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Invisible man

Carlos came to Canada full of heady dreams about the new life he'd create here for his family. Now, like thousands of other illegal workers, he is living underground. If he's lucky, MARINA JIMENEZ writes, he might get legal status before the one official who knows the truth about him knocks on his door again

By MARINA JIMENEZ

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Advertisement

For three years and four months, Carlos lived the quintessential life of a Canadian blue-collar worker. He rose every day at 6 a.m., made a packed lunch and drove to a construction site on the other side of Toronto. His employer was relieved to find a willing tradesman and paid him cash: $10 an hour.

In the summer, Carlos (not his real name) camped in Algonquin Park, and in October, cooked Thanksgiving turkey. On Saturday afternoons, he played with his four-year-old son Pedro in the back yard of their rented home. A tingle of pride went up his spine as he sang the national anthem at the SkyDome, while attending the monster truck jam with his son.

Then, on a bitterly cold evening in January, 2002, Carlos had a car accident -- and saw his life shatter into pieces as suddenly as the shards of glass from his smashed windshield fell onto the wet pavement.

His heart thumped in his chest when a police cruiser arrived at the scene. Carlos had fallen asleep at the wheel, and careened into an oncoming car. Fortunately, no one was hurt, but the used Ford Explorer four-by-four he had just bought for $1,500 was destroyed. Carlos barely noticed this, however. He was too busy worrying about something else.

He knew the police officer would ask for identification. And though he had a valid Ontario driver's licence, up-to-date insurance, two credit cards and a banking card, he had no papers showing he was a landed immigrant or a refugee claimant.

When it became clear Carlos was a foreigner, the officer ran his name through an immigration

database, but nothing came up. According to Canadian government records, he didn't exist.

Carlos had entered Canada in September, 1999, on a six-month visitor's visa, along with his wife and son. He found a job painting houses the next day and never left, joining thousands of other undocumented people in Canada's vast and invisible underground economy.

At the scene of the car accident, shivering as much from terror as from the cold, Carlos tried to throw the police officer off his trail: "I have been here for one month," he said. "I work in a restaurant. I go back and forth from Canada to Argentina."

But the officer didn't believe him, and insisted they go together to his home, so the officer could see his passport.

Carlos made one quick call from the cruiser, telling a friend in rapid-fire Spanish to remove his wife and child from the family's basement suite as soon as possible. He had been caught red-handed.

In Cordoba, a colonial city of one million on the edge of the Sierra Chica mountain range in central Argentina, Canada has a reputation as the land of plenty. Carlos had long dreamed of visiting, and in 1998, a childhood friend who'd moved to Toronto invited him.

He ended up staying for a year. His friend worked in a clothing factory, and Carlos soon joined him, stitching shirts for $8 an hour. His employer paid cash and didn't ask for a social insurance number.

He returned home with savings, hoping to launch a career teaching physical education, which he had studied in university. But his timing couldn't have been worse. Argentina's economy was beginning to falter, foreshadowing the dramatic financial collapse of 2001 that would throw the nation into social and political upheaval. Unemployment was high and the currency was dangerously overvalued. The best job Carlos could get was ordering supplies for a McDonald's outlet for 550 pesos a month ($550 U.S. at the time).

His financial situation became even more of a concern when his girlfriend, Liliana, became pregnant. The two decided to get married, and the wedding was a joyous occasion, but as the couple prepared for the arrival of their son, they worried about supporting him on Carlos's meagre wages.

A growing number of Argentines had left the country already, in search of better opportunities. Many had tried their luck in Canada, using a well-known entry path: the refugee system. They flew to New York, taking advantage of the fact that Argentines didn't need visas to enter the United States (until the law changed in 2002). Then they made their way upstate to Buffalo-Fort Erie, and filed refugee claims at the Canadian border. Even if their asylum bids were rejected, as the majority of them were (from 1999 to 2002, 4,077 Argentines applied for refugee status and 187 were accepted), it bought them two, sometimes three, years in Canada. If they liked it enough, they could always go underground.

Carlos and his family chose a different route. He had a perfect reason to apply for a visitor's visa: His friend in Toronto was getting married, and he was in the wedding party. After arriving here, he could apply under Canada's point system as a landed immigrant -- a paralegal he had

met on his first trip to Toronto told him he would qualify.

On a hot, clear day in September, 1999, he and his family said goodbye to the country they loved. Carrying four suitcases bulging with clothing and toys for their baby, they boarded an Air Canada flight to Toronto.

Carlos's friend picked them up at the airport, and took them to his home, where wedding preparations were under way. At the reception, Carlos was introduced to his friend's uncle, who worked as a house painter, and ended up with a job offer.

He started the next day. The hours were long, and he made only $10 an hour, but he knew construction workers in Argentina earned about $250 a month. By comparison, he was a rich man.

He cashed his cheques at Money Mart, amazed at the numbers of drywallers, framers, cement workers and renovators who were here without papers, not just from Argentina but from all over Latin America and Eastern Europe.

Toronto was going through an unprecedented building boom, with 30,000 housing starts a year. At the same time, there was a shortage of locals prepared to work in the mud trades: bricklaying, carpentry, landscaping, drywall and trimming. Undocumented workers had never had it better. The housing economy needed them to stay afloat.

A lot of services in the informal economy catered to migrant workers -- if you knew where to look. Carlos's friend told him about a two-storey brown brick building in the city's north end filled with Filipinos, Koreans and other foreigners. The landlord wanted only first and last month's rent ($1,300 in total), and didn't ask for a social insurance number or a signature on a lease. So the family moved into their first Canadian home: a dingy basement suite, with a patch of lawn in the front and sheets hanging in the windows. The hallways were filthy and there were potholes in the driveway.

They did their best to improve it, washing the stair rails, replacing the bathroom tiles and painting the apartment in warm colours to remind them of home. Rummaging around the neighbourhood for furniture, they found mattresses and a sofa discarded on the street.

Of course, being illegal meant they had no right to complain about the apartment's many deficiencies. The boiler broke during their first winter and they were without heat for a week, forced to sleep in the living room with the oven burners on. When the landlord finally fixed it, the apartment flooded, but she refused to pay to repair their television and computer. "Who was I going to complain to without giving my secret away?" Carlos said in a recent interview.

Still, he embraced his new life. He missed *yerba mate* and *criollitos*, the strong tea and croissants he used to have for breakfast, but grew fond of Tim Hortons Boston cream doughnuts. Most of all, he loved Canadian courtesy: Drivers signalled when they changed lanes and halted at stop signs. Nobody threw rocks at the sparrows and squirrels in the park.

He knew it was wrong to overstay his visa, but he believed the only way he could make a better life for his family was to flout the law. Despite the promise of the paralegal, he had learned through an immigration lawyer that he did not qualify as a landed immigrant. But he also knew

that by staying, he was benefiting from Canada's public services without contributing to them through income-tax deductions, and some days, he felt pangs of guilt and remorse.

The family settled in to life in Canada. After several months of work, Carlos had saved enough to buy a second-hand car: a 1988 Jeep Cherokee for $750. (He later traded it in for the Ford Explorer.) Getting a driver's licence was relatively easy: He visited the local office of the Transportation Ministry and discovered that all he had to do was take a written exam and a road test, show his passport and pay $100. Arranging insurance was more complicated, but a Canadian friend stepped in and got the policy under his own name.

Soon, the family also found a nicer place to live: a basement suite in a house on the edge of a ravine, with a swing set and barbecue in its large back yard. Pedro's English was now as good as his Spanish -- he was attending preschool at a local Catholic school, thanks to a 1994 Ontario law that gave children of undocumented parents the right to an education.

In search of a better job, Carlos considered dropping by the informal day-labour market for Latino construction workers at a coffee shop in Toronto's north end. Carrying knapsacks with bagged lunches, Chileans, Colombians, Argentines and Central Americans showed up every day at 7 a.m., looking for work. Contractors pulled up in minivans and hired them for the day -- visas not required.

Before Carlos had a chance to go there, he got a better offer: A sympathetic Latin American immigrant with a small construction company hired him and promised $2,400 a month. Although he didn't have to, the employer offered to pay for statutory holidays and a form of worker's compensation in case he had an accident and missed work.

If life was sweet for Carlos, it was more difficult for his wife, cooped up at home caring for Pedro. With barely a word of English, she found it awkward to go out and meet people in the playground. She yearned for her mother, her sisters and 10 nephews and nieces, whom Pedro didn't know. She hadn't anticipated that their Canadian adventure would last this long -- and was disappointed to learn that her husband did not qualify as a landed immigrant.

In part, she was angry that while the many bogus Argentine refugee claimants had access to free medical care, her family didn't. "Economic refugees don't count here. That's why so many people lie and invent cases," she said recently. "We have always done things correctly since we got here and Carlos has always worked."

The best they could hope for was an amnesty for unauthorized workers. The United States has offered six amnesties during the past two decades, granting legal status to illegal employees who came forward. But in Canada, no one even mentioned the word.

Even Carlos, the optimist, knew there were significant risks. At his weekly soccer game, a police cruiser sat in the parking lot, in case fights broke out, as they frequently did. What if the officer decided to ask everyone for identity documents? After injuring his leg in one raucous game, Carlos decided to give up his beloved soccer.

He also began avoiding Money Marts, grocery stores and laundromats in neighbourhoods frequented by Latinos, after a friend was stopped by police while he was leaving a mall. A

failed refugee claimant, he was deported back to Argentina.

It would be so easy, Carlos thought, for authorities to track down all these undocumented people.

In fact, Citizenship and Immigration Canada doesn't have the resources to enforce the removal orders it issues. Only about 8,400 people are deported in a given year, while thousands more ignore the orders. Still, Carlos believed you couldn't be too careful.

One day, while helping to build a new restaurant downtown, he was cutting a two-by-four with a circular saw and the blade became stuck. He pulled back his hand and felt a sharp jab of pain in his right foot. Looking down, he saw the blade on the floor -- and blood on his boot.

His work crew rushed him into a minivan, preparing to take him to the hospital. Then they remembered: He had no health-care coverage. Would the emergency room doctor question why a Latin American with an overextended visitor's visa had cut himself with an industrial circular saw?

As they debated what to do, Carlos writhed in pain. His co-worker, a landed immigrant from Latin America, offered his own health card. He would translate when they arrived at the hospital, so the doctors wouldn't suspect. Carlos felt he had no choice but to accept, although he knew it was an act of fraud and a betrayal of his beliefs.

In the end, he was admitted to emergency and surgeons spent several hours stitching together several cut tendons. Carlos was released the next day, relieved that his foot, and his secret life as a Canadian, had survived.

Carlos and his family might have lived underground for years, even decades, had it not been for his car accident. That night, his friend managed to spirit away his wife and child. When Carlos arrived home with the police officer, he said he lived alone.

But the neatly labelled spices and cookbooks in the kitchen, the children's toys and Sesame Street animals, the family photos and votive candles on the dining room table told a different story.

"My wife and child didn't like it here and they left recently for Argentina," Carlos explained. He could tell the officer didn't believe him, but he didn't interrupt his nervous prattle as he handed over his passport. Looking at the visa stamp, the officer could see that Carlos should have left the country three years earlier. "I wasn't born yesterday," he said. "Why don't you just tell me the truth?"

Carlos finally lost his composure and began crying. It was a pivotal moment, and he felt light-headed as he tried to decide his best strategy.

He poured out the whole story, explaining his home in Cordoba and why he had left. "The officer had my life in his hands," he says now. "And I didn't know what he would do."

The officer guessed that his wife and son had fled the apartment moments earlier. He told Carlos he was obliged to deport him from Canada. He said that while awaiting the departure

order, Carlos might have to stay in jail. And then he gave him a break.

"It was as though I had a guardian angel. The police officer told me, 'I'm not going to ruin your life just because you are trying to do something good for your wife and kid.' He said, 'I'm going to give you six months to go to a lawyer and begin the process to legalize your status here. I don't care how you do it, just do it because if you ever have an accident, you will be in trouble here,' " Carlos recalls now.

"He said, 'I am the son of immigrants and I have a young son at home and I know you are just trying to do the best for your family. I won't throw you in jail.' "

Carlos was so grateful he didn't know what to say.

When he returned to work a few days after the accident, he was more aware than ever of the precarious life he was leading. Too afraid to drive or buy a new vehicle, he started taking public transportation again: three bus rides and a subway trip each way, making it a three-hour daily commute.

The officer warned him he would check up on him again to ensure he has taken steps to become a Canadian. He never has, but the incident has left Carlos feeling increasingly uneasy. His lawyer has told him he doesn't have enough education to be accepted as a landed immigrant and he doesn't qualify as a refugee. He is tired of life in the underground. He wants to buy a house, but he can't get a mortgage without a statement of earnings.

His only hope is the promise of a new program, announced yesterday by Immigration Minister Denis Coderre, that will give undocumented construction workers temporary work visas, and eventually landed immigrant status, if it's implemented under the new federal government.

If the program isn't introduced within a year, Carlos and his wife will return to Argentina. "I feel like this is where I want to stay," he says. "I want to pay taxes. But I can't live with this uncertainty any longer. I want to be a real Canadian."

Marina Jimenez is a senior feature writer for The Globe and Mail.

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