

Working in the shadows

Bids for amnesty tied to labour needs

Illegal immigrants fear deportation

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Herman wants nothing more than to live without fear of being deported. Maybe, even, in a home similar to those he has helped build for Canadians.

But the 20-year-old carpenter from Argentina has been living here without status since his refugee claim was quashed two years ago.

Now, his hopes of gaining landed status and emerging from an underground existence to live out his dream with his Canadian-born wife and children are riding on the success of a spousal sponsorship. And, he says wistfully, on Ottawa softening its immigration policy.

"I want the government to take care of people like me that make a difference," says Herman, who has worked in the construction industry since he was 16. "I'm building houses for Canada but I cannot be here. It's not fair."

Herman isn't the only one who thinks Canada's immigration policies need tweaking.

Proposals to "regularize" non-status immigrants have proliferated recently, including one championed by Liberal MP Mario Silva, who calls the current deportations of Portuguese construction workers "callous and immoral."

Instead of propping up an immigration point system that seeks well-educated and English- or French-speaking people, it should be revamped to meet the labour needs of certain industries that are fuelling the entrance of undocumented people into Canada, says Silva.

"My personal view is they need to overhaul the immigration policy because we're asking for engineers, architects and doctors, but once they come we don't recognize their degrees and they wait for years in limbo, many of them driving taxis.

"Meanwhile, we have a growing economy, a booming construction sector, and we don't have enough skilled people to fill those positions — and we're deporting them."

Silva's comments followed news this week that many Portuguese families who have been here for years working in construction will be deported in coming weeks. It's not clear how many are affected, but sources say that before April 8 up to 100 Portuguese households in the GTA will get removal orders.

"Call them whatever you want, but Canada and Toronto have greatly benefited by their presence," said Silva, whose Davenport riding is home to many of those families. "They are contributing people in society and they keep the construction industry going. These aren't people taking advantage, they're hard-working."

Over the years, calls by some immigrant advocates for a blanket amnesty have been coolly received. Politicians and legal immigrants alike argue that creating a window for "queue-jumpers" rewards dishonesty, undermines the integrity of the immigration system and opens the door to massive fraud like that experienced by the United States in a farm-worker amnesty program in 1986.

But proposals by unions, committees and coalitions to "regularize" at least some of the estimated 200,000 non-status workers toiling in Canada's underground economy have received warmer reviews. Stopping short of a full amnesty, these proposals attempt to pry open a door to landed status for people with needed skills.

Recently, Ottawa seemed to be listening. The Liberal government, with Silva leading the charge, was on track last year to introduce a regularization plan.

But that was abandoned after the election.

This week, Immigration Minister Monte Solberg said that while he is sympathetic to the plight of deportees, any sort of amnesty program is a "low priority" — an announcement that sent illegal immigrants ducking further below the radar.

There has been no change to immigration law, and Solberg denies a crackdown is underway. But deportations are expected to rise since the Canada Border Services Agency has been given more resources to carry out removals.

Troubling to some observers is the zeal with which the government goes after workers but not their employers.

"If they're not willing to rein in the employers, there doesn't seem much point in reining in the immigrants," says sociologist Jeffrey Reitz of the University of Toronto.

If the government toughens its stance, illegals will only go deeper underground, where they are more isolated and prone to exploitation, says Keith Cooper, spokesman for Universal Workers Union, Local 183.

'My personal view is they need to overhaul the immigration policy.'

Mario Silva, Liberal MP

"We've had so many proposals put together for so many ministers that it's been extraordinarily frustrating," says Cooper. "This is a political hot potato that no one wants to deal with."

But this government must deal with it, he insists. It may be a "low priority" for Solberg, but it's a high priority in cities such as Toronto, where the booming construction trade is thought to employ about 15,000 illegals.

Local 183 proposed offering construction labourers a three-year temporary worker status — after which they and their families could apply to be landed. To be eligible, they'd have to be in the country two years, be gainfully employed with no criminal record, and able to provide an employer's letter stating their skills were needed and no qualified citizen was available. In case of a sudden industry downturn, they could still be subject to deportation.

The Labourers' International Union of North America spearheaded a coalition of Toronto-area unions, construction firms and ethnic organizations that proposed a similar plan.

Their proposal would give residential construction workers a two-year work visa if they were healthy, had been employed for a year and had no criminal record. Spouses would be eligible for an open work permit.

"Allowing them to stay is a win-win situation for everyone," said Joseph Mancinelli, LIUNA's international vice-president and regional manager. "We need these workers; they want to stay because they have family here; and the government wins because they would be paying taxes."

According to the Ontario Construction Secretariat, the underground economy costs the country about \$1.5 billion a year in lost tax revenues, a figure that includes both under-the-table work and losses from illegal workers who pay no income tax.

Silva and the caucus committee he chaired in 2005 drafted a broader proposal covering workers from all sectors. It would have made a two-year work permit available to those who had been here at least two years, were employed, had no criminal record and were active in the community.

Regularization programs aren't a new idea in Canada. The first was introduced in 1960, and others were offered in 1972, 1986, 1989 and 1995.

None was a full amnesty — many focused on people from specific origins, and all had certain criteria for eligibility.

The largest, in 1973, gave legal status to 39,000 people from more than 150 countries.

While these programs are often viewed by the public as humanitarian acts by a compassionate government, a study by a team of university researchers and Toronto community organizations suggests otherwise.

According to *The Regularization of Non-Status Immigrants in Canada 1960-2004*, past governments that introduced such plans were responding to labour shortages or political pressure.

But the programs also served as a way of cleaning the slate — clearing up the status of people caught in the old system — before introducing new immigration policies that were typically more restrictive and exclusionary than before.

Nor are temporary-worker programs themselves a panacea.

Plans that rely heavily on the employer to vouch for a worker's success may leave workers vulnerable to exploitation and the system open to fraud. Under 1986 immigration reforms in the U.S., the number of visas issued to undocumented farm workers was triple that of the number of people thought eligible — some applicants simply paid an employer to furnish the required letter.

Amnesties may also result in a whole new crop of illegals pouring in to fill the low-paying jobs the previous group once held, explained Ryerson University professor Judith Bernhard. An amnesty won't stop the flow as long as there is a continuous supply of jobs Canadians won't fill.

"We need people who are willing to work for minimum wage in precarious conditions — our economy depends on that, which is something that needs to be addressed," said Bernhard, who has done research on the lives of non-status people.

"We have a structural problem in that we have a need for these people. Non-status people are basically subsidizing the economy."

Herman counts himself among that group. He's worked full-time for years, for wages lower than workers with full status. And when he isn't framing houses, he's doing all he can to lay low. Fearful of a run-in with authorities, he never drives. Even at home, he doesn't dare answer the door to his two-bedroom basement apartment.

"Everybody the government finds is leaving," he says. "I don't like to go back to my country because my family is here."



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