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SATURDAY SPECIAL: UNDER THE RADAR

200,000 illegal immigrants toiling in Canada's underground economy

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They gather at 7 on a crisp fall morning in the parking lot of a down-at-the-heels coffee shop in northwest Toronto.

In paint-splattered jeans and steel-toed boots, they are ready for an honest day's work — no matter that many of them do not have work visas and are not Canadian. The young men salute one another — "Che! Que hay? Donde vas?" — and clamber into GM minivans that pull up with signs such as "Roofing Experts" and "Home Renovators" painted on the side panels.

Every day, hundreds of workers from this Latino "job market" are transported to sites all over the Greater Toronto Area, where they renovate condos, frame new houses and build subdivisions.

They are underground foot soldiers in Canada's vast billion-dollar twilight economy that extends from Vancouver restaurants to factories in Montreal and Toronto.

"This is the easiest way to make money," a Honduran refugee claimant says. "The police know Latinos without papers come to this parking lot."

Immigration Minister Denis Coderre announced an unprecedented program this week that would grant these undocumented construction workers legal status — although he was careful to note that this is not a blanket amnesty for all illegal immigrants.

The initiative is the first official acknowledgement of the illegal population since a 1986 amnesty. Although the census doesn't track the number of undocumented people living in Canada, industry studies and experts put the figure at somewhere between 100,000 to 200,000.

Ontario's construction secretariat says there are about 76,000 in the province's construction industry alone; at least 36,000 failed refugee claimants have never been deported; and of the 800,000 foreigners issued work, student and visitor visas last year, experts estimate at least 8 per cent typically overstay their time limit (64,000).

Many of these people end up clearing tables in Montreal diners, looking after toddlers in Toronto and

picking raspberries on farms in British Columbia's Fraser Valley. Their lower wages help make businesses more profitable and benefit Canadians, who get cheaper child care and bargain-basement renovations.

But their undeclared income also costs the system billions. Undocumented workers do not pay income tax — although they can obtain driver's licences, open bank accounts, enroll their children in school and visit community health-care centres, at no cost.

While "amnesty" is still a dirty word in Canada because it is seen as a reward for so-called queue-jumpers, a growing political movement is lobbying the federal government to acknowledge the existence of these illegal immigrants.

Mr. Coderre said Paul Martin's government-in-waiting supports the initiative to legalize undocumented construction workers, a program that may be extended to the textile and service industries across the country.

Unions, academics, community groups and immigration lawyers in favour of such a program say it could save the country billions of dollars.

"We've been pressuring the government for years and we know Paul Martin recognizes this is a problem," said Andy Manahan, spokesman with the largest construction union in Toronto, Universal Workers Local 183, who met with Mr. Coderre this week. "There are as many as 20,000 construction workers in the city who don't have status.

"They should be recognized by Ottawa as legitimate and needed workers. If they were to leave, it would hamper the productivity of the building industry across the province."

Critics, however, argue that allowing undocumented workers to stay in Canada would encourage more illegal immigration.

Unlike the United States, whose eight million undocumented workers are studied and assisted by experts and community organizations, Canada still has relatively little public discourse about the extent to which illegal immigrants make up the labour market — or exist here at all.

"In the U.S., people are talking openly about the issue. They realize they depend on these workers in a whole range of industries," says Luin Goldring, a sociologist at York University who has proposed a research project on the topic with a number of community organizations. "In Canada, that is not yet the case. We can't even whisper the word 'amnesty.'"

In 2001, the Ontario Construction Secretariat estimated that the underground economy cost the province about \$1.3-billion a year and that underground construction workers accounted for about one-quarter of the industry (about 76,400 workers).

This year's federal Auditor-General's report noted that over the past six years, Canada has lost track of 36,000 people who have been ordered deported. The report predicted that this number will only grow because of a backlog of 53,000 refugee cases.

Citizenship and Immigration Canada points out that many of these failed claimants may have left of their own accord, or are awaiting appeals. It is almost impossible to verify estimates on the numbers of illegal immigrants in Canada because of the difficulty in defining them, the department says.

CIC and academics say Canada's illegal community is proportionately smaller than that of the United States. "In the U.S. 30 per cent of all foreigners who come to live there every year are illegals. In Canada, it's about 8 per cent," says Don Devoretz, an economist at Simon Fraser University.

While 60 per cent of illegal residents in the United States are "border crossers" from Mexico, most of Canada's illegal immigrants are failed refugee claimants and visitors who overstayed their visas.

"Large numbers of people come to Canada for economic reasons. They can't get in through the front door because they don't meet the selection criteria," says Lorne Waldman, a Toronto immigration lawyer. "And so they come in the back door and claim refugee status to get in."

Mr. Waldman believes the government could save the refugee-determination system millions of dollars by acknowledging that economic migrants are making unsuccessful refugee claims, and by creating another process to allow them to come in and fill jobs Canadians do not want.

"It is wasteful and costly to have to go through hearings if they're economic migrants," he says. "We should offer this class of people another process, recognize the fact that they're contributing to the labour economy."

The Immigration and Refugee Board, which has an annual budget of \$116-million, has an overall acceptance rate of about 45 per cent, varying from a low of 4 per cent for Costa Ricans to a high of 77 per cent for Colombians.

Sergio **Karas**, a Toronto immigration lawyer, says allowing some undocumented workers to stay would end up rewarding lawbreakers: "An amnesty has a detrimental effect on people who are overseas applying to immigrate to Canada and having to wait three years to get a visa," he says.

At the Latino job fair at the Toronto coffee shop, some of the workers strolling around the parking lot acknowledge that some of their colleagues used the refugee system to get into Canada. Others entered as tourists and never left.

"It almost seems like the refugee system is set up for this," says Riberto Carrera, a 40-year-old Chilean landed immigrant. "I think it would be better just to forget about the refugee system and bring people in as workers."

Mr. Carrera says refugee claimants know that even if their cases are rejected they can work for as long as three years while their applications are processed.

Many of those who apply for asylum in Canada do not come from countries known for producing refugees. In 2002, the top 10 source countries for refugee claimants in Canada included Hungary, Mexico and Costa Rica (visas are not required to enter Canada from the latter two). From 1998-2002, 3,156 Costa Ricans sought asylum and only 116 were accepted as refugees. In the same period, 7,700 Mexicans sought asylum and 1,440 were accepted.

The immigration crackdown in the United States that followed the terrorist attacks of Sept. 11, 2001, prompted some illegals to come to Canada, Prof. Devoretz says. "People used to use Canada as a platform to get into the U.S. But people from Muslim countries do not try this any more." Many Pakistanis, for example, filed refugee claims at the U.S. border last year, before the safe third-country agreement came into effect.

Ontario's construction boom has also encouraged foreigners to overstay their visas and work in the cash economy. With 225,000 annual housing starts across the country, contractors cannot find enough Canadians to fill jobs.

"We try and recruit in Canadian high schools but even Canadian immigrants who arrived 40 years ago don't want their children to be construction workers, even though it's pretty good money," Mr. Manahan said.

(House framers can earn up to \$25 an hour, while undocumented workers who aren't unionized usually earn \$10 an hour.)

Carlos Pimentel, a spokesman with the Central Ontario Regional Council of Carpenters, said he was "stunned" to find vast numbers of undocumented trimmers, framers and bricklayers when his union began organizing in these sectors three years ago. Many trimmers came from Mendoza, a wine-growing province in Argentina. Others came from Panama, Central America, Eastern Europe, even Ireland. "Many have been here for years, not months. It would require an army of immigration officers to track down people," said Mr. Pimentel, who signed up several hundred.

Mr. Waldman believes that it is not possible to stop the flow of people in search of better lives from reaching Canada: They will come as long as there is work for them.

To apply as a landed immigrant, applicants must accrue 67 of 100 points in categories measuring education and language ability. This excludes many blue-collar workers.

Illegal Immigrants

In Canada:

Estimated number: up to 200,000

Estimated number in Ontario's construction sector: 76,000

Illegals as percent of foreigners who come to live in Canada every year: 8%

Methods of entry: Refugee system; visa overstays

Refugee claim acceptance rate: 48% of about 40,000 annual claims

Number of refugee claimants ordered deported in the last five years who are still here: 36,000

Number of student, visitor and work visas issued last year: 800,000

Percentage who overstay their visa: 8% (or 64,000)