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No Status, No Stay?

by Carolyn Woodall

For immigrants worldwide Canada has become the symbol for a better life. However, the lack of an inclusive regularization program makes the reality for non-landed immigrants a sobering experience. Immigrant workers whose labour contributes to the Canadian economy are particularly affected since they do not have the legal status to reside in Canada permanently.

Immigrant skills and labour contribute significantly in several areas, in particular the construction, manufacturing and home domestics industries. Non-status workers are often subject to low wages and exploitive behaviour on the parts of employers who are aware these workers have no legal recourse. In addition, they constantly risk deportation, and possible estrangement from their families. Even more disturbing is that their Canadian-born underage children risk deportation along with them.

Referred to as non-status, these immigrants have no legal status for a variety of reasons. They may be waiting for an appeals process after their initial refugee claim has been rejected or because their student visa or work-permit has expired. Other immigrants may not have the necessary official identification documents –an issue for many immigrants from war-torn countries.

Avy Goa, a lawyer and the Clinic Director for the Metropolitan Toronto Chinese and Southeast Asian Legal Clinic firmly believes an inclusive regularization program is needed to address a situation she says was created in part by the current refugee and immigration system.

“The refugee and immigration system has become very restrictive. It is a very elitist system and so many skilled workers are excluded.”

In the past Canada has implemented conditional regularization programs, to allow non-status immigrants the opportunity to apply for legal status. These programs provided no guarantee of legal status however, so non-status immigrants still ran the risk of being rejected and deported to potentially life-threatening situations. Many non-status immigrants are prepared to live in Canada illegally rather than run that risk. Currently the only way to apply for legal status from within Canada is through a Humanitarian and Compassionate application. A fee of \$550 per adult and \$150 per child is charged and the success is based on an interview with an immigration officer.

In a speech at the Consultative Committee on Practices and Procedures of the Immigration and Refugee Board, the Honorable Judy Sgro, Minister of Citizenship and Immigration acknowledged that refugee reform is a government priority. And that “the [Immigration and Refugee Board (IRB)] is also taking steps to implement a Chairman’s Action Plan that will make the system even more efficient and fair.”

Goa is skeptical of the current Board’s efficiency. “They’re (non-status immigrants) here with no status because our system has failed them,” explains Goa. “The system is not able to correct its own mistakes. People with the same

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Diversity Facts

29% of Canadian find the waiting time for specialized health services unacceptable.

Health Services Access Survey, Statistics Canada
Italy

Language 101

A presto! = See you soon (Italian) Italy

circumstances are treated differently...the immigration and the refugee system fails to recognize the situation.”

Goa is a member of the Status Campaign, an ad-hoc group of individuals and organizations trying to push the government to regularize the status of non-status immigrants. “We use their cheap labour...if we came with clean hands, meaning if there is nothing we are doing to perpetuate the problem, and we are not using their labour then I would have nothing to say.” Unfortunately Goa often encounters immigrants who are victims of exploitive business practices.

According to Goa what is needed is public education and an increase in public awareness of the problem. In addition, Goa says, the government needs to consult with the NGO's who work with the immigrant communities and even non-status workers themselves to come up with a viable and inclusive solution.

In the meantime these immigrants, many of whom face persecution, poverty and even death continue to live on the edge of Canadian society, contributing to economy but legally unacknowledged.

For more information on the Status Campaign, please visit their website at <http://www.ocasi.org/status/>.

For more information on Citizenship and Immigration Canada, please visit <http://www.cic.gc.ca>.