

**The Long Term Impacts of Non-Citizenship on Work: Precarious Legal Status and the  
Institutional Production of a Migrant Working Poor**

Patricia Landolt

&

Luin Goldring

September 2010

Please do not cite  
Prepared for the RAPS Workshop:  
Producing and Negotiating Precarious Migratory Status in Canada  
York University – September 16, 2010, 9:00 a.m. to 5:30 pm  
International Conference Center, 5th Floor, York Research Tower

## **Introduction**

In the global age of migration efforts to control, manage and regulate migrant workers' mobility and permanence have given rise to national policies and international management strategies that are revamping the regulatory and normative framework that organizes citizenship and migrant legal status as a source of state control and of employer strategies of exploitation and labour market segmentation. In this global context, migrant-worker insecurity and vulnerability is rooted in the combination of (1) unpredictable, non-linear, and not always voluntary movement between various points in a continuum of precarious legal status (cf. Goldring, Berinstein and Bernhard 2009); (2) precarious work situations generated by employer strategies of flexibilization (Bernhardt et al. 2008); and, (3) the potential that this intersecting location produces experiences that have cumulative, non-linear and long-term path-dependent effects (Goldring and Landolt Forthcoming (2011)). We propose conceptualizing this complex pattern as a dynamic work-citizenship matrix in which people and entire groups transition through intersecting work-citizenship insecurities, where lived experiences in one work-citizenship quadrant have the potential to exert long-term effects, boundaries shift and are also crossed, transitions continue to occur indefinitely over the life-course, and gains on one front are not always matched on others.

The social transformation in the boundaries of citizenship and its intersections with social stratification and precarious work has a range of manifestations, two of which are relevant to our discussion. First, there is a proliferation of temporary migrant worker programs worldwide (Castles and Miller 2009; Rhus 2006) including a notable expansion into national contexts— such as Canada and Australia – in which there is a decades-long institutional history of permanent immigration as the predominant mode of population movement (Sharma 2006). Second, there is

an absolute growth in the global population of irregular and undocumented migrant workers and a parallel hyper-criminalization of this population (Bacon 2008; Dauvergne 2009; De Genova 2002). The institutional and geographic pathways that lead migrant workers to become unauthorized are complex, and migrant-workers spend increasingly long periods of time navigating various forms of insecure migratory legal status. Some may eventually move into more secure legal situations, but this shift may not ensure gains on other fronts. Liberal state policies of selective “regularization” constitute one trajectory in this landscape (Goldring and Landolt Forthcoming (2011)); irregularization is another (cf. Calavita 1998).

In this chapter we unpack primary research findings on immigrant workers in the Greater Toronto Area to show the long-term effects of living in the intersections of precarious work and precarious legal status. Our argument is organized as follows. In the next section of the paper we review Canadian scholarship on stratification, pose questions about legal status as a sociological category and further the conceptual framework of the citizenship-work matrix. In the second section, we provide a brief overview of our project on “Immigrants and Precarious Work” including the results of a logistic regression model of precarious work. Echoing research findings on regularization from other countries, our regression model shows that the shift to secure status does not ensure a change in employment conditions (cf. Levinson 2005; McKay et al. 2009; Sunderhaus 2007). Precarious legal status is ‘sticky’ and hard to shed socially. It sets people on a long-term pathway of precarious work and livelihood insecurity. In the third section of the paper we draw on our qualitative interview materials to detail the institutional and relational impacts of precarious legal status for individuals. We capture how and why life and work patterns associated with an insecure quadrant of the work-status matrix are so hard to shed. The fourth section provides a discussion and conclusions.

## **Conceptualizing the Sticky Character of Non-Citizenship Legal Status**

Citizenship, including non-citizen legal statuses, has always been a significant power differential between migrant workers and employers, and migrant and citizen workers (Burawoy 1976; Castles and Kosak 1973; Piore 1979; Thomas 1981). Indeed, Canadian research has long recognized the importance of legal status, along with race, racialization, ethnicity and gender, in determining life-chances and allocating power and privilege (Nakache and Kinoshita 2010). Scholarship on work and earnings frames legal status simply in terms of the immigrant non-immigrant binary. It shows that immigrant and racialized workers, particularly women, consistently earn less than their native-born, white and male counterparts, controlling for education, etc. (Hou and Balakrishnan 1996; Preston and Giles 1997; Reitz and Verma 2004).

The binary framing of legal status is a problem given the dramatic shift in Canada immigration policy, and specifically the sharp increase in temporary migrant programs (Bauder 2007; Sharma 2006). Analysts critical of the shift in Canadian immigration and citizenship policy have voiced concern over the long-term quality of “temporary” worker programs (Hennebry and Preibisch 2010), documented the legal discrimination that temporary worker programmes introduce into labour markets (Nakache and Kinoshita 2010); and made an explicit link between temporary migration and labour market flexibilization (Preibisch 2007; Trumper and Wong 2010). These trends highlight the importance of going beyond the immigrant / non-immigrant binary to consider a wider, non-binary, set of immigration status categories in relation to labour market stratification and social inclusion.

Goldring et al (2009) propose the concept of precarious migratory status to capture the multiple and variable forms of “less than full status” being institutionalized as part of the

contemporary transformation in policy practice. Precarious migratory status is defined by the absence of key rights or entitlements usually associated with the full or nearly full status of citizenship and permanent residence, and includes variable forms of authorized and unauthorized status. Specifically, it is marked by *any* of the following: the absence of permanent residence; lack of work authorization; depending on a third party for residence or employment rights; restricted or no access to public services and protections available to permanent residents (e.g. healthcare, education, workplace rights); and deportability. Precarious status in Canada includes “documented” but temporary workers, students, and refugee applicants, as well as unauthorized forms of status, e.g. visa overstayers, failed refugee claimants and undocumented entrants.

Scholarship on stratification has also advanced our understanding of work-related inequalities by moving beyond the notion of labour market segmentation towards a multi-dimensional conceptualizing of work as precarious. Precarious employment includes work that is unstable and insecure, offers limited rights, protections, and benefits, and allows workers limited autonomy, recourse or control (Goldring and Landolt 2009). Research on Canada shows that work is becoming increasingly precarious in a growing range of sectors and occupations, including but not limited to those in “secondary” and low-wage labour markets. Precarious work is stratified by race, gender and immigration status (Cranford, Vosko and Zukewich 2003; Creese 2007).

Canadian research on patterns of stratification thus suggests the emergence of new dimensions of social exclusion such as variable forms of non-citizen legal status, as well as the increasingly complex and multi-dimensional character of social inequalities associated with work. Our interest in the intersecting precarities of work and citizenship requires that we move

beyond this rich characterization of stratification towards questions about change and possible movements across social categories and locations.

Research on changes in legal status and specifically the process of regularization tends to focus on the *effects* of regularization on work outcomes. Findings for the U.S. and Europe are fairly consistent and negative: regularization is associated with limited upward mobility, ‘job churning’, and minimal and highly gendered positive wage effects (Cobb-Clark and Kossoudji 1999; Kossoudji and Cobb-Clark 2002). As we detail in the next section of the paper, our research on immigrants in the GTA offers a similar account. The move towards a more secure legal status (permanent residence or citizenship) is not associated with significant improvements towards more decent and less precarious work. In effect, change in one dimension of social location (legal status) does not translate easily or necessarily into change in others (terms of employment). Efforts to account for this pattern tend to focus on the work dimension of what we pose as a work-citizenship nexus. They point to numerous structural and political features that limit improvements in work including: the industrial relations environment industrial relations environment is significant in determining the ability of undocumented including factors such as the strength of unions, the existence of collective bargaining and general applicability of collective agreements, effective enforcement of labour standards, the extent to which casual/temporary labor force is normalized, the presence of ethnic business as significant employers and the presence of a large informal sector (McKay et al. 2009); the troughs created by labour market segmentation (Hiebert 1999) ; and workers’ redundant and resource poor social networks, which limit their ability to move beyond the sector in which they were employed while in a precarious legal status.

In contrast, we draw on social boundaries scholarship (Bourdieu 1979; Lamont and Molnar 2002) to focus our attention on non-citizenship legal status as an equally relevant source of explanation for why regularization fails to produce significant gains in work. The first challenge as we shift our lens of inquiry is that citizenship is typically understood as an achieved and discrete category, with clear and relatively firm boundaries (cf. Bosniak 1994). Citizenship laws and nation-building traditions regulate who is granted birthright citizenship and who can be permitted entry into the status of citizenship; the boundaries are clear, but some may cross (Lamont and Molnar 2002; Zolberg and Long 1999). Thus, the idea of citizenship as an achieved status organizes the typical framing of questions about the effects of regularization; i.e. does legal status boundary crossing produce a change in work?

The literature on citizenship that is informed by work on social boundaries highlights the social production of citizenship boundaries; boundaries can be enforced, contested, and negotiated. This approach illuminates the politics of citizenship boundary-making over time, showing how boundaries include and exclude changing configurations of gendered and racialized citizen-subjects (Bakan and Stasiulus 2005; Castles and Miller 2009). The framework moves analysis towards identification of the institutional and relational contexts through which boundaries between citizen and non-citizen are blurred, for example between frontline workers and refugee claimants, or sharpened and hardened, for example between employers and migrants without work authorization who are paid cash. These different scenarios presumably lay the groundwork for grassroots mobilization and policy change in favour of or against precarious status migrants.

A second challenge is that even in the reframing of citizenship in relational rather than status terms (Lister 1997; Ngai 2004) the discreteness of citizenship as a conceptual category and

boundary remains. Change occurs as boundaries move, or through changes in the numbers and types of people who cross them. Some national citizenship boundaries are more inclusive and permeable than others, but boundaries remain discrete and container-like. From this perspective, moving from one category of legal status to another still implies a break; it is conceptualized as movement from one state to a new, clearly differentiated state, which should be accompanied by or associated with changes, such as an improvement in work given the break with precarious legal status. In this sense, there is also an underlying assumption that as a sociological category, legal status is more changeable than other dimensions of social location such as gender and race. A person can presumably shed their non-citizenship legal status as they cross the boundary to citizenship. But what if non-citizenship legal status is a bit more sticky, and not so easy to shed? What if a boundary ‘crossing’ does not mean a shedding of this particular social location? This would certainly help explain why regularization does not necessarily lead to significant improvements in terms of employment. It would however also pose a conceptual challenge both to the way in which we understand legal status as a social category or social location – perhaps more like race and gender than is currently assumed – and to the way we conceive of the boundary between citizenship and non-citizenship.

Thus, we propose a re-conceptualization of legal status—and the discrete categorization of the citizen/non-citizen and immigrant/non-immigrant binary. We conceptualize shifts in legal status as boundary crossing between boundaries that are blurry and sticky in the sense that moving across a boundary does not preclude bringing attributes associated with the previous “status” or configuration of citizenship/non-citizenship rights to the ‘new state.’ As individuals and groups navigate work and citizenship intersections over time, their movement may be multi-directional, involving irregularization and regularization. Moreover, movement from one legal

status to another may not bring concomitant shifts in the quality of work. We present empirical qualitative data that support this approach after discussing our project and methods.

### **The Immigrants and Precarious Work Project**

In 2005-6 we conducted face-to-face interviews with Latin American and Caribbean immigrant workers using a mixed-method survey questionnaire.<sup>1</sup> We developed a multi-step random sampling design to generate a study population of 300 respondents composed of 150 Latin American and 150 Caribbean immigrant workers living in the GTA. We did not establish requirements regarding legal status, occupation, sector or terms of employment (i.e. precarious work or precarious legal status), or for specific occupations or sectors. We did take steps to limit the over-representation of any particular occupation or sector and nationality. Respondents were asked questions on a wide-ranging set of themes including detailed information about the terms of employment for jobs held at four points in time, and their legal status at time of arrival and at the time of the interview.

We used logistic regression<sup>2</sup> modeling to test what factors predict the likelihood that a worker's current job is more or less precarious as measured by an Index of Precarious Work (IPW). Table 1 presents the variables used in the logistic regression. Two variables are worth discussing in detail since they are central to our analysis of how precarious work intersects with precarious legal status.

Table 1 about here

First, in order to capture the multiple dimensions of precarious work in a single composite measure we developed the Index of Precarious Work (IPW). The IPW brings together eight indicators of precarious work including: unionization; terms of employment; contract type; basis for pay; cash payment; predictability of schedule; benefits coverage; and type of work place. The IPW adds up the job-specific indicators of precarious work that a person has and provides a summary score.

Second, we created a variable that captures change in legal status. It is based on a collapsed set of categories according to respondents' relationship to the labour market. The categories are: *secure* (citizens and permanent residents), *temporary* (temporary work authorization), and *unauthorized* (no work permit). To track movement we cross-tabulated these categories for status on entry and current status (at the time of the interview, 2005-06). The change in legal status variable collapses a non-hierarchical continuum of migratory status categories into three key temporal transitions in forms of precarious migration status. This is a necessity of the exploratory nature of the research and relatively small sample size.

The logistic regression model identifies variables that are statistically significant in predicting whether an individual is more likely to be in a higher category of precariousness for the IPW compared to a lower category. Table 2 presents the results of the regression.

Table 2 about here

The impact of individual and household factors and social networks on precarious work is mixed. Gender is significant: women were more likely to work in jobs with high IPWs at the time of the survey, compared to men. Household variables also produced mixed results.

Respondents living in larger households were more likely to hold high IPW jobs. The presence of children under 12 in the household was significant and negative: respondents with young children were less likely to have high IPW jobs. Respondents who had volunteered in the last 12 months were significantly less likely to be in high IPW jobs compared to those who had not.

Language competence<sup>3</sup> was a significant and positive correlate, but how that competence is acquired is worth noting. Attending or having attended language classes (English or Business English) was not a significant predictor for the IPW (Goldring and Landolt 2009). However, English competence developed in other ways, either prior to coming to Canada or through work and life experience, does protect people from highly precarious work. Education, measured using total years of education in the country of origin and in Canada, was not a significant correlate. The regression also compared the significance of having a high IPW for respondents in various occupations, each in comparison to being in a management position. Those working in clerical or construction jobs were significantly more likely to be in highly precarious jobs compared to those in managerial jobs, which is not surprising. However, those in sales and services, and manufacturing and processing were not any more likely to be in highly precarious jobs compared to those in management.

The logistic regression results also show that both precarious work in early work and precarious legal status at the time of entry into Canada have lasting and negative effects on current work that are not reversed with more time. First, people who had highly precarious jobs during their first year in Canada were also more likely to have high IPW jobs in the year of the survey. Consistent with current research on immigrant earnings (Painter and Philo 1995), we found that the amount of time that immigrants spent in Canada did not guarantee them a pathway

to decent work. Precarious work in the short term has long-term – and negative – impacts on workers.

Second, in terms of legal status, people who *stayed precarious* (e.g. students, tourists, refugee claimants, and temporary foreign workers) were more likely to hold highly precarious jobs at the time of the survey compared to those who entered and *stayed secure*. Moreover, respondents who entered with precarious status (temporary permits or no work permits) but eventually obtained secure status, those in the *regularized* category were also more likely to fall into a higher IPW than those immigrant workers who entered and *stayed secure*.

Finding that those who remained in precarious status were more likely to hold precarious jobs at the time of the survey was not surprising. The conundrum is accounting for the similar situation facing those who did shift to a form of secure status. What is needed is a deeper understanding of the mechanisms that mire people in low-wage, dead-end jobs. To what extent are they stuck because of labour market segmentation and structural transformations in the organization of work; because of employer strategies to deal with flexibilization by hiring vulnerable workers, particularly in certain sectors; individual practices and characteristics; or combinations of these? We now turn to our qualitative interview materials to begin to unpack the stickiness that occurs in the lower quadrants of the work-status matrix.

### **Unpacking the Institutional Production of the Migrant Working Poor**

We draw on qualitative data from the mixed-method interviews to unpack the ways in which non-citizenship legal status traps people into precarious work and livelihood insecurity even as they move to a more secure legal status. Interviews were recorded and selectively transcribed. Case numbers follow direct quotes to ensure confidentiality. The discussion is

organized into five sections. The first two document how precarious legal status impacts work experiences with a focus on employer strategies for securing vulnerable and exploitable workers. The third section examines non-work related institutional barriers to incorporation and also considers the costs in time and money of trying to regularize. The fourth section examines the social impacts of living with precarious legal status and the fifth section focuses on respondent evaluations of post-regularization changes, both positive and negative.

Early work: Settling for what you can get

Precarious status permeated and shaped the entire work experience of respondents who entered with precarious status and then shifted to more secure status. This can be seen from the initial job search, to the types of jobs they found, and the conditions associated with the work. Precarious legal status channeled respondents into jobs in a limited set of occupations and sectors and characterized by high levels of work precarity as captured by the indicators of the Index of Precarious Work (IPW).

Regardless of education and work experience prior to coming to Canada, having no work permit or a temporary work and residence permit meant that respondents with precarious legal status settled for any job they could get.

R: Well because of my status I didn't have much of a choice, it was pretty much cash paying jobs which was babysitting and housekeeping... (#295 woman).

R: Care giver, I didn't care, live-in care giver, or babysitter, or elderly care, child care, everything like that that's in that field, or housekeeping, whatever, but it's just going to be in that field, because you can't work for nothing else when you don't have status (237)

R: ... people are willing to hire illegal people, but like the type of work of course you have to take what you get, the type of employer, you take what you get...you don't have a wide variety right, because you don't have a social number you're illegal right, so when um, job situation arise, it might not be much but you're willing to take it because, what else is there? You're not going to be able to go through unemployment insurance or anything so, social services, no, so you take what you get, because who's going to take care of you? (#226 woman)

Lack of work authorization meant a self-imposed limiting of the job search, focusing on jobs one would be likely to get, and where few questions would be asked:

R: Yes because um... prior to becoming a landed immigrant the only jobs even though I knew better and I had skills and I knew that I could do all these things but the only jobs I thought were within my range were cleaning peoples houses, working in a factory or taking care of people's kids in their house right, um those were also the jobs that you were less um... intrusive people weren't going to ask you about your personal business, they weren't going to ask you how you got there, can I see your proper insurance number... (265)

Employers also contributed to the narrowing of subsequent job searches. A Mexican man remembered an early employer's strategy to keep refugee claimants working for him:

R: Another thing he said to me was that because of my status – when I was a refugee claimant – that companies in general discriminate against people with a nine on their SIN because they don't have the certainty that the person will be staying in Canada. He would say these kinds of little things, and of course it made one scared. And we would limit our looking for other work opportunities (51).

Initial and subsequent job searches were further constrained by the need to find or keep a job for financial reasons:

R: Yes, I'm not sure, for me it was keeping employer, if you working in a job and you're being exploited you want to leave right, you want to leave but you don't want to leave because you have bills so you always look for something before you move on, and they may take a while, and then you're stuck there for a while, while looking for a next employer and hoping that when you find this new employer you're not going to (make the) bills. ... So its that constant looking for something that you're going to be really comfortable with and stable, and people respect you not just because your in the house as a nanny or clean the house (#237 live in caregiver)

In settling for what they could get, many respondents found themselves in jobs that meant de-skilling, where they, and often their spouses, were doing work they would not have done before coming to Canada.

R: Look, at first I looked for cleaning jobs. I said to myself, if I don't know how to speak English, so I have to... but it felt demeaning, it didn't fit, you know? So I looked in cleaning, but my husband didn't want me to clean... he had always had his own business, worked in an office. He didn't know anything about carpentry; in his life he'd never held

a hammer except to hang something at home. So my husband would say: I'm the one who is going to go out. I felt bad, because he would hurt his hands. He had never done that, and it pains me that he is doing this, because he never had to do it in his life, so he never had a chance to study. [He] always had to work to sustain us, so that we could live here (#22).

Respondents with authorized forms of precarious status also faced challenges. Refugee claimants and those sponsored by spouses receive a Social Insurance Number (SIN) that starts with a 9 which sets them apart from permanent residents. This respondent reflects on the narrow choices he had at first, and how this changed slightly upon receiving the SIN card with a 9:

R: Well um, immigration status it did affect me in the beginning because I didn't have a number...and you can't get a good job (inaudible) you don't have a choice...from the time you get a nine you can get a job, it's not really the job you want but you can get a job... (#252, overstayed tourist visa, later was sponsored by spouse).

Respondents' discussion of how the job-search plays out when a person has a nine on their social insurance number suggests that over the years an unspoken code has emerged in the Toronto labor market. Migrants and employers function on the basis of the assumption that the 9 *SIN* taints the job search and makes it impossible to secure stable, decent work. The following quotes reflect this unwritten code of the labour market:

R: Something curious that happened to me at a job interview. I got an interview and it went well and everything and... I signed the contract and when they asked for my social insurance number the Secretary for human resources saw my card and said: "oh my God your social number starts with nine eleven". And I was like: "yes." "Oh and why you didn't tell me before?" "Because nobody asked me". She was like: "ok wait a second, wait a second." And she left, ran off all nervous ... and I was left there thinking: I'm not going to get the job because of my SIN. (#51 Mexican man)

R: First of all when you have a work permit it specifies you either have to get an open permit or a specific permit that says you're only allowed to work in this field. With an open permit your allowed to explore all the jobs that are there but more than likely very few people are going to hire you with a 9 which means your temporary status...it kind of limits you, even though it gives you an open permit that says apply for how many jobs you want when you come with your qualification then you put a nine in front of that it changes the dynamics of what you are entitled to get you know what I mean (#265)

The barriers of having a social insurance number that begins with the nine spills out well beyond the arenas of work and employment. Respondents also talked about having difficulties opening a bank account, being rejected for credit cards, and for home phone lines because their SIN started with a nine.

*Tracking IPW indicators at the bottom of the labour market*

Precarious status placed respondents in precarious jobs and work situations characterized by limited workplace regulation, little worker control, and virtually no recourse in the face of abuse or exploitation. Employers who hire people without work permits can get away with illegal and/or unfair practices that are based on the employer's control and the worker's vulnerability. Respondents described several examples of such practices, including non-payment or under payment of wages, and payment in cash.

*Loss of income* due to non-payment or underpayment of wages was a common theme. This practice was usually compounded by lack of information about Canada and one's rights, and feeling that it was the only type of job they could get.

R: I think in my first year they stole from me maybe more than 60% of the times I worked; that it was a very precarious situation; that even though I spoke English – I spoke English when I arrived here – my lack of knowledge of the context, the surroundings... in those first six months I made reservations to return to Columbia at least 15 times. (#136 Colombian man)

R: ...employers they over work you and then they underpay you, oh your salary is xyz but when the end of the week comes it ends up being abc, so they give you less than what they planned on giving you, if you talk they get angry and fire you... (#237, live in caregiver without status →PR)

R: So you work under the table, but, well then they take advantage of that and don't, don't pay. That happened to me a couple of times. I lost about 3,000 dollars (#4).

For some of the Latin American respondents, limited English intersected with and compounded legal status vulnerability. Lack of voice translated into *limited information and recourse*:

R: The work problems are all about getting paid; because you can't express yourself, you can't say no; that's my point of view (#131)

R: in the beginning because I didn't know the language I had to accept everything; one time they didn't pay me... in this company where I did occasional work. I did a job but I did not know my rights so when I went to ask for my pay they had discounted and it wasn't for the government it was a fine or something like that. Really they never explained it to me, they didn't explain and they never paid me the money that they should have paid me. It was a dirty trick... I worked all day and they did not pay me (#146 male)

Non-payment was not restricted to early work experience, when people are newer and perhaps less familiar with the system. It also occurred later on. Regardless of when this happens, precarious status trumps time when one has little or no recourse.

R: Oh yes, one time I was painting, well it's an example, it didn't happen right at the beginning. I was painting; we painted apartments with a friend. We painted it really well and we worked like mules. We worked really hard, lots of hours painting the apartment and well... another person had to do under additional job [in the apartment]. This person stained the wall... the point is that this guy did not pay us because the wall was stained and he demanded that we paint the entire apartment again even though the stain was only on one wall. In other words the guy was really extreme and behaved in this way so he would not have to pay us. (#21 man)

Employers sometimes offered rationales for underpaying workers based on the notion that they, the employer, were helping the worker in some other way. This respondent was "sponsored" by her employers to be in the LICP, but then used that to underpay her.

K: So in terms of not getting enough pay or feeling that you were adequately compensated what did you do about that?

R: I told them all the time and she was like oh we have 3 kids and we have the mortgages and that's all we can afford, and then this is the part that humiliated me they would always make you feel because they sponsored you they can just pay you \$250 because she would stay stuff like remember we sponsored you and we're helping you in some way so that probably, they thought that they did that they could pay me \$250 and I shouldn't complain but I told them all the time this isn't adequate it's not enough, I knew people that were illegal that were making \$1200 a week for the same thing I did, but

because they sponsored me they though ok we can take advantage of her and blah, blah, blah, I told them I always told them it was not...(#261 Caribbean woman in the LICP)

*Cash payment* is an indicator of unregulated work places. While cash payment is not restricted to precarious status workers, the practice was associated with non-payment and underpayment for those with precarious status. The respondents were quite clear on the intersectional relationship between precarious status and this aspect of precarious work.

R: Well first it was for cash, because you need cash to get your landed immigrant, and to get money you need a job, and you can't get a job without having your papers... (worked delivering newspapers) (#254 – Caribbean man, sponsored by mother).

R: ... what happens is that as long as you don't have your work permit and you work for cash people abuse you. And well the truth is yes I was exploited a lot as well. I worked for very little money and I worked a lot of hours and a lot of those hours I was never paid... you would do the job just like any other person... but because of the papers... well look Martha (the interviewer) a person needs to eat, needs to buy stuff... you have to earn something... you accept and you accept... and it's that way and the government should know about this. (#7 Peruvian woman)

While some workers and employers may prefer cash to avoid paying taxes, in general it means employers have control over when, how and how much workers get paid. A Caribbean woman recalled her first job as a nanny, outside of the LICP program:

R: I consider them the family from hell because like they pay me like \$100 every 2 weeks. I work from like 7 o'clock Sunday night and Saturday morning I have to wake up and sit on the steps and wait for these people to wake and give me a pay cheque and when they woke up they would say I'm sorry Elizabeth I don't have any cash to give you. And then I have to wonder how I'm going to get home because I don't have any money to take the bus so a lot of the times my sister would send her husband to come pick me up, these was like an every week thing

K: So why did you stay so long?

R: I didn't know any better at the time and one day my sister got mad and said it can't work and she's the one that told me to quit. Every Saturday morning it was the same thing they would sleep in and I would be sitting there waiting (#280 Caribbean woman, caregiver, not in LICP)

Paying in cash gives employers control and makes workers vulnerable. Reflecting on his early experience, one respondent noted the difficult position a worker can be in if he/she is paid in cash:

R: And now I understand, and I regret having done it, yes I... sometimes did it (worked for cash). Now I report all of my work. It's for me really significant to report but at that time, in the beginning, I didn't do it. And that, that is something that bosses use a lot (refers to non-payment of wages)... because they know we can't report it because we can't denounce them... because if you denounce them you prejudiced yourself (#21)

Employers can also contribute to workers' precarious labour market incorporation in other ways, through the kinds of information they provide. In some cases this had long-term negative effects, particularly for workers with limited opportunities to acquire information from other sources.

R: The fact is that I started working in an employment agency and the owner of the agency, who was like my boss, ... you arrive here without knowing the system... he painted me this really difficult panorama. I feel that he manipulated me; he manipulated us, so that we would not stop working for him. He gave us incorrect information perhaps. To give you an example: I thought my English was pretty good but he said it wasn't enough, that it would be really hard for me to find a good job (#51 – Mexican Refugee Claimant, granted PR).

The precarity of respondents' work situations is evident in other indicators of precarious employment. The literature on precarious work has highlighted issues related to disguised self-employment, working temporary work agencies, and labour sub-contracting. Institutionalizing confusion over who the employer is makes it difficult for workers and regulators to go after employers, whether to claim wages or enforce standards. In our work, we also uncovered employer-generated confusion over whether work was being offered through a union, as unionized work, or not.

R: you go out to work in construction and people literally hide the union from you. So you start working for \$8 or \$10 without guarantees, without stability, without knowing who is your boss. And when you realize there is a union you go out to look for them and it turns out the union is not interested in making you a member. ... [Afterwards in the

union] I thought I had been sent out to work as a unionized worker and it turns out that no. They used that [the union membership?] as a sort of private employment agency and the person who I dealt with at the union sent me to clean his friend's garden... I cleaned the garden and I never saw this person again in my life... they did not pay me and the union did not explain anything. (#136 Colombian)

*Lack of recourse.* Lack of control over the work process is a recognized dimension of precarious work. Lack of recourse is related to lack control, for example, in the absence of formal processes to make complaints. However, the issue of recourse is particularly acute for workers with precarious status. Though touched on earlier, we found it was not limited to workers with limited English. The following exchange illustrates the challenge of not being able to complain, and summarizes the relationship between status and work that puts respondents in a vulnerable situation that is difficult to change:

R: Gaining work, that was number one, um...it affected it greatly because I wasn't paid.

K: All the time, or sometimes?

R: I was paid minimum wage, extreme minimum wage so it affected that.

K: So what's the connection why would your status lead to low pay?

R: Because who are you going to complain to? And you need the money because you can't get a good enough job just because of your status you're not even allowed to work...that's pretty much it, you know...

K: And you couldn't access other jobs right?

R: Exactly. (#295)

Lack of recourse is clearly connected to limited rights, to the precarity of non-citizenship:

R: Immigration status affected it because then you know you don't have the rights of a citizen, because you're not a citizen yet so you couldn't talk you just have to...you couldn't refuse. (#212)

R: I just couldn't do certain things that Canadian citizens could do or even landed citizens could do I just didn't have that avenue you have to have citizenship...if I didn't do any inroads I would still be working with the agency... (#285 man)

Not being able to predict one's schedule is another indicator of precarious work that respondents associated with their status.

R: It affects things a lot [not having status]. You have to fight, work a lot and the work is really heavy, and you have to work a lot of hours (#28)

In this case, a refugee claimant's unstable schedule and hours continued after receiving his work permit:

R: and when I received my work permit I canceled the social assistance and I started to work, part-time. Sometimes I worked for an agency so the hours were really variable. And I don't know sometimes I worked one week full time in the next week half time period do you understand? It was really really unstable (51 Mexican RC, man.)

Long hours are not limited to precarious status workers and precarious employment, but they combine with self-imposed pressure to do well and keep a job. This can spill over to other workers as well:

R: I thought work was like this and I got used to it but my friends told me that things were not right. So through my friends I went out to look for work. After three months of being at this company I got a position as a supervisor and even then I earned the same thing: \$220 a week and it was more pressure. ... and they would tell me you have to finish this and a lot of times because of the pressure I would pressure the rest of the workers to stay. (#96, Ecuadorian man, worked 3 years without permit).

The search for work with precarious status leads to precarious work. Authorized and unauthorized forms of precarious status intersect with precarious work to produce economic insecurity stemming from cash payment, wage theft by employers, and precarious terms of employment. Legal status limits rights and constrains recourse. If people spend prolonged periods of time in such conditions of vulnerability, they remain poor and have limited opportunities to improve the terms and conditions of their employment.

#### *Institutional Barriers: Beyond employers and the workplace*

The early 'settlement' years of the precarious legal status migrant population are characterized by a wide-ranging and often compounding set of systemic and institutional barriers; obstacles that make improving their work situation and / or regularizing their legal status extremely difficult and draining. Respondents identified a variety of institutional barriers that made incorporation and specifically improving their work situation difficult.

State institutions such as *Ontario Works* also produce systemic barriers to decent work. One respondent provided an excellent evaluation of the Ontario Works system and the ways in which caseworkers push refugee claimants into the labour market before they are job ready.

R: At the welfare office we find two kinds of people. People who are very professional, who understand perfectly the purpose of wealth and... we also assumed it was a way to help insert us into society, it help us survive... so we find two types of people: professionals who understand this and other people that I feel are not prepared for this kind of work. I felt a bit of rejection from them. Not just in the way they looked at us, or their words, but in the way they offered the service. They were a couple days when I left very, very sad because one person told me I had to go out and work. They said I had to go out of work and I said no but I didn't know what to do yet. And in the kinds of jobs the person offered me well I really couldn't do them... I had done them before but at that point it was very difficult because I wasn't incorporated in this country, I had just arrived. I still wasn't ready to go out to do cleaning, yes? Afterwards with time with months and perhaps with the years afterwards I understood this had been unjust. Because we really needed more time to learn a bit more English, to get to know the city... to become familiar with things (#21 refugee claimant came with family).

While the respondent sees social assistance as a temporary protective system that allows newcomers to get their bearings in the labour market (job readiness), caseworkers vary in their evaluation of refugee claimant's rights to access this entitlement.

Precarious legal status even when authorized (e.g. refugee claimants) limits people's *access to education*. Migrants who are not permanent residence are charged international student fees in all postsecondary institutions and are not eligible for student loans. These policy restrictions put education largely out of reach for the majority of respondents; individuals working precarious, poorly paid jobs and often paying large sums of money in legal fees. Women respondents also talked about the difficulties of having affordable and safe daycare for their children; they juggled worked schedules around their kids' school hours.

Like the majority of immigrants in Canada, migrants with precarious legal status identify *language and accent as central barriers* to securing a decent job, being treated with respect by

employers, and having the ability to advocate for themselves at work and beyond. The following quotes reflect this limitation and its impacts on people's lives.

R: The fact of not being able to dominate English 100%, although I feel I have a pretty good level ... it limits you, yes it limits. You realize when you go to [job] interviews and they ask you technical questions, it's like you get a little worked up. (#51)

R: What I felt affected me [looking for work] was my English. It was not fluid. Even now, the accent, there are some people that make "remarks" to point out your accent; they mention it to you, they have mentioned it to me. One manager I had last year where I was working and at my last job I had to quit because he placed too much emphasis on my accent and my race. (#111 Woman)

An additional barrier on the road to English-language acquisition is that the bulk of English language programmes, particularly those funded by the Ministry of Citizenship and Immigration, are restricted to newcomers who are either permanent residents or refugee claimants. Temporary migrant workers including those in the Live-in-Caregiver Programme and non-status migrants (e.g. visa over-stayers) are ineligible. This is confirmed by a Mexican woman in our sample who explains "I could not continue studying because they asked for my papers...[I could not] study till I got approved," (#28). Unpredictable work schedules and long hours also make attending English language programmes or taking courses quite difficult. One refugee claimant explained how the English language teacher had suggested he stop attending class since he was there too infrequently. As he explained to us, this was largely because of his unpredictable work schedule.

There is growing evidence that the *legal-institutional landscape* through which secure and precarious legal status migrants must navigate to regularize their status is complex and increasingly inconsistent and corrupt (Chase et. al 2008; Keung 2005; Khandor et. al 2004). Respondents remarked about the inconsistencies, hypocrisies and "cash-driven logic" of the state regularization apparatus.

R: I found that the system here was so disjointed... While they're rejecting me [for a work permit] and not giving me a work permit they were kind enough to give me visitor status so that I could pursue my legal papers. Now how ridiculous is that? You don't want me to work but I can sit around in your country, I consider that a load of bull.  
(#242)

The proliferation of immigration consultants and the under-funded legal aid system to which refugee claimants have access are putting migrants seeking to regularize at risk. Respondents in our research confirm that migrants are vulnerable to predatory and inexperienced immigration consultants and to falling through the cracks of an overwhelmed legal aid system. The story of a Mexican refugee claimant confirms the trend towards incompetence that puts migrants at risk of falling through the cracks of the immigration bureaucracy.

R: My experience with the first lawyer... with a not-for-profit lawyer, they don't charge. The only thing I needed was for someone to translate my story into English using proper legal terminology, nothing else. And they said: yes we can help you, I did not know how legal aid worked right? Legal aid handed me a letter that they wanted me to sign where, as I understood it, I authorized this person to be my lawyer and they needed a credit which would be given by legal aid to the lawyer. And it seemed a bit dishonest to me. I laughed, my story was translated incorrectly and in fact I did not sign. Even without my signature they sent my papers to the refugee board, which scheduled me for a hearing... without my signature. And I said simply that this was not the letter I had submitted, and the translation was incorrect and I made them see that the lawyer was at fault. In fact because it did not have my signature, it was not valid. I decided to change my lawyer. ...I tried to do it myself but I didn't have the tools, the English especially to translate things properly.... Then I looked for another lawyer and I told someone who would worked with Amnesty International and the Red Cross and I requested legal aid again... fortunately everything worked out. (#51)

In addition, respondents often receive incomplete and at times incorrect advice from friends and family. This can also have negative consequences on their situation. An Argentine respondent who worked in Canada 10 years without a work permit acknowledged the problem of taking advice from friends but also talks about his confusion and frustration over the legal aid system.

R: Oh Yes there was many errors in my case. At first I listened to my cousin and other friends from work, who told me to make a refugee claim. So when the lady from legal

aid did my paper work, she started to keep my welfare cheques and cashed them because I did not know what they were. Then they made us lie in immigration; make up a story so that I could attain refugee status. Afterwards the lawyers – a mafia – would make me go to the interviews and then they would look at me and say “okay you can go now.” I did not understand a thing of what they were saying to me and they had me by the tail, they charged me \$600 for an interpreter. And they would pass my case from lawyer to lawyer and when they had to go to court they would not show up. (#131)

Regularization is very slow and requires a huge investment of cash and time – two things that precariously employed workers rarely have. In our research, the sub-sample that regularized spent anywhere between one and a half years to ten years with precarious legal status and trying to regularize their status. Refugee claimants who were eventually granted asylum spent up to five years from the presentation of their claim to the receipt of their permanent residence card. Respondents also detailed the number of forms, money spent and variety of bureaucratic paths tried and followed to regularize.

Respondents spent exorbitant sums on *legal fees* and associated government paperwork such as notarized translations of documents, criminal record checks, and medical checkups and etc. One respondent expressed anger at the injustice of these costs.

R: The government. They don't think about people in our shoes, the immigrants that come from third world countries, they're honest people trying to make a living, how do they expect us to get papers and get a good job if we have nobody out there and it's so much money to put in your papers where do you expect us to get that money from? Its one big circle, they've got us in a cycle. Got to do something to make it easier. (#254)

So it is not just the legal process that is costly, government applications associated with regularization are also a barrier to stability. Respondents spent thousands of dollars in legal fees. At one extreme, a Caribbean respondent who overstayed his tourist visa paid a legal consultant \$10,000 to regularize. As he explained, “the thing about this man, he used to be a lawyer, he used to work for immigration, he said he would take care of it, he gave me what I wanted and I gave him his money”.

### *The Impacts of Institutional Barriers on Wellbeing*

Respondents perceived institutional barriers as draining their confidence, creating stress and insecurity, as well as having a long-term and profound impact on their ability to integrate and settle successfully or with any modicum of decency in Toronto. Plans were delayed and derailed by status-associated barriers and costs. Precarious legal status produces a deep sense of uncertainty, fear and anxiety (Saad 2010). In our study, respondents' fear seems to be a product of multiple direct and indirect stressors that might include anti-immigrant and anti-refugee media accounts, the perception that they are 'outside the law' even when they are authorized to reside and/or work in Canada, inconsistent and negative messaging from family and friends, and negative encounters with mainstream institutions and predatory individuals.

Respondents talk about the negative impact of informal sources of information. An Argentine woman recounts that her brother-in-law made her feel that being a refugee claimant was a stigma – a dirty secret.

R: Like being a refugee was a dirty word...we didn't want to tell anyone that we were refugees because we were ashamed, embarrassed. Do you understand? Besides my brother-in-law said that we should not tell anyone we were refugees because people don't like refugees. So we didn't say anything; we thought people would discriminate against us... [He also told us] to not go on welfare [although we were entitled] because if we went on welfare our refugee claim would be denied. So we did not apply for fear that they would say no [to her claim]. (22: Argentine woman, accepted refugee claimant)

Respondents characterize their first year(s) in Canada and the period that they lived with precarious legal status as extremely depressing. Grueling work schedules and the absence of friendship networks generate isolation. A Colombian man who made a refugee claim recounts:

R: What can I tell you? (My first year was) was extremely hard, extremely sad; it was a year with lots of loneliness because I was living alone in a basement. It didn't have time for anything different, just time for work. (#136)

Another refugee claimant talked about the stress and insecurity produced simply by the need to wait for an outcome on his case; the uncertainty of not knowing produced a constant sense of being in limbo.

R: On top of the insecurity, you don't know whether they are going to say yes or no to you ... are they going to tell you tomorrow? And they might tell you: "no" and you have to leave and you don't even have the money for the plane ticket to leave ... It was mainly the first year, year and a half that I didn't have my status... my status was like a refugee claimant...I didn't have the security/certainty that I was going to stay. (#51)

There is a sense of 'hurry up and wait' about being in legal limbo. Everything is on hold and yet life is passing you by; there is urgency and a sense of loss, of wasting away and of being impotent to change the situation. A Caribbean respondent who married to regularize discussed her feeling of being suspended in time.

R: Yes, you feel like you just have to wait, but when, you just have to look and wait and try not to get sick, and try to, you are almost in a suspense you don't know if you're going to get through or not, that paralyze you for a while, and you lost out on some good years on your youth there. (#212)

The period of legal uncertainty and the fear, isolation and stress it produces has long-term impacts on people's social and emotional wellbeing. Respondents felt they had lost time and that when it was over they were financially drained and emotionally bruised.

### *Evaluations of Regularization: Boundary Crossing*

The overwhelming majority of respondents who moved from precarious legal status to secure status (i.e. permanent residence) identify clear and often dramatic improvements in their lives. Respondents talk about feeling more secure in general, and able to engage more effectively with mainstream institutions such as the banking and educational systems. They talk about having a new outlook on their life in Canada in which they are able to make long-term plans for education, careers, financial investments, better jobs, etc. These evaluations help understand the impact precarious legal status was having on people's lives; they also highlight

the gap between peoples post-regularization hopes and aspirations and the objective impact of this status shift on their work experience.

The new outlook on life in Canada is clearly captured in the evaluations of a young Mexican man who entered Canada as a refugee claimant and was eventually granted asylum:

R: [status] gives you the security that you are going to stay here... you can have access to bank credit... they don't charge you as a foreign student [in colleges]. And yes basically you feel more secure to go out and find another kind of job... you feel certain that you won't be exploited, that they are going to respect your legal and labor rights. You feel secure about making plans, long-term plans. Your ideas change completely, they shift 180°. You set new goals, new ambitions. You aren't afraid anymore and that gives you a great sense of tranquility.... It makes you more ambitious and you look for better jobs. (#51)

A Caribbean respondent acknowledges that a whole new future is out there for her, but she regrets the wasted years.

R: You have to sit and wait until you get the proper papers and by the time you get the proper papers you're 5 years older...the future looks bright only because I have a plan and I'm working, I'm taking the step, I'm putting my best foot forward. Yeah by now you've got the experiences, you know Canada, you know their system, their laws, and regulations and your well educated and well informed so you make informed choices...(#212)

In like fashion, a Mexican respondent displays a very positive outlook for the future:

R: It has changed for the better. Just with the health card, my social, and my [Permanent Resident] card with which I can travel. I had to wait six years and nine months to be able to travel to my country. And now I don't pay for the doctor.... I want to finish nursing school now that I'm legally here, that I am receiving a paycheck from a company... I want to continue with this cleaning job to help me pay for my schooling. (#28, Mexican woman)

Not surprisingly their aspirations echo those of immigrants in general. There is a sense that you've finally started to figure out 'this new place' and that now you can start settling in. The clear difference is that precarious legal status migrants are only able to shift their mindset towards long-term planning after years of exploitation and abuse on the job, financial hardship,

social isolation and uncertainty. They begin their 'new life in Canada' from a position of social and economic disadvantage.

Respondents associate their regularization with improvements in their job search and employment opportunities. They feel that the kinds of exploitation and abuse that they experienced when they had a precarious legal status will not occur, that employers will not exploit and abuse them in the same way.

R: Well, the biggest thing that changed my work situation was me getting my landed immigrant status here...if it wasn't for that I will still probably be doing the newspaper, because that's all you can really get, a black guy with an accent it's not easy to get a job...(#254)

R: you have greater opportunities in your job searches and of course you go with backing... they have to pay you (#4)

Respondents feel that they are not as vulnerable to abuse; that they can look for better jobs. A Caribbean woman in our study considers that she will now be hired on the basis of her skills and not because she is extremely vulnerable and exploitable:

R: Now with the change in your immigration status it's almost like you...feel equivalence, so even if you go up for a job and you have some skills you have something it's like everybody else's... (#265)

Another respondent considers that even if employers are abusive she can react, demand and have a modicum of recourse in the workplace.

R: It's improved because now I can speak out for myself, well like you know before for example my first job I worked for you were illegal in Canada and the way they treat you, you won't say much because you are afraid of what they might do but now that I'm a Canadian citizen I have the right to do and say whatever I want to. If I go with a company and they are paying me 9 dollars an hour and they haven't given me a raise of pay in two years I'm free to go to them and say I think I deserve a raise of pay because it's been two years now, but before I couldn't say anything, I just had to take what I could get...(#280)

In spite of the general sense that things are better after one has regularized, there are dissenting voices. Some respondents have negative or neutral views about the impacts of status

shift on their lives. For one respondent there is a feeling that the years spent working highly precarious, low-skill jobs has tainted her future job prospects. Indeed, she associates the improvements in her work situation with the acquisition of a greater range of work experience and not with a change in status.

R: When I tell people that I was a nanny they didn't want to hire me. This one guy asked me what does that have to do with the job that I'm applying for and I'm like it is experience isn't it, and he's like yeah but not for this job, and after I did a whole bunch of factory jobs, and now that I'm at the hotel, and you tell people that...they hire you based on that rather than because of your landed...(#261).

A second respondent saw the opening up of institutional doors associated with regularization as having a negative outcome and that his job situation really did not improve. He explains:

R: I used to go to work every day and now I go to work every day. It does not matter if you have papers or you don't have papers; if you want to work you can come and work and it changes nothing.... On the contrary it is worse because while you are a legal a lot of doors are closed to you that credit and credit cards. So you work and you have certain limits and you cannot spend a lot of money. When you're a resident you're screwed because you start spending on credit cards. (#131)

## **Discussion and Conclusion**

Legal status plays a fundamental role in im/migrant settlement because it intersects with language, accent, racialization, gender and other dimensions of stratification to channel precarious status workers into particular jobs and conditions at the bottom of the labour market. Once incorporated into the working and precarious poor, precarious legal status intersects with precarious work and exerts long-lasting effects that continue to shape migrant workers' trajectories and work outcomes, including those of people who regularize their status. Our qualitative data help to unpack the regression results by identifying how precarious status contributes to the institutionalized production of precarious immigrant working poor through

several key mechanisms, and how “sticky” this work-citizenship social location can be, even after crossing into secure migratory status.

An overarching mechanism is the (increasing) segmentation of the labour market by legal status. This occurs through the selective application and practice of regulations regarding work authorization: people are hired for particular jobs and under specific conditions because of their precarious legal status. More specifically, newcomers with precarious status settle or search for particular kinds of job situations, and employers hire these workers fully aware of their legal status. The process of finding work is gendered, with men often settling for jobs as labourers in construction or manufacturing, and women working as nannies or other caregivers and services. The early work experiences of precarious status migrants have several features in common: they are vulnerable workers, with precarious terms of employment, at the bottom of the labour market, with limited opportunity for mobility.

Precarious employment is certainly not limited to people with precarious migratory status; non-immigrant workers are also part of the working poor and the precariously employed more generally (Frenette and Morissette 2003). However, precarious status has certain specific features rooted in the vulnerability of temporary authorized status and unauthorized status: precarious status workers usually cannot afford to complain about work and related violations, nor can they easily train or retrain for better work, or in some cases, even search for new jobs. Their legal status constrains opportunities for getting better work, as they need to continue to earn a living.

Additional mechanisms operate to keep precarious status workers poor and in precarious work, even as they try to regularize their status. Employer strategies include wage theft and underpayment, manipulation, misinformation, etc. Institutionally, precarious status limits

occupational mobility through the use of SIN numbers. Not having a number means settling for a narrow range of jobs, and having a number that starts with a 9 does not help, as employers use that either to not hire or hire for specific kinds of low-end work. As a result, precarious status migrants remain in low-wage precarious work over time, as part of the vulnerable working poor.

Once precarious status workers are caught in precarious work, the specific intersectionality of their situation contributes to establishing pathways or tracks that are difficult to leave, even as time passes and though they may make efforts to regularize. Several barriers are particularly noteworthy, including the fear and stress caused by needing to keep a job, not wanting to reveal one's status, etc.; not qualifying for income support (employment insurance, daycare subsidies) or state-run programmes (English language courses, student loans); and the challenges posed by efforts to regularize, including costly fees, losing money to predatory intermediaries and revealing one's status. Low income and precarious work combine to make for working long hours, emotional and physical stress, limited if any savings, not being able or willing to invest in education, income loss, income insecurity, and an inability to make long-term plans. If and when a status transition to more secure status is achieved, it takes place after some time and in this context of multiple precarity. Questions about the effects of regularization do not adequately take this context into account.

Crossing the boundary into secure status does not bring an associated move into less precarious work, although it offers relief in terms of fear and stress, particularly for those in unauthorized forms of precarious status. Our data show that living in the intersections of precarious status and precarious work has long-term effects that last well past the time of crossing a legal status boundary. Legal status operates as a dimension of social location on life-chances in a way more akin to gender and racialization, and less like an achieved –and

changeable--status such as that conferred by a recognized professional degree or a high rank earned by progressing through an institutional hierarchy.

Time is also an important dimension as newcomers navigate intersecting precarities of status and work. Time may eventually be associated with improvement at work. However, while time moves linearly, it does not generate consistent, predictable and matched shifts in status and work. Status can and does change without an improvement in work. Our data points to some of the reasons for this. Prolonged experiences of poverty or low-income create a “stickiness” that is difficult to leave behind. Low-income becomes a drain in social and economic terms. People’s social networks, institutional contacts, financial situation, and work experiences have been so over-determined by legal status that it would require significant investment and/or income support, and perhaps additional social and institutional contacts to move into better work – assuming less precarious jobs were available in their area of expertise. Even then, they would be waiting behind racialized minority citizens with more seniority in the labour market, people whose earnings and terms of employment are at the bottom of the social hierarchy among citizens. While this paints a fairly dismal picture, our work also points to the importance of entering with secure status and access to settlement services (Vosko 2010).

Our research offers several conclusions relevant to current debates on stratification, legal status and citizenship, the citizenship-work nexus, and intersectional analysis. First, it confirms that legal status is becoming institutionalized as a dimension of stratification in Toronto labour markets, and perhaps beyond. Second, it provides a basis for questioning the sociological category of legal status and the boundaries of citizenship. In addition to understanding citizenship boundaries as dynamic, negotiated, etc., it is also important to consider how these boundaries are crossed and what happens as people navigate across them, over time. Negotiated

citizenship boundaries tend to continue to be understood as discrete. In contrast, if these boundaries are conceptualized as fuzzy, permeable, and somewhat sticky, then crossing them can be understood as a shift that may be accompanied by baggage from the “previous” side of the divide. A racialized immigrant may experience occupational mobility, but will always be racialized, though the meanings may change. In a similar manner, a precarious status migrant can change status, but s/he will continue to carry many of the trappings she developed while living and working with precarious status. These will limit her opportunities and shape her chances of moving into decent work – within the context of broader labour market constraints.

Third, intersectional analysis continues to offer tremendous promise but also poses challenges. It is vital to understand dimensions of social location as interlocking, but also important to analytically separate time from other dimensions of social location and experiences of work. Time is not associated with even changes on intersections of status and work; status and work shift at different paces (and perhaps directions), and one does not necessarily lead to a change in the other. Moreover, time spent in precarious status matters because over time, social patterns can become entrenched (income insecurity, fear, stress) in ways that have far-reaching impacts, e.g. limited investment, planning, and education, which in turn place limits on movement into decent work.

We conclude by underscoring the importance of recognizing legal status as a dimension of stratification, with the caution that it matters how legal status is conceptualized. Boundaries of citizenship categories are negotiated and re/produced, and also crossed. Looking at transitions over time shows how people’s trajectories and efforts to gain more secure status play out over time. They may shift among forms of precarious status and transition to a secure status only to

enter heterogenous spaces of citizenship, where recency, racialization, gender, social capital, education, etc. produce differentiated experiences and exercizes of citizenship.

**Table 1. Characteristics of Immigrants and Precarious Employment Project Sample**

	Mean (Standard Deviation)	%	N
Sex (Male)		46.7%	141
Average Age	37 (9.5)		
Region (Caribbean)		49.3%	149
Average total years of education (Canada and home country)	15.1 (3.4)		
Self-rated English competence <sup>1</sup>	3.5 (1.1)		
Average number of years in Canada	7.7 (4.4)		
Early Work IPW			
High		21.5%	65
Medium		45.0%	136
Low		21.5%	65
Current Work IPW			
High		15.6%	47
Medium		52%	157
Low		32.1%	97
Average household size (includes respondent)	2.8 (1.5)		
Presence of children 12 and under in household		31.7 %	96
Average size of social network on arrival in Canada	5.8 people (12.1)		
Works with co-nationals		44.7 %	135
Volunteer work in last 12 months		35.8 %	108
Change in immigration status			
Remained stable		38.7%	117
From precarious to stable		37.1%	112
Remained precarious		24.2%	73
Unemployment rate for year of arrival	-		
Occupation			
Clerical		28.8%	87
Elementary sales & services		14.9%	45
Construction & trades		18.9%	57
Processing & manufacturing		8.3%	25
Professional, Managerial, Technical		29.1%	88

SOURCE: Immigrants and Precarious Employment Project, <http://www.arts.yorku.ca/research/ine/index.php>

<sup>1</sup> Self-rated English competence is a five point scale based on self reported competence writing business letters, filling out government forms and/or job applications, and making a verbal complaint or request.

**Table 2. Cumulative Logit Regression Model for Current Job IPW (held in 2005)**

Explanatory Factors	Beta Estimate	Odds ratios
<b>Individual and human capital</b>		
Sex (female)	-0.6234*	0.536
Age	0.00559	1.006
Region of origin (Caribbean)	-0.3148	0.730
Total years of education (home country & Canada)	-0.0352	0.965
English competence rating	0.4918**	1.635
<b>Household and networks</b>		
Total household size	-0.2507*	0.778
Presence of children 12 and under	0.8862**	2.426
Size of social network on arrival in Canada	0.0084	0.992
Works with co-nationals (yes)	-0.5171	0.596
Volunteer work in last 12 months	0.5158*	1.675
<b>Contextual and Policy Factors</b>		
Years in Canada	0.0252	1.026
Change in immigration status		
• From precarious to stable compared to remained stable	-0.6446*	0.525
• Remained precarious compared to remained stable	-1.0423**	0.353
<b>Macro-economic and labour market conditions</b>		
Unemployment rate for year of arrival	0.0487	1.050
Occupation		
• Clerical and skilled &intermediate sales/services compared to managerial / professional	-0.6781**	0.508
• Elementary sales & services compared to managerial / professional	0.0782	1.081
• Construction & trades compared to managerial / professional	-1.2097**	0.298
• Processing & manufacturing compared to managerial / professional	-.4516	0.637
Early work IPW	-1.0391*	0.354

N = 293

Max re-scaled R-square = 0.3048

\*\* Significance: p &lt;= .01 level

\* Significance: p &lt;= .05 level

## References

- Bacon, David. 2008. *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*. Boston: Beacon.
- Bakan, Abigail, and Daiva Stasiulus. 2005. *Negotiating Citizenship: Migrant Women in Canada and the Global System*. Toronto: University of Toronto Press.
- Bauder, Harald. 2007. "What a Difference Citizenship Makes! Migrant Workers in Rural Ontario." *Our Diverse Cities* 4:95-98.
- Bernhardt, Anette, Heather Boushey, Laura Dresser, and Chris Tilley (Eds.). 2008. *The Gloves-Off Economy: Workplace Standards at the Bottom of America's Labor Market*. Champaign, IL: Labor and Employment Relations Association.
- Bourdieu, Pierre. 1979. *Distinction: A Social Critique of the Judgment of Taste*. Cambridge, MA: Harvard University Press.
- Burawoy, Michael. 1976. "The Functions and Reproduction of Migrant Labor: Comparative Material from Southern Africa and the United States." *American Journal of Sociology* 81:1050-1087.
- Calavita, Kitty. 1998. "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain." *Law and Society Review* 32:529-566.
- Castles, Stephen, and Godula Kosak. 1973. *Immigrant Workers and Class Structure in Western Europe*. London: Oxford University Press.
- Castles, Stephen, and Mark J. Miller. 2009. *The Age of Migration*. New York: The Guilford Press.
- Chase, Steven, Bill Curry, and Gloria Galloway. 2008. "Thousands of illegal immigrants missing: Auditor-General." in *The Globe and Mail*. Toronto.
- Cobb-Clark, Deborah A, and Sherrie A. Kossoudji. 1999. "Did Legalization Matter for Women? Amnesty and the Wage Determinants of Formerly Unauthorized Latina Workers." *Gender Issues*: 3-14.
- Cranford, Cynthia, Leah F. Vosko, and Nancy Zukewich. 2003. "The Gender of Precariousness in the Canadian Labour Force." *Industrial Relations* September: 2-28.
- Creese, Gillian. 2007. "Racializing Work/Reproducing White Privilege." Pp. 192-226 in *Work in Tumultuous Times*, edited by Vivian Shalla and Wallace Clement. Montreal, Kingston: McGill-Queen's University Press.
- Dauvergne, Catherine. 2009. *Making People Illegal: What globalization means for migration and law*. New York: Cambridge University Press.
- De Genova, Nicholas P. . 2002. "Migrant "Illegality" and Deportability in Everyday Life." *Annual Review of Anthropology* 31:419-447.
- Frenette, Marc, and René Morissette. 2003. "Will They Ever Converge? Earnings of Immigrants and Canadian-born Workers over the Last Two Decades." in *Analytical Studies Branch Research Paper Series*. Ottawa.
- Goldring, Luin, Carolina Berinstein, and Judith K. Bernhard. 2009. "Institutionalizing precarious migratory status in Canada." *Citizenship Studies* 13:239-265.
- Goldring, Luin, and Patricia Landolt. 2009. "Immigrants and Precarious Employment in the New Economy Project, Brief 1: The Index of Precarious work (IPW): A Measure to Track Progress Towards Decent Work." Toronto: York University.
- . Forthcoming (2011). "Caught in the Work-Citizenship Matrix: The lasting effects of precarious legal status on work for Toronto immigrants " *Globalizations*.

- Hennebry, Jenna, and Kerry Preibisch. 2010. "Permanently Temporary: The Second Generation of Temporary Migration – Canada in the World." in *Permanently Temporary: Temporary Foreign Workers and Canada's Changing Attitude to Citizenship and Immigration (Research Roundtable)*. Toronto: Social Planning Toronto, CERIS, OCASI.
- Hou, F., and T Balakrishnan. 1996. "The Integration of Visible minorities in Contemporary Canadian Society." *Canadian Journal of Sociology* 21:307-326.
- Kossoudji, Sherrie A., and Deborah A. Cobb-Clark. 2002. "Coming out of the shadows: Learning about legal status and wages from the legalized population." *Journal of Labor Economics* 20:598-628.
- Keung, Nicholas. 2005. "Hope fades for plan to aid illegal workers: Illegal workers fear effect of election." in *The Toronto Star*. Toronto.
- Khandor, Erika, Jean McDonald, Peter Nyers, and Cynthia Wright. 2004. "The Regularization of Non-Status Immigrants in Canada 1060-2004: Past policies, current perspectives, active campaigns." Pp. 49. Toronto: Status Campaign, Access Alliance and OCASI.
- Lamont, Michele, and Virag Molnar. 2002. "The Study of Boundaries in the Social Sciences." *Annual Review of Sociology* 28:167–95.
- Levinson, Amanda. 2005. "The Regularisation of Undocumented Migrants: Literature Survey and Country Case Studies." Oxford: Centre on Migration, Policy and Society (COMPAS).
- Lister, Ruth. 1997. "Citizenship: Towards a Feminist Synthesis." *Feminist Review* 57:28-48.
- McKay, Sonia, Eugenia Markova, Anna Paraskevopoulou, and Tessa Wright. 2009. "The relationship between migration status and employment outcomes." in *Undocumented Worker Transitions*. London: Working Lives Research Institute, London Metropolitan University.
- Nakache, Delphine, and Paula J. Kinoshita. 2010. "The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail over Human Rights Concerns?" Ottawa: IRPP Study No. 5.
- Ngai, Mai. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press.
- Painter, Joe, and Chris Philo. 1995. "Spaces of Citizenship: An Introduction." *Political Geography* 14:107-120.
- Piore, Michael J. 1979. *Birds of Passage: Migrant Labor in Industrial Societies*. New York: Cambridge University Press.
- Preibisch, Kerry. 2007. "Local Produce, Foreign Labor: Labor Mobility Programs and Global Trade Competitiveness in Canada." *Rural Sociology* 72:418-449.
- Preston, Valerie, and Wenona Giles. 1997. "Ethnicity, gender and labour markets in Canada: A case study of immigrant women in Canada." *Canadian Journal of Urban Research* 6:135-159.
- Reitz, Jeffrey G., and Anil Verma. 2004. "Immigration, Race, and Labor: Unionization and Wages in the Canadian Labor Market." *Industrial Relations* 43.
- Rhus, Martin. 2006. "The Potential of Temporary Migration Programs in Future International Migration Policy." *International Labour Review* 145:7-36.
- Saad, Samia. 2010. "Psychosocial aspects of falling out of status: non-status families in Toronto." in *Interdisciplinary Studies Workshop*. York University.
- Sharma, Nandita. 2006. *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada*. Toronto: University of Toronto Press.

- Sunderhaus, Sebastian. 2007. "Regularization Programs for Undocumented Migrants." *Migration Letters* 4:65-76.
- Thomas, Robert J. 1981. "The social organization of industrial agriculture." *The Insurgent Sociologist* 10:5-20.
- Trumper, Ricardo, and Lloyd Wong. 2010. "Temporary Workers in Canada: A National Perspective." *Canadian Issues/Themes Canadiens* Spring: 83-89.
- Vosko, Leah. 2010. *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment*: Oxford University Press.
- Zolberg, Aristide, and Littwoon Long. 1999. "Why Islam is like Spanish: Cultural incorporation in Europe and the United States." *Politics & Society* 27:5-38.

## Notes

---

<sup>1</sup> Details on the survey, sample profile, and other aspects of the project are available online on the project website: [www.arts.yorku.ca/research/ine/research/instrument.html](http://www.arts.yorku.ca/research/ine/research/instrument.html)

<sup>2</sup> Logistic regression analysis estimates the probability that a respondent will fall into a higher rather than a lower category of the dependent categorical variable. In this case, the model

<sup>3</sup> The language variable is a composite of the respondent's self-rated competence performing various tasks, including writing a job application and making a formal complaint. It was important to construct a measure to capture competence given the issues of accent and mother tongue for the study sample.