

2 farmers admit to illegal hires Leamington men plead to multiple CSBA charges

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Two Leamington farm employers have become the first in Canada found guilty of charges laid by the Canada Border Services Agency for hiring illegal foreign workers.

On Wednesday in front of Ontario Court Justice Guy DeMarco, Hai Van Nguyen, 37, pleaded guilty to five counts and Tai Buu Huynh, 48, pleaded guilty to six counts of unlawfully employing a foreign national under the Immigration and Refugee Protection Act, introduced in 2002.

The men will be sentenced Sept. 28. They face a maximum fine of \$10,000 and six months in jail.

"It saves the court system the time and expense of what could have been a lengthy trial," federal prosecutor Richard Pollock said of the guilty pleas.

EXPRESSED REMORSE

"And, obviously, the accused have expressed their remorse by entering their guilty pleas."

The charges resulted from a raid on a Kingsville farm April 12, 2006, the culmination of an probe that began in 2004.

The illegal workers came from Indonesia, Malaysia, Cambodia, El Salvador and Mexico.

Six of 11 illegal workers have been deported, while legal proceedings for the others have not concluded.

Nguyen operates Spider Farm Services, while Huynh runs Honey Bee Farms.

Though the Canada Border Services Agency only began laying charges under the act in 2006, the RCMP has been laying them since the act was passed.



CREDIT: Nick Brancaccio, Windsor Star

GUILTY PLEAS: Hai Van Nguyen, 37, and Tai Buu Huynh, 48, leave court Wednesday after pleading guilty to charges related to the hiring of illegal workers.

Danny Yen, spokesman for Canada Border Services Agency, confirmed that this is the first guilty verdict since his agency began laying charges under the immigration act. But he would not comment on the case since the guilty parties have yet to be sentenced.

Defence lawyer Drew Porter, who specializes in immigration law, said his clients -- both Canadian citizens who emigrated from Vietnam -- are decent family men with no prior records.

"Both individuals are very remorseful and are intent on complying with the law," said Porter. Many county agricultural operations avail themselves of legal migrant worker programs. But Porter said that farm workers are sometimes hard to come by.

"We're in an environment that is difficult in a number of perspectives in that they don't have access to enough Canadian-based labour because most Canadians or Canadian permanent residents don't care to do this type of work." Porter said farms often hire employees through personnel agencies, which don't have to provide the employer with proof of eligibility. He suggested the use of illegal farm workers is common.

"This case shows that employers in Ontario in the agricultural industry have the burden of certifying the legal authority of their workers to be employees in Canada," he said. "And there's a problem in Canada and the United States. We don't have the availability of labour personnel to do these tasks."