant workers at their place of employment. Because this was the only case in Ontario in which workers were interviewed at their place of employment, we refrained from asking any questions specifically related to their working conditions and limited our interview schedule to immigration concerns.

## Appendix C: Profile of Migrant Worker Research Participants

Migrant worker characteristic	Canada	Ontario	Alberta	Manitoba
Total number of participants	70	10	47	13
<b>Type of interview</b>				
One-on-one interview	36	6	22	8
Focus group	34	4	25	5
<b>TFW/IMP Program<sup>1</sup></b>				
<i>LMIA-validated (TFWP)</i>	<b>49</b>	<b>6</b>	<b>34</b>	<b>9</b>
Low-skilled stream	35	4	22	9
High-skilled stream	14	2	12	
<i>LMIA-exempt (IMP)</i>	<b>21</b>	<b>4</b>	<b>13</b>	<b>4</b>
International Experience Canada	9	2	7	1
Spouses of skilled workers	6	1	4	1
International arrangements (e.g., NAFTA)	1		1	
Postgraduate work permit	4	1	1	2
<b>Transition to permanent resident status</b>				
Current migrant worker (NO)	48	9	34	5
Former migrant worker (YES)	22	1	13	8
<i>Program used to transition<sup>2</sup></i>				
Provincial Nominee Program	19		11	8
Canadian Experience Class	3	1	2	
<b>Gender</b>				
Female	36	3	24	9
Male	34	7	23	4
<b>Country of origin</b>				
Argentina	1			1
Brazil	1	1		
Bulgaria	2		2	
Chile	2		2	
China	2			2
Colombia	2		1	1
Croatia	2		2	
Ecuador	1		1	
El Salvador	4	1		3
Greece	1		1	
Honduras	3			3
India	5		2	3
Indonesia	2		2	
Mauritius	1		1	
Mexico	7		7	
Mozambique	1	1		
Peru	1		1	
Philippines	23	4	19	
Poland	2		2	
Serbia	1		1	
South Africa	1	1		
South Korea	1		1	
Spain	2	2		
Ukraine	2		2	
<p>Note: Ontario participants were working in the Greater Toronto Area or Huntsville (Muskoka). Alberta participants were working in Calgary, Edmonton or Fort McMurray. Manitoba participants were working in Winnipeg or Brandon.</p> <p><sup>1</sup> This section reflects the <i>first</i> work permit authorized to the migrant worker participant. Many participants transitioned to different types of work permit during their stay (between LMIA and LMIA-exempt or between low- and high-skilled); these transitions cannot be captured here.</p> <p><sup>2</sup> This section concerns immigration programs that participants used to successfully transition to PR. It does not capture the variety of immigration programs that they used in the past and for which their immigration application was unsuccessful.</p>				



## List of Abbreviations

Alberta PNP	Alberta Provincial Nominee Program
CEC	Canadian Experience Class
CIC	Citizenship and Immigration Canada
CLB	Canadian Language Benchmark
ESDC	Employment and Social Development Canada
FSTP	Federal Skilled Trades Program
FSWP	Federal Skilled Worker Program
IRPA/IRPR	<i>Immigration and Refugee Protection Act/Regulations</i>
IEC	International Experience Canada
IMP	International Mobility Program
IOM	International Organization for Migration
LMIA	Labour Market Impact Assessment
LMO	Labour Market Opinion
LCP	Live-in Caregiver Program
Manitoba PNP	Manitoba Provincial Nominee Program
Ontario PNP	Ontario Provincial Nominee Program
PR	Permanent Residency/Resident
PTNPs	Provincial and Territorial Nominee Programs
QEP	Quebec Experience Program
SAWP	Seasonal Agricultural Worker Program
SPO	Service Provider Organization
TFWP	Temporary Foreign Worker Program
UFCW	United Food and Commercial Workers

## Notes

We extend sincere thanks to all our research participants, Jill Bucklaschuk and the service provider organizations that generously facilitated the research process, namely the Calgary Catholic Immigration Society, the Edmonton Community Legal Centre, the FCJ Refugee Centre (Toronto), United Food and Commercial Workers (Brandon) and the Immigrant Centre in Winnipeg. We thank Leslie Seidle for his valuable feedback on earlier versions of the study and Daniela Acevedo, Molly Graham and Emilie Scott for their research assistance. This study was funded by Citizenship and Immigration Canada.

- 1 National Occupation Classification (NOC) is Canada's taxonomy and organizational framework classifying occupations in the Canadian labour market. According to the government occupation classification system, occupations falling under NOC 0, A, or B skill levels are "high-skilled" work and require tertiary education or a minimum of two years of training. Jobs classified as NOC C and D skill levels are considered "low-skilled" work and require a high school diploma or a maximum of two years of job-specific training. For simplicity, in this study, we use the term "low-skilled" when we refer to migrant workers performing jobs in NOC C and D occupations and the term "skilled" when we refer to migrant workers performing jobs in NOC 0, A or B occupations.
- 2 Growth in the latter temporary migrant labour streams (International Agreements and Canadian Interests) is notable, because migrant workers in these streams can work without their employer being subject to a Labour Market Impact Assessment (LMIA), which would indicate that there is a need for a migrant worker to fill the job and that no Canadian worker is available to do it.
- 3 Gross argues that changes made to TFWP in the past decade have led to an increase in unemployment in Alberta and British Columbia. Also, in its March 2014 report, the Parliamentary Budget Office stated that the number of job opportunities in Canada is shrinking and TFWP could be partially responsible for this trend, since one-quarter of new jobs created in Canada recently seem to be going to migrant workers. For a presentation and analysis of the media coverage, see Bandali (2014, 6-7).
- 4 Under the June 2014 overhaul, TFWP was rebranded into two streams with distinct characteristics: TFWP and the International Mobility Program (IMP), distinguished by the requirement for/exemption from an LMIA (all work permits under the new TFWP stream require that the employer obtain an LMIA before hiring a migrant worker and hence are for a specific job, employer and location).
- 5 Under the LMIA, formerly known as a labour market opinion (LMO), employers must provide information on the number of Canadians who applied for the available job and the number of Canadians interviewed by the employer, and explain why Canadians were not hired. ESDC can refuse LMIA applications if migrant workers are believed to have a negative effect on the Canadian labour market now or expected to in the future.
- 6 This limit applies only to businesses with 10 or more employees, and employers have until July 1, 2016, to make the transition. The 10 percent cap is being phased in over two years: 30 percent or frozen at the current level (whichever is lower) as of June 20, 2014; further reduced to 20 percent on July 1, 2015; and reduced to 10 percent on July 1, 2016 (ESDC 2014, 10).
- 7 The plan must also demonstrate the employer's intention to engage an organization serving underrepresented entities (such as immigrant settlement offices or Aboriginal or youth unemployment centres) to identify potential candidates. See ESDC (2014), "Median Hourly Wages by Province/Territory"; last updated October 3, 2014; accessed January 15, 2015. [http://www.esdc.gc.ca/eng/jobs/foreign\\_workers/reform/tables.shtml](http://www.esdc.gc.ca/eng/jobs/foreign_workers/reform/tables.shtml).
- 8 The LMIA fee was increased from \$275 to \$1,000 in June 2014; prior to April 2013 the LMIA assessment was free. The \$1,000 fee, paid entirely by the employer, goes toward the increased costs of administering the reformed TFWP, namely an employer compliance regime encompassing employer inspections, and administrative monetary penalties and bans for employers who break the rules of the program.
- 9 As ESDC minister, Jason Kenney publicly stated that the cumulative duration would be reduced to two years for low-wage workers ("Jobless Rate" 2014). SAWP workers will not be affected by this measure. At the time of publication, the proposed measure has not yet been implemented, though it was planned for summer 2015. For more on the four-year-limit rule, see our section titled "The Promise of Permanent Residence."
- 10 On-Farm Primary Agriculture (including SAWP) has been exempted from the LMIA fee, the cap and the one-year LMIA. While the majority of the reform measures affecting low-wage workers do not affect agricultural workers, agricultural employers are subject to the same employer compliance measures currently being developed (increased inspections, administrative monetary penalties, potential bans, etc.).
- 11 Preliminary CIC data for 2013 (on file with the authors) indicate that transitions by migrant workers increased in absolute numbers from 38,070 in 2012 to 43,740 in 2013. However, since the data on overall transitions are not available for 2013, it is not possible to estimate the increase in the share of PR transitions.
- 12 The former LCP created direct federal immigration opportunities for live-in caregivers who had accumulated two years' work experience within four years before applying for PR. However, following significant changes to the LCP in November 2014, there is no longer a guaranteed pathway for caregivers, because potential candidates now arrive as "regular" migrant workers and then must satisfy all requirements before being eligible for new PR streams available to caregivers. For more on this topic, see CIC (2014c) and Dorow, Cassiano and Doerksen (2015).
- 13 It is technically impossible for SAWP workers to access PR from within Canada: the work permit is valid for one period of eight months, is nonrenewable, and workers must leave the country at the end of this period. Although SAWP workers must return to their country of origin between seasons, there is no limit on the number of seasons they may work in Canada.
- 14 "Transition from Foreign Workers to Permanent Resident Status by Immigration Category and Transition Occupational Skill Level," CIC 2013 Preliminary Data (on file with authors). It should be noted that 18 percent is likely an underestimation given that open employment authorizations do not capture skill level and because these data do not disaggregate those workers transitioning with open work permits (who could well have jobs in NOC C and D occupations).
- 15 Quebec has not established a PNP. Quebec has concluded a number of immigration agreements with the federal government, under which it has acquired powers with respect to immigrant selection, settlement and integration. In addition, Quebec's powers over immigration and integration are more extensive than those envisioned for other provinces under PTNP agreements. The objectives of the 1991 Accord include not only economic considerations, but also preservation of Quebec's uniqueness (see "Canada-Québec Accord Relating to Immigration and Temporary Admission of Aliens" (February 5, 1991), s. 2.).
- 16 Manitoba was the first province to sign an agreement, in 1996, and it commenced its PTNP program in 1999. The Northwest Territories signed an agreement in 2009 and has the newest PTNP program. See CIC (2012a, at 15).
- 17 E-mail communication with Mary Davidson (Deputy Director, NHQ — Immigration, Citizenship and Immigration Canada), February 4, 2015.
- 18 Statistics provided by the provinces of Manitoba, Ontario and Alberta (on file with authors).

- 19 While it is beyond the scope of this paper to analyze the reasons for this considerable provincial variation, it is useful to keep in mind that the development of PTNPs happened precisely because the settlement and labour market challenges that some provinces faced were seen as not being effectively addressed by the federal government. Manitoba, for example, tended to struggle with newcomer retention for a long time. For this province, its nominee program has been deemed an essential tool to achieve both better labour market integration and retention of its newcomers. In contrast, Ontario's PNP has been less ambitious and will likely be limited to filling the province's very specific labour market needs (Baglay and Nakache 2013, 340-350; Wilkinson et al. 2014, 6).
- 20 However, these migrants are not the main source of immigration to Manitoba. According to the Manitoba government, migrant workers represented 35 percent of all new immigrants in Manitoba in 2014 (phone interview with an anonymous member of the Manitoba government, June 30, 2014).
- 21 In 2013 an additional requirement was introduced by the federal government for NOC C and D applicants under PTNPs, who must now have achieved level 4. As we discuss in the sections titled "The Promise of Permanent Residence" and "Services for Migrant Workers," this can be a challenge without access to adequate language classes.
- 22 S. Trudel, City of Brandon. Interview, April 4, 2014; follow-up e-mail, April 2, 2015.
- 23 Alberta civil servant. Phone interview, September 17, 2014.
- 24 Another example is workers in the food and beverage processing industry, who must meet three additional requirements: (1) complete an interview with Alberta Agriculture and Rural Development staff and satisfy them regarding suitability for the Alberta PNP; (2) have a total of three years' full-time work experience in their home country, prior to arriving in Canada, in a physically demanding job similar to jobs in the food and beverage processing industry; and (3) be employed in Alberta for a minimum of three months before applying to the Alberta PNP. Workers applying under the Food Services Industry (Pilot Project) must meet two additional requirements: (1) have a total of three years' work experience in a job directly related to food and beverage services (abroad and/or in Canada); and (2) be employed in Alberta for a minimum of nine months before applying to the Alberta PNP. For more, see Alberta Government: "Employer-Driven Stream." Accessed March 15, 2015. <http://www.albertacanada.com/opportunity/im-migrating/ainp-eds-employer-driven-stream.aspx>
- 25 At the time of writing (May 2015), select NOC D occupations were as follows: Construction Trades Helpers and Labourers (NOC 7611); Other Trades Helpers and Labourers (NOC 7612); Light Duty Cleaners (NOC 6661); Specialized Cleaners (NOC 6662); and Janitors, Caretakers and Building Superintendents (NOC 6663). Also, for a short period in 2013, Alberta piloted the Alberta Work Experience Category of the Strategic Recruitment Stream, where migrant workers in most occupations in NOC 0, A, B and C, as well as in select occupations in NOC D, were able to nominate themselves for PR. For more information on this expired stream, see Alberta Government 2013, "AINP Alberta Work Experience Category." Accessed March 31, 2015. [http://www.albertacanada.com/files/albertacanada/AINP\\_AWE\\_closure.pdf](http://www.albertacanada.com/files/albertacanada/AINP_AWE_closure.pdf)
- 26 The federal government provided a transitional measure to select migrant workers in Alberta who will be affected by the four-year cumulative duration rule and who are waiting in the queue for an AINP nomination.
- 27 Chad Jenkins (employer in the food sector). Phone interview, June 9, 2014.
- 28 Informal meeting with Ontario civil servants, Toronto, November 6, 2014. For more on this topic, see also Seidle (2013).
- 29 Informal meeting with Ontario civil servants, Toronto, November 6, 2014. For more on this topic, see Seidle (2013).
- 30 On this point, one study found that, of 444 SAWP migrants from Mexico and Jamaica interviewed in 2008-09, 60 percent indicated that they were interested in gaining PR in Canada (Hennebry 2012).
- 31 As we explain in the section titled "Transition to Permanent Residence: Risks and Challenges," most immigration programs allowing migrant workers to make the PR transition are employer-driven, which means that either a job offer from a Canadian employer or a full-time paid work experience in Canada is a precondition. Arranged local employment is deemed to be an important factor in newcomer integration and retention, especially in regions that have tended to struggle with newcomer retention. The two-step migration process similarly supports the idea of easier integration and retention of those who have already lived/worked in a given province (see, e.g., Carter, Pandey and Townsend 2010). Moreover, Canadian work experience is presented in some of the literature as one way to lower the barriers traditionally faced by permanent residents in the labour market (CIC 2014b, 7-10; Lowe 2012; Reitz 2010).
- 32 For example, with regard to living arrangements, SAWP workers are provided with nearby or on-site accommodation by their employer, and until November 2014 LCP workers were subject to a live-in requirement at their place of employment. Most of the time, employers of low-skilled migrant workers in other streams are required to arrange suitable accommodation, which can be interpreted quite broadly, and only for the first month(s) of the worker's stay. For a long time, the LCP was the only temporary labour migration program offering a guaranteed direct pathway to PR (this changed in November 2014 with the new Ministerial Instructions [2014c]; for more on this topic, see note 12), whereas SAWP workers have *no* pathway to PR (for more on this topic, see Hennebry 2012).
- 33 For history and background on SAWP, see Hennebry (2010) and Fernandez, Read and Zell (2013). For history and background information on the LCP, see Kelly et al. (2011, 3-4) and Spitzer and Torres (2008). See also Bakan and Stasiulis (1997, 2012).
- 34 Thirty-one of these interviews were conducted in English, while three were conducted in Spanish and two in Chinese (with the assistance of a translator).
- 35 In the quotes from research participants, the emphases are ours.
- 36 Service provider organization. Anonymous interview, Fort McMurray, February 20, 2014.
- 37 Former migrant worker (from Philippines). Focus group, Edmonton, April 24, 2014. This worker was admitted to Canada in a low-skilled job. After one year, he moved to a skilled position and applied to the CEC.
- 38 Former migrant worker in a low-skilled position (from Philippines). Interview, Fort McMurray, February 21, 2014.
- 39 Current migrant worker in a low-skilled position (from India). Focus group, Brandon, April 6, 2014.
- 40 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 41 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 42 Current migrant worker in a low-skilled position (from Greece). Interview, Edmonton, April 23, 2014.
- 43 Former migrant worker in a skilled position (from Argentina). Interview, Winnipeg, April 8, 2014.
- 44 Former migrant worker in a skilled position (from India). Interview, Winnipeg, April 7, 2014.
- 45 Current migrant worker in a skilled position (from Ukraine). Interview, Calgary, April 25, 2014.
- 46 Spouses of migrant workers in skilled positions (NOC O, A and B) can obtain LMIA-exempt open work permits if they choose to join their partner in Canada. Workers in

- low-skilled occupations do not have the same spousal work permit privileges. It is therefore more difficult for spouses of these workers (and their dependants) to accompany them in Canada. For more on this topic, see our section titled "Transition to Permanent Residence: Risks and Challenges." See also Nakache and Kinoshita (2010).
- 47 Former migrant worker in a skilled position (from Mexico). Interview, Edmonton, April 23, 2014.
- 48 Former migrant worker in a skilled position (from Philippines). Focus group, Edmonton, April 24, 2014.
- 49 Current migrant worker in a skilled position (from Spain). Interview, Toronto, April 14, 2014.
- 50 Current migrant workers in a low-skilled position (from Philippines). Focus group, Huntsville, June 19, 2014.
- 51 Former migrant workers (from Serbia, Mexico, Philippines). Focus group, Edmonton, April 24, 2014.
- 52 Former migrant worker in a low-skilled position (from El Salvador). Interview, Brandon, April 5, 2014.
- 53 Current migrant worker in a low-skilled position (from El Salvador). Focus group, Brandon, April 6, 2014.
- 54 Current migrant worker in a low-skilled position (from Philippines). Focus group, Huntsville, June 19, 2014.
- 55 Current migrant worker in a skilled position (from Colombia). Interview, Calgary, April 25, 2014.
- 56 Current migrant worker in a skilled position (from South Africa). Interview, Toronto, June 20, 2014.
- 57 Current migrant worker in a skilled position (from Colombia). Interview, Calgary, April 25, 2014.
- 58 Current migrant worker in a skilled position (from Brazil). Interview, Toronto, June 21, 2014.
- 59 Current migrant worker in a skilled position (from Spain). Interview, Toronto, April 14, 2014.
- 60 Current migrant worker (from Peru). Interview, Calgary, April 26, 2014.
- 61 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 62 Current migrant worker in a low-skilled position (from El Salvador). Focus group, Brandon, April 6, 2014.
- 63 Current migrant workers in low-skilled positions (both from Honduras). Focus group, Brandon, April 6, 2014.
- 64 Former migrant worker in a skilled position (from Philippines). Focus group, Edmonton, April 24, 2014.
- 65 Former migrant worker in a skilled position (from Argentina). Interview, Winnipeg, April 8, 2014.
- 66 *Immigration and Refugee Protection Act*, s. 200(3)(g).
- 67 There is an "all work counts" provision here, meaning that regardless of excepted categories or occupations, all time worked in Canada is counted in a migrant worker's total (see s. 200(3)g of the *Immigration and Refugee Protection Regulations*, or IRPR). For example, if a skilled (NOC 0) manager in transportation has been working in Canada since April 1, 2011, but loses his job in March 2015 and decides to pursue work in a low-skilled occupation (NOC C) as a long-haul truck driver, he would not be permitted to work for an additional four years of low-skilled work. Since the new occupation does not fall under an excepted category, when the foreign national applies for a new work permit, the permit will be either issued until April 1, 2015, or denied under s. 200(1)(b) of the *Immigration and Refugee Protection Act*. For more on this topic, see CIC (2011, 2013).
- 68 To compensate, CIC offered a one-year bridging work permit to those workers who Alberta decides will eventually be nominated. But not all workers will receive this type of permit, greatly complicating the transition experience for many low-skilled migrant workers in Alberta (for more on this topic, see our section titled "Background").
- 69 Former migrant worker in a low-skilled position (from Philippines). Interview, Fort McMurray, February 21, 2014.
- 70 Current migrant worker in a skilled position (from Spain). Interview, Toronto, April 14, 2014.
- 71 Former migrant worker in a low-skilled position (from Philippines). Interview, Fort McMurray, February 21, 2014.
- 72 Current migrant worker in a skilled position (from Ukraine). Interview, Calgary, April 25, 2014.
- 73 Former migrant worker in a skilled position (from Mexico). Focus group, Edmonton, April 24, 2014.
- 74 Former migrant worker in a skilled position (from Philippines). Focus group, Edmonton, April 24, 2014.
- 75 Current migrant worker in a skilled position (from Peru). Interview, Calgary, April 26, 2014.
- 76 For more on this point, see note 25 above.
- 77 Current migrant worker in a skilled position (from Chile). Interview, Fort McMurray, February 21, 2014.
- 78 Rob and Karen Chiasson, St. Albert (Alberta). In-person interview, April 23, 2014; follow-up phone communication, July 21, 2014.
- 79 "Union Agreement between UFCW Local 832 and Maple Leaf Brandon" (on file with authors).
- 80 Chad Jenkins in phone interview, June 9, 2014. It is also interesting to note that Maple Leaf Foods in Brandon has retained some 70 percent of its migrant workers since 2002 (its current annual retention rate is 94 percent): phone interview with S. Yaeger, Maple Leaf Foods, April 14, 2014; follow-up e-mails, May 21, 2014; August 11, 2014; April 17, 2015.
- 81 S. Trudel, City of Brandon. Interview, April 4, 2014; follow-up e-mail, April 2, 2015.
- 82 Former migrant worker in a low-skilled position (from China). Interview, Brandon, April 5, 2014.
- 83 Former migrant worker in a low-skilled position (from El Salvador). Interview, Brandon, April 5, 2014.
- 84 Former migrant worker in a low-skilled position (from China). Interview, Brandon, April 5, 2014.
- 85 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 86 Current migrant worker in a skilled position (from South Africa). Interview, Toronto, June 20, 2014.
- 87 Former migrant worker in a skilled position (from Mexico). Focus group, Edmonton, April 24, 2014. This worker applied to the Alberta nominee program (employer-driven stream).
- 88 Current migrant worker (from Peru). Interview, Calgary, April 26, 2014.
- 89 Current migrant worker in a skilled position (from Ukraine). Interview, Calgary, April 25, 2014.
- 90 Anonymous service provider organization. Interview, Edmonton, April 24, 2014.
- 91 R. Thomas-Heule, Edmonton Community Legal Centre. Interview, Edmonton, April 23, 2014.
- 92 Phone interview with an Alberta civil servant, September 17, 2014; informal meeting with Ontario civil servants, Toronto, November 6, 2014.

- 93 Current migrant worker in a low-skilled position (from Mexico). Interview, Calgary, April 25, 2014. Guidelines: <http://www.cic.gc.ca/english/resources/tools/temp/work/opinion/policy.asp> (last updated November 26, 2014).
- 94 Anonymous service provider organization. Interview, Edmonton, April 24, 2014.
- 95 Alberta civil servant. Phone interview, September 17, 2014. For more on self-nomination, see note 25 above.
- 96 This level denotes the basic language proficiency deemed necessary for both the short- and long-term economic and social integration of successful provincial nominees (CIC 2012b).
- 97 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 98 Current migrant worker in a skilled position (from Bulgaria). Interview, Edmonton, April 23, 2014.
- 99 Current migrant worker in a skilled position (from Spain). Interview, Toronto, April 14, 2014.
- 100 Canadian English Language Proficiency Index Program (CELP) and International English Language Testing System (IELTS) are the two CIC-designated English-language testing agencies. Anonymous spokesperson for a service provider organization in an interview at Fort McMurray, February 20, 2014.
- 101 Current migrant workers in low-skilled positions (both from Honduras). Focus group, Brandon, April 6, 2014.
- 102 D. Da Silva, FCJ Refugee Centre. Interview, Toronto, June 20, 2014.
- 103 D. Da Silva, FCJ Refugee Centre. Interview, Toronto, June 20, 2014.
- 104 Former migrant worker in a low-skilled position (from China). Interview, Brandon, April 5, 2014.
- 105 S. Trudel, City of Brandon. Interview, April 4, 2014; follow-up e-mail, April 2, 2015.
- 106 Phone interview with S. Yaeger, Maple Leaf Foods, April 14, 2014; follow-up e-mails, May 21, 2014; August 11, 2014; April 17, 2015.
- 107 Current migrant worker in a low-skilled position (from Chile). Interview, Fort McMurray, February 21, 2014.
- 108 Anonymous interview, settlement agency, April 2014.
- 109 Former migrant worker in a skilled position (from Mexico). Focus group, Edmonton, April 24, 2014.
- 110 Current migrant worker in a skilled position (from Colombia). Interview, Calgary, April 25, 2014. Even some Alberta employers acknowledged the complexity of these programs: "If it were me, I would probably take somebody to help me through that. It's very complicated. We like complication here" (interview with M. Joncas, Merit Hotel & Suites, Fort McMurray, February 21, 2014).
- 111 Former migrant worker in a skilled position (from Mexico). Focus group, Edmonton, April 24, 2014.
- 112 Current migrant worker (from Peru). Interview, Calgary, April 26, 2014.
- 113 Current migrant worker in a skilled position (from Ukraine). Interview, Calgary, April 25, 2014.
- 114 With some help from a settlement agency, this last participant was able to adjust quickly and find a new pathway to PR (she applied under the self-nomination pilot project in Alberta in fall 2013). She faced other challenges, however. CIC did not send her medical exams back to her on time, which delayed her new application to the Alberta PNP. Some migrant workers were unable to react so promptly and therefore experienced a sense of helplessness.
- 115 Spouses of workers in skilled jobs are LMIA-exempt under s.205(c)(ii) of IRPR. See CIC Temporary Foreign Worker
- 116 Current migrant worker in a skilled position (from Colombia). Interview, Calgary, April 25, 2014.
- 117 Former migrant worker (from Philippines). Focus group, Edmonton, April 24, 2014.
- 118 Current migrant worker in a low-skilled position (from El Salvador). Focus group, Brandon, April 6, 2014.
- 119 As explained by a settlement worker: "It is hard to bring [their family] over . . . a lot of cases of family breakdown coming from the families. So a lot of them, they come here and ask how they go about the application for the family and they say, 'I have a family back home but I am living with somebody here, what is going to happen to that?' They end up having two families." Anonymous service provider organization in an interview, Edmonton, April 24, 2014.
- 120 Current migrant worker in a low-skilled position (from Philippines). Focus group, Huntsville, June 19, 2014.
- 121 Quebec has full control over settlement and selection services. Under the McDougall/Gagnon-Tremblay Accord, signed in 1991, Quebec has the power to select all economic immigrants to the province (the federal government can overrule candidates only for serious security or medical reasons). Quebec also has responsibility for reception and integration services for new arrivals, for which the federal government provides an annual grant. For more on this topic, see Seidle (2010a).
- 122 All federal-provincial/territorial agreements are listed at <http://www.cic.gc.ca/english/department/laws-policy/agreements/index.asp>
- 123 Alberta Government (Jobs, Skills, Training and Labour). 2015. "Temporary Foreign Worker Support Services." Accessed March 21, 2015. <http://work.alberta.ca/Immigration/tfw-support-services.html>
- 124 Anonymous service provider organization. Interview, Edmonton, April 24, 2014.
- 125 YMCA, Fort McMurray; Catholic Social Services, Edmonton; Immigrant Centre, Red Deer; Calgary Catholic Immigration Society (with a satellite office in Banff); Brooks and County Immigration Services; Grande Prairie Centre for Newcomers; Lethbridge Family Services/Immigrant Services.
- 126 Taken from the ECLC website: <http://www.eclc.ca/who-we-are.html>
- 127 A Manitoba civil servant explained to us that, on paper, migrant workers were not entitled to settlement funds before April 2013, but in reality settlement agencies could serve them (and the province was not against them doing so). Anonymous phone interview, June 30, 2014; follow-up e-mail, November 27, 2014.
- 128 Interview with W. Petersen, Westman Immigrant Services, Brandon, April 4, 2014; interview with M. Queen, Westman Immigrant Services, Brandon, April 4, 2014; interview with J. Fernandez, Immigrant Centre, Winnipeg, April 3, 2014.
- 129 Z. Pople, interpreter. Interview, Brandon, April 5, 2014.
- 130 Current migrant worker in a low-skilled position (from Honduras). Focus group, Brandon, April 6, 2014.
- 131 S. Trudel, City of Brandon. Interview, Brandon, April 4, 2014; follow-up e-mail, April 2, 2015.
- 132 S. Trudel, City of Brandon. Interview, Brandon, April 4, 2014; follow-up e-mail, April 2, 2015. It is beyond the scope of this paper to enumerate the many initiatives undertaken by the City of Brandon in this area.
- 133 UFCW is the only organization in Manitoba certified to teach English as an Additional Language (EAL) to migrant workers. As of April 2014, UFCW had approximately 1,300 people in

- the program every year. Interview with Jeff Traeger, UFCW, Winnipeg, April 3, 2014.
- 134 Manitoba civil servant. Phone interview, June 30, 2014; follow-up e-mail, November 27, 2014.
- 135 Informal meeting with Ontario civil servants, Toronto, November 6, 2014.
- 136 For more on this topic, see the website of the FCJ Refugee Centre (<http://www.fcjrefugeecentre.org/2014/10/1710/>).
- 137 Current migrant worker (from Spain). Interview, Toronto, April 17, 2014.
- 138 Anonymous service provider organization. Interview, Edmonton, April 24, 2014; phone interview, TFW Support team member, Calgary Catholic Immigration Society, Calgary (Edmonton), April 26, 2014; follow-up e-mail, April 8, 2015.
- 139 R. Thomas-Heule, Edmonton Community Legal Centre. Interview, Edmonton, April 23, 2014.
- 140 For more on "safe spaces" for migrant workers, see Dixon-Perera (2014); McLaughlin (2009).
- 141 Anonymous service provider organization. Interview, Calgary, April 26, 2014.
- 142 In Manitoba, the law clearly states that recruiters cannot be involved in the recruitment process *and* charge migrant workers for immigration assistance: see *Worker Recruitment and Protection Act*, C.C.S.M., c. W197 (2008), and *Worker Recruitment and Protection Regulation 21* (2009). To add clarity to this point, the Manitoba government also indicates on its website: "The *Worker Recruitment and Protection Act* regulates the business of employment agencies and migrant worker recruitment and the associated fees, but does not regulate the business of immigration assistance. However, licensees cannot charge foreign workers for immigration assistance and be involved in the recruitment process. This would contravene the Act, which prohibits a licensee from charging fees, either directly or indirectly, from foreign workers." (Manitoba Labour and Immigration 2015). In Ontario, the legislation prohibits recruiters from "charging the foreign national...a fee for any service, good or benefit provided to the foreign national," which is deduced to include both recruitment and immigration assistance (*Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others)*, s. 7 (1), 2009). In Alberta, however, the legislation forbids recruiters from charging migrant workers to find them a job or giving them "false, misleading or deceptive" immigration information (par. 12(1) and 13 (2) of *Employment Agency Business Licensing Regulation*, 2012), but the law permits them to charge migrant workers for services "that are not employment agency business services." For more on this topic, see Harvey and Gelinas (2015); *Fair Trading Act (Revised Statutes of Alberta 2000*, Chap. F-2); *Employment Agency Business Licensing Regulation* (2012).
- 143 Anonymous service provider organization, Fort McMurray, February 20, 2014.
- 144 TFW Support team member, Calgary Catholic Immigration Society. Phone interview, April 26, 2014; follow-up e-mail, April 8, 2015.
- 145 Current migrant workers in a skilled position (from Colombia). Interview, Calgary, April 25, 2014.
- 146 Current migrant worker in a low-skilled position (from Philippines). Focus group, Huntsville, June 19, 2014.
- 147 Anonymous service provider organization. Interview, Fort McMurray, February 20, 2014.
- 148 TFW Support team member, Calgary Catholic Immigration Society. Phone interview, April 26, 2014; follow-up e-mail, April 8, 2015.
- 149 To our knowledge, only two Canadian employers offer assistance with language training for migrant workers. These are Maple Leaf Foods (collective agreement between Maple Leaf Foods-Pork and UFCW Local 832 in Brandon, Manitoba; collective agreement between Maple Leaf Foods-Poultry and UFCW Local 1118 in Edmonton) and Cargill Foods (collective agreement between Cargill Foods and UFCW Local 1118 in High River, Alberta). Alberta's collective agreements can be found at <http://humanservices.alberta.ca/apps/cba/search.asp>. For more on this topic, see Hildebrandt (2014).
- 150 Rob and Karen Chiasson, St. Albert, Alberta. In-person interview, April 23, 2014; follow-up phone communication, July 21, 2014.
- 151 TFW Support team member, Calgary Catholic Immigration Society. Phone interview, April 26, 2014; follow-up e-mail, April 8, 2015.
- 152 As discussed earlier, migrant workers in skilled jobs already have the right to family accompaniment.
- 153 Research is starting to show that former migrant workers with Canadian work experience have better outcomes than those without. See, for example, Sweetman and Warman (2014).

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## About This Study

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