Undocumented Migrants & the City of Winnipeg: Towards an Access without Fear Policy

It is estimated that there are between 200,000 to 500,000 undocumented migrants across Canada (RCMP, 2007).[i] While many of these people reside in larger cities such as Toronto, Vancouver, and Montreal, undocumented migrants also reside in Winnipeg.

It is highly probable that the number of undocumented migrants within Winnipeg has risen and will continue to rise for a variety of reasons. In 2000, 116,540 workers with temporary status entered Canada. By 2014, this number had risen to 567,977 individuals with temporary immigration status.[ii] In fact, since 2008, the number of temporary foreign workers in Canada has exceeded the total number of permanent residents admitted in the same year.[iii] Those with temporary status are at risk of losing their status, making this size of an increase highly significant. In addition, an entirely foreseeable outcome of the current political situation in the United States and the recent influx of refugee claimants into Manitoba, will be an increased number of those whose refugee claims are denied and subsequently lose their status.

Why do some migrants not have status?

Migrants in Canada can lose their status for a variety of reasons as they navigate the different and very complex avenues of Canadian immigration policy.

Temporary Foreign Workers

Canada's growing reliance on temporary foreign workers has resulted in a significant number of migrants in Canada. In 2015, approximately 1,500 workers came to Manitoba through the Temporary Foreign Worker Program.[iv] While these workers come into Canada with work permits, their permits are tied to one employer. If the employer does not complete the proper paperwork or if the employment relationship breaks down for any reason, including an unsafe job, temporary foreign workers will find themselves without status.

A series of changes were made by the federal government to the Temporary Foreign Worker Program and the Live-In Caregiver Program in 2014. Of particular importance was the four-in-four-out rule which required workers to leave Canada after four years of working and prohibited them from returning for four years, leaving many migrant workers without status.

Refugees

Refugees are admitted to Canada through an overseas resettlement program or through an inland application process. Those that are admitted through the overseas resettlement program usually become permanent residents as soon as they arrive in Canada. However, in urgent cases processing is sometimes not completed for several months after the refugee family arrives, during which time their status is precarious.

The inland application process for refugees is lengthy and can involve precarious status at various points in the process. If a refugee claimant fails to fulfill certain requirements on time, they may experience a loss of status. During the waiting process refugee claimants are documented and known to authorities, but they do not have permanent status. Not all refugee claimants whose claim is rejected are immediately removed from Canada. If a claimant stays in Canada after their claim is denied, they will be without status.

Visitors and students

Visitor and student visas are issued to people who want to enter Canada for a temporary purpose. Some of these people may remain after their permits have expired.

Permanent residents

Permanent residents can lose their status if they are convicted of an offense, if they fail to maintain residency requirements, or in some cases, if a sponsorship relationship breaks down when a sponsor becomes unable or unwilling to provide for the basic needs of their sponsored spouse.

The impact of a lack of status

Undocumented migrants experience many negative consequences[v] related to their lack of status and fear of deportation which make them an extremely vulnerable population. These negative consequences include the following:

- **Mental health concerns**
  Undocumented migrants live in a constant state of fear of deportation which contributes to social isolation and anxiety. Anxiety over becoming ill and not being able to afford health care has commonly been reported by undocumented migrants. Undocumented migrants also suffer trauma, chronic stress and depression due to family separation which can also lead to physical illnesses associated with stress.

- **Barriers to accessing health care**
  Undocumented migrants are not eligible for public health care which often results in avoiding or delaying care due to a lack of financial resources to pay for health care services. The effects of not receiving health care become more severe the longer the period without care. Many undocumented migrants present themselves at late stages of illness or near death.

  Of particular concern are pregnant women and children. Many non-status pregnant women do not receive prenatal care. Non-status children and youth experience barriers in accessing specialized medical supports such as mental health care and treatment for autism.

- **Poor working conditions**
  Undocumented migrants work primarily in the construction, hospitality, and manufacturing industries, and in domestic work as housekeepers, cooks, cleaners and caregivers. This work is usually low-waged, often in unsafe working environments. Undocumented migrants do not have access to workers compensation in the event that they become ill or injured at work. Due to their lack of status, undocumented migrant workers generally avoid seeking assistance from the Human Rights

Commission, Employment Standards, and Workplace Safety and Health even though they are covered by the legal protections these agencies provide to all workers.

- **Lack of access to education**
  While Canada's Education Act allows undocumented migrants to enroll their children under 18 years of age in public schools, the Community Social Planning Council of Toronto found that children of undocumented parents were being denied enrollment in public schools. Both school staff and parents were not adequately informed of children's legal right to education. In addition, a lack of health insurance prevents non-status students from participating in out-of-school activities.

- **Lack of access to police services**
  If undocumented migrants are victims or witnesses of crime, the fear of exposure, detention and deportation, prevents them from reporting to the police. A lack of access to police services also leaves women and children who experience domestic abuse at great risk. It is also important to note that women who have been trafficked are at increased risk of violence and sexual exploitation.

Proposal to the City of Winnipeg

The City of Winnipeg provides critical services to residents such as paramedic, fire, police, transit, water, garbage and recycling, library and more. It is vital that these services be available to all residents, regardless of immigration status.

Within a rising climate of xeonophobia and racism, the City of Winnipeg has an important leadership role to play to affirm that our city is diverse and inclusive for people of all faiths and nationalities and by making our city a truly Welcoming Community for all of its residents.

Multiple factors affect health and well-being including the ability to access health and social services. The social determinants of health approach

recognizes that immigration status is a social determinant of health since fear of detention and deportation prevents undocumented migrants from seeking support from service providers and government.

Following in the footsteps of Toronto, Hamilton, Vancouver and Montreal, the City of Winnipeg should develop an ***Access Without Fear Policy*** to ensure that all residents have full rights to access all city services without fear of harm, detention or deportation.

An ***Access Without Fear Policy*** will ensure that City staff do not ask for immigration status in the provision of city services. The policy also ensures that the City will not provide information about immigration status to other levels of government, unless required by law.

An ***Access Without Fear Policy*** will require adequate resources for training of all city staff and a communications strategy for the public to promote the policy in multiple languages.

Who are we?

We are a group of community organizations working with refugees and migrants in Manitoba. Our group includes Social Planning Council of Winnipeg, Immigration Partnership Winnipeg, Immigrant and Refugee Community Organization of Manitoba (IRCOM), Migrante, and Migrant Worker Solidarity Network.

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[i] http://publications.gc.ca/site/archivee-archived.html?url=http://publications.gc.ca/collections/collection_2012/grc-rcmp/PS61-22-2007-eng.pdf

[ii] Facts and Figures Immigration Overview Temporary Residents 2014 (Ottawa: 2015)

[iii] Canadian Council of Refugees, 2014

[iv] Annual Labour Market Impact Assessment statistics 2008-2015 by province/territory. Employment & Social Development Canada.
https://www.canada.ca/en/employment-social-development/services/foreign-workers/reports/2014/lmia-annual-statistics/province.html#TOC1

[v] Magalhaes et al. Undocumented Migrants in Canada: A scope literature review on health, access to services and working conditions. Journal of Immigrant Minor Health . 2010; 12(1):132-151.